Arms Transfers and Human Rights: The Impacts on Regions in Conflict

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“A sword and a strong arm are no longer sufficient for victory... only the most modern rifles will do.”
Khedive Ismail

1. Historical background

It is widely known that weapons have long been “an important commodity” (Stohl and Grillot 2009, 11), due to Thucydides writings about the importance of weapons’ supply as early as in the Peloponnesian War. Their transfers and production were present in all of Europe’s greatest powers throughout the centuries, such as Italy in the fifteenth century, England during the sixteenth century, as well as Russia and Portugal. Portugal, as a producer and as a trader, often sent weaponry to Africa and Asia, helped by its already existent commercial routes. Furthermore, the arms production and trade was not a privilege of central Europe, becoming spread practices on Sweden, India, the Balkans, the Ottoman Empire and Japan (Stohl and Grillot 2009).

After the development of industry in the eighteenth century, weaponry became easier and cheaper to produce, enhancing international arms trade. In the early 1800s, Egypt invested in creating a military and industrial complex of its own, the first in the Middle East. Simultaneously, the United States of America developed its arms industry after the Civil War, particularly with new technologies as the ones used in the new rifles, with more modern projectiles. The United States’ market had been flooded with weaponry and necessity led them on the search for markets expansion, including in Egypt. From then on, arms export became a trend, and countries which had the technology to produce participating on the international trade, which was mostly done by private firms, up until the First World War (Stoker and Grant 2003; Krause 1992). Similarly to the United States’ industry, the German manufacturers also developed rifles and pistols that were later exported to Eastern Europe and the Balkans, particularly Serbia. Models were also exported to South Africa, being highly used during the Second Boer War (1899-1902), and
to several countries in Latin America.

Given the high number of deaths resulting of the First World War, private firms became stigmatized as responsible for the continuous war, since they had no qualms with prolonging the conflict to sell their products - even though there was no proof of a connection between private manufacturers and the wish to profit from the conflict. As a result, governments improved their arms regulations after 1918 in order to reduce transfers, and private firms had several of its owners going on trial. Nonetheless, this new policy had no success whatsoever as illegal trade prospered throughout the following decades (Stohl and Grillot 2009).

Once weapon production and sale were under the protection of governments, it became more acceptable to export arms, as economies looked for new markets to profit from. Major actors of the post-First World War, such as the United Kingdom, France, the Union of Socialist Soviet Republics (USSR) and mostly the United States - which had helped the Allies in their need for ammunition and other supplies - , encouraged research and development of modern weaponry. Countries began to create policies to maximize sales, by establishing new laws and market deals. “The Soviet Union, United States and France, in particular, offered credit programs for arms exports - most often involving large sums of money at little to no interest” (Stohl and Grillot 2009, 16 and 17). As a trend during this period, “governments and manufacturers, therefore, became collaborators, with governments at the helm” (Stohl and Grillot 2009, 17). Such a partnership would shape relations throughout the twentieth century up until today, affecting governmental decisions on human rights issues, since lobbying is made to guarantee state security by ordering arms shipments while neglecting its use.

After the Second World War, because of the indirect conflicts motivated in their spheres of influence, the United States and the USSR introduced unseen proportions to the arms trade, by injecting billions of dollars in the production and transportation of weapons to countries with strategic positions.

“In 1950, the value of global arms sales totaled around $7 billion. By 1953, the total jumped to a record $20 billion, demonstrating the rapid diffusion of weapons in the early Cold War period. Global weapons sales peaked at $45 billion in 1982. By the end of the Cold War in 1990, global arms sales fell to $30 billion, and continued to decline until later in the post-Cold War period” (Stohl and Grillot 2009).

Moreover, it was in the 1960s, with the wave of independence processes in the Middle East and Africa, that the subject of arms transfers became deeply worrying and relevant, not only due to its importance in the warfare, but also in the human rights area. This is demonstrated by its great impacts on the outcome of conflicts and civilian life, as well as by the efforts of peacekeeping missions in recent years. Following a declaration in 1969, Richard Nixon made arms transfer an actual policy of the United States, by promising assistance - economic and military - to friendly regimes in Asia (Stohl and Grillot 2009, 10). In the same time period,
developing countries had become active producers, almost quadrupling their production revenue in 10 years, while in the following decade numbers were even higher (Stohl and Grillot 2009).

Before Ethiopia became an ally of the Soviet Union in the 1970s, the country had already bought “more than half a billion dollars in arms” (Stohl and Grillot 2009, 19) from the United States. Other countries, most notably Somalia, did the same over the 1970s and 1980s as communism spread in the African continent and parties opposed each other with support from the two greater powers in the bipolar system. Furthermore, the subject of arms control was always controversial, for many critics have argued these concepts are flawed in all accounts (Croft 1996). It was during this period that the subject of arms control was raised by the international community, discussing whether access to weapons in democratic regimes should not be a problem, while in military governments having access to guns’ supply is a serious issue given their tendencies to violate human rights.

Such tendencies are most notable in the motivation of creating indirect conflicts between countries in the third world regions, a widespread behaviour during the Cold War, particularly in the 1970s as “primary recipients shifted to the third world, with the Far East, Indian subcontinent, Middle East, North Africa, Sub-Saharan Africa and Latin America” (Stohl and Grillot 2009, 22) received more attention from the USSR and the USA. The Middle East was the most favored region by the suppliers, having definitely played a major role in the civilian deaths during conflicts in the last 30 years.

The twentieth century was, thus, a period when there was a shift from consumers’ profile. Instead of supplying weapons to developed countries, as it had happened in the previous centuries - most notably in the two World Wars - developing countries became solid consumers of small weapons, as “by the 1980s, developing countries had come to play a sizeable role as recipients in the international arms market-place. Indeed, between 1981 and 1991, developing countries comprised roughly three-quarters of all global arms import activity (United States Arms Control and Disarmament Agency, ACDA, 1991-92: 8)” (Blanton 1999).

