

Controlling the international trade in conventional weapons

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Introduction

The international trade in conventional weapons poses complex and significant challenges to global peace and security. The issue is defined by the widespread availability and illicit movement of various weapon systems, including battle tanks, armoured combat vehicles, large-calibre artillery systems, combat aircraft, attack helicopters, warships, missiles and missile launchers, small arms and light weapons, as well as their ammunition, parts, and components.¹

Wars in Gaza and Ukraine define the arms trade issue for many contemporary audiences. But the proliferation of conventional weaponry and ammunition is a serious problem affecting much of the world, whether the weaponry ends up with rogue states, non-state armed groups, criminal gangs, terrorist organizations, or individual criminals.

The diversion of arms from legal to illicit markets, often destined for unauthorized end-users and markets, is a core element of the problem.² Barry Kellman (2014) observed that conventional arms have been responsible for more fatalities than all nuclear, chemical, and biological weapons combined with all historical weapons. The uncontrolled

proliferation of these weapons fuels' conflicts and terrorism, with devastating security, social, economic, and humanitarian consequences.³

Statistical analysis further illustrates the scale of this challenge. Beyond legal transfers, the illicit conventional arms market is substantial, estimated by dollar value to account for 20 percent of all conventional arms transactions.⁴ The sheer volume and widespread availability of these weapons, both through legal and illicit channels, demonstrate the pervasive nature of the problem.



Figure 1. 'The Knotted Gun', statue in front the United Nations Headquarters, New York City. Gift of the Government of Luxembourg.⁵

¹ Arms Trade Treaty Secretariat. (2014). Arms Trade Treaty. In *International Export Regulations and Controls*. United Nations.

² Kellman, B. (2014). Controlling the Arms Trade: One Important Stride for Humankind. *Fordham International Law Journal*, 37(3), 687–731.

³ United Nations. (*The Arms Trade Treaty*). ATT_English.pdf. (Treaty adopted in 2013, entered into force in 2014).

⁴ United Nations. (*The Arms Trade Treaty*). ATT_English.pdf. (Treaty adopted in 2013, entered into force in 2014).

⁵ France at the United Nations. n.d. "The Spread of Small Arms and Light Weapons Fuels Armed Conflict." *onu.delegfrance.org*. Accessed September 15, 2025. <https://onu.delegfrance.org/the-spread-of->

The critical importance of this issue stems from the profound human suffering it engenders. Civilians, particularly women and children, constitute the vast majority of those adversely affected by armed conflict and armed violence involving conventional arms. The unconstrained flow of these weapons impedes economic and cultural development, destabilizes communities, and undermines human progress.

At stake is not only international and regional peace and stability, but fundamental protection of human rights and the fostering of responsible state action. The Arms Trade Treaty of 2013 in particular, aims to contribute to international and regional peace, security, and stability, and to reduce human suffering by establishing high common international standards for regulating the conventional arms trade and preventing illicit trade and diversion⁶



Figure 3. *Worries as proliferation of small arms, light weapons burgeon⁷*

Background: the sovereign right to acquire conventional arms

[small-arms-and-light-weapons-fuels-armed-conflict/](https://www.gdpu.org/2018/01/24/small-arms-and-light-weapons-fuels-armed-conflict/)

⁶ ATT Secretariat, *Treaty Text, Universalization Toolkit and Welcome Pack*, [thearmstradetreaty.org](https://www.arms-trade-treaty.org/)

The United Nations Charter gives all sovereign states the right to arm themselves for national defense. *Article 51* of the Charter usually is interpreted to justify arms transfers between sovereign states, including the right of states without major defense industries to arm themselves. Article 51 reads:

Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security...

The United Nations can request Member States to stop supplying arms to states that endanger global security, stability or other principles in the UN Charter. In practice, this means calls for UN arms embargoes. Currently embargoed Member States include Haiti, Myanmar, Somalia, Sudan and Yemen. Efforts have been made repeatedly in the UN Security Council to embargo arms sales to Israel, but such efforts have been stopped by vetoes from the United States.

Pressure to stop illicit arms exports and arms transfers that endanger human rights

The drive to control conventional arms gained significant international traction from the late 1990s into the early 21st century. The concept of establishing ethical standards for the arms trade was notably advocated by Oscar Arias in 1997, leading to a broader call for a multilateral Arms Trade Treaty (ATT).⁸ This

⁷ <https://www.guardian.ng/sunday-magazine/worries-as-proliferation-of-small-arms-light-weapons-burgeons/>

⁸ (ATT Secretariat, *Tools and Guidelines*, [thearmstradetreaty.org/tools-and-guidelines.html](https://www.arms-trade-treaty.org/tools-and-guidelines.html))

push built upon existing, albeit often less binding, international and regional initiatives.

