

Research Paper

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How Joining the Arms Trade Treaty Can Help Advance Development Goals



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Summary

On 2 April 2013, UN member states adopted the first international legally binding treaty to improve regulations over the trade in conventional arms. The UN Arms Trade Treaty (ATT), in force since December 2014, is a landmark arms control achievement and one with potentially remarkable implications across policy areas. One of the most promising is its possible wider impact on development and the achievement of the Millennium Development Goals (MDGs).

Armed violence or insecurity as well as the impact of weapons on the sustainable improvement of communities have been acknowledged within the development policy as affecting the achievement of each and every developmental goal: the availability, proliferation and excessive accumulation of arms is a contributor to armed violence and a serious impediment to countries' achievement of the MDGs, including those related to human development, human rights and the protection of civilians. The poorly controlled and illegal arms trade in both conflict and non-conflict settings often leads to increased levels of casualties, forcing people to leave their homes and live under a constant threat of violence. It also has more indirect impacts through the diversion of funds from healthcare to defence, leading to increased unemployment and decreased educational opportunities as a consequence of conflicts and armed violence.

This paper analyses the benefits that countries can draw from joining the ATT in terms of reducing the negative consequences of armed violence and promoting sustainable development. It highlights the treaty's potential and limitations across policy areas and in cases like Syria, where hypothetically it could have made some difference by affecting countries' arms transfer decisions, but where it still would not have been able to prevent all the unforeseen implications of the conflict and resulting insecurity.

Developmental concerns are – as suggested by a large and growing body of research – an inherent part of arms transfer decisions that take into account, *inter alia*, arms embargoes, genocide, crimes against humanity or grave breaches of international humanitarian law (IHL), or serious acts of gender-based violence.

As the first treaty of its kind, the ATT can potentially help states to start making a significant difference in their arms exports and imports to ensure that they are compatible with development goals. For this to be achieved, the ATT needs to gain as close to universal adoption as possible and demonstrate that it can contribute to everyone's wellbeing, from supporting responsible defence capabilities to protecting vulnerable sections of society against atrocities committed with illegally or irresponsibly traded weapons.

While the ATT should become a tool to prevent irresponsible arms transfers that could foster corruption, insecurity and human rights violations, improved controls should not hinder initiatives enabling states to legitimately address the drivers of insecurity that undermine their chances for development.

The ATT has much to offer to the development agenda, and vice versa. It is in the interest of all states to join the treaty to ensure a safer, more secure and prosperous future for all.

In practice, states considering joining the ATT should:

- Consider the wider benefits of committing to the established and ever-developing norm promoting transparent and responsible arms transfers over short-term political priorities and economic gains. The ATT, if effectively implemented, will result in a win-win situation for everyone involved, bringing a more stable future for all countries in the world.
- Take into account the change that has emerged in the past decade towards a more human-security-centred approach to the sale of arms: the future will be increasingly determined by international norms, alliances and aspirations. To miss out on the opportunity now might have serious consequences.
- Consider the whole-of-government approach when considering the beneficial impacts of joining the ATT. In today's world, the arms trade is not solely a defence issue, nor is it a disarmament imperative. Being able to effectively and comprehensively implement the treaty might open doors for defence cooperation, dual-use technology development, training and development assistance-related funding.
- Weigh the benefits of overseas development assistance against the short-term economic gains of the arms trade. The ATT has a trust fund to support the development of national regulatory agencies and improved arms transfer controls.
- Link the benefits of promoting the norm of responsible international arms trading with the achievement of the MDGs and SDGs, mostly in terms of the treaty's potential contribution to reducing armed violence, but also more generally. This applies to the UN and other international and regional institutions as well as states that consider promoting the future of the MDG agenda as a priority.

Introduction

The irresponsible, excessive proliferation of arms and ammunition fuels and exacerbates conflict and armed violence ... Development gains are reversed as communities are paralysed; closing schools, placing immense strain on health systems, discouraging investment and undermining security ... This is why arms control initiatives have major implications for the processes of socio-economic development.

Deepayan Basu Ray, Oxfam, 2012

International trade in arms is big business which, whether intended or not, affects the lives of millions of people around the world. Trading in weapons is a legitimate business and one way in which a government can secure self-defence capabilities. Even though trade deals are often made with legitimate political, economic and defence aspirations in mind, they can end up having devastating and long-term consequences for civilians trapped in situations of war or permanent insecurity, thereby also affecting a country's ability to achieve its international development goals.

Issues related to armed violence and security as factors influencing the achievement of the Millennium Development Goals (MDGs) have become firmly rooted in the developmental debate in the past few years (see, for instance, Geneva Declaration Secretariat, 2011 and 2013). The relationship between the arms trade and development is complex: news coverage and research often highlight the troubling impacts of weapons exports ranging from prolonged conflicts to increased levels of armed violence and insecurity in non-conflict settings.¹ Indeed, the irresponsible, uncontrolled and illegal arms trade has multiple direct and indirect negative effects leading to increased levels of conflict casualties and surviving victims, and forcing people to leave their homes and live under a constant threat of violence. It can also have an impact on people and communities more indirectly through the diversion of funds from, for example, healthcare to defence or by leading to increased unemployment and decreased educational opportunities as a consequence of conflicts and armed violence.

Arms control efforts, including regulating the international trade in conventional weapons, have to develop a nuanced understanding of the balance between a state's legitimate security and defence needs and its socio-economic development.

The relationship between the trade in weapons and socio-economic development is, however, not only one-way: when responsibly conducted, the arms trade can also help maintain peace and security and provide states' legitimate security actors with the necessary means to save lives and bring about stability in communities. Arms control efforts, including regulating the international trade in conventional weapons, have to develop a nuanced understanding of the balance between a state's legitimate security and defence needs and its socio-economic development.

¹ Organizations that have conducted extensive research on the relationship between arms trade, armed violence and development include Amnesty International (<http://www.amnesty.org/>), Oxfam International (<http://www.oxfam.org/>), Saferworld (<http://www.saferworld.org.uk/>) and Action on Armed Violence (<http://aoav.org.uk/>). Much of the text in this introductory section is based on their various reports and policy papers.

The heaviest responsibility lies within national authorities in charge of export licence decisions, as such decisions should always be case-by-case, well-informed, responsible and balanced.² As the arms trade is increasingly global, it creates responsibilities for all other states, too: transfer states should ensure that weapons transiting through their territory are not diverted or lost, and that the activities of brokers are adequately controlled. The recipients of arms should ensure that the imported weapons reach their intended end-users, are properly accounted for and are used responsibly. Regional and international instruments and agreements help shape and govern the legal trade in arms by developing norms of acceptable behaviour, curbing illicit and uncontrolled trade and building bridges between policy areas such as arms control and sustainable development.

This paper looks at the role that the Arms Trade Treaty (ATT)³ – adopted by the UN General Assembly in April 2013 and entering into force in December 2014 – could play in supporting socio-economic development and achieving both the current MDGs and the aspirations of the post-2015 development agenda. More specifically, it analyses the benefits that countries can draw from joining the treaty in terms of reducing the negative consequences of armed violence and promoting sustainable development.

This paper starts by looking at countries' current commitments in the areas of development and arms control, with a special emphasis, on the one hand, on the MDGs and, on the other hand, on states' regional and international export control commitments developed since the early 1990s. Some discussion is then devoted to the process that led to the adoption of the ATT and states' development-related aspirations and obligations in this regard. The links between the ATT and development, as well as the treaty's potential in supporting the MDGs, are sometimes largely bypassed.⁴ This paper contributes to this discussion by exploring some potential ways in which the fulfilment of the ATT's goals and purpose could contribute to the MDGs and most importantly the post-2015 development agenda. The concluding section presents some recommendations and ideas for possible future action in both effectively implementing the ATT and in developing the post-2015 development agenda, making the case that all countries – in both developed and developing worlds – can benefit from joining and implementing the ATT.

