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A SCAN OF EXISTING ARMS CONTROL TREATIES WITH LESSONS LEARNED

by

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The spread of weapons to new environments has been prevented and the proliferation of entire classes of weapons have been controlled, reduced, or eliminated completely through the use of arms control treaties. But while armaments like nuclear weapons have generated the political will to be controlled through a series of treaties small arms have not – until recently - despite the international instability these weapons cause. Small arms are the clear gap in arms control. It is estimated that small arms used in conflict kill more than 350,000 people a year.¹

Lessons can be learned from existing arms limitations agreements to chart a path in addressing the control gap of small arms. These lessons show that limiting the international trade of new small arms and ammunition is the first step in reducing the existing illicit stocks of these destabilizing weapons.

This paper is presented in two parts. The first gives readers a basic outline in chronological order of the various arms control treaties that have been created since the Second World War. What the treaty is, how it came about, and the basics behind the treaty are briefly examined. The paper does not examine proposed arms control measures. The second part of this paper gives a brief examination of small arms. Themes from existing treaties are then presented as a way forward to address the current issue of small arms.

THE ANTARCTIC TREATY

Signed December 1, 1959

Entered into force June 23, 1961

The Antarctic Treaty is the earliest of the post-War arms limitations agreements. Designed to exclude weapons rather than control or eliminate those that have already been introduced, the Antarctic Treaty has proved itself to be an extremely successful arms control agreement. The Treaty internationalized and prevented the militarization of Antarctica, and provides for its continued exploration with the commitment that the continent should not become a source of international discord. The Antarctic Treaty has served as a model for later arms limitation agreements such as the banning of nuclear weapons in space and on the seabed, and the various nuclear weapons-free zones.

Science has been the driving force behind the exploration of Antarctica. A history of cooperation between international scientific organizations in Antarctica culminated in the International Geophysical Year (IGY) 1957-58, a massive multinational research project to study the globe and its cosmic environment. The success of IGY was instrumental in leading the twelve states then active on the continent to agree that their differences should not impede Antarctic research. An international conference was held resulting in the Antarctic Treaty.

¹ Government of Canada, "Non-Proliferation, Arms Control and Disarmament."
<http://www.canadainternational.gc.ca>. Accessed May 6, 2011.

The Treaty stipulates that Antarctic can be used for peaceful purposes only. Parties to the Treaty must notify the rest of planned activities in advance. Observers can be designated to inspect any party, facility, ship, or piece of equipment in Antarctic to verify compliance with the Treaty with complete freedom of access. All inspections have found all parties in Treaty compliance. Lastly, there is a dispute settlement procedure and a mechanism in place by which the Treaty can be modified. Fifty years of successful international cooperation based around the Treaty and a growing membership has led to a supplementary series of component agreements now collectively known as the Antarctic Treaty System.²

TREATY BANNING NUCLEAR WEAPON TESTS IN THE ATMOSPHERE, IN OUTER SPACE AND UNDER WATER (THE LIMITED TEST BAN TREATY)

Signed August 5, 1963

Entered into force October 10, 1963

Also known simply as The Limited Test Ban Treaty, it is the basis for the nuclear non-proliferation regime. The Treaty prohibits any nuclear explosions in the atmosphere, under water, or in outer space. The Limited Test Ban Treaty does permit underground nuclear testing so long as the explosion does not cause radioactive contamination outside the boundaries of the state conducting the test.

Growing scientific and public awareness about the adverse environmental and health effects of radioactive fallout lead nuclear-armed states to begin efforts to negotiate an end to nuclear tests by the mid-1950s. Negotiations dragged on for years as Western nuclear powers sought to establish a system of on-site controls to guarantee against clandestine underground nuclear testing. The Soviet Union, fearful that on-site inspections could expose that their nuclear deterrent was far weaker than they publically claimed, resisted on-site inspections. The Cuban Missile Crisis of October 1962 broke this deadlock as both superpowers sought ways to reduce tensions between them. Subsequently, a ban on underground nuclear testing was dropped from negotiations and an agreement was reached.

The Treaty has no verification mechanism in place as both superpowers at the time of the Treaty signing felt confident that they could independently verify compliance. The Treaty is open to all states and is of unlimited duration. Any party to the Treaty may propose amendments to the Treaty. If a proposed amendment is supported by one-third of the parties, Depository

² British Antarctic Survey, "The Antarctic Treaty Explained."

http://www.antarctica.ac.uk/about_antarctica/geopolitical/treaty/explained.php. Accessed May 4, 2011; U.S. Department of State, Bureau of International Security and Non-proliferation. "Antarctic Treaty."

<http://www.state.gov/t/isn/4700.htm>. Accessed May 4, 2011; Federation of American Scientists, Weapons of Mass Destruction, "Antarctic Treaty." <http://www.fas.org/nuke/control/antarctic/intro.htm>. Accessed May 3, 2011.

Governments are to convene a conference to consider the amendment. The Limited Test Ban Treaty is the most widely adhered to arms control treaty in history.³

THE TREATY ON PRINCIPLES GOVERNING THE ACTIVITIES OF STATES IN THE EXPLORATION AND USE OF OUTER SPACE, INCLUDING THE MOON AND OTHER CELESTIAL BODIES (OUTER SPACE TREATY)

Signed January 27, 1967

Entered into force October 10, 1967

The Outer Space Treaty, like the Antarctica Treaty before it, sought to exclude weapons from entering a new environment rather than control or eliminate them after they had been introduced. The Treaty prohibits stationing weapons of mass destruction in Earth's orbit, outer space, on the moon, or any other celestial body. The Outer Space Treaty also preserves the moon and other celestial bodies for peaceful purposes only, forbidding any sort of fortification, military installation, military manoeuvres, or weapons testing of any kind.

The efforts for international regulation of space activities were conducted within the framework of the United Nations from the beginning. These efforts were initially stalled by a Soviet desire to link space with wider disarmament issues and an American desire for verification systems. This impasse was overcome both by the signing of the Limited Test Ban Treaty, as the superpowers sought to sustain momentum for further arms control measures, and technological progress which made both states confident of independent verification.

The Outer Space Treaty was never intended as a comprehensive treaty that would address all space eventualities. Most of the definitions are vague, preventing precise interpretation of the Treaty. The Outer Space Treaty also lacks provisions for verification and provisions to regulate the settlements of any eventual disputes. However the Treaty is the basis for other later UN space agreements and has been respected in practice by states and international organizations.⁴

³ Nuclear Threat Initiative, Issue Brief, "Comprehensive Test Ban Treaty." http://www.nti.org/e_research/e3_9a.html. Accessed May 4, 2011; U.S. Department of State. "Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies." <http://www.state.gov/www/global/arms/treaties/lbtbt1.html>; <http://www.jfklibrary.org/JFK/JFK-in-History/Nuclear-Test-Ban-Treaty.aspx>.

