

# Appendix 10C. Towards an arms trade treaty?

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## I. Introduction

The most significant developments for conventional arms control in 2006 were the agreement reached in the United Nations General Assembly on the principle of a legally binding and universal arms trade treaty (ATT), and the establishment of a group of governmental experts to examine the issue. These achievements contrasted with the lack of progress at the review conference for the UN Programme of Action (POA) on small arms and light weapons (SALW).<sup>1</sup>

The issue of global guidelines for the control of conventional arms has been on the international agenda for a long time. In 1925 the League of Nations produced a draft Convention on the Arms Trade that was never adopted. Disarmament is an element of the UN Charter and the question of conventional arms control has been frequently discussed in the General Assembly's annual deliberations on armaments. In contrast to chemical, biological and nuclear weapons, which are governed by global conventions prohibiting their transfer, there are no global conventions or treaties prohibiting or restricting transfers of conventional weapons.<sup>2</sup>

During the cold war the two blocs, and individual countries, used conventional weapon transfers with little restraint to establish or maintain spheres of influence. In the early to mid-1990s issues relating to conventional weapon proliferation began to attract more attention, and several sets of guidelines or principles on arms transfers were agreed by groups of countries, which included some of the largest arms exporters.<sup>3</sup> In 1991 the UN Register of Conventional Arms (UNROCA) was established to promote transparency in the conventional arms trade.

In the mid-1990s the global focus shifted towards SALW (leading to the 2001 UN SALW Conference), which were regarded as the most destabilizing conventional weapons.<sup>4</sup> However, by 2006 attention had moved back to conventional weapons as a whole, and the principle of an ATT was agreed by the UN. As with the SALW process, the ATT initiative emerged from a civil society campaign, pioneered by a group

<sup>1</sup> The United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (POA). In this appendix SALW are defined in accordance with the definition agreed within the UN.

<sup>2</sup> On chemical and biological weapon control see chapter 13 in this volume and on nuclear weapon control see chapter 12.

<sup>3</sup> These include the principles of the Organization for Security and Co-operation in Europe, United Nations guidelines, the guidelines of the 5 permanent members of the UN Security Council and European Union criteria. See Goldblat, J., SIPRI and International Peace Research Institute Oslo, *Arms Control: The New Guide to Negotiations and Agreements* (Sage Publications: London, 2002), pp. 241–46.

<sup>4</sup> See UN General Assembly Resolution A/RES/50/70, 15 Jan. 1996. UN resolutions, draft resolutions and other official UN documents are available at UN documentation service web page at URL <<http://www.un.org/documents/>>. UN press releases are available at URL <<http://www.un.org/News/Press/archives.htm>>. On the 2001 UN Conference on The Illicit Trade in Small Arms and Light Weapons in All Its Aspects and the 2006 review conference see URL <<http://disarmament.un.org/cab/salw.html>>.

of Nobel Peace Prize Laureates, which was later taken up by governments and brought within the UN framework.

Section II of this appendix briefly analyses the failure of the 2006 review conference. Section III focuses on the evolution of the ATT initiative, and section IV examines the key issues that must be addressed if a meaningful ATT is to be achieved. Section V presents the conclusions.

## II. The breakdown of the small arms and light weapons process

By 2001 there was a global consensus that SALW posed serious problems for peace, security and stability. However, there was disagreement on the extent of the problem and, more importantly, on how it should be resolved. Ultimately, the 2001 UN SALW conference focused narrowly on 'illicit' trade. Its key outcome was the POA, which tasked governments with several measures to combat the illicit SALW trade.<sup>5</sup> In addition to biennial reviews, it was agreed that after five years the POA would be assessed, modified if necessary, and that efforts would be made to reach agreement on new issues to be addressed within the POA framework. The first clear signs that the review conference would not meet this goal were evident in the preparatory meeting in January 2006. A lack of consensus—mainly on the issues of ammunition possession, prohibitions on transfers to non-state actors and global guidelines for SALW transfers<sup>6</sup>—prevented the adoption of an official agenda for the conference.<sup>7</sup> At the review conference in New York in July 2006, opposition from a number of states on the same issues ensured that the conference concluded without agreement on a final document and failed to provide 'either a mandate to conduct a further review in five years, or guidance on future implementation'.<sup>8</sup>

