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INSTITUTE
FOR DISARMAMENT
RESEARCH



UNITED NATIONS

PROMOTING DISCUSSION ON AN ARMS TRADE TREATY

About UNIDIR

The United Nations Institute for Disarmament Research (UNIDIR)—an autonomous institute within the United Nations—conducts research on disarmament and security. UNIDIR is based in Geneva, Switzerland, the centre for bilateral and multilateral disarmament and non-proliferation negotiations, and home of the Conference on Disarmament. The Institute explores current issues pertaining to the variety of existing and future armaments, as well as global diplomacy and local tensions and conflicts. Working with researchers, diplomats, government officials, NGOs and other institutions since 1980, UNIDIR acts as a bridge between the research community and governments. UNIDIR's activities are funded by contributions from governments and donor foundations. The Institute's web site can be found at: www.unidir.org

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Foreword

The trade in conventional arms is increasingly complex and global. Thus the problems related to the illicit and unregulated arms trade touch upon all regions and countries. Existing regional and national arms export control systems do not provide uniform coverage and leave some areas of the arms trade poorly regulated. In recent years, states have recognized the need to address the problems related to the unregulated trade in conventional weapons and their diversion to the illicit market, and agree that international action should be taken to address the problem.

A process is currently underway at the United Nations to negotiate an international, legally binding Arms Trade Treaty (ATT). I had the pleasure of chairing both the 2008 Group of Governmental Experts (GGE) on an ATT and the two sessions of the Open-ended Working Group (OEWG) on a treaty in 2009, both of which examined the elements regarding the objectives, goals, scope, parameters and other aspects where consensus could be developed for their inclusion in a possible treaty, without prejudice to the eventual outcome. This year, we have entered a new stage in the development of an ATT, and will begin five weeks of Preparatory Committee meetings as part of the lead-up to a UN Conference on an ATT in 2012.

The goal of the 2012 Conference is to elaborate a global, legally binding treaty on the conventional arms trade. The principle objective of such a treaty would be to prevent irresponsible transfers of arms by adopting the highest possible international standards for their transfer. Ever since the ATT process was launched, a step-by-step process has developed among UN Member States, but also among civil society, regional and international organizations and industry.

One such effort has been the project initiated by the European Union and implemented by the United Nations Institute for Disarmament Research, which consisted of a series of regional seminars in different parts of the world to advance discussions on an ATT, raise awareness and facilitate the exchange of views among UN Member States and other relevant actors on an ATT. This project has been extremely important, as it allows us to better understand the issues surrounding an ATT and assists in the development of new and innovative solutions.

The EU–UNIDIR project is a much welcomed initiative in that it helps us to understand the views about an ATT in different regions. As we move forward in the Preparatory Committee meetings, we will have to address the concerns and priorities brought up by states in these discussions, and find ways to manage them in a constructive and inclusive manner. Regional perspectives are incredibly important when addressing matters of peace and security, particularly when they are taken into context and feed into a global perspective and approach to these issues.

The upcoming UN negotiation schedule has given us a clear task and a challenge to further develop our positions and understanding on the issues at hand, as the Preparatory Committee has to make recommendations

to the Conference on the elements that would be needed to attain an effective and balanced legally binding instrument of the highest possible common international standards for the transfer of conventional arms.

The ATT process is truly a multilateral effort, and indeed universality will be required to have a strong and meaningful treaty. Thus, there is a need for continued, inclusive dialogue, through which Member States and other actors in the process can better understand the positions of others and work together toward a better and safer environment for us all.

The EU-UNIDIR initiative has broadened discussions on an ATT and has strengthened the valuable regional perspectives on an ATT. I am confident that these discussions as well as the findings of the project as presented in this report will prove very useful and support the ongoing, challenging work at the United Nations. Addressing these various and multifaceted issues and challenges related to controlling conventional arms transfers will require not only concerted international action, but also the political will from all of us to rise above individual interests and strive toward improving our collective security—the idea that guided our predecessors when they established the United Nations.

