On May 7, 2008 a transport vessel with scattered patches of rust left the Angolan Port of Luanda. On the deck she was carrying brick-red sea containers, on her side the name read: An Yue Jiang, on the aft a Chinese flag was shivering under gusts of wind. The captain was sad: much time lost, again no luck in getting rid of that ill-fated cargo. A month before South African Transport and Allied Workers Union refused to unload it in Durban, South Africa challenging the South African Government's decision to allow transit of the shipment in Durban High Court. Here again a bum’s rush from Angolan authorities, the captain received instruction from Beijing to go back to China. The vessel was carrying back home its cargo, original destination Zimbabwe: nearly 500 containers of arms, including AK 47s and rocket-propelled grenades.1

A few years ago such an incident could have been no outstanding event among its likes in media reports, whereas in April 2008 it became a point to be addressed by those in power.

On 29 April 2008 the United Kingdom urged foreign ministers of the European Union for an international arms embargo over Zimbabwe. The White House also called upon all countries of the world to stop shipping weapons to Zimbabwe government. «We urge anyone who is thinking about sending arms to the region to rethink that, so that we can try to solve this peacefully,» said White House spokesperson Dana Perino. The European Parliament, in its turn, voted unanimously for a resolution stating that the European Union should keep the arms embargo against China.

Sufferings of Zimbabwe people under an authoritarian dictator Robert Mugabe might be a good cause for protests of African dock workers and truck drivers. Here politicians from many countries target not just the leader of Zimbabwe desperate to stay in power. It is about changing the world order, when leading powers would lose some of their privileges they had gained through huge material and intellectual investments only to give them up for the sake of the sensitive issue of trade in arms.

DISARMED AND NOT DANGEROUS

Arms and liberty—these two words have so often been combined leading nations and peoples to the bright future. Until mid-20th century a rifle signified a liberated person: it used to be idealized by poets of all revolutions, highlanders of the Caucasus and settlers in American prairies. Back in the 19th century a French poet Auguste Barbier praised it:

«C’est que la liberté n’est pas une comtesse
Du noble faubourg Saint-Germain,
Une femme qu’un cri fait tomber en faiblesse,
Qui met du blanc et du carmin:
C’est une forte femme aux puissantes mamelles,
A la voix rauque, aux durs appas,
Qui, du brun sur la peau, du feu dans les prunelles,
Agile et marchant à grands pas,
Se plaît aux cris du peuple, aux sanglantes mêlées,
Aux longs roulements des tambours,
A l’odeur de la poudre, aux lointaines volées
Des cloches et des canons sourds;
Qui ne prend ses amours que dans la populace,
Qui ne prête son large flanc
Qu’à des gens forts comme elle, et qui veut qu’on l’embrasse
Avec des bras rouges de sang.»

In early 20th century Russian poet Alexander Block sounded resonant:

The wind is on the rampage, the snow flutters. Twelve men advance on foot.
Black rifle-straps and all about them—flame, flame, flame.
Between the teeth a cigarette, a crumpled cap, all that’s missing is the ace of diamonds on the back!
Liberty, liberty, Ekh-ekh, without the cross!

A new era came after the meat grinder tactics of World War I, which shook the world and dispelled many earlier illusions together with the appealing image of a man with a gun. In 1938 Mao Zedong, leader of Chinese Communist Party, defined a new purpose for arms with his famous quotation: «Political power grows out of the barrel of a gun.»

There is no statistics available as to how many times state leaders used arms against their own people: to take and keep the power, forcing their citizens into complete submission, suppression of nonconformist thinking, and even ethnic and racial genocide. These data is simply impossible to gather as these methods are exercised more and more often leaving no possibility for statistics to keep up.

Today many politicians, public figures, and informal movements offer another way to ensure liberty: through radical access limitations for most inhumane regimes.

The Chinese container ship moving away from the African continent symbolizes implementation of new plans first announced to win international support 12 years ago.

MELTED WINGS OF ICARUS

In 1996 Óscar Arias, President of Costa-Rica, first came up with a proposal to limit international arms trade in order to «keep the means of repression and violence out of the hands of dictators and abusers of human rights.» A number of Nobel Peace Laureates, including Óscar Arias himself, Dalai Lama, and Lech Wałęsa, as well as some NGOs initiated a campaign with various degrees of success in different countries of the world finally reaching the international Olympus at the United Nations.