In the Post-Cold War, several guns have been abandoned as the arms race between the USSR and USA ended. These stocks were spread not only in Eastern Europe, but all around the world. The Soviet Union could not keep up with the production in the USA and former soviet guns, such as the AK-47, were kept in countries which had been part of the USSR, such as Ukraine, later becoming a source of trafficking for dealers to acquire cheap weapons (Tentindo 2006). Regardless of stockpiles from old regimes, arms transfers are still mostly financed by governments, openly or not, and conflicts became internal instead of international. In the 1990s, global international organizations became important actors in the situation of arms transfer, such as the UN, which applied sanctions to Yugoslavia, in an effort to stop killings from occurring in the region (Croft 1996).
The Gulf War in 1991 played a major role in defining the characteristics of the arms trade in the following years, as questions about the control of what would become of weapons after the end of the conflict were raised (Stohl and Grillot 2009). This question was again debated recently, since Iraq had received supplies from the United States during this period, shaping its future enemy Saddam Hussein.

Furthermore, one of the main issues regarding arms transfers is the fact that, once supplies have been given, there is no possibility to maintain control over who has access to them, with what purposes they will be used for or what will be done with said weapons when the conflict is over. While the world was concerned with the advent of nuclear bombs, small arms and light weapons (henceforward SALW) were still responsible for the greater number of deaths during conflicts (Blanton 1999).

Following the 9/11 attacks, new trends in the market for arms trade have arisen, “whereby the major arms importers have shifted away from traditional Middle East customers toward Asian customers, notably India and Pakistan” (Stohl and Grillot 2009, 6). The new demand for security had the weapon's suppliers again in an uproar, increasing profit from the United States arms industry. This situation has been followed by a disregard for human rights conditions in countries buying large shipments, such as Uzbekistan and several other countries which have gone through severe changes in governments and also were helped by these supplies (Stohl and Grillot 2009, 35). A significant example of the participation of outside governments in financing different sides of internal conflicts was Liberia, in 2003. In Monrovia, as both sides of the conflict were in a siege in the capital, eventually running out of ammunition, the rebels managed to receive an illegal supply, and violations of human rights and humanitarian law occurred extensively (Tentindo 2006; Bellal 2013).

Nonetheless, this is not a recent trend of post-War on Terror, as “the global sources of weapons multiplied significantly throughout much of the 1900s” (Stohl and Grillot 2009, 21). The decrease in arms trade in the end of the 1990s and early 2000s is now changing with the War on Terror and more recently the Arab Spring, most notably because arsenals from the Cold War are still available. In 2006, 30 million SALW were accounted for in Sub-Saharan Africa, while Europe has about 84 million and the US the huge amount of 250 million SALW, being unquestionably the country with the largest arms dealing budget in the world. However, even though the number is smaller in Africa, threats to human rights and society protection are bigger in the continent (Tentindo 2006).

Recent events led by the Arab Spring have motivated intense transfer of SALW to the Middle East and northern Africa, resulting in violence against civilians and extra-judicial killings, in violation of international human rights and humanitarian law. Non-state actors have notably received support from Western countries—such as France, in helping Libyan rebels (Jolly and Fahim 2011)—and even from their neighbors—like Egypt. The conflict in Syria is another example, in which
countries have expressed in the media their wish to support rebel or government in their violent fight for control.

Besides the United States and Russia, other states such as Germany, China, the United Kingdom and France, have played important roles in the flourishing of the arms supply in the last 10 years, with China dominating as the main importer, followed by India and South Korea (SIPRI Arms Transfers Database 2012). The International Criminal Court has been a useful tool in the fight for the recognition role of arms transfers in prolonging conflicts and the Arms Trade Treaty (ATT) adopted in 2013 are part of the struggle to establish criminal responsibility.

2. Statement of the issue

2.1. Definition of Small Arms and Light Weapons

Small arms and light weapons (SALW) are considered conventional arms and have the following characteristics:

“[f]irst, an ordinary person can carry them. They are transportable by individual human beings, and thus are so-called man- or woman-portable. Second, they are capable of delivering lethal force. Third, they are primarily designed for military use, and so exclude recreational weapons” (Harold Koh 2007, 59).

These weapons are vastly pursued for their accessibility, portability, durability and cheapness and are known for killing more than 500 thousand people each year (Mulaj 2007). The sought for arms occurs for various reasons, such as strengthening armed forces, self-defense or in countries in emerging conflicts (Stohl and Grillot 2009). As demonstrated in several studies published since the early 1990s, small arms are mainly used in current conflicts. Hence, important issues in the discussion are the use of SALW in conflicts, the availability, demobilization and collection of small arms in post-conflict situations and the supply of these arms through international transfers (Wezeman 2003, 5).

2.2. The International Arms Trade

The international trade of conventional weapons is a global enterprise that represents interests and actions of states, sub-states and individual actors. The arms transfers have a political and security role in the current system, besides the fact that they represent a financial gain for every party involved (Stohl and Grillot 2009). These transfers can be legal or illegal, both having serious consequences in the recipient states.

2.2.1. Legal Transfers

A transfer of arms is legal when it is accepted by the laws of the state or by International Law. Governments involved in armed conflict, unless subject to an embargo, can legally import arms (Wezeman, Wezeman and Béraud-Sudreau 2011, 25). However, there is a lengthy discussion about the importance of legal
transfers in regions in conflict. The State had is expected to protect its civilians in these cases, thus it needs weapons for that purpose. The flow of arms cannot simply be suspended, which is why embargoes are not always implemented. Actually, the issue is that weapons that entered the country legally can easily end in the illegal circuit or be used for aggression or oppression (Wezeman 2003).