In 2001, the UN General Assembly adopted the Firearms Protocol (FP), which complemented the United Nations Convention against Transnational Organized Crime. This protocol represented the first international legal instrument to criminalize firearms trafficking, requiring states to enact domestic laws to that effect. However, its focus on organized crime meant it did not apply to government-to-government sales.

⁹Concurrently, the UN General Assembly also introduced the “Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (UNPoA)”.

While non-binding, the UNPoA aimed to combat illicit trade in small arms and light weapons (SALW) by emphasizing states' primary responsibility for national control, marking, record-keeping, brokering regulation, and the use of authenticated end-user certificates. The United States was notably the lone vote against the UNPoA. Building on these efforts, the International Tracing Instrument (ITI) was adopted in 2005, seeking to establish a worldwide standardized system for tracing illicit SALW. Despite its importance, opposition from several states, including the United States, Israel, Egypt, and Japan, prevented it from becoming legally binding.¹⁰

Alongside these global initiatives, regional organizations made significant contributions. In Africa, legally binding instruments such as the Bamako Declaration, the Nairobi Protocol, the Southern African Development Community (SADC) Protocol, and the Economic Community of West African States

(ECOWAS) Convention sought to address the proliferation of small arms fuelling conflicts and crime.¹¹

The increasing evidence of sophisticated weapons systems and imperfectly controlled sales globally, alongside the destabilizing impact of the accumulation of conventional weapons, particularly noted in regions like the Middle East in the post-Cold War era, underscored the need for a more robust, legally binding international framework. The formal negotiation of such a treaty commenced in December 2006, when the UN General Assembly adopted Resolution 61/89.¹² This resolution called for a group of governmental experts to examine the feasibility, scope, and parameters for a comprehensive, legally binding instrument.¹³ Subsequent reports and the creation of the UN Open-Ended Working Group (OEWG) laid the groundwork for the UN Conference on the Arms Trade Treaty, which aimed to “elaborate a legally binding instrument on the highest possible common international standards for the transfer of conventional arms”.¹⁴

The negotiating conferences, held in 2012 and 2013, involved intense discussions, with four preparatory committees (PrepComs) shaping the draft text. One of the most contentious issues was the inclusion of technology transfers, which developing countries and some major arms producers argued would hinder development or be difficult to define and control. Ultimately, consensus failed in both conferences, largely due to objections from countries like Iran, Syria, and North Korea, particularly concerning provisions on diversions. Despite this, the draft treaty text

⁹ Kellman, B. (2014). Controlling the Arms Trade: One Important Stride for Humankind. *Fordham International Law Journal*, 37(3), 687–731.

¹⁰ ATT Secretariat, *Reporting Authorized or Actual Exports and Imports of Conventional Arms under the ATT*,

ATT/CSP8.WGTR/2022/CHAIR/734/Conf.Rep, 22 July 2022.

¹¹ Kellman, B. (2014), *ibid*.

¹² Kellman, 2014 (p. 696).

¹³ Kellman, 2014, (p. 696).

¹⁴ Kellman, 2014, p. 697)

was then presented to the UN General Assembly.¹⁵

On 2 April 2013, the UN General Assembly adopted the Arms Trade Treaty with an overwhelming majority of 154 votes in favour, three against (Syria, North Korea, and Iran), and twenty-three abstentions. The Treaty was opened for signature on 3 June 2013, and officially entered into force on 24 December 2014, after the deposit of the fiftieth instrument of ratification, acceptance, or approval. This event was hailed as "one important stride for humankind," elevating conventional arms to a central topic of global weapons control.



Figure 3. *African security leaders seek ways to stop flow of illicit small arms and light weapons.*¹⁶

Current Situation: Issues, Actors, and Challenges

One primary challenge is achieving universal adherence and robust implementation of the

ATT. While 113 states have ratified the Treaty and 28 others have signed it, reaching universal participation is a declared objective. The legal bindingness of ATT provisions for states that have not ratified remains an ambiguous area, with the UN Office for Disarmament Affairs (UNODA) asserting that the ATT is binding only on ratifying States Parties. The Treaty's overall success will depend significantly on the activity of its Conference of States Parties (CSP) and the efficiency of its Secretariat in facilitating national implementation.¹⁷

Another critical area is the establishment of effective national control systems. Article 5(2) mandates that each State Party establish and maintain a national control system, including a national control list, to implement the Treaty's provisions. Such a system must encompass national legislation, regulations, administrative procedures, enforcement mechanisms, and institutions to effectively control the export, import, transit, trans-shipment, and brokering of conventional arms, ammunition, and parts.¹⁸ The ATT acknowledges that a "one-size-fits-all approach" is not feasible due to varying national contexts, which means that while states can tailor their systems, there is a risk of superficial or inadequate controls.

Earlier drafts that specified responsibilities for national coordination agencies or required a sufficient number of trained staff were omitted, leaving these as areas for future development and commitment.

