

**ODUMUNC 2010
Issue Brief for the
GA First Committee, Disarmament and International Security (DISEC)**



Progress towards an Arms Trade Treaty

The international trade in arms and military equipment is one of the most difficult issues on the General Assembly docket. For many countries, greater international control over export sales is essential to strengthening international stability. Many view control over the arms trade as a test for world order, a graphic demonstration of humanity's ability to shape its own destiny. To others, though, efforts to control their ability to buy weaponry threatens their national independence and sovereignty, endangers the ability of countries to defend themselves and their people, a right assured under Article 51 of the UN Charter. While everyone can agree on the need to improve regulation on some aspects of the arms trade, and the General Assembly enthusiastically supported resolutions in recent years to start negotiation of a treaty, there is sharp disagreement on what that treaty should do.

The GA resolution on 6 December 2006 (GA 61/89) to authorize negotiations is unique in UN history. It was passed with only one no vote (the United States) and abstentions mostly from the Middle East. Previously the UN expected the Geneva-based Committee on Disarmament (CD) to be responsible for such negotiations. But the CD has been blocked for fifteen years, and the GA has become increasingly creative, authorize alternatives. The General Assembly cannot negotiate a treaty, but it can set the goals and limits on the negotiations, determining the goals of the process. A second resolution in 2008 authorized an *Open Ended Working Group* to establish the terms of the negotiations.

With a value of roughly \$60 billion annually, the international arms trade is a moderate sized business field. Most arms deals involve transfers of major conventional weaponry (ships, aircraft, missiles and armored vehicles), or component technology and services. Small arms and light weapons, and ammunition, constitute only about ten percent of the trade, but are the weapons most likely to be used. The Arms Trade Treaty is a response to rising concern with corruption in the arm trade, both in sales and brokering, as well as the use of imported arms by governments against their own people, excessive use of force against others, and illegal use by non-state armed groups (NSAGs).

The arms traded treaty idea has been championed most vigorously by the United Kingdom, where the government of Prime Minister Gordon Brown is committed to the issue. The European Union and countries like Canada and Norway also are highly supportive. Their goal is a treaty that requires strong national laws against the selling and brokering of illegal arms deals. The worst offenders sell small arms and light weapons (SALW) and ammunition to non-state armed groups (NSAGs) like rebel movements and regional warlords, many of them using terrorist tactics. They also seek to require all countries to cease sales to governments that attack their neighbors or violate human rights.

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The biggest issue of a possible treaty is arms export to states accused of human rights abuses. If the determination of who is a human rights abuser is left up to each state itself, the treaty might have little effect. But there is sharp disagreement over establishing an international list of banned countries. Currently only the UN Security Council can impose an international arms embargo. The veto of the Permanent Five insures that few states are vulnerable to its action. The United States wields the veto more than anyone, to protect Israel. Many governments would use any mechanism they could to punish America for its abuses of Abu Ghraib and Guantanamo.

The second biggest issue is whether the agreement is to be a formal treaty, to be legally binding on all signatories, or a political agreement, enforced by each state as they see fit themselves. The treaty tradition is well established in disarmament processes, seen most recently on the *Ottawa Convention Banning Anti-Personnel Landmines*, completed in December 1997 and *the Convention Banning Cluster Munitions (CCM)*, signed in Oslo in December 2008. More often, non-binding political agreements are all that can be agreed on, as in the 2001 *Program of Action on Small Arms and Light Weapons*.

African countries have been strong supporters of the ATT. With weak states, they generally cannot defend their security themselves. Stronger international barriers on transfers to illegal and non-state groups is of great importance to them. They also have benefitted from generous European financial support for better regulation, which enables them to modernize their own oversight agencies.

Latin America also is very supportive, hoping the ATT will slow the flow of illegal arms entering their countries from the United States. With about 300 million out of the world's 650 million civilian firearms, the United States has a unique culture, matched only by Yemen and to a lesser degree Serbia.

The United States is the world's largest arms exporter. It has relatively strong regulations, dating from a period of Congressional activism in the 1970s. Other countries—especially in Europe—have caught up and surpassed it more recently. Under President Bush, America was one of the few countries to oppose the negotiations (the others were Iran and Zimbabwe), due to fear an agreement would weaken civilian gun rights. Under President Obama America has become more supportive, but remains cautious. The American National Rifle Association (NRA) leads global opposition to a treaty.

Strongest suspicion comes from Arab states and Iran, worried that the treaty will complicate their freedom to supply military assistance to Palestine and non-state groups like Hezbollah in Lebanon. Some countries like India and Russia are concerned that the treaty will limit their freedom of action. China usually is most suspicious of anything that infringes its national sovereignty. In this case Chinese criticism has been restrained. China is not a major exporter—its

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biggest clients are Burma, Iran and especially Pakistan—and it claims it never sells to non-state armed groups. Although it is unhappy with international restrictions, its trade should not be much affected so long as the agreement does not stop exports to states suspected of human rights abuse.

Bibliography

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