

Civil society and the drive towards an Arms Trade Treaty

A background paper by Daniel Mack and Brian Wood

1) Introduction

More than a thousand people on average lose their lives daily as victims of firearms, with many more thousands wounded, displaced, raped or otherwise abused as a result of armed violence. In addition, there are many victims and traumatized survivors of the blatant misuse of larger conventional weapons, munitions and military equipment in armed conflicts and brutal acts of repression across the globe. Yet incredibly, the international arms trade is poorly regulated and there are almost no binding standards for regulation agreed on a global scale.

Despite growing awareness of the devastating effects of irresponsible arms transfers, many governments continue to approve the export of weapons, munitions and military equipment to parties stoking armed conflicts, to governments known to be perpetrating serious violations of international human rights and humanitarian law, and to states where there are institutional and other substantial risks of diversion to unauthorized users.

The idea of an Arms Trade Treaty (ATT) initiated by several non-governmental organizations in the 1990s has gradually become accepted by governments, and now by the overwhelming majority of member states in the United Nations. Most proponents of an ATT aim to prevent such irresponsible arms trading through the establishment of the highest global standards in a binding international agreement to require states to effectively control all international transfers of conventional arms in their jurisdiction according to strict procedures that ensure maximum respect for established principles of international human rights law, international humanitarian law, social-economic development, international security and crime prevention.

To illustrate the nature of the problem of irresponsible conventional arms trading, one could cite many examples from different countries and continents rigorously researched by reputable non-governmental organizations and media. One such example involved the Chinese ship “An Yue Jiang” sailed in April 2008 towards Zimbabwe to deliver 3 million ammunition units at the

height of grave political tensions and despite a worsening pattern of state-sponsored violence against unarmed civilians in that country. The export was strongly resisted by civil society in several African countries with the support of a global NGO campaign coordinated by the International Action Network on Small Arms (IANSA). Dock workers in South Africa and Angola refused to disembark the shipment, while human rights lawyers began successful national court actions. Religious leaders and parliamentarians protested across the SADC region, prompted an international outcry by governments, eventually forcing the government of China to say it would suspend the munitions shipment and recall the ship. Since there is no global legal instrument with adequate ethical and transparency standards to prevent that sort of irresponsible arms transfer, it is certain that many other such transfers will continue to be authorized by states thus contributing to the destruction of lives and livelihoods in unstable, repressive and conflict-ridden countries.

To prevent such situations, and in order to fulfill its promise and purpose as set out in the resolutions in the General Assembly, the Arms Trade Treaty must be based on objective universal principles and robust procedures and mechanisms, including the “golden rule” expounded by global civil society: no international conventional arms transfer should be permitted where the weapons, munitions or equipment are likely to be used to commit serious violations of international human rights and humanitarian law, or to undermine social-economic development.

For over a decade, an expanding movement of global civil society, backed by a group of Nobel Peace Laureates led by Dr Oscar Arias have been stressing the ATT’s urgency: soon it will be ten years since those Laureates circulated to member states a proposal for an “International Framework Convention”. Seven years ago, global civil society launched the Control Arms campaign to raise public awareness and press governments to accept the idea of a principled ATT. Over these many years, and in the last three years since the initial UN General Assembly vote by an overwhelming majority in favor of a process “towards an ATT”¹, the ongoing poor systems of national regulation of international arms transfers have continued to cause massive

¹ Resolution 61/89 was adopted by the UN General Assembly in December 2006 with the support of 153 Member States and only one vote against - the USA. In October 2009, the new US government under President Obama reversed its stance and announced its support for an ATT.

loss of life and injury, the destruction of livelihoods and other serious abuses of human rights and criminality. Millions of potential victims cannot afford to wait for a protracted diplomatic process, or one that yields a toothless instrument: a strong and effective ATT is needed immediately; increasingly, more and more governments have come to agree. Civil society's calls for a needed gear shift in the pace of ATT progress resulted in the latest General Assembly resolution in December 2009 which sets out a more definite process, with 2010 and 2011 marking the first and second years of a series of preparatory committees leading to a treaty negotiating conference planned for 2012. Timing resolved, the main challenge now for civil society and governments alike is to ensure that the content of an ATT is sufficiently robust to address the problems identified in the resolutions of the General Assembly – and to be accepted as legitimate by world public opinion.

2) History of the Arms Trade Treaty process

The current initiative to establish an ATT is not the first time the international community has sought agreement on a global arms trade treaty, though the specific idea for a legally binding instrument drawing on existing relevant principles of international law and standards to prevent irresponsible arms transfers emerged from discussions between Amnesty International, Saferworld, the British American Security Information Council (BASIC) and the World Development Movement. Outrage over the revelations that Idi Amin's death squads in Uganda had been using military and paramilitary equipment supplied from the UK, followed by similar scandals involving arms from Germany, the USA and other countries, had led during the 1980s to agreement of the governing body of Amnesty International to develop a policy to promote strict legal control of military, security and police transfers in order to protect human rights, and also to identify when to call publicly for the cessation of transfers that would contribute to grave violations of human rights – a policy based from the outset on international human rights law and international customary law, in particular the International Law Commission's Draft Articles on the Responsibility of States for Internationally Wrongful Acts.²

² The Draft Articles have since been completed and the key principle is expressed in Article 16 of the United Nations International Law Commission's *Articles on Responsibility of States for Internationally Wrongful Acts* of 2001 which were commended to Governments by a resolution of the General Assembly (A/RES/56/83, 12 December 2001).

Thus, in 1993 with help from international lawyers, these NGOs began work to draw up a draft “Code of Conduct for the European Union” (EU) intended as a legally binding instrument.³ The Arias Foundation (Costa Rica) was also working toward an international code of conduct, and in 1995 with American Friends Service Committee, Amnesty International, BASIC, Saferworld, and other NGOs, they drafted an instrument based on the text for the draft EU Code: likewise, “the International Code of Conduct on Arms Transfers” was also drafted as a proposal for a legally-binding instrument. Encouraged by the success of the international campaign to ban landmines, in 1997, Costa Rican president Dr. Oscar Arias called upon a group of fellow Nobel Peace Laureates to promote the International Code of Conduct, which would require states to adopt national mechanisms for the explicit authorization of all international arms transfers.⁴ In the United States a similar Code of Conduct was drawn up by Senator Hatfield and Congresswoman McKinney and was tabled in the Senate and House of Representatives in 1997.

After an EU-wide NGO advocacy campaign, in 1998, the EU adopted a Code of Conduct on Arms Exports. However, the Code agreed by the governments emerged only as a political and not a legally binding agreement. In essence, the EU Code required that EU Member States pledge not to authorize arms exports when they “provoke or prolong armed conflict,” or when there is a “clear risk” that the weapons could be used for internal repression in contravention of international human rights instruments or for aggressive acts against another state. After some revisions promoted by NGOs, parliamentarians and the ICRC, notably to strengthen provisions to ensure respect for international humanitarian law, the EU Code of Conduct was made legally-binding through an EU Common Position adopted in December 2008.

