

# Parliamentarian's update on the Arms Trade Treaty

February 2013

This Control Arms UK briefing to parliamentarians provides an update on progress towards agreeing an Arms Trade Treaty (ATT) and outlines what will be needed to secure a strong treaty.

**Arms and bullets continue to destroy lives. Every continent in the world is marred by devastation caused by armed violence – and it is ordinary people who are paying the ultimate price, with more than one person dying per minute as a direct result of armed violence. Yet there is still no effective international legislation of the global arms trade.**

## The final push to negotiate a strong ATT

Negotiations in July 2012 failed to reach agreement on an ATT to regulate the international transfer of arms, despite the best efforts of a majority of states. A final negotiating conference will take place on 18-28 March 2013 at the UN in New York. This two-week conference provides an opportunity to address the weaknesses with the current text, and ensure that negotiations result in a meaningful treaty, adopted either by consensus in March or, if that proves impossible, by vote during this session of the UN General Assembly.

## What does a strong treaty look like?

A strong treaty sets a high international standard; a weak ATT would risk legitimising the irresponsible transfer of arms. The main challenge for negotiations in March will be for advocates of a strong ATT to secure a text that contains the widest possible scope, the highest global standards or criteria, and clear guidelines for effective implementation. This will involve strengthening the text in several key areas.

The UK Government has indicated support for some improvements to the text, such as requiring that national reports are made public, and that states cannot exempt transfers from the treaty on the basis that they form part of a defence cooperation agreement. However, they need to demonstrate stronger support for changes in the following areas:

- 1. The scope of the ATT must be wide and inclusive of *all* weapons, including parts and components as well as ammunition.**
  - In its current form, the scope of the treaty text is too narrow; it would only control some weapons (for example, only some armoured military vehicles and aircraft are included but not all), and does not properly include ammunition or parts and components.
- 2. The treaty must cover *all* types of arms transfers.**
  - This must include export, import, transit and transshipment, brokering, loans, gifts, and military aid – not just “trade” as in the current text.
- 3. Prohibitions relating to arms for genocide, crimes against humanity and war crimes must be clearly defined**
  - The current wording relating to arms for the purpose of committing genocide, crimes against humanity and war crimes is too narrowly defined.
  - The wording also presumes intent on the part of the supplying state for arms to be used to commit prohibited acts, which places the threshold for denying a transfer far too high.

- 4. States must be obliged to refuse irresponsible arms transfers that risk fuelling conflict, poverty and human rights abuses.** The ATT must ensure that transfers are denied if there is a substantial risk of violations of human rights and international humanitarian law (IHL), perpetration of armed violence (including gender-based armed violence), diversion, corruption, or undermining socio-economic development. However, currently:
- The potential for the diversion of conventional arms is not included in the risk assessment for transfers based on the current text.
  - States are only required to refuse a transfer if there is an ‘overriding risk’ that a transfer could result in violations of human rights or humanitarian law or could contribute to terrorist acts.
  - Provisions aimed at preventing conventional arms exports being diverted or being used in the commission of gender-based violence (GBV) or violence against children, in transnational organised crime, to undermine development, or being transferred in association with corrupt practices, are weak and voluntary.
- 5. The ATT must provide a clear and comprehensive framework that ensures and supports full implementation of the treaty.**
- There is no requirement that national reports be made public; as such, reporting requirements in the current draft will do little to enhance transparency in the international arms trade
  - Provisions relating to enforcement are minimal in the extreme; they lack specificity which may enable States to adopt toothless measures and do not require States to criminalise breaches of national laws that are required in order to implement the treaty.
  - The current entry-into-force requirement of 65 ratifications is too high. This means that it could be many years before the treaty can enter into force.

### **The UK must be a champion of a strong treaty and not a broker of a weak one**

Public statements from the UK Government have moved towards the need for a universal treaty, rather than emphasising strong content. While a treaty with the widest possible participation should remain the long-term goal, a strong ATT that establishes high international standards from the outset will prove far more effective in the long term, than one with weak, compromised text that does little to prevent the irresponsible arms transfers that fuel human suffering. Moreover, states will be more likely to adhere to a treaty with clear rights and responsibilities, as this will add clarity and stability to national security.

While assurances have been made that the UK would like to see changes to the current draft text, this will need to be accompanied by progressive action and demonstrations of commitment in the areas listed above in March. It is crucial that the process does not now fall at the final hurdle, and that the UK rises to the challenge, promoting a strong treaty rather than allowing an outcome based on the lowest common denominator.

The eyes of the world will be upon governments in New York in March 2013 to see if they can finalise a treaty that meets its humanitarian purpose: to curb the irresponsible trade in arms, save lives lost to armed violence, reduce the suffering of thousands affected by the ravages of war, and contribute to the socio-economic development of nations. This conference provides an historic opportunity to achieve a treaty that is wide in scope, has high international standards, and contains clear guidelines for its implementation as well as provisions that will enable the treaty to start making a difference in the near future.

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*UK members of Control Arms include Amnesty International UK, Article 36, AOAV, Oxfam GB, Saferworld, Transparency International, and UNA-UK*

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