Dying for action

Decision time for an urgent, effective Arms Trade Treaty

On 6 December 2006, the UN General Assembly first voted to work ‘towards an Arms Trade Treaty’ to protect civilians worldwide from irresponsible arms transfers.

For almost three years, governments have discussed what the treaty might look like. And in that time almost 2.1 million men, women, and children have died as a result of armed violence. Millions more have been injured, displaced, or impoverished. Had there been an effective Arms Trade Treaty in place, regulating the flow of arms around the world, it could have significantly reduced this human tragedy.

Governments must put agreeing the treaty at the top of the diplomatic agenda. A weak treaty would be worthless. Only a tough Arms Trade Treaty would make a difference. The time for that tough treaty is now.

What must be done:

- Before the end of 2009, the UN General Assembly must vote to start negotiations in 2010 to agree an effective Arms Trade Treaty.
- It must plan now for sufficient time for negotiations in 2010 and 2011 – to be concluded at an international conference in 2012.
- Throughout this process, governments must negotiate to ensure that the treaty will work – to stop irresponsible arms transfers, and to save lives.
Foreword

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Former UN Under Secretary General for Humanitarian Affairs

They will tell us, again and again, that it cannot be done. That the proliferation of conventional weapons cannot be controlled through a global negotiated effort. That we have to live with automatic guns and other weapons of mass misery traveling from conflict to conflict, without effective controls, with a trail of death and destruction among defenceless civilians.

I remember the same was said when the efforts to curb the scourge of landmines and cluster bombs started. But like-minded governments and civil society made inter-governmental agreements possible that may signal the beginning of the end for those horrific types of arms.

Controlling the proliferation of small arms and light weapons, and other conventional arms, will be a different struggle – more difficult, but equally if not more important than banning anti-personnel mines and cluster munitions. Even though there has been a marked decline in wars since the fall of the Berlin Wall, the number of violent attacks against civilians has continued at intolerable levels. Parties to conflict have again and again demonstrated a willful disregard for the basic tenets of the humanitarian law of armed conflict. As other perpetrators of armed violence and crime show no respect for international human rights law.

I have seen, first hand, how mass murderers, militias and mafias in the Middle East, in Latin America, in Asia, in Europe, and in Africa never lack the tools to maim, kill and terrorize civilians. There is an overflow of government sponsored and private illegal armies, ethnic militias and non-state guerrilla forces. And they are supplied as never before with lethal weapons by reckless states in the North, and increasingly in recent years from the South.

Only a forceful, unambiguous and verifiable convention can control transfers and do away with the networks of illegal arms brokers that supply our generation's weapons of mass killings and mass misery.
In 2006 the United Nations voted to start work towards an Arms Trade Treaty (ATT). This was recognition by a majority of nations that the current patchwork of laws, regional agreements, and embargoes is ineffective, and insufficient to limit the catastrophic effects of easily available weaponry.

Arms exports to responsible security forces and others who apply their legal responsibilities are entirely appropriate. But this UN vote recognised the vital need to curb the flow of arms to those responsible for war crimes and human rights abuses. It was time to control the proliferation of arms that can fuel all forms of armed violence and conflict, including rape and gender-based violence.

But the pace of international diplomacy can be slow. Since the ATT process began, Oxfam estimates that 2.1 million people have died either directly or indirectly as a result of armed violence. This figure comes from data gathered by the Global Burden of Armed Violence project, led by the Secretariat of the Geneva Declaration, a network of more than 100 governments committed to reducing armed violence by 2015.

Inevitably the figure of 2.1 million deaths is a broad estimate. However, it reflects the appalling results of violence that civil society organisations see every day while working in conflict zones and countries with high levels of criminal violence.