2.2.2. Illegal Transfers

Illegal transfers constitute a more complex problem. They are defined by the 2001 Small Arms Survey “as those in clear violation of national or international laws and without official government consent or control” (UNODC 2006). This means that there is no control over this type of transfer and one can only make assumptions, which represents a big difficulty in regulating arms trade.

Moreover, although it is common that international arms embargoes are established in regions in conflict, this does not always stop the flow of weapons, because any states continue to flout the prohibitions and clandestinely ship weapons to embargoed destinations (Stohl and Grillot 2009, 103). This is probably the most common form of illegal transfer and has harmful consequences for the people involved.

2.3. Violations of Human Rights

The international arms trade contributes to a variety of complex and multifaceted consequences. No country, region or community is immune from these deleterious effects, which bind many sectors of society (Stohl and Grillot 2009, 137). The main issue is to guarantee human security, which will lead to state security and human development. The presence of arms threatens human security, both by direct and indirect effects.

There is a big tendency to associate arms transfers to deaths and injuries. Nonetheless, there is a series of indirect effects of the international arms trade that must be taken into consideration. In some regions, weapons play such an important part in people’s lives that they have become symbols of higher status or are present even in the Mozambican flag. As it was stated in a presentation at the United Nations Conference on the Illicit Trade of Small Arms and Light Weapons in All Its Aspects by the former Interim President of Liberia, Dr. Amos Sawyer:

“once the introductory [sic]of weapons takes place in any local community, it changes the social order and the value system is undermined. For example, in Liberia, after our war, there was a new system and sayings: Oh, you have your MA, I have my M-16, you have your BA, and I have my AK” (Stohl and Grillot 2009, 122-123).

Arms alter traditional society and change the dynamics of the populations entangled by the transfers’ network. Armed conflicts are fueled by the presence of SALW and, as the number of deaths rises, the need for soldiers follows it.
Many groups end up recruiting children in schools to work as soldiers in regional conflicts, children that will have to stop their education to participate in activities completely inappropriate for them (Stohl and Grillot 2009).

Furthermore, numerous weapons are used for inhuman practices. Extra-judicial executions, forced disappearances and torture are some of the activities usually present in conflict situations. Cases of rape and assault can also be considered as consequences of arms transfers, since many of the offenders are usually armed. The insecurity created by the presence of weapons may bring difficulties for the state to ensure proper treatment to its peoples. The health system can be harmed, the educational system can collapse and humanitarian assistance can be obstructed (Stohl and Grillot 2009).

Another issue concerning the consequences of arms transfers is that, whenever there is an armed conflict, millions of people are forced to leave their homes and to stay in refugee camps, where they might not even receive the appropriate support. Finally, it is necessary to address the connection between terrorism, organized crime and the arms trade. Usually the routes of arms trade are also routes of drug and human trafficking and the illegal transfers of arms are frequently used by terrorists for their supply (Stohl and Grillot 2009).

As illustrated above, international arms transfers can lead to a vast number of serious human rights violations. Sometimes, the internal legal instruments are not sufficient to ensure the protection of civilians from the effects of the use of these weapons, however it is the country’s responsibility to provide their citizens with security. On the other hand, the international mechanisms of regulation of arms transfers may, in some cases, lack the transparency and control needed for effectiveness. Therefore, it is necessary to improve the control measures both in the national and in the international spheres.

2.4. The International Arms Transfers Regulation

In the twenty-first century, global criminality has raised instability and insecurity to alarming levels. At the same time, the engine that has driven this escalation, the global arms trade, grows ever more sophisticated in its effects (Feinstein 2011, 38). It is of utmost importance to create better mechanisms of control in order to mitigate the consequences, and principally, the humanitarian issues created by the arms transfers.

Since it is undesirable and unlikely that conventional weapons will be banned, the challenge is to limit and constrain the trade of conventional weaponry to prevent destabilizing build-ups and misuse (Stohl and Grillot 2009, 181). Thus, the efforts must address both legal and illegal transfers of SALW, considering that the simple presence of weapons in regions in conflict may worsen the situation of the entire population. Countries have been combining forces to reach consensus regarding this problem, sometimes even joining efforts with non-governmental organizations, such as Amnesty International and Human Rights Watch. However,
there are several obstacles that continuously obstacle the conclusion of this regulation and that must be closely understood.

There is a basic tension between the goal of arms trade regulation, on the one hand, and the principles of state sovereignty and non-intervention, on the other hand (Cornish 1995, 86). Conventional weapons are considered instruments necessary to national defense and every state has the right to produce, import, export, deploy and use arms, for the purposes of the inherent right of self-defense, as enshrined in Article 51 of the United Nations Charter (Stohl and Grillot 2009). This poses a big hindrance to the efforts in regulating arms trade, since some states do not seem to be willing to discuss their self-defense measures. Therefore, regulating the flow of small arms is a deeply political action (Reno 2007, 56) and states must bear that in mind when debating the subject.

With regard to the non-intervention principle, stated in Article 2(7) of the UN Charter, countries may also prefer not to reveal some internal information that might be requested for control measures, which constitutes another obstacle in the discussion: the lack of transparency. Intergovernmental transparency is needed in order to have the best control possible of the quantity of arms present in the regions and the proportion of the international flows (Wezeman, Wezeman and Béraud-Sudreau 2011). National laws, regional agreements and global standards that constrain state, sub-state and individual behavior and hold them accountable are all necessary components of international arms trade controls (Stohl and Grillot 2009, 188).

