

Research Paper

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# The Arms Trade Treaty and Human Security

## Cross-cutting Benefits of Accession and Implementation



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## Summary

In recent decades traditional inter-state wars have increasingly given way to internal and asymmetric conflicts, which have been fuelled by illicit or poorly regulated arms sales. Such conflicts have targeted civilian populations who have become the main victims of armed violence. This is particularly true for people in communities ridden with poverty, instability, high levels of criminality and corruption. The new UN Arms Trade Treaty (ATT) – which was adopted by the UN General Assembly in 2013 and entered into force in December 2014 – offers hope of a further reduction in armed violence against civilians, with associated positive impacts on living standards, health and education.

Until the adoption of the ATT, the lack of international binding obligations with respect to the transfer of arms gave the perpetrators of human rights violations and actors involved in other illicit activities many freedoms to purchase and stock arsenals without comprehensive controls, accountability or significant regulatory consequences. Now, all states parties to the treaty are required to conduct comprehensive risk assessments before authorizing arms exports. This includes evaluating the risk that exported arms could be used in violations of international human rights law or international humanitarian law (IHL). Indeed, the ATT explicitly demands that states parties put upholding human rights law and IHL at the core of their arms export decisions. Signatories to the treaty are also required to prevent arms transfers from abetting terrorism, organized crime, gender-based violence (GBV) or violence against children.

The ATT has the potential to advance human security through improving accountability, responsibility and transparency in international arms transfer controls. In doing so, the treaty aims to create a safer and more secure environment for all those living under the threat of violence.

The use of weapons – be they legally purchased or illicit – has different impacts on people depending on their age and gender. The majority of perpetrators and direct victims of armed violence are young men. Women, however, suffer disproportionately from direct and indirect consequences, in both conflict and non-conflict settings, including sexual violence, disability and economic degradation. Human security, an approach that puts people at the centre of security decision-making, aims to develop policies that create safer environments for all people, irrespective of their age or gender, income or societal role. The ATT was developed and negotiated with a human security focus, and the wider implications and benefits of the treaty go far beyond the mere establishment of national export and import control laws and systems. The ATT will directly reduce the number of victims in conflicts, and the serious threats posed to UN personnel such as peacekeepers by the uncontrolled proliferation of arms. As a consequence, in the longer term, the treaty will generate positive indirect impacts such as poverty reduction, improved health care and educational opportunities.

The real strength of the ATT will only be realized through the ways in which states parties implement it. To maximize both the direct and indirect impacts of the ATT, all its stakeholders need to remain open to learning from experience, developing sound practices, and to innovations in other policy areas. Maintaining constant and constructive interaction among a wide range of policy instruments, and the professionals implementing them, will be vital for the health of the treaty.

The ultimate test for the ATT will be the difference it can deliver to those whose lives would otherwise be destroyed by conflict and armed violence, as a result of irresponsible and poorly regulated trade in arms.

To maximize the ATT's effectiveness in improving human security, this paper proposes the following:

- All countries – irrespective of their current affiliation with the treaty – should ensure that comprehensive and well-informed risk assessments on human rights, IHL and human security are included in national transfer control decision-making. The possibility that arms could be used for genocide, crimes against humanity or war crimes should be a prime consideration in decisions to deny transfer requests. Governments should also refuse to authorize exports of weapons to places or end-users if such shipments are likely to be used in violations of human rights, including GBV or violence against children.
- All ATT states parties should also promote the incorporation of human rights, IHL and human security requirements in existing and future regional, sub-regional and international arms transfer regulations and related instruments.
- To ensure that the ATT can promote human security globally, all countries should strive for universal adherence to and application of the treaty. They should also continue to promote expansion of the treaty's membership.
- The ATT Secretariat and interested states parties should consider organizing training and capacity-building projects to develop a regional and global capacity for comprehensive risk assessments, especially as they relate to indicators that the transferred arms could be used in violation of IHL, or hamper human rights or human security in the recipient country.
- A consortium of UN bodies – such as the Security Council, the Human Rights Council, UNDP and OHCHR – should work together to pursue a coordinated approach towards ensuring human security in arms transfers. This paper proposes that the consortium establish twice-yearly coordination meetings, networks of experts and an online information exchange platform.

## Introduction

The ATT will not be able to turn back the clock. It cannot bring back lives lost already through armed violence. But, with robust enforcement, it will prevent future suffering and save lives.

*Anna Macdonald, Director, Control Arms Coalition*

Reframing international and national security decision-making so as to improve human security is one of the most important challenges we face. The Arms Trade Treaty (ATT) recognizes and harnesses the fundamental importance of the human security framework and, indeed, is a compelling indicator that the human security paradigm is beginning to take root within the international system. Fostering human security through a cooperative mechanism is one of the most compelling arguments for joining and implementing the ATT.

All countries involved in the international trade in conventional weapons have a stake in securing adherence to international humanitarian law (IHL), preventing human rights violations, and promoting human security. The consequences of inadequate arms controls are often demonstrated through domestic instability, conflicts, crime and corruption, as well as through other related problems such as human rights abuses, systematic homicides and gender-based armed violence.<sup>1</sup> Irresponsible and illegal arms trading contributes to human insecurity in various ways: it hampers political life, disrupts health services, and leads to poor food and environmental security. Improving the responsibility and transparency of the arms trade is a crucial factor in improving global human security, and one where the ATT has great potential.

**Today's conflicts tend to create high civilian casualty rates which, together with mass displacement, mass exodus, non-absorbable numbers of refugees and many other indirect consequences, have devastating impacts on societies.**

In recent decades, the changed nature of armed conflicts from traditional inter-state wars to increasingly internal and asymmetric conflict situations has resulted in the disproportionate targeting of civilian populations. Today's conflicts tend to create high civilian casualty rates which, together with mass displacement, mass exodus, non-absorbable numbers of refugees and many other indirect consequences, have devastating impacts on societies. These impacts extend far beyond the geographical area of the hostilities and endure long after actual fighting has ceased. Usually fuelled with arms and ammunition supplied by external actors or smuggled illegally to the fighting forces, such devastating conflicts have prompted demands for better regulation of international arms transfers and an enhanced focus on human security.

In addition to conflict-ridden countries and regions, many other societies suffer from the proliferation of illegally trafficked or poorly controlled weapons. Countries with high rates of violent crime bear the increased costs of health care, and the young miss their chance for stable and secure

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<sup>1</sup> Gender-based violence can be defined as 'violence that is perpetrated against a person based on gender conceptions', including rape, sexual violence, various forms of human trafficking, forced prostitution, forced marriages and domestic violence. It is most often associated with crimes against women and girls, but can also be directed at men and boys (WILPF, 2013, p. 1).

futures because of criminality, gang clashes and corruption. Worldwide, more than 2,000 people are killed as a consequence of armed violence daily. However, only a minority of violent deaths occur in so-called conflict settings or during terrorist activities (GD Secretariat, 2008, p. 1; GD Secretariat, 2011, p. 43). Until the adoption of the ATT, the lack of international binding obligations with respect to the sale and transfer of arms gave the perpetrators of human rights violations and actors involved in other illicit activities many freedoms to purchase and stock arsenals without comprehensive controls or significant regulatory consequences.

The ATT will improve the regulation and transparency of the legal trade in conventional arms. It will also help to prevent and eradicate their illicit trade and diversion, thereby contributing to international peace, security and stability. All states parties are required to conduct comprehensive risk assessments before authorizing the exports of arms, including evaluating the risk that transferred arms could be used to violate human rights, breach IHL, or support organized crime or terrorism. States parties are also required to evaluate arms transfers with respect to the risks of GBV and violence against children (ATT, 2013, Art. 7).