In May 1997 Óscar Arias and 11 other Nobel Peace laureates released International Code of Conduct on Arms Transfers. The Code would govern all arms transfers, including conventional weapons and munitions, military and security training, and sensitive military and dual-use technologies. The preamble states:
«Governments which systematically abuse internationally recognized human rights through practices such as torture or arbitrary executions would not receive military training. Countries who commit genocide would not be able to buy munitions. Governments engaged in armed aggression against other countries or peoples could not buy missiles. States that support terrorism would be prevented from acquiring weapons. In addition, all nations would be required to report their arms purchases to the United Nations. This Code of Conduct would undeniably promote global peace and security, and protect human rights.»

The Code had personal rights as its cornerstone. Suggestions by the Nobel laureates were to a large extent very innovative. For example, one of the rules stated that arms transfers may be conducted only if the recipient state’s expenditures on health and education combined exceed its military expenditures.

It is conceived that governments looking to buy arms from producing countries are to meet some standards: be elected through free and fairly-contested elections; permit their citizens to express their political views through the freedom to speak; have civilian institutions that control the operations and spending of the armed forces; not engage in an inter-state or an intra-state armed conflict; not increase regional instability, e.g. through importing increasingly sophisticated and lethal levels of technology, which tends to increase instability through regional arms races.

Public speeches by Óscar Arias were vivid and polemical: «In less diplomatic terms, my friends, the United States leads the world in arming dictators. It is hypocritical for many developed nations to talk about spreading democracy while providing the enemies of democracy with the means of repression. It is also fiscally unsound for them to contribute to bilateral and World Bank aid programs while encouraging developing nations to waste their old resources on arms imports.»

Sometimes the Nobel laureate used some controversial arguments:

«It is argued that increased high-technology weapons sales will create more jobs for the United States. It seems an immoral, imbalanced equation. To justify a few thousand jobs in the United States at the expense of placing more weapons in the hands of the developing world. An increase in armaments that are not needed in Latin America will only provoke more instability and chaos for its people and neighboring countries. If we accept such reasoning, it will not be surprising if some Colombian or Bolivian were to argue that exporting mind-altering drugs to the United States is justified because the production of cocaine and marijuana creates jobs in the agricultural, industrial, and commercial sectors of these countries.... The reality that selling arms is considered legal whereas selling drugs is not does not automatically make the first transaction morally defensible.»

G8 countries lead by the United States became the focus of criticism by Óscar Arias:

«According to one recent study, 84 percent of these U.S. arms transfers went to governments that the U.S. State Department itself describes as not permitting citizens to change their government by democratic peaceful means. While members of its Security Council persist in the unrestrained selling of arms to dictators who deny basic human rights? These are the very countries that should be maintaining world peace and security. It is ironic that on the one hand they have picked up the bulk of the financial burden for peacekeeping operations today, while on the other hand they are creating tomorrow’s Somalias, Iraqs, Haitis and Bosnias with their short-sighted arms transfer policy.»

No doubt, those scathing attacks against leading powers complicated the work of Óscar Arias and the Nobel laureates on the international arena. The main principle behind the program of the former president of Costa Rica was targeted against import opportunities for authoritarian regimes. Criteria used to black-list a country were also quite radical. The radical international arms trade control raised concern of not only exporting countries, but also of politicians in favor of the idea. Mr. Arias’s efforts remained just an efficient and popular campaign winning numerous supporters around the world, yet yielding no practical outcome.
GOOD CONDUCT RULE

In late 1990 not only Óscar Arias was urging for civilized arms trade. Two similar campaigns were under way in the United States and the European Union, and both were successful.

In the United States Senator Mark Hatfield and Rep. Cynthia McKinney proposed to vote on U.S. International Arms Sales Code of Conduct Act, passed in 1999. The Code provides that should a country be persistently engaged in gross violations of internationally recognized human rights, permit no free and fair elections, be engaged in certain acts of armed aggression, fail to participate in the United Nations Register of Conventional Arms, it would not be able to have U.S. arms.7

EU NGOs kept urging for a similar document for a number of years. Initially, the EU Code was opposed adamantly by leading European arms manufacturers. However, in 1998 the European Union adopted its own EU Code of Conduct on Arms Exports.8

The EU Code provides clear basic criteria, which are used in national policies of arms exports in EU countries today:

- Respect for the international commitments of EU member states, in particular the sanctions decreed by the UN Security Council and those decreed by the Community, agreements on non-proliferation and other subjects, as well as other international obligations.
- The respect of human rights in the country of final destination. The internal situation in the country of final destination, as a function of the existence of tensions or armed conflicts.
- Preservation of regional peace, security and stability.
- The national security of the member states and of territories whose external relations are the responsibility of a Member State, as well as that of friendly and allied countries.
- The behavior of the buyer country with regard to the international community, as regards in particular to its attitude to terrorism, the nature of its alliances and respect for international law.
- The existence of a risk that the equipment will be diverted within the buyer country or re-exported under undesirable conditions.
- The compatibility of the arms exports with the technical and economic capacity of the recipient country, taking into account the desirability that states should achieve their legitimate needs of security and defense with the least diversion for armaments of human and economic resources.