2.4.1. International efforts

Initiatives may, firstly, be taken at the international level. Countries have already concluded several treaties and the implementation of global norms regarding the international arms trade. States can engage and coordinate their arms control practices with each other and also be willing to domestically implement international commitments to enhance global control on arms. Moreover, today’s SALW control initiatives are more likely to involve a wider range of actors, including numerous international governmental and non-governmental organizations (NGOs), rather than only national governments. NGOs play a role in encouraging states to adopt more rigorous arms transfer control and in facilitating the development of international standards and agreements that limit state arms trade behavior (Stohl and Grillot 2009).

Organizations such as Amnesty International, focused on the protection of human rights worldwide, have been dealing with the problem of arms transfers in regions in conflict in a high number of their studies. One of their campaigns is related to the conclusion of the Arms Trade Treaty and it has been happening since the 1990s, creating various articles on the situation of arms all around the world (Amnesty International 2013). The Stockholm International Peace Research Institute has also been keen on its researches about the global security. It has been
investigating international arms transfers since 1968 and maintains an Arms Transfers Database, to provide countries with all important information (SIPRI 2013).

One of the main developments in the regulation of international arms trade was the Arms Trade Treaty, approved on March 27, 2013, by the United Nations General Assembly. The treaty aims at protecting civilians from the human rights violations generated from arms transfers and intends to establish a better system of control and transparency for all countries. It was the first Arms Trade Treaty ever approved by United Nations. It is important to notice that Iran, North Korea and Syria voted against it, stating that the treaty would not allow small countries to acquire conventional arms for their self-defense. Also, some countries that are main exporters of weapons—for example, India and Russia—abstained from voting. All signatories will be required to pass new laws and regulations governing their arms trade and national authorities will be responsible for enforcing them (Lynch 2013).

Another measure that is often used internationally is the arms embargo for regions in conflict. This is a way to prevent weapons to enter the regions, thus preventing human rights abuses. However, these embargoes are not always respected, as expressed before, and the arms continue to flow into the conflict areas, bringing many of the aforementioned consequences with them.

2.4.2. Regional Efforts

Numerous regional organizations have also addressed the issue of conventional arms control in recent years. Because the international arms trade is inherently transnational in nature, cross-border cooperation and coordination are necessary to ensure the effectiveness of national activities (Stohl and Grillot 2009, 175). Countries can work together in order to implement mechanisms of border control, so that the transfers can be better monitored.

In Europe, there is a Treaty on Conventional Forces, ratified in 1992, which expresses limits for transfers and local inspections to control arms’ presence. Additionally, the Organization for Security and Cooperation in Europe that has been working on the control of illegal arms flows since the end of the Cold War (Sidel 1995). In Africa, 11 countries, from the Great Lakes regions and the Horn of Africa, have signed the Nairobi Protocol, which commits states to regulate the arms in the region and restrict the presence of guns. This Protocol was implemented and should be monitored by the Regional Centre on Small Arms (Pytlak 2009). This kind of action shows that states are willing to discuss and control SALW regionally and that it has also been effective.

2.4.3. National Efforts

National arms control efforts are the first line of defense in preventing the
uncontrolled spread of conventional arms (Stohl and Grillot 2009). A country must be able to control and regulate the presence of arms in its territory and, mostly, to regulate the flows of weapons in its borders. Internal laws are one of the best mechanisms to regulate the arms transfers, however they may sometimes be badly implemented. For instance, many governments have relatively weak arms control laws or have established regulations with numerous gaps and loopholes, allowing arms brokers, dealers or corrupt officials to circumvent the law and perpetuate illicit arms trade (Stohl and Grillot 2009, 165).

In addition, all national and regional efforts should be implemented domestically, so that they can be completely effective. The way to do that is by internalizing all rules negotiated among governments into the domestic statutes, executive practice and judicial systems of participating nations (Koh 2007, 62). Moreover, other international, regional and national measures regarding the protection of human rights, reform of security sectors, enhancement of the rule of law and good governance will also have an impact on the international arms trade as safer and more secure national environments emerge (Stohl and Grillot 2009, 184).

2.5. Analyzing Specific Cases

2.5.1. The Situation in Syria

Syria was ruled under a national state of emergency for almost five decades, during which various state security forces enjoyed sweeping powers of arbitrary arrest and detention without trial and committed serious human rights violations (Amnesty International 2011). Many of these violations were results of the presence of arms in the region and were practiced by both government and insurgent groups.

Government forces have used heavy weaponry and artillery indiscriminately against civilian areas and protesters, with millions being killed, physically attacked and even tortured for their participation in protests. The European Union established an arms embargo in Syria, which prohibited every member state to supply weapons to the region. On the other hand, in the scope of the United Nations, an arms embargo was only suggested, but never applied.

Nevertheless, after the establishment of the European embargo, many states were still involved in the arms transfers to Syria, legally or illegally, and the need to support one of the parts of the conflict seemed to prevail over the concern for the human rights abuses happening in the country. Russia, for example, is the biggest supplier of weapons to Syria and,

“despite the substantial risk that a range of arms previously transferred to Syria would be used by the Syrian military, security and police forces to commit and facilitate well-documented serious violations of human rights, the Russian Federation agreed over recent years to transfer various types of arms to those forces” (Amnesty International 2011, 58).
The situation in Syria continues to be an issue and every day the consequences of SALW presence become more worrying, as the number of people killed by conventional weapons increases and there is no measure to stop the flows of arms to the country. The activities of NGOs and humanitarian workers are no longer effective and the conflict has no perspective of being settled.

2.5.2 Internal Conflict in Colombia

During the year 2005, there were 17,331 homicides in Colombia, of which 70% (12,055) were committed with the use of conventional arms. The situation in the country has been greatly affecting its civilians, who live in a permanent state of fear and insecurity, aggravated by the fact that they are permitted to have arms of their own. Many of these arms are of illicit origin, which constitutes another problem in the region: the high flows of illegal transfers (UNODC 2006).

