



ATT update

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While efforts to prevent the spread and use of chemical, biological, and nuclear weapons have featured prominently on the international policy agenda, attention is increasingly turning to the conventional arms that are most likely to be used in the perpetuation of instability and armed conflict in parts of the developing world. In December 2006, broad international agreement on the need for more responsible, effective regulation of the international movement of conventional arms was signalled in earnest by a UN General Assembly vote in favour of Resolution 61/89, establishing a UN consultation process towards an Arms Trade Treaty (ATT). Subsequent UNGA votes in December 2008 and December 2009 have carried forward this momentum, searching out areas of consensus among states on the form this treaty will take.

Myths and misperceptions surround the treaty, many of these stemming from misunderstandings over the aims, formulation, implementation and likely impact of an ATT.¹ The overall objective of an ATT, simply put, is to reduce irresponsible arms transfers by ensuring that states consider certain risks before authorising a transfer of conventional weapons from, and to, their jurisdictions. Concern will lie primarily with pre-transfer risk assessments, with the implementation of the standards contained within the treaty to be carried out by governments at state level. Globalisation and trade liberalisation necessitate that agreement and action on this point are international and co-operative, however. The underpinning principle of the ATT process has therefore been to create universal, legally-binding standards for responsible conventional arms transfers.

Reaching a consensus on the shape and form of such a treaty has not been easy. Considerable progress has been witnessed in the multilateral Preparatory Committees



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(PrepComs) leading up to the actual ATT conference in July 2012, but critical questions on the treaty’s eventual scope and strength remain unanswered. Civil society actors, in particular, call for the treaty to encompass a comprehensive scope of coverage on types of weapons and types of transfers, with robust criteria that fully reflect states’ responsibilities under international law, as well as robust mechanisms for monitoring and implementation. A weak treaty, they express, will simply legitimise minimal controls on international arms transfers, setting back the progress already made. The need

for agreement on a strong treaty at the forefront of negotiations has given non-governmental organisations a frontline role in raising issues and encouraging dialogue. Their role is elaborated upon in Dr Dai Ying’s article below.

States, however, will have the final say on the ATT, and China’s voice – as a Permanent Member of the UN Security Council and a significant player in the international movement of arms – will be loudly heard. After its initial abstention, China’s recent show of support for the ATT process is widely welcome.² Still, Mr Michael Liu’s overview in this newsletter of China’s participation in July’s PrepCom reveals that China’s endorsement for the ATT must yet be balanced against lingering scepticism. With the final PrepCom scheduled for February 2012, China’s role in moving the ATT process will be closely watched, and its expressions of further support keenly anticipated.

NOTES

- 1 See Chalmers M and Mariani B, *The United Nations Arms Trade Treaty Initiative*, Saferworld (August 2011), www.saferworld.org.uk/smartweb/resources/view-resource/609.
- 2 Ministry of Foreign Affairs of the People’s Republic of China, ‘Arms Trade Treaty Initiative’, www.mfa.gov.cn/eng/wjby/zjjg/jks/kjlc/cgjkwt/t410759.htm, accessed 4 November 2011.

NGOs AND THE ARMS TRADE TREATY PROCESS

BY DR DAI YING

Since the 1997 'Ottawa process' and the 1999 'Oslo process' led respectively to the signing of the 'Mines Ban Treaty' and the 'Convention on Cluster Munitions', the international community has recognised the important role of non-governmental organisations (NGOs) in the field of multi-lateral arms control. Academic studies have also shown that non-state actors are crucial for the production of international norms and the definition of national interests.¹ For example, in the case of the 'Ottawa process', the International Campaign to Ban Landmines (ICBL), which included hundreds of NGOs, effectively redefined national interests and changed security policies by successfully convincing policy makers in many countries to accept a new norm banning anti-personnel landmines.²

At the end of 2009, the United Nations passed a resolution that aimed to reach in 2012 an Arms Trade Treaty (ATT) regulating the global arms trade. Even before the ATT process entered its formal negotiation phase, NGOs and other civil society groups were actively engaged in promoting the idea of a treaty and formulated the global principles that a future treaty should reflect. This article looks at the role of NGOs in contributing to making a new international norm regulating the arms trade as part of the negotiation process towards an ATT. By analysing NGOs' activities in the third Preparatory Committee (PrepCom) for the United Nations Conference on the Arms Trade Treaty held in July 2011, we can see that NGOs are influencing governmental policy makers in three different ways:

1) Public presentations. Four representatives from NGOs presented their views about the ATT in front of government delegations during the ATT PrepCom on 14 July 2011. These public presentations addressed issues that are of most concern from the perspectives of NGOs and other civil society groups. For instance, Jeff Abramson from the Control Arms Coalition advocated consistent definitions for terms

such as 'export' and 'transfer' in the ATT, as well as actions such as reporting on the implementation of the future treaty with assistance from an independent and sufficiently resourced implementation support unit.

2) Research conducted by NGOs has also contributed to the ATT process. For example, during the Third ATT PrepCom, Saferworld, a leading member of the NGO coalition pressing for an ATT since the very beginning in 1996, organised a side-meeting entitled 'An Implementation Framework for an Effective Arms Trade Treaty' on 12 July 2011. This meeting saw the launch of Saferworld's research findings that are based upon the discussions and conclusions of three international seminars on ATT implementation held between November 2010 and May 2011. It is noteworthy that Saferworld held the meeting in association with the Permanent Missions of Australia and Zambia. This shows that NGOs' contributions have been recognised and supported by many governments.

3) Side events between NGOs and government officials on the margins of the official negotiations. These meetings provided space for more open debate on some controversial issues related to the ATT process, especially those reflecting different views and interests at national or regional levels. Through these activities, NGOs in New York helped to bridge some of the differences among governmental negotiators and policy makers from different countries.

At the PrepCom conference, NGOs and other civil society representatives organised a number of bilateral meetings with government representatives. For example, African civil society representatives exchanged their views with the Chinese government delegation on 'hot topics' such as the need to include small arms and light weapons (SALW) amongst the categories of armaments that the future treaty should regulate. In addition,



NGOs also had formal and informal meetings with officials from the delegations of France, Germany, Japan, Pakistan, the United Kingdom, and many other countries.

4) Face-to-face lobbying, a classic way for NGOs to influence governmental decision-making. The lobbying targets include diplomats, as well as other stakeholders in the decision-making process. For example, during the PrepCom conference, civil society representatives who were present in New York provided briefings for government officials and organized discussions with defence industry representatives who are playing an important role in the ATT negotiation process.

CONCLUDING REMARKS

In summary, NGOs have been influencing governmental decision-making process, including the process that will lead to a new international norm regulating the arms trade. NGOs are effective in some key areas, i.e. promoting policy dialogue at the national, regional and international level, undertaking research and lobbying governments to bridge divergent opinions. In the ATT process, NGOs have successfully obtained the support from decision makers of some key countries and have raised the profile of conventional arms control issues on the domestic and international political agenda. I believe that more countries will support the ATT negotiation process thanks to national and international social pressure.

NOTES

- 1 Brinkert K, 'The Convention Banning Anti-Personnel Mines: Applying the Lesson of Ottawa's past in Order to Meet the Challenges of Ottawa's Future', *Third World Quarterly* (October 2003), vol 24 no 5, pp 781-793.
- 2 Price R, 'Reversing the Gun Sights: Transnational Civil Society Targets Land Mines', *International Organization* (Summer 1998), vol 52 no 3, pp 613-644.

CHINA'S PARTICIPATION IN THE THIRD ATT PREPARATORY COMMITTEE MEETING

BY MICHAEL LIU



At the end of 2009, the UN General Assembly passed the resolution 64/48 with the goal of reaching an Arms Trade Treaty (ATT) at a UN conference in 2012. In the same resolution, it was agreed that the ATT should be a “legally-binding instrument on the highest possible common international standards for the transfer of conventional arms”. Prior to 2012, four weeks of preparatory committee (PrepCom) were scheduled to take place during 2010 and 2011 to make recommendations to the final United Nations Conference on the Arms Trade Treaty. Two PrepCom meetings were convened in 2010, the first from 28 February–4 March 2010 and the second from 12–23 July 2010, in which states expressed their opinions on the parameters and the scope of the future ATT. A third PrepCom meeting took place from 11–15 July 2011 where discussion was focused on the implementation and other final provisions of a future ATT text. This paper provides some observations on China’s participation in the third ATT PrepCom.