Among those 2.1 million deaths – overwhelmingly of civilians – more than 700,000 have been caused by the direct and indirect impact of armed conflicts, including those in Afghanistan, Somalia, Sudan, and Sri Lanka. In 2009 the figures were pushed upwards as the world’s deadliest war, in the Democratic Republic of Congo (DRC), got worse. Even more people died as a result of criminal and other violence, with the highest rates in Latin America and sub-Saharan Africa.

The huge cost of armed violence also goes wider than the number of deaths to include 16 million people severely injured each year, 42 million people displaced by conflict and persecution at the end of 2008, the $18bn that armed conflicts cost Africa each year, and the 12 per cent of their GDP that armed violence cost Latin American countries each year through the 1990s.

Uncontrolled arms transfers not only threaten security. When they aggravate armed violence that prevents access to education or health care, or when corrupt arms deals drain limited resources, they also undermine many governments’ efforts to meet the Millennium Development Goals.

Young men are both the main perpetrators and the direct victims of violence. However, it is women and children who die in disproportionate numbers from the lack of clean water, food, and health care that armed violence brings. Their poverty increases when
men go off to fight or are killed. Too many men share a ‘culture of violence’ that exacerbates domestic and every other type of violence.

Sexual violence is not only horrifying, with lasting physical and psychological effects. It is too often fatal – when women are shot after rape, or when they contract deadly diseases. In the DRC province of South Kivu, it is estimated that 22 per cent of rape victims are HIV-positive as a result of the attacks they have suffered.¹¹

Every conflict is unique. Every lawless city or region needs its own solution. But one universal route to reducing armed violence is to limit the flows of weapons and ammunition in circulation around the world.

‘The soldier led me to a bush and demanded that I lie down and get undressed, or he would shoot me and my husband...A few seconds later he was on top of me.’
Chantal Manani, Burundi¹⁰
Where there’s a will …

Three years after beginning work on the ATT, the UN General Assembly is exploring it in an Open-Ended Working Group. At this rate, the treaty will not save a single life for many years to come.

Yet when governments have the will to get things done, they can do them – even through international negotiations. The table below shows some recent examples.

### Rapid diplomacy

<table>
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<tr>
<th>Event</th>
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<tr>
<td><strong>Global financial crisis 2008–09</strong></td>
<td>By February 2009 – five months after the crisis peaked – the world’s advanced economies had offered 43 per cent of their GDP to bail out banks and to support their financial sectors.</td>
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<td><strong>Banning cluster bombs 2007–08</strong></td>
<td>In December 2008, 94 governments signed the Convention on Cluster Munitions, less than two years after Norway and other governments launched an international process to ban them.</td>
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<tr>
<td><strong>Cutting off terrorist funds 2001</strong></td>
<td>On 28 September 2001, 17 days after 9/11, the UN Security Council, with the force of international law, ordered all states to freeze the funds and financial assets of anyone connected with terrorism.</td>
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Diplomacy is not always that quick. In 1993, the international convention banning chemical weapons was agreed, 78 years after the first mass use of poison gas at Ypres in 1915. Will the control of conventional arms languish through the twenty-first century in much the same way?

Some governments are convinced that it must not. Determined to reduce the human toll of armed violence and to prevent efforts for a more responsible arms trade being undermined, they have championed an Arms Trade Treaty (ATT) and their diplomats have worked for three years to achieve one. Despite their efforts, however, in October 2009 the ATT is still stuck in the slow lane of international diplomacy.

The question is whether it stays there. To ensure that it does not, governments must decide to begin negotiations, and must plan sufficient time for them to conclude the treaty in a final negotiating conference in 2012. The decision time is now.
The urgent treaty needed

While diplomacy dawdles, the problem gets worse. The arms trade is growing without the regulation it needs, and it is growing fast. In 2004–08, major conventional arms deliveries were 21 per cent greater in volume than in 2000–04. Despite downturns in the global economy, the current financial crisis has not affected this growing arms market.