On account of the internal conflict happening in Colombia, weapons enter the country without any control, due to the presence of the Revolutionary Armed Forces of Colombia (FARC) in a vast area of the region. Shipping companies dominate international transport to actors involved in conflict and illicit deliveries of small arms and light weapons to non-state actors in Colombia (Muñoz 2012). Moreover, in an attempt to regulate the transfers and reach stabilization in the region, the country agreed to the building of North American military units in its territory. All arms end up being used for violence and human rights abuses, as the report prepared by Control Arms shows:

“[c]ivilians continue to be the main victims of Colombia’s internal armed conflict, which has driven the demand for small arms for decades. All parties to the conflict—guerilla groups, paramilitaries, and the security forces—continue to commit serious violations of international human rights law and international humanitarian law. Some of these violations include taking hostages and extrajudicial executions. At least 1,400 civilians were killed in 2007 and hundreds of thousands of people were displaced by confrontations between the combatants” (Control Arms 2009, 3).

2.5.3. Armed Conflicts in Sub-Saharan Africa

From 2006 to 2010, 22 of the 48 countries in sub-Saharan Africa experienced armed conflict of some type. United Nations embargoes were seriously violated, involving the supply of arms to rebel groups. In these conflicts, the weapons used by governments have been delivered with the consent of the supplier and the recipient countries, although illegal trade was also sought by both governments and rebel groups (Wezeman, Wezeman and Béraud-Sudreau 2011). Since the arrival of weapons in the African countries, they have been a symbol of liberation. In anti-colonial and antiapartheid movements, arms have played an important role in the liberation of people and they are now intrinsic to their society—specially the AK-47, which is even present in the Mozambican flag.
As a result of the armed conflicts in the region, a great number of people has been killed, many others have become internally displaced or refugees and their property has been destroyed. In the interethnic conflicts in Rwanda and Burundi, SALW have been used to murder more than a million people (Pytlak 2009). The Rwandan forces that committed genocide against the Tutsi population in the 1990s keep receiving arms and ammunition through transfers from several armed groups and governments in the region, fuelling even more the conflict. Therefore, the flow of small arms into Sub-Saharan Africa is a major long-term cause of insecurity and instability in the region and a regional solution might be a way to mitigate the consequences of illegal arms transfers (ICRC 1999).

In light of the aforementioned, it is clear how human rights have been frequently violated in these regions in conflict and how there should be better regulations for them to be prevented. For that purpose, states must continue their efforts, at the national, regional and international levels, in order to assure the protection of civilians and to stop the uncontrolled transfer of weapons.

3. Previous international action

There have been various attempts to control the international arms trade throughout the centuries. In the Middle Ages, countries were already searching for understandings regarding arms transfers and trying to limit the flow of weapons to their enemies. In 1868, Saint Petersburg Declaration was agreed on, being the first treaty that tried to control the use of arms. During the operation of the League of Nations, a statistical yearbook with the exports and imports of arms around the world was published, as an endeavor to reach transparency in the transfers. With the beginning of the Cold War, the interest in conventional weapons increased, and the members of the North Atlantic Treaty Organization cooperated in order to decrease the exports to communist states. With the end of the Cold War, this cooperation was replaced by the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies, one of the current agreements that provide the control of arms trade (Stohl and Grillot 2009).

In 1980, the UN Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be Deemed to be Excessively Injurious or to Have Indiscriminate Effects (also known as the Inhumane Weapons Convention or CCW), containing general provisions to ensure the restriction of this type of weapons, was adopted and signed by fifty states. Currently, the CCW has 115 states parties and five signatories. However, countries have not yet been able to achieve consensus, and the implementation of a mechanism to ensure compliance with the Treaty is still difficult to complete (Stohl and Grillot 2009).

The first regional attempt to control large arms’ purchases was created by eight Andean states (Colombia, Venezuela, Argentina, Bolivia, Peru, Chile, Ecuador and Panama) with the Ayacucho Declaration of 1974 (Stohl and Grillot 2009, 140).
The countries decided to limit the acquisition of armaments for offensive military purposes and successfully prohibited a range of weapons in the region. Some years later, the European countries started to discuss the issue of international arms trade and signed, in 1990, the Treaty on Conventional Forces in Europe. The agreement was meant to bring parity, enhance transparency and increase stability in the region (Stohl and Grillot 2009).

In 1991, the UN General Assembly signed the UN Resolution 46/36L, entitled “Transparency in Armaments”. The adoption of this resolution constitutes an important step towards the control of arms transfers, since it establishes the United Nations Register of Conventional Arms, giving states the responsibility to provide data on imports and exports of weapons (Sidel 1995). It is clear that the legalistic arms control treaties that focus on large conventional weaponry are being replaced by voluntary, political agreements and the development of global norms, principles and standards of behavior that mould and constrain, but do not require significant limitations on state arms trade practices (Stohl and Grillot 2009, 144).

The Organization of American States gathered in 1997 to adopt a legally binding regional agreement on illicit arms trafficking. The Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials was ratified by 26 states of Central and South America, and other eight have signed but not ratified it, including Canada and the United States. The organization has been dealing with the issue of arms transfers since then and has already determined transparency mechanisms and regulations on conventional arms (Stohl and Grillot 2009).

In 2001, the UN held the Global Conference on Illicit Trade in Small Arms and Light Weapons, which resulted in the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, usually called as UN Programme of Action (UNPoA) (Muggah 2007). As stated by Pytlak in the Resource Guide of Religious for Peace:

“[t]he PoA reflects that the problem of small arms transcends political borders, and that solutions must be multilateral and multilevel. [...] However, it does have a few weaknesses. Specifically, it is not binding and does not indicate how to regulate small arms among civilian populations. Nor does it consider non-state actors, state officials’ misuse or arms, the role of public health and gender considerations or human rights” (Pytlak 2009, 9-10).

