

Development and the ATT: A methodology for states to assess risks of arms transfers and meet their obligations

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Summary

The under-regulated global trade in arms and ammunition has fuelled armed violence in every corner of the world. The results of that violence are sobering: millions of children, women and men have been killed, displaced, or lost their livelihoods and possessions. Basic services like schools and hospitals have been destroyed, and economies have all but collapsed.

The lack of effective legal control mechanisms has effectively allowed individuals and states to sell any conventional weapon to any interested buyer without having to adhere to any international legally binding criteria.

After a 10-year process of consultations and discussions, governments will convene at the United Nations (UN) in July 2012 to negotiate the provisions of a global Arms Trade Treaty (ATT). The international community now has a unique opportunity to reduce the impact of irresponsible arms transfers on conflict, armed violence, and socio-economic development. It is vital that negotiators and power-brokers take this opportunity to reflect on the intrinsic links between development and security and create specific obligations within the ATT on development, humanitarian law, and human rights.

This paper presents a rationale for embedding the core principles of development into the prospective Treaty. It also outlines a methodology, with evidence-based indicators, which states can use to conduct risk assessments of proposed arms transfers to ensure that they do not negatively affect the recipient country's socio-economic development. Finally, the paper explores relevant development assistance mechanisms to help countries strengthen their institutions in order to become ‘treaty compliant’.

Background

Armed conflict cost Africa an average of \$18bn each year between 1990 and 2005,¹ and shrunk the conflict-affected economies of Latin America by 12 per cent every year through the 1990s.² For example, in 2006, in Burundi, 25 per cent of the total caseload in hospitals was related to firearms injuries. It cost \$163 to treat each victim³ – more than the per capita gross national income (GNI) of \$110,⁴ and many times the per capita expenditure on health care, which was just \$5.⁵ This high cost of armed conflict has fundamentally affected service delivery in conflict-affected situations by hindering access to education and raising the cost of health care. This, in turn, has undermined many governments' efforts to meet the Millennium Development Goals (MDGs) by 2015.

Analysis from the World Bank shows that no fragile state has yet achieved a single Millennium Development Goal and that poverty rates are, on average, more than 20 percentage points higher in countries where violence is protracted than in other countries.⁶ The *World Development Report 2011* specifically finds that 'security, justice, and economic stresses are linked: approaches that try to solve them through military-only, justice-only, or development-only solutions will falter'.⁷ The 'Accra Declaration on Achieving the MDGs in Crisis Settings' further acknowledges that countries affected by violent conflict, armed violence, and fragility will find it extremely difficult to fully achieve the MDGs by 2015.

Armed violence has an undeniable impact on stability, peace, and governance. The destruction of livelihoods or public services can create the conditions in which vulnerable members of society are more likely to support violence,⁸ and fuel the demand for more arms and ammunition. This undermines the rule of law, diminishes human security,⁹ and perpetuates poverty and suffering. Any sustainable solution to armed conflict and

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- 1 D. Hillier (2007) 'Africa's Missing Billions: International Arms Flows and the Cost of Conflict', Oxfam International, Saferworld and the International Action Network on Small Arms (IANSA), p 3, http://www.oxfam.org.uk/resources/policy/conflict_disasters/bp107_africasmisingbillions.html
 - 2 World Health Organization (2005) 'The Global Armed Violence Prevention Programme (AVPP)', Programme document, 2 June, p 3, http://www.who.int/entity/violence_injury_prevention/violence/activities/avpp.pdf
 - 3 C. Buchanan and M. Widmer (2006) 'The skeleton in the closet? Assistance to survivors of armed violence', *Small Arms and Human Security Bulletin*, Issue 7, February–March, Centre for Humanitarian Dialogue.
 - 4 OECD-DAC (2011) 'International Development Statistics (IDS): online databases on aid and other resource flows', <http://www.oecd.org/dataoecd/50/17/5037721.htm>, accessed June 2011.
 - 5 K. Nightingale (2008) 'Shooting Down the MDGs: How Irresponsible Arms Transfers Undermine Development Goals', Oxfam Briefing Paper 120, Oxfam International, p 8.
 - 6 World Bank (2011) *World Development Report 2011: Conflict, Security, and Development*, Washington D.C.: The World Bank, p 29, http://wdr2011.worldbank.org/sites/default/files/pdfs/WDR2011_Full_Text.pdf
 - 7 *Ibid.*, p 28.
 - 8 See, for instance, S.M. Murshed (2008) 'Indicators of Potential Conflict', MICROCON Policy Briefing 1, Brighton: MICROCON (A Micro Level Analysis of Violence Conflict); and P. Justino (2010) 'War and Poverty', MICROCON Research Working Paper 32, Brighton: MICROCON.
 - 9 The UN Commission on Human Security (CHS) defines human security as the protection of 'the vital core of all human lives in ways that enhance human freedoms and fulfilment'. See Commission on Human Security (2003) 'Human Security Now', New York. The Commission further notes that human security means protecting fundamental freedoms. It also means protecting people from critical and pervasive threats and situations; using processes that build on people's strengths and aspirations; and creating political, social, environmental, economic, military and cultural systems that, when combined, give people the building blocks for survival, livelihood and dignity. These concepts are further reinforced by definitions elaborated in the 1994 UNDP Human Development Report; the 2004 Secretary-General's High-level Panel Report on Threats, Challenges and Change; and the 2005 Report of the Secretary-General, *In Larger Freedom: Towards Development, Security and Human Rights For All*.

violence must address both demand and supply of arms, working effectively to address the legitimate security concerns of both the state and its citizens.

Effective arms control initiatives must balance the needs of responsible governments – who ensure that their expenditure on arms does not compromise other key governance and service delivery responsibilities – with the needs of governments who face difficult choices in being responsible, but face persistent insecurity that threatens their prospects for socio-economic development. Arms control efforts must, therefore, develop a nuanced understanding of the interface between legitimate security needs and socio-economic development, so as not to prevent initiatives that could ultimately help states legitimately address the drivers of insecurity that undermine development.

It was precisely these considerations that propelled governments to initiate formal discussions within the UN on the viability and potentiality of a control regime for all conventional arms. Between 2006 and 2009, the discussions gradually became formalised through the Group of Governmental Experts and the Open Ended Working Groups. Resolution 64/48 of 2009 initiated the Preparatory Committee meetings, which were intended to explore all the key elements of the prospective treaty. Finally, after a 10-year process of consultations and discussions, governments will convene at the UN in July 2012 to negotiate the provisions of a global Arms Trade Treaty (ATT).