The treaty also has wider implications and benefits, beyond the establishment of national export and import control laws and systems. The benefits include a reduction in armed violence and in threats to UN personnel such as peacekeepers, as well as indirect impacts such as poverty reduction, and improved health care and educational opportunities.

This paper argues that it is in the interest of all countries to join and implement the ATT fully. The paper begins by illustrating the wider consequences of illicit and poorly regulated trade. After discussing the general problems and defining the central concepts of 'human security', 'IHL' and 'human rights', the paper examines some specific areas of human security, including the need to reduce armed violence through addressing the requirements of all people whatever their gender or age, and the need for special assistance to victims of armed violence.

The paper also provides a glimpse into how joining and implementing the ATT could support progress in other policy areas, such as public health and education. It is beyond the realm of the paper to go through all human security-related potential aspects of the arms trade or the web of existing instruments. Examples are provided throughout to illustrate how the issues at hand present varying challenges in different contexts. Finally, the paper offers some conclusions and action-oriented near-term recommendations for states, UN bodies, non-governmental organizations (NGOs) and other ATT stakeholders that would ensure its maximum positive impact on human security.

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# Improving Human Security Through More Responsible Arms Trade

The term ‘human security’ (see Box 1), though still somewhat contentious, has become a central concept in international relations. It is used by an increasing number of actors in traditional policy fields from arms control to development, in theories of democratic governance, and in economics. It is already included in a number of international instruments and agreements. Even if ‘human security’ itself is a recent term, it describes a norm widely understood in global politics as embodying standards that go right back to the signing of the UN Charter in 1945, and that have since been developed through both treaty and customary international law.

In the past decade, several international organizations have incorporated the concept of human security into their activities and policies, transforming how issues are articulated and interpreted.<sup>2</sup> In 2013, for instance, the UN Human Rights Council expressed ‘deep concern at the fact that arms transfers to those involved in armed conflicts may seriously undermine the human rights of civilians, especially women, children, the elderly, persons with disabilities and vulnerable groups’. The council also urged all states to ‘refrain from transferring arms to those involved in armed conflicts when said States assess, in accordance with their applicable national procedures and international obligations and standards, that such arms are sufficiently likely to be used to commit or facilitate serious violations or abuses of international human rights law or international humanitarian law’ (UNGA, 2013, Art. 1 and 3).

## Box 1: Defining human security, international humanitarian law and human rights

**Human security** as a paradigm emerged in the post-Cold War debate in international relations as a cross-disciplinary concept that started to challenge the traditional state-centered view of security by putting the focus more on individuals. It underlined the importance of wider humanitarian, economic and social issues in understanding conflict. Following early studies on the subject in the 1980s and 1990s,<sup>3</sup> human security became increasingly defined as ‘freedom from fear’, or its wider interpretation ‘freedom from want’, and generally more through the absence of security than its presence, following the arguments put forward in the UNDP’s 1994 *Human Development Report* (Krause, 2007, pp. 4–5; UNDP, 1994, pp. 23–24). In the past 15 years human security has entered the daily vocabulary of government, the military, humanitarian aid and policy. Even though some have criticized the term for being inherently subjective, protection of civilians is now widely accepted as integral to international security. Debate continues about the exact meaning of the concept, and how its general ideas and objectives could be realized on the ground, especially as they relate to policy areas, such as arms control and arms transfers, traditionally built upon considerations of national defence and security needs (Blanton, 2001; Borrie, 2009; Bromley, Cooper and Holtom, 2012, pp. 1037–38).

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<sup>2</sup> An illustrative case is the changing attitude of the UN’s Food and Agriculture Organization (FAO) towards the emerging concept of ‘food security’ (Marchetti, 2013).

<sup>3</sup> For a brief but comprehensive history of the origins and development of the human security concept, see Krause, 2007.

**International humanitarian law (IHL)** in part regulates the conduct of armed conflict (*jus in bello*).<sup>4</sup> The International Committee of the Red Cross (ICRC) defines IHL as ‘a set of rules which seek, for humanitarian reasons, to limit the effects of armed conflict. It protects persons who are not or are no longer participating in the hostilities and restricts the means and methods of warfare’ (ICRC, 2004). The focus of IHL is twofold: it protects non-combatants, and also seeks to limit the methods used in war. IHL applies only to situations of armed conflict but it encompasses all types of conflict, from inter-state to intra-state, as well as to hostilities between organized non-state armed groups. Each country, irrespective of its organizational alliances, has a duty to respect IHL and to ensure that it is adhered to by all parties – both state and non-state – to an armed conflict, even if the country itself is not directly involved in the conflict.

**Human rights**, ranging from people’s civil and political rights to economic, cultural and social rights, can broadly be defined as the rights inherent to all human beings irrespective of their status or situation in life. The concept also encompasses collective rights, such as the rights to development, freedom, safety and self-determination. A comprehensive array of human rights and responsibilities has arisen since the 1948 UN Universal Declaration of Human Rights, affecting all areas of an individual’s life. All countries have ratified at least one, and most countries have ratified most of, the core human rights treaties. This reflects strong support among governments both for the concept and for its application in international law and international relations (OHCHR, n.d.).

Even though, if asked, almost everyone would argue that arms should not be used for human rights violations, and that as a general principle human security should override other interests involved in the arms trade, practice has shown that respect for human rights is often overlooked when considering the trade’s economic aspects. Weapons are openly sold to known human rights violators and to places where they are used to undermine people’s basic security and to violate IHL (Shah, 2013). These problems have remained relatively constant despite the profound changes in the arms trade in recent decades, which have included globalization and technological developments. Attempts are being made to rectify the situation, such as through the UK Parliamentary Committees on Arms Export Controls (CAEC). This cross-party, cross-committee collaboration consists of four parliamentary select committees: business, innovation and skills; defence; foreign affairs; and international development. Since 1999 the CAEC has examined the UK’s arms export policies, licensing protocols and spending. It produces an annual report on arms exports and related policy developments, and scrutinizes the government’s responses to previous reports, questions and recommendations.<sup>5</sup>

As with human security and human rights, humanitarian principles are inherently relevant to the trade in arms. Most conflicts are conducted with materiel that falls within the scope of the ATT, and it has become commonly recognized that the widespread availability of arms – be that through the legal or illicit trade – often facilitates IHL violations. Many existing regional and other arms transfer instruments contain references to IHL criteria, including the Economic Community of West African States (ECOWAS) Convention on SALW, the EU Common Position on Arms Exports, the Organization for Security and Co-operation in Europe (OSCE) Document on SALW, and the Organization of American States (OAS) Model Regulations for the Control of Brokers of Firearms.

<sup>4</sup> IHL is comprised of the Hague Conventions, the Geneva Conventions and their Additional Protocols, subsequent treaties, case law and customary international law.

<sup>5</sup> See, for example, the First Joint Report of the Business, Innovation and Skills, Defence, Foreign Affairs and International Development Committees of Session 2014–15, HC 186, 23 July 2014, <http://www.publications.parliament.uk/pa/cm201415/cmselect/cmquad/186/18602.htm>.