² These terms were debated at length during the ATT negotiations, as some states saw them as vague and politically loaded, while others advocated them as the most useful basis for taking the issue forward. As the main responsibility of implementing the ATT lies with national authorities in charge of licensing decisions, the final definitions of 'well-informed' or 'balanced' will remain a national prerogative. The treaty text provides useful guidance regarding the meaning of the terms, as does a range of additional guidance documents produced by research institutes and civil society organizations.

³ In the text the ATT is also referred to as the treaty. For background information on the ATT, including its full text in all official UN languages, see <http://www.un.org/disarmament/ATT/>.

⁴ The MDGs have sometimes been criticized as being complex, difficult to measure and compare, even contradictory, and hence somewhat insufficient as the sole development-related tool to address problems related to the arms trade. See Nightingale (2008).

Countries' Current Commitments on Development and Arms Transfers

UN member states have in the past decades committed themselves to a myriad of treaties, agreements and declarations to support development and promote the universal application of human rights. Dating back to the UN Charter, these instruments are firmly rooted in both international treaty law and customary law and reinforced by several resolutions, declarations and summits.⁵ Currently, one of the main instruments to guide states' development policy is the set of eight MDGs, adopted in September 2000 on the basis of the United Nations Millennium Declaration (see Box 1). The MDGs commit countries to a series of time-bound targets to reduce extreme poverty and support global sustainable development and wellbeing. The MDGs do not contain security goals as such, nor does the late 2014 draft of the top nine Sustainable Development Goals (SDGs), planned to replace the current MDGs in 2015.⁶

Box 1: Millennium Development Goals

In September 2000 world leaders came together at the UN Headquarters in New York to discuss the challenges that were seen to be facing humanity in the new millennium and to develop possible solutions to ever-worsening problems such as global poverty, famine and environmental degradation. At the end of the meeting, entitled the Millennium Summit, the leaders signed a declaration which sets various commitments for all UN member states in areas ranging from freedom, equality and solidarity to tolerance and respect for nature.

The Millennium Declaration has a section on 'Peace, Security and Disarmament', under which UN member states undertake to 'spare no effort to free our peoples from the scourge of war', and 'eliminate the dangers posed by weapons of mass destruction' (UNGA, 2000, Para. 8). The declaration also commits states to 'ensure the implementation ... of treaties in areas such as arms control and disarmament and of international humanitarian law and human rights law' (UNGA, 2000, Para. 9), thereby *ex ante* also supporting the implementation of the ATT.

To concretize the commitments set out in the declaration and to focus efforts on establishing clear targets and indicators for reducing underdevelopment, states followed up the declaration by agreeing on a set of Millennium Development Goals (MDGs). The eight goals are to: 1) eradicate extreme poverty and hunger; 2) achieve universal primary education; 3) promote gender equality and empower women; 4) reduce child mortality; 5) improve maternal health; 6) combat HIV/AIDS, malaria and other diseases; 7) ensure environmental sustainability; and 8) build a global partnership for development. Each goal also has specific targets (in total 21), indicators (48) and dates for achieving them. All the then 189 UN member states and over 20 international organizations committed themselves to achieving and helping one another to achieve the MDGs in 15 years – by 2015.

⁵ For an overview of states' existing commitments related to security and development, see Nightingale (2008), pp. 2–4; Basu Ray and Thorsen (2011), pp. 4–8.

⁶ Author interview with a campaigner who is closely following the MDG and SDG discussions, 27 October 2014.

A multitude of projects, conferences and partnerships have been developed to support the MDGs, ranging from several UNDP projects and an ‘MDG Achievement Fund’ to a series of publications such as *Realizing the Future We Want for All* (UNGA, 2012) and the *Report of the High-Level Panel of Eminent Persons on the Post-2015 Development Agenda* (UNGA, 2013). Despite these efforts, progress in achieving the goals has remained uneven: while global poverty has halved and 90 per cent of children in developing regions now enjoy primary education, child mortality and HIV/AIDS remain at critical levels (UN Secretariat, 2014, p. 17). Some countries have achieved all their goals while others have failed to reach a single one. Insecurity and armed violence have been cited as major factors for countries’ failure to meet their targets.

Armed violence and conflicts have been recognized as major stumbling blocks for reaching developmental targets: according to some studies, armed violence has in the past decade significantly affected at least 22 of the 34 countries that are most likely to miss the MDGs in 2015, and the arms trade has been noted to have a significant impact on the chances of countries reaching the MDGs (UN CASA, 2013, p. 16; Muños, 2012). According to the World Bank, fragile states did not manage to achieve a single MDG during the first 10 years of their implementation (World Bank, 2011, p. 29).

Even though the relationships between development, security and arms control were already recognized when the MDGs were drafted and risk factors in their implementation have been identified, the explicit links between weapons and development were not spelled out in the goals. Furthermore, despite the Millennium Declaration’s chapter on peace and security, no MDG deals specifically with conflict, violence and insecurity, or the impacts that illegal and poorly regulated legal arms trading has on development.

In 2012, the UN Secretary-General invited over 25 public and private leaders to advise him on the post-MDG agenda. This post-2015 task team acknowledged that ‘violent conflict has become the largest obstacle to the MDGs’ (PBSO, 2012, p. 4). At the MDG summits held in 2010 and 2013, UN member states discussed the post-2015 development agenda and both initiated and followed up with a process of consultations. Civil society organizations have been instrumental in contributing to the post-2015 process, along with academia and other research institutions, including think-tanks.⁷

Political debate, diplomacy and academic work are currently in full swing trying to establish what type of global development framework should succeed the MDGs when the current eight criteria expire in 2015. A huge range of interest groups is involved, trying to weigh the relative importance of issues such as poverty reduction, empowerment of women, sustainability, human rights and universal employment. The ‘to do’ list is perplexingly long; but there is growing recognition that addressing conflict and violence needs to be a priority.⁸ For example, the Brookings Institution has projected that ‘whereas only 20 per cent of the world’s poor lived in fragile states in 2005, this share is rising sharply and will exceed 50 per cent by 2014’ (Chandy and Gertz, 2011, p. 10).

As the transformation from MDGs to the Sustainable Development Goals draws closer, more interdisciplinary action and initiatives are needed to promote the inclusion of the norm of responsible legal international trade in weapons as a contributor to the achievement of development goals.

Despite the fact that the MDGs themselves do not feature issues related to the arms trade, armed violence or insecurity, the impact of weapons on the sustainable improvement of communities has been acknowledged as part of the high-level process within development policy: the outcome

⁷ For more information, see <http://www.un.org/millenniumgoals/>.

⁸ Despite campaigning, however, it seems likely that the new development agenda will continue in the absence of specific security or armed violence-related goals or indicators. Author interview with a campaigner who is closely following the MDG and SDG discussions, 27 October 2014.

document of the Millennium +5 World Summit held in 2005 acknowledges that development, peace, security and human rights are interlinked and mutually reinforcing. The UN Secretary-General, in his 2009 report on the link between development and armed violence, cites the availability, proliferation and excessive accumulation of arms as a contributor to armed violence and a serious impediment to countries' achievement of the MDGs, including on issues such as human development, human rights and the protection of civilians. The report highlights the importance of the prevention and reduction of armed violence as vital in achieving the MDGs and beyond (UNGA, 2009).⁹ However, it does not specifically refer to the impacts that the legal, poorly regulated arms trade can have in fuelling insecurity, armed violence and underdevelopment.

The link between the irresponsible and insufficiently regulated legal trade in arms and armed violence has also not been very prominent in the Geneva Declaration process or the related discussions. This is probably partially because of the focus on small arms and their illicit trade, mostly in the context of the UN Programme of Action on Small Arms,¹⁰ as well as on the consequences of armed violence on development, not of arms transfers on armed violence *per se* (Geneva Declaration Secretariat, 2008 and 2011).

Even though developmental policies and arms control are separate policy areas with sometimes limited interaction, many multilateral arms control instruments, especially since the late 1990s, have started increasingly to recognize the wider impacts that both the legal and especially the illicit arms trade can have on societal wellbeing.