This paper aims to illustrate the added value of embedding development considerations into the ATT. First, we identify the basis of and justification for embedding development into the ATT framework through a brief exploration of the legal framework established by international law, arguing that these elements should be included in the ‘Principles, goals, and objectives’ of the prospective Treaty. Then, we explore the cyclical nature of the impacts on societies where development is affected by arms transfers, setting out an operative ‘criteria’ for the prospective Treaty. In order to provide guidance to policy makers and practitioners, we then present a methodology for conducting risk assessments on arms transfer applications, which uses non-discriminatory, development-relevant indicators and sources of evidence. Finally, we explore the applicability and implications of existing mechanisms like official development assistance (ODA) and security sector reform (SSR) to close the gap between resource needs and capacity constraints – a gap which is emerging as technical deliberations around implementation mechanisms mature.

‘Preamble, principles, goals and objectives’: development and international law

‘We will not enjoy development without security, we will not enjoy security without development, and we will not enjoy either without respect for human rights. Unless all these causes are advanced, none will succeed.’¹⁰ Kofi Annan, then UN Secretary-General, in his 2005 report, *In Larger Freedom*:

Traditional single-sector approaches are inadequate for preventing armed violence and conflict in our inter-connected world. Development initiatives, aid strategies, or military solutions cannot alone stem the tide of armed violence and conflict – they must be

10 United Nations General Assembly (2005) *In Larger Freedom: Towards Development, Security and Human Rights For All*, Report of the Secretary-General, p 6.

considered in the context of a holistic solution. Therefore, the proposed ATT must include considerations of socio-economic development, human rights, and humanitarian law in order to realise the humane purpose for which the process was initiated.¹¹

The legal basis for including development criteria in the ATT

There is a clear recognition in international law that states must promote and not undermine development, in respect of their own citizens and all peoples affected by their actions.

The **Charter of the United Nations** (1945) is binding on all 193 countries who are members of the organisation. Article 55 of the Charter recognises that in order to create 'conditions of stability and well-being which are necessary for peaceful and friendly relations among nations', member states must aim for 'higher standards of living, full employment, and conditions of economic and social progress and development' by ensuring 'universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion'. The Charter further commits all member states 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' (Article 26).

The **Universal Declaration of Human Rights** (1948) recognises that 'everyone, as a member of society... is entitled to realization... of the economic, social and cultural rights indispensable for his dignity and the free development of his personality' (Article 22). It goes on to state that 'everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control' (Article 25). These articles of the Declaration constitute customary international law and as such are binding on all states.¹²

The **International Covenant on Economic, Social and Cultural Rights** (ICESCR)¹³ and the **UN International Covenant on Civil and Political Rights** (UNCCPR)¹⁴ further set out the fundamental rights and freedoms which must be enjoyed in order for development to flourish. In addition, they require states to take steps, individually and through international assistance and co-operation, with a view to achieving progressively the full realisation of the rights recognised in the Covenant. The UN Convention on the Rights of the Child (1989) explicitly protects children's economic, social and cultural development.

11 The preamble of the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (UNPoA) (2001) explicitly recognises the cyclical and inter-connected nature of small arms transfers, armed violence, poverty, and poor governance (paragraphs 2, 3, and 15). Paragraph 2, for instance, notes that the illicit transfers of small arms and light weapons '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'.

12 H. Hannum (1995) 'The Status of the Universal Declaration of Human Rights in National and International Law', *The Georgia Journal of International and Comparative Law*, 25(1-2): 287.

13 The International Covenant on Economic, Social and Cultural Rights was signed in 1966 and entered into force in 1976. It is legally binding on the 160 countries who are party to it.

14 The International Covenant on Civil and Political Rights was signed in 1966, and entered into force in 1976. It is legally binding on the 167 countries who are party to it.

Many of these rights and freedoms are part of customary international law. These treaties are widely ratified and establish obligations which apply to a state's actions in relation to its own citizens as well as to all those affected by its actions.

The Maastricht Principles on Extra-territorial Obligations of States in the area of Economic, Social and Cultural Rights (the **Maastricht Principles**) interpret the human rights obligations of states beyond their own borders. Because the human rights of individuals and peoples are necessarily impacted substantially in both negative and positive ways by the conduct of states other than their own, they affirm that states are obliged to co-operate and assist other states in realising economic, social and cultural rights of all people. Of particular relevance to the text of a proposed Arms Trade Treaty, the Maastricht Principles confirm that:

- States must desist from acts and omissions that create a real risk of nullifying or impairing the enjoyment of economic, social and cultural rights extraterritorially (Principle 13);
- States must conduct prior assessment, with public participation, of the risks and potential extraterritorial impacts of their laws, policies and practices on the enjoyment of economic, social and cultural rights (Principle 14);
- States must take deliberate, concrete and targeted steps, separately, and jointly through international co-operation, to create an international enabling environment conducive to the universal fulfilment of economic, social and cultural rights, including in matters relating to bilateral and multilateral trade, investment, taxation, finance, environmental protection, and development co-operation. This is specifically stated to apply to the elaboration of multilateral agreements instrumental to confronting poverty and under-development (Principle 29 and advance unedited version of Commentary to the Maastricht Principles, 29 February 2012);
- States, acting separately and jointly, that are in a position to do so, must provide international assistance to contribute to the fulfilment of economic, social and cultural rights in other states (Principle 32).

Many commentators also emphasise an independent 'right to development'. This interpretation is borne out in an increasing number of international instruments. **The African Charter on Human and Peoples' Rights** provides that 'States shall have the duty, individually or collectively, to ensure the exercise of the right to development.' The Charter explicitly recognises that development is key to its object and purpose. Similarly, the **Arab Charter of Human Rights** also recognises the right to development as a 'fundamental human right' and that 'all States are required to establish the development policies and to take the measures needed to guarantee this right'.¹⁵

The **UN General Assembly Declaration on the Right to Development** (1986) reaffirmed that '...the right to development is an inalienable human right and that equality of opportunity for development is a prerogative both of nations and of individuals who make up nations' (Annex Paragraph 16). It also recognises the links between security

15 Article 37. The Charter entered into force in 2008.

and development in Annex Paragraph 11, stating that ‘...international peace and security are essential elements for the realization of the right to development’.

The **Vienna Declaration and Programme of Action**¹⁶ established the United Nations High Commissioner for Human Rights and, further endorsed by General Assembly Resolution 48/121, reaffirms ‘the right to development... as a universal and inalienable right and an integral part of fundamental human rights’. Importantly, it highlights the necessity for states to ‘cooperate with each other in ensuring development and eliminating obstacles to development’.

The international community’s increasing recognition of the right to development, combined with member states’ obligations under the UN Charter, international human rights and humanitarian law, highlight the requirement for states to explicitly assess the development impacts of their actions, and co-operate to eliminate obstacles to development.

