Progressives, Pariahs and Sceptics: Who's Who in the Arms Trade Treaty?

https://www.e-ir.info/2013/05/29/progressives-pariahs-and-sceptics-whos-who-in-the-arms-trade-treaty/

ANNA STAVRIANAKIS, MAY 29 2013

On 2 April 2013, the majority of the world's states voted in favour of an Arms Trade Treaty (ATT) at the General Assembly of the United Nations. After two failed Diplomatic Conferences, and almost twenty years of diplomacy, negotiation and civil society activism, the vote was hailed by Amnesty International as bringing to life an "historic and life-saving treaty". 155 states voted in favour,[i] vastly outnumbering the 22 states that abstained and the three "deeply cynical countries" that voted against – Iran, North Korea and Syria. On the surface, the ATT is an example of the victory of human security over state security, and the amplification of Sub Saharan African and Latin American voices on the international stage through collaboration with European liberal democracies and other "like-minded states". Together with civil society activists, these actors engineered the success of a treaty with the foot-dragging but ultimately important and necessary support of the USA. While proponents of the treaty worked hard to bring sceptics such as Russia, China and India into the fold, these states – and others – eventually abstained, while Iran, North Korea and Syria had been uncooperative and obstructive from the start, thus causing little surprise in voting against the treaty. In this account, the international relations of the arms trade present a familiar picture: the progressive, benevolent European world working in partnership with conflict- and crime- affected parts of the South, battling the awkward sceptics and troublesome pariahs.

I want to trouble the assumptions around who is progressive, sceptical and a pariah in this account. Paying attention to the claims made against the treaty allows us to understand resistance and opposition to such a seemingly obvious universal public good as the ATT. One of the key dimensions of this is the ongoing resonance of North-South asymmetrical relations. Northern military preponderance, use of force in foreign affairs, and claims of benevolence thus become part of the problem of trying to better regulate the arms trade. In the course of the ATT negotiations, European states, in particular the UK, made a specifically moral argument in favour of the treaty. This was in contrast to the US government, which framed the treaty in terms of power politics and its own high standards. These are the soft and hard faces of European-world dominance in military production and transfers, respectively. In response, three key themes were articulated by states that abstained or voted against the treaty: that it signals the use of law as a cover for political decisions; hypocrisy and double standards by western states; and recognition of asymmetry in the world military order. Overall, I argue that these other, less comfortable "voices of the South" must be taken seriously if we want to understand resistance to arms control and think differently about how to move it forward.

The "progressives"

European states claimed a "special responsibility" to promote the ATT, given their role as major arms exporters. Collectively deploring the "growing threat to humanity" posed by the unregulated arms trade – thus excluding from scrutiny, by definition, the regulated trade that they participate in – the UK, France, Germany and Sweden took a common approach "grounded in the strong humanitarian principles that we share." The UK played a leading role in the treaty negotiations, acting as a co-author of both the original 2006 and final 2013 UN resolutions. British public diplomacy was conducted in specifically moral terms. Foreign Secretary William Hague deplored the "tragedy" of deaths from armed violence, diversion of resources, and undermining of development and stability, framing the problem of the arms trade in emotional, rather than political terms. The British Ambassador and head of delegation to the treaty echoed his claim that "History will not forgive those" who seek to prevent a treaty. Calling specifically on the

US, Russia and China to participate constructively, Hague urged them to "fulfil our moral responsibility to protect the world's most vulnerable."

The US played an important role in the negotiations in its ambivalence. The US government voted against the initial UN resolution in 2006 that mandated the UN Secretary-General to seek states' views on the feasibility of an arms trade treaty, and against the 2008 resolution that established an open-ended working group to consider what issues could generate consensus for a possible future treaty. Under the Obama administration, the US government later changed its position, eventually voting in favour of the 2009 resolution that agreed to convene a UN Conference. The US administration was consistently clear about its policy redlines. For the US government, the ATT will require "no changes to US laws or regulations … and poses no danger to US constitutional rights." Rather, it "levels the playing field and gives American manufacturers a better competitive position in the world" and will encourage "the rest of the world to behave more like we do". The treaty negotiations were significantly oriented towards trying to get the US on board for symbolic reasons, given its role as the world's largest arms exporter. US diplomacy used points of process to make clear its refusal to be governed by multilateralism and to maintain the substance of its arms trade prerogatives. For example, it cited the need for "more time" to examine the draft text in the interests of consensus to pull the plug on negotiations at the end of the last day of the July 2012 conference – with commentators widely agreeing that the US election in November that year was the driving force behind the decision.

