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The 'big five' in Arms Trade Treaty negotiations

Although all states will have a say in the negotiation of the Arms Trade Treaty (ATT), the five permanent members of the UN Security Council – China, France, Russia, the UK and the USA – are particularly important as they account for over half of the global arms trade. This document summarizes the arms trading profile and negotiating position of these five most influential countries.

China

Arms trading profile

China's fast-growing economy and arms trade makes it a major player in the negotiation of an Arms Trade Treaty. However, its government does not publish reliable arms transfer data. The Stockholm International Peace Research Institute estimates that China has about 3 per cent of the value of the global trade in conventional arms. Nevertheless, China ranks higher in the trade of lower-level defence technology, such as small arms and light weapons. Many of the recipients of China's arms supplies over the past decade have been developing countries with poor human rights records including Algeria, Angola, Bangladesh, Democratic Republic of the Congo (DRC), Guinea, Egypt, Indonesia, Iran, Iraq, Jordan, Kenya, Libya, Myanmar, Pakistan, Sri Lanka, Sudan and Zimbabwe. For example, significant volumes of small arms ammunition to Sudan carrying markings used by Chinese military corporations have been used in Darfur by security forces and government-backed militia groups.¹ Chinese rockets and anti-vehicle mines were supplied to al-Gaddafi's Libyan regime² and, in 2008, China also attempted to supply ammunition, rockets, mortar bombs and mortar launchers to Zimbabwe.³

Negotiating position

At the UN General Assembly's First Committee on Disarmament last November, China voted in favour of finalizing the Arms Trade Treaty at another UN Conference this March and accepted the current draft treaty text as the basis for negotiations. China is the only significant arms exporting power that has not signed up to any multilateral agreement on arms exports, and has a cautious approach to the proposed treaty. For example, China accepts the need for a treaty to recognize international human rights and humanitarian law, but has opposed strict rules for such criteria. Furthermore, Chinese diplomats want to exclude ammunition as well as parts and components from key provisions of the treaty and also exclude transfers and "gifts" of arms from one State to another. Finally, although the current draft treaty in circulation requires signatories to establish a national control list of arms, China is firmly opposed to any requirement for such lists to be published.

France

¹ [Sudan: No end to violence in Darfur](#), Amnesty International, 9 February 2012. Index: AFR 54/007/2012

² [Arms Transfers to the Middle East and North Africa](#), Amnesty International, 19 October 2011. Index: ACT 30/117/2011

³ [Deadly Movements: Transportation Controls in the Arms Trade Treaty](#), Amnesty International, 19 July 2010. Index: ACT 30/015/2010

Arms trading profile

France, Germany and the UK are consistently ranked between third and seventh globally in terms of the value of their conventional arms exports, according to data compiled by the US-based research group, TransArms.⁴ Key customers of France have included Singapore, United Arab Emirates (UAE), Greece, other NATO partners, the Middle East and North Africa region and Francophone countries.

Although generally supportive of strict criteria for arms transfers, France has still supplied arms to some countries where there is a substantial risk that they could be used to commit serious human rights violations. For example, France supplied weaponry, munitions and related equipment to al-Gaddafi's Libyan regime,⁵ ammunition and armoured vehicles to both Egypt⁶ and Chad⁷, and munitions to Syria between 2005 and 2009.⁸

Negotiating position

France has developed a progressive role on the Arms Trade Treaty in line with basic principles in the EU Common Position on Arms Exports, established along with the UK and other EU governments. France generally supports the inclusion of a binding rule in the ATT text along the lines of Amnesty International's *Golden Rule* – that no arms transfers shall be approved if there is a substantial risk that the arms will be used to commit or facilitate serious violations of international human rights law or international humanitarian law. The country has pushed for a comprehensive Treaty and robust enforcement mechanisms, including the need to criminalize arms trafficking activities in national laws and prevent corruption in the arms trade. However, as with Germany and the UK, there is a risk that France may bend to US pressure to water down human rights protection to accommodate China and Russia unless the majority of states stand together.

Russia

Arms trading profile

Russia is the world's second-largest arms trading country by value of exports so it has major influence on the Arms Trade Treaty. Russia's main customers have included India, Syria, Algeria, Myanmar, Venezuela, Sudan and many other African states. However its arms industry has been falling behind in key technologies, so it is seeking sophisticated partners and new markets for many products. It has supplied arms to several countries where there is a substantial risk that they will be used to commit serious violations of international human rights or humanitarian law. For example, although it does not publish a national annual report on arms exports, 10 per cent of all Russian arms exports are believed to go to Syria, making it the country's largest arms supplier. Transfers include missiles and missile launchers⁹, anti-tank missiles for the Russian-made T72 tank, and MIG jet fighters.¹⁰ Russia also supplied AK-style assault rifles to al-Gaddafi's Libyan regime.¹¹ Russia has continued to supply helicopter gunships to Sudan¹², which have been used to attack civilians in Darfur.¹³

⁴ Rankings are an evaluation of actual and potential deliveries of 2010 data, compiled by TransArms USA.

⁵ [Arms Transfers to the Middle East and North Africa](#), Amnesty International, 19 October 2011. Index: ACT 30/117/2011

⁶ [Arms Transfers to the Middle East and North Africa](#), Amnesty International, 19 October 2011. Index: ACT 30/117/2011

⁷ No arms for atrocities or abuses: Commit to an effective Arms Trade Treaty, Amnesty International, 23 January 2012
Index: ACT 30/001/2012

⁸ [Arms Transfers to the Middle East and North Africa](#), Amnesty International, 19 October 2011. Index: ACT 30/117/2011

⁹ In 2010, Russia transferred 81 items, according to Russian data submitted to the UN Register of Conventional Arms on 31 May 2010.