Those NGOs with a shared vision that all international arms transfers be responsible and address the underlying need to prevent grave human rights violations, formed a “Code Working Group” to collaborate in the promotion of the initiative. By 2000, the draft International Code was

³ Drafts of the EU Code of Conduct on arms exports were made and published in November 1996.

⁴ The group of Nobel Laureates supporting the ATT initiative has included: Adolfo Perez Esquivel, Albert Schweitzer Institute, American Friends Service Committee, Amnesty International, Aung San Suu Kyi, Betty Williams, Elie Wiesel, the Dalai Lama, International Physicians for the Prevention of Nuclear War, Jimmy Carter, Jody Williams, José Ramos-Horta, Lech Walesa, Oscar Arias, Reverend Desmond Tutu, and Rigoberta Menchu.

transformed with the assistance of lawyers from Cambridge University and Amnesty International into a more refined proposal - “the Framework Convention on International Arms Transfers” – that was circulated to all member states, parliamentarians and other relevant opinion formers. In order to reach out to a wider audience, from 2001 the Convention proposal began to be promoted by the NGOs as “the Arms Trade Treaty”. Thus, in 2002 the “Code Working Group” of NGOs was expanded and renamed the “ATT Steering Committee” (ATTSC), comprising NGOs specializing in work on arms control, human rights, and development. Three of the NGO members were also Nobel Peace Laureates NGOs with years of experience in the field. The Steering Committee has since coordinated the strategic direction of the ATT initiative among civil society organizations across the globe.

Also, in 2002, the ATTSC agreed that the two multinational NGO members, Amnesty International and Oxfam (later joined by the International Action Network on Small Arms) develop an international campaign to build support for an ATT. This resulted in the launch of the global “Control Arms” campaign in October 2003 which used more popular mobilization techniques in over 120 countries to create awareness and build political commitment to the ATT idea. In 2005, the ATTSC published in different languages six core “Global Principles for International Arms Transfers”, each of which was supported by annotated footnotes in an attempt to make them as consistent as possible with meaningful respect for relevant existing international instruments and obligations. These Global Principles were promoted worldwide by the civil society movement on the ATT as a blueprint to draft parameters for an effective ATT (see below).

When the Control Arms campaign was launched, only three countries (Costa Rica, Mali and Cambodia) declared public support the ATT, although other governments began rapidly to consider it seriously. A series of informal international meetings were held to discuss the feasibility of an ATT in Cambridge, Helsinki and Dar es Salaam between representatives of the ATTSC and an increasing number of sympathetic governments. Eventually in 2006, after 50 governments had indicated they would support the idea of an ATT, seven of the committed states – Argentina, Australia, Costa Rica, Finland, Japan, Kenya and the United Kingdom – tabled resolution 61/89 at the UN First Committee, entitled “Towards an Arms Trade Treaty”. In

December that year, an historic 153 member states voted in favor of the resolution. This established a process in 2007 for a UN Secretary-General consultation with all member states followed in 2008 by a Group of Governmental Experts (GGE) to examine the “feasibility, scope and parameters” of a legally-binding ATT. An unprecedented 101 countries – ten times the usual number for this sort of exercise, many instigated or assisted by civil society – submitted their views to Secretary-General Ban Ki-moon, with a clear majority recognizing the need for a legally-binding instrument setting standards for the international arms trade, in addition to underlining the importance of international human rights, humanitarian law and sustainable development for the proposed treaty.⁵ A very large majority - 72 of the 92 submissions reviewed - recognized the key importance of assessing an international arms transfer vis-à-vis its possible use for at least certain abuses and violations of human rights law and IHL.

The GGE concluded its work in August 2008 with a consensus report issued after three meetings under the able chairmanship of Ambassador Roberto García Moritán of Argentina. The group, composed of experts from 28 countries⁶, recommended that “further consideration” be given to the matter. The exact format of the “consideration” was set by an October 2008 resolution at the UN General Assembly’s First Committee – supported by 147 states – which mandated establishing an Open-Ended Working Group for all UN member states to consider the elements for a legally-binding treaty.

While the 2008 ATT resolution reached a very high level of support, the text of the resolution was significantly weaker than civil society organizations had hoped for, and there were fears that an extremely long diplomatic process was ahead, with years of “further consideration” not yielding tangible results. Therefore, the Control Arms campaign and the ATTSC once more urged governments to decisively stride towards principled negotiations as soon as possible.

⁵ See: *A Global Arms Trade Treaty: What States Want*, published by Amnesty International on behalf of the Arms Trade Treaty Steering Committee, October 2007, (AI Index: POL 34/004/2007); the UN Institute for Disarmament Research also analyzed the results and published two reports – see Sarah Parker, “*Analysis of States’ Views on an Arms Trade Treaty*”, UNIDIR, October 2007, and “*Implications of States’ Views on an Arms Trade Treaty*”, UNIDIR, January 2008.

⁶ Algeria, Argentina, Australia, Brazil, China, Colombia, Costa Rica, Cuba, Egypt, Finland, France, Germany, India, Indonesia, Italy, Japan, Kenya, Mexico, Nigeria, Pakistan, Romania, Russia, South Africa, Spain, Switzerland, Ukraine, United Kingdom and the United States.

In 2009, the two week-long sessions of the OEWG, in March and July, allowed for wider participation, including countries that had not formally been involved in the debates to date. This format came to an important – albeit obvious to most – conclusion: the unregulated trade in conventional arms was a problem that needed to be tackled by the international community. For the first time, the discussion in the UN shifted from “whether” we would have an ATT to “when” and “how”.

In addition to the formal process within the UN, another series of regional meetings organized by the European Union and UNIDIR during 2009 have also proven important in driving momentum towards a treaty. Often tackling the nominally most “controversial” aspects of developing an ATT, these regional meetings have allowed more detailed debate on a plethora of issues, and as such civil society was keen in having its views – especially of local organizations that understand the realities of the effects of irresponsible arms trading on the ground – heard and duly considered in the outcome documents.

In October 2009, during the UN First Committee, another resolution established the next phase of the process. With 153 states voting ‘yes’, 19 abstaining, and only Zimbabwe voting ‘no’, the resolution established that 2010 and 2011 will see Preparatory Committees (PrepComs) to discuss treaty elements and text, and a negotiating conference in 2012 – a huge step from three years of discussions, and a momentous leap in UN terms. Moreover, though the numbers seem familiar, this vote had a major difference: the United States was now onboard, a policy reversal announced by Secretary of State Hillary Clinton in October 2009. This was no minor detail: the United States is the world’s largest supplier of conventional weapons, accounting for almost 70% of global sales in 2008.