Even though developmental policies and arms control are separate policy areas with sometimes limited interaction, many multilateral arms control instruments, especially since the late 1990s, have started increasingly to recognize the wider impacts that both the legal and especially the illicit arms trade can have on societal wellbeing. Developmental considerations have been included in a number of agreements made in the fields of arms control and disarmament, for example: the UN General Assembly's Guidelines on International Arms Transfers of 1996 call on states to address the economic and commercial considerations of transfers in conjunction with questions related to peace and security, confidence-building, disarmament and the promotion of social and economic development (UNGA, 1996, Art. 2 and Art. 9),¹¹ and the participating states of the Organization for Security and Co-operation in Europe (OSCE) included development considerations in their Principles on Conventional Arms Transfers in 1993 by noting that 'the reduction of world military expenditures could have a significant positive impact for the social and economic development of all peoples' and by committing to take into account, when considering proposed arms transfers, 'the objective of the least diversion for armaments of human and economic resources', following the UN Charter language (OSCE, 1996, Art. 1.3(a) and Art. 2.4(a.iv)). Also, many other regional organizations have in their work come to embrace specific commitments related to the relationship between the arms trade and development. The link between arms, security and development has featured most prominently in the instruments adopted to address the illicit trade and uncontrolled proliferation of small arms and light weapons (SALW).

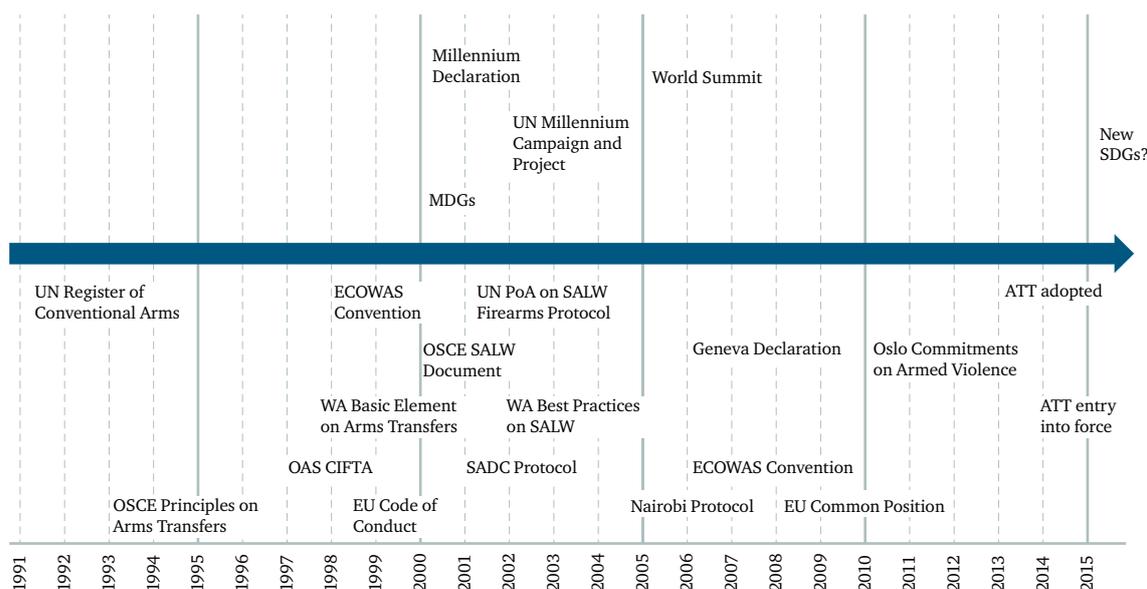
⁹ Additional important instruments include, *inter alia*, the UNDP's MDG projects, the World Health Assembly resolutions on the prevention of violence and the Declaration on the Elimination of Violence against Women.

¹⁰ UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in SALW in All Its Aspects (UNGA, 2001a).

¹¹ 'Economic or commercial considerations should not be the only factors in international arms transfers', but 'addressed in conjunction with the question of maintaining international peace and security, reducing regional and international tensions, preventing and resolving conflicts and disputes, building and enhancing confidence and promoting disarmament as well as social and economic development.'

Figure 1 presents a timeline from the 1990s until 2015 of, on the one hand, countries' selected commitments on international developmental concerns and goals and, on the other hand, their undertakings to both combat the illicit trade in conventional arms and improve the control of their legal trade. A regional dimension is also included, wherever relevant.

Figure 1: Timeline of countries' commitments on development and arms trade controls



The wider societal impacts, such as developmental concerns related to arms (especially SALW), are recognized in many current UN documents. For example, the UN Programme of Action on SALW (PoA)¹² refers to the wider impacts of illicit SALW trafficking in its preamble by acknowledging that the challenge posed by it is ‘multi-faceted and involves, *inter alia*, security, conflict prevention and resolution, crime prevention, humanitarian, health and development dimensions’. Also, the Firearms Protocol¹³ recognizes that the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition affect the ‘wellbeing of peoples, their social and economic development and their right to live in peace’.

The scope and nature of these documents vary, as do the purposes for which they were developed. The PoA was designed as a politically binding framework agreement to guide the policy work on SALW while, for example, the legally binding Firearms Protocol administered by the UN Office of Drugs and Crime concentrates on the prevention of illicit firearms trafficking.

Table 1 presents a general comparison of selected international and regional instruments on the control and trade of conventional arms, highlighting the existing commitments of countries in areas related to socio-economic development and security. As can be seen, the first instrument included from the arms control sphere is the UN Register of Conventional Arms (UNRCA), which in many ways laid the ground for instruments established after it by noting that ‘in accordance with the Charter of the United Nations, member states have undertaken to promote the establishment and maintenance

¹² UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in SALW in All Its Aspects (UNGA, 2001a).

¹³ Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime (UNGA, 2001b).

of international peace and security with the least diversion for armaments of the world's human and economic resources' and by recognizing 'that the reduction of world military expenditures could have a significant positive impact for the social and economic development of all peoples'. The same was highlighted in the UN 1996 Guidelines, which note that the effects of illicit arms transfers 'can often be disproportionately large, particularly for the internal security and socio-economic development of affected states' (UNGA, 1996, annex 1, para. 7).

The developmental impacts of conventional arms transfers have not been discussed in large scale in the UNRCA context; but the reviews of the instrument by groups of governmental experts have kept developmental policy discussion in mind in their deliberations. This was the trend throughout the 1990s: regional and international instruments on arms transfer controls recognized the link to sustainable development but did not take any concrete steps to address them on the ground.

The new millennium brought with it an increased awareness of the potentially harmful effects of arms transfers on societies, especially as the end of the Cold War had seen the diversification and growth of conventional arms transfers worldwide: following the example of the Firearms Protocol and the UN PoA, many regional instruments started including the humanitarian consequences of the arms trade and states' related international commitments.

As the SALW instrument and other international commitments on the humanitarian aspects of arms trade matured during the first decade of the 2000s, development concerns came to be more than just necessary preambles to international and regional instruments: they became more of an operational issue especially as African regional and subregional positions on SALW – most of them legally binding – started taking shape in the early years of the decade. For example, the Convention of the Economic Community of West African States (ECOWAS), which specifically covers SALW, notes that their transfer 'shall not be authorized if it is destined to ... hinder or obstruct sustainable development and unduly divert human and economic resources to armaments' (ECOWAS, 2006).

However, as the concern of some developing nations was that they would not be allowed to receive armaments that were perceived to be transferred at the cost of their national development needs, some members of the Non-aligned Movement (NAM) started expressing their concerns about linking arms transfers with developmental concerns. However, the major arms-exporting countries continued including the criteria in their commonly agreed transfer considerations: in terms of transfer controls, for instance, the EU Common Position from 2008 requires its member states to take into account the 'technical and economic capacity of the recipient country' when considering the export of arms, noting in line with the UN Charter that 'states should achieve their legitimate needs of security and defence with the least diversion for armaments' (EU, 2008). Also multilateral export control regimes such as the Wassenaar Arrangement (WA)¹⁴ and many politically binding commitments of regional organizations recognize the role of developmental considerations in making arms transfer authorizations.

