



The Arms Trade Treaty, International Transfers and Development

Conference at the Kenya School of Monetary Studies, Nairobi, Kenya

Conference Outcome Document:

Representatives from 20 African Governments,¹ members of civil society, African and other regional organisations² met in Nairobi, Kenya on the 3rd and 4th of September 2008 to discuss the relationship between international arms transfers, development and an Arms Trade Treaty. The aims of the conference were as follows:

- 1 To discuss the impact that conflict and armed violence has on Africa's development and to focus on the role that irresponsible arms transfers play in fuelling these conflicts and violence.
- 2 To examine the ways in which an Arms Trade Treaty would help to address the problem of irresponsible transfers and contribute to peace and socio-economic development in Africa.
- 3 To examine the role of both exporting and importing States in preventing irresponsible transfers.

The conference identified the following principles which should underpin an ATT:

¹ Algeria, Burundi, Djibouti, DRC, Eritrea, Ethiopia, Kenya, Malawi, Mali, Mozambique, Namibia, Nigeria, Rwanda, Senegal, Somalia, South Africa, Tanzania, Togo, Uganda, Zambia.

² African Union, Arab League, East African Community, Economic Community of West African States, Regional Centre on Small Arms, Southern African Regional Police Chiefs Cooperation Organisation.

- State sovereignty and the right to self-defence,
- Conflict prevention, management and resolution,
- Transparency and accountability
- Governance and the fight against corruption
- The promotion and protection of human rights
- The promotion of sustainable development and the eradication of poverty

A global Arms Trade Treaty that serves Africa

During two days of discussions and workshops, participants and experts shared examples and case studies on the impact of weapons transfers on peace and development in Africa. Participants highlighted that the costs of armed violence fuelled by irresponsible arms transfers can be seen not just in the many innocent people killed or injured by arms, but also in the impact on society more broadly, including by undermining economies, over-burdening healthcare systems, displacing entire communities and disrupting education for millions of children.

Participants discussed the responsibilities of exporter and importer states in preventing irresponsible arms transfers which have a negative impact in Africa, and the ways in which an ATT could provide a real opportunity to prevent international arms transfers that fuel conflict, poverty and human rights abuses.

Participants also discussed the issue of corruption and accountability in arms procurement, as well as the 'opportunity costs' of spending limited resources on weapons rather than on more socially productive expenditure, such as education, healthcare, hospitals and other social services. This was regarded as a possible threat to the fulfilment of the Millennium Development Goals and the longer-term development of Africa.

Participants recognised the importance of the participation of civil society in all negotiations of an ATT.

Participants recognised the importance of existing regional agreements and initiatives on arms control including, *inter alia*; the Nairobi Protocol for the Prevention, Control and

Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa; the ECOWAS Convention on Small Arms and Light Weapons, Their Ammunition and Other Related Materials; the SADC Protocol on the Control of Firearms, Ammunition and other Related Materials; and the Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking in Small Arms and Light Weapons. These agreements already contain many of the key elements that could inform a global ATT.

Conclusions

In underlining the importance that an ATT would have for Africa's peace and development, participants agreed that:

- 1 Greater efforts should be made to prevent the irresponsible transfer of weapons.
- 2 All governments should agree on a set of common standards for arms transfers.
- 3 An effective ATT should ensure that whenever governments consider authorising a transfer of weapons, they consider the likelihood that those weapons could be used to commit serious violations of international human rights law or international humanitarian law or that they could undermine regional peace and development. If a clear risk is identified, authorisation of the weapons transfer should be denied.
- 4 An ATT would offer States the opportunity to ensure that arms transfers reinforce rather than weaken human security.

Conference Recommendations

The conference agreed on a set of recommendations that would be transmitted to the First Committee of the General Assembly at its 63rd session in October 2008. The recommendations were as follows:

- 1 That negotiations on an Arms Trade Treaty should commence within the United Nations as a matter of urgency.
- 2 That these negotiations should lead to the agreement of an effective Arms Trade Treaty that would promote peace and development in Africa.
- 3 That an ATT should include universally applicable criteria based on States' existing responsibilities under international law including international human rights law and international humanitarian law and should require governments to prevent arms transfers where there is a clear likelihood that they may be used to

commit serious violations of international human rights law or international humanitarian law, or to undermine peace, security and socio-economic development.

- 4 That an ATT should take fully into account the recipient's record of compliance with its commitments in the areas of non-proliferation, arms and munitions control and disarmament.
- 5 That an ATT should also take into account the recipient's capacity to ensure the integrity and security of the arms received.
- 6 That an ATT should draw from existing instruments, including those in Africa that aim to regulate arms transfers.
- 7 That an ATT should include as a criterion for arms transfers the risk of diversion to unauthorised persons including non-state actors or possible use for harmful purposes. In this regard, end-users and/or end-use assurances should play an important role. An ATT should include sanctions for continued end-user violations.
- 8 That an ATT should have a broad scope, encompassing all conventional weapons, including small arms and light weapons and their ammunition, components of weapons, dual-use equipment and equipment with a military end-use, and arms production equipment and technology. The scope should further include landmines and other conventional weapons already covered by international weapon-specific agreements, and technical support and operational training for the use of the above items.
- 9 That an ATT should encompass all transfers of weapons including imports, exports, re-exports, transit and transshipment, brokering and related activities, licenses or agreements for foreign arms production, gifts, loans and leasing, government-to-government transfers, and those between their agents and the 'transfer of title' of any items.
- 10 That, in order to ensure effective monitoring and verification of arms transfers, the following should be in the provisions of an ATT:
 - Regular annual reporting on transfers by states to a UN registry
 - Transparency through, *inter alia*, regular reporting of states to the UN register
 - The importance of transparency at the national level
 - Greater focus on the exchange of information by law-enforcement

agencies

- Dedicated institutional capacity at national level to ensure the fulfilment of substantive reporting and information exchange provisions under an ATT

11 That an ATT should include provisions for international co-operation and assistance in order to ensure that developing states acquire the capacity to implement the provisions of an ATT at the national level. This could include both financial and technical assistance for such states in the establishment, implementation and enforcement of national control systems.

Participants expressed their appreciation to the Government of Kenya and civil society partners for hosting the conference and for their efforts that ensured a positive outcome.

Nairobi, 4th September, 2008