The difficulty of achieving consensus within the UN system is regarded as one of the reasons for conference's lack of success.<sup>9</sup> It has been argued that it was the 'tyranny of the minority'—China, Cuba, Egypt, India, Iran, Israel, Pakistan, Russia and the United States—and its calls for a narrow interpretation of the conference agenda, that obstructed the POA process.<sup>10</sup> This minority is largely formed of the same countries that have consistently blocked attempts to broaden the process since the 2001 SALW conference. The inclusion of global principles governing SALW transfers were initially blocked by Cuba, Iran, Pakistan and the USA (although Cuba, Iran and Pakistan reportedly withdrew their opposition to the final conference

<sup>5</sup> For an overall assessment of developments relating to the POA see *Reviewing Action on Small Arms 2006: Assessing the First Five Years of the UN Programme of Action by Biting the Bullet* (Biting the Bullet: Bradford, 2006).

<sup>6</sup> See United Nations, 'Press conference by president-designate of conference on small arms, light weapons', Press release, New York, 21 June 2006.

<sup>7</sup> See the draft provisional agenda. United Nations, 'Preparatory committee for review conference on illicit small arms trade concludes session without agreement on draft final document', Press release, UN document DC/3011, 20 Jan 2006.

<sup>8</sup> United Nations, 'United Nations conference aimed at strengthening global effort against illicit small arms trade ends without agreement on final document', Press release, UN document DC/3037, 7 July 2006. For a non-governmental perspective on the review conference see Stohl, R., 'UN conference on tackling small arms ends in deadlock', *Jane's Intelligence Review*, Sep. 2006, pp. 44–46; and 'UN small arms conference deadlocks', *Arms Control Today*, vol. 36, no. 7 (Sep. 2006), pp. 46–47.

<sup>9</sup> Stohl (note 8), p. 45.

<sup>10</sup> Peters, R., 'Small arms and light weapons: making the UN Programme of Action work', *Disarmament Diplomacy*, no. 82 (spring 2006), URL <<http://www.acronym.org.uk/dd/dd82/82rp.htm>>.

document, while the USA remained opposed).<sup>11</sup> The USA also made clear that it would not compromise on the ‘redlines’ it laid down in 2001 on transfers to non-state actors, the development of legally binding agreements and the domestic implications of monitoring and restricting arms transfers.<sup>12</sup> Sierra Leone’s representative at the review conference expressed the frustration of the majority: ‘we shall not depend on this concept of consensus, which, in my view, has been used as a weapon to destroy the work we have done, the work that you have done, and all that we have put in’.<sup>13</sup>

Six years after the 2001 UN SALW conference, the USA’s lack of support is still the main barrier to an effective global regime for controlling SALW transfers. Nevertheless, two positive results emerged from the review conference. First, the global community remains committed to the POA as a framework for global and national action to combat the illicit trade in SALW. For example, Canada suggested an informal intersessional meeting of states in 2007 to discuss measures to accelerate implementation of the existing POA and the potential for development outside the UN SALW process,<sup>14</sup> and a biennial meeting of states is still scheduled for 2008.<sup>15</sup> Second, several countries used the conference to sound out opinions on an ATT. While the issue was not discussed at length, there was enough feedback to convince those governments in favour to propose a draft resolution in the General Assembly in late 2006.

### III. Evolution of the arms trade treaty initiative

The current proposal for an ATT draws on the principles of the Nobel Peace Laureates’ International Code of Conduct on Arms Transfers and Draft Framework Convention on International Arms Transfers.<sup>16</sup> These documents call on governments to adhere to their commitments on international human rights and humanitarian law when considering applications for export licences. The Draft Framework Convention also calls for a universal, legally binding agreement governing international arms transfers. It was first circulated at the 2001 UN SALW Conference; an early example of how the campaigns for improving SALW controls and the ATT initiative have converged.

In October 2003, the non-governmental organizations (NGOs) Amnesty International, Oxfam and the International Action Network on Small Arms (IANSA) launched the Control Arms campaign, the main purpose of which was to promote an

<sup>11</sup> Stohl (note 8), p. 45.