¹⁵ Wassenaar Arrangement, *Munitions List and Regime Documents*, wassenaar.org

¹⁶ <https://adf-magazine.com/2024/03/african-security-leaders-seek-ways-to-stop-flow-of-illicit-small-arms-and-light-weapons/>

¹⁷ ATT Secretariat, *FAQ-Style Guidance on Annual Reporting Obligation*, endorsed by CSP 2017,

updated 2019 and 2021, thearmstradetreaty.org/reporting.html)

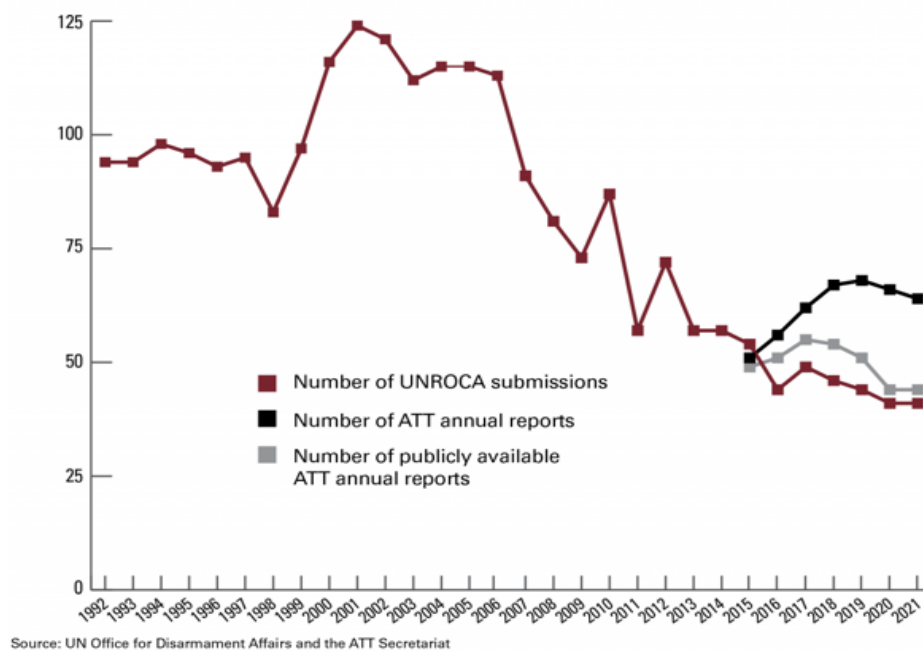
¹⁸ ATT Secretariat, *FAQ-Style Guidance on Annual Reporting Obligation*, endorsed by CSP 2017, updated 2019 and 2021, thearmstradetreaty.org/reporting.html)

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Figure 1. Declining Transparency on International Arms Exports



A persistent and challenging issue is preventing the diversion of conventional arms from legal to illicit markets. The illicit conventional arms market is estimated to account for approximately twenty percent of all conventional arms transactions. The ATT requires states to take measures to prevent diversion, including assessing the risk of diversion for each transfer and considering mitigation measures such as confidence-building or jointly developed programs. However, the Treaty's provisions for actively stopping arms criminals are considered modest, lacking explicit obligations to detect or trace diverted arms, or to mandate international law enforcement in all circumstances. Furthermore, the omission of a

"prosecute or extradite" obligation in the final text limits the Treaty's direct impact on bringing traffickers to justice.¹⁹

The ATT addresses grave international crimes and human rights violations through two key articles. Article 6 prohibits transfers if the exporting state "has knowledge" that the arms would be used for genocide, crimes against humanity, grave breaches of the Geneva Conventions, or other war crimes. This "knowledge" standard is significant as it extends responsibility to the supplying state and implies that "wilful blindness" the act of disabling access to knowledge is not permitted.

¹⁹ ATT Secretariat, *Working Group on Effective Treaty Implementation: Chair's Draft Report to*

CSP8, ATT/CSP8.WGETI/2022/CHAIR/733/Conf.Rep, 22 July 2022.

Article 7, conversely, requires exporting states to conduct an objective assessment of all potential exports for an "overriding risk" of contributing to serious violations of international humanitarian law or human rights law, terrorism, or transnational organized crime, including serious acts of gender-based violence or violence against women and children. The subjective nature of determining an "overriding risk" means that the effectiveness of these prohibitions relies heavily on the diligence and commitment of individual states.²⁰

Finally, information sharing and transparency are central to its objectives. Article 12 mandates national record-keeping of export authorizations and actual exports, with encouragement for records on imports, transit, and trans-shipment. Article 13 requires annual reports to the ATT Secretariat on conventional arms exports and imports, which are then distributed to other States Parties. While these reports can exclude commercially sensitive or national security information, the rigor of this information gathering and sharing is crucial for the Secretariat to function as an effective hub for disabling criminal arms traffickers.