International instruments relating to issues which, like the arms trade, are inextricably linked with development have followed this approach by integrating development into the regulatory framework which they establish. The **UN Convention Against Transnational Organized Crime** (UNTOC) (2000) and the **UN Convention Against Corruption** (UNCAC) (2003) oblige states to improve accountable and transparent government spending, tackle corruption, and investigate and prosecute corrupt activities. The UNCAC preamble states that corruption results in ‘undermining the institutions and values of democracy, ethical values and justice and jeopardizing sustainable development and the rule of law’. It outlines implementation measures of the convention through processes of economic development, including ‘through international cooperation, taking into account the negative effects of corruption on society in general, in particular on sustainable development’.

Development is recognised as a primary concern of the international community. Few issues facing the world today have such widespread potential to impact the lives, livelihoods and development of peoples. An Arms Trade Treaty that does not have development as one of its fundamental goals would fall short of its potential.

In particular, a prospective treaty must explicitly recognise – and where appropriate, regulate:

- the impacts of poor/weak international control frameworks on arms transfers, which undermine development and in particular perpetuate armed violence, gender-based violence, corruption, poverty, serious violations of human rights law and international humanitarian law, displacement, and organised crime;
- the symbiotic relationship between arms control, peace and security, and socio-economic development;
- the need for the ATT to be without prejudice to states’ legal obligation to implement their existing human rights obligations under international law;

16 The Vienna Declaration was adopted by consensus by 171 states at the World Conference on Human Rights in 1993.

- UN Charter obligations and responsibilities of states to ensure security, development, and human rights;
- international obligations and assistance mechanisms that provide technical and financial resources for implementation, and help strengthen the capacity of states to meet their responsibilities at a national level.

‘Criteria’ for arms transfers: operationalising development

An ATT with strong criteria on international human rights, humanitarian law and socio-economic development, will enable responsible states to effectively address their security needs - through the transfer of arms - without compromising the needs of their citizens or citizens of other countries. An ATT with strong criteria will help establish the necessary security conditions for economic and social development to flourish, while helping to stem the flow of arms that has prevented such progress in the past.

The recognition and inclusion of socio-economic development considerations into decision-making processes for international arms transfers is already established in a number of global and regional multilateral agreements (*see* Box 1). For instance, the UN Guidelines for Internal Arms Transfers, endorsed by the General Assembly in 1996, state that ‘Economic or commercial considerations should not be the only factors in international arms transfers. Other factors include the maintenance of international peace and security and efforts aimed at easing international tensions, promoting social and economic development, peacefully resolving regional conflicts, preventing arms races and achieving disarmament under effective international control’ (Article 19). Most regional and multilateral arms transfer instruments already include specific commitments by states to consider development when making decisions about international arms transfers. ‘Currently, these instruments cover a total of 100 countries, including nine of the top 11 arms exporters and 14 of the 20 least-developed countries.’¹⁷

17 EU Common Position (binding on 25 countries); OAS Model Legislation on Brokering (binding on 35 countries); ECOWAS Convention (binding on 15 countries); the Nairobi Protocol (binding on 12 countries); and the SADC Firearms and Ammunition Protocol (binding on 16 countries, three of which are also signatory to the Nairobi Protocol). See also K. Nightingale and D. Hillier (2009) ‘Practical Guide: Applying Sustainable Development to Arms-Transfer Decisions’, Oxford: Oxfam International, p 4, <http://www.oxfam.org/en/policy/applying-sustainable-development-arms-transfer-decisions>

Box 1: Commitments to consider development in existing regional and multilateral agreements

The **Wassenaar Arrangement Best Practice Guidelines**¹⁸ for Small Arms and Light Weapons (2002) and the Organization for Security and Co-operation in Europe's (OSCE)¹⁹ **Principles Governing Conventional International Arms Transfers** (1993) and Document on Small Arms and Light Weapons (2000) include identical text requiring participating states to take into account 'the nature and cost of the arms to be transferred in relation to the circumstances of the recipient country, including its legitimate security and defence needs and the objective of the least diversion for armaments of human and economic resources'.

The **ECOWAS (Economic Community of West African States) Convention**²⁰ on small arms and light weapons, their ammunition, and other related materials (2006) states that: 'A transfer shall not be authorised 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'.

The **Best Practice Guidelines for the Implementation of the Nairobi Protocol**²¹ on small arms and light weapons (2004) stipulate that 'States should not authorise the transfer if it is likely to... adversely affect sustainable development through the excessive or unjustifiable diversion of resources from social expenditure to military expenditure'.

The **EU Common Position on Arms Exports**²² (2008) requires states to consider 'the compatibility of the arms exports with the technical and economic capacity of the recipient country, taking into account the desirability that states should achieve their legitimate needs of security and defence with the least diversion for armaments of human and economic resources'.

Source: K. Nightingale and D. Hillier (2009) 'Practical Guide: Applying Sustainable Development to Arms-Transfer Decisions', Oxfam International Technical Briefing, p 4.

18 Participating states in the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies are: Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, Mexico, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom, & United States

19 The Organization for Security and Co-operation in Europe (OSCE) has 56 participating states from Europe, Central Asia and North America: Albania, Austria, Belgium, Canada, Czech Republic, Finland, Germany, Hungary, Italy, Latvia, Luxembourg, Monaco, Norway, Romania, Serbia, Spain, Tajikistan, Turkmenistan, United States, Andorra, Azerbaijan, Bosnia and Herzegovina, Croatia, Denmark, France, Greece, Iceland, Kazakhstan, Liechtenstein, Malta, Montenegro, Poland, Russian Federation, Slovakia, Sweden, the former Yugoslav Republic of Macedonia, Ukraine, Uzbekistan, Armenia, Belarus, Bulgaria, Cyprus, Estonia, Georgia, Holy See, Ireland, Kyrgyzstan, Lithuania, Moldova, Netherlands, Portugal, San Marino, Slovenia, Switzerland, Turkey, United Kingdom.

20 The 15 ECOWAS member states are: Benin, Burkina Faso, Cape Verde, Côte d'Ivoire, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone, and Togo.

21 The signatories to the Nairobi Protocol are: Burundi, the Democratic Republic of Congo, Djibouti, Ethiopia, Eritrea, Kenya, Rwanda, the Seychelles, Sudan, Tanzania, and Uganda.

22 The member states of the European Union are: Austria, Belgium, Bulgaria, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, the Irish Republic, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, and the United Kingdom.

Based on these existing mechanisms, any elaboration of development criteria for the ATT must ensure that state parties would not authorise a transfer of conventional arms if there is a substantial risk that doing so would seriously compromise poverty reduction or efforts to achieve ‘higher standards of living and conditions of economic and social progress and development’,²³ or contravene the UN Charter principle of ‘least diversion to armaments of human and economic resources’.²⁴ In practice, the risks to be assessed would include cases where:

- expenditure on arms increases unserviceable national debt or diverts vital and limited funds away from public services like education and health care;
- expenditure on arms involves or encourages systemic corruption;
- the easy availability of and access to conventional arms and ammunition initiates, prolongs, and aggravates armed violence and conflict;
- arms transfers undermine prospects for peace, and undermine the rule of law and reconciliation efforts in post-conflict environments.