⁴ United Nations Office for Space Affairs, "Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies." <http://www.oosa.unvienna.org/oosa/SpaceLaw/outerspt.html>; Vladimir Kopal, Audiovisual Library of International Law, "Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies." <http://untreaty.un.org/cod/avl/ha/tos/tos.html>; U.S. Department of State, "Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies." <http://www.state.gov/global/arms/treaties/space1.html>. Accessed May 4, 2011.

TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS (NPT)

Signed July 1, 1968

Entered into force March 5, 1970

The NPT is designed to prevent the spread of nuclear weapons and weapon technologies with the ultimate goal of disarmament whilst promoting the peaceful use of nuclear energy. The Treaty puts in place a safeguards system run by the International Atomic Energy Association (IAEA) to monitor Treaty compliance and to play a role in transferring nuclear technology between parties for peaceful purposes.

Efforts to stop the spread of nuclear weapons began as early as 1945. As Nuclear Weapon States (NWS) grew in number it became apparent to all that the risks of nuclear war grew with them. By the 1960s, earlier arms control agreements and increasing pressure by Non-Nuclear Weapon States provided new impetus for a non-proliferation agreement but negotiations became deadlocked over existing collective defence arrangements. A compromise was reached allowing the West to preserve existing NATO nuclear weapons arrangements and the Soviet Union to block any future such NATO agreements. The rejection of nuclear weapons by NNWS was coupled with the objective of NWS eventually eliminating them.

The Treaty divides parties into NWS and NNWS. NWS are prohibited from sharing weapons technology with NNWS and NNWS are prohibited from developing nuclear weapons. NNWS are required to submit to IAEA monitoring to ensure nuclear materials are not being diverted for weapons development. NWS are allowed to station nuclear weapons in a NNWS. A review conference is held every five years but the Treaty amendment process is complex and lengthy, blocking any changes without a clear consensus. With 189 signatories, the NPT is the most widely accepted arms control agreement. Only India, Israel, and Pakistan are not signatories to the Treaty. North Korea violated the Treaty and withdrew in 2003.⁵

⁵ International Atomic Energy Association, International Conventions & Agreements, "Treaty on the Non-Proliferation of Nuclear Weapons (NPT)" <http://www.iaea.org/Publications/Documents/Treaties/npt.html>. Accessed May 5, 2011; Nuclear Threat Initiative, Learn More, "MCIS CNS NPT Briefing Book." http://www.nti.org/h_learnmore/pdfs/npt_briefingbook07_part2andON.pdf. Accessed May 5, 2011. Federation of American Scientists, "Treaty on the Non-Proliferation of Nuclear Weapons (NPT)." <http://www.fas.org/nuke/npt/index.html>. Accessed May 3, 2011; Arms Control Association, "The Nuclear Non-Proliferation Treaty (NPT) at a Glance." <http://www.armscontrol.org/factsheets/nptfact>. Accessed May 4, 2011; U.S. Department of State, "Treaty on the Non-Proliferation of Nuclear Weapons." <http://www.state.gov/www/global/arms/treaties/npt1.html>. Accessed May 4, 2011.

TREATY ON THE PROHIBITION OF THE EMPLACEMENT OF NUCLEAR WEAPONS AND OTHER WEAPONS OF MASS DESTRUCTION ON THE SEABED AND THE OCEAN FLOOR AND IN THE SUBSOIL THEREOF (SEABED ARMS CONTROL TREATY)

Signed February 11, 1971

Entered into force May 18, 1972

Like the Antarctica Treaty and the Outer Space Treaty, the Seabed Treaty was designed to prevent the weaponization of a new environment. The Seabed Treaty prohibits stationing or embedding weapons of mass destruction on the seabed beyond a state's 12 mile territorial waters.

Technological advances during the 1960s opened up huge swaths of ocean floor to exploration and potential resource extraction. The international community became fearful that states might be tempted to use these new technologies to establish new military installations. While the Soviet Union wanted to completely demilitarize the seabed beyond the 12 mile limit, the United States resisted. First, the United States did not want to sacrifice its submarine listening systems and secondly, it felt that verification of complete demilitarization would be impossible. The United States reasoned that installations large enough to contain weapons of mass destruction would be large enough to properly detect and verify. After a series of revisions, the American position was essentially adopted for the Treaty.

The Treaty allows all parties to observe all seabed activity beyond the 12-mile territorial limit to confirm compliance. States that lack the capacity to conduct observations may call for assistance from other parties. The 12-mile limit of the Treaty in no way prejudices the claims of any party regarding law-of-sea-issues. By Treaty, a review conference was to be held every five years but was discontinued in 1992 due to lack of need.⁶

STRATEGIC ARMS LIMITATION TALKS I (SALT I)

Held November 1969 to May 1972

SALT I was the first in a series of talks between the United States and Soviet Union to curb the strategic arms race between them. SALT I resulted in two agreements: The Anti-Ballistic Missile (ABM) Treaty (now defunct) and the Interim Agreement which froze the number of strategic ballistic missile launchers.

The signing of the Non-Proliferation Treaty provided the starting point for superpower negotiations to limit their own strategic weapons. Negotiations to put in place comprehensive equivalent weapons limits proved difficult as both sides had adopted different approaches to strategic weapons and had different international commitments to their various allies. An

⁶ U.S. Department of State, "Seabed Arms Control Treaty."
<http://www.state.gov/www/global/arms/treaties/seabed1.html>. Accessed May 4, 2011.

impasse developed causing negotiations to shift to ABM systems and temporarily limiting certain major aspects of offensive strategic systems via an Interim Agreement.

The ABM Treaty placed a limit of one missile site per superpower to guard against strategic missiles. The Interim Agreement placed ceilings on the total number of strategic ballistic missile launchers each side could deploy for a period of five years. The Agreement essentially allowed both sides to build to their agreed limits and then modernize their strategic missiles so long as it did not require converting their existing launchers to do so. Newer Submarine Launched Ballistic Missiles (SLBMs) could be built if older missile launchers were dismantled. Verification was to be obtained by 'national technical means,' such as photo-reconnaissance. Mobile truck mounted ICBMs were not covered by the Agreement.⁷

THE CONVENTION ON THE PROHIBITION OF THE DEVELOPMENT, PRODUCTION AND STOCKPILING OF BACTERIOLOGICAL (BIOLOGICAL) AND TOXIN WEAPONS AND ON THEIR DESTRUCTION (BIOLOGICAL WEAPONS CONVENTION)

Signed April 10, 1972

Entered into force March 26, 1975

The Biological Weapons Convention (BWC) seeks to ban biological weapons by prohibiting their development, production, stockpiling, as well as creation of their delivery systems. While the prohibition of 'use' of biological weapons is not explicit in the BWC, doing so is considered a violation of the Convention. The BWC is the first multilateral agreement to ban an entire class of weapons.