Figure 4: *A weapons destruction event in Bosnia and Herzegovina.*²¹

Role of the United Nations

²⁰ ATT Secretariat, *Chair's Draft Report to CSP7*, ATT/CSP7.WGETI/2021/CHAIR/675/Conf.Rep, 22 July 2021.

²¹ https://sarajevotimes.com/bih-destroys-1972-pieces-of-small-arms-and-light-weapons/#google_vignette

The UN plays a central role in international efforts to control the international trade in conventional weapons, driven by its foundational principles of maintaining international peace and security, reducing human suffering, and promoting cooperation among states. The UN system's engagement spans legislative, operational, and oversight functions, involving its principal organs and specialized agencies.

The UN Security Council

The Security Council holds a crucial position in the UN's efforts to regulate arms transfers. Acting under Chapter VII of the UN Charter, the Security Council has the authority to impose measures, such as arms embargoes, which are supreme determinations for maintaining international peace and security. ATT explicitly reinforces this authority, prohibiting any State Party from authorizing conventional arms transfers that would violate its obligations under Security Council measures, particularly arms embargoes.

For example, Resolution 1373, adopted pursuant to Chapter VII, prohibited supplying weapons to terrorists, thus falling within the scope of the ATT's prohibitions. The ATT's Article 6.1 clarifies that an arms transfer from a state's jurisdiction, when an arms embargo is imposed, constitutes an international wrong (delict) for which the supplier state must be held responsible, linking such violations to the broader legal implications of state responsibility.²²

However, the Security Council's role also highlights limitations. The ATT does not aim to resolve the complex debates the Security Council undertakes when considering arms

²² ATT Secretariat, *Final Report of the Eighth CSP*, ATT/CSP8/2022/SEC/739/Conf.FinRep.Rev2, 26 August 2022; *Working Paper by President of CSP8*, ATT/CSP8/2022/PRES/732/Conf.PostShip, 22 July 2022.

embargoes, nor does it add legal weight to the Council's decisions. Historically, arms embargoes have faced challenges such as low compliance rates, especially given the widespread availability of small arms, and they have no impact on weapons stockpiles accumulated before their imposition. Critics also argue that embargoes can inadvertently penalize weaker parties or, by creating lucrative black markets, accelerate illicit trafficking. While the Security Council establishes Sanctions Committees to monitor embargoes, there is no fixed mechanism to prevent sanctioned arms transfers, and penalties for supplier states violating embargoes have been rare.

The UN General Assembly

The General Assembly serves as the primary legislative and deliberative body that initiated and ultimately adopted the ATT. It was the General Assembly that, on April 2, 2013, adopted the ATT. This marked a pivotal moment, as humanity "taken an important stride, treating conventional arms as a central topic of global weapons control". Prior to this, the General Assembly adopted crucial resolutions like Resolution 61/89 in December 2006, which called for a group of governmental experts to examine the feasibility and scope of a legally binding instrument. It also established the UN Open-Ended Working Group (OEWG) and called for the 2012 UN Conference on the Arms Trade Treaty.²³

Beyond the ATT, the General Assembly adopted the non-binding Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (UNPoA) in 2001, emphasizing states' primary responsibility for national

controls. It also adopted the International Tracing Instrument (ITI) in 2005 to standardize the tracing of illicit small arms. Despite these achievements, the General Assembly's resolutions on this matter, particularly non-binding instruments like the UNPoA, were seen by some advocates as missed opportunities due to their lack of legal force. Furthermore, the General Assembly does not possess the authority to alter or impose obligations on the Security Council's mandates regarding arms embargoes.²⁴

UN Secretary-General

The Secretary-General of the United Nations holds a specific, albeit administrative, function as the Depositary of the Arms Trade Treaty. In this capacity, the Secretary-General is responsible for receiving the instruments of ratification, acceptance, approval, or accession from states. The Depositary also notifies all other States Parties of any withdrawals from the Treaty.²⁵

UN Agencies and Specialized Bodies

Several UN-affiliated bodies and mechanisms are instrumental in the implementation and ongoing work related to conventional arms control:

Arms Trade Treaty

Secretariat: Established by Article 18 of the ATT, the Secretariat assists States Parties in the Treaty's effective implementation. Its responsibilities include receiving, making available, and distributing mandated reports;

²³ ATT Secretariat, *Draft Elements for CSP9 Discussions*, 2023 cycle documents

²⁴ ATT Secretariat, *Draft Elements for CSP9 Discussions*, 2023 cycle documents

²⁵ *Fordham International Law Journal*, 37(3), 687–731.