Before it could be voted, however, the draft resolution created controversy as it stated that the 2012 conference should be “undertaken on the basis of consensus”. This provision was a condition requested by the US government, upon which their support for the resolution was contingent. However, it created a diplomatic backlash, as many states – and civil society – expressed their fear that such a “consensus” rule could become interpreted as an absolute rule

providing every country with veto power, which has over the years paralyzed other UN arms control initiatives.

As we enter 2010, the ATT process will be at a defining crossroads. This year should render obvious whether a committed mass of governments are actually willing to push for a treaty that will have ethical and robust provisions sufficient to actually save lives and protect livelihoods, or whether the diplomatic support has been mostly rhetorical and tactical. Between 12 and 23 July, member states will gather in New York for the first PrepCom, to be followed (tentatively) by sessions from 28 February to 4 March 2011, and from 11 to 15 July 2011. Finally, in 2012, there will be a short PrepCom for procedural matters, followed by a four-week all-important UN negotiating diplomatic conference on the ATT.

The ATT Steering Committee

Currently, the following sixteen organizations comprise the Arms Trade Treaty Steering Committee of NGOs and contribute to various levels of activity, engaging with the wider international network of supporters in the Control Arms campaign: African Peace Forum (Kenya), Amnesty International, Arias Foundation (Costa Rica), Asociación para Políticas Públicas (Argentina), Caritas International, Friends Committee on National Legislation (US), Instituto Sou da Paz (Brazil), International Action Network on Small Arms, NonViolence International (Thailand), Oxfam International, Project Ploughshares (Canada), Saferworld (UK), Schweitzer Institute (US), SweFOR (Sweden), Viva Rio (Brazil), and Women's Institute for Alternative Development (Trinidad and Tobago).

In addition to a noteworthy geographical diversity and range of experience that contribute to its comprehensive outlook and legitimacy among arms control stakeholders, the ATTSC also harnesses expertise to cover a series of thematic areas, such as research, policy and legal analysis, advocacy, and campaigning. Members are also divided into regional, specialist, multinational and advisor organizations in order to guarantee a balance of views when developing strategy and activities.

In order to carry out its activities in a coordinated and timely manner, the ATTSC has a convener chosen by consensus on a yearly basis, traditionally based in the “Global South” – initially the Arias Foundation based in Costa Rica, and currently Instituto Sou da Paz from Brazil – that ensures fluid communication and information-sharing. In addition to strategy discussions among the entire membership, ad hoc working groups consisting of a few members are constituted in order to work on special projects, research and policy publications (see ATTSC publications below). The convener also serves as the caretaker for the ATTSC “Declaration of Principles” document – which determines the group’s principles, objectives, internal procedures, and criteria for membership – and is responsible for organizing the ATTSC annual strategy meeting.

3) Civil society’s vision: the ATT we need

The concept texts and “Global Principles” developed by the ATTSC⁷ as well as the main “Golden Rules” highlighted as top priorities by the Control Arms campaign are viewed as constituting civil society’s main proposed rules for the content of an effective ATT. These principles and rules have been formulated by NGO policy experts and lawyers as far as possible to reflect the content of a variety of international instruments and standards. Some of the principles reflect customary and treaty law, while others reflect widely accepted global norms.

The NGO campaigners have recognized, firstly, that if an ATT is to be an effective global instrument in creating a more responsible trade in conventional arms, it needs clearly worded and sufficiently particular provisions which states can translate into domestic legislation to be practically applied by national licensing authorities.

Second, the NGO alliance has accepted that the ATT must be consistent with obligations of states contained in relevant principles of international law, including international and regional treaties, declarations and resolutions of the United Nations and other multilateral and regional organizations, and model regulations intended for national legislation. For example, the UN Charter sets out the key elements that the international community agreed as necessary to

⁷ *Compilation of Global Principles for Arms Transfers* (Revised and Updated), published by Amnesty International, 2007. Available in English, Spanish, French, Chinese, Portuguese, and Russian at <http://www.controlarms.org>

maintain international peace and security and these obligations link human security and development to broader issues of state and international security. Key principles in the Charter include, inter alia: the right of states to collective and individual self defense (Article 51), the prohibition on the threat or use of force (Article 2(4)), the requirement to observe Security Council arms embargoes, the promotion of human rights and conditions of economic and social progress (e.g. Articles 1 and 55).

Most importantly, the NGOs have agreed that an ATT should require states to assess whether there is a *substantial* risk that the specific transfer of arms under review will be used to facilitate *serious* violations of international human rights law or international humanitarian law (IHL) which both contain universal standards relating directly to the unlawful, excessive and arbitrary use of force. Civil society appreciates that rules to ensure respect for international human rights law and IHL in an ATT should not be a punitive blacklisting exercise, preventing states from receiving any conventional arms and ammunition because of isolated incidents of abuse by officials.⁸ Such abuses need to be remedied in other ways including by bringing the perpetrators to justice and improving systems of training and accountability for military, security and police personnel according to international standards. Rather, NGO spokespersons have assured governments that the ATT should be a preventive instrument that requires states to suspend particular transfers in circumstances where, following a rigorous, objective case-by-case review of those proposed transfers, it is decided that there is a strong possibility the items will be used for serious violations.⁹

The standard of ‘serious violations’ as proposed by Amnesty International and the ICRC follows international legal opinion and practice by acknowledging that, while all violations of human rights and IHL are unacceptable, only those which are of greatest concern to the international community should engage the responsibility of the exporting state: that is, where a receiving state is involved in perpetrating or facilitating persistent or pervasive violations through the use of conventional arms, such as the commission by armed security forces of, inter alia, crimes against humanity (including acts of genocide), mass killings, war crimes, a pattern of torture,

⁸ See “Arms transfer decisions: Applying international humanitarian law criteria”, ICRC, May 2007.

⁹ See “How to Apply Human Rights Standards to Arms Transfer Decisions”, May 2008, and “Blood at the Crossroads: Making the case for a global Arms Trade Treaty”, Amnesty International, 2008

sexual violence, extrajudicial killings, arbitrary arrests or enforced removals. Such violations can be assessed objectively. In addition to the development of IHL, the range of specific human rights obligations of States has been expanded and made more precise since the adoption 60 years ago of the Universal Declaration of Human Rights by the UN General Assembly. Now there are over one hundred international treaties that concern the protection of human rights.

Third, the campaigning alliance has agreed that the provisions of the ATT should also recognise the due diligence responsibilities of states with regard to sustainable development, crime prevention and preventing the involvement of armed individuals in serious crime and violence.¹⁰ Campaigners have argued that not only should the unlawful trafficking of conventional arms be made a criminal offence in all national laws with appropriate penalties, but also under an ATT any proposed international arms transfer should be refused where there is a substantial risk of the arms being used, or diverted for use, in a pattern of armed violence, including gender-based violence, or to further organised crime, a terrorist attack or acts of corruption. The latter obligations of states are said to be reflected for example in the Convention on Transnational Crime, the Convention against Corruption and other binding obligations such as UN Security Council Resolution 1373 whereby “all states shall eliminate the supply of weapons to terrorists.” Crucially, the campaigners have maintained the principle that under an ATT all states should be required to conduct a case-by-case risk assessment procedure, especially of the legal, institutional and logistical safeguards in the receiving and transit countries, before any decision is made to grant approval for an international transfer of arms or ammunition.