The African countries attempted to regulate the SALW in the continent by several means. The Economic Community of West African States signed the Convention on Small Arms and Light Weapons, Their Ammunition and Other Related Materials in 2006, which is a legally binding document banning the international transfers of arms to non-state actors or for non-peaceful purposes, and also established a programme for small arms. Moreover, eleven African states signed the Nairobi Protocol, an agreement that provides for the reduction and
control of SALW in eastern Africa. Also, the Southern African Development Community (SADC) adopted a protocol to ensure the control and regulation of the flow of weapons in the member countries (Pytlak 2009).

On December 6th of 2006, 153 state members of the UN General Assembly approved a non-binding resolution calling on the UN Secretary-General to ascertain the views of the General Assembly on the feasibility of a treaty establishing common international standards for the import, export and transfer of conventional arms (Stohl and Grillot 2009, 153). This was the first step towards the establishment of an Arms Trade Treaty. In 2013, the General Assembly has gathered one more time to discuss the treaty in the Final Conference on the Arms Trade Treaty and, on April 3th, it was adopted. More than seventy countries signed the document that regulates the trade of conventional weapons globally on June 3th (UNODA 2013). The signing of the treaty shows the international interest in establishing regulating mechanisms for arms transfers and paves the way towards deeper discussions.

4. Bloc positions

Following the departure of NATO troops from their territory, Afghanistan’s government has increased its share in arms imports, particularly as most small arms were reminiscent of the Cold War. There is a major concern with paramilitary groups and organizations such as the Taliban and Hezb-i-Islami having access to weapons illegally, particularly in the border with Pakistan and Iran. The country has voted in favor of beginning talks on an arms trade treaty.

Historically, Angola has suffered with arms transfers from neighbors and other countries, particularly during the civil war. Firearm and ammunition imports are limited by transfer control law. Angola is a party of several treaties within regional organizations, such as the African Union (AU), having adopted its policies to review the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (UNPoA), the Southern Africa Development Community and the UN, to prevent and eradicate illicit arms trade.

Argentina limits by law the transfer of ammunition and firearms to export and import. However, arms brokers and intermediaries do not have their activities regulated. Argentina, as a member of the Organization of American States (OAS), has signed the Transparency Convention, in order to help ending the use of weapons, along with Brazil, Chile, Costa Rica, Ecuador, Guatemala, Peru and Venezuela, as well as it has signed other initiatives of regulation of arms trade. The country pressured the international community for an arms trade regulation in 2006, and it has voted for the 2013 ATT.

Australia is the sixth largest arms importer in the world. The country strongly believes it is due time to control global arms trade and has offered to initiate a multilateral assistance fund to help the implementation of the 2013 Arms Trade
Treaty (ATT). As part of the Pacific Island Forum, in 2003, Australia accepted the Weapons Control Bill.

Due to its high profile as a small arms exporter, particularly to the United States, Brazil has created an arms end certificate, in order to regulate intended use of weapons. It is also a state policy to seize arms aiming for them to not return to unregulated owners. Brazil has also signed and ratified the UNPoA and voted in favor of the 2013 ATT.

Bulgaria has voted in favor of the 2013 ATT negotiations. As a member of the European Union, it has adopted the EU Firearms Directive. The country has joined in the arms embargo imposed on Libya. Its neighbor Romania has also similar positions and been strongly against lifting the arms embargo on Syria.

Chile is considered a minor arms exporter and has a strict regulation on the import and export of firearms and ammunition. The country has signed and ratified the UNPoA and voted in favor of the 2013 ATT. Chile received from the United States of America a large supply of small weapons in 2006, as well as Brazil, Venezuela and Colombia, due to counter narcotics efforts.

Differently, Colombia has been considered a major venue for arms trafficking to the Revolutionary Armed Forces of Colombia (FARC) and other armed groups as only the government has legal permission to manufacture guns. Due to this fact, the country has voted in favor of an arms trade treaty and has great expectations over its efficiency. As a member of the Andean Community and the OAS, it also follows these organizations policies on small weapons regulation. Bolivia shares similar responsibilities, as it is also a member of the Andean Community and of the OAS. However, Bolivia has abstained from endorsing the 2013 ATT, believing it to be unbalanced in its outline.

Costa Rica was one of the countries to pressure for the creation of the 2013 Arms Trade Treaty, therefore voting in favor of it. As a member of the Central American Integration System (SICA) and the OAS, has adopted their policies on the subject of arms transfer.

As of 2013, The People's Republic of China ranks as the fifth largest arms exporter in the world, exporting mainly to Pakistan, but also to Morocco, Sudan and Venezuela. China is also one of the world's major importers and has adopted the policies of the UNPoA in 2001. The country has abstained from the vote on the 2013 ATT; however, it has strict control on export and import according to its “Regulations on export control of military items of the People's Republic of China”, which concerns self-defense policy, not affecting internal affairs or the stability in the region, demanding an end user certificate.

Due to its delicate situation, the Democratic Republic of Congo (DRC) has included a certification of end use of small arms and ammunition and tracing of such weapons, and it also has strict regulations of import and export. However, the country ranks high in reports of smuggling of weapons. In 2003, the UN Security Council imposed an embargo for arms transfers to militias and armed groups,
which has not yet been lifted. As a member of the African Union, the DRC has adopted its policies on the UNPoA in 2006.

