The United States signed the Arms Trade Treaty (ATT) on Sept. 25 at the United Nations in N.Y. The treaty opened for signature on June 3 and now has 114 signatories.

Calling the ATT a significant step toward controlling the illicit trade in conventional weapons, Secretary of State John Kerry said, “This is about keeping weapons out of the hands of terrorists and rogue actors.”

The ATT breaks new ground by establishing common international standards that must be met before states may authorize transfers of conventional weapons. The pact also prohibits transfers that would lead to war crimes and attacks on civilians and requires states to report annually on all authorized arms exports. It does not create export controls beyond what the United States already requires for itself, nor does it place any restrictions on U.S. domestic gun ownership.

The Obama administration has not indicated when it might send the treaty to the Senate, where it faces an uphill battle for approval. On Oct. 15, 50 senators sent a letter to President Obama pledging to oppose ratification. Instead of rushing to judgment, senators first need to hear the facts about the ATT and how it benefits U.S. and global security.

Briefers:

Tom Countryman, Assistant Secretary for International Security and Nonproliferation, U.S. Department of State

Rachel Stohl, Senior Associate, The Stimson Center

Addotei Akwei, Director of Government Relations, Amnesty International USA

Moderated by Daryl G. Kimball, Executive Director, Arms Control Association

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DARYL KIMBALL: Welcome to the Stimson Center, everyone. We’re going to get started. I’m Daryl Kimball. I’m executive director of the Arms Control Association. And we are an independent government organization that has been around since 1971 to deal with the security challenges posed by the world’s most dangerous weapons.

And we are here today – along with my colleagues at the Stimson Center, Amnesty International USA and Assistant Secretary of State Tom Countryman – to discuss the Arms Trade Treaty, which as most of you know was concluded this past spring after many years of negotiations and signed on September 25th by Secretary of State John Kerry at the United Nations. And along with dozens of other national and international arms control, human rights development, religious organizations, we applaud the United States’ strong support for the ATT and for its leadership in negotiating the treaty.

The treaty has now well over a hundred signatories. It’s well on its way to entering the force in the next few years. And today we’re going to be discussing the value and significance of the treaty and the details of the treaty. But I think some of the key provisions – and I’ll just cite a couple here – are that it breaks new ground by establishing common international standards that must be met before governments can authorize transfers of conventional weapons to other countries.

The treaty also prohibits transfers that could lead to war crimes and attacks on civilians and requires that states report annually on all authorized arms exports. So bottom line of all that, and other aspects of the treaty, in my view and the view of the executive branch is that the ATT can help bring other countries into line with existing U.S. best practices, which will have a positive humanitarian impact and reduce the chances that illicit arms go to terrorists and those who might commit human rights violations.

So today we have a great panel of folks to help explain the treaty – what it is; what it isn’t. We have with us the lead U.S. negotiator on the Arms Trade Treaty, Assistant Secretary of State for International Security and Nonproliferation Tom Countryman, and two other nongovernmental colleagues who’ve worked for years on the treaty. We’re going to talk about why it matters for U.S. security, why it matters for civilians in war-torn regions across the globe. And we’re also going to address some of the misperceptions about the Arms Trade Treaty that have bubbled up and then have been perpetrated by some organizations over the past few years.

And in the months ahead, we hope that the Senate and senators of staff will take a look at the facts about the Arms Trade Treaty and to examine this complex treaty much more carefully than have had a chance to thus far. I think it would be irresponsible for any senator to rush to judgment about the treaty – or any other serious issue in the Senate – without taking a close look or on the basis of incomplete understanding of the treaty. And when the Senate gets to the point where they’ve done that, we’re confident that there’ll be much greater support for the Arms Trade Treaty in the Senate.

So we’re going to start with Rachel Stohl, who, here at the Stimson Center, is senior associate with the Managing Across Boundaries initiative. She was the consultant to the U.N. ATT process from 2010 to 2013 and was previously a consultant to the U.N. group of governmental experts on the treaty in 2008 and did work on the U.N. register for conventional arms at the U.N. in 2009. And she’s also, I’m glad to say, a member of the Arms Control Association’s board of directors.

Then we’re going to be hearing from Adotei Akwei, who’s director of government relations at Amnesty International, USA, with whom we’ve had the pleasure of working over the last few years in the campaign here in the U.S. for the Arms Trade Treaty.

And then, of course, we’ll hear from Tom Countryman, who I want to thank for your leadership and your hard work on this. You, along with your team, did an excellent job in taking this treaty through the multilateral talks to fruition, making it a better treaty in the end than it would have been without U.S. participation.

So with that, let me turn it over to Rachel. And after each of the speakers provide their opening
remarks, we’ll take your questions and get into a discussion about the Arms Trade Treaty.

Rachel.

RACHEL STOHL: Thank you. And thank you, Daryl, and to my colleagues at Stimson for putting this event together, which I think is both timely and necessary to try and lay out really what the facts about the Arms Trade Treaty are.

And of course, thank you to Tom and his team. I think the signing of the Arms Trade Treaty by the United States in September was really a symbol of U.S. leadership, not only for this treaty but also for their commitment to the values of insuring that U.S. arms sales and arms sales around the world are not used to harm innocent civilians and that foster the goals of foreign policy and national security that are codified in U.S. law.

I want to start by talking about what the Arms Trade Treaty is and what it is not, what it will do and what it will not do. I think there are unfortunately – I'm sure not everyone reads the text of the treaty every day. And there are a lot of nuance and details in this treaty that have unfortunately, I think, been misunderstood or misrepresented, primarily because people just don’t sit down and read it. So they read a summary of what someone else is saying and come to their own conclusions.