During the first decade of the 21st century, arms, security and development also increasingly became a topic for research: Oxfam International produced the first report linking arms trade and developmental concerns,¹⁵ and the Small Arms Survey, a research project of the International Institute for International and Development Studies in Geneva (IHEID), devoted the theme of its 2003 yearbook to the developmental aspects of SALW proliferation. *The Small Arms Survey 2003:*

¹⁴ WA's Best Practice Guidelines for SALW, the OSCE Principles on Conventional Arms Transfers and the OSCE Document on SALW all require governments to take into account 'the objective of the least diversion of human and economic resources to armaments' (WA, 2002; OSCE, 1993 and 2000).

¹⁵ See Wood and Hillier (2003).

Development Denied presents a comprehensive early assessment of the spread of small arms around the world and their effect on society, stressing the link between small arms and global development (Small Arms Survey, 2003). Later initiatives developed to address specifically the links between arms control, armed violence, human security and development include, *inter alia*, work by the Geneva Declaration on Armed Violence and Development and by many non-governmental organizations such as Oxfam International, Action on Armed Violence (AOAV) and Saferworld.¹⁶

Table 1: Countries' commitments related to arms transfers and development

	Adopted in (in force since)	Type of commitment	Scope	Reference to development
UN Conventional Arms Register	1991–92	Political	Conventional arms	In the preamble: 'Bearing in mind that, in accordance with the Charter of the United Nations, member states have undertaken to promote the establishment and maintenance of international peace and security with the least diversion for armaments of the world's human and economic resources, and that the reduction of world military expenditures could have a significant positive impact for the social and economic development of all peoples'. And the GA: 'Reiterates its conviction... that arms transfers in all their aspects deserve serious consideration by the international community, <i>inter alia</i> , because of ... their potentially negative effects on the progress of the peaceful social and economic development of all peoples'. (Para. 4(b)) ¹⁷
OSCE Conventional Arms Document	1993	Political	Conventional arms	'Each participating state will, in considering proposed transfers, take into account... the objective of the least diversion for armaments of human and economic resources'. (II, 4a(iv)) ¹⁸
Organization of American States (OAS) (CIFTA)	1997 (1998)	Legally binding	Firearms, ammunition, explosives, and other related materials	Noted in the preamble: 'The states parties, aware of the urgent need to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, ammunition, explosives and other related materials, due to the harmful effects of these activities on the security of each state and the region as a whole, endangering the wellbeing of peoples, their social and economic development and their right to live in peace ...'. ¹⁹
Wassenaar Arrangement Elements and Best Practice Guidelines	1998, 2002	Political (non-binding, best practice)	WA Munitions List items; SALW	Included in the SALW export guidelines: 'Each participating state will, in considering proposed exports of SALW, take into account ... the objective of the least diversion of human and economic resources to armaments.' (1(d)) ²⁰
OSCE SALW Document	2000	Political	SALW	'Each participating state will, in considering proposed exports of small arms, take into account ... the objective of the least diversion of human and economic resources to armaments.' (III, A2a(iv)) ²¹
Firearms Protocol	2001 (2005)	Legally binding	Firearms, their parts and components and ammunition	Noted in the preamble: 'The states parties to this Protocol, aware of the urgent need to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, owing to the harmful effects of those activities on the security of each state, region and the world as a whole, endangering the wellbeing of peoples, their social and economic development and their right to live in peace ...'. ²²

¹⁶ For the Geneva Declaration (GD) Secretariat, see <http://www.smallarmssurvey.org/armed-violence.html>; Oxfam International, <http://www.oxfam.org/en/conflict>; Action on Armed Violence (AOAV), <http://aoav.org.uk>; and Saferworld, <http://saferworld.org.uk>.

¹⁷ UNGA (1991).

¹⁸ OSCE (1993).

¹⁹ OAS (1997).

²⁰ WA (2000) and WA (2002).

²¹ OSCE (2000).

²² UGA (2001b).

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	Adopted in (in force since)	Type of commitment	Scope	Reference to development
UN Programme of Action	2001	Political	SALW	In the preamble: ‘Gravely concerned about the illicit manufacture, transfer and circulation of small arms and light weapons and their excessive accumulation and uncontrolled spread in many regions of the world, which have a wide range of humanitarian and socio-economic consequences and pose a serious threat to ... sustainable development at the individual, local, national, regional and international levels’ (Para. 2); and ‘recognizing that the international community has a duty to deal with this issue, and acknowledging that the challenge ... is multi-faceted and involves, <i>inter alia</i> ... humanitarian, health and development dimensions’ (Para. 15); ‘states should make, as appropriate, greater efforts to address problems related to human and sustainable development, taking into account existing and future social and developmental activities, and should fully respect the rights of the states concerned to establish priorities in their development programmes’. (Para. 17) ²³
Southern African Development Community (SADC) Protocol	2001 (2004)	Legally binding	SALW, ammunition and other related materials	Noted in the preamble: ‘Aware of the urgent need to prevent, combat and eradicate the illicit manufacturing of firearms, ammunition and other related materials, and their excessive and destabilizing accumulation, trafficking, possession and use, and owing to the harmful effects of those activities on the security of each state and the region and the danger they pose to the well-being of people in the region, their social and economic development and their rights to live in peace ...’. ²⁴
Nairobi Protocol	2004 (2006)	Legally binding	SALW, ammunition and other related materials	Noted in the preamble: ‘Aware of the urgent need to prevent, combat and eradicate the illicit manufacturing of, excessive and destabilizing accumulation of, trafficking in, illicit possession and use of small arms and light weapons, ammunition, and other related materials, owing to the harmful effects of those activities on the security of each state and the subregion and the danger they pose to the wellbeing of the population in the subregion, their social and economic development and their right to live in peace ...’. ²⁵
Economic Community of West African States (ECOWAS) Convention	2006 (2009)	Legally binding	SALW, ammunition and other related materials	‘A transfer shall not be authorized if it is destined to: ... hinder or obstruct sustainable development and unduly divert human and economic resources to armaments of the states involved in the transfer’. (Art. 6, 4(c)) ²⁶
EU Common Position	2008 (2008)	Legally binding	EU Military List items	‘Criterion Eight: Compatibility of the exports of the military technology or equipment with the technical and economic capacity of the recipient country, taking into account the desirability that states should meet their legitimate security and defence needs with the least diversion of human and economic resources for armaments. Member states shall take into account, in the light of information from relevant sources such as United Nations Development Programme, World Bank, International Monetary Fund and Organization for Economic Cooperation and Development reports, whether the proposed export would seriously hamper the sustainable development of the recipient country. They shall consider in this context the recipient country’s relative levels of military and social expenditure, taking into account also any EU or bilateral aid.’ (Art. 2.8.) ²⁷
Arms Trade Treaty	2013 (not yet in force)	Legally binding	UN Register categories + SALW + munitions and parts and components	Not included in the transfer criteria. Referred to in the Preamble: ‘Recalling Article 26 of the Charter of the United Nations which seeks to promote the establishment and maintenance of international peace and security with the least diversion for armaments of the world’s human and economic resources ...’. ²⁸

²³ UNGA (2001a).

²⁴ SADC (2001).

²⁵ Nairobi Protocol (2004).

²⁶ ECOWAS (2006)

²⁷ EU (2008).

²⁸ UNGA (2013).

ATT Negotiations and States' Commitments Under the New Treaty

In 2006, following extensive campaigning by the Nobel Peace Laureates and the NGO community, the UN started considering the possibility of having a legally binding international arms trade treaty that would establish 'common international standards for the import, export and transfer of conventional arms' (UNGA, 2006).²⁹ As noted by some researchers, the 'conceptual heart' of the ATT was to be the 'proscription of arms transfers that are likely to be used to perpetrate widespread human rights violations in both conflicts and armed violence' settings (Batchelor and Kenkel, 2014, p. 249), thereby also supporting many developmental goals. This position was advocated strongly from the beginning of the deliberations, although some states argued during both the work of the open-ended working group and the actual treaty negotiations that having development considerations as part of the treaty would add unnecessary burdens and were actually not relevant to it (ATT Legal Blog, 2013a).