As a member of the European Union, Estonia has accepted the organization’s policies on arms regulation. The country voted in favor of the negotiations of the 2013 ATT, believing it would be essential to regulate illegal arms transfer around the world. Turkey was the 76th country to sign the 2013 ATT and, although there has been suspicion of illegal transfers happening in the border with Syria, the government denies any participation in it. For the last 20 years, up until today, the major arms sales partner of Turkey has been the United States of America. France and the United Kingdom have been strong advocates of arms transfer to Syrian rebels, lifting the arms embargo that aimed to stop the civil war. France ranks fourth as a global arms exporter, whose key customers include Singapore, the United Arab Emirates, North African and Francophone countries, as well as other NATO members. The United Kingdom has similar policies, being another major arms exporter in the world. The USA, India, South Africa and other NATO members are regular buyers, as well as countries in the Middle East and North Africa. As members of the European Union, both France and the UK are part of the 2007 legislation on Firearms Directive. The countries have created strict rules on the criteria for arms transfer and have voted in favor of the 2013 ATT.

Egypt is one of the main importers of weapons from the United States, as well as a recipient of financial aid for military purposes. The country is a member of the League of Arab States and has adopted its policies on weapons and ammunitions, as well as the African Union’s policies. Egypt abstained from voting on the 2013 ATT negotiations. The country has been a route for illegal arms transfers since 2002, and the situation became aggravated after the change in the Libyan regime in 2011.

Gun policy in Ethiopia does not require an end certification for the intended use of small arms and ammunition. As a member of the African Union, the country has adopted its policies, and, as a member of the Regional Centre on Small Arms (RECSA), it has adopted, since 2000, its policies on illicit transfer. The country has voted in favor of the 2013 ATT negotiations. From 1999 to 2001, the UN Security Council imposed an arms embargo to Ethiopia due to the conflict with Eritrea. The country has been accused of being a route for arms transfer to non-state actors.

Germany has pronounced itself against arms transfers to the Syrian opposition. The country ranks as the third major arms exporter in the world; expressing its serious concerns regarding the destiny of these weapons after the conflict. Germany has voted in favor of the 2013 ATT. As members of the European Union, both are parties of the 2007 legislation on Firearms Directive.

Côte D’Ivoire has had its civil war conflict fueled by arms transfers since 2002. Sanctions were imposed in 2004—and haven’t been lifted—but transfers were not illegal before that date. Aiming to regulate weapons misuse, the government
created a military police force in 2011. The country has voted for the 2013 Arms Trade Treaty.

**Indonesia** abstained from voting on the 2013 Arms Trade Treaty. The country has had a boom in military modernization similar to those of other countries in Southeast Asia and has restrictive regulations on the subject. Indonesia believes the ATT should be clearer on its terminology as to not benefit major arms exporters. Similarly, **Cuba** has abstained from voting on the 2013 Arms Trade Treaty due to its shortcomings regarding its unbalance and selectivity, by also demanding a solid tool to implement and enforce regulations.

**Iran** has been under an arms embargo from the UN since 2006, due to concerns over the end use of weapons to the Hezbollah. Iran has denied any arms transfer to countries suffering from civil unrest in the region, particularly Syria. The country ranks next to last in the Small Arms Trade Transparency Barometer from 2011. The country has not voted in favor of endorsing the 2013 ATT negotiations due to concerns over a state's right to self-defense.

Despite being under an UN and EU arms embargo since 1990, **Iraq** has reportedly been a route for weapons transfers to neighboring countries such as Syria, although the government denies such claims. The country is a member of the League of Arab States, having adopted its policies, and has voted in favor of the 2013 Arms Trade Treaty, expressing its concerns.

With strong regulations on the export of weapons, **India** is the major arms importer in the world, buying mainly from the USA, United Kingdom and Russia. It holds 12% of the global market, a percentage much higher than that of China, the world's second largest importer. India has abstained from voting on the 2013 ATT negotiations, believing it to be ineffective in the questions of terrorism and non-state actors, and is willing to revise its position when such aspects are considered. Similarly, **Pakistan** is the third main arms importer in the world, after India and South Korea, holding 5% of the global share. Pakistan has voted in favor of the 2013 ATT, but it believes some important omissions have been made, particularly against terrorism. The country ranks slightly low in the Small Arms Trade Transparency Barometer from 2011, but has a regulation policy on end use certificates.

As the tenth largest arms exporter in the world, **Israel** holds an important share of the Middle East market and, having voted in favor of the 2013 Arms Trade Treaty, it believes a legally-binding instrument must be created to regulate lawful arms trade and prevent terrorism, but still respecting states' decisions as to whether buy conventional weapons.

**Japan** has a restrictive regulation on firearms, controlling private ownership and creating a policy of disposal so not to encourage the secondary arms market. Japan has voted in favor of the 2013 ATT and has been one of the leading countries to push forward the discussions. Japan is the sixth largest exporter of small weapons in the world.
Liberia has signed the 2013 ATT as well. The country is a member of the Economic Community of West African States (ECOWAS) and of the African Union, having adopted its policies on weapons regulation. Liberia suffered an arms embargo since 1992 in different scopes, however it has been openly ineffective and now it operates only against non-state actors.

Since 2011, Libya has been under an arms embargo and, in early 2013, the UN Security Council has expressed its worries regarding the situation of arms transfers, as the country is one of the major exporters of weapons to non-state actors in the region, to African countries as well as to Syria. As a member of the African Union and of the League of Arab States, the country has adopted prevention policies regarding illicit trade. Libya has voted in favor of the 2013 ATT. One of its main trading partners is France.

As a member of the African Union and of the ECOWAS, Mali has adopted their position on regulation of small arms and light weapons. The country voted in favor of the 2013 ATT. During the recent conflicts, the country received large supplies of weapons from neighboring countries, particularly to non-state actors.