So let’s start with what it is. The Arms Trade Treaty is a legally binding international treaty that regulates only the cross-border trade in conventional arms. And conventional arms is a very large category of weapons and is everything from small arms and light weapons but all the way through to things like fighter aircraft, naval warships. So it’s a very large classification of weapons. The reason this treaty was created was these are the weapons that are responsible for hundreds of thousands of deaths in conflicts every year. So while we know about the threat of nuclear weapons or chemical and biological weapons, on a daily basis these are the weapons of war.

I want to point out that this treaty does not cover the trade of weapons within a country. It does not control national regulations of weapons within a country. And this is important because this treaty really has nothing to do with the domestic gun control debate that we see in the United States. We’re really simply talking about the cross-border trade of government-authorized transfers of conventional weapons. So in a nutshell, this treaty does three important things. The first is that it establishes common international standards for the trade and arms that states have to incorporate into their national control systems.

And I should point out when I say “states” I’m referring to countries. I’m using the U.N. shorthand. But we’re not talking about the state of – or, I should say, the commonwealth of Virginia – the state of Virginia or the state of Washington. We are talking really about what’s happening between the United States, Canada, Mexico, Syria, Russia, China – those are the states I’m referring to. And I think that might actually be responsible for some of the misunderstanding of what this treaty does and does not do.

The second is the treaty provides a sense of oversight of the global arms trade by enhancing transparency for what has been traditionally been a murky trade. And we can talk about what some of the reporting requirements of this treaty are, but for the first time we may be able to have a better global picture of what arms are actually flowing to what countries and why. Third, the treaty creates an environment of accountability where states are now responsible for ensuring that their arms sales meet global standards and norms.

And that’s really important. There haven’t been rules of the game. Countries can make transfers for whatever reason they want. Now, we have not only rules of the game but we have the means by which we can hold states to account and ask difficult questions. And I think that’s a really important advancement. This treaty is really long overdue and is truly a landmark treaty. For the first time in history, we have an outright ban on arms shipments that would be used to commit the horrors of genocide, war crimes and attacks on civilians. And I don’t think that should be taken lightly.

This treaty will prevent irresponsible arms trading by stigmatizing arms transfers to war criminals. It will require arms exporters to seriously take human rights into account before selling arms to dealers
in countries. It will mandate signatories to close down their safe havens for rogue arms dealers that exploit their weak laws and transfer arms to war criminals with impunity. And it will require that states are transparent in their arms transfer decisions. These are all really important advancement.

But I do want to say that the ATT is not a panacea. Having a piece of paper, as thick and wordy and verbose as this is, is not going to stop all of the consequences of the poorly and unregulated trade and conventional arms. It is one tool in what has to be a larger toolbox of strategies to address the negative consequences that happen when arms are diverted, illegally traded or irresponsibly traded.

But it will help us encourage predictability and transparency in the arms trade. It will help clamp down on the diversion of arms from the illegal to the illicit market. It will support information exchange and encourage governments to work together to address known trafficking routes or the activities of known arms dealers.

It will clarify national arms trade networks, which is important. Companies can know what the rules are in the countries in which they’re operating and how to better facilitate their global trade. It will help develop best practices for national export control frameworks, including regulations for transit and transshipment countries, countries which notoriously have had fewer export – or fewer control regimes.

It will help regions harmonize their own national and regional laws and regulations that are related to the import and export of conventional arms. It provides a dispute settlement mechanism for questions that arise on particular arms sales. It creates a multilateral forum for us to discuss arms trade issues which, if you know anything about the United Nations or the Conference on Disarmament, has been less than functional in the last two decades. And so that’s quite important as well.

The treaty that came out of the U.N. conference is robust, but I do want to mention that it reflects probably the best compromise that could have been achieved on this complex issue. And it really takes into account the views of exporters, of importers, of transit and transshipment states, of small and developing countries, of countries with sophisticated export control regimes.

So by no means is this text perfect, but it is, I think, the best compromise that could have been achieved. And I think the vote at the United Nations demonstrated the capacity for this treaty to bring so many countries on board and the sheer number of countries that have already signed and ratified also reflect that this treaty has widespread acceptance.

I believe that the text is strong where it needs to be strong. It’s balanced where it needs to be balanced and, if it is implemented according to the obligations that are outlined, does have the potential to be effective in stopping the irresponsible illegal arms trade. And we can talk in the Q-and-A about some of the specific areas of the treaty text that I know have caused some concerns or questions.

The treaty will go into effect 90 days after the 50th ratification of the Arms Trade Treaty. The treaty opened for signature of June 3rd of this year, so just a few months after the text was negotiated. Since then, already 114 countries have signed on and eight have ratified. So best guess would be probably – particularly with the number of EU countries that are holding their instruments of ratification waiting for their EU instructions, my assumption would be probably in the next two years we’ll see the Arms Trade Treaty go into effect.

But I do want to stress that even if every country in the world signed the treaty, every country ratified the treaty, it’s not going to change things overnight. This is a long-term process. This is creating global norms and standards. And so it’s, as I mentioned, just one piece of a larger puzzle that we can use to tackle some of these complex challenges. But I do believe the ATT was a good start to having a multilateral discussion on these issues and providing a multilateral forum to address these issues.

Thank you.
MR. KIMBALL: Thanks. Adotei, why don’t you tell us about this from the human rights angle? The floor is yours.

ADOTEI AKWEI: Sure. Thank you. I would also like to thank Assistant Secretary Countryman and his team for the leadership and perseverance they showed in getting us to a place that there were doubts that we would get to along the way, especially for Amnesty that has worked on this treaty for over 25 years.

This treaty is fundamentally about human rights, human security and seeking to curb the laissez-faire mentality of the unregulated global arms trade.

We know that it is not a silver bullet, and the proof of the pudding will be in securing the signatures of all of the major arms-exporting countries, including China and Russia, the treaty coming into force and ensuring transparency and effective compliance by all of the signatories. We have just taken a major step, but it is only one step forward.