Human security was at the core of the ATT debate from its inception: in fact, protecting and promoting the rights of individuals was one of the main reasons behind the 1997 Nobel Peace Laureates' International Code of Conduct on Arms Transfers that started the process towards the ATT. With the support of a growing coalition of NGO partners, the ATT's advocates started to urge the development of a regime to regulate the trade. Human rights criteria were cited most frequently in states' 2007 submissions concerning their views on a future treaty, and the inclusion of IHL criteria also received firm support from a range of countries (Parker, 2008, pp. 29–30; ATT LegalBlog, 2013). Still, the period leading up to the ATT's adoption saw much debate as to whether human security was too subjective and politicized a concept to merit inclusion (Chalmers and Mariani, 2011, p. 4).

The successful inclusion of the idea of human security in other, related processes, such as those on small arms, landmines and cluster munitions, undoubtedly paved the way for its incorporation into the ATT. Despite this, the final wording of the treaty can be described as 'limited' from the point of view of some advocates of human security, as the concept became weighted against more traditional conceptions of state security and sovereignty. (Bromley, Cooper and Holtom, 2012.)

Human rights were a prominent issue during the negotiation process. Reflecting this, they feature several times in the preamble of the ATT and – just as with IHL – form a specific basis on which a proposed export must be prohibited in its operative Article 7. Among others, Amnesty International welcomed the treaty, calling it 'a huge victory for human rights' and saying that '[f]or the first time, there is a Treaty that has explicitly included conventional arms control and human rights rules. We must keep pushing to get as many states as possible to implement the Treaty in order to have the potential to save lives and livelihoods.' (AI, 2014.)

**If the ATT manages to gain a wide participation base and is effectively implemented, its impact on improving human security through diminishing irresponsible transfers of arms should become visible by 2020.**

The ATT explicitly calls on its states parties to place adherence to human rights law and IHL at the core of arms export decisions. By referring to an obligation to consider the possible adverse effects of arms transfers in facilitating gender-based violence (GBV) and violence against children, it also promotes into established international law an area of arms transfer authorizations not previously internationally recognized. The inclusion of IHL in the ATT's preamble and its operative Article 6 on 'Prohibitions' and Article 7 on 'Export and Export Assessment' was warmly welcomed by, *inter alia*, the ICRC. In its statement right after the adoption of the treaty in April 2013, the ICRC noted that a 'critical element in the treaty is the explicit recognition of each State's duty, notably under the 1949 Geneva Conventions, to respect and ensure respect for international humanitarian law', and that 'one of the most significant aspects of the treaty is its absolute prohibition of arms transfers when a State knows that arms in question would be used to commit genocide, crimes against humanity, or certain war crimes' (Beerli, 2013). In this regard, the ATT both introduces new aspects of international law and reaffirms already codified elements that are of specific importance to the treaty's implementation.

The ATT is a landmark instrument in that it aims to extend the concept of human security into the field of arms transfer controls. If the treaty manages to gain a wide participation base and is effectively implemented, its impact on improving human security through diminishing irresponsible transfers of arms should become visible by 2020.

The concrete ways in which the ATT will promote respect for IHL, help protect civilians in armed conflict and thereby strengthen this part of international law remain to be seen. In this, the main responsibility lies with the treaty's states parties, which should continue and enhance their support for strengthening IHL and incorporate relevant aspects into their arms transfer decision-making.

The interaction of all relevant stakeholders, be those states, international and regional organizations or civil society actors, will play a key role. This need for interaction and cooperation is recognized in the ATT, and is now working its way into other instruments: for example, in a resolution adopted in 2013 that addresses the human rights impact of arms transfers, the UN Human Rights Council 'invites all relevant special procedures, commissions of inquiry and human rights treaty bodies to bear the present resolution in mind, within the framework of their respective mandates, when considering the situation of human rights in armed conflicts' (UNGA, 2013, Art. 4). Similar and more practice-oriented recommendations should in the near future also be included in the documents and instruments of other bodies with relevance to the ATT and human security.

## Reducing Armed Violence

Reducing armed violence is both an integral concept of the human security approach and an issue that benefits from being dealt with through a human security lens.<sup>6</sup> What exactly constitutes armed violence is not agreed internationally, but an often-quoted definition is that of the World Health Organization (WHO): ‘the intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community, that either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment or deprivation’ (WHO, 2002). Armed violence is most often perpetrated with small arms, as these are most readily available for legal and illegal purchase (AI, 2004, p. 50; SAS, 2014).

Armed violence covers the full range of impacts that the intentional use of weapons can have on human beings, be it violence occurring in formally defined conflicts, in non-conflict settings or randomly throughout societies.<sup>7</sup> A useful additional qualification is the differentiation of armed violence from the lawful use of force (by, for example, police officers) (IANSA and AI, 2011, pp. 4–5).

Armed violence as a social phenomenon has, in recent years, gained prominence in international policy discussions. This has led to the adoption of a number of agreements and mechanisms aiming to tackle the multifaceted problems related to armed violence, as well as its wider consequences in societies (Cevra and Hunter, 2014, p. 4).<sup>8</sup> Some of the most prominent include the publications on armed violence of the OECD Development Co-operation Directorate (DCD-DAC),<sup>9</sup> the 2006 Geneva Declaration on Armed Violence and Development,<sup>10</sup> and the Oslo Commitments on Armed Violence of 2010.<sup>11</sup> The latter saw participating states, in addition to reaffirming their commitment to the Geneva Declaration, pledge to implement measures to prevent and reduce armed violence – including through improving the controls of arms transfers.<sup>12</sup>

Research has shown that identifying the causes of armed violence and the interaction between them can affect the design, production, transfer and use of weapons; while improving controls over the trade of weaponry can significantly reduce armed violence (Coupland, n.d.). For this to become a reality, continued dialogue between arms control and development policy-makers, as well as effective interaction between all the relevant instruments and processes, is vital.

Within the Caribbean Community (CARICOM) the ATT is already seen as a useful tool in supporting states’ efforts to tackle high levels of localized armed violent crime (see Box 2). As of October 2014, all 14 members of CARICOM had signed the ATT,<sup>13</sup> with eight of its participants being among the first 50

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<sup>6</sup> For an overview of the concept ‘human security’, see Box 1 and background studies such as UNESCO, 2008; Krause, 2007; and HSRP, 2010.

<sup>7</sup> The 2006 Geneva Declaration on Armed Violence and Development defines armed violence as ‘the international use of illegitimate force (actual or threatened) with arms or explosives, against a person, group, community, or state, that undermines people-centred security and/or sustainable development’ (GD Secretariat, 2008, p. 2). The OECD describes it as ‘the intentional use, or threatened use, of weapons to inflict injury, death or psychological harm which undermines development’ (OECD, 2009, p. 28). For a discussion on the definitions, their strengths and weaknesses, see IANSA and AI, 2011.

<sup>8</sup> See, for instance, the Geneva Declaration on Armed Violence and Development, <http://genevadeclaration.org/>.

<sup>9</sup> See <http://www.oecd.org/general/searchresults/?q=armed%20violence>.

<sup>10</sup> For a detailed discussion of this, see paper *How Joining the Arms Trade Treaty Can Help Advance Development Goals* published in this Chatham House series.

<sup>11</sup> See <http://www.ocav.org/>.

<sup>12</sup> See also the Review Conference of 2011, <http://www.genevadeclaration.org/gdrevcon2011/gdrevcon2011.html>.

<sup>13</sup> In addition Montserrat, which is a CARICOM member state as an internally self-governing overseas territory of the United Kingdom, can be considered as an ATT participant through the participation of the UK.

countries to ratify the treaty and ensure its early entry into force (UN Office for Disarmament Affairs – UNODA, 2014). Although the region is not affected by major international conflicts, support for the ATT reflects CARICOM members' desire to rid themselves of armed violence, and to promote safer societies and more stable economies. The CARICOM states are counting on the wider cross-political and cross-societal positive implications that the treaty can provide.