Obviously, both the proposal by Óscar Arias and the EU code link arms transfer to a long list of commitments the importing country has to undertake in the areas of human rights, good governance, and peaceful foreign policy.

There is, though, a significant difference between the EU project and the one by Nobel laureates: European rules are exercised on a case by case basis. Only four out of the eight EU Code criteria result in immediate ban of arms transfer. The others lead to a review of potential consequences before granting a license. The initiative by Nobel laureates provides no individual approach.

Óscar Arias’s rules ban any arms shipment to countries not complying with the criteria. That approach seemed too revolutionary. Though many governments supported principles behind the Code by Nobel laureates, even those in favor of it could not support such a universal approach.
ICARUS RELOADED

The mishap could not stop Óscar Arias. Early in the new century the group of Nobel laureates came up with a less radical and more realistic paper: Framework Convention on International Arms Transfers often referred to as Arms Trade Treaty (ATT).

Even before that the group of Nobel laureates got a strong reinforcement, with international organizations—Amnesty International, Oxfam, the International Action Network on Small Arms (IANSA)—contributing their fresh efforts and new ideas. Together they established ATT Steering Committee. Offering their energetic support and even seizing the initiative, these mostly European NGOs started the Control Arms Campaign pushing for International Arms Trade Treaty to be incorporated into The UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects (PoA).  

A group of Cambridge lawyers was invited to come up with a revised ATT. They developed a draft framework convention. The objective of such a treaty is to consolidate states’ existing and emerging obligations under international (mostly humanitarian) law into one framework convention (and there are over 300 of treaties related to arms trade). Another goal is to offer a framework to tackle arms trade in the future. New agreements may be addressed in subsequent instruments or protocols.

It is important to note here that ATT does not keep the universal approach from the initial project by Óscar Arias. Instead it borrowed case by case review of each license from the EU Code. A Contracting Party shall not authorize international transfers of arms which would violate its obligations under international law. These obligations include those arising under or pursuant to:

- the Charter of the United Nations, including decisions of the United Nations Security Council;
- international treaties by which that Contracting Party is bound;
- the prohibition of the use of arms that are incapable of distinguishing between combatants and civilians or are of a nature to cause superfluous injury or unnecessary sufferings; and
- customary international law.

Article 3 sets arms transfer limitations based on use. Consideration should be given to the principle of no aid or assistance in the commission of an internationally wrongful act, as reflected in GA resolution A/RES/56/83 of December 12, 2001 regarding responsibility of States for internationally wrongful acts. It stipulates that a state shall not authorize international transfers of arms in circumstances in which it has knowledge or ought reasonably to have knowledge that transfers of arms of the kind under consideration are likely to:

- used in breach of the United Nations Charter or corresponding rules of customary international law, in particular those on the prohibition on the threat or use of force in international relations;
- used in the commission of serious violations of human rights;
- used in the commission of serious violations of international humanitarian law applicable in international or non-international armed conflict;
- used in the commission of genocide or crimes against humanity.

Article 4 has no direct ban of transfers of arms, but defines four factors that States shall take into account in considering whether any international transfer of arms may be authorized. Contracting Parties shall take into account whether transfers of arms of the kind under consideration are likely to:

- be used for or to facilitate the commission of violent crimes;
- adversely affect political stability or regional security.
Remember: the text has been produced by NGOs, it can only be regarded as an unofficial proposal made by a group of internationally recognized people and NGOs. The draft cannot be treated as an official paper at international conferences, national delegations cannot work on it. The project is just an idea worded out in legal language.

Looking ahead, it can happen that actual ATT wording might be based on proposals submitted to the UN Secretary General by national governments, including Russia. But this story will be followed up below.

ATT initiators came up with a kind of minimum program, or some essential qualities to be featured in the ATT instrument by all means: it must be binding, it must define clear principles establishing the cause for a transfer ban; it must provide for an efficient enforcement and monitoring mechanism, as well as penalties in case of a violation.

The last idea is a major innovation in the new initiative: the proposed treaty will not become a compilation of good but not binding wishes, as there has been many. A violation of its provisions will cause strong penalties from the international community, which is a new style in tackling international issues.