Britain presented a draft convention to the Eighteen Nation Disarmament Conference (ENDC) in 1969 with the aim to ban biological warfare. The draft was opposed by the Soviet Union as the British proposal had focused solely on biological weapons – and not chemical and biological weapons as per the Geneva Conventions. The Soviet Union felt tackling only biological weapons might accelerate the chemical arms race. However President Nixon unilaterally renounced American biological weapons on November 25, 1969, and began to build support for a new multilateral treaty. Soon after The Soviet Union reversed its position and submitted a joint draft text with the United States to the United Nations General Assembly on August 5, 1971.

Designed to supplement the 1925 Geneva Protocol, the BWC essentially prohibits states from developing toxins, bacteria, viruses or any other infectious diseases for anything either than peaceful purposes and delivery systems for said weapons. Parties to the Convention are

⁷ Federation of American Scientists, "Strategic Arms Limitation Talks (SALT I) Provisions." <http://www.fas.org/nuke/control/salt1/index.html>. Accessed May 5, 2011; Federation of American Scientists, "Strategic Arms Limitation Talks (SALT I)." <http://www.fas.org/nuke/control/salt1/intro.htm>; U.S. Department of State, "Strategic Arms Limitation Talks (SALT I)." <http://www.state.gov/www/global/arms/treaties/salt1.html>. Accessed May 4, 2011.

mandated to contribute annual Confidence Building Measures (CBMs). Originally rather a short Convention, over the years the BWC has been augmented by a series of Review Conferences mandated to be held roughly every five years. Successive Review Conferences have focused on enhancing CBMs and the creation of the Implementation Support Unit, a permanent Secretariat for the BWC in 2006. CBMs include regular data exchanges, and declaration of past biological activities and vaccine support facilities. The BWC currently has the membership of 163 states.⁸

STRATEGIC ARMS LIMITATION TALKS II (SALT II)

Held November 1972 to June 1979

SALT II sought to overcome the negotiation hurdles of SALT I and replace the Interim Agreement with a comprehensive Treaty to place specific limits on all categories of strategic offensive weapons.

SALT II negotiations began in accordance with Article VII of the Interim Agreement. The widely divergent positions of both superpowers, which had stymied a comprehensive Treaty from SALT I, again deadlocked negotiations. Two years later a meeting between President Ford and General Secretary Brezhnev at Vladivostok broke the deadlock by agreeing to a basic frame work for SALT II. SALT II two never entered into force as the U.S. Senate did not ratify the Treaty in response to the Soviet invasion of Afghanistan. Both sides pledged to comply with the Treaty until the United States withdrew in 1986, accusing the Soviets of violating their pledge.

SALT II placed a hard limit ceiling of 2,400 strategic nuclear delivery vehicles (missiles, bombers, submarines etc.) to be lowered to 2,250 by the end of 1981. SALT II also placed a limit on the amount of launchers to be equipped with Multiple Independent Re-Entry Vehicles (MIRVs). Limits were placed on the number of warheads certain systems could deliver. Provisions also existed to ban the development of certain new types of strategic nuclear delivery vehicles. Verification was to be obtained by national technical means (NTM) with both sides agreeing to not interfere with each other's means of verification. SALT II was to last through 1985. The last element of SALT II was to schedule further SALT III negotiations.⁹

⁸ Foreign Affairs and International Trade Canada, "Biological Weapons." http://www.international.gc.ca/arms/armes/non_nuclear-non_nucleaire/biologcal-biologique.aspx. Accessed May 30, 2011; Nuclear Threat Initiative: Issue Brief, "The Biological Weapons Convention." http://www.nti.org/e_research/e3_28a.html. Accessed May 30, 2011; United Nations in the Heart of Europe, "The Biological Weapons Convention." <http://www.unorg.ch>. Accessed May 30, 2011.

⁹ Office of the Deputy Assistant to the Secretary of Defence for Nuclear Matters, "International Treaties and Agreements." <http://www.acq.osd.mil/ncbdp/nm/international.html>. Accessed May 3, 2011; Federation of American Scientists, "Strategic Arms Limitation Talks (SALT II)." <http://www.fas.org/nuke/control/salt2/index.html>. Accessed May 11, 2011; U.S. Department of State, "Treaty between the United States of America and the Union of Soviet Socialist Republics on the Limitations of Strategic Offensive Arms." <http://www.state.gov/www/global/arms/treaties/salt2-1.html>. Accessed May 11, 2011.

THE CONVENTION ON CERTAIN CONVENTIONAL WEAPONS (CCW)

Signed April 10, 1981

Entered into force December 2, 1983

The CCW seeks to ban or restrict the use of specific types of weapons that are thought to cause inhumane injuries and suffering to troops or that affect civilians indiscriminately. When it first entered into force, the Convention was an umbrella for three Protocols, but two more have since been added. The Convention now prohibits i) the use of any weapon that injures with fragments undetectable to X-ray and ii) the use of lasers specifically designed to cause blindness to unenhanced vision and regulates the use of iii) incendiary weapons primarily designed to set fire and burn iv) landmines and Booby-traps and lastly, v) address the explosive remnants of war.

The Vietnam War generated the international political pressure needed to pursue the first new conventional arms control treaty since the 1920s. The Diplomatic Conference (CDDH) was convened which created an ad hoc committee to study conventional weapons during the 1970s. By 1980, the UN adopted the committee's proposals as the CCW. A requested Review Conference in 1993 resulted in the addition of Protocol IV in 1995 to prevent the use of lasers designed to blind. International pressure to address landmines also resulted in Protocol II on landmines and Booby-traps to be significantly strengthened in 1995. Originally designed to apply to interstate conflicts, in 2001 the CCW was amended to apply to intrastate conflict as well. A Meeting of States Parties to the Convention in November of 2003 added the Protocol on the Explosive Remnants of War to the CCW, the first multilateral instrument to deal with unexploded and abandoned ordnance after combat ends.

International disagreements prevented anything comprehensive on conventional arms controls from being developed so it was decided early on create the CCW to serve as a structure or 'umbrella' for future protocols that controlled specific weapon types. The Convention lacks a verification and compliance mechanism. The CCW also operates by consensus, meaning even one state can block the implementation of new protocols. While the CCW has not been able to attract the large membership of subsequent conventional arms treaties (there are now 103 state parties to the Convention), it does include in its membership the world's 'militarily significant' states.¹⁰

¹⁰ Arms Control Association, "Convention on Certain Conventional Weapons (CCW) At a Glance." <http://www.armscontrol.org/factsheets/CCW>. Accessed May 4, 2011; Federation of American Scientists, "Convention on Conventional Weapons (CCW)." <http://www.fas.org/nuke/control/cc/index.html>. Accessed May 3, 2011; International Red Cross, "The 1980 Convention on Certain Conventional Weapons: A useful framework despite early disappointments." December 2001, Vol. 83 No.844 p.991-1010; The United Nations in the Heart of Europe, Disarmament, "The Convention on Certain Conventional Weapons." <http://www.unog.ch>. Accessed May 4, 2011; United Nations, "Convention on Certain Convention Weapons." <http://www.un.org/millennium/law/xxvi-18-19.html>. Accessed May 4, 2011.