For over 50 years Amnesty International has produced reports on the impact of light arms and intergovernmental transfers of conventional weapons. These reports include ongoing violence in countries such as Somalia, Sudan, Syria and many others. During a 10-year period, between 1991 and 2002, Amnesty concluded that 60 percent of the human rights abuses and atrocities that we documented, from mass rapes and disappearances to executions and the recruitment of child soldiers, involved the use of light weapons, weapons that flow unregulated into conflict zones and also outside of conflict zones. So there are many, many reasons why the treaty was desperately needed.

The numbers in terms of mortality included about roughly 200,000 in conflict zones and another 300,000 outside of conflict zones. Those are just deaths by violence linked with small arms. There are also the displacement of about 28 million people, who have had to flee conflicts, those people who are cut off from medical assistance, from their homes, from security, those who are no longer able to enjoy secure livelihoods. The cost in development to those regions and to those countries are massive. And our colleagues at Oxfam and other development organizations have done incredible research showing the human and economic cost of armed conflict, as well as violence in nonconflict zones.

There are also, of course, the role that the arms trade contributes or facilitates in terms of gender-based violence and mass rape. While many may be aware of what’s going on in the Democratic Republic of the Congo, as a primary example, there are also many parts of the world where violence against women done at gunpoint is standard and daily fare. And hopefully, those things are now going to be challenged and corrected.

So there are also the positives. And I know that Rachel has already started to talk a little bit about some of the potential impact of the ATT, but I’d just like to run through a few of them in terms of our assessment in terms of human rights.

First, the ATT asserts the principle, which is already enshrined in U.S. law, that states have an obligation to weigh the human rights implications of a proposed arms transaction before authorizing a weapons export. This provision will help level the playing field among weapon suppliers by applying the same high standard across all would-be exporters, and it removes the argument that someone else will sell the weapons to them, even if we don’t.

It demands accountability for gender-based violence. I just mentioned that. The ATT explicitly recognizes that civilians bear the main burden of armed violence and requires exporting countries to assess the risk that weapons that they propose to supply will be used to commit gender-based violence and violence against civilians.

The Arms Trade Treaty is comprehensive. It covers not only transportation and transit but also brokering. And hopefully, this will prevent the diversion of lawfully supplied weapons to the black market.
It makes it harder for armed groups and criminals to get weapons. It makes it harder for warlords to get weapons. It outlaws the most egregious arms transfers. The ATT prohibits transfers to those who use them to commit atrocities, including crimes against humanity, attacks against civilians, rape as a war crime and other great violations of international humanitarian law. Making this principle explicit and legally binding is a critical step towards protecting civilians from attack.

The ATT will also help make war profiteering harder. It will be harder for weapons traffickers to profit from conflict by funneling arms to warlords who terrorize civilians. It will significantly raise the cost of making irresponsible transfers and hopefully will reduce or even remove the profit motive for those who only care about money.

The ATT will also keep states from pouring what we call gas onto the fire. It will keep states from pouring weapons into conflict zones, making bad situations far more violent and deadly and for their own political ends.

It provides international support for securing weapons. The Arms Trade Treaty creates a mechanism to financially support the implementation of arms export control systems in poor countries, helping authorities to, in these countries, prevent weapons from going to those who will use them irresponsibly.

There is quite a lot of work still ahead of us. The leadership of the United States is going to be critical in helping ensure compliance. And organizations like Amnesty and other NGOs will have to take on quite a lot of work in terms of effective compliance and exposing the platform of transparency that this treaty affords us. But like the others in this room, I think we all understand it. This is a major step forward, and we are very excited about it, and we see it as a victory for human rights. Thank you.

MR. KIMBALL: Thank you, Adotei.

Tom, thank you again for being here, for your hard work. Please share with us your perspectives on the ATT and where we go next.

TOM COUNTRYMAN: OK. Thanks very much, Daryl, for the opportunity to be here. Thanks to the Stimson Center for organizing this.

We are ready to discuss at every opportunity the Arms Trade Treaty. We’re ready to discuss it with people who don’t agree with us and have offered to do so with people who don’t agree with us repeatedly with very little response. So we will seize this opportunity as every other opportunity.

It was a great pleasure for me to be present when Secretary Kerry signed the Arms Trade Treaty. It was a significant milestone, represented the culmination of years of work in order to limit the black market and illegal trade in conventional weapons.

We’re grateful to those outside of the U.S. government – and I see a number represented here today – who participated in preparations, not just in preparing the public ground for adoption of the ATT but in helping the U.S. delegation to sharpen our focus, to consider every issue.

As a consequence, an interagency team that every American ought to be proud of for their excellent work was able to conclude an agreement that every involved agency of the executive branch agreed would only strengthen and would not detract from American commercial, political and economic interest and security interest. So it’s a significant achievement, and we thank partners across the world and across society.

Let me build on what Rachel said to compare briefly what the treaty requires with what the United States already does. Becoming a party to the treaty would not require any additional export or import controls for the United States, full stop. Let’s look at the provisions that Rachel mentioned.

Most plainly, it requires states parties to establish and maintain an export control system. The United States has one. It is comprehensive. It is complex. And it exceeds the requirements of the
Arms Trade Treaty.

The treaty requires that this export control system include a process to conduct risk assessments and proposed exports, requires an exporting state to deny an export authorization when there’s an overriding risk that a proposed transfer could be used to commit serious violations of international humanitarian law or acts of terrorism.

These criteria, with which every exporting state party would assess an export of conventional arms, are fully consistent with existing practice. United States law passed by Congress exceeds the standards of the Arms Trade Treaty here as well.

The treaty requires state parties to license exports of ammunition or munitions fired, launched or delivered by the conventional arms covered by the treaty. We do this now. U.S. law passed by the Congress exceeds the standards of the ATT.

The treaty requires parties to control parts and components if they would allow the end user to assemble a conventional weapon covered by the treaty. Here again, U.S. law passed by Congress exceeds the standards of the ATT.