Each of the risks outlined above undermines development in different ways. Given that all national budgets are finite, and that governments must divide their resources between competing priorities, it is crucial to ensure that fiscal stability is maintained when considering defence procurement and expenditure. For example, procurement facilitated by corruption raises the overall cost and, by doing so, finite fiscal resources are used inefficiently. In addition to undermining good governance, this generates further opportunity costs on financing for other human security needs like social development and poverty reduction.²⁵

Risk assessment methodology: undertaking objective, holistic, systematic, case-by-case reviews

Article 51 of the UN Charter recognises individual or collective self-defence within the strict limits of the Charter. But there is no obligation within international law on any state to sell arms, ammunition, and technology to another state or party for any purpose. The prospective Treaty would not seek to change that; it will not oblige arms-producing countries to export their goods and services against their wishes.

Given this context, it is important that risk assessment methodologies have clear and consistent procedures in order to identify potential threats. This is not a new approach; it has been institutionalised in a number of international agreements, arrangements, and obligations such as the Wassenaar Arrangement²⁶, the EU Code of Conduct and the subsequent EU Common Position²⁷, and the ECOWAS Small Arms Convention²⁸. Each

23 UN Charter (1945) Article 55

24 *Ibid.*, Article 26

25 Transparency International UK (2008) ‘Addressing Corruption and Building Integrity in Defence Establishments’, Working Paper No. 2/2007, p 2.

26 “The Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies”

27 “European Union – Council Common Position 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment”

28 “ECOWAS Convention on Small Arms, Light Weapons, their ammunition and other associated material”

of these frameworks provides a threshold whereby arms may not be exported if there is a serious risk that they will be used to perpetrate human rights violations, destabilise regional or international security, or compromise efforts to achieve socio-economic development and poverty reduction. In the case of the prospective Treaty, risk assessment procedures must accept that in a number of states and sub-national areas, the existence of weak or ineffective institutions decreases the ability of the authorities to control how arms are used, and increases the likelihood of their misuse.

A methodology for conducting risk assessments using evidence-based indicators

Any risk assessment methodology should be grounded in data and evidence from established, credible sources, ensuring that the same conclusion is generated regardless of who is conducting the review. To ensure that the assessment process is non-discriminatory, the methodology being presented here (see Table 1) outlines a set of indicators and sources of evidence that rely on internationally recognised facts, statistics, and data from credible sources.

This methodology is also intended to enable non-discriminatory assessments of identifiable – and, where possible, verifiable – risk factors that could negatively impact on the arms transfer. This will help to reduce perceptions of prejudice, particularly if all member states are legally bound to the same set of principles that are derived from international law.

Furthermore, this methodology takes into account the contextual nuances of arms-importing countries, particularly in situations where a state's ability to mitigate threats to security will result in positive developmental gains. For example, in contexts where the prevalence of organised armed crime and armed violence undermines the ability of the state to uphold the rule of law, the governments should not be prevented from addressing legitimate security needs. More often than not, the by-product of dealing with this threat is better development returns, as public confidence in the rule of law is restored and investments in public services and infrastructure begin to pay dividends.

The Treaty must ensure that it addresses the needs of arms exporters as well as importers. This methodology is designed to enable both importing and exporting officials to undertake a comprehensive risk assessment process and to identify potential indicators for risk that the transfer may be procured inappropriately, its contents misused, or potentially diverted. For importers, it will also provide an additional layer of analysis, enabling a nuanced assessment of the compatibility of the weapon/system with the security needs of the state.

With these considerations in mind, Table 1 sets out a range of indicators to help member states make non-discriminatory,²⁹ holistic and systematic assessments, and to identify the potential implications of each arms transfer – in particular, whether it will have a negative impact on the recipient state's socio-economic development.³⁰ The indicators are not

29 To the extent possible, the indicators have been designed to be objective, but it is worth acknowledging that some of the answers may not be objective, as they will likely require some degree of judgement and be based on thresholds that will vary between countries.

30 This methodology is designed to respond to development issues, including the human right to development. As such, it should be used in conjunction with guidance for assessing risk against other prospective criteria to be set out by the ATT (e.g., Human Rights or International Humanitarian Law).

exhaustive, but merely an illustration of the types of methodologies that are available to arms export and import licensing officials. They reflect a number of guidelines, including good practice security sector reform (SSR) assessment frameworks,³¹ and the *Practical Guide: Applying Sustainable Development to Arms-Transfer Decisions*, published by Oxfam International.

Table 1: Methodology for conducting evidence-based risk assessments of proposed arms transfers

Criteria	Indicator	Evidence
<p>1. Expenditure on arms increases unserviceable national debt or diverts vital and limited funds away from public services like education and health care</p>	<p>a. Specifics surrounding the details of the actual transfer itself</p> <p>b. Relevant international and regional obligations and commitments (a) signed and ratified, and (b) incorporated into national laws and policies</p> <p>c. History of practice and adherence to international, regional, and national obligations, commitments and agreements (These indicators must be used on a case-by-case basis to assess each transfer request)</p>	<p>i. What is the total life-cycle cost of the proposed transfer, including any additional interest and debt payments or maintenance costs associated with it? How is the payment being financed?</p> <p>ii. Has the state signed, ratified and incorporated into national laws and policies the relevant conventions, treaties, and/or covenants, e.g., the ICESCR? Does the expenditure limit a state in taking steps to the maximum of its available resources to achieve progressively the full realisation of the socio-economic rights of its people?</p> <p>i. Is there a history of transparent and accountable reporting and/or civilian oversight of military expenditure and arms procurement within the recipient state budget? What (if any) measures have been taken recently to establish this? Do the recipient state's law enforcement and judicial institutions have the capacity to implement existing laws, policies, commitments, and standards on prevention of corruption, curtailing diversion, reducing armed violence, and/or small arms control? What (if any) measures have been taken recently to address these issues?</p> <p>iii. Can the state's institutional capacity absorb the additional requirements of the proposed transfer, or will this transfer add further strains to institutions and infrastructure? (For instance, will the purchase of a weapons system be compatible with the existing platform in the country, or will it require additional elements/capacity to ensure compatibility?) Has the recipient state developed a costed assessment for reform and assistance to address potential capacity constraints in the security sector? (In this context, a 'costed assessment' refers to the process of calculating and accurately projecting the future total cost of a government's policy initiative in a particular sector.) Does this initiative include gender-disaggregated analysis of types of threats and impact of armed violence? (See OECD DAC (2007) <i>Handbook on Security Sector Reform</i>, p 49.)</p> <p>iv.</p>

31 Including: S. Versteegen, L. Van de Goor, and J. de Zeeuw (2005) 'The Stability Assessment Framework: Designing Integrated Responses for Security, Governance and Development', Ministry of Foreign Affairs, The Netherlands; Folke Bernadotte Academy (2010) 'Swedish Contact Group Security Sector Reform Assessment Framework', Stockholm; OECD- DAC (2005) 'Security System Reform and Governance', DAC Guidelines and Reference Series; and S. McFate (2007) 'Securing the Future: A Primer on Security Sector Reform in Conflict Countries', published in 2008 by the United States Peace Institute.