### Box 2: CARICOM and the ATT – addressing armed violence<sup>14</sup>

The Caribbean countries experience the world's highest levels of non-conflict armed violence. This presents a major constraint to the development of local societies (Krause and Muggah, 2007), manifesting itself primarily in the form of homicides and aggravated assaults, most of which are committed with firearms. Most weapons used in armed violence and criminal activities in the Caribbean originate from illegal markets: in Jamaica, for example, the police recover more than 600,000 firearms every year. In addition to their direct purpose as tools of violence, illegal weapons are used in other illicit activities, such as drug trafficking, gang fights, robberies and rape.

When the ATT was still being negotiated, some UN member states questioned the need for the treaty specifically to address armed violence, as this was seen as a highly subjective area, and as a phenomenon not yet firmly enough established to merit inclusion. Moreover, some UN member states were of the view that the treaty was going to be most relevant for countries directly involved in exporting or importing arms, and of less importance for others. The CARICOM states do not manufacture conventional arms or ammunition, and import only small quantities for national defence and law enforcement. Yet the countries in the region felt from the outset that the ATT had something significant to offer them: they saw it as a potential tool to combat the illicit trade and proliferation of weapons, especially of firearms, and thereby to assist in the region's fight against armed violence and criminality. For the Caribbean, the illegal transfer of arms represents a major point of connection with the treaty: as noted in the CARICOM statement during the first ATT conference, its member states have – due to the region's geographical position – 'become places for the transit, transshipment or final destination for weapons diverted from the legal trade to fuel both national and transnational criminal activities' (Dookeran, 2012).

The CARICOM states hope that by being part of the ATT they will facilitate the creation of a mechanism whereby – despite limited human and economic resources – they can strengthen the detection and interception of illegal arms transfers. They also hope the treaty will aid standardization of arms controls across the Western Hemisphere and its sub-regions. In order to comply with the requirements of the ATT, most CARICOM states will have to revise (or are already revising) their legislation and regulations, especially as these relate to arms brokering and to both internal and international information sharing. As most CARICOM states have long maritime borders, cooperation in the latter field, especially, will be significant in enabling them to benefit from the ATT, and in supporting its implementation to the full. Other priorities for regulators in the region include increasing cooperation among regional law enforcement agencies to establish a fuller understanding of drugs and arms trafficking processes, addressing legislation on the use and storage of firearms, and establishing a regional firearms database (Sinclair, 2011).

Joining the ATT as full participants has been a priority for CARICOM member states since the start of the treaty negotiations. Quoting a CARICOM statement: 'Our people wish to live in societies free from the scourge of gun violence. The toll is not only social and economic in nature but also human and psychological. While CARICOM does not view the ATT as the panacea to resolve all issues which lead to gun violence and associated crimes, we view it as an important tool to achieve this goal.' (Dookeran, 2012.)

<sup>14</sup> This box is heavily based on an article by Richards, 2013.

The term ‘armed violence’ did not feature prominently in the early ATT negotiations, probably because the concept itself was only just being formed at the international level.<sup>15</sup> However, discussions at the UN during the early phases touched upon many unwanted consequences of illicit or poorly regulated arms trade that could be described as incidences of armed violence, and the term itself was widely used by delegations as the treaty negotiations began (IANSA and AI, 2011).

Through encouraging more responsible, systematic and comprehensive controls, the ATT is already seen as an important tool in global efforts to reduce armed violence. Much of the discussion held so far on armed violence has concentrated on the impacts that it has on people and societies, particularly in terms of development. The ATT can provide an alternative approach to the debate on armed violence by bringing into sharper focus the instruments with which it is often conducted. In this way, the problem could be addressed with a supply-side focus. A more integrated approach – that links the supply with the impact – would advance the common goals of both the ATT and the Geneva Declaration process on armed violence. A thorough and well-informed national risk-assessment process, as required under the ATT, will play a major role in these efforts.<sup>16</sup> In addition, tools being developed to improve the measuring and recording of armed violence will serve as useful information sources in supporting implementation of the treaty.

Much of the discussion held so far on armed violence has concentrated on the impacts that it has on people and societies, particularly in terms of development. The ATT can provide an alternative approach to the debate on armed violence by bringing into sharper focus the instruments with which it is often conducted.

Most acts of armed violence are committed with handguns, such as pistols, rifles and revolvers. While small arms and light weapons (SALW) are already controlled by a range of regional and international instruments, such as the UN Programme of Action (PoA) on Small Arms<sup>17</sup> and the Firearms Protocol,<sup>18</sup> the inclusion of SALW in the ATT’s scope is a significant development in the campaign against armed violence. The treaty for the first time creates legally binding obligations tied to the export of these types of weapons, including requirements to prevent diversion. Also, even though the instruments are not explicitly linked, ATT states parties that – under the PoA or other instruments – are already engaged in activities such as stockpile security and weapons-marking and -tracing will have an added impetus to enhance implementation of the treaty. This, consequently, should increase the mutually supportive role of different instruments, providing opportunities for synergies and cost savings.

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<sup>15</sup> Experts also suggest that one reason for this was that a previously commonly used term, ‘gun violence’, was in a sense a conceptual competitor to ‘armed violence’. As a more common and widely known term, ‘gun violence’ was not, however, as comprehensive as the newer ‘armed violence’.

<sup>16</sup> See IANSA and AI, 2011, pp. 14–15.

<sup>17</sup> Full name: United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (‘Programme of Action’). See UNGA, 2001b.

<sup>18</sup> The full name of the Firearms Protocol is ‘Protocol against the Illicit Manufacturing of and Trafficking in Firearms’, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime’. See UNGA, 2001a.

## Improving Human Security Across Age and Gender

In its preamble, the ATT recognizes that civilians, ‘particularly women and children’, account for the ‘vast majority of those adversely affected by armed conflict and armed violence’.<sup>19</sup>

### Children and youth

Children and young people are unduly affected by armed violence in conflict and non-conflict environments. Their young lives are permanently altered as they suffer physical and psychological damage, often losing parents and other family members and left vulnerable and unable to cope. According to recent studies, two-thirds of the world’s young population live in countries affected by conflict and other armed violence (Hoeksema, 2009). Children end up both as victims and witnesses of violent atrocities, and, in many instances, are turned into perpetrators of violence, either as child soldiers or gang members. Because small arms are easy to carry and often readily available in unstable settings, they are the weapons most used by, and most likely to maim and kill, young people. As articulated in UNSC Resolution 1612, children are also affected, *inter alia*, by attacks on schools and hospitals, reduction of humanitarian access, abduction, rape and other sexual abuse (UNSC, 2005). An irresponsible and poorly regulated arms trade has, consequently, far-reaching negative impacts on children, preventing them from receiving adequate nutrition, health care, education or protection, and adversely affecting their psychological development. As those children grow into adults, the traumas will play out in a variety of ways, including through poor mental health, physical illnesses and a perpetuation of the cycle of violence.