The treaty lays out provisions for controlling imports that are consistent with what the United States already does. The same with transit and transshipment provisions, the same with brokering provisions. In each case, United States law and regulations approved by the Congress exceeds the standards of the treaty.

Finally, the ATT requires states parties to create national control lists to make clear which conventional arms are controlled for imports and exports. These are not lists of users. These are not lists of owners. These are lists of categories of weapons. We have had exactly such a list in place for several decades. It's called the U.S. Munitions List.

The items that the ATT would require to be placed on such control lists are based on the U.N. register of conventional arms, with the addition of small arms and light weapons. That list, mandated by the treaty, is not as extensive as the U.S. control list. Once again, U.S. law passed by the Congress exceeds the standards of the treaty.

Why is the treaty in our national interest? Because in most countries of the world, their standards are far below those mandated by the Arms Trade Treaty. Most states in the world, including some important exporting states, do not have a national system in place to make such decisions on exports of conventional arms.

This is in our interest, not because it will prevent every questionable transfer in the world, but because it will increase the likelihood that transfers to undesirable actors, whether they are states or criminal organizations or terrorists, will become more difficult.

It also provides us with another tool in our toolbox, in our diplomatic and political interaction, with states that are acting irresponsibly in conventional arms transfers. It is another pressure point that the United States, other states and civil society can utilize in order to discourage poor judgment in arms exports and bad and brutal behavior by the world’s worst regimes.

And it requires cooperation with other states to combat unlawful diversion of conventional arms. It provides yet another opening for something that the United States already does, to work together with other nations to prevent the diversion of conventional weapons into the black and gray markets.

Let me deal rapidly with some of the inaccurate allegations that are made about the effects of this treaty.

It does not imperil the rights of United States citizens, including those secured by the Second Amendment. It does not undermine national sovereignty. It does not require any measure that would impact the rights of American gun owners, which are guaranteed by the Second Amendment. That responsibility lies with the Congress and lies with the states. It does not lies with the United
Nations, and the United Nations treaty does nothing to require any such action by the United States.

President has said that he strongly believes in the Second Amendment guarantee of an individuals’ rights to buy arms. Our instructions were clear, that we could not agree to any treaty that infringed upon such rights. We did not. This treaty is focused on international trade in conventional weapons. The treaty itself recognizes the freedom of both individuals and countries to obtain, possess and use arms for legitimate purposes, including in commercial trade.

This treaty does not undermine national sovereignty. It reaffirms explicitly the right and responsibility of each country to decide for itself, consistent with its own constitution, with its own legal requirements, how to deal with conventional arms use exclusively within its own borders.

And finally, it’s fully consistent with existing United States law and practice on the international transfer of conventional arms, as I’ve already explained.

How do we move forward? How do we realize some of the humanitarian benefit that Adotei has sketched and that we all hope for?

First, it’s important to have more countries become party to the treaty. If we do so, we build a stronger network of states committed to preventing a flourishing black market in conventional weapons. If we improve export and import controls in each state around the world, as the ATT seeks to do, this will help to slow illegal arms trafficking. In order to fully realize the benefits of the ATT, however, it must be part of an integrated strategy that each state should pursue, and that more developed states should assist other states to realize.

Let’s start with the most basic things that are necessary. An export control system on the part of every exporting state on the planet is a good beginning, but it does not immediately solve the humanitarian crisis in a number of countries in Africa and elsewhere that provided the original ethical impulse to this treaty.

What else is needed? First, those states that are facing these kinds of civil violence have to focus, even more than on export controls, on import controls. States in Africa need credible legislation to control imports of conventional weapons, and the U.S. and the European Union are ready to assist on that.

Second, to back up that legislation, states facing civil conflict need effective border control and effective noncorrupt customs services. The United States, the European Union and others are ready to build on already-existing programs to strengthen these capacities.

Third, states that face civil violence need to develop further their capabilities and what we call stockpile management. How do you prevent weapons legitimately acquired for use by national police or military officials from going out the back door? How do you maintain accountability for stockpiles of weapons and ammunitions? Department of Defense and Department of State already assist a number of countries around the world in this crucial endeavor, and we’re prepared to do more.

We need to see states build legal frameworks that will enable them to effectively prosecute illegal traffickers, and to make illegal arms markets a priority for their investigative and prosecutorial and judicial capabilities. Again, there’s lots of help available from countries around the world in building the rule of law, in fighting corruption.

And finally, states also need to stop exporting weapons to neighboring states in order to support a particular party or faction. It was occasionally frustrating to hear some of the states at the negotiations that made the most emotional pleas about what was necessary to stop civil violence, and to hear that coming from the representatives of the same states who were actively sending weapons – as a matter of policy, not as a matter of customs inefficiency – into neighboring states. That needs to stop. We need to talk about it openly. These are the steps that can build upon the extremely important foundation of the arms trade treaty to truly realize the humanitarian benefits that the treaty promises.
Working together, I’m confident that using both this treaty and all the other tools of international cooperation available to us, we can make a real dent in the illegal trade and make a real contribution to human welfare. Thanks.

MR. KIMBALL: Thank you. Thank you all for your excellent overview. We’ve got a lot of material to discuss, and I want to open up the floor to questions so that we can have a discussion on some of the issues that have been raised. And we have a couple of microphones on either side, so raise your hand. Go ahead.

Q: Thanks. And congratulations to all three of you. It was very, very helpful.

Tom, you raised such a nice menu of follow-on activity that would make the treaty even more meaningful for the countries that do have trouble controlling the movement of weapons within their countries.

Could you talk to us a little bit about how much of this is a kind of whole-of-government experience in the U.S. Is the Treasury Department involved? Tell us a little bit more who the American players are. And is there any role for the private sector in some of this outreach activity?