¹⁰ SIPRI database as cited in [Arms Transfers to the Middle East and North Africa](#), Amnesty International, 19 October 2011.
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¹¹ [Arms Transfers to the Middle East and North Africa](#), Amnesty International, 19 October 2011. Index: ACT 30/117/2011

¹² Sudan: No end to violence in Darfur: Arms supplies continue despite ongoing human rights violations, Amnesty International. Index: AFR 54/007/2012

Negotiating position

Russia was the only major arms exporter to abstain during the UN General Assembly vote in November 2012 to continue negotiations on an ATT. It appears not to want the Treaty to include binding rules on international human rights law, international humanitarian law and socio-economic development. Russian officials argue that such rules would be interpreted in a subjective and ideological way. However, Russia is already committed to the guidelines on arms exports of the OSCE and Wassenaar Arrangement, both of which contain principles to respect international human rights and humanitarian law when considering arms transfers. Russia appears to be comfortable with a wide definition of the scope for the Treaty covering all types of conventional arms as in the Munitions List of the Wassenaar Arrangement, but not willing to publish its entire control list. In terms of implementation mechanisms, Russia believes the focus should be on controlling trade to avoid diversion into the illicit arms market. However, the details of Russia's proposals remain sketchy and it has made little mention of the need for transparency in reporting arms transfers.

UK

Arms trading profile

The UK is consistently ranked between third and seventh alongside France and Germany in terms of the value of its arms exports. The UK's key customers have included the USA, India, Saudi Arabia, South Africa and other NATO partners. It is also a major exporter to other countries in the Middle East and North Africa, as well as in sub-Saharan Africa. Although generally supportive of strict criteria for arms transfers, the UK has still supplied arms to some countries where there is a substantial risk that they could be used to commit serious human rights violations. For example, although the UK government revoked licences to Bahrain and Libya in the wake of the protests in February 2011, national arms export licensing is being reviewed following questions about UK arms exports to repressive regimes where they are likely to be used for serious human rights violations. The UK and its off-shore dependencies also attract the use of front companies by international arms brokers.

Negotiating position

In 2005, the UK became the first major arms trading power to support an Arms Trade Treaty with rules that would help protect human rights. With France, it helped establish the EU Code, now the EU Common Position on Arms Exports, the starting point for UK policy positions on the ATT. The UK also co-authored various UN General Assembly resolutions between 2006 and 2012 that have led to the current Treaty negotiations. In the ATT negotiations, the UK government has generally supported Amnesty International's *Golden Rule* to prevent arms transfers contributing to serious human rights violations, and has progressive positions on the scope and implementation mechanisms of the Treaty, wanting the ATT to include a broad scope and robust transparency measures. However, as with France and Germany, if there is not a majority of states pushing for strong rules, the UK may succumb to US pressure to water down the *Golden Rule* and other Treaty text on human rights protection to accommodate China and Russia.

USA

Arms trading profile

The United States is by far the world's largest arms trading country. The USA has a mixed record of suspending arms supplies on human rights grounds. For example, it has restricted arms transfers to Myanmar, China, Sri Lanka and Zimbabwe in addition to countries subject to UN arms embargoes. However, it has continued to supply arms to other countries where there is a substantial risk that the arms could be used to

¹³ Sudan: No end to violence in Darfur: Arms supplies continue despite ongoing human rights violations, Amnesty International. Index: AFR 54/007/2012

commit or facilitate serious human rights violations. For example, as the main arms supplier to Egypt, the USA authorized the sale of small arms as well as millions of rounds of ammunition and riot-control chemical agents despite the security forces' violent crackdown on protesters. Yemen was also supplied with small arms, chemical agents and armoured vehicles, and Bahrain with small arms.¹⁴ Elsewhere, the US Department of State has continued to provide the Colombian security forces with arms through US military aid and training, despite their persistent violations of human rights.¹⁵

Negotiating position

The US position on the Arms Trade Treaty will potentially be more influential than any other state. In October 2009, the Obama Administration reversed the previous Bush Administration's opposition to an ATT, insisting that the treaty text be adopted on the basis of consensus. US support has been crucial in getting all other states to engage in the current negotiations. The USA has said that it wants the Treaty to raise the international standard for arms export controls as close possible to that of the USA. However, the US controls do have weaknesses and the US position on the treaty text is somewhat weaker on rules to respect human rights than many of its allies. For example, the USA has proposed wording in the draft treaty that bans only arms transfers "*for the purpose of*" genocide, crimes against humanity and grave breaches of the Geneva Conventions or war crimes under Common Article 3. This is unworkable since no State would ever admit it was their intention to do so. Also the scope of "violations" covered by this ban does not include consistent patterns of gross or systematic violations of human rights that are crimes under international law.

Furthermore, the USA has proposed to exclude ammunition as well as parts and components from many Treaty provisions, including the rules on preventing diversion and on annual reporting requirements.

US officials argue that full inclusion of these items would pose technical implementation and legal difficulties for the USA despite the existence of US export regulations covering exports and imports of ammunition, parts and components, as well as the fact that transfers of such items, especially ammunition, often fuel grave human rights violations, prolong conflicts and facilitate armed violence.

¹⁴ [Arms Transfers to the Middle East and North Africa](#), Amnesty International, 19 October 2011. Index: ACT 30/117/2011

¹⁵ [No arms for atrocities or abuses: Commit to an effective arms trade treaty](#). 23 January 2012. Index: ACT 30/001/2012