THE TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE UNION OF SOVIET SOCIALIST REPUBLICS ON THE ELIMINATION OF THEIR INTERMEDIATE-RANGE AND SHORTER-RANGE MISSILES

Signed May 12, 1988

Entered into force June 1, 1988

The Intermediate-Range Nuclear Forces (INF) Treaty completely eliminated all nuclear-armed ground-launched ballistic and cruise missiles with ranges between 500 and 5,500 kilometers.

In January 1985, the superpowers agreed to create a bilateral forum called the Nuclear and Space Talks (NST), one component of which was to focus on Intermediate Nuclear Forces in parallel with a separate talk on space and another on strategic arms (START). A series of proposals to reduce INF and short-range forces and high-level meetings culminated in General Secretary Gorbachev agreeing to a “double global zero” treaty proposed by President Reagan to eliminate both classes of missile completely. While not part of the INF, German Chancellor Kohl unilaterally declared Germany would dismantle its short-range missiles if an agreement was reached, shortly after which one was. Due to technical issues, and American concerns regarding verification, the Treaty was quickly supported by three exchanges of diplomatic notes and an agreed minute which are treated as part of the Treaty.

The INF Treaty was the most comprehensive nuclear arms control treaty of its time. The Treaty accomplished the destruction of these weapons and their support systems through a series of stringent on-site verification methods. These methods included:

1) Baseline Inspections of each other’s existing facilities.

2) Closeout Inspections to verify the complete elimination of all INF related activities.

3) Elimination Inspections at sites to verify that INF equipment and infrastructure had been destroyed in accordance with specific methods laid down in the Treaty.

4) Short-notice Inspections. The Treaty allowed a yearly quota of last minute inspections by both sides of each other’s INF related sites.

5) Continuous Portal Monitoring Inspections (a verification method originating with the INF Treaty of checking vehicles leaving the facility) of the former ballistic missile assembly plants to confirm cessation of production from 30 days after the Treaty entering into force until May 31, 2001.

The complete elimination of all 2,692 INF and short-range missiles was completed within three years of the Treaty coming into force.¹¹

¹¹ U.S. Department of State, “Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles.” <http://www.state.gov/www/global/arms/treaties/inf1.html>. Accessed May 4, 2011; Federation of American Scientist, “Intermediate-Range Nuclear Forces (INF).” <http://www.fas.org/nuke/control/inf/index.html>. Accessed May 3, 2011.

TREATY ON CONVENTIONAL ARMED FORCES IN EUROPE (CFE)

Signed November 19, 1990

Entered into force July 17, 1992

Suspended July 14, 2007

The CFE was originally designed to establish a balance between the conventional military forces of NATO and the Warsaw Pact to prevent a first strike by either side. This was done by setting ceilings for specific types of major weapons systems in specific geographic areas across Europe. The CFE was later adapted for post-Cold War Europe.

A proposal by General Secretary Gorbachev to reduce ground and air forces led to informal talks beginning in February of 1987. Draft mandates were strengthened by the signing of the INF Treaty and Gorbachev's unilateral withdrawal of 50,000 troops from Eastern Europe. Formal negotiations began on March 9, 1989 in Vienna with President Bush offering an overall troop ceiling of 275,000 for negotiators to work out. Talks were accelerated in response to the collapsing of Soviet control of Eastern Europe and the CFE was signed by then 30, not 22 states. The CFE was supplemented by various non-binding support agreements. Years later, displeased by NATO demands, U.S. ballistic missile defence plans, and the Baltic States and Slovenia not being party to the CFE, President Putin "suspended" the Treaty, explaining that Russia would no longer participate in treaty limits, notifications, or inspections.

At its most basic, the CFE limits NATO and the former Warsaw Pact states to 20,000 tanks, 20,000 artillery pieces, 30,000 armoured combat vehicles (ACVs), 6,800 combat aircraft, and 2,000 attack helicopters. The CFE reduces this total by dividing it into active units and equipment destined for storage. These limits are further subdivided by a series of geographic areas. Also no one country is allowed to field more than one-third the total of all states in Europe. All sea-based naval forces are excluded from the Treaty. Verification was enforced by regular reporting of positioned equipment checked against on-site inspections. Before its suspension, the CFE removed some 52,000 pieces of major military hardware from Europe and conducted some 6,000 inspections.¹²

¹² Arms Control Association, "The Conventional Armed Forces in Europe (CFE) Treaty and the Adapted CFE Treaty at a Glance." <http://www.armscontrol.org/factsheet/cfe>. Accessed May 4, 2011; Federation of American Scientists, "Treaty on Conventional Forces in Europe (CFE)." <http://www.fas.org/nuke/control/cfe/index.html>. Accessed May 4, 2011.

STRATEGIC ARMS REDUCTION TREATY (START I)

Signed July 31, 1991

Entered into force Dec 5, 1994

Expired Dec 5, 2009

START I reduced the superpowers to 1,600 strategic nuclear delivery vehicles (missiles and bombers), and total of 6,000 deployed warheads each.

START talks began in 1982. Negotiations proved difficult, leading to President Reagan and General Secretary Gorbachev to placing specific weapon limitations for the Treaty to enforce. Drafts of the Treaty were exchanged in 1987 and an agreement was ready by 1991. With the breakup of the Soviet Union the Treaty was 'multilateralized' via the Lisbon Protocol, leading to the complete nuclear disarmament of the successor states.

START I is a complex agreement with very specific definitions, rules, procedures, and verification methods for the parties to follow. An elaborate system was put in place to 'count' existing weapons, cap the level of warheads per specific delivery system, and govern the reduction or 'down-loading' of warheads per type missile. The development of new strategic weapons was restricted. By limiting the number of delivery systems, START I therefore limited the number of deployed warheads. START I relied on NTM verification methods supplemented by data exchanges and twelve on-site inspection methods to ensure Treaty compliance. On Dec 5, 2001, the United States and Russia successfully reached START I restrictions for deployed warheads.¹³

CONVENTION ON THE PROHIBITION OF THE DEVELOPMENT, PRODUCTION, STOCKPILING AND USE OF CHEMICAL WEAPONS AND ON THEIR DESTRUCTION (CHEMICAL WEAPONS CONVENTION)

Signed January 13, 1993

Entered into force April 29, 1997

The Chemical Weapons Convention (CWC) seeks to completely eliminate chemical weapons, banning their development, production, retention, stockpiling, transfer and use.