MR. COUNTRYMAN: That’s a good question. I’m certain I could not make a comprehensive list of all the different U.S. agencies and bureaus that are involved in helping other countries deal with the issue. I know within my own Bureau of International Security and Nonproliferation, our export control and border security program makes real contributions to countries around the world in developing legislation and regulations, and in actual training of Border and Customs personnel, and some provision of necessary equipment to back it up. In that, the essential partner is Department of Homeland Security, and trainers both active and retired from the Customs and Border Patrol Service.

I know that our colleagues in Political Military Affairs and the Weapons Removal and Abatement Office do extensive work in helping countries deal with excess munitions. It’s a big problem in a number of countries that have stockpiles of weapons left over from previous conflicts that are not secured and that find their way into new conflicts in other countries. So WRA has not only destroyed millions of landmines around the world, but they’ve helped countries to destroy weapons that are far in excess of what that country needs. Department of Defense manages, as I said, the stockpile management program that helps countries to secure and prevent diversion of legitimate stockpiles needed by military and police officials. I think if we sat around long enough, we’d think of several more programs that we’re already doing and that we’re happy to expand, especially upon those countries that show the most determination to address the humanitarian conflicts within their borders.

MS. STOHL: Can I just add to that as well that one of the provisions in the treaty – it’s actually two provisions, but they go hand in hand – is international cooperation and assistance. And it is not just – it’s up to states to identify what they need, but the providers of the resources and the capacity-building exercises that would be required can come from a whole variety of stakeholders that are listed, including, you know, nongovernmental entities, regional organizations, civil society. So there is the realization that this is not just something for governments to singlehandedly try to address, that it does require kind of creative problem-solving capacity building that would involve everyone from the private sector to nongovernmental organizations as well.

MR. KIMBALL: OK.

Yes, sir. Why don’t we wait for the microphone. Ed Levine.

Q: Tom, you ran down a very important list of requirements in this treaty that are already exceeded by U.S. law or regulation policy. I would think that it will be important for people to have available to them a roadmap to those elements of law, regulation and policy so that they know where to find them and don’t have to guess as to whether you were accurate in your presentation. I wonder whether that is in the section-by-section analysis and whether that’s completed, or whether there will be some other document that will provide that information.
MR. COUNTRYMAN: No, it’s an excellent idea to have it readily available. It will certainly be in the section-by-section analysis that ultimately goes to the Senate. I think if anybody has any doubt about it, all they need to do is talk to any major United States arms exports about the thoroughness of current U.S. regulations and ask them to compare it with the ATT requirements.

MR. KIMBALL: And on the – now you bring up some of those actors. Could you also just comment on – you can’t necessarily speak for them, but the response or some of the views that you’ve gotten from industry representatives following the negotiation and signature? And I know that you and others in the administration were in close touch with industry on the negotiations, on concerns they had but, I mean, would you say they’re – they are comfortable with the – with the final product?

MR. COUNTRYMAN: You’re not trying to put words in my mouth.

MR. KIMBALL: I’m not trying to – I’m asking you what your assessment is.

MR. COUNTRYMAN: Oh. (Laughter.) We did consult closely with industry – I feel never closely enough when you’re in a negotiation that’s moving that rapidly, as it did the final week or two in New York. We could have always used more input.

I feel confident that the commercial interests of the United States were well defended. It was never a primary purpose of the treaty to advance U.S. commercial interests. And in fact, I’m surprised by how nonexistent the discussion of economic and commercial matters was throughout the entire negotiation of the treaty.

But certainly the United States did not want a legitimate, strong industry such as the U.S. defense industry disadvantaged by anything in the treaty. We succeeded in that, and I haven’t heard anything contrary to that from any United States industry representative.

MR. KIMBALL: All right, we had a couple of other questions. Yes, sir? And then we’ll come over here.

Q: Hi. I was wondering, is there any organization provided for in the treaty or other kind of means for consultation or anything of that sort?

MS. STOHL: So there is – Tom’s pointing at me. (Laughter.) There is a Conference of States Parties that is provided for under the treaty, but there is also a secretariat that will, at some point as decided by the Conference of States Parties, administer the logistical functions of that conference. So there will be a forum for states to discuss issues that come up related to the treaty as well as kind of, is the treaty having the impact we desired? If not, why? How can we better coordinate our implementation of the treaty, work together on perhaps intelligence sharing or cooperation on border controls? That might be of help.

So there is a mechanism provided. Currently everything is very provisional because the treaty has not yet entered into force. But once it does, there will be a meeting of the Conference of States Parties that will kind of lay out some of those ideas. The treaty just provides a framework. It will be up to the state’s parties themselves to decide what best fits the needs of the states.

MR. KIMBALL: And I would just also add that, you know, contrary to some of the claims of some of the critics, the opponents, what you see in the treaty described for that secretariat is extremely minimal, right? This is not a new U.N. bureaucracy by any stretch of the imagination.

And in order to facilitate a meeting of states parties involving well over a hundred states, you do have to have a handful of people to simply shuffle the paper. And so in my estimation, based upon what’s in the text – I mean, we’re looking at an administrative function primarily, but it will be, as you say, up to the states parties to determine the role. And there are a lot of issues that will have to be discussed over the years by the states parties regarding implementation and reporting as the treaty evolves over time.
I think – yes sir. Over here, please.

Q: Hi. I was wondering, how did the treaty impact, say, U.S. policy or programs such as foreign military sales, foreign military financing, where relations with a country – take Egypt, for example, what some might call a military coup d’état or others call a people’s liberation action – how that might impact or, some might say, tie our hands regarding those programs in the future due to the treaty?

MR. KIMBALL: All right.

MR. COUNTRYMAN: I see no impact. Our hands are already tied by our own legislation and policies. And more importantly, our hands are already tied by the difficult political and ethical judgments that we have to make every day when we talk about arms sales. The treaty in no way either raises those standards or complicates the decision.