It is my fervent wish that states will make the best use of the outcomes of the EU-UNIDIR project to reinforce their commitments to continued discussion and engagement in the multilateral process toward a strong and robust Arms Trade Treaty.

Ambassador Roberto García Moritán
Ministry of Foreign Affairs of Argentina
Chairperson of the Preparatory Committee
for the UN Conference on the ATT



The European Union has been among the strongest supporters of the Arms Trade Treaty initiative since its outset. We see in the elaboration of this instrument an outstanding opportunity to address the challenges posed by the unregulated and uncontrolled spread of conventional arms to our international security and stability.

While we have witnessed in recent years the development of several national and regional instruments to regulate the legal trade in arms, the international community still lacks a comprehensive and international instrument to regulate this global and borderless issue. In this situation, gaps and loopholes remain, allowing significant amounts of conventional arms to be traded on the illicit market and to be supplied to states and non-state actors in areas where they will certainly contribute to instability and conflicts.

In front of these challenges the need to start negotiating a legally binding ATT is increasingly compelling. A global and comprehensive ATT will establish common international standards for the transfer of conventional arms, consistent with existing responsibilities of states under relevant international law.

We are pleased to notice that the ATT initiative has gained incremental momentum among UN Member States, as testified to by the consultations held in the UN Group of Governmental Experts in 2008 and in the Open-ended Working Group in 2009. Following the adoption in 2009 of the UN General Assembly resolution on the Arms Trade Treaty, the ATT process is entering a new negotiating stage that will lead us to the 2012 UN Conference. The Conference has been tasked to elaborate this legally binding instrument, on the basis of the recommendations of the Preparatory Committee that will meet between 2010 and 2012.

Against this background, and with the clear aim of enhancing the inclusiveness of the ATT discussions, the European Union decided to adopt in January 2009 a Council Decision in support of the ATT process, the implementation of which was entrusted to UNIDIR. This project specifically aimed at increasing awareness among national and regional actors, UN Member States, civil society and industry representatives of the current international discussions concerning an ATT. This EU initiative is fully consistent with our general approach to security as outlined in our Security Strategy, as well as in the weapons of mass destruction and small arms and light weapons strategies, all adopted by the European Council. These strategies are all based on the principles of effective multilateralism, prevention and international cooperation.

The EU-UNIDIR seminars allowed us to confront and understand national concerns and opinions, and to learn from each other. Ambitious proposals were made for a robust treaty that would still bring all major stakeholders on board. Nevertheless, we have still ahead of us

the daunting challenge of striking an appropriate and commensurate balance between an effective treaty and a universal treaty.

In the view of the European Union, only a global treaty, agreed by all states and establishing the highest possible international standards for the import, export and transfer of conventional arms, will allow us to minimize the risks of diverted and destabilizing transfers. At the same time, such a treaty should make the licit trade in weapons as reliable and straightforward as possible.

The negotiating stage of the ATT initiative we are about to enter is more than ever a work in process. We should all take advantage of the opportunity of participating in this work.

I am confident that the EU-UNIDIR project has been a valuable contribution in this regard, stimulating worldwide participation in the ATT consultations, and preparing the ground for the negotiation of this ambitious international instrument. By enhancing states' understanding of the main issues at stake in the ATT process, the EU-UNIDIR project has provided an outstanding opportunity to enhance the level of participation in the UN process on the ATT.

We look forward to reaping the fruits of our efforts during the work of the Preparatory Committee in the months to come. The European Union is determined to continue its outreach efforts, and we call on all UN Member States to continue to substantially and constructively contribute to this challenging but valuable process. Our objective remains agreement at the United Nations Conference in 2012 on a strong and robust legally binding treaty by which states will commit to respect and implement agreed international standards for the transfer of conventional weapons. We are confident that this is a goal shared by all UN Member States.