Talks on banning chemical weapons began in 1980 at the United Nations Conference on Disarmament with the creation of an Ad Hoc Working group on Chemical Weapons. In April of 1984, Vice President Bush presented a draft treaty to the Working group on the banning of

¹³ Arms Control Association, "START I at a Glance." <http://www.armscontrol.org/factsheets/start1>. Accessed, May 4, 2011; Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics, "Strategic Arms Reduction Treaty (START I): Executive Summary." <http://www.dod.gov/acq/acic/treaties/start1/execsum.htm>. Accessed May 4, 2011; Federation of American Scientist, "Strategic Arms Reduction Treaty (START I)." <http://www.fas.org/nuke/control.start1/index.html>. Accessed, May 3, 2011.

chemical weapons, including provisions for on-site verification inspections. While rejected by the Soviet Union, the draft became the basis for future disarmament discussions. In June of 1990, the Soviet Union and the United States reach a bilateral agreement on eliminating chemical weapons. Successive drafts on a multilateral ban were introduced in short-order, with Ad Hoc Committee Chairmen von Wagner of Germany putting forth a final revised draft in August of 1992 leading to 130 states signing the CWC at the start of 1993.

The CWC is run by the Organization for the Prohibition of Chemical Weapons (OPCW), headquartered in The Hague, which verifies Party declarations of chemical weapons and/or chemical industry activities. The CWC verification method includes three forms of on-site inspection, including a unique 'change inspection' mechanism by which any Party that doubts another's compliance can request the OPCW's Director-General to send an inspection team to investigate. If Parties are found in violation of the Convention, the OPCW can recommend collective punishment measures and bring the issue to the UN Security Council or General Assembly. While the CWC seeks to destroy chemical weapons and their production, the Convention also puts in place measures to protect Parties' chemical industries and trade. Parties are expected to be in full compliance with the Convention by April 29, 2012, but deadlines may be extended under 'exceptional circumstances.' The Convention currently has a membership of 188 states, is of unlimited duration, and is open to all states for signature.¹⁴

THE COMPREHESIVE NUCLEAR TEST-BAN TREATY (CTBT)

Signed September 24, 1996

The CTBT seeks to ban all nuclear explosive testing in all environments, whether for weapons or peaceful purposes. The Treaty has not yet entered into force.

In 1994, in an effort to capitalize on the momentum created by the end of the Cold War, the United Nations' disarmament body, the Conference on Disarmament (CD) began formal negotiations on the CTBT. Building on the Limited Nuclear Test-Ban Treaty (LTBT) and the Threshold Test Ban Treaty (TTBT), the CTBT marked a breakthrough in the five decade-long effort at ending all nuclear explosive testing. The Treaty was negotiated over a period of two-and-a-half years, and was supported by scientific research conducted since 1976 by the Group of Scientific Experts (GSE), which explored monitoring technologies and data analysis for the verification of a comprehensive test ban. In August 1996 Australia submitted the CTBT to the

¹⁴ Arms Control Association, "The Chemical Weapons Convention (CWC) at a Glance." <http://www.armscontrol.org/factsheets/cwcglance>. Accessed May 30, 2011; Federation of American Scientist, "Chemical Weapons Convention Chronology." <http://www.fas.org/nuke/control/cwc/chron.htm>. Accessed May 30, 2011; Organization for the Prohibition of Chemical Weapons, "Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (Chemical Weapons Convention)." <http://www.opcw.org/chemical-weapons-convention/>. Accessed May 30, 2011; The United Nations, Department for Disarmament Affairs, "The Chemical Weapons Convention." <http://www.un.org/Depts/dda/WMD/cwc/>. Accessed May 30, 2011.

United Nations General Assembly (UNGA). The Treaty was adopted by the UNGA on September 10, 1996, and opened for signature on September 24, 1996. U.S. President Bill Clinton was the first to sign the CTBT.

The Treaty includes two Annexes and a Protocol in three parts: Part I on the International Monitoring System (IMS) and the International Data Centre (IDC), Part II on On-Site Inspections (OSI), and Part III on Confidence-Building Measures. The Treaty established the Comprehensive Nuclear-Test-Ban Treaty Organization (BTBTO) to ensure implementation of the Treaty's provisions, including verification measures. The Treaty's verification system includes an International Monitoring System (IMS), consultations and clarification, on-site inspections and confidence building measures. More than 75 per cent of monitoring stations are currently in operation. The Treaty includes an explicit provision for national technical means (NTM) of verification. The Treaty also provides for collective measures to be taken in order to redress a situation of concern (including sanctions), to ensure compliance and for the settlement of disputes. As of 2011, 182 nations have signed the Treaty and 153 have ratified it. In order for the CTBT to be entered into force, all of the 44 states that participated in negotiations between 1994 and 1996, and possessed nuclear power or research reactors at the time, must deposit their instruments of ratification; as of today, 41 have signed and 35 have ratified the Treaty.¹⁵

CONVENTION ON THE PROHIBITION OF THE USE, STOCKPILING, PRODUCTION AND TRANSFER OF ANTI-PERSONNEL MINES AND ON THEIR DESTRUCTION (OTTAWA TREATY)

Signed December 3, 1997

Entered into force March 1, 1999

The Ottawa Treaty's goal is to end the worldwide use of uncontrolled anti-personnel landmines (UAPLs). Parties to the Treaty are prohibited from developing, producing, stockpiling, retaining, transferring, and using uncontrolled APLs.

Frustrated by the compromises of the amended Protocol II of the CCW, many states and civil society actors came together in unprecedented cooperation to draft a parallel treaty outside the United Nation system. At the onset of negotiations it was made clear that the Treaty would be drafted by two-thirds majority voting – not consensus– and that states party to negotiations would have to honour the resulting Treaty. Within a year the Ottawa Treaty was negotiated and 122 States signed the Treaty.

¹⁵ Federation of American Scientists, Weapons of Mass Destruction, "Comprehensive Test Ban Treaty." <http://www.fas.org/nuke/control/ctbt/>, Accessed May 30, 2011; U.S. State Department, Bureau of Verification, Compliance, and Implementation, Press Releases and Fact sheets "History of the CTBT" <http://www.state.gov/t/avc/c42328.htm>, Accessed May 30, 2011; Medalia, Jonathan. "Nuclear Weapons: Comprehensive Test Ban Treaty," Congressional Research Service Report for Congress, The Navy Department Library, <http://www.history.navy.mil/library/online/nucweps%20test%20ban.htm>, Accessed May 30' 2011

Despite civil society groups having been instrumental in the creation of the Treaty, only States are parties to it. The Ottawa Treaty gives all Parties four years to destroy their stockpiled uncontrolled UAPLs after becoming bound to the Treaty. Within ten years Parties are to have destroyed all uncontrolled APLs on their jurisdiction or under their control, included mines that have been planted. A country may appeal for an additional ten years and help to meet this goal if its capacity to comply with the Treaty is stressed. The Ottawa Treaty does not have a verification system but a state may call an all parties meeting to investigate suspicions of another state cheating. Parties are compelled to supply the United Nations with a comprehensive report on the UAPLs under its control. The Treaty can be amended by a two-thirds majority vote. Anti-vehicle mines and remote controlled APLs (like the famous Claymore) are not covered by the Ottawa Treaty. Despite lacking the membership of great powers, the Ottawa Treaty has rapidly grown to 156 Parties to the treaty. Over 45 million uncontrolled APLs have been destroyed since its creation.¹⁶

STRATEGIC OFFENSIVE REDUCTIONS TREATY (SORT)

Signed May 24, 2002

Entered into force June 1, 2003

Under the SORT the United States and Russia pledged to reduce the number of their strategic nuclear warheads to between 1700-2200. Unlike START I, this Treaty focuses on the number of nuclear warheads as opposed to the number and type of delivery vehicles.