United Nations. (*The Arms Trade Treaty*). *ATT_English.pdf*. (Treaty adopted in 2013, entered into force in 2014).

maintaining and sharing the list of national points of contact; facilitating assistance requests and offers; promoting international cooperation; and arranging and providing services for Conference of States Parties (CSP) meetings. The Secretariat also administers a Voluntary Trust Fund and a sponsorship program to facilitate participation in ATT meetings. Kellman emphasizes that the Secretariat's ultimate effectiveness in disabling criminal arms traffickers depends on its rigor in gathering and sharing information.²⁶



Figure 5. *Chinese Firm Sent Large Shipments of Gunpowder to Russian Munitions Factory*²⁷

Conference of States Parties (CSP): As the ATT's decision-making body, established under Article 17, the CSP reviews the Treaty's implementation, considers amendments, and addresses issues of interpretation. It adopts its rules of procedure and financial rules and sets the budget for the Secretariat and any subsidiary bodies. The CSP has established key working groups: the Working Group on

Effective Treaty Implementation (WGETI), which exchanges information on national implementation and delivers voluntary guidance; the Working Group on Transparency and Reporting (WGTR); the Working Group on Treaty Universalization (WGTU); and the Diversion Information Exchange Forum, which facilitates informal exchanges on detected or suspected diversion cases.²⁸

What the UN Avoids or Cannot Do

The United Nations' approach to conventional arms control, particularly as embodied in the Arms Trade Treaty, reflects a careful political compromise, incorporating several deliberate limitations in its design. The ATT, for instance, provides only minimal prescriptive detail regarding how states should establish and maintain national control systems. By design, the Treaty refrains from mandating a "one-size-fits-all" model, reflecting the recognition that national contexts vary enormously in terms of institutional capacity, export volumes, and security needs. While earlier draft treaty language included more specific requirements—for example, obliging states to designate a national coordination agency, to assign professionally trained staff, or to institute oversight procedures for arms leases, loans, and gifts those provisions were removed in the negotiations. States insisted on greater flexibility, fearing that overly prescriptive standards would make the Treaty politically unpalatable, or practically impossible for less developed states.²⁹

This broad discretion yields two very different outcomes. On the one hand, it allows states to

²⁶ *Fordham International Law Journal*, 37(3), 687–731.

United Nations. (*The Arms Trade Treaty*). *ATT_English.pdf*. (Treaty adopted in 2013, entered into force in 2014).

²⁷ <https://www.nytimes.com/2023/06/23/business/economy/china-russia-ammunition.html>

²⁸ *Fordham International Law Journal*, 37(3), 687–731.

United Nations. (*The Arms Trade Treaty*). *ATT_English.pdf*. (Treaty adopted in 2013, entered into force in 2014).

²⁹ Kellman, B. (2014). Controlling the Arms Trade: One Important Stride for Humankind. *Fordham International Law Journal*, 37(3), 687–731.

tailor their national laws and regulatory systems to local capacities, legal traditions, and geopolitical imperatives. On the other hand, it opens the door to superficial implementation, whereby states adopt very minimal domestic controls in name while failing to establish robust licensing, risk-assessment, or enforcement mechanisms.

The enforcement provisions of the ATT are similarly modest. Article 14 obliges States Parties only to “take appropriate measures” to implement and enforce national laws, without prescribing what those measures must include. During treaty negotiations, more robust language mandating criminal investigation and prosecution of violators, mechanisms to prevent corruption and money laundering, or specified enforcement powers was proposed but ultimately dropped, largely due to objections from powerful states (notably the United States) that preferred enforcement to remain firmly a matter of national sovereignty. Thus, states lacking strong regulatory systems are under no Treaty-level obligation explicitly to criminalize or penalize violations of the ATT or to upgrade their laws or administrative capacities.³⁰

Linked to the modest enforcement obligations is the ATT’s omission of a “prosecute or extradite” obligation for arms traffickers. Unlike many criminal law treaties, the ATT does not contain a compulsory requirement that states prosecute or extradite individuals involved in illicit arms transfers, nor does it mandate systematic information sharing either with the ATT Secretariat or with international policing organizations such as Interpol when diversions or trafficking are detected. The absence of such obligatory legal cooperation mechanisms limits the Treaty’s capacity to bring perpetrators to justice, especially when illicit actors exploit gaps between national jurisdictions or operate transnationally.

A further limitation lies in the treatment of post-export controls. The Treaty does encourage states to reassess export authorizations if new relevant information comes to light after delivery, but it stops short of explicitly requiring states to apply formal post-delivery monitoring or verification. In other words, whereas some national export control systems demand continuing oversight, tracking, or even end-use assurances, the ATT leaves post-delivery control largely to voluntary national practice rather than Treaty obligation.³¹

Finally, the ATT deliberately does not adopt a total disarmament mandate. From its outset, the Treaty recognises that states have legitimate interests in acquiring conventional arms whether for self-defence, deterrence, peacekeeping, or domestic production and trade. The Treaty allows for export, import, manufacture, and transfer of conventional arms. The aim is not universal disarmament, but responsible regulation. By setting a regulatory “floor, not a ceiling,” the UN legal framework for arms control seeks to limit irresponsible or illicit transfers while preserving space for legitimate defense and trade purposes.³²

In essence, the UN’s role in conventional arms control is to provide a legal and institutional scaffolding a set of international norms, treaties, reporting mechanisms, and forums for cooperation and information exchange but not to dictate detailed domestic policy, to substitute national sovereignty, or to enforce criminal accountability directly. The ATT represents a compromise: global standards are articulated, but much of the “how” remains for individual states to determine.