Annalisa Giannella

EU Representative on Non-proliferation and Disarmament



Truly multilateral processes require active participation and inclusive discussions by a wide variety of stakeholders in order to achieve mutual understanding and build consensus. This is certainly true of the process toward an Arms Trade Treaty, where in addition to the planned Preparatory Committee meetings, continued interaction at the national and regional level among a wide variety of stakeholders—be they UN Member States, regional and international organizations, civil society or industry—will be required.

This report presents the results of a project that UNIDIR implemented for the European Union to increase the awareness of relevant actors about a potential arms trade treaty, and to facilitate the exchange of views. Such an activity falls under the Institute's mandate to assist ongoing efforts to ensure greater international security, and to promote informed participation by all states in such efforts. UNIDIR is active in promotion of the ATT process, and I wish to thank our EU colleagues for having entrusted us with this challenging and rewarding project.

For the project, UNIDIR organized six regional seminars in Africa, the Americas, Asia, the Middle East and Europe. The project supported and stimulated national and regional discourse on a legally binding ATT establishing common international standards for the import, export and transfer of conventional arms. By engaging with national and regional challenges, priorities and concerns, the seminars brought to light many crucial issues surrounding the ATT process, resulting in innovative proposals and solutions. Throughout the project, we enjoyed the active support and participation of hundreds of stakeholders from different countries, continents and communities, and it is these invaluable contributions that we seek to share through this report.

It is my hope that the regional seminars held as part of the EU–UNIDIR project will contribute to the multilateral process now underway at the United Nations, and be one of many steps toward a safer and more secure world for generations to come.

Theresa Hitchens
Director, UNIDIR

The trade in conventional arms is a global phenomenon that touches upon all countries and regions. The problems related to unregulated and illegal trade in these weapons are also global and pose challenges to all countries. Illicit transfers of arms have negative impacts on peace, security and stability. Illicit arms can be used to abuse human rights and international humanitarian law, and can undermine sustainable development thus being especially damaging to developing countries.

A process is underway at the United Nations to negotiate a legally binding Arms Trade Treaty (ATT) in 2012. The European Union, being one of the strong supporters of the ATT process, decided in 2009 to establish a project that consisted of a series of regional seminars and other activities to promote discussions on an ATT, the implementation of which was entrusted to the United Nations Institute for Disarmament Research (UNIDIR).

This document presents the outcomes of the project, including ideas, recommendations and challenges identified by participants during the regional seminars. To put these in context, one should first look briefly at the trade in conventional arms.



An overview of the arms trade

Following the end of the Cold War, the global volume of conventional arms transfers declined, falling in 2002 to a level only 38% of the Cold War peak. Since then, with the exception of 2008, the volume has risen steadily. Although it is impossible to put a precise figure on the financial value of the international arms trade, in 2007 it was estimated to be worth US\$ 51.5 billion, accounting for 0.3% of world trade.

Since the 1980s, the major exporters have been the United States, Russia, Germany, France and the United Kingdom. In the period from 2004 to 2008 these five accounted for 78% of global arms exports. Since the late 1990s, China and India have been the two biggest importers, and there is a large number of minor importers.

There are significant regional differences in the patterns of trade in conventional arms. In the Americas, the United States was the biggest importer of conventional arms during 2004–2008, mostly from the European Union. As a whole, however, the Americas are a relatively minor destination for conventional arms transfers.

Between 1999 and 2008, arms transfers to the Middle East consistently rose. During 2004–2008, the Middle East accounted for 21% of global conventional weapons imports. Arms imports in Asia have increased in general—from 2004 to 2008, Asia had the highest level of conventional arms imports, accounting for almost 40% of the global total.

Arms production in Africa is limited, hence the region is heavily dependent on imported weapons. Nevertheless, Africa accounts for only 3.5% of global arms imports.

Several European and Central Asian states are among the biggest exporters of conventional arms. During the past decade there has been a rise in arms imports and exports in Europe and Central Asia. While the volume of exports from the region as a whole has increased, the volume of exports from Central Asia fell during 2004–2008.