Sustainable development and regional stability were the issues most frequently stated as deserving specific consideration in the regional seminars organized by the EU and the United Nations Institute for Disarmament Research (UNIDIR) in the lead-up to the treaty negotiations.

However, considerations based on the recipient country (for example, whether the proposed transfer is likely to have an adverse impact on the socio-economic conditions of that country) were one of the four categories of parameters most often mentioned by states in their submissions of views on an ATT in 2007 (Parker, 2008, pp. 21–34).³⁰ Sustainable development and regional stability were the issues most frequently stated as deserving specific consideration in the regional seminars organized by the EU and the United Nations Institute for Disarmament Research (UNIDIR) in the lead-up to the treaty negotiations. The ATT resolution from the 2009 First Committee, which set the schedule for the treaty process, noted that 'the absence of commonly agreed international standards for the transfer of conventional arms ... is a contributory factor to armed conflict, the displacement of people, organized crime and terrorism, thereby undermining peace, reconciliation, safety, security, stability and sustainable social and economic development' (UNGA, 2010, preamble).

During the negotiations, some delegations (especially from the developing world but also from some large exporters) spoke against the idea of including developmental considerations in the treaty,³¹ despite some strong voices calling for their inclusion (Armstreaty, 2013). The objection to the inclusion of developmental criteria in the treaty probably stems from a fear in certain countries that their arms acquisitions would be in danger should the treaty require a certain level of development or limit the percentage of defence budgets to some proportion of their GDP.

²⁹ For an overview of the ATT process and its background, see for instance Kytömäki (2010), pp. 38–41.

³⁰ The other three general categories mentioned were considerations of existing international obligations or commitments (for example, whether a transfer is in breach of a Security Council embargo or a regional obligation); considerations based on the likely end-user (for example, whether arms might be retransferred to criminal groups, terrorist organizations or unauthorized non-state actors); and considerations based on likely impact (for example, whether the proposed transfer is likely to fuel internal or regional instability).

³¹ Some states, most notably China, the Russian Federation, India, Indonesia, Egypt and Brazil, requested the deletion of the criteria on arms transfers' possible adverse impact on socio-economic development (ATT Legal Blog, 2013a).

The possible adverse impact that the arms transfers might have on the recipient country's socio-economic development was part of the Chair's comprehensive draft treaty of July 2012, but was deleted during the final negotiations in 2013 (UNGA, 2012, Art. 4(6)e). Still, many countries kept referring to the importance of the treaty on states' developmental prospects, and when the ATT opened for signature on 3 June 2013, the UN Secretary-General said that it would aid social and economic development (ATT Legal Blog, 2013b).

The ATT text – while recognizing the legitimate right of states to trade arms – refers in its preamble to the UN Charter's commitment that this trade should be conducted in a way that results in 'the least diversion for armaments of the world's human and economic resources'. In the preamble, the treaty also acknowledges that 'peace and security, development and human rights, are pillars of the United Nations system and foundations for collective security' and recognizes that 'development, peace and security and human rights are interlinked and mutually reinforcing'.³² Despite arguments from many countries and regional groupings, including the EU, the ATT's Articles 6 (Prohibitions) and 7 (Export and export assessment) finally do not specifically contain any obligations regarding developmental considerations, an omission that has been criticized by some NGOs (de Vries, 2013).

It might seem strange that the ATT does not explicitly include developmental considerations as part of its transfer criteria while, for example, the EU in its Common Position Export Criterion 8 undertakes to assess the exports against the capacities of the recipient states along the same lines as the ATT preamble, to result in 'the least diversion of human and economic resources for armaments'. In considering this criterion,

[EU] member states shall take into account, in the light of information from relevant sources such as United Nations Development Programme, World Bank, International Monetary Fund and Organization for Economic Cooperation and Development reports, whether the proposed export would seriously hamper the sustainable development of the recipient country. They shall consider in this context the recipient country's relative levels of military and social expenditure, taking into account also any EU or bilateral aid (EU, 2008),

and the concept of the reduction of military expenditures as aiding in the socio-economic development of people dates back to the UN Charter.

Even if 'development' as such is absent from the operational part of the ATT, its impact on and links with the treaty's implementation cannot be overlooked. Developmental concerns are – as suggested by a large and constantly growing body of research – an inherent part of arms transfer decisions that take into account, *inter alia*, arms embargoes, genocide, crimes against humanity or grave breaches of international humanitarian law (IHL) or serious acts of gender-based violence (ATT, 2013).

Arms transfer decisions are and will, even under the ATT, remain a national prerogative. It is up to each country to conduct national assessments about the prospective transfers of arms and their possible implications on the socio-economic development of the recipient country or region. The actual processes for analysing the risks and impacts of arms transfer authorizations vary, and measuring the potential consequences of arms transfers on development requires 'nuanced analysis, where one cannot really recommend a system whereby hard thresholds could be applied to all cases without exception' (Basu Ray and Thorsen, 2011, p. 15). However, the analysis should always be

³² In comparison, the preamble of the UN PoA is more explicit in its development-related references, and notes that illicit transfers of SALW 'have a wide range of humanitarian and socio-economic consequences and pose a serious threat to peace, reconciliation, safety, security, stability and sustainable development at the individual, local, national regional and international levels' (UNGA, 2001, preamble, para 2).

thorough, well-informed and comprehensive, use several information sources and take the specific circumstances of the proposed authorization fully into account.³³

Since the adoption of the ATT, development as a criterion in arms transfers has been discussed in some regional contexts: for example, in 2013 the EU Parliament, on the basis of an analysis of the recent annual reports of the EU Council's Working Party on Conventional Arms Exports (COARM), issued a resolution on the implementation of the EU Common Position where it '[t]akes the view that, because of the negative impact of arms spending on the development prospects of poorer recipient countries, Criterion 8 should be upgraded by making denial of export licences automatic if they are incompatible with development' (EU, 2013, para. 3). EU member states are reportedly currently in the process of reviewing the User's Guide developed to help countries implement the Common Position, and have already developed some elaborated updated guidance for implementing the eight criteria on development. As the implementation of the updates is still in its provisional stages, information about the new guidance had not been published as of August 2014 (Saferworld, n.d.).

Even if effectively implemented, the ATT will not become a panacea to solve all problems related to arms trade or development. It will have to be supported by a web of other mutually supportive and reinforcing regional and international instruments, and its full potential remains to be seen.

Even if effectively implemented, the ATT will not become a panacea to solve all problems related to arms trade or development. It will have to be supported by a web of other mutually supportive and reinforcing regional and international instruments, and its full potential remains to be seen. Box 2 highlights some of the problems recently identified in making complex arms transfer decisions. It analyses them especially from the point of view of development and highlights both the potential and the limitations of the ATT in a case like Syria, where hypothetically the treaty could have made some difference in affecting countries' arms transfer decisions, but where it still – even if in force – would not have been able to prevent all the unforeseen implications of the conflict and insecurity.

Box 2: Arms transfers gone wrong – what could the ATT have done in Syria?

The arms trade is a risky business: despite being a legitimate and heavily regulated international line of commerce, the trade in conventional weapons and associated equipment bears a specific burden of responsibility, not least because of the potentially catastrophic consequences it can have on innocent civilians, who often end up bearing the main consequences of today's armed conflicts. Even some of the well-controlled and initially perfectly legitimate transfers can have devastating effects, for example in cases where weapons are stolen from government stockpiles or transferred without full transparency or the required permissions, or simply because the political situation in the recipient country changes.