<p>2. Expenditure on arms involves or encourages corruption</p>	<p>a. Specifics surrounding the details of the actual transfer itself</p> <p>b. Relevant international and regional obligations and commitments (a) signed and ratified, and (b) incorporated into national laws and policies</p> <p>c. History of practice and adherence to international, regional, and national obligations, commitments and agreements (These indicators must be used on a case-by-case basis to assess each transfer request)</p>	<p>i. What is the degree of transparency, accountability, and public disclosure of the cost of the proposed transfer in the recipient state's national budgeting processes and commitments? Is there credible evidence to suggest that corruption and/or corrupt practices may have facilitated this transfer? What (if any) measures have been taken recently to address this issue?</p> <p>ii. Has the state signed, ratified and incorporated into national laws and policies the relevant conventions, treaties, and/or covenants, e.g., UNCCPR, ICESCR, UNCAC, UNTOC, etc? Is the transfer in accordance with the recipient and exporting states' obligations in terms of the above instruments?</p> <p>i. Has the recipient or exporting state experienced a persistent pattern of well-founded allegations of corruption in its defence or security sector? What (if any) measures have been taken recently to address this issue? Have there been previous known or suspected cases of arms being diverted from the recipient to another party where there was a risk that the diversion was facilitated by corrupt practices? What (if any) measures have been taken recently to address this issue?</p>
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<p>3. The easy availability of and access to conventional arms and ammunition initiates, prolongs, and aggravates armed violence and conflict</p>	<p>a. Specifics surrounding the details of the actual transfer itself</p> <p>b. Relevant international and regional obligations and commitments (a) signed and ratified, and (b) incorporated into national laws and policies</p> <p>c. History of practice and adherence to international, regional, and national obligations, commitments and agreements (These indicators must be used on a case-by-case basis to assess each transfer request)</p>	<p>i. Is there credible evidence that the transfer of arms will exacerbate existing incidences and lethality of armed conflict and/or armed violence in the country?</p> <p>i. Has the state signed, ratified and incorporated into national laws and policies the relevant conventions, treaties, and/or covenants or endorsed relevant declarations, agreements, resolutions, or summits; e.g., the Geneva Declaration on Armed Violence and Development, the Vienna Declaration and Programme of Action, etc?</p> <p>i. Is the transfer in accordance with the recipient state and exporting state's responsibilities identified in the above instruments, and relevant and recognised peace agreements and/or related peacebuilding strategies?</p> <p>i. Is there credible evidence of a recent history of high or increasing levels of national or regional armed violence, including gender-based violence/armed crime/serious violations of human rights? If so, who are the perpetrators, and what (if any) measures have been taken recently to address this issue?</p> <p>ii. Have there been previous known or suspected cases of arms being diverted or re-transferred from the recipient to another party where there was a risk that the arms would contribute to a high level of armed violence? What (if any) measures have been taken recently to address this issue?</p> <p>iii. To what extent do women participate in decision-making and implementation activities in the security and justice sector?</p>
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<p>4. Arms transfers undermine prospects for peace, and undermine the rule of law and reconciliation efforts in post-conflict environments</p>	<p>a. Specifics surrounding the details of the actual transfer itself</p>	<p>i. Is there credible evidence that the transfer of arms will exacerbate existing incidences, lethality and duration of armed conflict and/or armed violence in the country?</p>
<p>b. Relevant international and regional obligations and commitments (a) signed and ratified, and (b) incorporated into national laws and policies</p>	<p>i. Has the state signed, ratified and incorporated into national laws and policies the relevant conventions, treaties, and/or covenants or endorsed relevant declarations, agreements, resolutions, or summits; e.g., the Geneva Declaration on Armed Violence and Development, the Vienna Declaration and Programme of Action, etc?</p> <p>ii. Is the transfer in accordance with the recipient state and exporting state's responsibilities identified in the above instruments, and relevant and recognised peace agreements and/or related peacebuilding strategies?</p>	<p>i. Have there been previous known or suspected cases of arms being diverted or re-transferred from the recipient to another party where there was a risk that the arms would contribute to a high level of armed violence? What (if any) measures have been taken recently to address this issue?</p> <p>ii. What is the recipient state's track record of combating impunity for serious crimes committed by its security forces? What (if any) measures have been taken recently to address this issue?</p>
<p>c. History of practice and adherence to international, regional, and national obligations, commitments and agreements (These indicators must be used on a case-by-case basis to assess each transfer request)</p>		

By its very nature, assessing the impact of arms transfers on socio-economic development requires nuanced analysis, and it is therefore very difficult to recommend a system whereby hard thresholds apply to all cases without exception. But there are some indicators of risk that are so egregious that credible evidence to substantiate claims of improper practice/conduct should result in a denial of the proposed license to transfer. For example, using this methodology, any credible substantiated evidence to support claims of corruption or corrupt practices must immediately result in a denial of the proposed transfer (see indicators 2.a.ii and 2.c.i.). A lack of accountability and impunity by agents of the state's security sector for violations of human rights and humanitarian law, and international crimes and rape, also have grave consequences for the rule of law, governance, accountability, and transparency. It therefore follows that any credible substantiated evidence to support claims of impunity should also result in denial of the proposed transfer (see indicator 4.c.ii).

Another set of indicators would not automatically result in the denial of the license to transfer, but would require focused dialogue between the importer and exporter, and necessitate some additional assurances. These issues could also be reflected in assistance initiatives between states to strengthen institutional capacity in the security sector. As such, the related indicators would consider:

- the level and incidence of armed crime, armed violence, and organised crime (indicators 3.a.i and 3.c.i)
- the possibilities for diversion of arms and ammunition – and the state's capacity to systematically address this (2.c.ii and 3.c.ii)
- possible impacts on peace processes (4.a.1, 4.c.i, and 4.c.ii).

Some indicators are intended for importers as well – based on the logic that positive and progressive policies and practices would negate certain risks associated with arms transfers. These would include:

- transparency of budgets and strategic defence frameworks, and parliamentary oversight of military expenditure (1.a.i, 1.a.ii, 1.c.i, and 2.a.i)
- ensuring fulfilment of legal obligations on development (1.b.i, 1.b.ii, and 4.b.i)
- the degree to which women are participating in decision-making forums for the security sector (1.c.iv, and 3.c.iii).

