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SA/LW and the Arms Trade Treaty

Despite the efforts of governments, nongovernmental organizations, and disarmament and human rights activists worldwide, the global arms trade continues to exacerbate the situation caused by conventional weapons and, in particular, small arms/light weapons. Proliferation of SA/LW not only fuels conflict, but also disrupts development in war-ravaged regions. The following article provides an overview of SA/LW control issues and remediation efforts. It also considers the progress of the international movement in support of an arms-trade treaty.

by Zach Wall and Lauren Nicole Hill [Center for International Stabilization and Recovery]

The U.N. process to develop the Arms Trade Treaty began in 2006 with the adoption of General Assembly Resolution 61/80, which requested the Secretary-General form a Group of Governmental Experts to investigate the feasibility, scope and mandate of a comprehensive international arms trade treaty and to report its findings to the 67th session of the General Assembly. The international arms trade treaty campaign led by activists, NGOs, officials and policy experts, was started years earlier, however, and has grown considerably since its inception. In 2008, thousands of demonstrators around the world voiced their demand for greater accountability of the world’s arms producers and exporters, and for the continued cooperation of the member states to work toward a consensus. As expected, the proposed treaty will cover transfers of a variety of conventional weapons, including small arms/light weapons.

In late October 2008, 147 nations voted in favor of moving forward with the negotiation of a comprehensive U.N. treaty to regulate the trade of conventional weapons worldwide. On 24 December, the General Assembly officially adopted the draft resolution, “Towards an Arms Trade Treaty: Establishing Common International Standards for the Import, Export and Transfer of Conventional Arms,” calling for an Open-Ended Working Group to convene semi-annually to consider an Arms Trade Treaty. The Open-Ended Working Group is not tasked with negotiating the treaty itself but is examining issues that could be addressed in a treaty. Further action is required by the United Nations General Assembly to actually start the negotiation.

The proposal, known as the ATT, will be the first legally binding international agreement of its kind. Proponents claim that existing programs designed to police the arms trade have made important strides, but that stronger controls are essential to confront the growing humanitarian crisis caused by unchecked arms proliferation. Furthermore, non-state actors exploit gaps in existing policy to acquire weapons used to undermine development and human rights.

Small Arms/Light Weapons

Among conventional weapons, SA/LW are particularly problematic as they are relatively easy to use and are easily accessible. The term “small arms” refers to a category of weapons designed for individual use, including pistols, machine and submachine guns, assault rifles, and hand grenades, among others. “Light weapons” typically include conventional weapons that are designed to be operated by a group of two or more individuals (although they may be operated by individual combatants as well). These weapons include heavy machine guns, grenade launchers, anti-tank missiles and rocket systems, and man-portable air-defense systems (also known as MANPADS). Moreover, they are often the weapons of choice of non-state actors, including terrorist organizations and paramilitary insurgents.

MANPADS and U.S. SA/LW Remediation

MANPADS pose a unique threat to global safety as these light weapons threaten the security of military and civilian aircraft. MANPADS use infrared technology and other advanced technology to deploy surface-to-air missiles directed at aircraft. Despite the magnitude of damage MANPADS yield, they require minimal training to operate, are easily concealed and can be transported in the trunks of cars or even smaller cargo areas. Consequently, they are considered some of the most potentially destabilizing contemporary weapons systems available today and are associated with irregular warfare.1 MANPADS are relatively inexpensive weapons, which rest on the shoulders of their users and weigh as little as 30 pounds (14 kilograms). Conservative estimates suggest there are at least 500,000 MANPADs in the world today, many of which are available to non-state actors (NSAs).2

The issue of MANPADs proliferates a national-defense priority for the United States. The U.S. Department of State intensified efforts to prevent NSAs from acquiring MANPADs after the attempted shootdown of a commercial airliner over Libanon, Kenya, in late 2002. Since then, the Bureau of Political-Military Affairs’ Office of Weapons Removal and Abatement in the U.S. Department of State has assisted 27 nations in destroying more than 27,000 MANPADs and securing those that remain in national stocks. PM/WRA works to keep weapons from re-circulating and destabilizing hard won but fragile peace in post-conflict areas where the threat of illicit SA/LW and MANPADS falling into the hands of NSAs is most acute. For example, in 2005–06, PM/WRA provided technical assistance in destroying 33,000 SA/LW, including 45 MANPADs in post-civil war Liberia.3

