

Disarmament - India Needs To Sign The Arms Trade Treaty

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Abstract:

The Arms Trade Treaty (ATT) aims to reduce human suffering; prevent the illicit trade in arms; contribute to international and regional peace, security, and stability; and promote transparency and cooperation among States Parties. It requires States Parties to conduct good-faith assessments of the likely end use of arms transfers and the effects of those transfers in destination countries and obligates States Parties to refuse authorization for certain arms transfers. India is not a signatory to this important treaty and as a victim of cross border terrorism, it is in the interest of India to sign this all important treaty.

Keywords : Arms trade, terrorism, violence, weapons, treaty.

The aim of the Arms Trade Treaty (ATT) is to establish the highest possible common international standards for regulating the international trade in conventional arms, to prevent and eradicate the illicit trade in conventional arms, and to prevent the diversion of such arms. This, in turn, is for the purpose of contributing to regional and international peace, security and stability, reducing human suffering, and promoting cooperation, transparency and responsible action by States Parties (Article 1).

The first conference of states parties to the arms trade treaty took place at Cancun, Mexico, from 24-27 August 2015. Sadly, India, a country aspiring for a permanent seat at the UN Security Council missed out of this conference as it is not a signatory of this important treaty.

However, while international law during the Cold War developed prohibitions on the transfer of chemical, biological and nuclear weapons, no such progress was to be found with respect to conventional arms. Hence, signing this treaty assumes significance.

The Arms Trade Treaty (ATT), regulating the international trade in conventional arms from small arms to battle tanks, combat aircraft and warships, entered into force on 24 December 2014. India had abstained on the resolution.

Chronic human rights abusers Syria, Iran and North Korea became the only three countries voting against the treaty. However, several key powers abstained from voting, including Russia, China and India – taking the gloss off what was otherwise a historic vote¹.

With the signing of the ATT all states parties to the treaty are required to conduct comprehensive risk assessments before authorizing arms exports. The ATT also prohibits states from exporting conventional weapons in violation of arms embargoes, or weapons that would be used for acts of genocide, crimes against humanity, war crimes or terrorism.

Until the adoption of the ATT, states had no obligations with respect to the transfer of arms, giving the perpetrators of human rights violations and actors involved in other illicit activities freedom to purchase and stock arsenals without comprehensive controls, accountability or significant regulatory consequences.

The ATT explicitly demands that states parties put upholding human rights law and International Humanitarian Laws (IHL) at the core of their arms export decisions. Signatories to the treaty are also required to prevent arms transfers from abetting terrorism, organized crime, gender-based violence (GBV) or violence against childrenⁱⁱ. This is beneficial to India as it can keep track of terror organizations and through the UN prevent the supply of arms to these organizations.

The signing of UN treaties has helped India to democratize itself and improve the state of human rights in the country to a vast extent. A couple of examples could illustrate how the country has benefited by becoming a state party to some UN Conventions.

Most notable among them are the Convention on the Rights of the Child (CRC) India ratified the CRC in 1992 and made rapid strides in improving the educational system in the country. It has established Childline centers in all the districts of the country, prohibited corporal punishment in all institutions. Increased the budget allocation towards the realization of Child Rights, new legislations have been formulated to counter sexual exploitation and abuse of children.

The same result could be seen with India signing the **The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**, commonly known as the **United Nations Convention against Torture in 1997**. There is a remarkable reduction of custodial deaths in India apart from the reduction of third degree methods of torture.

The Arms Trade Treaty matters to a broad cross-section of countries. The successful conclusion of the negotiating process on 2 April 2013 was just the first step. The humanitarian and security potential of this Treaty will only be realized when countries at all points in the supply-chain, both major arms producing States and developing countries alike, join and implement the Treaty. India is greatly affected by armed violence and instability which were exacerbated as a result of illicit arms transfers. The country has witnessed the killings of Mahatma Gandhi and Indira Gandhi with the use of small arms.

The country has witnessed infiltration of arms in the states of Punjab, Jammu and Kashmir as well as the North East. India continues to be a victim of cross border terrorism where small arms have created havoc in the lives of many civilians.