Given the potentially wide-reaching impacts of weapons on societies, human security and development, together with the long life-span of most conventional weapons, it has proven extremely difficult to control international arms transfers effectively. Decisions on transfer authorizations are, and are likely to remain, under states' national capacity, driven by both national policy and regulative processes.

³³ For useful guidelines and recommended methodologies for conducting evidence-based risk assessments related to an arms transfer's possible development-related impacts, see, for example, Basu Ray and Thorsten (2011), pp. 11–14.

No international regulations – not even those established by the ATT – will be able to fully solve the complexities of defence policies and different security situations. The development of international norms for acceptable and responsible arms transfers may, however, start making a difference by helping countries establish more comprehensive national control structures, increasing transparency and even just spreading awareness about the potential structural loopholes and necessary considerations.

The purpose of this hypothetical example is to showcase some of the dangers related to arms transfers and speculate on the potential of the ATT to promote more responsible and well-informed arms transfers, thereby reducing instability and supporting development in different parts of the world. It aims to give a partial answer to the often-heard question: what impact will the treaty actually have on countries and societies suffering from conflict and insecurity?

Syria slipped into internal unrest and finally a full-blown civil war in 2011 in the midst of the Arab uprisings that shook the whole region. By September 2014, the Syrian conflict had lasted for over three years and cost almost 200,000 lives (Morris, 2014; Smith-Spark, 2014), a figure that is likely to increase as a consequence of the US-led coalition air strikes on Islamic State (IS) targets starting in September 2014. By that time, some 6.5 million people had been internally displaced and more than 3 million had fled Syria as refugees since the start of the conflict (UNHCR, 2014; UN OCHA, 2014). In addition, infrastructure in the whole country has been seriously damaged, and human rights violations, crime and insecurity are a daily reality, with explosive violence taking a heavy toll on the civilian population. The conflict has also affected people's access to water, food and healthcare, and destroyed many young people's hopes of getting an education or securing their first job. Because of its complexity and especially its devastating effects on the civilian population, the Syrian crisis has been called the 'worst humanitarian disaster of our time' (MercyCorps, 2014). The full implications of the ever-escalating war against the Syrian-based IS remain to be seen.

Previously one of the most stable authoritarian regimes in the region, Syria massively increased its weapons imports in the years preceding the unrest and conflict. After the outbreak of violence, the EU, US, Turkey and League of Arab States (LAS) imposed arms embargoes against the Syrian government, while some of the country's traditional main suppliers continued their business relationship with the regime despite international opposition. The main sources of weapons for Syrian rebel groups appear to have been the capture of arms from government troops and arsenals as well as acquisition from illicit markets in neighbouring countries. Researchers have identified several countries of origin for weapons being used by both parties to the conflict (Wezeman, 2013, pp. 269–71). In May 2013, EU states amended their embargo to allow the supply of weapons and equipment to pre-approved combat units linked to the Syrian Opposition Coalition (De Groof, 2013).

The situation – all too familiar in the current context of civil wars and internal unrest surpassing international conflicts – has been a difficult one for many arms export states to grasp and tackle: while some declared an absolute arms embargo on both parties to a conflict early on, others continued providing non-lethal equipment and other materials in an effort to stabilize the situation and support democratic development. The seemingly uneven material capabilities of the rebel forces relative to those of Syrian President Bashar al-Assad's supporters have raised calls for external military aid. The argument used by some arms suppliers and behind, for instance, the relaxing of the EU embargo has been that a 'levelling of the playing field' is needed to ensure the opposition is able to fight the government on a more equal footing. At the same time, as noted by especially humanitarian and civil society actors, providing arms and ammunition can end up fuelling the conflict and prolonging the human suffering without leading to any meaningful resolution. Furthermore, as the conflict has evolved, its dynamics have changed, as most recently demonstrated by the declared attacks against IS.

The situation in Syria has also raised questions about re-transfers of weapons, smuggling and diversion: the main way in which the rebel groups in the country have gained weapons seems to have been through capturing them from the government troops and arsenals (Wezeman, 2013, p. 271). Also international supplies have gained media attention: for example, in 2012 the press in Switzerland reported that Swiss-made hand grenades and other ammunition had been confiscated from a Libyan ship which allegedly was transporting goods to Syrian rebels. An investigation revealed that the *matériel* had originally been sold to the United Arab Emirates in 2003/04. The UAE had later re-exported part of the shipment to Jordan, from where it seems to have found its way into a shipment to Syria, which at that point was already in full conflict. The incident caused Switzerland to review its export policies, especially regarding re-export clauses and authorizing shipments to various countries (SECO, 2012; Wezeman, 2013, p. 273).

The ATT – had it been it already been in force – would probably not have helped to totally avoid the accumulation of arms and the outbreak of conflict in Syria, let alone the recent airstrikes against the IS. Despite being an international legally binding treaty on arms trade, the ATT will not be a panacea for removing armed violence and conflicts from the world. However, there are several articles in the treaty that can be said to have potential in helping countries avoid making irresponsible transfer decisions that are likely to have long-term humanitarian and developmental implications.

In Article 6, the ATT requires countries to prohibit any transfers of conventional arms in violation of measures taken by the UN Security Council, in particular arms embargoes (ATT, 2014, Art. 6.1). In the case of Syria, the Security Council has remained deadlocked despite calls, including by UN Secretary-General Ban Ki-moon, urging it to impose an arms embargo on Syria, describing foreign powers and groups as ‘irresponsible’ for giving military support to the warring parties (*Al Jazeera*, 2014). The ATT, however, also refers to countries’ other international obligations, including any agreements related to the transfer of or trafficking in conventional arms (ATT, 2014, Art. 6.2), which – had the treaty been in force – would have given extra weight to the embargoes established by the EU, the LAS, Turkey and the US.

Probably the most pertinent ATT article relating to the situation in Syria is Article 6.3, according to which a party shall not authorize weapons transfers ‘if it has knowledge at the time of authorization that the arms or items would be used in the commission of genocide, crimes against humanity, grave breaches of the Geneva Conventions of 1949, attacks directed against civilian objects or civilians protected as such, or other war crimes as defined by international agreements to which it is a Party’ (ATT, 2013, Art. 6.3). Foreseeing the situation before the Arab Spring would have been difficult; but at least the treaty will give extra support to situations after the outbreak of hostilities, insecurity or conflict. Had the treaty been into some years of implementation, it is difficult to see how its states parties could have authorized transfers to the country or even to the region, given these pressing humanitarian and IHL concerns.

Article 7 of the ATT establishes some baseline considerations for countries’ export assessments, committing parties to make, ‘in an objective and non-discriminatory manner, taking into account relevant factors’, an assessment of the potential transfer in terms of its possible impact on peace and security, the possibility that the items could be used to commit or facilitate serious violations of IHL or human rights law, or that they could contribute to terrorism or transnational crime. If risks related to the transfer are identified and cannot be mitigated, the export licence shall not be granted (ATT, 2013, Art. 7.1). In addition, the article asks exporters to take into account the possibility that the items could be used for serious acts of gender-based violence or serious acts of violence against women and children (ATT, 2013, Art. 7.4). Many of the considerations set in Article 7 would have been highly relevant in the Syrian case, especially after the outbreak of violence in the region. Most importantly, as set out in the final paragraph of the article,

a country that after issuing a licence becomes aware of new relevant information, such as a change in circumstances in the country or evidence of prior violations, is encouraged to reassess its authorization (ATT, 2013, Art. 7.7). Even though commercially sensitive and in practice sometimes difficult to implement, the reassessment clause enhances possibilities for countries to ensure responsible transfers. Similar measures were taken by several countries after the Arab Spring, even though the extent to which deliveries were cancelled is not known.

Diversion, which seems to have been the source of at least part of the conflict weaponry in Syria, is also covered in the ATT: in Article 11, states parties undertake to ‘take measures’ to prevent diversion, *inter alia* through risk assessment, mitigation and information exchange. Combating diversion would probably have been difficult in the Syrian case, however, even under the ATT. The same applies to possible re-export of arms, especially as the treaty itself does not bind its parties to any specific commitments in this area. Stockpile security, which was discussed during the negotiations, also does not feature in the final treaty text apart from the possibility of states providing and receiving assistance to improve their stockpile management capabilities and procedures (ATT, 2013, Art. 16.1).

