

control arms

NGO Arms Trade Treaty Steering Committee Position Paper: Scope - Types of equipment to be covered by an Arms Trade Treaty March 2009

The scope of an Arms Trade Treaty (ATT) includes several aspects, including both the range of equipment and the forms of transfer and transaction. Of these, the following addresses only the range of equipment.

A comprehensive ATT

If an ATT is to be effective, it must regulate the international transfer of the items actually being used to fuel violent conflict, to commit serious human rights violations, to undermine peace and security or sustainable development, in terrorist attacks, and in connection with organised crime. Such items include:

- *All conventional military, security and police armaments, weapons and related materiel*—an ATT must regulate the international transfer of all major weapon systems and armour as well as small arms and light weapons (SALW), including not only those specifically designed for offensive combat operations but all types of military weaponry, communication and transport equipment such as manned and unmanned aircraft, helicopters, ground and amphibious vehicles and sea vessels.
- *Conventional ammunition and explosives used for the above*—the central role of ammunition including bombs, torpedoes, grenades, rockets, mines, missiles, depth charges, pyrotechnic devices, and sub-munitions such as bomblets, in perpetrating serious violations of international law is uncontested. Explosives, as well as critical to the manufacture of ammunition, are widely used in terrorist attacks.
- *Components, expertise and equipment essential for the production, maintenance and use of conventional arms and ammunition*—the international transfer of specially designed components, expertise and equipment essential for production, maintenance and use of conventional arms and ammunition is a growing part of the globalisation of the arms trade that can lead to significant uncontrolled proliferation.
- *Other internal security weapons with potential lethal effects*—items often described as “less than lethal” but which can have lethal effects, such as lasers, tear gases, baton rounds and electric-shock guns, have a significant bearing on the internal use of force by armed forces and police, so should be included in the control list of an ATT.
- *Dual-use items intended for military, security and police use*—increasing use of civilian technologies in conventional arms requires that international transfers of these technologies must be included in an ATT where they are intended for a military, security or police end-use.

Why the *UN Register of Conventional Arms (UNRCA) plus SALW* model is not enough

There has been some discussion among states of an ATT covering only the seven categories of the UNRCA¹ plus SALW (described as ‘7+1’). While an ATT should definitely include all SALW and the major systems covered by the UNRCA, it needs to go much further.

¹ The seven categories of the UNRCA are battle tanks, armoured combat vehicles, large-calibre artillery systems, combat aircraft, attack helicopters, warships (including submarines), and missiles and missile-launchers.

The UNRCA is a product of its time and a specific strategic context. It sprung from the end of the Cold War and the interests of the main parties to that confrontation in agreeing certain confidence-building measures as part of establishing a new relationship. The UNRCA categories have only limited relevance for many of the conflicts, crimes and tensions in the world today. For example, the UNRCA includes:

- ‘battle tanks’ and ‘armoured combat vehicles’, but not any of the many other types of military vehicle (such as armoured troop carriers);
- ‘combat aircraft’, but not other military aircraft such as military utility planes which are used for bombing raids and troop carrying;
- ‘attack helicopters’, but not other military helicopters that can be adapted to carry munitions and are used for military operations;
- some artillery systems, but not those with a calibre of less than 75 mm.

Furthermore the UNRCA applies only to complete weapons platforms; ‘7+1’ would not regulate the transfer of these items in component form.

In addition, four of the five types of equipment described under ‘a comprehensive ATT’ (above) fall completely outside the scope of ‘7+1’. Even the first type would only be partially covered. With an increasing majority of the international arms trade falling outside such a Treaty, the loopholes would be massive. And it should be recalled that the UNRCA is a transparency mechanism, not a transfer controls instrument.

An alternative approach

Rather than using the UNRCA, states should examine the coverage of existing national arms transfer control regimes and of regional or multilateral transfer control agreements. For the most part these are likely to cover much more than ‘7+1’. If among states with well-developed control systems and among relevant regional/multilateral agreements there is similarity regarding the range of items to be controlled, this could be a productive starting-point to determine the potential scope of an ATT.

In addition, UN Security Council arms embargoes are worth examining in this context, as the terms of these embargoes frequently give a general indication of the range of equipment to which Member States are willing to apply arms transfer controls. For example, the UN arms embargo on all parties to the conflict in Darfur refers to “arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned” as well as the provision “of technical training or assistance”.

Conclusion

An ATT must be comprehensive if it is to be effective. To be comprehensive it must cover not just weapons platforms and systems but also their ammunition and components, arms and ammunition production equipment and technologies, internal security equipment, and dual-use items intended for military, security or police use. An ATT that applied only to the narrow ‘7+1’ rubric that some states have been suggesting would be far from comprehensive and would have a marginal and probably declining impact. The OEWG should reject such a formulation and instead focus on the range of equipment to which national controls and relevant regional or multilateral agreements already apply.