



# IFSH

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Remarks for the session on “The Way Ahead for the Arms Trade Treaty“

## 1. Improving the impact of the Arms Trade Treaty provisions through better implementation

- A good number of activities, including outreach activities funded by the EU and member states such as Germany, have been implemented by organizations such as the German export control authority and NGOs. Generally these have been well received. The focus on needs of those receiving assistance in many of the activities is laudable, if not always easy to implement.
- The 1st Conference of State Parties in Cancun in August 2015 did a good job to facilitate the implementation of the ATT by selecting the location of a secretariat as well as key personnel and deciding on a provisional budget. More substantial discussions need to take place at the second Conference of State Parties in August 2016.
- Reporting by State Parties seems to have been slow in advance of the deadline of May 31, 2016. This is in line with the decline in reporting to the UN Register of Conventional Arms, which was at its lowest since 1992 in 2014 with 52. One of the most important discussions at the next Conference of State Parties needs to be on transparency. Judging by related experience, for instance arms embargoes, public access to the data is important for implementation as it allows for effective forms of naming and shaming.

## 2. Improving the impact of the Arms Trade Treaty through broader membership

The number of signatories, currently 133, is overtly impressive, given the short time span since adoption of the ATT. The same goes for ratifications, currently standing at 85. However, major exporters, and particularly large importers remain outside of the treaty.

- Current efforts to expand membership go in two directions:
  1. **Minor exporters** predominantly through re-exporting arms. While many of these have signed, and a good number ratified, particularly in Europe and Central America, there continue to be gaps in Northern and Central Africa as well as large parts of Asia.
  2. There have been few change in the ATT status among **major arms exporters**. Among the 10 largest exporters in the SIPRI arms transfer data for major weapons for 2011-2015 6 have ratified (all from the European Union), two signed (USA, Ukraine) and two not even signed (Russia, China). Particularly because of lower export from Russia in 2015, the share of exporters outside of the ATT in the total trade of major weapons has recently declined. At the same time, the share of countries who ratified the ATT has increased (see Table 1 in the Appendix).

- So while the trend is somewhat encouraging on the exporter side, it is less so on the importer side (see Table 2 in the Appendix). While most of the obligations of the ATT concern exporters, some address importers, for instance on record keeping, diversion and corruption. Furthermore, the unwillingness to accede to the ATT, which is noticeable for major importers, also means that they are not becoming part of the ATT as exporters, which some of them are.
- Among the 10 largest importers between 2011 and 2016 according to SIPRI data, only 1 has ratified (Australia), 4 are signatories and 5 are not even signatories. In terms of shares in global arms trade, the trend is for more major weapons going to recipients who have neither signed nor ratified the ATT. In an arms market that has been growing at about 3 percent per annum over the last decade, major recipients seem to not find it in their interest to join the ATT.
- Another effect on the recipient side potentially related to the ATT seems to be the expansion of domestic arms production. This has particularly been noted for ammunition production, reinforcing the need to broaden membership of the ATT as these states are also becoming potential exporters.

### **3. Improving impact of the Arms Trade Treaty through leadership in arms transfers control**

- The EU and its member states provided leadership in the process leading up to the ATT and have continued to do so, e.g. through assistance and outreach activities.
- However, the EU and its member states are also critically perceived, with some arguing that it is in danger of sacrificing its leadership for commercial interest.
  - A case in point was the recent debate over arms exports to countries involved in the war in Yemen, particularly Saudi Arabia. The Saudi Air Force has been accused of war crimes, for instance by targeting hospitals. If true, this should trigger the provision of article 6, 3 of the ATT: “A State Party shall not authorize any transfer of conventional arms “if it has knowledge at the time of authorization that the arms or items would be used in the commission of genocide, crimes against humanity, grave breaches of the Geneva Conventions of 1949, attacks directed against civilian objects or civilians protected as such, or other war crimes as defined by international agreements to which it is a Party.” Furthermore, article 7 stipulates risk assessments towards potential serious violations of human rights and international humanitarian law via arms exports. The European Parliament, on 25 February 2016 with a strong majority (2016/2515(RSP))：“Calls on the VP/HR to launch an initiative aimed at imposing an EU arms embargo against Saudi Arabia”. While some member states, such as the Netherland, stopped transfers, others did not. Some even publicly continued in promoting major deals with Saudi Arabia.
  - Another case in point is transparency in export data. The recent EU report on the implementation of the EU Code of Arms Exports shows an increase in the volume of licenses granted from about 35-40 billion € per year for the last few years to 96 billion € in 2014, more than a

doubling of the values. The reason is that a member state changed its policy from licensing exports for actual sales to licensing sales opportunities. This change however, in my view obscures actual exports, and reduces transparency of EU arms exports.

- If the EU intends to continue to take a leadership role on arms transfer controls, it should avoid sending signals in the opposite direction. Furthermore, this may be the time to consider additional measures. One such measure could be to include membership in the ATT in some form into the framework regulating EU arms transfers. A potential candidate is Criterion 1 of the Common Position of 2008, which reads: “Respect for the international commitments of EU member states, in particular the sanctions decreed by the UN Security Council and those decreed by the Community, agreements on non-proliferation and other subjects, as well as other international obligations.” While the expansion of ATT membership is no obligation of the EU in itself, it is part of the broader EU interest in strengthening non-proliferation, also in the conventional field. An explicit mention of the ATT in the User’s Guide might help to convince importers that joining the ATT would improve the basis for a stable arms transfer relationship with EU member states.