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CHINA'S STATEMENT AT THE PREPCOM

China (through Mr Kang Yong, Deputy Chief of the Department of Arms Control and Disarmament at the Ministry of Foreign Affairs) made its only intervention on the first day of this PrepCom. The following five points were made in the official Chinese statement:

- The ATT should not be used to address issues other than the arms trade;
- The implementation of the future treaty should be primarily at the national level as it will fall within the area of national sovereignty;
- The seven major categories of conventional arms of the UN Register of Conventional Arms should be used to define the scope of the treaty;
- Transparency should be applied at the policy level and it should be voluntary;
- Support should be given to the developing countries on implementing the future ATT.

Though it has only made the above simple intervention during the whole PrepCom, overall China has been commended because of its general constructive approach at the PrepCom. Nevertheless, some scepticism has been raised that the topic discussed at this PrepCom, i.e. the implementation and final provisions of the treaty, are of less concern to China and therefore its diplomatic tactic is to gather more negotiation leverage so as to get more concessions on scope and parameters where China has been very conservative.

SIDE DISCUSSIONS WITH CHINESE OFFICIALS

On the basis of several interviews and conversations with a cross-section of officials and NGO representatives at the PrepCom, some further observations on China's position can be explored.

- It is indicated that China will support the victim assistance and notification of denial in the Chairman's draft paper circulated at this PrepCom.
- China believed the ATT should be designed to address illicit arms transfers only, and not other issues, such as human rights and sustainable development. Some had learnt that China was not convinced that a comprehensive and robust treaty will be agreed in 2012. The main reason seems to be the divergence of views on the concept of an ATT.
- China held that arms transfers should only be between sovereign states (that can extend to states' authorized agents). Non-state actors should be excluded. Moreover, China had the impression that some western powers were trying to take advantage of the ATT to limit some other countries' right to self-defence. The first half of this argument is a well-understood and consistent position of China to prevent arms trade with Taiwan. The second half is more associated with the general impression in China/by Chinese authorities that the ATT can be used as a political tool for political means against countries – including China from time to time – disliked by the West.



CHINA'S PARTICIPATION IN THE THIRD ATT PREPARATORY COMMITTEE MEETING *continued*

- China is opposed to the inclusion of SALW in the scope of a treaty. Some argue that this is due to the Chinese defence industry which is worried about the economic costs to its trade in SALW. The potential economic costs are a concern, but more important is the worry that an ATT would eventually turn into a political tool.
- Amongst the type of activities covered by the treaty, transit would be hard for China to accept. China believed it would be an insurmountable burden for small transit states to implement transit controls under an ATT. China was also against the inclusion of ammunition because in its view, it is impossible to control and track bullets.
- As it only ranks seventh amongst the biggest arms exporters (and is well behind the leading ones), China believes that without the important ones – like the USA – on board, a future ATT would be essentially meaningless. Some have expressed the concern that China will possibly push for a rather weak agreement that allows all countries to come on board.

- China was very keen to use the list of armaments included in the UN Register on Conventional Arms as a basis for defining the scope of the ATT, i.e. which arms the ATT should control.
- In the view of China, an ATT should have more to do with those states (which it does not consider itself as included) that do not have adequate arms export control regimes as it will require them to establish them.

CONCLUDING REMARKS

No doubt, China is participating more actively in the UN negotiations towards an ATT, but there remains scepticism about this initiative and misperceptions of the aims of the ATT, why it is needed and how it would be implemented in practice. The 'conspiracy theory' that the ATT will be used as a political tool against countries that are disliked by the West is still quite rooted. Yet, it appears that China endorses the idea that an ATT will regulate more effectively the international arms trade. All this calls for increased dialogue with Chinese officials and industry representatives in the run up to the 2012 ATT Conference.

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ABOUT THE ATT UPDATE

The *ATT Update*, co-published biannually by Saferworld and the School of Political Science at Tongji University, examines issues surrounding conventional arms, and tracks international efforts to counter the proliferation of these weapons under the UN Arms Trade Treaty (ATT) process. As a platform for Chinese experts, academics and students to air and exchange their views and analyses of these topics, all comments and ideas for submission are welcome.



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