Negotiations of a new nuclear reduction Treaty began in January of 2002. Russia wanted a new treaty modelled on START that would also contain written guarantees that the United States would limit its ballistic missile defence program to not threaten the Russian nuclear deterrent. In contrast the United States did not want a new formal treaty based on START rules that would restrict the flexibility of its nuclear arsenal, the missile defence shield it was creating, and the cost of eliminating potential nuclear delivery vehicles. A compromise was reached in that a formal treaty was drafted but that did not any of the specific definitions, restrictions, or verification methods of START.

The only limitation of the Treaty is the pledge of the parties to reduce their strategic warheads to between 1700-2200 by December 31, 2012. Each side will decide for itself how it would structure its nuclear forces to honour the Treaty. However, without a clear definition of 'warhead' is given, each side could supply its own interpretation of honouring the agreement (does one count stored

¹⁶ Arms Control Association, "The Ottawa Convention at a Glance." <http://www.armscontrol.org/factsheets/Ottawa>. Accessed May 4, 2011; Department of Foreign Affairs and International Trade Canada, "Safelane: Canada's Guide to the Global Ban on Anti-Personnel Mines." <http://www.international.gc.ca/mines/index.aspx>. Accessed May 4, 2011; International Campaign to Ban Land Mines, "Treaty Basics." <http://www.icbl.org/index.php/icbl/Treaties/MBT/Treaty-Basics>. Accessed May 4, 2011; Red Cross Canada, "Ottawa Treaty." <http://www.redcross.ca/artcile.asp?id=28546&tid=006>. Accessed May 4, 2011.

warheads or operationally deployed warheads?). There were no verification procedures. Parties were to rely on information supplied by START verification data – which counted delivery vehicles, not warheads – to assess Treaty compliance of warhead reduction. No Treaty limits exist on missile defence. Either party could withdraw from the Treaty given three months' notice. A Bilateral Commission was created for parties to formally meet bi-annually but was not always held due to there being little to discuss. Instead the meetings were used to discuss a replacement for START I.¹⁷

INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF ACTS OF NUCLEAR TERRORISM

Signed September 14, 2005

Entered into force July 7, 2007

This Convention prohibits non state actors from possessing, using, or threatening to use radioactive devices with the intent to kill, harm, damage property, or the environment. Anyone who participates in any way in said actions also commits an offence under the Convention.

With the end of the Cold War, the international community began to focus on the threat of terrorism. The United Nations established an Ad Hoc Committee in December of 1996 to address the threat. Russia proposed the initial draft of the Treaty soon after in 1997 and the Ad Hoc Committee began work on the draft the following year. Negotiations were slowed by running disagreements over the legality of States using or threatening to use nuclear weapons (the resulting Convention does not address this). The Ad Hoc Committee eventually produced three international conventions on terrorism - the last of which being this Convention. The Convention is also the first international anti-terrorism treaty after September 11, 2001.

The Convention requires Parties to criminalize the above acts under their national law. A State is required, after an investigation, to either prosecute an alleged terrorist or extradite them to their home countries. However the Convention also puts in place protections for arrested terrorism suspects, preventing their deportation if a fair trial looks unlikely on account of a person's race, religion, ethnicity, or politics. The Convention also addresses seized radioactive materials and devices. Parties are required to render any devices harmless and to handle and store all radioactive materials in accordance to IAEA guidelines. After consultations with other Parties, these materials are to be returned to the State party which has lawful ownership of said materials.

¹⁷ Arms Control Association, "New START at a Glance." <http://www.armscontrol.org/factsheets/NewSTART>.

Accessed May 4, 2011; U.S. State Department, "New START Treaty Entry Into Force."

<http://www.state.gov/r/pa/prs/ps/2011/02/156037.htm>. Accessed May 4, 2011; U.S. State Department, Bureau of Verification, Compliance, and Implementation, "Comparison of the START Treaty, Moscow Treaty, and New START Treaty." <http://www.state.gov/t/avc/rls/139901.htm>; The Whitehouse, "Key Facts about the New START Treaty." <http://www.whitehouse.gov/the-press-office/key-facts-about-new-start-treaty>. Accessed May 4, 2011.

The Convention encourages the exchange of information between Parties as a preventative measure and those Parties in pursuit of terrorist suspects.¹⁸

CONVENTION ON CLUSTER MUNITIONS (CCM)

Signed December 3, 2008

Entered into force August 1, 2010

The goal of the CCM is the destruction of nearly all types of cluster munitions. The CCM prohibits parties from producing, stockpiling, transferring and using cluster munitions.

The use of cluster munitions in Lebanon in 2006, and the failure of the CCW to adopt a specific cluster munitions protocol, provided the impetus for states and civil society groups to begin working on a convention modelled on the Ottawa Treaty to address the harm these weapons can cause to civilians long after their use. The resulting Oslo-process, a series of Conferences, resulted in 107 states adopting the CCM on May 30, 2008, at Dublin, Ireland.

The CCM does allow for weapons that contain sub munitions so long as they do not have an indiscriminate effect or pose an unexploded ordnance risk. Allowed sub munitions must number fewer than 10 per weapon; weigh more than 4 kg but less than 20 kg; be able to detect and engage a single target; and be equipped with an electronic self-deactivating and self-destruct feature. Due to concerns regarding NATO operations and the failure of the United States to sign the CCM, parties to it are allowed to cooperate militarily with states that continue to employ cluster munitions so long as the parties involved do not request the use of said munitions. The CCM shares many similarities to the Ottawa Treaty including transparency, compliance, assistance, and amendment features. It also lacks a verification program. A first, the CCM directly links human rights with an arms treaty, compelling parties to budget resources to assist victims of cluster munitions with medical care, rehabilitation, and psychological support.¹⁹

¹⁸ Arms Control Association, "UN Adopts Nuclear Terrorism Convention; Treaty Seven Years in the Making." http://www.armscontrol.org/act/2005_05/NuclearTerrorismConvention. Accessed May 31, 2011; The American Society of International Law, ASIL Insights, "International Convention for the Suppression of Acts of Nuclear Terrorism Enters into Force." <http://www.asil.org/insights070705.cfm>. Accessed May 31, 2011; Center for Defense Information, "Nuclear Terrorism Convention: International Convention for the Suppression of Acts of Nuclear Terrorism." <http://www.cdi.org/news/law/ntc.cfm>. Accessed May 31, 2011; United Nations Audiovisual Library of International Law, "International Convention for the Suppression of Acts of Nuclear Terrorism." <http://untreaty.un.org/cod/avl/ha/icsant/icsant.html>. Accessed May 31, 2011.