The indirect and long-term impacts of armed conflicts and violence on children are becoming increasingly apparent through diligent research. In response, the international community has adopted several instruments to address the issue (see UN CASA, 2013, pp. 24–28). Enlisting children has been made a war crime in both the Rome Statute and by customary international humanitarian law. Nevertheless, the use of child soldiers continues, as children are recruited and used by both states and non-state groups in most armed conflicts (CSI, 2013, p. 3). Nearly 20 states, predominantly in Africa, contribute to the recruitment of child soldiers, despite most countries worldwide opposing the enrolment of anyone under 18 by armed forces (AI, 2013; CSI, 2012).<sup>20</sup>

The effects that arms transfers can have on children and youth were seemingly absent from the early ATT discussions: there is no record of them having been brought up in the formal debate before 2010, when child soldiers were noted in the principles section of the Chair’s draft paper, distributed during the first PrepCom meeting. The section linked the use of child soldiers with the unregulated and illicit arms trade, stating that this undermined justice and weakened education and public health systems (ATT Chair, 2010c, para 4). The references to children disappeared from the following set

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<sup>19</sup> In all cultures, men commit most acts of violence. The victims of most firearm-related deaths and injuries are men and boys (see, for example, GD Secretariat, 2008). Women have traditionally been seen as suffering a great share of the indirect impacts of violence.

<sup>20</sup> For a collection of UN documents on child soldiers, see CSI, 2013, p. 2.

of Chair's drafts, only to appear again in the close-to-final formulation of the official draft treaty circulated at the end of the first ATT Conference in 2012 (UNGA, 2012).

One of the potential contributions of the finalized ATT to improving the human security of children lies in its articles covering assistance and cooperation: the treaty lists, *inter alia*, disarmament, demobilization and reintegration (DDR) programmes, model legislation and implementation protocols as areas where assistance could be sought and provided by all stakeholders that would be of particular relevance in preventing the recruitment and use of child soldiers (ATT, 2013, Art. 16.1). Capacity-building efforts on security sector reform as part of wider DDR activities have, in particular, been seen as having great potential in this respect (CSI, 2013, p. 5).

The UN Children's Fund (UNICEF) was quick to welcome the adoption of the ATT, describing it as 'a crucial step towards protecting children by regulating the transfer of weapons from one country to another' (UNICEF, 2013).

### Gender

There is statistically strong and growing documented evidence showing the gender-sensitive impacts of armed violence. The issue has become prominent in efforts to combat weapons proliferation (see, for example, Farr, Myrntinen and Schnabel, 2009; Farr, 2002). The main users of small arms are men and boys. Likewise, men and boys are the most likely victims of armed violence in every conflict and in every society with a high level of armed violence.

However, women and girls suffer disproportionately from the indirect effects of armed violence (Bevan and Florquin, 2006; Farr, Myrntinen and Schnabel, 2009; SAS, 2014).<sup>21</sup> As a wide body of research has shown, acts of gender-based violence (GBV),<sup>22</sup> perpetrated by states and non-state actors as well as individuals, are often facilitated by irresponsible and poorly regulated transfers of arms.<sup>23</sup> Other research has shown that domestic violence rates increase after a conflict as a result of male soldiers returning home heavily armed and traumatized by their experiences in war. Women's daily activities, such as bathing, fetching water and fuel, tending crops, and taking public transport to and from work or school, are all severely impacted by the unregulated trade in and use of weapons.

The inclusion of gender-related elements in the treaty was strongly advocated by a number of NGOs, including the Women's International League for Peace and Freedom (WILPF), Amnesty International (AI), and the Women's Network of the International Action Network on Small Arms (IANSA).<sup>24</sup> Civil society lobbied actively to incorporate legally binding provisions relating to GBV into the transfer criteria. However, many states were reluctant to address these issues. Inclusion of gender aspects in the ATT as a specific issue came in quite late in the negotiations: gender or GBV was rarely mentioned

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<sup>21</sup> The impact of armed conflicts and armed violence on women has long been recognized and is reflected in a myriad of international declarations and agreements. These include the recommendations of the 1992 Committee on the Elimination of Discrimination of Women; and the UNSC resolutions 1325 on women, peace and security; 1820, 1888, 1960 and 2106 addressing sexual violence in conflict; 1889 concentrating more specifically on the involvement of women during the post-conflict and reconstruction periods; and 2122, which creates stronger measures to include women in peace processes and calls for regular briefings and reports on issues relevant to resolution 1325 to various organizations and the UN. The impact on men, often more direct and involving a higher percentage of male perpetrators, has gained prominence only more recently.

<sup>22</sup> According to the UN Declaration on the Elimination of Violence Against Women, violence against women and girls is characterized as an 'act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life' (UN DEVAW, 1993, Art. 1).

<sup>23</sup> See, for instance, SAS, 2013; Nagarajan and Green, 2012; Milliken, Gilgen and Lazarevic, 2011.

<sup>24</sup> See WILPF, et al., 2012. A list of over 30 NGOs that declared their support for the inclusion of GBV as one of the ATT criteria can be found at <http://www.wilpfinternational.org/wp-content/uploads/2013/02/GBVsupporters.pdf>.

in states' submissions of 2007 (Parker, 2008), and even though the theme was discussed in the 2010 meetings, gender considerations were not included in the Chair's first informal draft paper submitted to the second PrepCom in February 2011 (ATT Chair, 2011b). During the last stages of the negotiations, however, many states explicitly called for the inclusion of GBV in the ATT, while a handful of vocal delegations expressed opposition. At the end of the negotiations, more than 100 states supported inclusion of GBV (Shaw, 2013).

The ATT explicitly recognizes the connection between the international arms trade and GBV. It is the first such instrument to do so, and for that alone it is remarkable and will form the cornerstone for follow-on agreements. States parties commit to taking practical action to prevent gender-based violence as well as serious acts of violence against women and children through the treaty's operational Article 7; this is one of the factors that must be considered in deciding either to grant or deny export control authorizations:

The exporting State Party, in making this assessment, shall take into account the risk of the conventional arms covered under Article 2 (1) or of the items covered under Article 3 or Article 4, being used to commit or facilitate serious acts of gender based violence or serious acts of violence against women and children. (ATT, 2013, Art. 7.4.)

By establishing standards to prevent diversion of arms, the ATT also indirectly contributes to the advancement of gender security by requiring states to ensure that transferred arms are not redirected to non-state actors, such as militias, armed groups or gangs, that commit GBV. As noted by some delegations during the ATT negotiations, particularly severe conflict-related acts of GBV are also covered under the more general categories of risk assessment, including war crimes, crimes against humanity, or other grave breaches of IHL.

The text establishes comprehensive tools to address gender-related and age-based armed violence and – if diligently implemented – will contribute both to enhancing the security of all people and to advancing gender equality.

The ATT's total impact will depend on how participating states put the framework text into reality. There are weaknesses built into the ATT, as states are allowed to choose the extent to which they implement the treaty by 'taking into account' and addressing 'an overriding risk' – phrases such as these pepper the text. While an element of judgment ultimately cannot be avoided, hands-on tools to inform and guide states' arms control decisions in relation to gender, youth and human security need to be established and developed further as the ATT takes root.<sup>25</sup>

Additionally, dialogue with other, related processes should be encouraged. For instance, in June 2014 the United Kingdom hosted the Global Summit to End Sexual Violence in Conflict,<sup>26</sup> which launched an International Protocol on the Documentation and Investigation of Sexual Violence in Conflict. The protocol defines standards of information and evidence for use in analysis and prosecution of crimes involving sexual violence. It also acknowledges the role of poorly controlled and illegal arms transfers in contributing to such crimes. Governments participating in the summit and protocol advocated universal accession to the ATT. They will now have to ensure implementation of the protocol 'keeps it relevant, promotes its advocacy, ensures its accessibility and dissemination, adapts it to national contexts and monitors its progress' (UK FCO, 2014). A dialogue with the ATT process should therefore be maintained.