Gradually more and more countries spoke in favor of ATT: Cambodia, Costa Rica, Norway, Finland, Germany, Ghana, Iceland, Kenya, Mali, New Zealand, Senegal, soon to be followed by all EU members. Inspired by the success of the EU Code of Conduct, Europeans started to speak in a stronger voice against issues of legal trade in arms. Very briefly the ATT initiative became completely European.

On March 15, 2005, when speaking at the Institute of Civil Engineers, the U.K. Prime Minister Jack Straw said: «Our work here in the UK represents an important record of achievement (in arms trade control). But acting on our defense exports alone is far from enough. We have therefore sought to make this country a leading player in work for better conventional arms control around the world.»

In his speech, the Foreign Secretary proposed six points to guide the work for the treaty. These were:

- The treaty should be legally binding on state signatories.
- The treaty should cover all conventional arms, not just small arms and light weapons.
- The treaty should be a separate, self-standing initiative. It should build on work done through previous arrangements, but it should not be governed by those processes.
- The treaty should be based on core principles that make clear when exports would be unacceptable.
- The treaty needs an effective mechanism for enforcement and monitoring that obligates signatories to impose criminal penalties as needed.
- The treaty needs a wide range of signatories, including the world’s major arms exporters.

Just two days later the Ministry of Foreign Affairs of Russia issued a commentary concerning British Foreign Secretary, which Moscow was prompt to nickname Jack Straw’s proposal: «One cannot but agree with the British Foreign Secretary that problems with the proliferation of weapons, including small arms and light weapons (SALW) do exist, especially when they get into the hands of terrorists. With regard to the idea proper of concluding an international convention to limit and regulate international arms transfers, it requires careful study, as also a broad international discussion with the participation of all major arms suppliers and recipients.»

OPEN FOR REVIEW

Official support of the European Union added popularity to the initiative. ATT partisans held active consultations trying to figure out which international organization to use as a framework.
Wassenaar Arrangements and OSCE were on the short list, but finally decision was made in favor of the United Nations.

On December 6, 2006 the UN General Assembly voted for resolution 61/89 «Towards an arms trade treaty: establishing common international standards for the import, export and transfer of conventional arms» sensationaly supported by 153 countries.\textsuperscript{14} It requests the Secretary General to seek the views of Member States on the feasibility, scope and draft parameters for the instrument; and also requests the Secretary General to establish a group of governmental experts to transmit an ATT report to the Assembly for consideration at its sixty-third session. Thus, the initiative was made official.

The largest exporting country, which is the United States became the only country voting against the resolution. Russia was not among the 153 supporters either: it joined 23 other abstainers. Except Russia, all former Soviet republics voted in favor, but not Turkmenistan and Uzbekistan, who failed to attend the vote. In addition to the United States and Russia, three other large exporting countries–China, Israel, and North Korea–decided not to stand firmly in favor of ATT at this early stage. The five countries hold 60 percent of all arms transfers in the world.

At least half of world’s largest arms importers also abstained: China, Egypt, India, Iran, Iraq, Israel, Kuwait, Libya, Oman, Pakistan, Saudi Arabia, United Arab Emirates, and Yemen.

However, before the proposed deadline 92 UN Member States rendered their views to the Secretary General. Some 86 of them either supported the initiative in this or that fashion or directly recognized it as a priority task.\textsuperscript{15} Again, over half of them decided to mention the new Treaty should not contradict Article 51 of the UN Charter saying nothing shall impair the inherent right of Member States for self-defense.

European countries are driving ATT forward. The geographic shift of active ATT supporters towards EU countries proves that it has become a European initiative. Within the European Union itself there is a shift towards transparency and accountability in military goods trade, which remains unnoticed in the world, but still no less important. There is no surprise that Europeans, inspired by their own success, keep trying to roll out this practice internationally.

The United States was the only country to stand openly against ATT: «the United States has taken a principled stance against supporting an ATT – not because we do not support the reduction of illicit arms transfers, but because we do not believe an international treaty is the right instrument to achieve that goal.»\textsuperscript{16} The United States is in a strong position to influence its partner states within such forums as the Wassenaar Arrangement and OSCE.

Efficiency of the tool offered was also questioned by Cuba, Egypt, India, Pakistan, Russia, and Venezuela. The Chinese side came up with an intricate formula, mentioning «the necessity to negotiate a specific treaty need to be further discussed in a comprehensive and cautious way by the international community.»\textsuperscript{17}

ATT supporters keep a close eye on countries that may, as they perceive it, hinder success of the Treaty: Venezuela, China, Egypt, India, Russia, Pakistan, the United States, and Cuba. Notably, only one of those countries–Venezuela–does not have its representative in the group of experts.