MR. KIMBALL: All right, why don’t we go to the back? And then we’ll come over here to the left.

Q: Hi. My question is for Tom. I think there are recently 50 senators that sent a letter to the president that they just want to oppose this ratification of the treaty. So it seems that it’s very unlikely for the Congress to approve this treaty. So how do you comment this? Thank you.

MR. COUNTRYMAN: I read the letter because I think it’s important, before one comments on an important document like the letter from a senator or a treaty, that one should read that document first. I understand their arguments. I think some of them are inaccurate allegations.

We have offered, we’ll continue to offer, to brief senators one at a time or 50 at a time, to listen carefully to their concerns, to express some of the same points that I made today. They bear a heavy responsibility in making such a decision. I don’t expect it to be a decision that they need to face in the immediate future, but I think it’s important to have that conversation and have an honest exchange of views as early and as frequently as possible, and I look forward to such an opportunity.

MR. KIMBALL: All right. Yes, in the middle, Linda Delgado, and then we’ve got one other here in the front. Linda.

Q: Hi. Thanks, Daryl. Linda Delgado with Oxfam.

Adotei mentioned our research, and I just wanted folks to know that I arrived late but I put copies of our “Saving Lives with Common Sense,” which is about the Arms Trade Treaty – it was recently approved for release in September – out on the front desk. Please take a copy on your way out.

And I had a quick question for Assistant Secretary Countryman. In relation to the New York Times editorial that came out October 18th on the loosening of laws, the loosening of regulatory controls of military exports, I was just whether you could comment on that and on the critique that’s emerging around that.

MR. COUNTRYMAN: On export control reform.

Q: Yes.

MR. COUNTRYMAN: I did not read the article. We believe – I’ll just make the most general comment, which it has – it has been the objective of this administration to follow through on what several administrations in a row and generations’ worth of both congressional leaders and industry leaders have seen as a need to reform the export control system to maintain high standards for those goods that are most sensitive to our national security, but to seek to simplify the process for items that are less sensitive, perhaps less sensitive than they were a generation ago.

The administration has pursued that to the maximum extent it can through administrative action, and the results have been welcomed, I think, by the majority of American industry. It does not solve all problems, but it also does not weaken our commitment to having high standards on decisions on
conventional arms exports. More specifically I can’t comment on the article.

MR. KIMBALL: And I would just mention that there was a healthy exchange of views in Arms Control Today, the journal of my organization. There was a very detailed reply to an article that ran critical of the export control reform initiative that was put forward by Tom’s boss, Rose Gottemoeller, acting undersecretary of state, so you might take a look at Arms Control Today for that discussion about some of the issues with the export control reform initiative.

All right, here in the front, Jeff, and then the person in the back in the green.

Q: Hi, and thanks for having this event and for all your comments so far. It’s good to see you all. I’m wondering how you’re feeling about what’s happening at that international level. One of the criticisms we hear in the U.S. on the Arms Trade Treaty is about, well, if X country or Y country doesn’t join that that’s going to be problematic. I think you addressed that in some of your comments. But you know, we had very positive statements from both China and Israel were some of the things that happened. But I wonder if you have a feel sort of at that international level about what we’re seeing and whether the U.S. is getting accolades along the ways and helping – (inaudible).

MR. KIMBALL: And you’re referring to the U.N. First Committee debate that just concluded? All right, just to be clear.

MS. STOHL: Sure. I’d always defer to Tom. That’s usually a good policy. (Laughter.) But since he’s pointing, I think that there was a lot of enthusiasm for the ATT in the recent First Committee debate. I think there was also a lot of interest in ensuring that the ATT is more than just the paper that it’s written on and that there is clear guidance and assistance for what the obligations actually are, what states need to do to comply with its obligations and how they can acquire the assistance that they may need to ensure that they are able to function in a way that is consistent with the ATT.

I think, as you mentioned China, I heard that the U.S. signature was actually a good motivator for the Chinese to take this issue up again. They had always been – you know, this – as I mentioned in my comments, this treaty was very carefully negotiated. It really did represent a compromise where the major arms exporters and importers felt as though their needs were being best addressed. And I think that China’s – we’ve talked in the past, China’s vote in the General Assembly in April was really more about the process rather than the treaty itself. And so they were much more forthcoming in their interest in pursuing signature in October during the First Committee than they have been, I think.

I think there were other countries that also had been a bit skeptical about the Arms Trade Treaty that now are seeing that there is a political will not only within individual governments but within regions, that there might be benefits to joining the treaty, that it wasn’t just an exporters’ treaty, that there were benefits for importers, for small countries, for transit, trans-shipment countries. So I think there was generally enthusiasm, but also tempered with this concern that they will understand what they need to do and to be in compliance and not be called out for somehow violating an aspect of the treaty they didn’t understand entirely.

MR. COUNTRYMAN: I don’t know what folks have been saying about the United States in the First Committee the last couple of weeks. I do know that we don’t do this for the accolades. If our primary concern was what our colleagues from Europe or Africa or somewhere else thought about us, then in July of 2012, we would have stepped aside and allowed a draft treaty that had some good ideas but was utterly defective as a treaty to move ahead and be adopted.

Our concern is – this will shock you coming from an American, I know, but our concern in foreign policy is not to be loved but to get it right. And that’s what we do when we’re negotiating with Iran or on Syrian chemical weapons or on the Arms Trade Treaty. And I think our determination to stick to that standard is what led to a stronger treaty this year than what we could have accomplished last year.

In terms of whether that influences other countries, I think there are certain countries that care very
much and will base their decision on signature upon the fact that the United States has signed. And I can’t speak for the Chinese government, but I think China falls into that category, that our signature is important to their decision on participation in the treaty.

In general, the trend is positive in that countries that were deeply skeptical earlier this year are thinking about it. Countries that abstained on the General Assembly vote in April are now looking at this positively, as something they may be able to sign. It is not a fatal defect of the treaty if a major arms exporter fails to sign, but obviously, the more countries that sign, the stronger the treaty will be.