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<sup>25</sup> For instance, GAPS and WILPF have developed checklists of key questions to be addressed by national licensing authorities while making arms transfer risk assessments, together with some sources of information to assess the risk of GBV (Nagarajan and Green, 2012, pp. 10–17; WILPF, 2013, pp. 3–4).

<sup>26</sup> See <https://www.gov.uk/government/topical-events/sexual-violence-in-conflict>.

One specific area of risk assessment will be applied to conflict versus non-conflict settings. While GBV and violence against children are recognized features of wars and armed conflicts, violence – especially against women – often continues after hostilities cease. Indeed, even within non-conflict-prone societies GBV – particularly domestic GBV – is frequently a significant problem. Moreover, children living in societies with high levels of non-conflict violence are at particular risk of being recruited into gangs and trained in illegal activities that put them at increased risk of attack, including gun violence. While arms transfers to unstable or authoritarian regimes and conflict regions have in the past decade increasingly made it into news headlines and parliamentary debates in many countries, the impact of the unregulated conventional arms trade on women and children in non-conflict settings has remained under-discussed and neglected (Tomlin, 2012).

Negotiations over conventional arms control, arms export regulations and peace processes tend to be dominated by men. Incorporating more women into arms transfer decision-making structures in both exporting and importing countries might promote the treaty's wider gender-relevant goals and increase the likelihood that issues such as GBV are adequately reflected in practical risk assessment related to transfers. As previously noted, UNSC Resolution 1325 on Women, Peace and Security advocates the inclusion of more women at all decision-making levels in conflict resolution, institutions, mechanisms and peace processes.

### Advancing gender equality and security of children

The long-term impact of the ATT on preventing GBV and promoting both gender equality and the security of children remains to be seen. One useful assessment tool will be the national reports of states parties. After the first year of implementing the treaty, they will be required to describe the relevant actions they have undertaken, including the enactment of laws and regulations, the establishment of control lists covering arms transfers, and other measures. Information exchanges on effective means to address diversion might also prove useful, provided that GBV-related impacts and the impacts on children and youth are included in the analysis, wherever relevant and if they are measurable.

The ATT could indeed advance policy and knowledge on GBV through attempts to measure impact. Data are scarce on even the basic aspects of GBV, such as the number of incidents, weapons used, and their origins. By increasing transparency surrounding arms transfers and related considerations, the ATT has a contribution to make in relation to GBV, including honing concepts, definitions and applicable events.

The gender- and age-related impacts of the ATT will be promoted by the inclusion of gender perspectives. Women's organizations in the field of assistance and capacity-building efforts, from their planning to implementation and evaluation, are keen to implement and assess the impact of the ATT on young and older women. A concrete example where the ATT's implementation could benefit from assistance projects in other fields is through supporting gender-empowerment action, i.e. projects that help raise women's awareness of their rights in cases of sexual violence and GBV, and through supporting local and national-level reporting. The recording and analysis of these crimes will generate information that will be useful for government officials when making arms transfer control decisions.

Sexual violence is one of the areas where – if the ATT is effectively implemented and starts to make a contribution in terms of reduced arms flows to conflict areas – there will be broad impact and cross-over benefits. GBV is endemic in conflicts, and sexual violence is known to be a major cause of displacement in war-torn societies (Nagarajan and Green, 2012, p. 5), thereby causing a range of health, security, educational, economic and environmental problems.

## Assisting Victims

Assistance for victims of armed violence is a widely accepted element of international standards and states' obligations (see, for example, Buchanan, 2014 and 2011). Consideration of the rights and needs of victims is also an established part of a number of disarmament agreements, including the Anti-Personnel Mine Ban Convention, the Convention on Cluster Munitions, and the Convention on Certain Conventional Weapons.<sup>27</sup> As the ATT was not designed to be a disarmament or arms control treaty, and it does not aim to prohibit the trade in, or existence of, any particular type of weapon, discussions concerning victim assistance under the ATT differed from those that were held during the negotiations of these other instruments.

Victim assistance did not feature in the original submissions of states on a possible ATT (Parker, 2008), and it was absent also from the Chair's first set of draft elements and principles papers (ATT Chair, 2010a; ATT Chair, 2010b). Victim assistance was mentioned in the informal summary paper on discussions concerning the treaty's possible future implementation and application. The summary notes that during an open-ended discussion various views were expressed on this issue, including a proposal to establish a fund to finance victim assistance and incorporate it under the treaty's provisions on international cooperation and assistance (ATT Facilitator, 2010).

Lobbying for the explicit inclusion of victim's rights, especially by the victims themselves, led to the inclusion of victim assistance requirements in the Convention on Cluster Munitions (CCM, 2008, Art. 5), and the discussion on the topic entered the ATT partially as a spillover from the CCM. Under that convention, 'cluster munition victims' were defined as 'all persons who have been killed or suffered physical or psychological injury, economic loss, social marginalisation or substantial impairment of the realisation of their rights caused by the use of cluster munitions. They include those persons directly impacted by cluster munitions as well as their affected families and communities' (CCM, 2008, Art. 2.1).

Expanding the rights of victims to cover those shot by internationally traded firearms, or who might suffer economic loss or social marginalization because of the use of weapons covered under the ATT, evoked lively discussion. Many states noted the very different nature of the CCM compared with the ATT, and the complications of defining 'victims of conventional arms'. Many favoured including within the treaty some notion of the victims of the arms trade and armed violence. Some civil society campaigners, and especially victims of armed violence themselves who participated in the lobbying, called for the inclusion of the concept. They argued that the right of states to trade in weapons has to be offset by the responsibility to protect people and institutions, including through provision of assistance to victims of those weapons. Certainly, the use of weapons in human-to-human combat generally results in one or more victims (Cevra, 2009). According to expert campaigners, the inclusion of assistance to victims in the ATT, rather than implying new legal obligations, merely confirms states' existing commitments under international law (AOAV, 2011). Some states that actively supported the inclusion of victim assistance in the treaty developed language proposals. Victim assistance featured in the Chair's first

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<sup>27</sup> The Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction; the Convention on Cluster Munitions (CCM), and the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, as amended on 21 December 2001 (CCW).

draft texts in early 2011. However, the proposed text was quickly diluted. From initially requiring that states ‘in a position to do so shall provide assistance’ (ATT Chair, 2011a, p. 12), it subsequently stipulated that states ‘in a position to do so, and where appropriate, may offer or receive assistance’ for victims of armed conflict concerning their care, rehabilitation and integration back into society (ATT Chair, 2011b, p. 9). Towards the end of the negotiations, the civil society database [armstreathy.org](http://armstreathy.org), which maps states’ positions on different ATT-related issues, claimed that in total 112 countries had offered ‘strong support’ for recognizing the rights of victims of armed violence in the ATT. This meant they advocated both the inclusion of victims’ rights in the preamble and the acknowledgment of states’ responsibilities to provide assistance to victims of armed violence ([armstreathy.org](http://armstreathy.org), 2013).

The final treaty text, however, despite the best efforts of many states, refers to victim assistance only in its preamble, where states parties recognize ‘the challenges faced by victims of armed conflict and their need for adequate care, rehabilitation and social and economic inclusion’ (ATT, 2013). Many wanted recognition of victims to be included in the operative part of the treaty, but adamant opposition from some quarters made this unfeasible.

