



ARMS TRADE TREATY: WATCHING BRIEF

The Challenge

There are many millions of dangerous assault weapons around the world, and many have been used to commit serious crimes against many people. As a result, there has been increasing pressure for a way to limit the spread of such weapons. The United Nations Office for Disarmament Affairs (UNODA) puts it this way:

The illicit trade in small arms, light weapons and ammunition wreaks havoc everywhere. Mobs terrorising a neighbourhood. Rebels attacking civilians or peacekeepers. Drug lords randomly killing law enforcers or anyone else interfering with their illegal businesses. Bandits hijacking humanitarian aid convoys. In all continents, uncontrolled small arms form a persisting problem.

Sources available to UNODA suggest that there are at least 875 million such weapons, but accurate figures are very hard to get, as most small arms are in private hands. So far international efforts to control the spread and use of small arms have not succeeded.

Following an initiative by a group of Nobel Peace Laureates in 2003, in 2006 Australia co-authored a UN General Assembly resolution (61/89) called 'Towards an Arms Trade Treaty' (ATT) which established a group of experts to examine options. This led in 2008 to a further UNGA resolution (63/240) which set up a Working Group to develop common standards for the arms trade. This led to several Preparatory Sessions in 2010-11 prior to the July 2012 UN Conference on an Arms Trade Treaty. Australia was active at all stages of this process. Early in 2012, several UN agencies (UN Development Program, UNICEF, UNHCR) and the Office of the High Commissioner for Human Rights (OHCHR) called for a comprehensive treaty.

The Draft Treaty

The focus of the treaty is on the movement of conventional weapons around the world. Provisions



of the draft treaty would (a) require all countries to establish national regulations to control the transfer of conventional arms and to regulate arms brokers; (b) prohibit states that ratify the treaty from transferring conventional weapons if they violate arms embargoes or promote acts of genocide, crimes against humanity or war crimes; and (c) require that states evaluate whether any weapon to be exported might violate international human rights law or be used by terrorists, organised crime or for corruption. It does not remove the right of nation states to regulate their own internal arms policies.

Outcomes of the UN Conference

The high hopes that attended the holding of the July conference were not realised. After several weeks a draft was produced that, while weaker than the original version, represented considerable progress towards agreement on the range of weapons to be covered, common standards for regulating the flow of arms, and aspects of monitoring and transparency. However at the last stages of the conference several countries (the main ones being USA, Russia, and China) demanded more time to consider the proposals in detail. As a result, over 90 countries (including Australia) signed a statement expressing their disappointment and reaffirming their commitment to establish a strong treaty as soon as possible. The UN Secretary-General, Ban Ki-moon, commented:

The Conference's inability to conclude its work on this much-awaited ATT, despite years of effort of Member States and civil society from many countries, is a setback....There is already considerable common ground and States can build on the hard work that has been done during these negotiations.

The UN General Assembly session in September will decide whether and when there will be more negotiations.

The USA is the world's biggest exporter with a \$55 billion annual trade in conventional arms. At first the USA opposed a treaty, on the grounds that national controls were better. In 2009 President Obama changed this approach and expressed support for the idea of a treaty. This hastened negotiations within the United Nations. However it seems that pressures from within the USA (eg National Rifle Association) generated concern that a treaty would arouse controversy in an election year, and the legislation did not pass Congress. This led to a public statement from Amnesty International's USA director Suzanne Nossell that the US decision to delay the treaty represented "a staggering abdication of leadership by the world's largest exporter of conventional weapons".

Commenting on the outcome of the conference, Ray Acheson from the WILPF group *Reaching Critical Will*, made the following points:



- The discussions further demonstrated the need to develop such a treaty, and the need to do so through a non-consensual based process.
- The treaty on the table did not actually establish the highest possible common standards for regulating international arms transfers.
- The rule of consensus allowed a minority of states to win the day.
- Most countries do want a strong treaty that would make a difference in the lives of those suffering from armed violence.

Australia's Role

The Australian Ambassador for Disarmament, Peter Woolcott, spoke in the final stage of the conference and said that Australia remained committed to a treaty binding all states to the highest possible standards. He supported the draft text put forward by the Chair of the conference as the best way to get the widest possible endorsement to move towards managing the trade in conventional arms. He also urged that clear provision be made that future agreements entered into by states parties would have to be compatible with the obligations under the ATT.

The Australian Government can take credit for pushing hard for this treaty. According to Senator Bob Carr, Minister for Foreign Affairs, Australia's advocacy was welcomed by nations in Africa and the Caribbean in particular, and the draft treaty was amended to include machine guns and assault rifles in the definition of arms. QPLC has prepared a letter of commendation to be sent to the Minister on behalf of Quakers by the Presiding Clerk of YM.

Quakers and the Arms Trade Treaty

The Quaker United Nations Office (QUNO) in Geneva has been engaged with the ATT process as a partner with the United Nations Institute for Disarmament Research (UNIDIR) and the Centre for Conflict, Development and Peacebuilding in the Geneva Forum. David Atwood, former director of QUNO, will continue monitoring the work on small arms and light weapons through attending a review conference in September, and Diane Hendrik from QUNO will attend the UN Organisation on Drug and Crime Conference in October – which deals with firearms. We can expect more detailed comments from QUNO by the end of this year.

Canberra

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