¹⁹ Arms Control Association, "Convention on Certain Conventional Weapons (CCW) At a Glance." <http://www.armscontrol.org/factsheets/CCW>. Accessed May 4, 2011; Federation of American Scientists, "Convention on Conventional Weapons (CCW)." <http://www.fas.org/nuke/control/cc/index.html>. Accessed May 3, 2011; International Red Cross, "The 1980 Convention on Certain Conventional Weapons: A useful framework despite early disappointments." December 2001, Vol. 83 No.844 p.991-1010; The United Nations in the Heart of Europe, Disarmament, "The Convention on Certain Conventional Weapons." <http://www.unog.ch>. Accessed May 4, 2011; United Nations, "Convention on Certain Convention Weapons." <http://www.un.org/millennium/law/xxvi-18-19.html>. Accessed May 4, 2011.

MEASURES FOR THE FURTHER REDUCTION AND LIMITATION OF STRATEGIC OFFENSIVE ARMS (New START)

Signed April 8, 2010

Entered into force February 5, 2011

New START places a limit of 1,550 warheads on American and Russian strategic warheads. Both parties are limited to 800 deployed and non-deployed intercontinental ballistic missiles (ICBMs), SLBM launchers, and heavy bombers equipped for nuclear armaments. New START also places a separate limit on both parties of 700 deployed ICBMs, SLBMs, and heavy bombers equipped for nuclear weapons.

With START I soon coming to an end, both countries began drafting a replacement treaty in April 2009. By July 6 of that year, the reduction targets were set and by March 26, 2010, New START was agreed to. The successor to the START I, the entry into force of New START also terminated SORT.

Both parties are free to structure their strategic forces within the limits of the Treaty. Unlike SORT, New START contains a series of verification methods based on those of its predecessor, though are simpler and cheaper due to lessons learned from START I and increased confidence between the two parties. Again verification is based on NTM with the Treaty prohibiting any interference or concealment measure to avoid NTM. NTM is supplemented by a series of on-site inspections, exhibits, telemetry, and data exchanges. The Treaty does not contain any restrictions on ballistic missile defence systems or tactical nuclear warheads. The Treaty's duration is ten years.²⁰

THE GAPS IN ARMS CONTROL

In examining the above existing treaties it becomes clear that the major gap in arms control is small arms. While there are no hard numbers on small arms, estimates place the global circulation in excess of 600 million weapons.²¹ That is one weapon for every twelve people.

The world was flooded with small arms during the Cold War as these weapons were given to client states, and again following the collapse of the Soviet Union as stockpiles of weapons there and in the former Eastern Bloc States were sold on the international black market. This

²⁰ Arms Control Association, "New START at a Glance." <http://www.armscontrol.org/factsheets/NewSTART>.

Accessed May 4, 2011; U.S. State Department, "New START Treaty Entry Into Force."

<http://www.state.gov/r/pa/prs/ps/2011/02/156037.htm>. Accessed May 4, 2011; U.S. State Department, Bureau of Verification, Compliance, and Implementation, "Comparison of the START Treaty, Moscow Treaty, and New START Treaty." <http://www.state.gov/t/avc/rls/139901.htm>; The Whitehouse, "Key Facts about the New START Treaty." <http://www.whitehouse.gov/the-press-office/key-facts-about-new-start-treaty>. Accessed May 4, 2011.

²¹ Canada, "Non-Proliferation." <http://www.canadainternational.gc.ca>. Accessed May 6, 2011.

abundance of supply has led to small arms like the AK-47 assault rifle costing as little as the price of a chicken in places such as Uganda.²²

The cheap cost, vast supply, portability, and lethality of easy-to-use small arms make these weapons the leading source of civilian casualties in modern conflicts and a major source of international instability.²³ However there are certain factors surrounding small arms that will make any sort of arms control treaty more difficult to implement than existing treaties.

THE PROBLEMS

The first problem in addressing small arms is the lack of a specific definition to encompass these weapons. However small arms is widely understood to be centred around assault rifles, but include handguns, sub-machine guns, mortars, grenades, rocket-propelled grenades (RPGs), and landmines. Some wider definitions also include weapons such as machetes, which were used to horrendous effect in the 1994 Rwandan Genocide.

The second problem – unique to small arms – is that they, unlike nuclear weapons, landmines, and cluster bombs, can be legally bought by police and civilians. It is estimated that nearly 60% of the world's current supply of fire arms are legally owned by civilians.²⁴ Any treaty to regulate small arms will have to take into account the various domestic laws of states.

The third problem is that small arms – unlike nuclear weapons and other major weapon systems – are a mature technology that is easy to produce. Over 1,134 known companies²⁵ in over fifty countries²⁶ are involved in some aspect of the mass production of small arms and ammunition.

Lastly, small arms are extremely tough – exemplified by the AK-47 – and can last a long time even under poor conditions. Weapons left over from the Second World War can still be found in use in parts of the world. The long life spans of these weapons means the bulk of the small arms trade is between existing stockpiles of weapons, not new production.²⁷

The above problems have frustrated attempts over the last ten years by many in the international community to introduce measures to identify, track, and control the trade of small arms. The United Nations Register for Conventional Arms – a 1991 agreement to track the production and international sale of seven categories of major weapons systems – was amended in 2003 to include the tracking of small arms.

²² Anup Shah, "Small Arms – they cause 90% of civilian casualties." <http://www.globalissues.org/article/78/small-arms-they-cause-90-of-civilian-casualties>." Accessed May 6, 2011.

²³ Ibid.,

²⁴ Ibid.,

²⁵ Ibid.,

²⁶ Arms Control Association, "Small Arms and Light Weapons: Controlling the Real Instruments of War." <http://www.armscontrol.org/print/391>. Accessed May 6, 2011.

²⁷ Department of Foreign Affairs and International Trade Canada, "Small Arms and Light Weapons: Proliferation Processes and Policy Options." <http://www.international.gc.ca>. Accessed May 6, 2011.

However the effort has been hindered by the lack of a specific definition for small arms and the failure to introduce a specific category for these weapons in the Registry. Different countries applied different methods and definitions to the small arms data supplied to the Registry. This definitional problem, coupled with the voluntary reporting nature of the Registry, has led to poor data collection on the international small arms trade. Unfortunately for policy-makers, this data is still the best source of information regarding small arms.²⁸

The widespread production of small arms makes measures to control the production and sale of these weapons unpopular within many states. For example Italy passed laws in 1990 that resulted in it dropping from being fourth internationally in arms-exporting to twelfth. The measures were removed due to pressure from Italy's arms producers.²⁹ But the vast stockpiles of pre-existing small arms and the longevity of these weapons mean that small arms cannot be treated as only a supply-side problem. Any attempt to control small arms must be centred on the international transfer of these weapons.³⁰

WHAT CAN WE LEARN FOR PAST ARMS CONTROL TREATIES?

