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Regulating Transparency Guidelines of the International Arms Trades

ELİF İPEK ERYILMAZ



RESEARCH
REPORT



Forum: Drugs and Crime (SA1)

Issue: Regulating transparency guidelines of the international arms trades

Student Officer: Elif İpek Eryılmaz - Deputy Chair

Introduction

International arms trade is the transfer of ownership of arms, which involves both the physical movement of arms from one country to another and the transfer of the title of ownership from one state to another (“The Global”). International arms trade has a substantial effect on armed conflicts around the world and poses a threat to peace and security if not regulated. Small arms trade can especially have a detrimental effect, considering that they are easier to transport (including illegally) or operate, and are used by non-state actors, such as terrorist organizations, gangs, cartels, or insurgent groups. These show the risks of the global arms trade, and the importance of transparency and regulations to combat extreme polarization.

Definition of Key Terms

Conventional Arms: Arms that are not “weapons of mass destruction (i.e., nuclear, chemical and biological/bacteriological weapons)”.

Small Arms: Arms that can be carried and used by an individual and involves arms such as rifles and pistols.

Lightweight Weapons: Weapons that are usually operated by a few people and include weapons such as but not limited to heavy machine guns and portable anti-aircraft guns.

Arms Trafficking: The illicit (illegal) trade of arms.

End-user: The final owner of a weapon in a situation where the same weapon is transferred more than once and between different parties, e.g. when a state sells the weapon it bought to another country or non-state actor.

Dual-use Item: An item that has both civilian and military uses.

Arms Embargo: Sanctions on arms banning or restricting the access of a state or non-state actor to arms, with the aim of making the country comply with international regulations and in some cases to prevent the escalation of an armed conflict.

General Overview

Arms trade, along with the economic benefits it provides to the exporting Member States, has an important role in international relations. Arms trade can be used as a way to support allies by the

exporting countries and Member States can acquire weapons for the protection of their territories and citizens. Accordingly, the Arms Trade Treaty recognizes “the legitimate political, security, economic and commercial interests of States in the international trade in conventional arms”. Nevertheless, arms pose a significant threat to peace and security. This is why it is crucial for Member States to have the necessary regulations to control arms transfers.

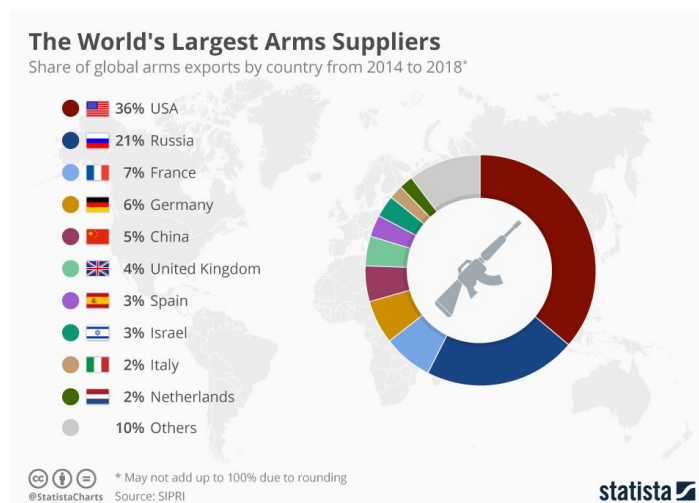
In situations with inadequate regulations, arms transferred to a country can be acquired by non-state parties that may engage in activities that threaten the life of civilians or aim to destabilize a region. Weak regulations or surveillance during transportation or stockpiling can be a reason. Corruption or a Member State deliberately supplying the weapons can also result in some violent non-state actors acquiring these arms. The illicit trafficking of Small Arms and Lightweight Weapons (SALW) is more common, considering the relative easiness of transportation and storage. In addition, the arms supplied to Member States can be used in a way that attacks civilian targets or constitutes a breach of the international humanitarian law.