<sup>12</sup> Opening statement by Joseph, R., US Undersecretary of State for Arms Control and International Security, quoted in Stohl (note 8), pp. 45–46. The US National Rifle Association mobilized its members to send over 100 000 letters of protest to the UN. Prior to the review conference UN Secretary General Kofi Annan felt ‘forced’ to issue a statement stating that there would be no attempt to impose a ban on the legal trade and use of arms. He also felt obliged to deny there were plans to hold a conference session on 4 July 2006, US Independence Day. United Nations, ‘UN not negotiating “global gun ban”, nor is there intention to deny law-abiding citizens right to bear arms’, Press release, UN document DC/3031, 26 June 2006; and United Nations (note 6).

<sup>13</sup> United Nations, ‘Conference aimed at strengthening global effort against illicit small arms trade ends without agreement on final document’, Press release, UN document DC/3037, 7 July, 2006.

<sup>14</sup> United Nations (note 13).

<sup>15</sup> United Nations General Assembly, Revised draft resolution, ‘The illicit trade in small arms and light weapons in all its aspects’, UN document A/C.1/61/L.15/REV.1, 19 Oct. 2006.

<sup>16</sup> Both documents are available at the Arms Trade Treaty website, URL <<http://www.armstradetreaty.com/>>.

ATT.<sup>17</sup> The campaign seeks harmonization of the criteria, standards, interpretations and implementation of national arms transfer controls as a means of preventing 'irresponsible' transfers. It proposes a set of legally binding principles that clearly define the international legal commitments and responsibilities of states and calls for compliance with these principles to be monitored and verified, and for sanctions against transgressors. It also recommends what governments should consider with regard to end-use and end-users when authorizing arms transfers.<sup>18</sup>

As with the NGO-led campaigns against anti-personnel mines and for tighter controls on the transfer, use and disposal of SALW,<sup>19</sup> the Control Arms campaign persuaded a large number of states to promote, and lobby other states to support, the ATT initiative.<sup>20</sup> In September 2004, the UK became the first permanent member of the UN Security Council to back the initiative.<sup>21</sup> The European Union (EU) issued a statement of support the following autumn.<sup>22</sup> On 24 July 2006 the governments of Argentina, Australia, Costa Rica, Finland, Japan, Kenya and the UK circulated a draft resolution, 'Towards an Arms Trade Treaty', among the members of the UN General Assembly First Committee. By 10 October 2006, the number of co-sponsors had reached 77.<sup>23</sup>

The draft resolution acknowledged the right of states to manufacture and trade conventional arms for self-defence and security, but also stated that the 'absence of common international standards on the import, export and transfer of conventional arms is a contributory factor to conflict, the displacement of people, crime and terrorism'.<sup>24</sup> It was emphasized that a legally binding instrument should be 'negotiated on a non-discriminatory, transparent and multilateral basis' to establish common global transfer control standards. On 26 October 2006 the draft resolution was adopted in the UN General Assembly First Committee with the support of 139 governments. The USA voted against and there were 24 abstentions. In the General Assembly vote on 6 December, 14 more governments voted in favour, with no change in the number of abstaining and opposing states.<sup>25</sup> In 2007 the UN Secretary-General will publish a report on the views of member states before establishing a group of governmental experts (GGE) in 2008 to examine 'the feasibility, scope and

<sup>17</sup> See the website of the Control Arms campaign, URL <<http://www.controlarms.org>>.

<sup>18</sup> See Control Arms, *Compilation of Global Principles for Arms Transfers* (Control Arms: London, 9 Aug. 2006).

<sup>19</sup> On the International Campaign to Ban Landmines see URL <<http://www.icbl.org/>>. For a comparison of the development of the NGO initiatives see Brem, S. and Rutherford, K., 'Walking together or a divided agenda? Comparing landmines and small arms campaigns', *Security Dialogue*, vol. 32, no. 2 (2001), pp. 169–86.

<sup>20</sup> In 2003 Cambodia, Costa Rica, Finland, Iceland, and Mali announced their support for an ATT.