MR. KIMBALL: One other thing just to remember with respect to treaty – the history of treaties and how they evolve over time. You know, as we all know, at the moment, the ATT has 114 signatories. Three other major countries, India, Russia, China, are not yet signatories. But if we look back to the history of the Nuclear Non-Proliferation Treaty, which came into force in 1970, negotiated in 1968, China and France were not signatories to the treaty for many years after entry into force, two of the other nuclear-armed states at the time the treaty came into effect.

So, you know, going back to the theme that Rachel hit in the opening, this is the first step. Diplomacy does not occur at Twitter speed. (Laughter.) The Russians will realize over time that they are outside the mainstream on the Arms Trade Treaty, and there will be more pressure over time for countries like Russia and China to be part of the mainstream. I mean, the value of the ATT is that there is now a standard that all states recognize, even if they are not signatories to the treaty yet.

Q: To build on what the woman in the back row was asking, many of the senators who are opposed to the treaty have said the reason that they’re opposed is because they made it clear to the U.S. delegation and to the U.N., U.N. officials as well, that the treaty needed to specifically exempt civilian firearms. They say that didn’t happen. How do you deal with that?

MR. COUNTRYMAN: Well, if the United States were writing the treaty all alone, it would have looked just like the U.S. Constitution. That’s not an option that we have in diplomacy. What we can do is to vigorously defend the rights of United States citizens and the interests of the United States as a nation. Yes, it would have been nice if the entire Second Amendment were replicated in the preamble of the treaty. It would have no legal effect.

There would be no manner in which replicating the Second Amendment in the preamble would better protect the rights of U.S. citizens than what is in the preamble, because there is nothing in the preamble, but more importantly in the operative paragraphs, that impinges upon the rights of United States citizens, nothing that requires the U.S. government to change its practices in any way, specifically nothing that would require a restriction of individual rights of American citizens and nothing that could impose upon the Congress and the states a decision that belongs only to the Congress and the states.

There’s a lot of things that I would love to change in the treaty that would make it less verbose, that would have the kind of elegant language that our Founding Fathers were able to put into our Constitution. There were a lot of good people in New York, but none of them were named Franklin or Washington. (Laughter.)

MR. KIMBALL: All right. Yes, sir.

Q: Thank you. Tom, under international law, a state that has signed a treaty but has not ratified it is obliged not to take any action inconsistent with the object and purpose of a treaty. Has the administration given any consideration to what kind of action would be inconsistent with the object and purpose of this treaty by the United States or any other power that has signed but not ratified the ATT?

MR. COUNTRYMAN: You’re correct; that’s an obligation of states that have signed. We won’t take any such action. I haven’t thought about going out looking for trouble – (laughter) – looking for examples that would be contrary or making such a list. It’s an interesting question to think about. I guess I just don’t see the immediate practicality of the question.
MR. KIMBALL: And I would just add that we also have to remember this treaty was just negotiated in April, opened for signature in June, signed by the United States in September. Tom has been doing a few other things since September, like getting rid of Syria’s chemical arsenal.

You know, I think some of these questions will be addressed over time. I mean, what I think is the most important next step in terms of process is – you referenced this earlier – the article-by-article analysis that the executive branch will put together in connection with the ATT that will, like other article-by-article analyses of other treaties, outline what the United States’ views are of what the treaty’s provisions do. It will not reinterpret that, but it will provide some further detail about this. So I will just say that will probably be the first place to look for some answers to your question.

Mr. Levine, who knows a few things about article-by-article analyses from his time at the Senate Foreign Relations Committee.

Q: Tom, you indicated that the U.S. action to hold up agreement last year was beneficial. It might be useful to get a list of what was achieved between the 2012 version and the 2013 version. And on one particular issue, I would be interested in knowing how things went on the ammunition issue and what you think of those provisions.

MR. COUNTRYMAN: They went swimmingly. (Laughter.) I think the provisions achieved the purpose of not requiring the United States to adopt new detailed regulations that would have little or no humanitarian benefit while leaving open the possibility for other states to adopt such measures if they wish.

I don’t think that we want to jump into the paragraph-by-paragraph comparison of the July text with the March text. Anybody else can do that.

Q: Yeah. Hi. Let me just offer one specific example of an important change that had to be made that was made between the two texts. And as Tom just said, though, if you go and carefully read them, you’ll find other ones as well. But the language on amendments changed, because the way that the amendments article was originally written in July, states would have been bound by amendments that they had not actually accepted, and that absolutely had to be fixed between the two texts, and it was fixed in the March text. And it’s one that people are signing.

Now you actually have to accept an amendment, and there is – it lays out, you know, the numbers required and stuff, but you actually have to – for a state to be bound by an amendment after it signed the treaty, it actually has to accept it, and that was an important change.

MS. STOHL: I think, as someone who was perhaps quite intimately involved in the both – drafting of both texts, I think the biggest improvement is that there is clarity where there needed to be clarity and flexibility where there needs to be flexibility.

I think also there was the misframing of the treaty as really an exporters’ treaty and that importers weren’t getting anything out of this treaty, that it didn’t help them in any way. Excuse me. I think the new section on diversion, which wasn’t there in 2012, I think, addresses not only the concerns of importing states but also gives practical ways in which exporters can work in partnership with importing countries to ensure that legal arms do not end up – that are – that are legitimate, responsible, well-intended are not used for illicit and harmful purposes. I think that was a real strengthening as well that I think sometimes gets missed because it doesn’t have a lot of operational teeth, but it provides, again, a framework whereby states can work together, which I think is, again, quite important.

MR. KIMBALL: All right. Let’s take maybe one or two more questions before we start to wrap up.