One of 2009’s most high-profile conflicts – in Gaza – was fuelled by arms transfers to all sides. More than 1,400 Palestinians and 13 Israelis were killed during Israel’s ‘Cast Lead’ military operation in December 2008/January 2009. According to Israel, its military actions were a response to homemade rocket and mortar attacks by Hamas and other Palestinian armed groups, and to the armed groups’ increased capacity to reach some of Israel’s largest cities and strategic infrastructure, with Grad rockets obtained from abroad. These weapons were fired deliberately and indiscriminately at civilian areas, in violation of international humanitarian law.

The conflict in Gaza also increased international concern about arms supplies to Israel. In July 2009, the UK government revoked five export licences for spare parts for machine guns, cannons, and missiles carried on board Israel’s Sa’ar missile patrol boats, and reportedly used in Gaza during Operation ‘Cast Lead’. Evidence collated by international and local human rights organisations documents indiscriminate attacks by Israeli forces using imprecise weapons in densely populated areas. There is evidence that in many cases the destruction of infrastructure was deliberate and was unjustified on the grounds of ‘military necessity’, and also that ambulances and medical crews were targeted.

Around the world, many arms transfers are appropriate – where arms are in the hands of responsible security forces and others who know their legal responsibilities and consistently apply them. Too many of these arms, however, contribute to the armed violence and deaths that this note explores.

An effective treaty would make it significantly harder to obtain new arms and ammunition for those responsible for many of the world’s war crimes and human rights abuses, and make it harder for weapons to fuel conflict or corruption worldwide.

What it would not do is impede a state’s right to acquire arms to be used for legitimate self-defence and law enforcement purposes, in accordance with international law and standards.

What it would do is stop arms deals like those described in Box 1.
Box 1: The arms that would not get through

- Transfers of arms and ammunition to Chad by France, Israel, and Serbia since 2006, including the reported transfer from Serbia in 2006 of 48,610kg of cartridges worth around $900,000, despite the substantial risk of diversion to armed groups. The risk of diversion was apparent at the time of the transfer: in January 2006 the UN Panel of Experts on Sudan reported that Darfuri armed opposition groups ‘have continued to receive arms, ammunition and/or equipment from Chad’, and in 2007 the UN Panel proposed that the UN Security Council impose an arms embargo on eastern Chad. Some of these Israeli and Serbian weapons were indeed diverted.

- The crowd-control weapons, pistols, assault rifles, and machine guns that Belgium’s Walloon regional government reportedly approved for export to Libya in 2009 – at the same time as the UK blocked exports of small arms to Libya on the basis that such a transfer would be at substantial risk of being diverted to another user.

- The 53 tons of 7.62mm small arms ammunition flown from Kinshasa and Lubumbashi in the DRC to Zimbabwe aboard a DRC-registered aircraft on 20 and 22 August 2008.

Indeed, looking at an example like the DRC, where the world’s worst conflict continues, shows the need not only to control arms coming into a country, but also, as above, those going out.

The arms and ammunition that sustain its brutal conflict, where killing and rape are still rampant, are overwhelmingly of foreign manufacture. The most widely used weapons are derivatives of the Kalashnikov AK-47. In the eastern part of the DRC, NGO researchers have identified examples of such weapons manufactured in Bulgaria, China, Egypt, Romania, Russia, and Serbia. In this, the DRC is typical. According to a report by Oxfam, IANSA, and Saferworld in 2007, at least 95 per cent of Kalashnikov derivatives used across Africa have been imported from outside the continent.

In many parts of the DRC there are no controls on arms crossing the country’s borders, in either direction. An effective ATT would help to solve that problem. It would:

- Require the DRC to bring its ambiguous arms controls laws into line with agreed international standards;

- Provide the framework for donors to help the DRC government implement and enforce these laws; and

- Require every other country, including the DRC’s neighbours, to control the arms they export or that pass through their territory to the same international standards.

74 per cent of rapists in the DRC are armed fighters.