08 | EU-UNIDIR project on an ATT

In January 2009, the Council of the European Union took a decision “on support for EU activities in order to promote the process leading towards an Arms Trade Treaty, in the framework of the European Security Strategy” (2009/42/CFSP). The objectives were to promote the participation of all stakeholders in ATT discussions, to integrate national and regional contributions to the international process under way, and to contribute to identifying the scope and implications of the proposed ATT.

To achieve these goals, UNIDIR was entrusted with the organization of a series of regional seminars and support activities. The Institute hosted six seminars and other activities, where the possible scope, parameters and implications of the proposed ATT, the ongoing UN process toward a treaty, as well as regional views and priorities were discussed. Participants included representatives from states in the regions, from regional and non-governmental organizations, from industry, from EU member states, from UNIDIR and the United Nations Office for Disarmament Affairs, and from partner organizations the Stockholm International Peace Research Institute (SIPRI) and the Fondation pour la recherche stratégique (FRS).

The seminars followed the same general format, giving participants an overview of an ATT, its background, scope and implications, together with specific regional views and priorities, and related processes. Efforts were made to ensure that there was time for interactive discussions to gather ideas for further action, recommendations and suggestions.

The regional seminars and other project activities were held between February 2009 and February 2010:

- for West, Central and North Africa in Dakar, Senegal, 28–29 April 2009;
- for the Americas and the Caribbean in Mexico City, Mexico, 18–19 June 2009;
- for the Middle East in Amman, Jordan, 28–29 July 2009;
- for Asia and the Pacific in Kuala Lumpur, Malaysia, 13–14 October 2009;
- for Eastern and Southern Africa in Addis Ababa, Ethiopia, 10–11 December 2009; and
- for Wider Europe in Vienna, Austria, 11 February 2010.

In addition, the following activities were organized:

- the launch event in Geneva, Switzerland, 24 February 2009;
- a side event in the margins of the 64th Session of the First Committee, 20 October 2009; and
- the concluding seminar in Vienna, Austria, 12 February 2010.

Summary reports from all the regional seminars, as well as the project’s final report, are available on UNIDIR’s website.



Thematic messages from the seminars, challenges and next steps

Discussions in the regional seminars greatly contributed to the identification of an ATT's elements, including its possible parameters and scope, and implications. The following section presents the main messages from the regional seminars. While not necessarily commanding consensus, these issues and suggestions came across in all the seminars, and seemed to gain wide support among participants.

A global treaty based on globally accepted parameters

States see the unregulated trade in conventional arms as a problem that needs to be addressed. Because issues related to uncontrolled and poorly regulated trade in these weapons are wide-spread and international, it was noted that they have to be dealt with at the international level. Most participants called for a legally binding, universal, objective and practical treaty that should be balanced in its approach and be implementable.

It was stressed that the parameters of the future treaty should not be drafted in a manner to allow too much interpretation or flexibility. Several participants underlined that any possible treaty should preserve the ability of states to produce, export, import and transfer conventional arms according to their specific needs. The rights to self-defence and of self-determination were emphasized on many occasions.

The most common suggestion related to an ATT's parameters was that they should be based on states' already existing commitments under international law, such as the UN Charter and the Geneva Conventions. Many also called for the inclusion of principles of international humanitarian law, international human rights law and human security. Furthermore, sustainable development and regional stability were the issues most frequently mentioned as deserving serious consideration when drafting treaty language regarding the impacts of the arms trade.

In several discussions it was highlighted that a treaty should not establish uniform checklists or categorize potential recipient states, but rather establish objective criteria that could be universally applied, through careful consideration of each particular situation and request.

A practical, implementable and comprehensive treaty

Discussions on the scope of the proposed treaty centered on development of an ATT that would be based on the seven categories of the UN Register of Conventional Arms plus small arms and light weapons (SALW), often referred to as the "7+1" formula. In most of the regional seminars, the need for SALW to be included in an ATT as a specific weapons category

10 | Thematic messages from the seminars, challenges and next steps

was agreed to be of particular importance. Calls for a comprehensive scope going well beyond 7+1 were strong in some regions. Participants in many regions underlined the need to include ammunition in the scope of an ATT. Participants also discussed the inclusion of a range of specific additional items, including explosives, parts and components, dual-use items and manufacturing technology. Most of these suggested categories were met with scepticism by other participants, who cautioned against too wide a scope. However, some participants noted simply that an ATT should cover “all conventional weapons and ammunition”.