Before August 8, 2008 the group of experts will meet three times to discuss ATT ideas collected by the UN Secretary General, and then it will submit a report to the General Assembly for consideration at its sixty-third session.

So, today ATT initiative is in the hands of government experts from 28 countries: Algeria, Argentina, Australia, Brazil, China, Columbia, Costa Rica, Cuba, Egypt, Finland, France, Germany, India, Indonesia, Italy, Japan, Kenya, Mexico, Nigeria, Pakistan, Romania, Russia, South Africa, Spain, Switzerland, Ukraine, the United Kingdom, and the United States. The outcome of their meetings will largely determine success of the whole project.
WHO’S ON IT?

Even most optimistic ATT supporters understand that discussions both in the narrow and wide circles are sure to be hard. The main provision banning arms transfers to regimes with human rights violations will have an impact upon interests of many countries in the modern world, both exporting and importing ones. These interests are often measured not in commercial or military terms, but rather in terms of national security.

Recent international negotiations on conventional arms control proves that it is becoming harder and harder to agree even on something obvious. Latest forums under UN Program of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects would disappoint even most pessimistic experts. International Arms Treaty, a fresh topic, might give impetus to these processes now stuck in useless debates.

Pretty soon states ate to define their position regarding ATT. It may be surprising, e.g. Israel, though abstaining on GA resolution 61/89, has submitted a document to UN Secretary General expressing complete support to the idea. Should a democratic candidate win at U.S. presidential elections, the country’s position might become precisely the opposite.

Let’s try to look ahead and see what happens should the Treaty be adopted and enter into force. What states can it impact? Primarily it concerns those countries that violate human rights, and regimes turning arms against their own peoples. Today the international human rights situation is in the focus.

Today there is one basic rule: only the UN Security Council (or a body it nominates) can establish facts of human rights violations. Article 39 of the UN Charter reads as follows: «The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.» Again, it means that internationally decision to impose a penalty can only be made by the Security Council.

In addition to UN committees violations are also monitored by national governments and institutions, as well as numerous independent NGOs, such as Amnesty International, Human Rights Watch, World Organization Against Torture, Freedom House, International Freedom of Expression Exchange, and Anti-Slavery International. They try to find and document proof, as well as restore the rights. They maintain pressure on international bodies, including the United Nations.

NGOs bring charges against governments around the world. According to Amnesty International reports only few do no infringement. In 2003 those were the Netherlands, Norway, Denmark, Iceland, and Costa Rica. Amnesty International says the following states do infringe: Afghanistan, Belarus, Burundi, Timor-Leste, Haiti, Democratic Republic of the Congo, Zimbabwe, Israel, Iraq, Cambodia, South Korea, Cuba, Liberia, Myanmar, Sierra-Leone, Somalia, Turkmenistan, and Chad.

Besides, the organization believes that government forces and military groups regularly violate rights of citizens in the course of military conflicts in Central Africa, Côte d’Ivoire, Sudan, Uganda, and Uzbekistan.

Moreover, in terms of human rights Algeria, China, Indonesia, Pakistan, Russia, Saudi Arabia, and the United States are not doing well either. Human rights activists consider the situation with human rights in those countries could prove even worse if the international community had the courage to take a closer look, disregarding the global and regional influence those states exercise. Information from NGOs can really expand ATT applications.

Some governments already use their own national systems to limit arms transfers. Russian military-technical cooperation is governed by the so-called List No.2, which is a classified list of states that can buy Russian arms.

The U.S. State Department annually updates a list of state sponsors of international terrorism. U.S. legislations bans arms exports to those countries and imposes special procedures for
dual use items. Today the list is comprised of five states: Cuba, Iran, North Korea, Sudan, and Syria. Having promised to mend its ways, Libya is off the list now.

Regarding ATT, outposts of tyranny, are sure to be subject to sanctions, at least from the U.S. standpoint. Those are countries with oppressive regimes that disregard principles of democracy and human rights. In addition to Cuba, Iran, and North Korea already sponsoring terrorism, the U.S. list includes Belarus, Myanmar, and Zimbabwe.

Asking my source in the Russian Ministry of Foreign Affairs about possible new sanctions, I got the following: «It is not quite clear how ATT enforcement and control mechanism could be arranged, as well as how to compare information from different sources and conduct investigations. Another question is about the right of problem states to procure arms legally, for self-defense.»