The ATTSC’s set of ‘Global Principles’ have been developed over the past decade through a process of consultation with relevant lawyers and officials. The Principles attempt to bring together States’ key international obligations and commitments that are relevant to the effective control of international transfers of arms and ammunition: specifically, the Principles would require a license or authorisation to be refused or suspended where there is a substantial risk that a particular import, export or international transfer under review will:

- a. violate the UN Charter, including UN arms embargoes;

¹⁰ See for example, “Dying for action: Decision time for an urgent, effective Arms Trade Treaty”, Oxfam, October 2009

- b. be used in serious violations of international human rights law;
- c. be used in serious violations of international humanitarian law;
- d. be used to commit acts of genocide or crimes against humanity;
- e. be used to facilitate a terrorist attack;
- f. perpetuate a pattern of violent crime or armed violence, including gender-based violence, or used for the commission of organised crime;
- g. seriously impair poverty reduction and socio-economic development;
- h. adversely affect regional security and stability, or contribute to the excessive and destabilising accumulation of arms;
- i. contravene other international, regional or sub-regional commitments or decisions made or agreements on non-proliferation, small arms and light weapons, arms control and disarmament to which States involved in the import, export or transfer are a party;
- j. be diverted from the specifically authorised legal end-use or legal end-user or will be retransferred contrary to the above provisions.

The civil society Global Principles recognise that in cases where a license has been refused or suspended by a state for any of the above reasons, this suspension should remain in place until the substantial risk of harm as set out above is no longer present.

Moreover, the ATTSC and Control Arms campaign strongly believe that, to be effective in providing for human security, an ATT must cover the broadest range of conventional arms as possible and the broadest definition of international transfers. Thus, for example, the UN Register on Conventional Arms only contains a limited number of categories of major offensive weaponry and does not include all types of conventional military equipment, components, small arms and light weapons, explosives and ammunition that are currently used for serious violations and abuses. The lack of detail associated with the UN Register categories also opens up the possibility that weapons, munitions and equipment on the fringes of those categories may not be properly controlled and reported on by States if left out of an ATT. Thus, as well as the Register list, NGO campaigners argue that the scope of items covered by the ATT should also include:

- Landmines and other weapons already covered by international agreements (CCW)

- Small Arms and Light Weapons
- Munitions including ammunition and explosives
- Weapons used for internal security
- Components of weapons
- Equipment known to have a dual use, or at least intended to have a military or security end use
- Arms production machinery and technology
- Technical assistance in the transfer and use of the above.

In addition, to avoid the creation of loopholes, civil society advocates that the definition of international transfer in an ATT should include a broad definition of the forms of transfer and types of transactions integral to such transfers. NGOs recognize that the term “international transfers” means the transfer, shipment or other movement, of whatever form, of arms from or across the territory of a State; and also that an international arms transfer may also occur without the movement of equipment across frontiers if a State, or its agent, is granted title and control over the equipment in the territory of the supplier State. The NGOs not only recognized, but were instrumental in advocating, proposals put forward by a large majority of States during the UN Secretary General’s consultation on an ATT in 2007 when they expressed the view that the scope of an ATT should also include:

- imports
- exports
- re-exports
- temporary transfers
- transshipments (from one carrier to another)
- in transit between an exporting and importing state
- re-transfers¹¹

Moreover, the policy proposals of civil society as well as many governments state that, to be comprehensive and effective, the ATT should apply to all aspects of the international arms trade

¹¹ It is not clear if the term “re-transfer” is needed if the definition includes “re-export”.

including government-sanctioned transfers and commercial trade in conventional arms, and that this trade includes:

- state-to-state transfers;
- state-to-private end-user transfers;
- commercial sales;
- leases;
- transfers of licensed foreign arms production and technology for this purpose;¹²
- loans or gifts or aid or any other form of transfer of material goods or credit or expertise.

In addition, NGO experts have played a leading role in developing proposals to regulate transactions that facilitate international transfers of conventional arms that should also be covered by an ATT. Transactions deemed essential for arranging an international transfer of conventional arms or ammunition can include payments, rewards and benefits for:

- brokering
- acting as an agent,
- providing technical assistance, training and maintenance,
- transport, freight forwarding, and storage,
- finance and insurance,
- security services.

These proposals and further suggestions to strengthen regulation and enforcement mechanisms and procedures for international arms transfers have been elaborated over the past decade in various documents published and distributed by members of the ATTSC (see some more recent examples cited below). They are promoted by civil society advocates as essential elements for the content of the Arms Trade Treaty and as the best general rules for effective control of international transfers of all conventional arms and ammunition. The NGOs advocate these

¹² According to the UN Disarmament Commission's Guidelines on International Arms Transfers endorsed by the General Assembly in 1996, "all arms-transfer agreements and arrangements, in particular between Governments, should be designed so as to reduce the possibility of diversion of arms to unauthorized destinations and persons. In this context, a requirement by the exporter for import licences or verifiable end-use/end-user certificates for international arms transfers is an important measure to prevent unauthorized diversion" [paragraph 33].

proposals while also recognizing states' right to legitimate self-defense and law enforcement carried out in accordance with international law and UN standards.

4) The Control Arms campaign and global civil society efforts

Among all civil society activities worldwide, it is doubtful that any have had more impact in raising the public and media profile of the ATT – and the resulting political pressure on governments – than the Control Arms campaign, spearheaded by Amnesty International, Oxfam International and IANSA. This campaign was launched in October 2003 following discussions in the ATTSC and amongst the three multinational NGOs. By bringing the input and participation of the main affected constituency of the irresponsible arms trade – everyday people around the globe – the campaign gained media exposure and significant political traction. These efforts were especially significant during the final “push” to bring the ATT officially into the folds of the United Nations, with the “Million Faces” on-line petition initiative – considered the “world’s largest photo petition” and signed by people from over 160 countries. The petition was signed by many publicly known individuals, including sports stars, movie actors, musicians, religious leaders and politicians, generating publicity and was presented in June 2006 to UN Secretary-General Kofi Annan by Julius Arile, an armed violence survivor from Kenya and the millionth person to “sign” the petition by providing a picture, giving a personal and emotional angle to the call for control of the arms trade.