Landmark UN Resolutions: Precedents and Recent Statements

³⁰ Kellman, B. (2014).

³¹ Kellman, B. (2014).

³² Kellman, B. (2014).

The UN's engagement with conventional arms control rests on a lineage of resolutions, political commitments, and norms that gradually coalesced into the Arms Trade Treaty, while continuing to evolve in response to new challenges.³³

From the outset, the ATT's preamble explicitly anchors itself in foundational United Nations norms, invoking the purposes and principles of the UN Charter particularly Article 26, which calls on the international community to promote peace and security with "the least diversion for armaments of the world's human and economic resources." The Treaty recalls the Charter's imperatives of refraining from the threat or use of force, respecting the principle of non-intervention, and complying with international humanitarian law and human rights obligations.

The ATT also recalls earlier UN-sponsored arms control instruments and guidelines, notably the United Nations Disarmament Commission Guidelines for International Arms Transfers. These Guidelines, adopted in the context of General Assembly resolution 46/36 H of 6 December 1991, provided early voluntary benchmarks for export licensing, risk assessment, and state responsibility in arms transfers.³⁴

Another key stepping-stone was the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, adopted by the General Assembly in 2001.³⁵ The PoA underscored the

responsibility of each state to regulate national arms production, import, export, brokering, marking and record-keeping, stockpile management, and border controls, while also emphasising international cooperation and capacity-building.

The PoA was complemented in 2005 by the International Tracing Instrument (ITI), which encouraged all states to adopt standardized marking and record-keeping practices and to cooperate in tracing illicit small arms. These instruments, while non-binding, established widely accepted norms and practices that the ATT later built upon.³⁶

In parallel, the United Nations Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition (the Firearms Protocol) was adopted by General Assembly resolution 55/255 of 31 May 2001 and entered into force on 3 July 2005. This Protocol supplements the UN Convention against Transnational Organized Crime and is the only legally binding global treaty specifically focused on illicit firearms trafficking, establishing criminal offenses, licensing requirements for firearms manufacturing and trade, obligations for marking and record-keeping, and promoting cooperation among States Parties.³⁷

Over time, the General Assembly and Security Council have issued subsequent resolutions reaffirming and updating the UN's arms-control agenda. In 2013, United Nations Security Council Resolution 2117 marked the first standalone Council resolution dedicated

³³ ATT (Arms Trade Treaty). 2013. *Preamble and text*.

<https://ihl-databases.icrc.org/en/ihl-treaties/att-2013/preamble>

³⁴ UNDC (United Nations Disarmament Commission). 1996. *Guidelines for International Arms Transfers* (adopted by UNDC; endorsed by the GA).

³⁵ UNDC (United Nations Disarmament Commission). 1996. *Guidelines for International Arms Transfers* (adopted by UNDC; endorsed by the GA).

https://cdn.un.org/unyearbook/yun/chapter_pdf/1996YUN/1996_P1_CH7.pdf; background:

<https://legal.un.org/avl/ha/att/att.html>

³⁶ UNGA. 2001. *Programme of Action on Small Arms and Light Weapons (UNPoA)*.

<https://disarmament.unoda.org/convarms/salw/pr-ogramme-of-action/>

³⁷ UNGA. 2005. *International Tracing Instrument (ITI)*.

<https://www.unodc.org/documents/organized-crime/Firearms/ITI.pdf>

entirely to small arms and light weapons, calling on member states to strengthen their implementation of the Programme of Action, to cooperate on arms embargoes, and to support the Arms Trade Treaty framework.³⁸

More recently, the UN General Assembly reaffirmed the ATT as the central multilateral instrument regulating the trade in conventional arms in resolution A/RES/79/52, adopted on 9 December 2024. That resolution recalls previous commitments, underlines the importance of transparency, and calls upon States Parties to enhance reporting and implementation efforts.³⁹

Country and bloc positions

AFRICAN UNION (AU) AND ARAB LEAGUE (AL): Both the 55 Member States of the African Union and the 22 Members of the Arab League do not articulate a single binding export-control regime comparable to the European Union. Instead they leave positions up to the Member States themselves. Both organizations strongly support the right of sovereign states to arm themselves for their own defense.