<sup>21</sup> 'Britain backs arms treaty calls', BBC News, 30 Sep. 2004, URL <<http://news.bbc.co.uk/2/3/704322.stm>>; and Straw, J., British Foreign Secretary, 'Securing a global arms trade treaty', Speech given at the Institute of Civil Engineers, London, 15 Mar. 2005, URL <<http://www.fco.gov.uk/>>.

<sup>22</sup> Council of the European Union, 'EU Council conclusions on an international treaty on the arms trade', 2678th General Affairs Council meeting, Luxembourg 3 Oct. 2005, URL <[http://www.europa-eu-un.org/articles/en/article\\_5080\\_en.htm](http://www.europa-eu-un.org/articles/en/article_5080_en.htm)>.

<sup>23</sup> For the text of the draft and a full list of co-sponsors see United Nations, 'Towards an arms trade treaty: establishing common international standards for the import, export and transfer of conventional arms', Draft resolution, UN document A/C.1/61/L.55, 12 Oct 2006.

<sup>24</sup> United Nations (note 23).

<sup>25</sup> On both occasions, the USA was the sole 'no' vote. Of the 24 countries that abstained on 26 Oct. 2006, Cuba and Djibouti voted for the resolution on 7 Dec. 2006, while Somalia was absent from the vote. Laos, the Marshall Islands and Zimbabwe were absent from the 26 Oct. vote but abstained on 7 Dec. 2006. United Nations (note 23); UN General Assembly Resolution A/RES/61/89, 18 Dec 2006.

draft parameters for a comprehensive, legally binding instrument establishing common international standards for the import, export and transfer of conventional arms'.<sup>26</sup>

#### IV. Key issues for an arms trade treaty

Proposals for an ATT have been kept deliberately vague in the hope of encouraging frank, open, non-judgemental, multilateral talks. A number of issues will need to be addressed by the GGE, including the scope in terms of transfers and actors; the development of global legally binding guidelines; monitoring, verification and sanctions mechanisms; and the balancing of supplier and recipient political and economic interests.

##### Scope

Despite calls for the ATT's coverage to be 'comprehensive in scope', its range has not yet been elaborated. The experience of negotiating the UNROCA suggests that agreement on the types of conventional arms that an ATT would cover could be difficult to achieve.<sup>27</sup> Although the expanded categories of the UNROCA could serve as a model, other options exist to help set the scope of the ATT, for example, the control lists developed, respectively, by the Organization for Security and Co-operation in Europe (OSCE) and the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-use Goods (WA).<sup>28</sup> It is also necessary to decide if an ATT will apply to transfers of spare parts, components, upgrade kits, arms-making equipment and dual-use goods, as well as other technology transfers and licensed production. Transit and trans-shipment controls should also be addressed, as well as the issue of periodic reviews and updates.

Defining the range of actors covered by an ATT will also pose problems. Although international organizations and transfer control regimes have produced best practice guidelines on brokering in recent years,<sup>29</sup> it took five years to establish a GGE to explore 'steps to enhance international cooperation in preventing, combating and eradicating illicit brokering'.<sup>30</sup> Such protracted progress suggests that achieving global agreement on brokering will be a challenge.

The issue of rebel groups as recipients is also likely to be problematic. Some sub-Saharan African states have argued for a global prohibition on SALW transfers to

<sup>26</sup> UN General Assembly Resolution A/RES/61/89 (note 25).

<sup>27</sup> Laurance, E. J., Wezeman, S. T. and Wulf, H., *Arms Watch: SIPRI Report on the First Year of the UN Register of Conventional Arms*, SIPRI Research Report no. 6 (Oxford University Press: Oxford, 1993), pp. 10–13.

<sup>28</sup> See the SIPRI Arms Transfers Project website for the OSCE and WA control lists, URL <<http://www.sipri.org/contents/armstrad/>>. On the WA see chapter 15 in this volume.