Mozambique, as a member of the African Union and of the Southern African Development Community (SADC), has adopted regional policies on arms transfers and ammunition. Russia is one of the main arms trading partners of Mozambique. The Philippines have been reported as a popular place for illegal trade of weapons. The country ranks low in the Small Arms Trade Transparency Barometer from 2011. Due to this situation, the government has fully supported the creation of an arms trade treaty.

North Korea is under an arms embargo from the UN and EU since 2006 on major conventional weapons. In June 2009, the UN extended the embargo to include all arms and related materials, without exceptions. North Korea ranks last in the Small Arms Trade Transparency Barometer from 2011. The country has voted against the 2013 Arms Trade Treaty. The country has reportedly been exporting weapons to Syria, and China is its main trading partner.

Having suffered with a flood of small arms after the Cold War with no control of end use, Rwanda has voted in favor of the 2013 ATT. As a member of the African Union, the country has adopted its policies regarding control of small arms and ammunition. Rwanda's policies are aligned with those of Nigeria regarding the ATT legal framework, being universally binding. Nonetheless, Nigeria has not signed the treaty.

The Russian Federation is the second major conventional weapon supplier, having control of 26% of the world market. The country has historically been an arms trading partner with African countries such as Angola, Ethiopia, Libya, Morocco, Sudan, South Africa and Uganda, particularly since the Cold War, as well as with India and Syria. The country has committed itself to the UNPoA and abstained from voting the 2013 Arms Trade Treaty negotiations. According to the Small Arms Trade Transparency Barometer from 2011, Russia ranked low, in the
45th position out of 49.

**Serbia** ranks as one of the most transparent countries regarding its trade policies on small arms, according to the same document. Serbia has strict regulations on gun ownership in accordance to the UN and EU protocol. The country has voted in favor of beginning an arms treaty which can regulate but also respect states’ right to self-defense.

**Saudi Arabia** is the largest arms exporter in the Persian Gulf, also buying from Germany, USA and United Kingdom. As a member of the League of the Arab States, it has adopted the organization’s policies towards weapons and ammunitions. The country abstained from voting in the 2013 ATT negotiations and it ranks low in the 2011 Small Arms Trade Transparency Barometer.

From 2007 until 2011, **Spain** steadily increased its share in the weapons export global market, particularly to South American states. Spain is considered to be a quite transparent country when declaring its guns exports, according to the Small Arms Trade Transparency Barometer of 2011. As a member of the European Union, the country has adopted the organization’s regulation policies and has voted in favor of the 2013 ATT. The **Netherlands**, according to SIPRI, is the eightieth major arms exporter in the world. Weapons regulation policies are similar to the ones adopted by the EU and ranks as the fifth most transparent country according to the Small Arms Trade Transparency Barometer.

**Somalia** has adopted the policies of the League of Arab States as well as of the African Union regarding weapons’ regulation and it has voted in favor of the 2013 ATT. The country is under an arms embargo imposed by the UN since 1992, amid conflicts between the government, militias and the Al-Shabaab. However, in 2013, the government has been authorized to receive transfers of small weapons.

As a member of the African Union and of the SADC, **South Africa** has regulations on weapons’ transfer and ammunition. Its law determines no arms will be transferred to states engaged in human rights’ violations. However, South Africa ranks as one of the least transparent countries according to the Small Arms Trade Transparency Barometer of 2011. The country has voted in favor of the 2013 ATT.

Due to its current situation, **Syria** was under an arms embargo by the European Union from 2011 until early 2013. The country voted against the 2013 ATT, as the text made no mention of prohibiting non-state actors to receive weapons. As a member of the League of Arab States, Syria has adopted the institution’s policies on weapons, explosives and ammunition.

**Venezuela** has made efforts to implement a rearmament program, particularly since 2008. The country is a member of the OAS and as such, has adopted the Inter-American Convention on the subject of manufacturing and trafficking of conventional weapons. Venezuela ranks as the largest importer of these types of weapon in South America, buying particularly from Russia (which held 66% of the transfers made in 2012), as well as from Spain and China. Venezuela has not
voted on the 2013 ATT.

The United States of America is the number one global arms exporter, holding 30% of the market, and is one of the ten major arms importers as well. The country has voted in favor of the 2013 ATT, considering it an important treaty to regulate legal trade and create a framework for small arms and trade related to crimes against humanity or war crimes. As a member of the OAS, the USA complies with its policies on arms transfer regulation.

5. Questions to ponder

1. What is the effectiveness of the measures hitherto implemented in order to control the international arms transfers?
2. Should efforts be made internationally, regionally or nationally? Or should they combine all of these forms?
3. How can international community better apply international human rights norms to the regulation of arms trade?
4. How can States ensure their national security without risking any human rights violations?
5. Can States be blamed for the end use of weapons? Is it possible to effectively regulate such situation?
6. Can the ATT change international arms trade? Or is it biased?
7. Why are some countries so reluctant in regulating the international arms trade?

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Abstract

The so-called “conventional weapons” have, since 1945, directly caused the deaths of more than 30 million people. These weapons arrive at the regions in conflict, usually, through transfers made by other countries or even through illicit trading. Sometimes countries can demonstrate their support to one of the parts of the conflict through the supply of weapons, which consists of a legal transfer. In many cases, however, when support from foreign governments has dried up, or is occurring by illegal means, rebel groups tend to acquire their weapons from what are usually referred to as the ‘black market’. Two relevant aspects can be pointed out regarding this issue: the role of superpowers, such as United States of America, China and Russia, in the world trade of weapons, considering that they are the world’s biggest suppliers; and also the supply of weaponry to insurgent groups. Another angle to the discussion is that when nations invest in armed conflicts, they can easily lack on the support that their people need and many civilians may remain without water, food or proper health assistance.