Q: Thanks. My question goes to the domestic gun rights debate. Is there something in the treaty that is being misconstrued or could be clarified to make it clearer that there are no domestic gun controls in this treaty? Or in your view is this just something that’s been cooked up out of the opposition to be critical?
MS. STOHL: Well, I can’t presume to guess what critics are – why they’re making arguments that they’re making. But I will say that one thing that I’ve been asked a lot about is this idea of the national control list and people misinterpreting that as a gun registry – in other words, a list of people who own, purchase weapons within a state’s borders. I think that is just a misunderstanding of what a national control list is. As Tom mentioned, we have the U.S. munitions list. We also have the commerce control list. Under the new reform there’s a third list of other items. So we’re drowning in national control lists in this country.

MR. KIMBALL: And they’ve been around for many, many, many years.

MS. STOHL: And they have been around for many years. I think the confusion is – what this treaty does – and perhaps it hasn’t been articulated precisely enough – is it doesn’t say your list has to have A, B, C and D; your national export control system, with very great detail, has to do these things. What it – it establishes a framework for states to incorporate. Not everybody needs a system – I hope not everybody needs a system like the United States – for its export controls or for its import controls. But many states have no system whatsoever and have a patchwork of maybe policy decisions. So the intent here is to create a national framework to address conventional arms transfers that occur internationally in a way that is consistent and understood around the world. So it’s establishing that global framework. It is not saying within a country you have to have a list of everybody that purchases a weapon. It’s saying you have to have a system to deal with exports, imports, brokering, transit and transshipment for cross-border trade of conventional weapons. So I think that’s one area where there’s been some misunderstanding.

MR. KIMBALL: Adotei?

MR. AKWEI: I think, you know, one is reminded of the – was it the “Dragnet” phrase? – you know, “just the facts.” And I think Rachel has been fairly gracious, but I think Tom has been a little bit more forceful in saying if you read the facts, it’s pretty hard to misinterpret, you know, what the treaty does and what it doesn’t do. And so, you know, I think that we should be concerned, perhaps, about a deliberate misinformation effort, and we need to counter that, and especially on something as important as this, which is just not impacting, you know, hundreds of thousands of people in terms of mortality, in terms of millions of people, in terms of displacement, you’re – there are clear benefits to the United States. It’s hard to see how you can continue to argue against something that is both good globally as well as nationally, and that, I think, demands a little bit more accountability about just going to the facts and having an honest, accurate discussion.

MR. KIMBALL: All right. I wanted to just raise one other question for the panelists that was raised by the 50 senators in their letter from October 15th that I find a little confusing in their letter regarding the process by which the treaty was eventually adopted at the U.N. As we all know, the United States entered the negotiations with the ATT in 2009 on the basis of the consensus rule for negotiations, and that was the basis for the negotiations through the spring of 2013. But then there were three countries, Syria, Iran and North Korea, who blocked consensus at the last minute, which led a group of states, including the United States, the U.K. and others, to take the treaty text that they all supported and agreed to to the U.N. General Assembly. The senators’ letter argues that – it says, and I quote, “We fear that this reversal of the approach going off the consensus rule has done grave damage to the diplomatic credibility of the United States.” I find it a little befuddling as to why they believe that taking a treaty that we support and most other countries support that’s not supported by Iran, North Korea and Syria does grave damage to our credibility.

Can any one of you address this or – and maybe explain the circumstances for the U.S. decision to work with our allies to take this treaty to the U.N. General Assembly so we could see it through. I think I just said two things. I’m certain none of the senators meant to endorse the blocking of consensus by Iran, North Korea or Syria. I understand their theoretical argument about why this could cause a loss to United States diplomatic credibility. I would give credence to that argument if I heard it from a single foreign government or diplomat. Every one of them involved in the process believes that U.S. credibility has been enhanced rather than diminished by this process.

MS. STOHL: Could I say two things to that? One, I’ll say as an American, I would hope that Syria,
North Korea and Iran don’t dictate the policy of my government. So I’m just – as an American, I would like to say that. From a process perspective, however, when the – when Secretary Clinton made that statement in October of 2009 in supporting the consensus-based process, that was in a response to the U.N. resolution establishing the treaty negotiations that culminated, in 2012, in failure because there was no consensus.

A new process was begun in October of 2012, a new resolution that established the process to negotiate the treaty in March 2013. That was a different resolution with a different set of rules of how the treaty would be negotiated and what the process for its conclusion would be. The United States supported that resolution, did not make a new statement about its involvement in the negotiation process, but that process, that resolution, allowed the treaty to be moved from the conference, where the consensus was blocked, to the General Assembly.

So there actually was no contradiction with U.S. policy. It was something that was continued by the resolution. And so I am not concerned that there was a break in – I mean, not that I need to defend the U.S. here, but that has never been an argument that’s made any sense to me because we had a new – it really was a new and final process in March of 2013.

MR. COUNTRYMAN: I don’t quite agree with that argument, but I’ll let it go. (Laughter.)

MR. KIMBALL: All right, are there any other questions from the crowd? If not, I just want to ask each of you if you have any closing thoughts that you want to finish with. I want to – yes? No? I mean, let me just – let me just sum up a couple things. I mean, first of all, I want to thank each of you for your very thorough and expert presentations. And I think – speak for myself and Adotei and Rachel, I mean, I hope that, you know, this is the beginning of a serious process to take a look at the key components of the treaty and what it is and what it isn’t. And as Tom said, I mean, we’re looking forward to opportunities to engage the public and members of Congress about what the treaty is and what it isn’t, and we’ll continue to do this in the days ahead, and we have a lot of work that we need to do in order to see the treaty to its full value. It’s going to be a many-years-long process. It’s going to require many more governments than the United States just to make this a success, but the U.S. has done a very important part in getting us to this stage.

So I want to thank you all for being here. Please join me in thanking our panelists. (Applause.) And we will see you again.

(END)

• Arms Trade Treaty

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