But many of their Member States face serious dangers from organized crime, regional separatism, and ethnic or religious insurgencies. They tend to strongly support measures to stop the illicit trade in conventional weapons. But they also defend

their own right to acquire the means of defense they want.

AU and AL Member States participate in General Assembly processes on small arms and disarmament and, in several cases, in ATT and UNPoA implementation debates through national statements; in practice, national approaches vary widely and are shaped by acute regional security dynamics and UN arms-embargo compliance debates documented across UN disarmament reporting.⁴⁰

CHINA: China presents itself as a responsible exporter that has joined the Arms Trade Treaty and built out a domestic legal framework to implement export controls. Beijing acceded to the ATT in 2020 and has since emphasized three guiding principles for exports supporting recipients' legitimate self-defence, avoiding harm to international and regional stability, and non-interference alongside references to a suite of national laws and regulations and the 2020 Export Control Law that tightened controls, including for military products.⁴¹

In multilateral forums of the ATT Conference of States Parties (CSP), China underscores fidelity to international commitments while defending state discretion over authorizations and implementation practices, a position consistent with the treaty's design as a framework that leaves specifics to national systems.⁴² Analysts continue to debate how far ATT standards will shape Chinese licensing in practice, noting that outcomes may depend on

³⁸ UNSC. 2013. *Security Council Resolution 2117 (Small Arms and Light Weapons)*. [https://docs.un.org/en/S/RES/2117\(2013\)](https://docs.un.org/en/S/RES/2117(2013)) ; UN press release: <https://press.un.org/en/2013/sc11131.doc.htm>

³⁹ UNGA. 2024. *A/RES/79/52: The Arms Trade Treaty* (adopted 9 Dec 2024). <https://docs.un.org/en/A/RES/79/52> ; adoption summary: <https://www.un.org/en/ga/79/resolutions.shtml>

⁴⁰ The White House. *Conventional Arms Transfer (CAT) Policy* 2023. <https://www.whitehouse.gov/briefing-room>

⁴¹ Arms Control Association. *Arms Trade Treaty*. <https://www.armscontrol.org/factsheets/arms-trade-treaty>

⁴² Control Arms. *Arms Trade Treaty*. <https://controlarms.org/arms-trade-treaty>

international pressure and evolving national practice rather than formal accession alone.⁴³

THE EUROPEAN UNION: The 27 Member States of the EU, and several other European countries, strongly support international efforts to control the dangers of the illicit arms trade, especially to stop trade that undermines UN embargoes or supplies weapons of criminal and sub-state groups. But the EU and friendly states strongly support their right to supply arms legally.

The EU operates the most developed regional export-control acquis among major suppliers. EU Member States are legally bound by the Common Position 2008/944/CFSP, which sets eight criteria governing licensing decisions (including respect for international humanitarian law and the risk of diversion) and is implemented through national systems coordinated by the Council Working Party on Conventional Arms Exports (COARM).

The EU complements this with detailed public reporting; the Council's 26th Annual Report, adopted in December 2024, provides disaggregated data on authorizations and denials for 2023, reinforcing transparency as a core EU contribution to arms-trade governance.⁴⁴ Ongoing reviews and policy work repeatedly link EU practice to the ATT's standards and universalization goals, including external action to promote effective controls in third countries consistent with the Common Position and the ATT.⁴⁵

NON-ALIGNED MOVEMENT: The 120 Member States of The Non-Aligned Movement (NAM) are the UN's largest voting bloc. Representing a large share of the General Assembly, generally articulates positions that

balance support for curbing illicit trafficking with strong assertions of sovereignty, development needs, and the right to acquire arms for self-defence.

In First Committee statements, the NAM has highlighted the structural imbalance in production and trade, calling for non-discriminatory approaches and capacity-building while cautioning against politicized export restrictions that could constrain legitimate security requirements of developing states.⁴⁶ This posture helps explain why, across NAM capitals, support for UN small-arms frameworks (UNPoA and ITI) is broad, but views on the ATT's prescriptive effects or on linkage to human rights criteria vary.

Individual NAM Member States sometimes approach the issue distinctly. Iran is a leading campaigner for the right of sovereign states to arm their global friends as they see fit. Iran maintains a right to arms non-state groups like Hamas in Gaza, Hezbollah in Lebanon, and the Houthis in Yemen. The United Arab Emirates (UAE) is supportive of international control, but is widely suspected of secretly supplying arms to the Rapid Support Forces (RSF), fighting for control of Sudan.