In 2007, the centerpiece of the Control Arms campaign was a global effort towards “People’s Consultations”, devised to emulate the diplomatic process at the UN, which was concomitantly undergoing a Secretary-General consultation on “scope, parameters and feasibility” of an ATT. The People’s Consultations listened to thousands of citizens – especially ordinary people directly affected by the arms trade – in over 50 countries around the world, asking their views on what the ATT should include. These views were collected in a report (“Voices from around the world: the People’s Consultation for an Arms Trade Treaty 2007 – Global Report”) and presented at the UN in October that year.¹³ The geographic scope that the Control Arms campaign had already

¹³ For full report see <http://www.controlarms.org/en/documents%20and%20files/reports/english-reports/voices-from-around-the-world-the-peoples>. For a national example (People’s Consultation in Brazil) see: http://www.soudapaz.org/Portals/0/Downloads/Relat%c3%b3rio_das_Consultas_Populares_ENG.pdf

gained by then was impressive, as People's Consultations took place in the following countries: Burkina Faso, Burundi, Democratic Republic of Congo, Kenya, Lesotho, Malawi, Mali, Mozambique, Rwanda, Senegal, South Africa, Tanzania, Uganda, and Zambia (Africa); Argentina, Barbados, Brazil, Canada, Chile, Colombia, Guatemala, Haiti, Mexico, Paraguay, Peru, Trinidad & Tobago, US, and Venezuela (Americas); Bangladesh, Fiji, India, Japan, Mongolia, Nepal, Pakistan, Philippines, Sri Lanka, South Korea, and Thailand (Asia); Czech Republic, France, Italy, Macedonia, Russia, Serbia, Sweden, Switzerland and the UK (Europe); Bahrain, Iraq, Jordan, Lebanon and Syria (Middle East).

In addition, that year the campaign enjoyed the support of important leaders, celebrities and journalists in its call for an urgent and effective ATT. In April, Liberian president Ellen Johnson-Sirleaf, British actress Helen Mirren and former Irish president Mary Robinson – in addition to 20 prominent journalists who have reported from war zones, “called on governments to deliver a tough Arms Trade Treaty rooted in international human rights and humanitarian law to stop arms transfers that fuel global violence and conflict”.¹⁴ The letter stated, “It is time that all governments took responsibility for the individual tragedies perpetrated with the weapons they supply: the woman raped at gunpoint, the young man crushed under the tracks of a battle tank, the child forced to become a soldier.”¹⁵

In 2008, the Control Arms campaign developed the mantra “The world is watching” to indicate that even if mostly protected from the gaze of mass media and the general public, diplomats at the UN were being monitored in their efforts (or lack thereof) for an Arms Trade Treaty. That year, one of the main activities was the “Parliamentarians Declaration” of support for an ATT, as campaigners from 124 countries gathered more than 2,000 signature from MPs, a strong political

¹⁴ The letter was signed by journalists including Christiane Amanpour (CNN), Jon Lee Anderson (The New Yorker), Martin Bell (former BBC), Janine Di Giovanni (The Times and Vanity Fair), Sebastian Junger (Vanity Fair), Don McCullin (freelance photographer), Paul Moreira (Canal Plus), Sorious Samura (documentary maker), Charles Wheeler (former BBC) and Elizabeth Rubin (The New York Times Magazine).

¹⁵ “Leaders, celebrities and journalists call on governments to deliver life-saving Arms Trade Treaty”, press release, April 27, 2007, available at: <http://www.controlarms.org/en/media/2007-press-releases/23-april-2007-leaders-celebrities-and-journalists>

petition delivered to the chair of the UN First Committee that year, Ambassador Marco Antonio Suazo Fernández.¹⁶

During First Committee that year, “the world is watching” activities continued, be it through giant 20-foot sunglasses placed in the UN basement, performances from singer Angelique Kidjo from Benin and former southern Sudanese refugee Valentino Deng, or an entertaining “rickshaw race” which visited all 192 UN missions in 192 minutes. During the “race”, campaigners delivered an “urgent delivery” video message from Archbishop Desmond Tutu, who called on all states to vote ‘yes’ in the ATT vote that week, stating in no uncertain terms, “it is time to end the slaughter”.¹⁷

In 2009, with the UN process reaching a pivotal moment, the Control Arms campaign urged diplomats to realize that “The world can’t wait”. The sense of urgency in transforming UN deliberations into negotiations immediately as to not allow further delays in achieving an ATT that would save lives and protect livelihoods as soon as possible, bringing “diplomatic time” in line with “humanitarian time”.

In addition to the specific actions under the Control Arms “banner”, another essential component of civil society efforts around the world have occurred during the so-called “Global Week of Action Against Gun Violence” (GWOA), organized yearly by IANSA members around the world to raise awareness of the obscene levels of gun violence and ways to prevent them, such as stronger national gun laws and controlling the international arms trade. This event is deemed the “world’s largest coordinated campaign against gun violence”. In addition, a one-off “Week of Action for an ATT” (September 2008) and occasional “Global Days of Action for an ATT” have been a major force in disseminating the call for an ATT among civil society, media and general public.

¹⁶ For full Declaration, see: <http://www.controlarms.org/en/documents%20and%20files/parliamentary-dec-english>. The list of signatory MPs is available here: <http://www.controlarms.org/en/about-us/list-of-parliamentarians-who-signed-the>

¹⁷ For Archbishop Tutu’s video message, see: <http://www.youtube.com/watch?v=v6tTWg40aDs>

For example, the GWoA in June 2009 was described as “the most successful Week of Action yet, with more than 300 events in over 90 countries, (including) the successful launch of the Disarming Domestic Violence campaign, and strong global support for active participation in the Arms Trade Treaty”.¹⁸ Activities included a concert for disarmament with 2000 people in Medellín, the involvement of several UNICEF and UNDP country offices and at least 350 mentions in media worldwide. A partial list of 2008 activities, which took place in 85 countries, was equally impressive: a roundtable discussion in Sierra Leone, a silent rally in Fiji, a stunt with arms “for sale” at São Paulo’s busiest street market, a peace meal in Papua New Guinea, a sit-in in front of Morocco’s parliament, and diverse activities in countries such as India, Philippines, Greece, Sudan, Macedonia, Poland, Paraguay, Malawi, Democratic Republic of Congo, Kenya, Mongolia, Spain, Germany and Pakistan.¹⁹

Finally, it is noteworthy that civil society support and efforts for an ATT spread much wider, across organizations and individuals that may not necessarily be involved in the daily activities of the Control Arms campaign. For example, in September 2009 in Mexico City, over 1300 NGO representatives from more than 50 countries meeting at the UN Department of Public Information/NGO Conference vowed “strong support for an effective arms trade treaty for all types of conventional weapons” in their final “Disarming for Peace and Development” declaration.²⁰

New media

In addition to the plethora of activities in the physical world, civil society’s campaign for an ATT has also developed a significant presence in cyberspace, using several “new media” online tools to spread its message and garner support. As such, in addition to the campaign’s website (www.controlarms.org), the use of Facebook (with almost 4500 “fans”) and Twitter for people wanting to “follow” the campaign has been productive, especially given its interactive nature –

