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FACT SHEET

Arms Trade Treaty

What is the arms trade?

Arms trade refers to the international transfer of conventional arms, their components and munitions. Transfer includes sales, military aid and other cross-border shipments.

At present, how is this trade regulated?

There is no overarching, international law dealing with the transfer of conventional arms and munitions. Instead, the trade is regulated through varying national laws and procedures as well as through a number of smaller international treaties and agreements.

What is the Arms Trade Treaty?

The Arms Trade Treaty (ATT) is the name of a potential international convention. The ATT, which will be negotiated by members of the United Nations in 2012, would provide common standards for the transfer of conventional arms and munitions and would prevent irresponsible transfers from contributing to the abuse of human rights and other breaches of international law. The ATT would not ban the trade of conventional arms and munitions, but would strengthen controls on legal activity.

What activities would be regulated by the ATT?

The ATT would apply to all types of arms transfers—including imports, exports and transshipments—and all categories of conventional arms and munitions—including small arms and light weapons, heavy weapons, military-support equipment, components and parts, technology for production and dual-use items. The ATT would not cover weapons of mass destruction (i.e. nuclear, chemical and biological weapons).

Who would be responsible for regulating arms/munitions?

Any state involved in the transfer of conventional arms and munitions would be responsible for ensuring, prior to authorizing any transfer, that the items in question would not contribute to infractions of international laws and norms or be diverted for unauthorized use.

How would transfers be regulated?

Transfers would be regulated on a case-by-case basis, according to agreed-upon international standards.

What principles should underlie these international standards?

- States should not authorize any transfer that violates international law, including UN Security Council resolutions (e.g. arms embargoes), decisions or treaties by which a state is bound and principles of international humanitarian law (e.g. prohibitions against the use of arms that cause superfluous injury or unnecessary suffering).
- States should not authorize any transfer that may violate the UN Charter, international human rights law or international humanitarian law
- States should not authorize any transfer which may facilitate genocide or crimes against humanity, terrorist attacks, gender-based violence, violent crime, organized crime or corruption.
- States should not authorize any transfer which may adversely affect regional security or stability, socio-economic development or poverty reduction.

How would these standards be enforced?

Each member state would submit comprehensive annual reports on all international transfers of arms and ammunition covered by the treaty to an international registry. The registry would allow member states to monitor compliance to ensure effective functioning of the treaty.

Can the ATT succeed if key exporters do not support it?

The existence of treaty standards approved by a majority of countries would make it much more difficult for governments to circumvent those standards. There is ample evidence to suggest that creating an international norm modifies the behaviour of all states, even those that may not have originally agreed to it.

How will the ATT address current regulative problems?

Current regulation is exclusive—it bans the transfer of certain arms and munitions but not others. The ATT would apply to all types of transfers and all categories of conventional arms and munitions.

Current regulation is opaque—it often lacks proper mechanisms for verification, making it difficult to determine whether an arms transfer is legitimate and responsible. The ATT would require regular reporting by all states to ensure transparency.

Current regulation is full of loopholes that arms dealers and brokers know how to exploit. The ATT would be an overarching, international standard that would prevent illegal or irresponsible transfers by holding governments to account for all stages of international arms transfers.