Disarming the Lords of War
A New International Treaty to Regulate the Arms Trade

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To understand how poorly the global arms trade is regulated, consider this: For a $70 billion industry that produces seven to eight million firearms annually, it loses one million weapons every year to arms traders like the notorious Viktor Bout (a.k.a. the Merchant of Death) who sold weapons to warlords and terrorists from the 1990s until his capture in 2008. Since then, the international community has sought to build a treaty to control the trade of conventional arms.

The United Nations’ Arms Trade Treaty (ATT), which comes into force on Christmas Eve this year, will deal a major blow to illegal arms dealers that supply the weapons for a large portion of the world’s conflicts. Its principle is straightforward: prohibit the sale of weapons to individuals, groups, or countries that commit genocide, break human rights and international humanitarian laws, or abet terrorists. The treaty will plug holes in the weapons-export process by requiring nations to monitor all aspects of production—from sourcing to manufacturing and export—and will apply to a wide range of weapons, including Kalashnikovs, rifles, mortars, grenades, and shoulder surface-to-air missiles, even tanks and battleships. When fully implemented, the ATT will make a crisis such as the one in Syria less likely; weapon transfers between Russian President Vladimir Putin and Syrian leader Bashar al-Assad will be considered illegitimate and shameful, even in the absence of a sanction or embargo.

AN ODD COUPLE

Since the movement to create an arms treaty gained momentum a decade ago, some nations that sell arms to those that flaunt humanitarian laws and commit atrocities have already been singled out and shamed. Today, the treaty is nearly unanimously supported and positioned to become an international norm: Members of the UN General Assembly voted 154 to 3 to approve the treaty (only Iran, North Korean, and Syria objected) and 130 countries signed it in 2013. Over a year later, 60 countries have ratified the ATT and will incorporate it into their domestic laws. (For the treaty to become effective, only 50 needed to do so.)

The treaty also managed to appeal to two groups that are often at loggerheads: human rights activists and the private sector. Oxfam, one of the organizations that has long advocated for the treaty, argued that the arms trade is one of the...
leading causes of stunted socio-economic development in Africa. Armed conflicts cost Africa $18 billion a year, which is equal to the amount of development aid the continent receives annually. On average, armed conflict reduces an African nation’s GDP by 15 percent.

The lack of arms regulation is also hurting the private sector. Corrupt, black-market transactions cost the global defense industry $20 billion a year. A number of manufacturers in several major arms-producing countries like the United Kingdom and the United States have sought to make the arms trade more transparent. In fact, in July of 2011, 21 investors worth $1.2 trillion issued a statement of support for the treaty, explaining that it was “directly relevant” to their long-term financial interests.

LEVELING THE FIELD

Implementing the treaty, however, is tricky. Key signatories, such as the United States, have not yet ratified the ATT. Despite its benefits to the defense industry, the Senate is divided over whether the treaty will violate citizens’ constitutional right to bear arms.

On October 15, 50 U.S. senators wrote a letter[1] to President Barack Obama arguing that the ATT weakens U.S. credibility, infringes upon the rights of gun owners, and threatens the country’s sovereignty. They are wrong. Not ratifying a treaty that the United States has taken the lead on drafting, would undermine its credibility as a leading champion of human rights. The ATT does not contain a single provision that regulates the possession of civilian arms and clearly limits its scope to international trade. During treaty negotiations, the United States carefully eliminated any elements that might conflict with its domestic gun laws.

Pro-gun officials also fail to see that U.S. domestic arms transfer policies already incorporate the terms of the ATT. In January 2014, President Obama updated[2] the U.S. arms export policy with a directive that enumerated a number of goals also provisioned in the ATT such as: “Promoting regional stability, peaceful conflict resolution, and arms control; combating transnational organized crime and related threats to national security; and ensuring that arms transfers do not contribute to human rights violations or violations of international humanitarian law.” In fact, U.S. arms exports policies are more restrictive[3] than the treaty’s provisions, especially when it comes to obtaining licenses for weapons transfers. Throughout the negotiations, the United States viewed the ATT as a way to level the playing field for export controls and bring other countries up to its own leading standards of transparency in the weapons trade.

The bad news for the United States—and the good news for the rest of the world—is that the ATT doesn’t need the United States on board to succeed. It doesn’t need China or Russia, either. Other disarmament treaties have gone on to do considerable good without U.S. support. For instance, although China, India, Russia, and the United States never signed the Anti-Personnel Mine Ban Treaty, that agreement has cut the number of accidental deaths from exploding landmines by over two-thirds and has nearly eliminated the landmine trade. Similarly, the Comprehensive Nuclear Test Ban Treaty, has made the testing of nuclear weapons universally unacceptable. These treaties work by creating powerful norms of non-use that are now respected as customary law. Given the support it has garnered, the ATT would mostly likely follow this route.

CARROTS AND STICKS

As for the 22 countries that abstained from the ATT, the majority did not have substantive objections, only
procedural ones—that the treaty was adopted through majority rule rather than by consensus and channeled through the General Assembly instead of a proper disarmament forum. The abstaining countries may receive a persuasive reminder in the coming months of the benefits in signing the treaty. At the beginning of 2015, when the signatory nations meet to discuss for the first time the mechanisms for implementing the treaty, the abstaining countries will be sorely left out of a conversation that will likely set new norms for global arms trade.

China and India were among those who abstained for less substantive reasons—China wanted treaty adoption by consensus and India wanted more emphasis on terrorists and non-state actors. But they too may come to need to sign the ATT in the near future. They are currently trying to break their reliance on arms imports by fortifying domestic production. Eventually, they could become large exporters themselves. In 2010, India was announced as a forthcoming member of the Wassenaar Arrangement, a non-binding mechanism that seeks to promote arms trade accountability among its 41 members, many of whom are avid supporters of the ATT. Countries hoping to gain access to the lucrative Wassenaar club—which regulates the transfer of sensitive civilian and military technologies—will have to enter through the ATT.

On top of the various incentives that may lure wavering countries to sign the ATT are three forces that will ratchet up pressure for those who have signed but not yet implemented it. First, the 60 states that first ratified the treaty will be eager to flash their new status and persuade others to ratify as well. Second, nongovernmental organizations have historically done well in mobilizing grassroots support, exposing wrongdoings, and ensuring countries stand by their commitments. Third, the International Committee of the Red Cross (ICRC), an institution mandated by international law to safeguard victims of armed conflicts and act as a guardian of international humanitarian law, is seen as a neutral trendsetter of international norms. Some countries that are reluctant to listen to nongovernmental organizations will, however, heed the ICRC.

Even if leading arms exporters such as China and Russia do not implement the treaty, the supply of weapons that fuel global conflicts will still dry out since the countries that ratify the treaty will only trade with other responsible, law-abiding nations. Russia, in particular, will most likely have fewer clients because the group of unprincipled buyers will grow smaller.

The ATT is already more than just words on paper. It is part of a novel trend in treaty-making that reflects a shift in the way countries regard national security: as humanitarian pursuits. As the world’s largest arms manufacturer, the United States should look to ratify the treaty as soon as possible to reassure the world of its place as a leader, not follower, of human rights norms. If Washington fails to ratify the treaty—as most of Western Europe and the developed world have already done—it will come to be regarded not as a country that leads from behind, but as one that is behind.

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