Intent of the ATT initiators is illustrated in Chart 1. Most well-known arms embargoes are imposed by the United Nations and the European Union. Comparing the two reveals certain differences in their approaches. After a careful study the differences may explain a lot. Both entities imposed their sanctions pretty much at the same time for Côte d’Ivoire, Democratic Republic of the Congo (DRC), Lebanon, Liberia, Myanmar, North Korea, Somalia, rebels in Sierra-Leone, Taliban, Al-Qaeda, and Osama bin Laden. The UN list stops here, while the EU one also includes China, Myanmar, Uzbekistan, and Zimbabwe. Besides, the European Union fully bans arms transfers to Iran (the UN ban only concerns technologies related to nuclear weapons and delivery systems) and Sudan (the United Nations only bans transfers to non-governmental entities and individuals in Darfur).

**Chart 1. UN and EU Arms Embargoes**

<table>
<thead>
<tr>
<th>Country</th>
<th>Start of UN embargo</th>
<th>Start of EU embargo</th>
</tr>
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<tbody>
<tr>
<td>Zimbabwe</td>
<td>NO EMBARGO</td>
<td>February 18, 2002</td>
</tr>
<tr>
<td>Iran</td>
<td>December 23, 2006</td>
<td>April 23, 2007</td>
</tr>
<tr>
<td></td>
<td>Only technologies related to nuclear weapons and delivery systems.</td>
<td></td>
</tr>
<tr>
<td>China</td>
<td>NO EMBARGO</td>
<td>June 27, 1989</td>
</tr>
<tr>
<td>North Korea</td>
<td>October 14, 2006</td>
<td>November 22, 2006</td>
</tr>
<tr>
<td>Democratic Republic of the Congo (rebels only)</td>
<td>July 28, 2003</td>
<td>April 7, 1993</td>
</tr>
<tr>
<td>Côte d’Ivoire</td>
<td>November 15, 2004</td>
<td>November 15, 2004</td>
</tr>
<tr>
<td>Liberia</td>
<td>March 7, 2001</td>
<td>May 7, 2001</td>
</tr>
<tr>
<td>Lebanon</td>
<td>August 11, 2006</td>
<td>September 15, 2006</td>
</tr>
<tr>
<td>Myanmar (Birma)</td>
<td>NO EMBARGO</td>
<td>July 29, 1998</td>
</tr>
<tr>
<td>Sudan</td>
<td>July 30, 2004</td>
<td>March 15, 1994</td>
</tr>
<tr>
<td></td>
<td>Only to nongovernmental entities and individuals in Darfur</td>
<td></td>
</tr>
<tr>
<td>Sierra-Leone (rebels only)</td>
<td>June 5, 1998</td>
<td>June 5, 1998</td>
</tr>
<tr>
<td><strong>Taliban, Al-Qaeda, Osama Bin Laden</strong></td>
<td>January 16, 2002</td>
<td>May 27, 2002</td>
</tr>
<tr>
<td>Uzbekistan</td>
<td>NO EMBARGO</td>
<td>November 14, 2005</td>
</tr>
</tbody>
</table>

Thus, the risk group is comprised of China, Iran, Myanmar, Sudan, Uzbekistan, and Zimbabwe. European countries have already given them a Black Mark.
RUSSIAN PERSPECTIVE

Many Russian experts in the field of military-technical cooperation are convinced that everything adding to sales of Russian arms to foreign countries is good for Russia. The rules of good form for Russian media covering arms exports do not include such terms as a democratic regime or human rights. Entering new markets and competition are most welcome, any time.

This faith in dashing sales promotions for arms too might be heritage of the weak 1990s, when Russian defense industry was on the brink of survival only staying on this side of it thanks to foreign orders. Russian army gave no orders back then. Even independent Russian analysts agreed: «We should not care about the balance of powers. We should care how much money would go to the Russian regions of Udmurtia and Buryatia. We should care about well-being of Russian citizens, while those of Ethiopia and Eritrea should be a concern for their own governments.»

Government agencies, including the Ministry of Foreign Affairs, received direct instructions from the country’s leadership to facilitate exports of Russian arms: «The task of the Ministry of Foreign Affairs is to pave the way for our industry, both public and private enterprises. In this context we closely follow the development of military-technical cooperation keeping in mind that we need to support Russian arms industry.»

For four years now the Russian defense order volume surpasses that of arms exports. All economic indicators clearly show the country does not require questionable financial flows to support its defense industry: it’s high time to get rid of some. The problem is just the opposite: the industry cannot cope with all orders. Obviously, it is now possible to be pickier in choosing a partner for military technical cooperation. It is now understood that the country’s image is an asset more valuable than a purse of gold.