In March 2013, Iran, North Korea and Syria themselves opposed consensus on the final draft of the text – at which point the US came on board as a co-author of the final resolution that took the text to a vote, which these three states duly voted against. Having played its own diplomatic game with regard to both content and process of the negotiations, these no-votes allowed the US administration to claim that Iran, North Korea and Syria's action "speaks for itself in terms of their respect for the United Nations". These three states had their own diplomatic and substantive reasons for this, some of which were far from palatable – but their isolation from the international community was in part engineered by the Americans. Their "cynical actions" – in supposed contrast to the self-proclaimed moral ones of the Europeans – were not the only type of negotiating strategy in play. As the US representative put it, "The fact that Iran, North Korea, and Syria voted against it is reason enough to sign." By the end of the negotiating process, there was a convenient fiction that these three states were the main obstacle to consensus, which was nevertheless overcome by the will of the wider international community.

The Other Voice of the South: The "sceptics" and "pariahs"

A key theme of resistance to the ATT is that it is seen as *the use of law as a cover for political decisions.* Former Indian Foreign Secretary Kanwal Sibal put it most bluntly in a news piece after the vote, describing the treaty as giving exporters "the legal cover to make unilateral judgments on the political climate in a certain region and take decisions depending on the state of its relations with individual countries and its larger geopolitical interests." This is the blunter version of the Indian government's diplomatic stance against exporting states being able to take "unilateral *force majeure* measures" against importing states. Similarly, the Chinese government adopted a negotiating position that criteria that are "political, controversial or discriminatory" must be excluded from the treaty, to ensure it would "not be misused for political purposes to interfere with the normal arms trade and internal affairs of any state." Russia's permanent envoy to the UN, Vitaly Churkin, feared that "certain states can interpret the treaty in line with their political purposes." This speaks to a fear that the ATT will be used "to exert diplomatic pressure and for an information war," and as an "instrument of diplomatic or competitive struggle on the arms market," according to Russian analysts. This sentiment expressed by key abstainers was echoed by the no-voters. During the negotiations, Iran was sceptical about states engaging in "imposition of restrictions or application of unilateral coercive measures" against other states, and worried about "politically motivated decisions." Explaining its no-vote, it claimed that the right to import "is subject to the discretionary judgment and extremely subjective assessment of the exporting States" making it "susceptible to politicization, manipulation and discrimination." North Korea, similarly, saw "political conditions such as 'human rights'" meaning that the ATT would serve only the interests of the major exporters and "lead to the loss of its universality in the long run."

A second, related, theme is that southern abstainers and no-voters saw European and US states engaging in*double standards and hypocrisy.* That is, European-world ATT advocacy was couched in a moral language felt to be at odds

with their practice in the international arms trade. For example, the principle of a prohibition on arms transfers intended for war crimes is "unexceptionable", according to former Indian Foreign Secretary Kanwal Sibal. The problem is that the application of such provisions "to specific cases will be highly contested politically." And the general pattern is that "Western countries always argue that their arms transfers contribute to peace and security whereas those by Russia are destabilizing and disruptive." The Indian government concluded that the intention of the proponents of the ATT, who are some of the world's largest arms exporters, was to "politically impede arms transfers by Russia and China" – something a growing military importer and producer like India needs to take note of. For Russia itself, the ATT's formulas "allow for dual interpretations and dual standards." Deputy defense minister Anatoliy Antonov described the human rights and humanitarian slant to the ATT as "a poorly disguised attempt to create a useful instrument against competitors in the area of military and technical cooperation." And in the Chinese case, scholars saw the USA as one of the major obstacles to the ATT and the negotiating process demonstrating that as a common Chinese saying suggests, the reality of geopolitics is far from the good will of publicly proclaimed morality.

A third theme that emerged during the treaty negotiations was the *recognition of asymmetry in the world military order.* This is visible in the subordination of the problem of conventional weapons trade regulation to that of nuclear disarmament by the North Korean government, for example. This emphasis on the broader spectrum of weaponry is complemented by an emphasis on regional dynamics by southern "pariahs". The North Korean government emphasised the "proliferation of conventional weapons towards "hot spots and conflict regions" and "inequalities existing in the conventional weapon production capacity". The Iranian government, similarly, focused on "the excessive accumulation of arms [and] militarization of the regions already suffering from conflicts". This view, from politically marginalized yet significant regional players also includes a desire for the ATT to "strike a balance between the rights, obligations, and interests of arms-exporting and arms-importing countries" – based on "the principle of sovereign equality of all States" – rather than "protecting the rights and interests of merely major arms-producing and exporting countries." Part of the Indian government's resistance, meanwhile, "flows from our failure to develop an adequate indigenous defence manufacturing capability, which has given us the dubious distinction of being the world's largest importer of arms". These claims are problematic in all sorts of ways: the Indian government claims to exercise a pacifist strategic culture, for example, at odds with its military build-up and modernization; the Iranian government has been a key contributor to regional instability in the Middle East; and the North Korean government has acted provocatively in East Asia for the last sixty years. But these are also practices of resistance to historical military and political inequality, domination and marginalisation – and are thus worth taking seriously.