Exporting Member States are, therefore, encouraged to analyze the possible use of the weapons they are supplying and to keep detailed records of their arms sales and transfers. Importing countries also have responsibility for preventing the arms from becoming illicit. Transparency guidelines are important for these purposes.

Major Parties Involved and Their Views

United States of America (USA)

The USA is the largest arms exporter in the world (SIPRI rank) and is the country with the highest military expenditure in the world, according to data from 2019, with 732 billion dollars spent. Despite having been signed by the United States, the Arms Trade Treaty has failed to get ratification from the US Senate. On 26 April 2019, President Trump announced that the United States was going to withdraw from the treaty.



The World's Largest Arms Suppliers

The USA, along with other major arms exporters, some of which are among the five permanent members of the UN Security Council, has been criticized for supplying weapons to states or regions with the knowledge of the arms being used for committing war crimes.

Russian Federation

Russia, being the second largest arms exporter in the world, has been criticized for not evaluating the humanitarian situation in the region the sales are made to. It is the biggest supplier in Africa, and its due diligence regarding its arms sales to Nigeria—to which the USA has not supplied weapons due to human rights violation accusations towards Nigeria—have been questioned (Kondratenko).

Saudi Arabia

Considering the data for 2015-2019, Saudi Arabia was the largest importer of arms, its imports being 12% of the global arms imports (“USA and France”). Saudi Arabia has been accused of committing human rights violations by bombing civilian targets, and providing weapons to third-parties in Yemen, which is an action violating the arms embargo established in a Security Council resolution and the end-user agreements of the weapons. Some Member States such as the USA and the UK have been criticized for providing weapons to Saudi Arabia with the knowledge of their use.

United Nations Office on Drugs and Crime (UNODC)

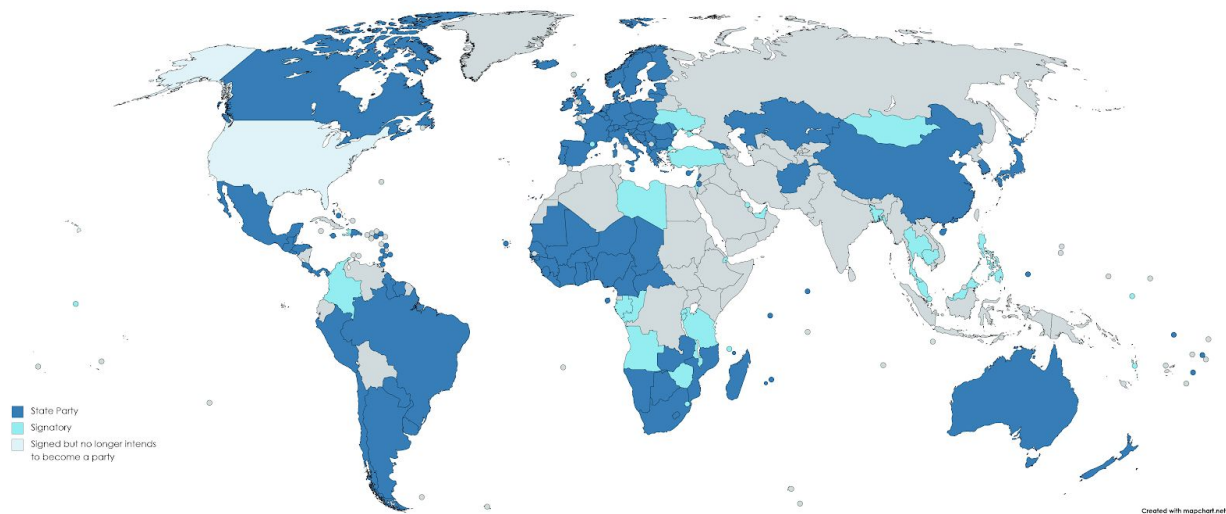
UNODC works on different areas such as corruption or drug trafficking. Its activities on preventing terrorism and transnational organized crime makes it a UN organization that can take part in the solution of the issue.