Obviously, arms belong to the few Russian hi-tech export products; more sales abroad demonstrate high scientific and industrial potential of Russia. It would be unreasonable to overlook this factor, since Russian fighter jets and frigates guarding borders of foreign country can tell more about Russia’s capabilities than the country’s most experienced ambassador.

But what about a deal with someone the whole world has turned their backs on? Is it to be praised or honored? Russia often serves as the last asylum for some regimes blacklisted by everyone except the UN Security Council, which hasn’t yet announced an embargo. While all leading arms manufacturers eagerly leave markets, in which the authorities can turn the guns against their own people. Often such markets can offer billions of dollars or euros, but Europeans and Americans are eager to leave, guided by some higher considerations.

Unfortunately, back during the Gorbachev era, Russian people were made to lose trust in universal values. They are used to seeing some trick or double standards, again, because Americans have regularly been offering causes for it in recent years. So, the troubled Russians have no trust in higher considerations. Hence, all partners in military-technical cooperation rejected by other states are welcomed by Russia, serviced top-notch to be put on reference list: look, a new market, despite international pressure and unfair competition.

Can it be surprising then that the international community regards Russian arms exports suspiciously, waiting for a new breakthrough, and does not believe it that shots in some troubled areas of the world are made from Chinese, not Russian Kalashnikovs. They don’t agree that our arms control system is the best in the world and don’t want to adjust their control mechanisms to fit into the Russian framework. They cautiously read Russian initiatives on arms transfer control trying to see between the lines some hidden schemes to disrupt the control.

And even though Russia is indeed doing well in arms exports control and could serve as an example for many, and even if Russian proposals of international arms transfer control arrangements exercise a practical and professional approach, few are ready to consider seriously those initiatives if the country proposing them has been compromised by connections with odious regimes.

ATT supporters were quick to notice some undermining tone in Russian views regarding the Treaty submitted in a letter to the UN Secretary General. The document reminds that «at least
half of world’s countries, including leading arms manufacturers and exporters have committed
to be guided in arms transfers by such factors as the internal and external situation in and
around the importing country, no transfers to areas of military conflicts or countries abusing
human rights—all these guidelines, in fact, are to become the foundation of ATT. The Russian
side also notes: «practice has proved that existing agreed multilateral arms transfer control
mechanisms does not prevent illegal arms market, also involving terrorists and extremists.»

«In this connection it would be logical to analyze first, why existing mechanisms lack efficien-
cy, why they are stuck. This analysis should be made prior to elaboration of the global instru-
ment,» reads the Russian paper.

The Russian Ministry of Foreign Affairs raises a very important question, however cunning it
might look for ATT initiators: the world already has working mechanisms to be established as
part of ATT too:

- there are institutions assessing the human rights situation: numerous UN committees
  and the Security Council;
- arms transfer limitation and ban mechanisms are in place: UN embargoes, Wassenaar
  arrangements, and other instruments;
- arms transfer reporting is done in regular reports on arms transfer by OSCE, Wassenaar,
  as well as the United Nations Register of Conventional Arms;
- penalties are provided for in the UN Charter.

Why would then arm continue to flow to Al-Qaeda in Afghanistan and Liberation Tigers of Tamil
Eelam in Sri Lanka if they have no obvious external support, and legal arms transfers are com-
pletely banned for them, but they continue fighting against government forces for decades?
Will arms control become more efficient, the world a more secure place to live if there are twice
the number of controlling bodies and bureaucrats? It would definitely be beneficial to identify
and establish drawbacks of the system now in place in order to avoid repeating same mistakes
in new mechanisms.

Many Western observers understand the Russian view (which is the official name of the paper)
as an attempt to undermine ATT. But Russia is ready to discuss new measures of arms control;
itself position has been clearly expressed many times in various international forums. Here’s the
jist:25

- the focus in arms control should be against its illegal transfer;
- arms transfers to nongovernmental (private) entities and brokers should be stopped;
- arms re-export without consent of the original exporter should be prevented;
- manufacturing without a license or under an expired license should be banned.

POLITICAL POWER OR GUN BARREL

The modern world sees no shortage of good ideas or intentions, but it does see the credibility
gap. Reciprocal suspicion hinders compromise attempts even with most obvious issues at
international forums.