The United States remains committed to eradicating illicit arms trafficking in conflict and post-conflict areas around the world. PM/WRA strives to limit the access of terrorists or criminal groups to conventional weapons and munitions from national stockpiles or abandoned caches. Since 2001, PM/WRA has assisted with SA/LW remediation efforts in 36 countries, securing weapons stockpiles, caches and destroying 1.3 million excess weapons and more than 50,000 tons of ordnance. However, weapons destruction addresses only one aspect of the larger problem, and arms-control approaches that merely focus on keeping stockpiles secure and destroying excess weapons are incomplete. For this reason, the U.S. government endorses a "cradle to the grave" approach to weapons exports and imports. The United States regulates brokering activities on all of its weapons, and U.S. brokering laws and regulations are "considered the most robust in the world."4

International efforts to combat the global SA/LW problem have resulted in strengthening controls on the export and transfer of SA/LW, including MANPADS. Non-proliferation strategies in these regions help to secure weapons, ensure that governments have policies on control and proliferation, and reduce the number of MANPADs available to NSAs.5

The United Nations and Illicit Arms Trade

The issue of illegal small-arms proliferation first came under the spotlight of the United Nations during the 1970s. Prompted by the General Assembly, the Secretary-General formed a Group of Governmental Experts to investigate the humanitarian implications of the illicit Small Arms and Light Weapons (SA/LW) trade. In July 2001, the U.N. Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects was held in New York, and the participating states agreed to the Programme of Action to Prevent, Combat, and Eradicate the Illicit Trade in Small Arms and Light Weapons (the Programme of Action). The Programme of Action aims to curb illicit small-arms trafficking at the national, regional and global levels. Since its implementation, the program has served as an important framework for preventing international small-arms smuggling.

At the United Nations Conference to Review Progress Made in the Implementation of the Programme of Action held in July 2006, then-Secretary-General Kofi Annan said of the United Nations’ arms-control pursuits, “Our targets remain elusive arms brokers, convert official small-arms sales into illicit arms sales, sell them to paramilitary insurgents, syndicates, criminals and others who bring death and mayhem into our communities, and destroy the labor of years. To halt the destructive march of armed conflict, we must stop such purveyors of death.”6 In the summer of 2008, a third semi-annual meeting convened, marking the seventh year of the PoA’s implementation. Despite significant strides since 2001, many, including Secretary-General Ban Ki-Moon, have noted the generally slow progress in adequately addressing the Programme of Action’s national, regional and global-level objectives. The Secretary-General previously reported, “At the global level, States were unable to agree to substantive outcomes of the financial meetings,” owing in part...
of Small Arms and Light Weapons to the Great Lakes Region and the Horn of Africa\(^8\) (2005), and have been met with varying degrees of success.\(^9\) Nevertheless, an internationally-recognized and legally-binding measure curing the ills of the Ottawa Convention or the recently adopted Convention on Cluster Munitions\(^9\) has not yet been formulated. However, campaigns for an arms-trade treaty have made significant headway since 2000.

The Control Arms campaign—a collaborative effort of the NGOs Amnesty International, Oxfam International and the International Action Network on Small Arms—worked for over a decade to gain member states' views on a speculative arms-trade treaty. The Group of Governmental Experts’ final report, to be feasible, the proposed treaty should include “clear definitions and be fair, objective, balanced, non-political, non-discriminatory and universal within the framework of the United Nations.”\(^10\) Therefore, the international consensus on what types of weapons should be included, as well as what kinds of transactions constitute “transfer,” (i.e., the scope of the treaty) would hold states accountable for international weapons transfers, ensuring that those states should not be allowed to commit human rights abuses, either directly or indirectly. The text of the ATT, therefore, should include stipulations about the use or likelihood of use of arms.\(^11\)

### Feasibility, Scope and Parameters

In December 2008, due in part to the effort of international arms-control activists, the United Nations General Assembly passed Resolution 63/80. A majority of nations (133) voted in favor of the resolution, which prompted the Secretary-General to (a) solicit member states’ views on a speculative arms-trade treaty and (b) form a Group of Governmental Experts representing 28 countries to investigate the “feasibility, scope and parameters” of such a treaty. This group convened for three sessions, and, in August 2008, nearly issued a final report\(^12\) with its findings. Ninety-six states submitted views on the ATT, and among them, 89 concluded that such an instrument was feasible, but voiced concerns about the obstacles in implementing an attainable treaty. These reservations included, for example, the

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