The first lesson we can take away from past arms control treaties is that **public support matters**. An aware public was instrumental in pushing their governments to negotiate the Limited Test Ban Treaty, the CCW, the Ottawa Treaty, and the CCM. Each case resulted in an arms control treaty that was 'a first' in addressing a different type of weapon.

Weapons can be limited indirectly. The SALT treaties and START I show how the actual deployment of nuclear weapons was controlled indirectly by limiting the number of nuclear delivery vehicles, not warheads. This same principle can be applied to small arms. While small arms might last a long time, ammunition does not. Many small arms, like assault rifles, can fire 300 rounds per minute.³¹ Large supplies of small arms can consume ammunition at a voracious rate. The recent Iraq War demonstrated that even the United States had a difficult time producing enough ammunition to keep up with demand when it experienced ammunition shortages.³² An arms control treaty that addresses the international flow of ammunition would go a long way towards silencing existing stockpiles of small arms.

One treaty leads to another. The precedents established and confidence built by negotiating one arms control treaty makes it easier to negotiate the next. Treaties like the Antarctic Treaty, the

²⁸ Shah, "Small Arms." <http://www.globalissues.org/article/78/small-arms-they-cause-90-of-civilian-casualties>." Accessed May 6, 2011.

²⁹ Phillipe Riviere, "The Problem of Proliferation." <http://mondediplo.com/2001/01/03arms2>. Accessed May 6, 2011.

³⁰ Department of Foreign Affairs and International Trade Canada, "Small Arms and Light Weapons: Proliferation Processes and Policy Options." <http://www.international.gc.ca>. Accessed May 6, 2011.

³¹ Arms Control, "Small Arms and Light Weapons." <http://www.armscontrol.org/print/391>. Accessed May 6, 2011.

³² USA Today, "Ammunition shortage squeezes police." http://www.usatoday.com/news/topstories/2007-08-17-937196750_x.htm. Accessed May 6, 2011.

Outer Space Treaty, and the CCW show how arms control agreements can be built as a framework for future protocols and amendments. The Ottawa Treaty – a new approach to arms control altogether – paved the way for the CCM. START I made New START easier to negotiate as a workable template existed.

Technology can solve verification problems. In most cases where verification was demanded, technology developed to meet the demand. Technologically driven NTM gave states confidence that nuclear testing agreements could be monitored. This same approach can be applied to small arms. The uniform and inexpensive application of weapons marking technologies to new small arms and ammunition has been proposed as a method of tracking the international flows of small arms.³³

Existing arms control treaties prove that **engaged leaders matter greatly.** The intervention of leaders to break negotiation deadlock between parties with widely divergent positions – like with SALT II or START I – was crucial in producing successful treaties.

THE WAY FORWARD

International small arms control is currently being pursued through a much larger ‘Arms Trade Treaty’ (ATT) that is now working its way through the United Nations. Three of the scheduled four Arms Trade Preparatory Committee meetings have already been held to frame the ATT negotiations, which are mandated by the General Assembly to begin next year. The goal of the proposed ATT is to internationally regulate the entire spectrum of conventional weapons, from pistols to warships.

The effectiveness of arms control is hobbled when ill-defined definitions are used in agreements. Learning from the experiences of the United Nations Register for Conventional Arms and from previous treaties such as SORT, the authors of this paper want a clear, definitive, encompassing definition of what constitutes a ‘small arm’ included in the forthcoming ATT.

Secondly, the authors want to see the proposed ATT adopt a consensus – not majority – treaty system. While critics of a consensus approach will argue that it dilutes the standards of an arms control treaty, the following should be considered:

- 1) The United States had consistently voted against earlier attempts at an ATT. Under the leadership of President Obama, the United States reversed its position and is now actively engaged in the ATT process. However the United States has made it clear that the price for this engagement is the adoption of a consensus based treaty.³⁴

³³ DFAIT, “Small Arms and Light Weapons.” <http://www.international.gc.ca>. Accessed May 6, 2011.

³⁴ Ellen Tauscher, U.S. Department of State, “Arms Trade Treaty.” <http://www.state.gov/t/us/136849.htm>. Accessed May 30, 2011.

2) The United States is not only the largest exporter of small arms; it is also the world's largest importer of these weapons.³⁵ Also, while there are no firm numbers on the total global conventional weapons trade, it is estimated that the United States accounts for roughly two thirds of the \$55 billion dollar per year industry.³⁶ It is clear that any ATT would be much less useful without the participation of the United States, given its centrality in the international conventional weapon and small arms trade.

An ATT based on consensus would make standardized reporting of all international conventional weapons transfers mandatory, giving policymakers the necessary information to make future targeted amendments or treaties to further curb illicit small arms transfers if needed.

The authors also want to see the application of inexpensive weapons marking technologies to the mass production of all small arms and ammunition mandated in the ATT. These technologies must be applied in a uniform manner to prevent any manufacturer from gaining a competitive advantage and undermining the integrity of the ATT. Weapons marking will complement the mandatory reporting of the ATT, allowing for improved tracing of illicit international arms flows.

Lastly, the authors want the international transfer of ammunition included in the future ATT. Such an action would go a long way towards limiting the use of existing illicit stockpiles of small arms by depriving their owners of cheap, readily available international ammunition flows.

This paper has briefly scanned existing arms control treaties, exposing the clear gap in arms control: small arms. A quick overview of small arms illustrates some of the major problems that a small arms control treaty would have to overcome. Finally, lessons learned from existing arms control treaties have been teased out that can be applied to efforts to confront the international small arms trade. This paper concludes that accurately tracking and limiting the international transfer of new small arms and ammunition is the first step in eliminating the existing illicit stocks of these destabilizing weapons.

³⁵ Arms Control Association, "UN Arms Data Mixed As Participation Falls." http://armscontrol.org/act/2010_11/UNROCA. Accessed May 18, 2011.

³⁶ Bloomberg, Oct 30, 2009, "U.S. Back Arms Trade Treaty at UN, Abandoning Bush Opposition." <http://www.bloomberg.com/apps/news?pid=newsarchive&sid=abkyS4.975YM> Accessed May 31, 2011; Reuters, Oct 14, 2009, "U.S. reverses stance on treaty to regulate arms trade." <http://www.reuters.com/2009/10/15/us-arms-usa-treaty-idUSTRE59E0Q920091015>. Accessed May 31, 2011.

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Bloomberg, Oct 30, 2009. "U.S. Back Arms Trade Treaty at UN, Abandoning Bush Opposition." <http://www.bloomberg.com/apps/news?pid=newsarchive&sid=abkyS4.975YM> (accessed 31 May 2011).

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