Advocates warned prior to the adoption of the ATT that failure to include victim assistance language would lead to an undermining of the existing norm of IHL (Thorsen, 2012). However, because international assistance, cooperation and victims’ rights are included in existing instruments and conventions,<sup>28</sup> their omission from the ATT may not dramatically change the relevant norms or their practical implementation. Nevertheless, the ATT might indirectly aid recognition of victims, and the provision of remedies and reparations, by promoting responsible trade. This would lead to fewer arms being used for violations of IHL or human rights, and thus reduce the number of victims of armed violence overall. In the words of a civil society campaigner during the negotiations, ‘the recognition of victim rights to assistance provides an opportunity for states to reaffirm and strengthen their existing commitments, and to respond to the needs of victims of armed violence in a structured and coordinated way’ (Thorsen, 2012). In regard to the victims of armed violence, as with many other themes, the ATT does not provide a panacea. The international framework remains, as some researchers have called it, ‘inconsistent and disparate’. They have also criticized the 2001 UN PoA on SALW for not focusing on the victims or survivors of violence committed with small arms (Cevra and Hunter, 2014, pp. 6, 12). However, by including a focus on victim assistance, even in the preamble, the ATT – together with instruments such as the Geneva Declaration on Armed Violence and Development – will help strengthen the recognition of victims of SALW misuse and violence.

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<sup>28</sup> These cover victims of crime and abuse of power, victims of ‘collective’ crimes such as war crimes and genocide, and victims of terrorist acts and human trafficking. For an overview and discussion of these, see AI, 2012.

## Benefits to All Countries

Irrespective of their level of development, security situation or population structure, all countries stand to benefit from the ATT. In addition to issues presented here, further arguments for joining and implementing the treaty could be drawn from areas such as: the promotion of democracy and rule of law through tackling corruption and improving the monitoring and transparency of arms transfers; the redirection of funds for environmental protection; and the re-establishment of free farming land and other natural resources to their original use after the cessation of hostilities as part of comprehensive societal security programmes.

Box 3 provides an illustrative case study of two countries – Canada and China – with regard to the ATT, describing their participation in the negotiation process, and the main arguments which they expressed both in favour of and against joining. The box further explores why it is beneficial from a human security perspective for all countries to consider acceding to the ATT, even though they might traditionally have embraced quite different concepts of ‘security’.

Canada and China are both prominent players on the international stage and have a tradition of involvement in international disarmament: they participate in several global arms control efforts and have in the past taken a lead in a number of initiatives. Both have, for example, always been vigorous supporters of the UN Register of Conventional Arms. Canada has championed the Anti-Personnel Mine Ban Convention, commonly referred to as the ‘Ottawa Treaty’,<sup>29</sup> while China remains active in nuclear non-proliferation and nuclear security. Both countries are also active participants in the Wassenaar Arrangement and other export control regimes. Joining the ATT in the near future would seem to be a logical continuation of these efforts.

With different profiles and priorities in policy areas generally considered as falling under the remit of the UN General Assembly’s First Committee, the two countries took contrasting approaches to the ATT in many respects. In other arms control and disarmament processes, Canada has often been seen as a country underlining human security imperatives. It has stated that ‘the safety of the individual is at the centre of international priorities and a motivating force for international action’ (Dorn, 2003). China has been more of a supporter of the ‘state security’ camp (Bromley, 2013, p. 3). However, during the ATT process China also addressed human security and human rights, noting that it understands the logic of applying these concepts as criteria in arms transfer decisions (Yong, 2011; Bromley, 2013).

By joining the ATT, countries can reassure regional and international partners that they are living up to their international obligations. The ATT is a valuable tool to promote national policy objectives, be those related to trade, development, gender equality or IHL obligations. Joining the treaty empowers countries to influence its implementation: how the conferences or states parties are run, what duties and responsibilities the ATT Secretariat should have, and how the treaty could and should be developed in the years to come. Only by being part of the effort can a country have a real stake in these developments, which in itself may have wide human security implications.

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<sup>29</sup> The full title: ‘Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction.’

**Box 3: Canada, China and the ATT – various benefits of joining the treaty**

At the outset of the negotiation process, Canada and China had quite different views about the ATT and its likely benefits. Canada supported the ATT from the start and consistently voted in favour of it, including in April 2013 when the treaty was adopted. China abstained at that time, just as it had done in votes on previous ATT resolutions. It participated, however, in the work of the Group of Governmental Experts (GGE) that discussed the treaty's feasibility, scope and parameters. Also, as negotiations progressed China made increasingly favourable statements about the treaty, despite stressing that the instrument's focus should be on illicit trade and remaining sceptical about the inclusion of illicit SALW trade (Bromley, 2013, pp. 3–4; China, 2012). China's main concerns with regard to adoption of the ATT crystallized during the negotiations as largely three-fold. It objected to the inclusion of the 'RIO' clause that would have allowed for regional integration organizations to join the treaty as full members. It insisted that 'gifts' be left out of the activities covered by the treaty. And it warned against the ATT process setting a precedent for other, related negotiations, especially in respect of the Conference on Disarmament (CD). The RIO objection seems to have been related to China being subject to an embargo by the EU, while by omitting gifts from the treaty it seemingly wanted to ensure that the People's Liberation Army could retain complete national control over arms transfer decisions (Bromley, 2013, pp. 4–5).

In Canada, at the time of the ATT negotiations, there was considerable speculation and lobbying by some pro-gun groups that the treaty would threaten the right of legitimate gun ownership in the country, echoing the stance of the National Rifle Association in the United States. Despite efforts to alleviate these fears, even through the inclusion of a specific clause in the treaty for 'legitimate trade and lawful ownership, and use of certain conventional arms for recreational, cultural, historical, and sporting activities' (ATT, 2013, preamble), campaigning over the ATT's potential harmful domestic impacts has continued. This seems to be one of the main reasons why the country has so far remained outside the treaty. Yet, as noted by the Control Arms Coalition in Canada, '[t]he treaty has no jurisdiction over the exchange or sale of firearms and ammunition within Canada', and even though the treaty does control international sales to and from the country, as Canada 'has export and import controls in place that generally meet the standards required by the treaty, treaty implementation by Canada should not have a noticeable impact on legitimate domestic firearms owners.' Additionally, despite what is sometimes claimed, the ATT does not cover the import of ammunition or, for example, call for the establishment of national gun registries similar to Canada's already seemingly failed long-gun registry (CAC, 2013, pp. 4–5; Blanchfield, 2013a).

Given the inherently global nature of arms transfers and the complexity of their controls, it is in the interest of all actors to work together jointly to develop and strengthen the emerging international norms in the area. The ATT does not aim to limit national gun ownership or the sovereign rights of states legally, responsibly and transparency to trade conventional arms. However, it is to be hoped that during the first years of its implementation the ATT will help national arms regulations to dovetail more effectively with international law, while clarifying areas on which the two conflict. Among other things, it may achieve this by helping to identify and eliminate illicit transfers (Chalmers and Mariani, 2011, pp. 3–4). As noted by Chinese ambassador Wang Qun at the UN First Committee, the beginning of the 21st century 'has witnessed complex and profound changes in the international security landscape'. These changes require cooperative, multilateral solutions (Wang Qun, 2010).

