

Further Steps Towards an International Arms Trade Treaty

Statement by the Representative of the Russian Federation

European Union - UNIDIR Final Seminar on an International Arms Trade Treaty

(Vienna, 12 February 2010)

For the last three years, the international community has passed a long way in practical consideration of an international arms trade treaty (ATT). The main results are that States have realized the depth and diversity of the problems in the world arms trade and intend to reach real results in solving these problems. The UN documents adopted during this period - in particular, the Report of the Group of Governmental Experts on an ATT and resolution 63/240 - promote consistent, step-by-step and thorough work in this area, outline the relevant strategies and tactics. These documents do not specify the timeframe for elaboration of a draft treaty, what is quite reasonable given the complexity and multi-faceted nature of the issue.

Today, this seemingly appropriate pattern of actions is no longer relevant. In its resolution 64/48, the UN General Assembly decided to convene the UN Conference to elaborate a legally binding instrument that would establish the highest possible common international standards for transfers of conventional arms in 2012.

The Russian Federation abstained during the voting on this resolution, substantiated its position and distributed the relevant statement (available to the participants and guests of the seminar). Yet, the resolution is adopted and we intend to constructively contribute to its implementation.

However, there is no much time left. A lot needs to be done during the four weeks of work of the Preparatory Committee at its sessions in 2010 and 2011. Therefore, this short period of time should be used to the fullest.

First of all, we need to focus on the basic elements of a possible document, on its foundation. I refer to its goals, objectives, scope and parameters.

We deliberately call this document "a possible one". It is still unclear whether it is feasible. The reasons for stagnation of the existing regional and sub-regional mechanisms in the field of arms transfer controls have not been identified yet. Such mechanisms were set up in each particular case by a limited number of neighboring States with due account of regional circumstances and needs. What can a global document do if these mechanisms are failing?

For this document to be feasible, it should bring benefits to all States-to those who export arms and those who import them; to those who produce arms and those who do not; to those who feel relatively safe and those who face a possible armed conflict; to those who have advanced export control legislation and those who have no such legislation at all. A document should be universal and at the same time take into account the specificity and needs of each and every region. It should have high parameters to be effective because no one needs an ineffective document. However, it is obvious that the higher the parameters the more difficult it is to translate them into legally clear-cut norms immune to arbitrary interpretation.

The feasibility of the document directly depends on what goals we set for it. To this end, we should clearly determine what we want to obtain with its help and what global issues

it can address. The goals should be relevant, in the first place, for all countries, which means they should stem from the most acute problems and threats posed by conventional arms. This is the only case that can bring consensus. The goals have also to be practically feasible. This means we must be able to clearly define the resolvable objectives.

Reports of previous regional EU-UNIDIR seminars on an ATT could be helpful in making a practical decision on the aims of the document. The reports contain information which is full enough to make a summary on the main issues and threats usually associated, as believed by States, with conventional arms.

For instance, every region believes that arms traffic is the main arms-associated challenge. This defines correspondingly an ATT priorities for each of these regions.

To save time, in our today's intervention we will discuss only the results of the seminars, while its written version - which we are going to distribute among the participants and guests of our event - will include quotes from seminar reports to prove our conclusions.

So, let's discuss these ATT priorities. For the Central, Northern and Southern Africa they include prevention of illicit diversion of small arms and light weapons in the context of regional and national security (*"in the Dakar seminar ... participants highlighted as priorities the need for an ATT to prevent illicit SALW transfers in the region, which currently are fuelling conflict and undermining human security in many African countries"*). For Americas and the Caribbean, they include prevention of illegal arms transfers in the context of suppressing organized crime and drug trafficking (*"illicit transfers were discussed more from the point-of-view of armed violence and organized crime, «often linked with problems related to trafficking in drugs and SALW"*). For the Middle East, they mean prevention of diversion of conventional arms into illicit circulation. For Asia and the Pacific, they include prevention of diversion of arms from legal circulation to illegal markets (*"The lack of an effective system to regulate the trade in conventional arms ... facilitates the possibility of diversion of these arms into illicit markets. Such regulation would significantly reduce the possibilities for diversion", "...problems of uncontrolled arms trade in the Middle East were noted to be related to smuggling, cases of diversion, uncontrolled civilian weapons and loopholes in border controls"*). For the countries of Eastern and Southern Africa it is prevention of uncontrolled arms proliferation that fuels conflicts and crime, affects stability (*"Issues of the illicit trade in arms and the diversion of weapons from legal to illicit market were discussed as a priority issue for an ATT, ... current problems related to the arms trade should be recognized as being specifically related to their illegal transfers, not to legal state-to-state trade"*).