It has been noted that no single existing instrument contains a list of weapons that could provide the scope for the proposed treaty. However, many participants referred to the possibility of using existing lists as a basis for an ATT, such as those of the Economic Community of West African States, the European Union or the Wassenaar Arrangement. At the same time it was noted that a “light treaty” without long detailed lists of weapons categories would be easier to negotiate and would remain more flexible in future developments. Such a general treaty, it was widely noted, would have to be implemented by each state in good faith, through national legislation and regulations.

With regard to activities that should or could be covered, participants expressed many different and in some cases contradictory views. Wide support was seen for an ATT to address—at minimum—export, import, transit and transshipment. Re-export was also often cited as a critical component of a comprehensive control system, and special emphasis was placed on ensuring effective national export licensing procedures with end-user controls. Furthermore, some participants mentioned production, local manufacturing, licensed production overseas and technology transfer as possible categories of activities and transactions to be covered in a treaty. Many also noted that an ATT could solve problems related to the illicit brokering of weapons. Again, others expressed caution about expansion of the categories, noting that an ATT cannot solve all possible problems related to the conventional arms trade.

The impression from the seminars was that domestic regulation of arms and civilian possession should not fall under the scope of an ATT, echoing the recommendations of the 2008 Group of Governmental Experts.

Increased transparency in conventional arms transfers

Transparency was highlighted as a central principle that should guide arms transfer decisions under an ATT, despite the acknowledged sensitivity of such information.

Participants recommended regular national reporting on treaty implementation to demonstrate compliance, and regular review meetings or conferences to discuss implementation. While many agreed



that a transparency mechanism would be an essential component of any ATT, steps would need to be taken to ensure that such a mechanism complements rather than undermines or duplicates existing efforts, is fit for the purpose for which it is designed, and includes detailed processes to ensure implementation.

Cooperation and assistance

International cooperation, capacity-building and assistance were noted as important factors to take into account in designing an ATT and in ensuring implementation. Many participants stressed the need to include a mechanism for technical capacity-building and assistance, to allow all signatories to comply with the treaty's requirements and fully implement their commitments.

Responsibility to negotiate and implement an ATT lies with both importers and exporters

Many participants called for careful consideration and clear specification of the expected roles of states under a treaty. In the view of many participants, equal rights should be guaranteed under an ATT to both importers and exporters, and several participants stressed the need to involve major manufacturers and exporters of conventional arms in the ATT process and the eventual treaty.

The process should build on regional action and instruments

There was a general call for lessons to be drawn from existing regional arrangements regarding implementation. Many stressed that regional instruments controlling the arms trade should be properly implemented, and that international processes should be enhanced. The discussions highlighted the potential that existing regional agreements have to feed into and help inform the ATT process. High importance was placed on the continued active involvement of regional organizations, and regional consultations in the ATT process.

Participants noted that regional approaches can be very useful in harmonizing legislation on arms exports, imports and registration. Furthermore, it was noted that examples of assistance and cooperation arrangements for an ATT could be drawn from regional experience. Some participants emphasized the need to engage regional organizations in regional position-building prior to negotiations.

Challenges

The process toward a global, legally binding treaty to control the trade in conventional arms will not be short of challenges. The main challenges most frequently brought up by participants were how to address and encompass the diverse priorities and interests of states in an ATT, especially given the limited amount of time left until the UN Conference on an Arms Trade Treaty in 2012; and how to best address the different implementation modalities foreseen for a treaty, given the diversity of its potential states parties.