Small Arms Survey attributed death, injury, violations of human rights, international humanitarian law, forced displacement and economic collapse, gender based violence as some of the serious issues related to sale, procurement and use of small arms. In 1999, a study carried out by the International Committee of the Red Cross (ICRC) demonstrated that the unregulated availability of weapons was a major contributing factor to civilian suffering during and after armed conflicts and increased civilian casualties.ⁱⁱⁱ

India is the largest importer of arms in the world^{iv} India is likely to spend approximately USD 100 billion for the import of weapons and defence equipment over the next 10 years^v. India has not fought a conventional war since 1971. The IPKF adventure and Kargil were mere operations as a result of misguided policies and lack of vigility in the borders.

India must make up its mind, on whether human security is important or unwanted expenditure on procurement of arms is needed. The huge sums of money and kickbacks can be used in a better way to promote education, provision of drinking water, shelter, poverty elevation programs, health care, social security benefits etc.

Earlier India was the loser in not signing the landmine treaty of 1997. India can give no reason for not signing the landmine treaty as this treaty has reduced casualties from landmines by more than two thirds (2/3), and reduced the trade in landmines to almost zero. India had given flimsy reasons for not signing.

Countries that join the ATT would have to report publicly on sales every year^{vi}. This would be in the interest of ensuring transparency as India has been bogged down by many arms scandals.

So far none of the domestic legislations towards control of illegal weapons have been successful. In fact there is an alarming rise of seizure of illegal arms from across the country. It is to be noted that weapons include all type of such as AK47/56, Pistols, Carbine, Revolvers, Guns, Rifles and country made weapons etc. The number of persons arrested too has seen a rapid increase. This leads to the contention that India needs International help to counter this problem and the ATT is the way out.

Year	2012	2013	2014	2015 (up to January)	Total
Arms	11433	11720	11974	878	36005
Persons Arrested	6684	11936	13201	1052	32873

Data Source: Unstarred Question Number 1375, Ministry of Home Affairs, Answered on 03.03.2015 in the Lok Sabha.

It is high time that India as the world's largest democracy should join democratic forces in leading the world towards a humanitarian way rather than joining countries like Russia and China in opposing such treaties which would go a long way in saving the precious money of tax payers and help the human development.

It is in India's own self interest, we need to sign or ratify this treaty to prevent criminals and terrorist having a field day. The problem of arms smuggling by non state actors can be countered only with International cooperation. The ATT is the best way forward towards ending the menace of availability and use of arms by all and sundry and also help the Indian armed forces to be self reliant by producing weapons locally. India has championed the cause of disarmament around the world. It is time we start practicing it.

To conclude it is good to reflect once again of what Noble laureate Amartya Sen had written in the International Herald Tribune in June 2006: *'My own country, India, has good reason to use whatever influence it has, especially with the growing recognition of its importance in the global world. This is not only because reduction of armed conflicts fits well into the global objectives that were championed by India when it struggled for independence and sought a global voice, but also because India itself suffers a great deal from the illicit movement of arms that feed local insurrections and terrorist acts'*.

ⁱ <http://thediplomat.com/2013/04/un-arms-treaty-a-sore-spot-for-indias-military/>

ⁱⁱ <http://www.chathamhouse.org/publication/arms-trade-treaty-and-human-security-cross-cutting-benefits-accession-and-implementation>

ⁱⁱⁱ Arms Availability and the Situation of Civilians in Armed Conflict, International Committee of the Red Cross, Geneva, June 1999.

^{iv} India became the largest importer of arms during the period 2007-11, surpassing China. According to SIPRI report published in March 2012, India's share accounts for 10 per cent as compared to Chinese share of 5 per cent.

^v http://www.idsa.in/idsacomments/IndiaabstainsandexposestheArmsTradeTreaty_gkanwal_080413.html

http://www.idsa.in/idsacomments/IndiaabstainsandexposestheArmsTradeTreaty_gkanwal_080413.html

^{vi} <http://archive.indianexpress.com/news/un-passes-arms-trade-treaty-india-abstains/1096928/3>