¹⁸ http://www.iansa.org/campaigns_events/WoA2009/index.htm

¹⁹ For a complete report of all 2008 GWoA activities:
http://www.iansa.org/campaigns_events/WoA2008/documents/WoAReport2008Low.pdf

²⁰ <http://www.un.org/News/Press/docs//2009/ngo682.doc.htm>

which allows not only information dissemination but also feedback from “cyber-activists” around the world. On the latter “micro-blog”, another website, Conflict Voice (<http://conflictvoice.org>) has been especially active, in addition to blogging and live-streaming side events directly from the UN, allowing anyone with an internet connection around the world to follow the details of the ATT deliberations. Other online tools, such as the “global web movement” Avaaz, have likewise been explored, for example collecting over 100,000 signatures demanding that the aforementioned “ship of shame” from China to Zimbabwe be stopped.²¹ Viral internet actions and petitions have also been used for particular advocacy points, such as calling on President Obama to “make history again” and lead the US in support of an effective ATT.²²

Finally, another effective web-based tool has been a “channel” on YouTube, with dozens of videos, including the voting board lighting up with green lights at the moment the most recent First Committee vote took place, the unveiling of a photo exhibition at the UN, short pitches by campaigners around the world on why an ATT is urgently needed, clips of diplomats interviewed, videos from civil society events and campaign stunts around the world, requests from Archbishop Desmond Tutu and Helen Mirren, among many others. Governments have followed suit, as a recent video of UK Foreign Secretary David Milliband explaining “why we need an ATT” seems to indicate.²³ Undoubtedly, the examples to date will serve as cornerstones for a planned future expansion in the use of online tools, a strategic, agile and “cheap” means of communication in reaching out to campaigners worldwide, especially youth.

Seminars, workshops and “side events”

In addition to these popular mobilization and campaign efforts, civil society has been extremely active also in less visible and entertaining – but equally essential – activities such as seminars and workshops on the ATT, intended to inform various stakeholders and debate policy and political possibilities with diplomats and civil society alike. Many of these have taken place in

²¹ http://www.avaaz.org/en/no_arms_for_zimbabwe

²² www.controlarms.org/en/obama

²³ <http://www.youtube.com/user/controlarms>. For Milliband video, <http://www.youtube.com/watch?v=9bYPaIGGiJI>

partnership with “supportive” governments, in addition to United Nations agencies such as UNIDIR, Office of Disarmament Affairs, and UNREC, and organizations such as the Geneva Forum.

“Side events” inside the UN – during First Committee or OEWG sessions – have also been helpful in exploring in more detail several aspects of an ATT perhaps not yet addressed in plenary discussions. In recent years, these events have included the launch of several policy and research publications (see below), roundtables and discussions with MPs, military leaders, public health workers, armed violence survivors, and regional experts (“Asia and the ATT”). Likewise, events have explored technical or thematic details such as the legal ramifications of an ATT, why the weapon categories of the UN Register are totally insufficient, applying sustainable development, international human rights law and IHL risk assessment criteria and procedures to international arms transfers, the inner mechanics and logistics of the international arms trade, in addition to sessions on the ATT and peacebuilding, women’s security, or corruption and transparency.

Among the most recent meetings, the NGO workshops that “shadowed” the EU-UNIDIR regional meetings are noteworthy, as with the exception of the Americas and the Caribbean meeting in Mexico City, all other regions saw civil society gatherings to prepare for the “official” meeting of governments. These meetings were coordinated by Control Arms partners and ATTSC members to serve as platforms for regional civil society preparation not only for the imminent EU-UNIDIR meetings but to the wider UN process. All meetings had as objectives to acquire specific knowledge of the ATT process to enable effective lobbying and campaigning, as well as to develop regional action plans, and were generally divided in regional campaigning, advocacy training, strategy development and action planning sessions.²⁴

So, prior to the April 2009 EU-UNIDIR meeting in Dakar, civil society representatives from Central, Northern and Western Africa came together in Lomé, Togo, on April 15 and 16, at a workshop hosted by UNREC, IANSA and the West African Action Network on Small Arms

²⁴ Information on regional NGO workshops from e-mail communication with participants and organizers, including Bruce Millar (IANSA), Alfredo Lubang (NonViolence International), Baffour Amoa (WAANSA), Oistein Thorsen and Anna Macdonald (Oxfam).

(WAANSA). With participants from 17 countries (Algeria, Benin, Burkina Faso, Cameroon, Chad, Cote d'Ivoire, DRC, Ghana, Guinea, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone, Tunisia and Togo), the Lomé meeting concluded with the issuance of a communiqué that summarized the agreements achieved as well as inputs into the governments' meeting in Dakar.

Likewise, in preparation for the Middle East seminar in Amman, Jordan in July, civil society conducted two regional workshops. The first occurred in Cairo, Egypt, on March 31 and April 1, and was attended by 60 participants from 10 MENA countries, including a handful of government representatives, a disarmament representative from the Arab League and over a dozen media correspondents for the introductory session. The NGO-only sessions – which included around 30 representatives from Algeria, Bahrain, Egypt, Jordan, Lebanon, Morocco, Palestine, Tunisia and Yemen – made progress towards reviving a regional network to coordinate efforts on the ATT and establishing next steps to garner greater support for the Treaty among their governments. The second civil society workshop took place in Beirut, Lebanon, on July 7 and 8, with the presence of 20 representatives from Egypt, Tunisia, Jordan, Oman, Palestine, Lebanon, Yemen, Iraq, Sudan and Bahrain. The workshop gained the attention of local television and print media.²⁵

Before the Asia and the Pacific governments' meeting in October in Kuala Lumpur, regional NGOs met in Bangkok, Thailand on September 26 and 27. This meeting was organized and coordinated by a working group comprised of the following organizations: Philippine Action Network on Small Arms (Philansa), Oxfam-Australia, Control Arms Foundation India, Amnesty International-South Korea, Pacific Foundation for the Advancement of Women and Nonviolence International Southeast Asia. Likewise, prior to the Eastern and Southern Africa meeting in December in Addis Ababa, civil society groups from the region also met in Ethiopia's capital, December 5 to 7, to discuss recommendations and next steps for the EU-UNIDIR meeting as well as the UN process in New York. Finally, in preparation of the final, and global, EU-UNIDIR seminar in Vienna, civil society is also meeting in order to debate and strategize the road ahead to 2012, as almost one hundred campaigners from over 40 countries come together in the Austrian capital in February 2010.