Conclusion

The themes of resistance and opposition to the ATT invite at least two counter-arguments: that they are convenient rhetorical cover for the crimes and complicity of unscrupulous and illiberal states; and that they do not – and should not be seen to – speak on behalf of the South. I make no claim as the ethical character of the positions taken against the ATT: rather, I want to suggest that it is important to acknowledge them and understand them. Like it or not, these claims are being made, and they continue to resonate – which makes them important to analyse. A significant proportion of sceptical claims may indeed be made strategically: the final phase of the treaty negotiations took place in the context of the war in Syria, and widespread international condemnation of Russian arms supplies to the Assad regime, and criticism of Russian and Chinese positions at the UN Security Council. More generally, dispute over the politics of arms transfers to non-state actors was a recurring theme in the negotiations and key point of opposition for all the abstaining and no-voting states. These states have problematic records of human rights violations internally and of transfers of weapons to repressive regimes. Their emphasis on terrorism is partly strategic and self-interested, and they use the right to self-determination and to resist occupation as moral rhetorical cover for this. However, these articulations must not be seen in a vacuum: they must be analysed in the context of international relations, historical asymmetries, and Western double standards. European-world actors have played a significant role in creating the situation to which they now claim merely to be responding. European-world powers have a history of arming non-state actors as proxies, have themselves armed authoritarian regimes, have themselves engaged in the use of force in foreign wars, and are militarily preponderant in terms of weapons and technologies. This is why their moral superiority is not universally accepted. Whilst it is right to be sceptical of the claims made by the abstainers and no-voters, it is important to deploy the same scepticism towards the claims made by the so-called progressives.

It was also clear that the abstainers and no-voters do not speak for the whole of the South. Three states voted against the treaty; 22 abstained; another 155 voted in favour – including the majority of southern states. India largely failed to mobilise the non-aligned states behind its concerns. Of the BRICS, it was Russia, India and China that abstained, while Brazil and South Africa voted in favour. However, Brazil, in particular, voiced concerns about key elements of the treaty relating to development, corruption and technology transfer. Their geographical and political position in Latin America and Sub Saharan Africa, respectively, helps explain their vote in favour, given the predominance of these two regions in promoting the treaty. And more generally, certain themes resonated widely across the South, being repeatedly emphasised in states' statements at the UN, including: self-determination; territorial integrity; self-defence and defence; the right to acquire, transfer and manufacture arms; sovereign equality; the right to resist foreign occupation; nuclear disarmament; non transfer to non-state actors; the gap between importers and exporters; and the fear that the language of the treaty was politicised or open to abuse.

There are clearly multiple voices in the South, and the amplification of concerns around armed violence and organized crime are in line with a key post-Cold War trend towards human security. But these claims have also shown themselves to be compatible with a heavily militarized world order in which political violence remains enduringly centralised and organized, and states and associated para-state actors remain the main agents of battle deaths and war deaths. Opposition and resistance to the ATT does not occur in isolation from southern states' relationships with western states and from the world military order. Human security advocates would do well to take seriously sceptics' concerns in order to understand objections to such a treaty. This could open up avenues for a different politics of arms control, both to remove the leeway for the strategic deployment of anti-western rhetoric, and also to control the arms trade more effectively: a politics that puts the European-world house in order first.

—

Anna Stavrianakis *is Senior Lecturer in International Relations at the University of Sussex. She is the author of* Taking Aim at the Arms Trade. NGOs, Global Civil Society and the Arms Trade (Zed, 2010) *and co-editor of* Militarism and International Relations: Political Economy, Security, Theory (with Jan Selby, Routledge, 2012).

[i] The Angolan delegation accidentally hit the wrong button during voting, which registered it as abstaining; it later changed its vote to a yes vote.

About the author:

Anna Stavrianakis is Senior Lecturer in International Relations at the University of Sussex. She is the author of Taking Aim at the Arms Trade. NGOs, Global Civil Society and the Arms Trade (Zed, 2010) and co-editor of Militarism and International Relations: Political Economy, Security, Theory (with Jan Selby, Routledge, 2012).