Operationally, the architecture to measure and assess these risks already exists in a number of different frameworks. For example, the EU Common Position outlines eight specific criteria for risk assessments, one of which is the 'compatibility of the exports of the military technology or equipment with the technical and economic capacity of the recipient country'.³² The ECOWAS Small Arms Convention states in Article 6 (4c) that 'A transfer shall not be authorised if it is destined to hinder or obstruct sustainable development and unduly divert human and economic resources to armaments of the

32 EU (2008) Council Common Position 2008/944/CFSP of 8 December 2008, defining common rules governing control of exports of military technology and equipment, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:335:0099:0103:EN:PDF>

states involved in the transfer.³³ Other regional agreements like the Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials, and the Nadi Framework, have also attempted to develop a robust regional mechanism that addresses national responsibilities for illicit small arms transfers. In some ways, the ATT process is attempting to amalgamate these frameworks into one comprehensive process. Procedurally, this will necessitate the creation of a national institutional framework able to gather the appropriate data to make a considered and holistic assessment of any proposed transfer.

Take, as an example, the risk of limited or no fiscal accountability and its impacts on the economy and fiscal resource allocation in national budgets. Comprehensive data and analysis from international financial institutions like the World Bank and the International Monetary Fund (IMF) can be used to develop a fiscal and resource allocation picture for most countries, including for example the World Bank's "Country Policy and Institutional Assessment" (CPIA) methodology. Supporting data from sources like the Open Budget Index³⁴ and the Stockholm International Peace Research Institute (SIPRI) military expenditure and arms transfer databases³⁵ can also be included in analyses of resource allocation and military expenditure. Finally, data from the Transparency International Corruption Perceptions Index can be used to help assess the effectiveness of national resource allocation mechanisms. In addition to all this data, it is important to note that the exporting country embassies and/or missions to the recipient country or region may also have additional qualitative and quantitative data that can complement any assessment mechanism.

Putting this methodology for risk assessment of proposed arms transfers into practice requires the use of facts, data, and statistics from a range of established sources, including:

- comprehensive datasets from multinational organisations such as the World Bank, IMF, OECD-DAC, and UN agencies' and Secretary-General's reports and findings of UN Panels of Experts;
- state-party reports for relevant UN conventions and covenants, and the concluding observations adopted by the relevant supervisory organs – UNCCPR, UNCESCR, UNCAC, etc;
- assessments made by the state's own foreign service.

Furthermore, secondary sources of analysis can also be used to complement these datasets, including:

- reports by NGOs and independent research institutions;
- reports by national and international media outlets.

33 ECOWAS (2006) ECOWAS Convention on Small Arms and Light Weapons, Their Ammunition and Other Related Materials, ECOWAS Secretariat, Abuja, pp 14–15.

34 International Budget Partnership, <http://internationalbudget.org/what-we-do/open-budget-survey/>

35 Stockholm International Peace Research Institute (SIPRI), <http://www.sipri.org/collectiondatabases>

‘Implementation and international assistance’: prospects for strengthening institutional capacity

Responsibility for implementation of the proposed Treaty at national level will have an impact on every UN member state, though the extent of this impact will vary substantially. This is primarily because in order to be ‘treaty-compliant’, states will have to establish human and technical capacity and legal and institutional frameworks to ensure that all aspects of the Treaty are addressed appropriately. International assistance will therefore play a critical part in helping countries with weak institutional capacity to comply with their obligations under the Treaty.

A number of these issues have been identified in a recent report by Oxfam and its partners, *National Implementation of the Proposed Arms Trade Treaty: A Practical Guide*. This report suggested that national control systems will need to include ‘three major components: licensing, enforcement, and external outreach to industry and international partners. In addition, for each of these [the control systems] must consider legal requirements, institutions and procedures, training, and proof of implementation.’³⁶ The report elaborates on a number of these issues, but focuses on licensing, enforcement, legal requirements, institutions and procedures, training, and proof of implementation.³⁷

This section will explore states’ implementation obligations and development financing related to security sector reform (SSR). It is intended as a guide for member states to help them identify capacity needs and match these with existing mechanisms that could help them address the major constraints. These issues are not intended to be directly referenced within the Treaty. They do, however, illustrate the considerable overlap between the rationale for SSR processes (accountability, transparency, institutional responsiveness, and operational capacity) and the kinds of implementation obligations member states will be expected to take on as part of the ATT.

Some states have suggested that development considerations will add unnecessary burdens on the ATT. In fact, the opposite is true. By taking advantage of resources earmarked to achieve development outcomes, states have a number of opportunities to strengthen institutional capacity and meet the implementation challenges and benchmarks that the prospective Treaty will set – which will, in turn, strengthen the security sector, and help create the conditions where sustainable development can take root and flourish.

The role of Official Development Assistance (ODA) in helping countries meet ATT requirements

In many countries, this list of issues for treaty compliance will be difficult to achieve given existing institutional, legislative, and resource capacity constraints. Of course, issues like enforcement, legal requirements, institutions, and training are not exclusive to the security/arms control world. Official development assistance (ODA) has been

36 A-C Merrell-Wetterwik, R. Stohl, R. Isbister, and E. Kirkham (2010) *National Implementation of the Proposed Arms Trade Treaty: A Practical Guide*, Oxfam International, the Center for International Trade and Security (CITS), and Saferworld, p 3.

37 *Ibid.*

grappling with similar issues for decades. Areas where there are significant overlaps include strategic planning, budgeting and fiscal planning, institutional responsiveness, accountability, transparency, and civilian oversight mechanisms.

The implications of these constraints are significant. The World Bank has recently noted that countries where government effectiveness, rule of law, and control of corruption are weak have a

30–45 per cent higher risk of civil war, and significantly higher risk of extreme criminal violence.³⁸ Action on corruption and public finance management is therefore a crucial element of ensuring a responsible, efficient and effective security sector.

The level of finances necessary to address these capacity constraints will vary widely between countries. This will put considerable financial strain on some countries, and will require wealthier states to provide appropriate assistance to allow these countries to meet the requirements of the ATT as well as their existing obligations under international law. It therefore makes strategic sense to assess avenues of assistance – both financial and technical – in parallel with the ATT negotiations.

The use of ODA to strengthen institutional capacity in very specific parts of the security sector is now considered by the Development Assistance Committee of the Organisation for Economic Co-operation and Development (OECD-DAC) to be an acceptable area of expenditure for development. Specific activities are identified in Box 2. It must be noted however that the fundamental purpose of ODA is to support development and humanitarian action, and therefore it is vital to be very precise about how ODA should support ATT implementation. This is particularly important because many are justifiably suspicious of a) some donors' pressure to extend the use of ODA too far; and b) some donors skewing some of their ODA according to their security interests.

Box 2: What security sector reform (SSR) activities are eligible for ODA?