Given the credibility gap, ATT supporters are to decide on something very important: the ques-
tion of power. As the Great Helmsman used to preach: «Political power grows out of the barrel
of a gun.» Working ATT would mean that arms manufacturers would have to give up part of their
grandfather rights to support friendly regimes, close nations, and their allies (remember pref-
erential arms transfers under CSTO), which would mean losing power for many regimes. ATT
would largely serve as a tool to redistribute power in the world: an attempt to change the world
order.
Traditionally, such project was only possible after a major war. But today the world is also at war with international terrorism. Numerous factors, each one hard to forecast, may lead to compilation of the following four scenarios:

1) **Perfect scenario**: a Democrat taking U.S. President’s office undertakes to implement U.S. Arms Transfer Code of Conduct passed by the Congress in 1999 to require the President to begin negotiations on a multilateral regime on arms export criteria. That instrument reflects positions of Russia and China. A significant and positive change in international policies leads to successful adoption of ATT.

2) **Wassenaar scenario**: largest manufacturing and exporting countries set up a controlling mechanism for arms trade with third world countries. This arrangement does not involve world’s poorest countries as well as largest importers: Algeria, China, Egypt, India, Iran, Kuwait, Libya, Oman, Pakistan, Saudi Arabia, Singapore, South Korea, Taiwan, United Arab Emirates, and Yemen.

3) **Kyoto scenario**: countries of the European Union, Africa, and Latin America sign a document keeping the wording of the EU Code of Conduct on Arms Exports. All other countries are invited to join in.

4) **Groundhog Day scenario**: tedious negotiations lead to a curtailed ATT, which becomes an instrument to analyze and monitor arms trade, while all sanction tools and arms embargoes remain within the scope of UN Security Council.

Will many countries be able to trust a new body given the credibility gap? Today the answer is obviously negative. Tomorrow it may change. As usual, a lot will depend on the U.S. stance.

**HISTORY OF GLOBAL FAILURE: PACIFIST WAR**

«Today America is not involved in the League of Nations and is most likely to stay away in the future too. Why? Strong American capital is far from letting the highly esteemed Estonia, Latvia, Lithuania, Albania, and other republics in the League of Nations question its policies in Central and South America—something they have managed to achieve with arms in their hands, resorting to strong economic pressure. Secondly, U.S. capital is far from the idea to let this senate of small states control its arsenals. Formally, U.S. capital is out of the game in European disarmament.»—this quotation takes us back in October 1924 when the League of Nations signed Geneva Protocol for the Pacific Settlement of International Disputes. The document was born in a single effort to have a world without wars. It promoted three principles: arbitration, security, and disarmament as a pillar for the system of guarantees against external aggression. If the initiative had been successful, the League of Nations would have become an arbitrator for collective punishment of the aggressor.

World media kept discussing possible conflicts of country X against country Y in the light of the new arrangement. Each new look split Europe into winners and losers. Politicians calculated chances and losses of their opponents. They were afraid to sell too cheap.

Geneva Protocol nearly led to a turn in European politics. It was ratified by France, it received critical treatment in Moscow, and totally no support from Great Britain and Italy, without involvement of which the arrangements lost sense. National ambitions did not allow to implement the life-changing document. In 15 years it was not even remembered because of World War II. Everything was lost. This might be a good lesson to be learned when starting a new discussion on how to cut down on the arms of authoritarian regimes.

**Notes**


3 Alexander Block, *The Twelve*, 1918 http://blog.360.yahoo.com/blog-vjeH0Ns8erJuDriQ1zvcu6s-?p=69
14 See complete list on the web: http://www.iansa.org/un/ATTvotes.htm (last visited on June 24, 2008).
15 Albania, Algeria, Argentina, Australia, Austria, Bangladesh, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Burundi, Canada, Chili, Columbia, Costa-Rica, Côte d’Ivoire, Croatia, Cuba, the Czech Republic, Cyprus, DPRK, Denmark, Djibouti, Ecuador, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, Indonesia, Ireland, Italy, Jamaica, Japan, Kenya, Latvia, Lebanon, Liberia, Liechtenstein, Lithuania, Luxembourg, FYR Macedonia, Malawi, Mali, Malta, Mauritius, Mexico, Morocco, the Netherlands, New Zealand, Niger, Nigeria, Norway, Pakistan, Panama, Paraguay, Peru, Poland, Portugal, Romania, Salvador, Samoa, Senegal, Slovakia, Slovenia, Serbia, Seychelles, South Africa, South Korea, Spain, Sweden, Switzerland, Thailand, Togo, Trinidad and Tobago, Turkey, United Kingdom, and Zambia.
This article does not deal with cases of a U.S.-led coalition waging wars in Afghanistan and Iraq without a UN mandate.

Interview by author, November 16, 2007.

Compiled by the author.


Ibid.