RUSSIAN FEDERATION: Russia remains outside the ATT and approaches arms transfers as a sovereign tool of foreign and security policy, anchored in national legislation and a centralized state export-agency model. Historical and policy analyses describe a system that emphasizes commercial pragmatism within the bounds of UN arms embargoes, with export controls organized under national law and the state intermediary Rosoboronexport coordinating military-technical cooperation; at the same time,

⁴³ United Nations Office for Disarmament Affairs. *Arms Trade*

Treaty. <https://www.thearmstradetreaty.org>

⁴⁴ European External Action Service. *EU Annual Reports on Arms*

Exports. https://www.eeas.europa.eu/eeas/comm-on-position-2008944cfsp_en

⁴⁵ United Nations Digital Library. *Disarmament and International Security: First Committee Statements*. <https://digitallibrary.un.org>

⁴⁶ United Nations. *Official Document System (ODS)*. <https://documents.un.org>

observers have long noted gaps between declaratory policy and practice that arise from domestic and regional constraints and geopolitical priorities.⁴⁷ While Russia participates in some export-control dialogues and regimes, its non-participation in the ATT and current geopolitical environment limit convergence with ATT-aligned approaches.

UNITED STATES: The United States is not a party to the ATT having signed in 2013 but later announced it would not join, yet it remains a norm-shaping exporter through a dense national framework and a public Conventional Arms Transfer (CAT) Policy. The Biden administration's 2023 CAT Policy elevated human rights and international humanitarian law in its arms export policy.⁴⁸

The Trump Administration, reversed this, establishing a new arms export policy strongly advocating commercial arms exports, within existing law.⁴⁹

In multilateral settings, Washington generally supports ATT objectives in principle transparency, diversion control, and responsible trade while insisting on national decision-making through the Arms Export Control Act, ITAR, and policy guidance rather than treaty-based obligations.

Some Possible Proposals for action

As sovereign countries, the Member States of the UN General Assembly are free to develop the resolutions they can agree on. In practice, this usually means uncontroversial resolutions, stressing the importance of previous

agreements and encouraging cooperation. That remains the most likely option for the General Assembly; doing what comes easiest, minimizing disagreement and ensuring its resolutions welcomed.

But more ambitious options also can be considered.

- **Promote Universal Adherence and Implementation:** Encourage all UN Member States to sign, ratify, or accede to the ATT, and ensure robust national control systems covering arms, ammunition, and components. Urge all countries to support the WGTR and promote use of voluntary ATT guidance documents.
- **Enhance Transparency and Reporting:** Urge States Parties to meet annual reporting obligations to the ATT Secretariat by May 31 and make control lists/reports public. Support WGTR initiatives to improve reporting quality and accessibility.
- **Prevent *diversion* of military and police weapons,** ensuring that state-owned weaponry and ammunition do not serve organized crime and insurgencies. Advocate national measures to stop diversion at all transfer stages, including risk assessments, end-user certificates, and scrutiny of actors involved. Promote international cooperation and use the Diversion Information Exchange Forum to share operational intelligence.
- **Regulate-Arms-Brokering:** Call for national laws requiring broker registration and authorization and penalties for illicit

⁴⁷ French Institute of International Relations (IFRI). *Publications on Russian Arms Transfers*. <https://www.ifri.org>

⁴⁸ James Martin Center for Nonproliferation Studies. *Research on Russian Arms Exports*. <https://nonproliferation.org>

⁴⁹ Lipi Shetty, 'Trump rescinds Biden's arms transfers policy', *Arms Control Today*, April 2025, <https://www.armscontrol.org/act/2025-04/news-briefs/trump-rescinds-bidens-arms-transfers-policy>

activities to close loopholes enabling trafficking.

- **Forbid arms transfers, sales or gifts, to non-state groups.** This proposal has been popular with many Member States since the 1990s. Most countries have laws or regulations forbidding such transfers. But in reality they sometimes provide weaponry to gangs, criminal groups or insurgencies when it is political useful, for example, to overthrow hated neighbours or install more sympathetic neighbouring governments.

Such proposals will gain strong support from countries in Europe, Latin America and Southeast Asia. But there may be opposition from some Africa countries and Arab League members, who arms non-state groups to achieve geopolitical goals. Iran and Rwanda are among the most outspoken defender of such activity, but they are not alone.

China, the Russian Federation and the United States all have armed non-state groups at some point over the years. Will they continue to insist on protecting this right in the face of growing global chaos?

- **Call upon Member States to Strengthen National Arms Export and Oversight**

Law Enforcement: Work to encourage stronger implementation of previous recommendations for national action. Encourage stronger enforcement of arms control laws by devoting police and customs agency personnel to the issue, and encouraging cooperation among law enforcement and intelligence agencies, through inspections, seizures, interagency coordination, and outreach. Advocate criminalization of violations where national systems remain weak.

The greatest difficulties to be overcome are among Non-Aligned Movement countries. Just asking them to do more may not do much. They often lack the organizational or financial resources for rigorous law enforcement, although they often also are worst affected by conventional weapons proliferation. Better enforcement for them may require donor assistance, guide and funding. But in the current international environment, additional funding is unlikely.

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Controlling the international trade in conventional weapons



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