



US SIGNS ARMS TRADE TREATY

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The United States on 25 Sep 2013 signed a landmark United Nation treaty regulating the \$90bn conventional arms trade, offering a major boost to the pact despite opposition at home (US). The US is the world's largest exporter of conventional arms. The treaty aims to set up greater international guidelines to prevent the export of arms to conflict areas and extremists. US Secretary of State John Kerry, signing on behalf of the US at the UN headquarters, called the treaty a "significant step" for global peace efforts. The treaty requires ratification from the Senate and some senators have already voiced concern about the treaty, which has energized US conservatives who are deeply suspicious of both gun regulations and the United Nations.ⁱ

The treaty was passed by the 193-member UN General Assembly, 154-3, on Apr 02 this year, with Syria, North Korea and Iran voting against it. 23 Nations including India, which is a major importer of arms, had abstained with other notable abstentions coming from Russia, which backed New Delhi's stand, and China. Pakistan, voted in favour along with France, the US and Britain.

ARMS TRADE TREATY (ATT)

The intention of Arms Trade Treaty which was adopted by General Assembly on 02 Apr 2013 is for regulating the international trade in conventional arms, from small arms to battle tanks, combat aircraft and warships. The treaty aims to foster peace and security by putting a stop to destabilizing arms flows to conflict regions. It also aims to prevent human rights

abusers and violators of the law of war from being supplied with arms and to keep warlords, pirates and gangs from acquiring these.ⁱⁱ

SIGNIFICANCE FOR THE UN

The view of the UN with regards to ATT is that in all parts of the world, the ready availability of weapons and ammunition has led to human suffering, political repression, crime and terror among civilian populations. Irresponsible transfers of conventional weapons can destabilize security in a region, enable the violation of Security Council arms embargoes and contribute to human rights abuses. Importantly, investment is discouraged and development disrupted in countries experiencing conflict and high levels of violence.

The UN, in its work to assist people all over the world, is confronted everyday with the negative impact of lax controls on the arms trade. The ATT will:

- (a) Reduce the violence against millions of civilians in conflict-ridden regions
- (b) Help create a conducive environment for the UN to carry out its mandates in the areas of humanitarian assistance, peacekeeping, post-conflict peace building and the promotion of the Millennium Development Goals
- (c) Foster a safer environment for humanitarian actors operating in volatile areas across the globe.ⁱⁱⁱ

WHY INDIA ABSTAINED ON ARMS TRADE TREATY

India has maintained that treaty falls short of expectations in producing a text that is clear, balanced and implementable and able to attract universal adherence.

From the beginning of the ATT process, India has maintained that such a treaty should make a real impact on illicit trafficking in conventional arms and their illicit use especially by terrorists and other unauthorised and unlawful non-state actors. India has also stressed that the ATT should ensure a balance of obligations between exporting and importing states. However, the treaty was found weak on terrorism and non-state actors. Further, India has expressed

apprehension that the Treaty could be used as an instrument in the hands of exporting states to take unilateral force majeure measures against importing states parties without consequences.

India has been an active participant all along in the ATT negotiations. It is of the opinion that states have a legitimate right to self-defence and further believes that there should be no conflict between the pursuit of national security objectives and the aspiration that the Arms Trade Treaty be strong, balanced and effective. This is in harmony with the national export controls that India already has in place with respect to export of defence items.

India has, however, mentioned that country will undertake a full and thorough assessment of the ATT from the perspective of defence, security and foreign policy interests.^{iv}

REGIONAL ENVIRONMENT AND ARMS IMPORT

The above view of India on ATT is guided by the regional environment, too. India faces aggressive neighbors and it is bearing the brunt of terrorism. South Asia remains a hot spot of radical terrorism after West Asia, with Afghan- Pak terrorism flowing into the country. Post independence India has been through more than 100 militancy of which many are still active. Illegal arms have been moved into the country for waging war against the state.

In keeping with the National security requirements, India is likely to spend approximately USD 100 billion for the import of weapons and defence equipment over the next 10 years. Procurement procedures of the country stipulate an offsets commitment of 30 per cent of the total value of a contract if it exceeds USD 66 million (Rs 300.00 crore). Assuming that 60 to 70 per cent of the import contracts will exceed USD 66 million, defence MNCs exporting to India will be required to procure items worth approximately USD 18 to 21 billion from Indian companies over the next 10 years and more by way of offsets. Even though the items that may be exported by these MNCs and joint ventures will be mainly components and not fully assembled weapons system, India needs to ensure that the stipulations of the ATT do not bar such exports.^v

CONCLUSION

Besides, the above apprehensions, it has been felt that, some of the criteria in treaty such as poverty, human suffering and impact on social stability are very subjective. It has also been expressed that the present treaty is deficient on monitoring and verification. Such a system can

Agency (IAEA). Like the Non-Proliferation Treaty (NPT) and the Comprehensive Nuclear-Test-Ban Treaty (CTBT), this treaty has also found to be discriminatory.

In the US, on the other side, the treaty is still to be ratified by the senate. There remains a powerful US gun lobby which says the pact will violate the constitutional rights of Americans. “These are blatant attacks on the constitutional rights and liberties of every law-abiding American. The National Rifle Association (NRA) will continue to fight this assault on our fundamental freedom,” said Chris Cox, executive director of the NRA's Institute for Legislative Action, in a statement. If the Senate refuses to ratify the treaty, the United States could face the same situation as under the Kyoto Protocol on climate change in which it participates in talks but is not part of the agreement.^{vi}

(Disclaimer: The views and opinions expressed in this article are those of the author and do not necessarily reflect the position of the Centre for Air Power Studies CAPS)

ⁱ 'US signs landmark UN arms treaty'. 25 Sept 2013. <http://www.news24.com/World/News/US-signs-landmark-UN-arms-treaty-20130925>

ⁱⁱ United Nations Office for Disarmament Affairs. 26 Sep 2013. <http://www.un.org/disarmament/ATT/>

ⁱⁱⁱ About the Arms Trade. 26 Sep. <http://www.un.org/disarmament/convarms/ArmsTrade/>

^{iv} India's explanation of vote by Ambassador Sujata Mehta, Permanent Representative of India to the Conference of Disarmament in Geneva, during the UNGA Session on the Arms Trade Treaty. 03 Apr 2013. <http://www.thehindu.com/opinion/op-ed/why-india-abstained-on-arms-trade-treaty/article4573882.ece>

^v IDSA Comment

India abstains and exposes the Arms Trade Treaty. 08 Apr 2013. http://idsa.in/idsacomments/IndiaabstainsandexposestheArmsTradeTreaty_gkanwal_080413

^{vi} US Signs landmark UN Treaty at UN. Asian Age. 25 Sep 13.