²⁵ http://www.dailystar.com.lb/article.asp?edition_id=1&categ_id=2&article_id=104072

It is worth mentioning that in addition to the meetings at the UN and those undertaken in parallel with the EU-UNIDIR series, civil society has also engaged in thematic-driven seminars to deepen discussions about an ATT's details. For example, a series of meetings organized by Oxfam International to discuss the nexus of development and arms transfers, brought together experts to define and refine language on development criteria for an ATT. In addition to an initial meeting in London, a series of regional workshops (New Delhi, Nairobi, Antigua, Buenos Aires) concluded with a workshop in Tokyo in February 2009, organized by Oxfam chapters in Japan, Australia and UK, regional IANSA members, and co-hosted by Japan's Ministry of Foreign Affairs. The meeting was attended by NGOs from 11 countries in the region, in addition to government representatives from South Korea, Malaysia, Indonesia, Fiji, Samoa, Australia, New Zealand, Philippines, Timor-Leste, Cambodia, Marshall Islands and Japan. This series of meetings served to produce recommendations for a "practical guide" on development criteria to consider for arms transfers (see below). Similar series of NGOs meetings have taken place to deliberate and recommend detailed policy positions for other criteria, such as armed crime.

Advocacy

Dozens of civil society representatives from every continent have constantly been present at each step of the process within the UN to remind diplomats of the humanitarian imperative of negotiating a strong ATT, conducting informal and formal, bilateral and group meetings – urging for stronger resolutions, greater investment of political capital, pushing for comprehensive scope of weapons and transactions to be covered, robust and strongly implemented criteria, and efficient implementation. As such, civil society monitored every First Committee since the ATT's formal "entrance" into the UN system, as well as during the GGE and OEWG sessions. Likewise, civil society representatives have constructed a fruitful dialogue with government representatives, especially disarmament diplomats, in both New York and Geneva.

As important, campaigners in capitals across the globe – whether local IANSA members, Amnesty International chapters or Oxfam affiliates – constantly meet with officials in charge of arms control affairs in MFAs, prior to and following the aforementioned meetings at the UN, to

impart civil society's positions, requests, and demands. These national contacts, also developed by close communications over formal letters, phone conversations, and email communications, are especially important as in many cases the policy on the matter is actually developed in-country, and only delivered or presented by diplomats at the UN.

Policy and research

Undoubtedly, a large part of the aforementioned meetings take place in order to deliver policy messages that are born out of the copious amount of literature produced by global civil society on the need for a robust ATT and how to achieve it. The members of the ATT Steering Committee and the Control Arms campaign have constantly produced important policy and research publications, which often influence or help mold the "official" discussions among governments. These reports are often highly sought-after by diplomats and civil society representatives alike at the perennial stall of Control Arms materials and publications at the UN. The following is a partial list of the most significant recent publications²⁶:

ATTSC policy positions

"Compilation of Global Principles for Arms Transfers (Revised and Updated)", 2007
http://www.iansa.org/campaigns_events/documents/Global_Principles_for_Arms_Transfers_2007.pdf

"Assessing the feasibility, scope and parameters of an Arms Trade Treaty: an NGO perspective", 2007
http://www.iansa.org/campaigns_events/documents/ATTpositionpaper.pdf

"Global Principles for the Parameters of an ATT", July 2009
http://issuu.com/controlarms/docs/global_principles.english

"Scope: Types of weapons and equipment to be covered by an Arms Trade Treaty", July 2009
http://issuu.com/controlarms/docs/scope_types_of_weapons.english

"Scope: Transfers and transactions to be covered by an Arms Trade Treaty", July 2009
http://issuu.com/controlarms/docs/scope_types_of_transfers.english

²⁶ Other publications can be found at <http://www.controlarms.org/en/resources-and-reports/reports>

“Arms Trade Treaty: Global controls for a global trade” (Global Principles illustrated by examples), 2009

http://issuu.com/controlarms/docs/global_principles_with_examples.english

Criteria application guides

“Stopping the Terror Trade: How human rights rules in an Arms Trade Treaty can help deliver real security”, Amnesty International, October 2009

<http://www.amnesty.org/en/library/info/ACT30/006/2009/en>

“How to Apply Human Rights Standards to Arms Transfer Decisions”, Amnesty International, May 2008

<http://www.amnesty.org/en/library/info/ACT30/008/2008/en>

“Practical Guide: Applying Sustainable Development Criteria to Arms Transfer Decisions”, Oxfam, April 2009

http://issuu.com/controlarms/docs/english.practical_guide

“Arms transfer decisions: Applying international humanitarian law criteria”, ICRC, May 2007²⁷

[http://www.icrc.org/Web/Eng/siteeng0.nsf/htmlall/p0916/\\$File/ICRC_002_0916.PDF](http://www.icrc.org/Web/Eng/siteeng0.nsf/htmlall/p0916/$File/ICRC_002_0916.PDF)

Control Arms and other NGO reports

“Arms Without Borders: Why a globalized trade needs global controls”, Control Arms, October 2006

<http://www.controlarms.org/en/documents%20and%20files/reports/english-reports/arms-without-borders>

“Blood at the Crossroads: Making the case for a global Arms Trade Treaty”, Amnesty International, 2008

<http://issuu.com/controlarms/docs/bloodatthecrossroads>

“Dying for action: Decision time for an urgent, effective Arms Trade Treaty”, Oxfam, October 2009

http://www.oxfam.org/sites/www.oxfam.org/files/bn_dying_for_action.pdf

“Shooting Down the MDGs”, Oxfam, October 2008

<http://issuu.com/controlarms/docs/shootingdownthemdgs>

“Women, Peace and Security: The Role of an Arms Trade Treaty”, IANSA, October 2009

<http://www.iansa.org/women/documents/ATT-IANSAWomen.pdf>

²⁷ Though evidently not an NGO, the ICRC has been an observer to the ATTSC. As its practical guide on IHL is strongly supported by civil society and complementary to the other documents, we offer it here for reference.

“Making it work: Monitoring and verifying implementation of an Arms Trade Treaty”,
Saferworld, May 2008

http://www.saferworld.org.uk/publications.php/312/making_it_work

“The Arms Trade Treaty and military equipment: The case for a comprehensive scope”,
Saferworld, July 2009

http://www.saferworld.org.uk/images/pubdocs/ATT_and_military_equipment.pdf

“The Arms Trade Treaty: Countering myths and misperceptions”, Amnesty International,
Instituto Sou da Paz, Oxfam, Ploughshares, Saferworld and Schweitzer Institute, July 2009

http://www.saferworld.org.uk/images/pubdocs/ATT_countering_myths_and_misperceptions.pdf

Successes and challenges

In the years of efforts towards an ATT, civil society has reached remarkable milestones, certainly not least being one of main forces in the transition between “utopia” and “UN negotiations”. Specifically, the ATTSC has enabled detailed discussions of shared policy positions and coordination of joint advocacy work towards strategic goals for its members – making an original and unique contribution towards the realizing the UN process towards a negotiation of an Arms Trade Treaty, along with the Control Arms campaign. Likewise, the constantly ameliorated substantial positions and statements on the ATT by the majority of states are also a testament to the efforts of the ATTSC members and that of the wider campaign. The ATTSC has weaved together a small NGO alliance of organizations with vastly different backgrounds – geographical, cultural, linguistic, and also in their size, resources and broader institutional priorities – bridging these differences to carve out a collective advocacy path towards achieving an ATT. As some ATTSC member organizations are national in nature, while others are regional or extensively international, decision-making on key issues is necessarily quite a complex process involving not only the individual representatives but many other civil society decision makers and decision takers around the world who are deeply involved in the ongoing work on the ATT.