Next steps

Continued comprehensive dialogue among UN Member States was noted as the most important next step in the ATT process. The Open-ended Working Group and its successor Preparatory Committee were welcomed as fora for an inclusive exchange of views, and many participants stressed the importance of keeping intergovernmental consultations within the UN framework. The sense from the regional seminars is that more discussion of a treaty's different aspects and possible concrete building blocks, as well as its future implementation, is needed. It was noted that the views of all states should be included in negotiations from the very beginning to make sure that the maximum number of states join the treaty.

One of the strongest messages from the regional seminars was that the ATT negotiations should include a broad group of stakeholders—national licensing authorities, parliamentarians and the private sector, including the defence industry, and civil society. Also, broadening the discussion base through organizing regional discussions and providing further fora in which states can learn about the proposed ATT and express their views and concerns was strongly suggested.

Many participants of the seminars stressed the need to move toward concrete trainings and capacity-building projects, in parallel with diplomatic negotiations. National actors should look into what changes will be needed to improve national arms transfer controls, and how lessons learned from existing arrangements and national practices could be shared. Many participants pointed out that matters of implementation should be considered as soon as possible, even if there are specific issues that remain under consideration and are still being defined.

The following are examples of suggestions heard on concrete next steps that could be taken at the national, regional and international level in the ATT process.



National level

- National coordination meetings for relevant stakeholders (ministries, industry, parliamentarians, non-governmental organizations, etc.).
- Sensitization of National Commissions or coordinating bodies devoted to SALW or conventional arms.
- A review of national export control mechanisms and regulations.
- Assignment of national contact points or coordinators.
- Evaluation of the current national system in place for transfer controls of conventional arms.
- Elaboration of a national plan on transfer controls, including the identification of assistance needs for resources, and prioritization.

Regional level

- Policy-level meetings and high-level summits resulting in declarations, common positions and relevant instruments on an ATT.
- Strengthened regional support to the Preparatory Committee Chair through regional-level consultations.
- Regional or subregional roadmaps on arms transfer controls, including model laws and good practices.
- Practical trainings on export controls.
- Research on existing regional systems and their implementation.

International level

- Research on existing national, regional and international instruments.
- Research on related processes and arrangements of relevance to the proposed treaty.
- Participation of representatives of regional organizations in ATT Preparatory Committees.
- Collection of good practices, model laws, etc. into a database or publicly available website.
- Substantive preparatory work in between the Preparatory Committee meetings.



14 | Conclusions

Between February 2009 and February 2010, UNIDIR collected ideas and recommendations from close to 300 representatives of states, international and regional organizations and civil society, regarding the scope, parameters and implications of an ATT. Bringing people together in different parts of the world through a series of regional seminars organized for the European Union enabled wide-ranging exchanges of views and learning.

Discussions reflected that the majority of governments advocate for a comprehensive treaty that would cover several categories of conventional weapons. While in the seminars many argued that an ATT should cover all conventional weapons and their ammunition, it is also evident that SALW as a specific category presents difficult challenges in many regions and demands special attention.

Transparency was mentioned as a fundamental principle for implementing an ATT. Many participants stressed the need to include a mechanism for technical capacity-building and assistance in a future treaty.

It was noted that responsibilities should be placed equally on both exporters and importers of weapons, and that the ATT process must continue to be inclusive and seek consensus. There was a general call to draw lessons from existing regional arrangements to see how they have been implemented, and high importance was placed on the continued involvement of regional organizations, and on regional-level consultations.

In the lead-up to the 2012 ATT Conference, more discussion about a treaty's aspects and building blocks, as well as its future implementation, will be needed. These discussions will have to involve a broad group of stakeholders—not only governmental, but from civil society and the private sector as well.

States have diverse priorities and interests for an ATT, depending on whether they are producing, exporting or importing weapons, or are suffering from the consequences of illicit arms. The time available for discussions and negotiation is limited, and this will pose challenges to all involved. However, the speed with which the initiative has gained momentum, as well as the firm commitment of the states authoring the ATT resolutions, civil society and the vast majority of the international community to the process are convincing signals that an ATT is needed, and that it is possible.