2009 Global Monitoring Checklist on Women, Peace and Security
The tough treaty needed

A weak Arms Trade Treaty would be a worthless exercise whether it was signed by the major arms-exporting states or not. Without firm rules to judge which arms transfers are legitimate, a weak ATT would fail its fundamental purpose – to protect civilians worldwide from the impact of an unregulated arms trade.

No ATT, however tough it is, will be a panacea for preventing armed violence. A host of other measures are also needed to address the factors that increase demand for arms and encourage resort to armed violence, or benefit from a trade clouded in secrecy. What a tough ATT would do is to reinforce efforts to address that demand. It would build on existing arms controls, like the EU’s Code of Conduct which, though far from perfect, has markedly improved the transparency of European arms exports since it was agreed in 1998, and led to an ever-developing infrastructure to improve its implementation. An effective ATT would ensure that national and regional controls work, and would require all governments to enforce them.

In 2007, more than 100 governments wrote to UN Secretary-General Ban Ki-moon identifying vital elements of a future Arms Trade Treaty. Of key importance to states were respect for international humanitarian law and human rights, and ensuring that transfers do not break embargoes, contribute to armed crime, or undermine sustainable development.

There is an imperative need for an Arms Trade Treaty now – but only one that will work (see Box 2 for the essential elements of an effective Arms Trade Treaty).
Box 2: What an effective Arms Trade Treaty would look like

It would ensure that no international transfer of arms or ammunition is authorised where there is substantial risk that the transfer will:

- Be used in serious violations of international human rights or humanitarian law, acts of genocide, or crimes against humanity;
- Facilitate terrorist attacks, a pattern of gender-based violence, violent crime, or organised crime;
- Violate UN Charter obligations, including UN arms embargoes, or customary law rules relating to the use of force;
- Be diverted from its stated recipient;
- Adversely affect regional security;
- Seriously impair poverty reduction or socio-economic development,
- Involve corrupt practices; or
- Breach other arms control agreements to which states involved in the transfer are a party.

It must have no loopholes. It must include:

- All weapons – including all conventional military, security, and police arms, related equipment and ammunition, components, expertise, production and maintenance equipment, and dual-use items that can have a military, security, or police application;
- All types of transfer – including import, export, re-export, temporary transfer, re-transfer, transit, and transhipment, in the state and private trade, plus transfers of technology, loans, gifts, and aid; and
- All transactions – including those by dealers and brokers, and those providing technical assistance, training, transport, storage, finance, and security.

It must be workable and enforceable. It must:

- Provide guidelines for its full, clear implementation;
- Ensure transparency – including full national annual reports of international arms transfers;
- Have an effective mechanism to monitor compliance;
- Ensure accountability – with provisions for adjudication, dispute settlement, and sanctions;
- Include a comprehensive framework for international co-operation and assistance.

Implementing an effective ATT would have costs that would have to be paid for. Fortunately, OECD governments and others already recognise the vital need to improve the stability of countries that are vulnerable to conflict, and to focus an increasing amount of assistance on reforming their security services and, in different ways, upholding the rule of law.

As these governments live up to their commitments to increase total development assistance, they must remember that some developing governments will need financial support to implement the ATT – and that it is in their interests to help them do so.
Right now, the Arms Trade Treaty is stuck in the slow lane of international diplomacy. Each year, tens of thousands of people die as a result of this delay. However, when governments decide to act, issues can move from the slow lane to the fast track. That is exactly what Presidents Obama and Medvedev did in July 2009 when they pledged to negotiate a new arms control treaty within months, not years, to replace the Strategic Arms Reduction Treaty that expires this December.

If successful, this will create a promising context for the vital review conference of the Non-Proliferation Treaty in May 2010. Huge challenges remain but, within months, the US and Russia have chosen to put the prospect of a nuclear-free world onto the serious diplomatic agenda.

Is it less important to control the conventional arms that currently kill hundreds of thousands of people every year?