<sup>29</sup> E.g. 'Council Common Position 2003/468/CFSP on the control of arms brokering', 23 June 2003, *Official Journal of the European Union*, L 156/79 (25 June 2003); OSCE, 'National control of brokering activities', *Handbook of Best Practices on Small Arms and Light Weapons* (OSCE: Vienna, 2003), URL <[http://www.osce.org/fsc/item\\_11\\_13550.html](http://www.osce.org/fsc/item_11_13550.html)>; and Wassenaar Arrangement, 'Elements for effective legislation on arms brokering', Dec. 2003, URL, <[http://www.wassenaar.org/publicdocuments/2003\\_effectivelegislation.html](http://www.wassenaar.org/publicdocuments/2003_effectivelegislation.html)>.

<sup>30</sup> See UN General Assembly Resolution A/RES/60/81, 11 Jan. 2006.

such groups due to their destabilizing impact.<sup>31</sup> In contrast, the USA is opposed to a complete ban on arms transfers to rebel groups since this would remove the option of providing military support to ‘pro-democratic’ rebels in ‘totalitarian countries’. Despite opposing a blanket ban, the USA has been the leading advocate for prohibiting transfers of man-portable air defence systems (MANPADS) to rebel groups, as well as accepting UN Security Council arms embargoes that specifically target certain rebel groups.<sup>32</sup> It remains to be seen whether a nuanced position on non-state actors as recipients can be forged and adopted within the framework of an ATT.

### Global, legally binding guidelines

Despite the lack of a legally binding treaty on conventional arms exports, groups of supplier and recipient states have sought to develop common minimum standards and guidelines for controlling arms transfers. Although in some cases these ad hoc political approaches have proved effective, there have also been efforts to make guidelines legally binding, such as the recent discussion within the EU on its Code of Conduct on Arms Transfers.<sup>33</sup>

In contrast, US officials are reportedly concerned that ‘the only way for a global arms trade treaty to work is to have everyone agree on a standard. . . . For us, that standard would be so far below what we are already required to do under US law that we had to vote against it in order to maintain our higher standards’.<sup>34</sup> This position seems to conflict with the 1999 US Congress International Arms Sales Code of Conduct, which required the USA to begin negotiations ‘to establish an international regime . . . to limit, restrict, or prohibit arms transfers to countries that do not observe certain fundamental values of human liberty, peace, and international stability’.<sup>35</sup>

Russian officials have also expressed doubts that legally binding criteria can be achieved because of the potentially ‘subjective’ nature of criteria-based assessments.<sup>36</sup> In this regard, the EU Code of Conduct illustrates the challenges of reaching agreement on how to interpret and implement a set of agreed common standards among (supposedly) like-minded states. Disagreements in the WA show the difficulties in achieving similar objectives when the group is composed of states that hold very different opinions on what constitutes a responsible ‘end-user’.

At present, UN Security Council arms embargoes are the only global, legally binding prohibitions on arms transfers. However, as sanctions committees and panels

<sup>31</sup> E.g. Nigerian representatives pushed for a ban on SALW transfers to non-state actors at the 2006 SALW Review Conference, arguing that arms transfers should only be allowed for legitimate national defence and security needs or for peacekeeping. United Nations, ‘Security Council debates global progress against illicit small arms trade’, Press release, UN document SC/8667, 20 Mar. 2006; and United Nations, ‘International arms trade treaty aim of draft resolution approved by disarmament committee’, Press release, 26 Oct. 2006, UN document GA/DIS/3335.

<sup>32</sup> On non-state actors and embargoes see chapter 10; on MANPADS see appendix 14A in this volume.

<sup>33</sup> On the EU Code of Conduct see chapter 15 in this volume.

<sup>34</sup> Dent, J., ‘Britain welcomes UN arms control vote’, *The Guardian*, 27 Oct. 2006.

<sup>35</sup> International Arms Sales Code of Conduct Act of 1999, Part of HR 3194, Consolidated Appropriations Act, 106th Congress, 1st session, <<http://www.fas.org/asmp/campaigns/code/intlcodetext.html>>.

<sup>36</sup> See United Nations, ‘International arms trade treaty aim of draft resolution approved by disarmament committee’, Press release, UN document GA/DIS/3335, 26 Oct 2006 URL <<http://www.un.org/News/Press/>>; and Kozulin, V., ‘Istoria mezhdunarodnykh initsiativ po sozdaniyu dogovora o trgovle oruzzhiem’ [History of the international initiative to create a treaty on the arms trade’], *Ekspert vooruzhenii*, July–Aug. 2006, pp. 25–26.

of experts monitoring these embargoes report, not all UN members comply with arms embargo demands.