One of the biggest practical impacts of the ATT is likely to be an increase in transparency over conventional arms exports: the treaty requires all its parties to report not only measures it has taken to implement the treaty but also annual information concerning authorized or actual exports and imports of conventional arms (ATT, 2013, Art. 13.1–3). It could also be hoped that the treaty will have a kind of ‘soft norm change’ beyond its actual letter: for example, the case of Swiss exports to Syria shows that a perceived weakness in the national system led the country to improve its controls in this area. In a similar manner, while hand grenades, for instance, do not fall under the scope of the ATT, the existence of the treaty should make countries assess their overall transfer control policies, re-evaluate some general structures and legislation, and thereby have wider-reaching effects on societies.

If the treaty is implemented effectively and gains wide membership, it will become an important tool to stop irresponsible arms flows and help combat diversion, both of which currently fuel the serious violations of human rights and IHL that destroy countries’ hopes of achieving their development goals or even securing the basic needs of their populations.

Looking Beyond the Arms Trade – the ATT’s Contribution to the Post-2015 Development Agenda

The UN’s Millennium Development Goals Progress Report of 2014 recognizes that countries in sub-Saharan Africa keep experiencing ‘armed conflicts and numerous other emergencies which have kept children out of school’ (UN Secretariat, 2014, p. 17). Similarly, a recent report by a coalition of NGOs and research organizations on the external stress factors³⁴ that lead to conflict in the light of the upcoming new development agenda finds that the international arms trade – along with illicit financial flows and the trade in conflict resources and illicit drugs, among others – is one of the most critical and important external activities driving conflicts around the world and should therefore be included within the post-2015 development framework (Midgley et al., 2014, pp. 4, 7–8).

There is indeed growing recognition that addressing conflict and violence must be a priority for the post-2015 development framework, and that the Sustainable Development Goals (SDGs) which are likely to replace the current MDGs should take better account of the negative impact of weapons on the sustainable development of countries around the world, be that through armed violence, conflicts, insecurity or human rights violations.

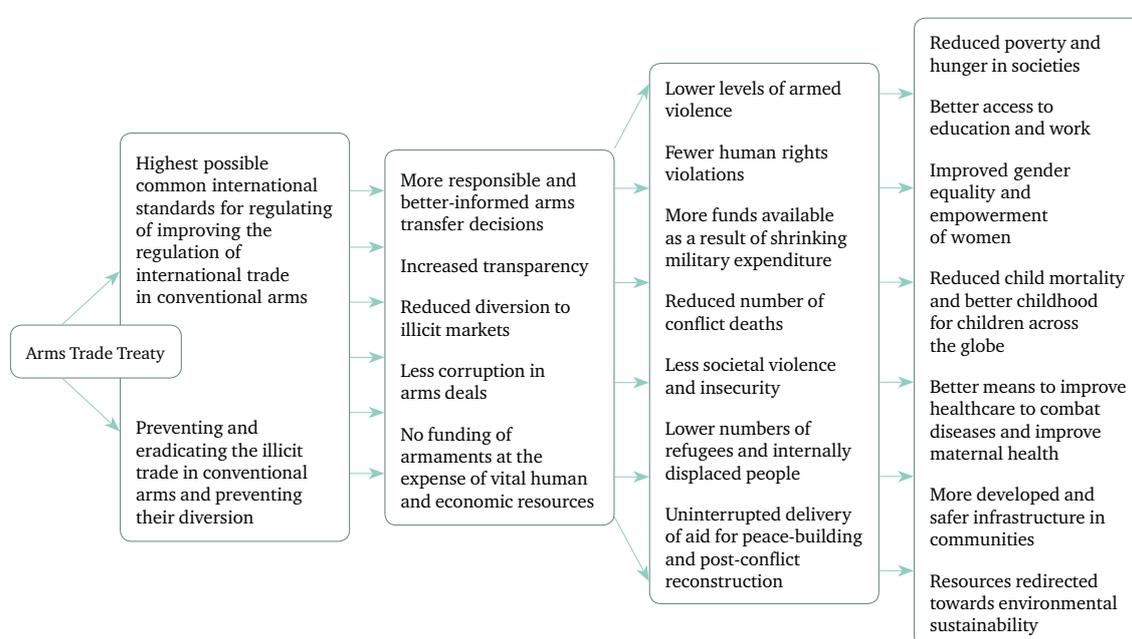
In addition the relationship between military spending and a society’s other expenditures can indeed be a difficult one, particularly in developing countries. Worldwide military spending averages 10 per cent of national public spending. In developing countries, where there is a greater need for investment in sectors such as agriculture and food production, education, healthcare or infrastructure, military spending often amounts to 15 per cent of gross domestic product (GDP) (UNDP, 2013). According to the 2013 *Human Development Report* of the United Nations Development Programme (UNDP), military expenditures are therefore a major obstacle to reaching the MDGs, ranging from poverty reduction and health care to the protection of the environment. According to the UNDP, attaining the MDGs is not possible without reducing military expenditure, since money spent on military development cannot be spent on human development. The detrimental effect of military spending on the MDGs is further exacerbated by the costs of debt: between 15 and 20 per cent of total global debt is related to military expenditure. In many developing countries, interest payments on this military debt far exceed spending on healthcare and education (UNDP, 2013).

In the lead-up to the adoption of the ATT, many noted that despite action taken in many other arms control areas, the trade in conventional weapons continued to operate in an unsustainable legal and moral vacuum (see Control Arms Campaign, 2013; Kytömäki, 2010). The actual impact and effectiveness of the treaty remain to be seen as it enters into force and starts affecting arms transfer decisions. It can be assumed, however, that even though the treaty’s operational paragraphs finally omitted the reference to socio-economic development considerations, the ATT could make a positive contribution to developmental policy and the achievement of MDGs and SDGs.

³⁴ The report, as well as a number of other post-2015 agenda works, considers ‘external factors’ as those affecting the political situation from outside the country, as opposed to, for example, changes in its domestic politics or security situation that emanate primarily from within it.

Simplifying the picture quite radically, Figure 2 sums up the logic linking the ATT and development. The treaty's two goals, as specified in its first article, are to establish the highest possible common international standards for the international trade in conventional arms, and to prevent and eradicate their illicit trade and diversion from legal to illegal markets. If the ATT is to fulfil its goals, it will – once in force and matured through some years of implementation and a wide participation base – lead to a system of more responsible, transparent and well-informed national transfer authorizations, fewer corrupt practices and less diversion of armaments to illicit trade. If fully and comprehensively put into force, the regulations set by the ATT should also lead to a more responsible channelling of funds so that national defence projects and purchases of new armament are not undertaken at the expense of socio-economic development and the wellbeing of citizens.

Figure 2: How the ATT can promote development and the achievement of the MDGs



Source: Author.

Following the logic of more responsible and better-informed trade, in time the ATT can be expected to contribute to wider, more far-reaching goals such as the reduction of armed violence, fewer human rights violations, reduced numbers of conflict deaths, less societal violence and insecurity, fewer refugees and internally displaced people, as well as uninterrupted delivery of many vital conflict, disaster and post-conflict services such as peacekeeping or disarmament, demobilization and reintegration (DDR) and security-sector reform (SSR) projects.

The effective implementation and universalization of the ATT can help in the achievement of the MDGs and help shape a safer and more developed world post-2015.

More stable and secure societies will then again, as demonstrated also by the work of the Geneva Declaration, lead to the improvement of many developmental aspects of societies, ranging from better educational opportunities to fewer illnesses, reduced child mortality and improved infrastructure.

The ATT has also been called a public health imperative: ‘if implemented successfully it can improve nearly all aspects of global health, as conflict and violence still impede all development and progress’ (Valenti et al., 2013, p. 10).