United Nations Office for Disarmament Affairs (UNODA)

UNODA is a UN organization responsible for working in cooperation with Member States regarding a wide range of issues related to disarmament, such as weapons of mass destruction, disarmament in post-conflict zones, or promoting transparency through the use of the United Nations Register of Conventional Arms (UNROCA).

Treaties and Events

Arms Trade Treaty: Arms Trade Treaty includes comprehensive measures to increase the transparency of international arms trade. Requesting importing Member States to provide information to exporters on end-users in Article 8, and Article 11 asking Member States to share information on trafficking routes or illicit activities to prevent diversion are some examples. The treaty also asks Member States to keep national records of exports and imports, and requests State Parties to submit annual reports to the Secretariat.



Status of ATT Participation

Programme of Action (PoA): PoA (or with its full name, the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons) is a framework decided upon in the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspect, convened from 9 to 20 July 2011, pursuant to the General Assembly resolution A/RES/54/54V on small arms (*Report of the United Nations*). Alongside having guidelines for countries on manufacturing, brokering, trading, and stockpiling weapons, PoA asks for reports from Member States on its implementation. In addition, the International Tracing Instrument (ITI)—or with its full name the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons—adopted in the Programme of Actions aims to increase tracing, which provides transparency on the origin and trade of the weapons. Member States are asked to submit reports on the implementation of ITI.

Firearms Protocol: The Firearms Protocol, or with its full name, the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition is one of the three protocols called the Palermo protocols, which supplement the United Nations Convention against Transnational Organized Crime. The Firearms Protocol was adopted on 31 May 2001 by the General Assembly resolution 55/255, and came into force on 3 July 2005 (“The Firearms Protocol”). However, it is important to note that some Member States involved in the issues, such as the USA, the Russian Federation, the United Kingdom (UK), China, or Germany are not among the 119 parties to the Protocol (“Chapter XVIII 12c”).

Evaluation of Previous Attempts to Resolve the Issue

Despite having measures that could increase the accountability of Member States that are involved in arms trade and reporting mechanisms that could increase transparency, PoA was criticized to

lack specific regulations, definitions, and evaluation methods that would ensure its implementation. The different reporting standards used by governments made it hard to compare the implementation of PoA and in some cases led to insufficient reporting. In the decade following its adoption, there was a significant decrease in the information provided on ITI.

Despite outlining a comprehensive solution for regulating and ensuring the transparency of arms trades, the Arms Trade Treaty has shortcomings in ratification and implementation. Some major arms exporters, such as the US and the Russian Federation have not ratified the treaty. In addition, despite having articles against arms exports to Member States or regions where they could be used to commit crimes violating the Geneva Convention or in a way that destabilizes those regions, Arms Trade Treaty was not sufficient in preventing such exports, due to the lack of transparency or agreement by Member States on the way the arms were used.

Possible Solutions

Considering the fact that countries, especially exporting states, have political and economic motives to support international arms trade, Member States can provide insufficient information on arms trade. One possible solution could be for Member States to establish an independent commission or a group of experts that will evaluate the arms exports the Member State is planning to make, and submit a report to the government on the information the Member State could provide regarding those exports, in accordance with transparency regulations or information sharing practices outlined in international agreements or treaties.

Another solution can be asking Member States to increase their cooperation with the UNODA to implement measures to trace small arms and increasing the transparency on the information obtained. This is important in understanding the origin of an illicit weapon and the step at which the weapon became illicit. This data can be used to ensure transparency on the origin of the arms and whether there are any violations of regulations or treaties by Member States.

It is important for the solutions to keep in mind the right of self-defense of Member States as mentioned in the Article 51 of the UN Charter, their sovereign rights to implementing their own regulations regarding conventional weapons inside their countries, and considering the information Member States would keep confidential due to security issues while aiming to ensure peace and security.

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