### **Monitoring, verification and sanction mechanisms**

One of the most innovative proposals of the ATT initiative (although not detailed in the draft ATT resolution) is for mechanisms to monitor and verify compliance as well as to impose sanctions for non-compliance. If implemented, these measures would remedy one of the major shortcomings of existing transfer control arrangements, and under such conditions compulsory reporting to UNROCA could be realistically considered. However, such levels of public transparency may not be acceptable to all UN members.<sup>37</sup> For example, Pyotr Litavrin, head of the Russian Ministry of Foreign Affairs Department for Questions of Security and Disarmament, reportedly asked how 'it is possible to operate a mechanism for monitoring and controlling [compliance with] an ATT, as well as a mechanism for comparing and verifying [data] that is received'.<sup>38</sup>

There are examples of prohibitive arms control treaties that include elaborate verification apparatus, compliance mechanisms and non-compliance measures.<sup>39</sup> However, it is unlikely that such intrusive mechanisms could be established to verify compliance with an ATT. One alternative is a permanent international sanctions committee, which would collect national reports on transfers and cases of concern to be investigated in a manner comparable to UN sanctions committees. However, such a body would be unlikely to avoid the problems these committees face in sanctioning arms embargo violators.

### **Balancing the interests of suppliers and importers**

The ATT initiative is notable for the role played by states that are not major arms producers or suppliers. Because of its non-discriminatory nature the initiative has attracted strong support among states in sub-Saharan Africa and Latin America, unlike 'exclusive' international supplier groups such as the WA. The initiative has also provided a framework for African and Latin American countries to discuss global principles for international arms transfers with European states.<sup>40</sup> However, Cuba, Israel and Libya have expressed fears that ATT guidelines could be used for political ends to block arms transfers to countries that are merely attempting to meet their legitimate defence needs.<sup>41</sup> There are also concerns that an ATT could lead to the establishment of yet another 'supplier cartel' for conventional arms.<sup>42</sup> States from

<sup>37</sup> Laurance, Wezeman and Wolf (note 27).

<sup>38</sup> Kozyulin (note 36).

<sup>39</sup> E.g. the Treaty on the Elimination of Intermediate-range and Shorter-range Missiles, and the Chemical Weapons Convention. For a discussion of these mechanisms see Anthony, I., 'Reflections on continuity and change in arms control', *SIPRI Yearbook 2006: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 2006), p. 601.

<sup>40</sup> E.g. see the Finland–Tanzania-led International Workshop on Global Principles for Arms Transfers, Dar es Salaam, Tanzania, 20–22 Feb. 2005, URL <<http://www.safer africa.org/DocumentsCentre/Conferences/SaferAfrica/Continental/TanzaniaFeb2005/Content.php>>.

<sup>41</sup> United Nations, 'International arms trade treaty aim of draft resolution approved by Disarmament Committee', Press release, UN document GA/DIS/3335, 26 Oct. 2006.

<sup>42</sup> 'UN initiates arms trade agreement', BBC News, 27 Oct. 2006, URL <<http://www.bbc.co.uk/2/6088200.stm>>.

the developing world have already expressed dissatisfaction with current arms control regimes in these terms.<sup>43</sup>

Supplier states not only want to preserve their ability to use transfer controls as a foreign policy tool (to deny arms to foes and supply allies), but also to protect their commercial and economic interests. Therefore, support for the ATT initiative by the British Defence Manufacturers Association could be viewed as a sign that the British Government does not foresee that an ATT would significantly affect transfer controls or arms sales.<sup>44</sup> It remains to be seen whether other national arms industries can be similarly reassured. For example, because the Russian arms industry is particularly export dependent and some of its recipients are not universally regarded as responsible end-users, Russian concerns and demands could be especially hard to overcome.<sup>45</sup> While France has expressed support for an ATT, China and the USA remain unconvinced of its value. For an ATT to succeed, it seems clear that differences of opinion between the permanent members of the UN Security Council need to be dealt with, not least because 'these five countries alone are responsible for the majority of the global arms trade'.<sup>46</sup>