While a link between, for example, promoting gender equality and more responsible arms trade might seem tenuous, both real-life examples and research have shown linkages. The effective implementation and universalization of the ATT can help in the achievement of the MDGs and help shape a safer and more developed world post-2015. This can be done through more thorough and responsible national licensing decisions, which should prevent weapons ending up with unwanted end-users and leaking into the illicit trade. It can also be done through channelling more assistance towards development goals: the role of official development assistance (ODA) has been on the increase in the past decade, as many countries have committed to contributing a certain percentage of their GDP towards assisting others in their development efforts. As shown by recent research, ODA funds can also be used to help countries building their institutional, legal and resource capacities to ratify and implement the ATT, as long as its purpose is precisely formulated and justified (Basu Ray and Thorsten, 2011, pp. 17–21). In this way, the ATT can also work indirectly to support development, especially in the global South.

Conclusions and Recommendations

Links between the arms trade and development have in the past decade become increasingly recognized, and a strong international position is building on the need to consider the impacts of arms transfers on development, from the points of view of both the suppliers of weapons and the recipients, who need to maintain their national security and a level of self-defence capability to ensure the stable and democratic development of their population. The ATT is but one additional instrument in the landscape of international regulatory actions trying to promote sustainable socio-economic development, while at the same time allowing for a legal, transparent and responsible arms trade. As the first international legally binding treaty, the ATT has significant potential in helping states to start making a difference in their arms exports and imports to ensure that they are compatible with development goals, including the MDGs and the future SDGs. For this to be achieved, the ATT needs to gain as close to universal membership as possible, and has to show to countries – whether mostly currently exporting, importing or acting as transit states for conventional arms – that it has something to contribute to everyone’s wellbeing, from supporting responsible defence capabilities to protecting vulnerable sections of its society against atrocities committed with illegally or irresponsibly traded weapons.

Responsible development-sensitive decisions regarding arms transfer authorizations – whether looked at nationally or in their international context – come down to a handful of fairly straightforward actions.³⁵ But even a single national decision concerning the licensing of arms transfers can have extremely long-lasting implications in the recipient country and region. As this paper has shown, development and the arms trade are linked in many ways, some more direct than others, but all with a real impact of many societies around the world.

The ATT is not a development policy instrument as such; but if effectively and comprehensively implemented, it can make a difference in countries’ efforts to achieve the MDGs and develop a realistic but ambitious post-2015 agenda. Possibly the most promising aspect of the ATT with regard to supporting sustainable development and the achievement of the post-2015 goals is that it is building support for a global norm requiring a thorough and informed assessment of national export licensing. As the ATT enters into force and starts being implemented by its first parties, it will become increasingly difficult for countries, or anyone else, to argue that they ‘could not foresee’ the consequences of their licensing or ‘did not anticipate’ the longer-term consequences of arms transfers. By further building on the soft norm of responsible arms transfers, the ATT should also start changing the mind-sets of the non-signatory states and the primary recipients of weapons to take developmental concerns into account and to realize that it is in the interest of all humanity to ensure that they do.

Even though the arms trade or the effects of armed violence or conflicts on development are not currently part of the MDGs, research and a wealth of real-life examples have in the past decade shown that they affect the achievement of each and every MDG. More emphasis should therefore be placed on the drivers of armed violence, insecurity and conflicts in the post-2015 development agenda. One important driver is the irresponsible and illicit arms trade, which can be directly linked to many of the

³⁵ Oxfam lists, for example, the recipient state’s history and record of respect in relation to developmental goals; its intentions as expressed through formal commitments and current practice; the recipient’s capacity to ensure that its international obligations and commitments are implemented in practice; and the nature of the specific transfer itself, including the nature of arms being transferred and their intended end-use and end-user (Nightingale, 2008, pp. 5–12).

negative effects that hinder countries' efforts to achieve the MDGs. To make a meaningful contribution to development work in the next years and decades, countries should keep the momentum on the ATT and jointly work towards reducing unregulated and irresponsible arms flows as well as the illicit trade of especially SALW. The ATT and PoA are both central instruments in this effort.

The ATT made the consideration of export criteria related to issues such as human rights violations, gender-based violence and diversion a legal requirement for states. All of them have an impact on states' socio-economic development. It remains to be seen how direct or concrete the link will be between states' signing up to the ATT and the progress made in sustainable development. In any case, the link is there and, if effectively implemented, the ATT is likely to start contributing to the wider development framework in the coming years.

Using eligible ODA funds to support the ATT implementation can have many positive implications on states' achievement of the MDGs and help bring together policy areas such as arms control and development.

As many countries are looking for means to channel their development assistance, they could consider the utilization of ODA to help countries meet the ATT requirements. As has been shown, using eligible ODA funds to support the ATT implementation can have many positive implications on states' achievement of the MDGs and help bring together policy areas such as arms control and development.

With all eyes firmly fixed on the immediate road ahead in the post-2015 agenda, it is easy to forget the bigger picture: even once the ATT is in force, it is not likely to start making a real difference in the trade of conventional arms for three to four years. In that time, we will already be faced with 'post-MDGs' and will be attending meetings to assess the future of the development agenda beyond even year 2020. Given the importance of security and peace for the sustainable development of communities in both the developing and developed worlds, it will be crucial to ensure a proactive approach by the arms control and disarmament community to the post-2015 agenda. As one blogger put it, '[I]n 2030 the talk will be of global goods, not MDGs. Global goods will be measured by targets on emissions, trade, international finance, arms and crime, and will be underpinned by the governance to deliver them ... Bilateral action will still be present ... but much more of the action will be through multilaterals' (Green and Glennie, 2011).

The proposed link between the arms trade and development has already been made, both in reality and in terms of suggestions: for example, the SDG on arms transfers and development could read something like this:

Significantly reduce international stresses that drive conflict and violence, including irresponsible trade in arms and conflict commodities, and the impact of drugs trafficking areas.

Beyond 2015, 2014

As the first legally binding instrument to govern the trade in conventional arms, the ATT is also likely to remain a central instrument in the battle against poverty, malnutrition, underdevelopment and insecurity. While the ATT should become a tool to prevent irresponsible arms transfers that could foster corruption, insecurity and human rights violations, improved controls should not hinder initiatives that can help states legitimately address the drivers of insecurity that undermine their chances for development. Therefore, it is important to fully utilize the potential of the ATT and look beyond its paragraphs to see how it can help to achieve a more developed, better and safer world for all.

The ATT has much to offer to the development agenda, and vice versa. It is in the interest of all states to join the treaty to ensure a safer, more secure and prosperous future for all. In practice, states weighing the benefits of joining the ATT should:

- Consider the wider benefits of being part of the established and ever-developing norm promoting transparent and responsible arms transfers over short-term political priorities and economic gains. The ATT, if effectively implemented, will result in a win-win situation for everyone involved, bringing a more stable future for all countries in the world.
- Take into account the change that has emerged in the past decade towards a more human-security-centred approach to the sale of arms: the future will be increasingly determined by international norms, alliances and aspirations. To miss out on the opportunity now might have great consequences. The ATT was designed to serve the purposes and aspirations of everyone, as demonstrated by the first 50 countries that ratified it by September 2014. The change is under way.
- Consider the whole-of-government approach when considering the beneficial impacts of joining the ATT. In today's world, the arms trade is not solely a defence issue, nor is it a disarmament imperative. Being able to effectively and comprehensively implement the treaty might open doors for defence cooperation, dual-use technology development, training and development assistance-related funding.
- Weigh the benefits of overseas development assistance against the short-term economic gains of the arms trade. The ATT has a trust fund to support the development of national regulatory agencies and improved arms transfer controls, also linking the issue with wider developmental goals.
- Link the benefits of promoting the norm of responsible international arms trading with the achievement of the MDGs and SDGs, mostly in terms of its potential contribution to reducing armed violence, but also more generally. This applies to the UN and other international and regional institutions as well as states that consider promoting the future of the MDG agenda as a priority.

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