- Rehabilitation assistance to demobilised soldiers
- Conversion of production facilities from military to civilian outputs
- Rehabilitation of basic national infrastructure
- Monitoring, training or retraining of civil administrators and police forces in routine policing functions
 - NB: Training in counter-subversion methods, suppression of political dissidence or intelligence-gathering on political activities is not reportable as ODA
- Training in customs and border-control procedures
- Counter-narcotics activities
 - Includes destruction of crops, interdiction of narcotics supplies, support for training of military personnel in anti-narcotics activities
- Training in economic stabilisation policy
- Repatriation and demobilisation of armed factions, disposal of weapons

38 World Bank (2011) *World Development Report 2011: Conflict, Security, and Development*, p 10.

- Explosive mine removal
 - Mine clearance carried out for non-developmental reasons (i.e., for military training) is not eligible
- Prevention of recruitment of child soldiers
- Enhancement of civil society's role in the security system
- Civilian oversight and democratic control of security expenditure.

ODA funds for security-related activities from 2004 to 2008 that qualify as ODA include:

- security system management and reform
- civilian peacebuilding, conflict prevention and conflict resolution
- post-conflict peacebuilding
- landmine clearance
- assistance programmes for child soldiers
- small arms and light weapons control.

Source: OECD-DAC (2005) *Conflict Prevention and Peace Building: What Counts as ODA?*

Though the list in Box 2 is limited, it is nonetheless a strong operational recognition of the link between security and development. It is apparent that investing in institutional capacity – whether the rule of law, anti-corruption, human rights, democratic governance, administration systems, civilian oversight of the security sector, or equality of opportunity for the disadvantaged – is crucial to reduce the risk of violence, and to generate an effective security sector that not only operates according to a nationally agreed strategy but is also responsive to the needs of its citizens.

Three of the 'budget lines' that are deemed acceptable for ODA are directly relevant to the ATT process, as they have major implications for arms control initiatives:

- monitoring, training or retraining civil administrators and police forces in routine policing functions;
- training in customs and border-control procedures;
- civilian oversight and democratic control of security expenditure.

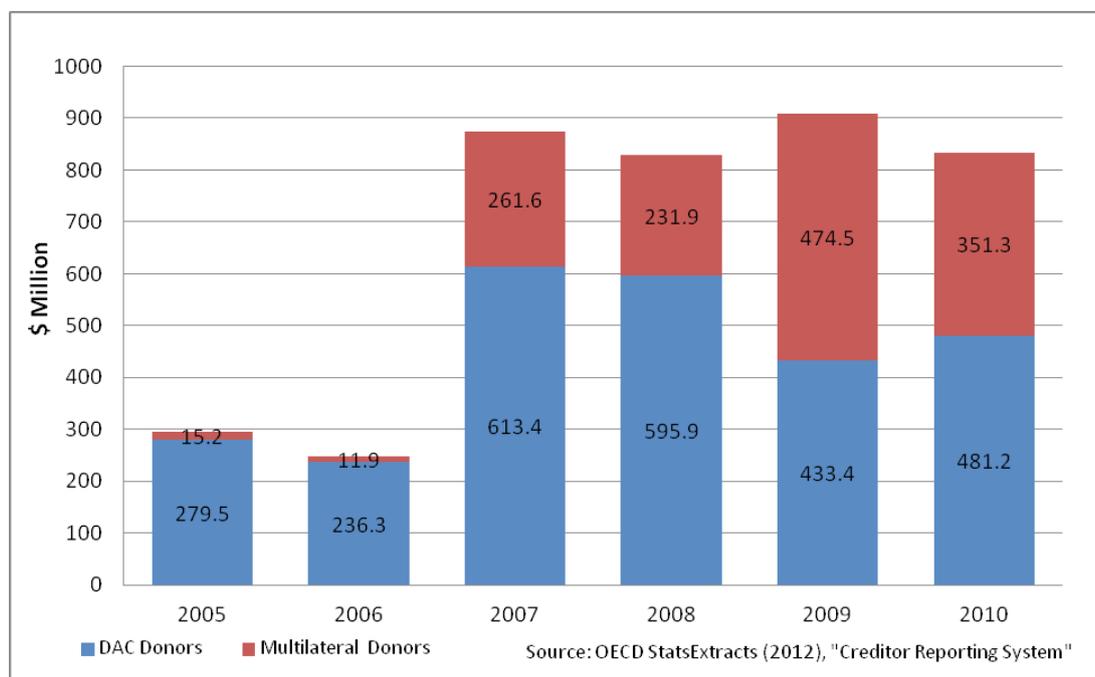
This amounts to a comprehensive recognition by the OECD of the impact of insecurity on development, and is designed to ensure that ODA contributes to the reduction of drivers of conflict.

The statistics show that states are prepared to financially support these priorities. The cumulative expenditure on ODA-eligible security sector activities in 2010 by both DAC donors and multilateral donors amounted to \$832.5m.³⁹ After adjusting for Afghanistan

³⁹ Whereas limited ODA funds being used for security sector activities is acceptable and can have long-term benefits on socio-economic development, this expenditure must not become a priority over other critical sectors like health, education, and agriculture (OECD (2011) StatExtracts, accessed June 2011, <http://stats.oecd.org/index.aspx?DataSetCode=CRS1>)

(\$124.3m in 2010), global ODA-eligible security sector expenditure in 2010 amounted to more than \$708m.⁴⁰ Including Afghanistan, 101 countries received assistance in 2010, with Indonesia, Angola, Sudan, and Haiti each receiving in excess of \$20m.⁴¹

Figure 1: ODA-eligible expenditure on security sector reform (SSR) (2005–10)



This expenditure needs to be put into context, as some have expressed concern about the value-added nature of using ODA to meet the requirements of the ATT. It is argued that linking ODA to the requirements of the ATT will shrink the amount of finances available for core development areas like health and education, and will give donors a greater degree of control over recipient countries. However, Expenditure on security sector reform (SSR) activities (\$832.5m) accounted for less than 1 per cent of the share of total ODA in 2009., an 77 per cent of ODA was allocated to development sectors like health and education.

There are many advantages to mobilising SSR-eligible ODA to help countries implement the Treaty and meet its requirements. ODA-linked financing aims to achieve sustainable long-term SSR goals by strengthening institutions, embedding the rule of law, and enhancing transparency and accountability mechanisms. It also helps to ensure that countries fully own their development and security priorities; ODA must adhere to a set of common principles for aid effectiveness – known as the 2005 Paris Declaration – which, among other things, stipulates that: (a) aid must be delivered to nationally articulated development priorities in recipient states; (b) aid agencies must align their activities behind this nationally articulated plan, and work through national systems where possible; and (c) aid agencies must harmonise their activities to reduce duplication.