#### **4. Conclusions**

In summary progress in achieving the goals of the ATT is noticeable but not without contradictions. The treaty has been strengthened in institutional terms, but remains limited in terms of coverage of the global arms market. There has been some progress in making it effective for the global arms trade, but the prospects for covering a larger share of the global arms market than has already been achieved are fragile. Rather there is danger ahead of the ATT process loses steam in a globally growing market for arms. Continued efforts and new initiatives are therefore warranted.

**Table 1: SIPRI estimates of major weapons exports and status of relationship to Arms Trade Treaty (ATT) as of mid-2016**

Source for data: [www.sipri.org](http://www.sipri.org). Status in ATT: R= Ratification; S= Signature only; N= Neither

<b>Supplier</b>	<b>Share in total 2011-2015, in percent</b>	<b>Share in total 2015, in percent</b>	<b>Status in ATT</b>
United States	33,0	36,6	S
Russia	25,0	19,2	N
China	5,9	6,9	N
France	5,6	7,0	R
Germany	4,7	7,2	R
United Kingdom	4,5	4,2	R
Spain	3,5	4,5	R
Italy	2,7	2,0	R
Ukraine	2,6	1,1	S
Netherlands	2,0	1,6	R
Israel	1,8	2,5	S
Sweden	1,5	0,6	R
Canada	1,0	1,1	N
Switzerland	1,0	1,3	R
South Korea	0,7	0,4	S
Turkey	0,6	1,0	S
Norway	0,5	0,5	R
Belarus	0,3	0,0	N
South Africa	0,3	0,1	R
Australia	0,3	0,4	R
Finland	0,2	0,1	R
Uzbekistan	0,2	0,1	N
Romania	0,2	0,0	R
Poland	0,1	0,0	R
Czech Republic	0,1	0,4	R
Belgium	0,1	0,0	R
Brazil	0,1	0,1	S
Jordan	0,1	0,1	N
Iran	0,1	0,0	N
Singapore	0,1	0,2	S
Austria	0,1	0,0	R
UAE	0,1	0,2	S
India	0,1	0,1	N
Denmark	0,1	0,1	R
New Zealand	0,1	0,0	R
Serbia	0,1	0,1	R
Ireland	0,0	0,0	R
Saudi Arabia	0,0	0,0	N
Hungary	0,0	0,0	R
Bulgaria	0,0	0,0	R
Others	0,0	0,2	
<b>Total (billion TIV)</b>	<b>142,9</b>	<b>28,6</b>	
<i>Countries with ratifications</i>	<i>27,9</i>	<i>30,2</i>	<b>R</b>
<i>Signatories (no ratification)</i>	<i>39,2</i>	<i>42,3</i>	<b>S</b>
<i>Neither action</i>	<i>32,9</i>	<i>27,5</i>	<b>N</b>

Table 2: SIPRI estimates of major weapons exports and status of relationship to Arms Trade Treaty (ATT) as of mid-2016

Source for data: [www.sipri.org](http://www.sipri.org). Status in ATT: R= Ratification; S= Signature only; N= Neither

Recipients	Share in total 2011-2015, in percent	Share in total 2015, in percent	Status in ATT
India	14,0	10,8	N
Saudi Arabia	7,0	11,0	N
China	4,7	4,2	N
UAE	4,6	4,5	S
Australia	3,6	5,5	R
Turkey	3,4	1,6	S
Pakistan	3,3	2,6	N
Viet Nam	2,9	3,0	N
United States	2,9	2,0	S
South Korea	2,6	0,9	S
Algeria	2,4	2,2	N
Egypt	2,4	5,2	N
Singapore	2,3	0,3	S
Iraq	2,3	4,2	N
Indonesia	2,2	2,4	N
Taiwan	2,1	2,4	N
Morocco	2,0	0,1	S
Venezuela	1,9	0,6	N
Azerbaijan	1,5	1,0	N
Bangladesh	1,5	2,3	S
United Kingdom	1,4	1,3	R
Myanmar	1,4	1,1	N
Afghanistan	1,2	0,3	N
Japan	1,2	1,1	R
Oman	1,1	0,5	N
Israel	1,0	2,2	S
Canada	1,0	1,4	N
Brazil	1,0	1,0	S
Italy	0,9	2,1	R
Qatar	0,9	2,3	N
Kuwait	0,9	1,3	N
Thailand	0,9	0,6	N
Mexico	0,8	1,7	R
Greece	0,8	2,7	R
Syria	0,8	0,0	N
Norway	0,7	0,5	R
Netherlands	0,7	0,3	R
Jordan	0,6	0,7	N
Colombia	0,6	0,8	S
Spain	0,6	0,5	R
Poland	0,6	0,5	R
Finland	0,6	0,8	R
<b>Countries with ratifications</b>	<b>13,1</b>	<b>18,8</b>	<b>R</b>
<b>Signatories (no ratification)</b>	<b>24,1</b>	<b>17,1</b>	<b>S</b>
<b>Neither action</b>	<b>62,8</b>	<b>64,1</b>	<b>N</b>