It has been argued that because neither Canada nor China seems to feel the full effect of the illicit arms trade on its own territory, and because both are confident in their existing controls over the export and import of conventional arms (see, for example, Davis, 2005; Gowlings, n.d.), they share a diminished sense of urgency

about joining the treaty (see, for instance, Scheinert, 2014; China, 2012). Both claim to have comprehensive laws and to maintain oversight of relevant actors. Joining the ATT would require legislative and structural changes to their national systems.<sup>30</sup> As in many other countries, it could also be imagined that the perceived need for job creation and continued industrial development could play a role in their decision to stay outside the ATT. This is especially the case as many Western governments are decreasing their defence budgets, leading military industries to look for new markets elsewhere (Young, 2014; Blanchfield, 2013b).

However, as proved by many previous instruments, the long-term costs of seeking short-term financial benefits can be heavy: both China and Canada have in past years been criticized over their international arms exports, and have seen the devastating consequences that such transfers can have, even when originally effected legally. In thinking about the development of conventional arms export policies, countries should increasingly take into account the new ATT. They should assess the real, long-term costs of joining the treaty versus staying outside it, and should also look beyond traditional human rights and human security considerations.

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<sup>30</sup> Canada, for example, would have to review its national authorization process and strengthen some of its policies for assessing the risks of arms transfers and applying restrictions on them. It should also introduce brokering regulations and comprehensive record-keeping and reporting systems (CAC, 2013, pp. 6–8).

## Conclusions and Recommendations

The ATT has significant potential to promote human rights, IHL and human security by improving the responsibility and accountability of international arms transfer controls. The effects of the illicit and poorly regulated trade in conventional weapons are devastating. Governments have the main responsibility for enhancing the control of arms flows, through their role in export control decisions. But human rights, IHL and human security touch everyone involved in the trade of conventional weapons, from importers to exporters to transit states.

While issues such as health, education or food security might at first seem tangential to the ATT, the treaty's potential impact extends far beyond the 'traditional' security policy field. The real strength of the ATT will be visible in states parties' implementation of it. Many of the ATT's impacts – both direct and indirect – are yet to be seen and understood. With the road towards effective ATT implementation only at its start, it is difficult to predict the exact humanitarian consequences it will have on the ground, including among vulnerable members of societies such as women, children and youth.

A 2014 publication on civil society involvement in international efforts to control small arms concludes that 'mainstreaming attention on firearms and related violence into broader frameworks, particularly at the UN, is essential not only because it would allow more leverage for those working to reduce gun violence, but also because it would help governments and civil society focusing on those "bigger picture" issues to tackle their enormous challenges' (Mack, 2014, p.9). This analysis applies in its entirety to the ATT process. Those working in development, human rights, crime prevention, public health and education should be kept informed of the impacts of regulating the arms trade. At the same time, officials, civil society actors and other stakeholders in the traditional 'ATT community' should remain open to learning from the best practices and innovations in other policy areas. The ATT can only achieve its maximum effectiveness and added value through constant and constructive interaction between disciplines and among professionals.

The inclusion of specific articles pertaining to compulsory provisions for the states parties on issues such as GBV and serious acts of aggression against women and children is a significant step. What remains to be seen, however, is how states interpret and implement the human security-related articles of the treaty in their national export control decisions, and how the ATT will provide for people who are suffering the adverse impacts of irresponsible arms transfers. The active participation of vulnerable groups, such as communities experiencing armed violence, women, youth groups and parliamentarians, will be vital. Only by allowing those most affected by poorly controlled arms transfers to have their say can the full potential of the ATT be realized.

The potential for change is clearly there: continued collaboration and input from a range of actors from civil society groups to UN organizations will be needed to produce the necessary and meaningful information that states can take into account when making arms transfer decisions.

In many ways, even though the treaty is an achievement in itself, we are only on the start line. As one human rights activist put it: 'It's a beginning towards codifying, in international law, policies and mechanisms to afford some level of transparency and accountability to the peoples of the world. ... [H]opefully the Arms Trade Treaty will cause some governments to pause, even a little, before putting profit and political interests first – above the lives of countless children, women and men' (Nataraj,

2014). And indeed, that is what many argue the treaty should be about: making a difference to the people whose lives are destroyed or forever altered by conflicts and armed violence resulting from the hitherto irresponsible and poorly regulated arms trade.

To maximize the ATT's effectiveness in improving human security, this paper makes the following recommendations:

- All countries – irrespective of their current affiliation with the treaty – should ensure that comprehensive and well-informed risk assessments on human rights, IHL and human security are included in national transfer control decision-making. The possibility that arms could be used for genocide, crimes against humanity or war crimes should be a prime consideration in decisions to deny transfer requests. Governments should also refuse to authorize exports of weapons to places or end-users if such shipments are likely to be used in violations of human rights, including GBV or violence against children.
- All ATT states parties should promote the incorporation of human rights, IHL and human security requirements in existing and future regional, sub-regional and international arms transfer regulations and related instruments.
- To ensure that the ATT can promote human security globally, all countries should strive for universal adherence to and application of the treaty. They should also continue promoting expansion of the treaty's membership.
- The ATT Secretariat and interested states parties should consider organizing training and capacity-building projects to develop regional and global capacity for comprehensive risk assessments, especially as they relate to the dangers and indicators that the transferred arms could be used in violation of IHL, or hamper human rights or human security in the recipient country.
- A consortium of UN bodies and interested states parties should consider organizing training and capacity-building projects to develop regional and global capacity for ensuring human security in arms transfers. The author proposes that the consortium establish twice-yearly coordination meetings, networks of experts and an online information exchange platform.

## Acronyms and Abbreviations

AI	Amnesty International
AOAV	Action on Armed Violence
ATT	Arms Trade Treaty
CAC	Control Arms Coalition
CARICOM	Caribbean Community
CCM	Convention on Cluster Munitions
CCW	Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons
CD	Conference on Disarmament
CSI	Child Soldiers International
DCD-DAC	(OECD) Development Co-operation Directorate
DDR	disarmament, demobilization and reintegration
ECOWAS	Economic Community of West African States
EU	European Union
GAPS	Gender Action for Peace and Security
GBV	gender-based violence
GD	Geneva Declaration on Armed Violence and Development
HSRP	Human Security Report Project
IANSA	International Action Network on Small Arms
ICRC	International Committee of the Red Cross
IHL	international humanitarian law
IPPNW	International Physicians for the Prevention of Nuclear War
n.d.	no date
NGOs	non-governmental organizations
OAS	Organization of American States
OHCHR	Office of the (UN) High Commissioner for Human Rights
OSCE	Organization for Security and Co-operation in Europe
PLA	People's Liberation Army
PoA	Programme of Action
PrepCom	Preparatory Committee
RIO	regional integration organizations
SALW	small arms and light weapons
SAS	Small Arms Survey
SIPRI	Stockholm International Peace Research Institute
UK FCO	UK Foreign & Commonwealth Office
UN	United Nations
UN CASA	UN Coordinating Action on Small Arms
UN DEVAW	UN Declaration on the Elimination of Violence Against Women
UNDP	UN Development Programme
UNESCO	UN Educational, Scientific and Cultural Organization
UNGA	UN General Assembly
UNICEF	UN Children's Fund
UNODA	UN Office for Disarmament Affairs
UNSC	UN Security Council
WHO	World Health Organization
WILPF	Women's International League for Peace and Freedom

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This paper was produced with the support of UNSCAR.

### The Arms Trade Treaty project

This is the third paper in a series produced by the International Security Department at Chatham House and funded by the UN Trust Facility Supporting Co-operation on Arms Regulation (UNSCAR), exploring the impact and implications of the Arms Trade Treaty, with the aim of supporting its effective implementation and universalization.

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Cover image © UN photo by Martine Perret

ISBN 978 1 78413 036 7

All Chatham House publications are printed on recycled paper.

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