It is also worth taking stock of efforts to develop procedures and frameworks to address capacity constraints and challenges in areas that are relevant to the ATT. For example, the World Bank has developed tools like the Medium Term Expenditure Framework (MTEF), which ‘provides the “linking framework” that allows expenditures to be “driven by policy

40 *Ibid.*

41 *Ibid.*

priorities and disciplined by budget realities”⁴² Box 3 (*below*) describes how the MTEF is being used in Ghana to support reform of the military budgeting system. Another example concerns Liberia, where, following the end of the 14-year civil war in 2003, the international community was concerned about mismanagement and corruption under the National Transitional Government of Liberia (NTGL). Corruption was not simply viewed as an economic concern, but a security one, as political and military reactions to the corruption of the Tolbert government were widely seen as having been a trigger for the 1989 coup which sparked Liberia’s first civil war. After intense negotiations, the NTGL and Liberia’s international partners agreed to the Governance and Economic Management Assistance Program (GEMAP). This aimed to improve revenue collection and expenditure management; to upgrade procurement practices; to strengthen transparency over concessions of national resources; to control corruption; and to build government capacity.⁴³

Box 3: Military budgeting reform in Ghana

The government of Ghana began implementing its poverty reduction strategy by setting up the Medium Term Expenditure Framework (MTEF). The MTEF is a three-year rolling plan used to develop strategic/sectoral plans, integrate diverse sources of funds, create a greater degree of civilian/parliamentary oversight, and demand stricter financial control.

The defence sector was brought into the strategic planning framework and the military budgeting process began to replicate the procedures and characteristics of the overall national budgetary process. The MTEF has ensured that military budgeting has become far more closely integrated into the overall public expenditure management system.

The MTEF has also reintroduced oversight by Parliament. As well as encouraging the development of a strategic policy framework, it has encouraged the adoption of a long-term equipment rehabilitation and replacement programme, and strengthened co-ordination of the military budget by central government.

Adapted from: E. Hutchful (2006) ‘Ghana,’ in W. Omitoogun and E. Hutchful (eds.) *Budgeting for the Military Sector in Africa: The Processes and Mechanisms of Control*, Oxford: Oxford University Press, pp 72–99.

Furthermore, the use of ODA funds will enable states to support processes to achieve civilian and parliamentary oversight mechanisms on defence expenditure – thus having strong positive impacts on both development priorities and national implementation of the ATT.

Alternatives to ODA funding

Of course, ODA is not necessarily a panacea for the ATT’s resource requirements, and indeed, ODA is not an appropriate form of assistance for all countries. Therefore, it is important to recognise *in which cases* ODA-linked assistance for measures to address arms controls are applicable. Indeed, if the country in question is a low-income or lower

42 World Bank (1998) *Public Expenditure Management Handbook*, Chapter 3, ‘Linking Policy, Planning, and Budgeting in a Medium Term Framework’, p 32.

43 World Bank (2011) *World Development Report 2011: Conflict, Security, and Development*, p 126.

middle-income country with very weak institutional capacity, then ODA is one of a number of appropriate mechanisms. For countries with stronger institutional capacity, there are more relevant, alternative mechanisms, including international co-operation, and bilateral and technical assistance from regional and multilateral organisations.

It is worth noting that international assistance from the World Bank – and from other donors whose assistance is not considered ODA – is not accounted for in the above data. Institutions like the World Bank and IMF have been increasingly active in the field of security sector reform, particularly in providing assistance to countries implementing poverty reduction strategies. A recent assessment by Nicole Ball on World Bank activity on SSR has found that ‘While the Bank and the Fund are unlikely first choices for providing technical assistance to a member country’s military forces to improve their capacity to manage financial resources accountably, they can work with the civil authorities that manage and oversee the security services to strengthen their capacity for transparency, accountability and oversight. In principle, this could include ministries of defence, as well as ministries of finance and interior, as well as central audit offices and parliaments.’⁴⁴

A number of aid frameworks currently exist to help countries strengthen the institutional capacity of their security sector. They include the following.

- *Bilateral military/security assistance* – security and assistance agreements made between two countries to jointly address shared/perceived problems.
- *Regional security organisations* – technical/operational assistance provided under the auspices of regional co-operation to members of regional (security) organisations, e.g., ECOWAS, etc.
- *Multilateral organisations* – e.g., the World Bank’s State and Peace-Building Fund (SPF) seeks to address state and local governance needs, and peacebuilding in fragile and conflict-affected situations, with a budget of \$100m for 2009–11.⁴⁵
- *Multi-donor/partner pooled funds* – e.g., UNDP Multi-Partner Trust Funds. With a total portfolio of \$5.2bn in 2011, MPTFs implement security, governance, and other capacity-building initiatives based on country priorities.⁴⁶

Conclusion

As this paper has demonstrated, including development principles in all aspects of the prospective Arms Trade Treaty (ATT) will help countries to address security and development concerns in a holistic and integrated manner. This approach is firmly grounded in international law and the responsibilities of member states under the UN Charter.

This paper has argued that development should be embedded into all elements of the Treaty – including nuanced principles, unambiguous and strong criteria, and parallel

44 N. Ball (2007) ‘World Bank/IMF: Financial and Programme Support for SSR’, in D. Law (ed.) *Intergovernmental Organisations and Security Sector Reform*, Geneva: Centre for the Democratic Control of Armed Forces (DCAF), pp 137–56.

45 World Bank (2011) ‘State and Peace-Building Fund’, <http://go.worldbank.org/J13I66CROO>

46 UNDP (2012) UN Multi Partner Trust Fund Office (MPTF), <http://mptf.undp.org/>



processes which identify avenues for development-related assistance to address institutional capacity constraints. The resultant framework will enable countries not only to comprehensively address their security concerns, but also to identify solutions to these concerns that acknowledge the development challenges arising from insecurity. In a sense, therefore, embedding development principles into the ATT makes it more likely that states will be able to effectively balance their international responsibilities and obligations with incentives and assistance frameworks to meet commitments and standards set by the Treaty, taking full account of the object and purpose of the negotiation of the new instrument.

The paper has outlined a methodology for conducting risk assessments using evidence-based indicators to assist member states to make objective, holistic, and systematic assessments of the impact of proposed arms transfers on development and security. This methodology is effectively a synthesis of a number of operational frameworks that are already in place. Taking the risk assessment methodology, and associated development financing mechanisms that are available to member states to help implement national strategies for the ATT into account, it would be difficult to argue that development is, on balance, a particularly burdensome element for the ATT to consider.

Finally, the normative argument – that development and security are intrinsically linked – has been made time and time again. This link is illustrated by the plethora of international agreements, treaties, conventions, covenants and commitments that have linked development, arms control, and, ultimately, security. There can no longer be any doubt about the fundamental relationship between development and security. What remains now is to translate the rhetoric into action. While recognising that this is no easy task, an Arms Trade Treaty with a development rationale at its core will not only have strong positive impacts on arms control processes, it will also make a tangible difference to the lives and livelihoods of millions of people around the world.

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