Although the ATT initiative offers an opportunity for the suppliers and recipients to discuss their positions, needs and concerns, this does not mean that each side will understand or accept the other's position. The fact that a number of states are verbally committed to an ATT does not mean that the initiative will overcome the lack of political will or the strategic and commercial interests that make most 'supplier-based export controls little more than acts of tokenism'.<sup>47</sup>

## V. Conclusions

Both the SALW and ATT processes have their roots in civil society campaigns. In both cases it was mainly civil society groups, organized on a global level, that offered suggestions to governments and pressured them to act, much as the Pugwash movement did in its campaign for nuclear arms control.<sup>48</sup>

Since its arrival on the UN agenda, the SALW control process has faced a number of daunting obstacles. Although no state wants to be seen as being in favour of 'illicit transfers', it has proven difficult to achieve agreement on definitions of 'illicit' and 'legal' transfers within the UN framework. One of the biggest stumbling blocks has been the complexity of the approach to the illicit trade in SALW, in which three connected but very different issues are conflated: the stability of countries, crime (both national and international), and private gun ownership. A small minority of states—

<sup>43</sup> On recipient concern about supplier control regimes see Mallik, A., *Technology and Security in the 21st Century: A Demand-side Perspective*, SIPRI Research Report no. 26 (Oxford University Press: Oxford, 2004).

<sup>44</sup> 'Arms trade treaty', *Defence Manufacturers Association News*, no. 35 (Jan. 2006), p. 4.

<sup>45</sup> On the current state of the Russian arms industry see chapter 10 and Cooper, J., 'Developments in the Russian arms industry', *SIPRI Yearbook 2006* (note 39), pp. 431–48.

<sup>46</sup> Stohl, R., Center for Defense Information, 'United Nations to consider arms trade treaty—US opposes', 15 Nov. 2006, URL <<http://www.cdi.org/>>. On the arms trade of China, France, Russia, the UK and the USA see also chapter 10 in this volume.

<sup>47</sup> Cooper, N., 'What's the point of arms transfer controls?', *Contemporary Security Policy*, vol 27, no. 1 (Apr. 2006), p. 131.

<sup>48</sup> The Pugwash Conferences on Science and World Affairs is an international organization of scholars and public figures that seeks to limit armed conflict and find solutions to global security threats. It was founded in 1957 by Joseph Rotblat and Bertrand Russell in Pugwash, Nova Scotia.



the USA in particular—view the latter as a purely domestic issue and therefore a subject that should be kept off the agenda of global discussions.

The ATT initiative developed in parallel with the SALW process but now has the greater momentum. It attempts to establish a global framework in which legal definitions of a ‘transfer’, a ‘weapon’ and—most importantly—‘situations in which transfers are to be restricted or prohibited’ are clearly defined. Because it is broader in scope than the SALW process (in terms of types of weapons and transfers), it is likely to face greater challenges. None of the existing principles or guidelines on arms transfers has had a significant impact on controlling transfers to conflict zones and conflict-prone areas or to unstable states or regimes that are recognized as dictatorial or abusers of human-rights. However, while the ATT initiative draws on these existing mechanisms, it addresses past failures with its proposal for an effective verification and sanctions mechanism.

A number of states have already obstructed efforts to agree on clear legal definitions of what constitutes ‘illicit’ and ‘legal’ transfers in the SALW process, as well as blocking intrusive verification mechanisms as part of, for example, efforts to mark and trace weapons and ammunition. Furthermore, many countries already have difficulties in complying with the UNROCA, a relatively basic transparency mechanism. It is unlikely that these problems will be overcome in the near future, and some doubt that an effective, legally binding verification and sanctions mechanism is possible. In the short term, either a voluntary ATT or a legally binding but vague and weak ATT seem more realistic aims.

However, any such outcome would provide the potential for incremental improvements and, despite considerable challenges, the ATT initiative remains the most significant global development in conventional arms control for many years. It has put the issue firmly back on the UN agenda, which in recent times has focused perhaps too heavily on issues of weapons of mass destruction.