This year the UN General Assembly will discuss the ATT again: in October in its First Committee and then, in December, in plenary. This is the moment when the drive for an effective Arms Trade Treaty will either stall or move on with the determination that is so urgently needed.

The time to decide is now.

What must be done:

- Before the end of 2009, the UN General Assembly must vote to start negotiations to agree an effective Arms Trade Treaty.
- Governments must set themselves a goal to conclude the treaty within two years.
- They must plan now sufficient time for negotiations in 2010 and 2011, with a final diplomatic negotiating conference in 2012.
- Throughout this process, governments must negotiate without compromising on the vital elements for an effective treaty outlined in section 4 above.
Notes


2 This estimate is calculated for the period from December 2006 to September 2009 inclusive, based on the annual figures published by the Secretariat of the Geneva Declaration in its Global Burden of Armed Violence (GBAV) report. The figures are based on data from specific years, which are sufficiently consistent for the Global Burden report’s authors to conclude that ‘more than 740,000 people have died directly or indirectly from armed violence – both conflict and criminal violence – every year in recent years’. This figure is based on the GBAV’s estimates of at least 52,000 direct conflict deaths, at least 200,000 indirect conflict deaths (due to disease, hunger etc., which is likely to be a significant underestimate), and 490,000 homicides (which are not disaggregated between those committed with arms or not). In some or all years, the actual number of people killed by armed violence may be significantly higher. For the purposes of this Briefing Note, we have assumed that that figure has remained constant into 2009, which may underestimate the recent number of people killed. The SIPRI Yearbook 2009, published by the Stockholm International Peace Research Institute, for example, records that ‘the year 2008 saw increasing threats to security, stability and peace in nearly every corner of the globe’, with the number of major armed conflicts increasing from 14 to 16 between 2007 and 2008. A number of these conflicts, such as those in Pakistan and between Israel and the occupied Palestinian Territories, also saw intensified violence during parts of 2009. This Briefing Note, however, presents the figures here as only broad estimates of the scale of deaths from armed violence during the period covered. For the Global Burden report, and a separate Methodological Annex that explains the methodology and its limitations in detail, please see: http://www.genevadeclaration.org/resources-armed-violence-report.html. For a Summary of the SIPRI Yearbook 2009, please see: http://www.sipri.org/yearbook/2009

3 For the purposes of this Note, ‘armed violence’ means the intentional 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. Quoted from: Geneva Declaration Secretariat (2008) Global Burden of Armed Violence, p.2. http://www.genevadeclaration.org/resources-armed-violence-report.html

4 Any attempt to calculate the number of people killed as a result of armed violence must be accompanied by a clear caution, because reliable data from many countries is inevitably in short supply. Yet the attempt must be made, and public policy must be based on the best evidence available.

5 Oxfam and its partners interviewed almost 800 civilians from 27 communities in North and South Kivu, Maniema, Haut Uélé, and Ituri in the last two weeks of May 2009.


7 This figure includes 16 million refugees and asylum seekers and 26 million internally displaced people uprooted within their own countries, summed up by the UN High Commissioner for Refugees as the total number ‘forcibly uprooted by conflict and persecution’. UNHCR (2009) ‘UNHCR 2008 Global Trends: Refugees, Asylum-seekers, Returnees, Internally Displaced and Stateless Persons’. http://www.unhcr.org/4a2fd52412d.html


17 Mor Peretz was born and raised in Sderot, and is a member of Mahapach-Taghir, one of Oxfam’s partner organisations in Israel, which works with both Jewish and Palestinian communities.


20 For example, see reports by Amnesty International, Human Rights Watch, Physicians for Human Rights – Israel, and the Palestinian Centre for Human Rights.

21 UN Comtrade data (2006).


http://www.saferworld.org.uk/publications.php/318/good_conduct


34 Full text of the Global Principles for the ATT can be found at:

35 It is of course impossible to calculate this with any precision, but this may well be a conservative estimate.
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