Likewise, “Control Arms” has become a truly global campaign, with the three large “movement” NGO members of the ATTSC formed an international alliance to carry out more grass roots mobilization and popular campaigning, liaising with the ATTSC on policy and high level advocacy projects. Boasting a coalition of hundreds of members in over 100 countries, the

campaign has served as a conduit for connecting the development of policy positions and their delivery to the public and governments worldwide – in addition to serving as a locus of creative and strategic decisions and activities for popular campaigning. The extensive and impressive lists of aforementioned events, campaign stunts and publications speak for themselves as for the campaign's achievements. In addition, the positioning of the Control Arms "brand" and logo in the minds of governments and the general public has helped the civil society movement achieve gains in establishing credibility and support, along with visual recognition. Regardless of these successes, clearly civil society cannot afford to rest on its laurels as the process enters into the vital negotiations phase, and possibilities of reshaping and adapting to new realities will be contemplated in order to continue garnering strong results.

As for challenges, undoubtedly there have been a few, as commonly the case with all global civil society efforts. One difficulty has been to keep the campaigner community's attention and energy over an extremely technical diplomatic process, "translating" instances such as the GGE or OEWG to a wider global audience – and rendering them relevant to their lives, thus spurring campaigning action. As difficult has been to "translate" an undeniably complex notion – that of controlling the international arms trade through the application of multiple criteria on a case-to-case basis – to a simple campaign message that could gain even more public support and recognition. Not being a prohibition treaty of a single sort of weaponry ("ban landmines!"), the campaign has arguably struggled to put forth an equally powerful campaign message – though "stop the irresponsible arms trade" is clearly strong. Perhaps because of the complexity of the issue – and the lack of a single, simple message that encompasses all aspects of the effort – it has been equally challenging to gain media traction and press attention has been limited and stop-and-go. Though this is likely to change as negotiations commence, it is perhaps understandable that the international press has not yet bestowed its unyielding attention to a political process to date marked more by deliberations and vaguely-worded resolutions than decisions.

Finally, it is worth mentioning that the international civil society campaign for an ATT – like the governments and foundations it often draws generous support from – has struggled in recent years as diminishing funding and resources become squeezed by a grave financial crisis. Waging

a global campaign is by definition expensive, and resource limitation starkly impacts the quantity and quality of possible activities, despite the plethora of creative solutions and alternatives used.

5) Towards an Arms Trade Treaty

As we stand looking at the three year horizon slated to bring about an Arms Trade Treaty, there is mixed news. The good news is that, in addition to the overwhelming government support and positive momentum of the ATT process itself, there are clear changes to the wider arms control environment and mood of influential governments. These political changes have been brought not only by the “yes we can” effect on nuclear negotiations, but also a sense of possibility created by the success of the cluster munitions process, as well as growing frustration with diplomatic stalemate in several international arms control fora.

The bad news is that the future success of arms control efforts – at least within the UN – still depends on the interpretation and implementation of the consensus rule as a blocking device for a small minority of states. As seen recently in the climate change negotiations in Copenhagen, unanimous agreement is virtually impossible today over matters that, well, matter. Absolute consensus (unanimity) can be frustrating to governments actually concerned with humanitarian aspects of arms control – and can be a powerful tool for a small minority with no humanitarian concerns (or other interests at the forefront, whether military or commercial) – to hold disproportionate power within the UN system. The so-called “tyranny of the minority” is very real when outcomes are lowest common denominator results, with instruments acceptable even to countries which ultimately do not care for the security and well-being of their populations.

Thus, it is crucial that at the ATT negotiation conference in 2012, governments must interpret the rule of consensus as it is done in the sessions of the UN General Assembly, as essential to strive for, but not a right of veto for each Member State or a small minority. It is also crucial that the majority of governments which want an ethically principled and effective ATT remain united and committed to that goal to set “the highest possible standards”, as the 2009 ATT resolution determines. The General Assembly rules provide for voting as a last resort, and this should positively impact on the governments’ stances during negotiations, raising the level of standards

in an ATT and therefore the degree of protection from abuses in the international arms trade. If the ethically principled will of the overwhelming majority prevails, then the inevitable choices on substance in the eventual treaty text between universality and strength of standards will become meaningful for a credible treaty. How governments come down on this debate will be one of the most relevant aspects of the negotiated ATT.

During 2010 and 2011 the ATT process will enter into a new phase with objectives and timelines determined by the will of the overwhelming majority in the General Assembly, and thus a renewed sense of possibility. As the process unfolds through the five PrepComs in 2010 and 2011 and climaxes in negotiations in 2012, global civil society will necessarily deepen and widen its scope of shareholders. In addition to the structures and organizations mentioned above – many of which have been protagonists of the ATT from the very start – we trust that a new wave of campaigners and organizations will become engaged from different backgrounds but with a shared interest in arms control, the rule of law and human security. Survivors of armed violence, academics, international lawyers, health professionals, former military and police officers, business leaders, among others, may bring their wealth of experience and expertise into the fold. Indeed, this injection of new perspectives is already underway, developing possible angles, such as the inclusion of victims' assistance that may strengthen the benefit of the treaty from a humanitarian perspective.

Thus, the next three years – during which states will draft the content of the ATT – presents a crucial opportunity for global civil society to play a supportive role to help ensure that the eventual treaty will be strong enough to address those international transfers of arms that are poorly regulated and irresponsible, thus helping save lives, prevent abuses and protect livelihoods. The NGOs in the ATTSC and leading the Control Arms campaign will seek to work constructively with governments and their officials to further develop specific proposals based upon the principles outlined above. NGOs will need to work hard to help convince those few governments that are still afraid of an ethically principled and robust ATT that such an instrument will considerably improve the security of their people and institutions.

The civil society movement will continue to work at various levels using different techniques, but also plans to develop new strategies, public messages and detailed proposals as the debate on the crucial content of an ATT unfolds. Building capacity to do this is a challenge given scarce financial resources, and thus will depend on even higher levels of coordination and collaboration – and the development of renewed structures. Moreover, those who were involved in weapons ban treaty processes will have to deploy different analytical and policy skills in the ATT negotiation process since the ATT is focused on establishing effective regulatory standards and procedures rather than outright prohibition of a single type of weapon.

Nevertheless, the NGOs can be proud of their achievements so far and know that they can and must still exert considerable influence on the ATT process through informing international public opinion – via new and old media and by campaigning to convince political leaders in many countries of the merits of their principled proposals. By developing creative partnerships with each other and with political leaders, governments and international organizations, the global civil society movement will continue to shape not only the treaty content but, crucially, the degree of worldwide legitimacy, interest and support given to the ATT and its eventual implementation.