As we can see, each region formulates its priority for an ATT in its own way with one and the same substance - countering illegal arms trafficking.

We believe that such counter-efforts should be expressly specified in the document as its primary goal. Considering the results of the regional seminars, no other goal is likely to enjoy consensus. Moreover, this goal and - consequently - the objectives, parameters and scope, which it defines - are less likely subject to politic exploitation or double standards, which is crucial for most regions. This was, in particular, stated quite clearly in the report of the seminar for Middle East States. (*"when discussing a possible ATT, a comprehensive and balanced approach should*

be ensured to avoid politicization of the treaty and the creation of double-standards in implementing arms transfer criteria').

We understand the objectives that would allow "countering the illegal arms trafficking" as two parallel priorities for the international community.

The first priority is agreeing upon and introducing at the national level of standards of internal arms circulation. One can argue that we are discussing trade rather than circulation. We would like to respond that trade is only a part of circulation; that circulation has a number of potential diversion channels leading to illegal markets; and that any efforts to counter illicit circulation will not be effective. In this respect, it is critical to consider the regional views expressed during the previous seminars. For instance, participants of Dakar (*"the need to ensure that states have the capacity to stockpile their weapons in a secure manner, and that local production of arms is effectively controlled by states. Even though seen mostly as internal matters of states, stockpile management, local/artisanal production of weapons and record-keeping were considered as essential elements affecting the possibilities of success of an ATT"*) and Kuala Lumpur (*"A key priority for the region is to improve legal and enforcement capacity for domestic weapons control because an "increased proliferation of SALW in the region, not necessarily facilitated by organized crime groups, but often locally sourced through illicit home production or diversion from official stocks"*) seminars supported the inclusion of internal arms circulation in the scope of the document and, consequently, supported the development of common standards in this field.

The risk of diversion to illegal traffic is relevant at every stage of the circulation - manufacturing, storage, recording, transportation, use, withdrawal, decommissioning, disposal, destruction, selling it to private entities, etc. It is important, however, that we apply joint efforts to promote strict management of arms circulation at all phases, to make it unavailable for those who would wish to use it for criminal purposes. This objective is rather difficult, but we are sure that it can be implemented through the good will and concerted efforts of all members of the international community.

The second priority for action aimed at "countering illicit arms trafficking" involves elaboration, agreeing upon and implementation at a global level of the norms regulating specific aspects of legal arms trade that are particularly sensitive as regards the potential diversion of arms to illicit markets. Many times we have indicated these aspects or areas of activities, provided the agreements for giving them a special focus, including in the context of discussions on an ATT [*our relevant documents and statements can be found at the website of the Ministry of Foreign Affairs of the Russian Federation: www.mid.ru/ns-dvbr.nsf/dvarmstrade*]. Given the specific character of our event, today we are going to name just some of them, those that are expressly mentioned in the reports on regional seminars that we are summarizing. Thus, the participants of the Dakar seminar brought up the issues of illicit brokering, unlicensed production, re-export and deliveries to non-governmental entities (*"an ATT could solve problems related to the illicit brokering of weapons as well as their unlicensed production and re-exportation. Most participants seemed to agree that an ATT should ban all transfers to non-authorized non-state actors"*). The American and Caribbean States also emphasize that control over brokering activities and deliveries to non-governmental entities should be enhanced (*"Reference was also made to the need to include brokering controls, as well as regulations controlling transfers of arms to non-state actors"*).

The goals and objectives of the document on the one hand, and its scope and parameters on the other hand are closely interrelated. The former two aspects are essential and crucial for the latter two. If the goals and objectives are clearly defined, the parameters and the scope take real shape themselves and fill the document with substance. We have just witnessed the objectives of regulating domestic arms trafficking and particularly sensitive spheres of legal trade gaining substance. Any suggestions on the language of the document can be assessed whether they

correspond to its goals and objectives, and it is rather unlikely that anything that does not fit in would gain consensus support.

Today, in spite of the deadline for the development of an ATT specified in resolution 64/48, we are as far from finalizing this process as three years ago when it was launched by the UN General Assembly 61st Session . We have just turned deliberately the start of the process into the end and "winded up" whole stages of necessary preparations. Such a choice can hardly guarantee any success. Nevertheless, we believe that if we strictly follow the logical order in our advancement towards negotiations on the text of the document, if, first, we determine its goal, then objectives on the way to this goal and thereafter the parameters and scope, then there would be a chance that an idea of an ATT

possibly materializes. But if this draft lacks any sound foundation and clear framework, it will be simply impossible to fill it with consensus substance.

We hope that the Preparatory Committee in its available time will focus on approaches based on logics and the interest of the States in a substantial and results-oriented dialogue.