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BACKGROUND REPORT

Regulation of Arms Trade with Non-democratic Countries

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Preface

The primary objective of this background is to introduce the readers, the distinguished delegates, to the topic of arms trade regulation with non-democratic countries within the framework of the 29th Prague Student Summit's model NATO. This paper is considered to be a summary of the most essential information and should not be used as the only source of knowledge. To write a quality position paper, delegates are strongly advised to find multiple other resources on this topic. The list of references used in this report is given at the end of the paper. In order to better understand the topic and, above all, the direction in

which the negotiations will develop, a list of questions has also been prepared at the end of the work to serve the above-mentioned purposes. Readers should also take note of the fact that the sources for this topic are limited, owing to broad information about it not being publicized. There are several NATO bodies that provide a platform to discuss and take forward arms control issues.¹ Yet, to date, there has not been any resolution dealing with the topic of this paper specifically. The simulated North Atlantic Council is to aim to create a guideline on how to deal with both practical and ethical matters of this topic.

1 Introduction

After the unprecedented attack by the Russian Federation on Ukraine, it is no surprise that the European, and the entire Euro-Atlantic area, is becoming very unpredictable from a security point of view. According to the United States Secretary of Defence, Lloyd Austin, Europe is facing its greatest security challenge since the end of the Second World War.² Needless to say, the voice of the militarily strongest member of the alliance has its power. Even though NATO responded quickly, effectively, and unitedly to the attack and even though much attention is being paid to the conflict³, there is also one rather fundamental question as to whether the invasion itself could have been prevented in any way.

According to some experts such as Ivan Katchanovski, a Ukrainian-Canadian political scientist, Russia and especially Putin have provided the Western world with more than enough clues to predict and avoid the Ukrainian conflict. However, despite the awareness of the oligarchic and undemocratic nature of the Russian environment, there appeared to be a tendency to overlook these aspects and avoid acknowledging the potential threat posed by Putin's regime beyond Russia's borders.⁴ The Western countries seemed to have put aside the fact that Russia's history is marked by non-democratic governance, leading to questions about its trustworthiness.⁵

Unfortunately, Russia is not the only country that qualifies as an authoritarian and therefore undemocratic

regime. Although NATO does not have any official criteria to determine the quality of democracy in the countries of the Alliance and beyond, the internationally recognised non-profit organization Freedom House, which assesses the quality of democracy in countries based on aspects such as pluralism, the degree of civil liberties and political culture, is a useful tool for this work.⁶

According to a study by Freedom House only 83 out of 210 countries can claim the title of democracy⁷The problem arises when, as in the case of Russia, democratic states, not only for the financial but also strategic and geopolitical gains, start to ignore who is in power and how the country is governed. This applies threefold when it comes to trade in arms, strategic military equipment or other military material with these countries. There is also no doubt that NATO member states collectively dominate the world arms trade and have therefore a unique position that comes not only with great sources of revenue but also ethical and security questions.⁸

Given the above-mentioned information, the question must be asked: Should NATO members agree upon restricting arms trade with non-democratic and therefore possibly problematic countries in the future? And if so, what should the specific agreement look like? Or should the status quo be maintained and military trade between any countries be allowed and not regulated by NATO?

2 Definition of arms trade

Not only for this report, but also for the purposes of writing a resolution of good quality, it is first necessary to clearly define and delimit the arms trade in our context. According to the Arms Trade Treaty's definition, arms trade refers to the transfer of a wide range of conventional weapons, ammunition, and related equipment from one country to another. The Treaty itself shall be discussed more in depth later. These conventional arms can include items such as firearms, battle tanks, combat aircraft, warships, missiles, and related components.⁹

It is also important to recall and state how countries can acquire and sell weapons. As such, a state has a simplified choice of three options. It can acquire weapons by buying them from another country, it can buy them from a private company on its territory (rarely

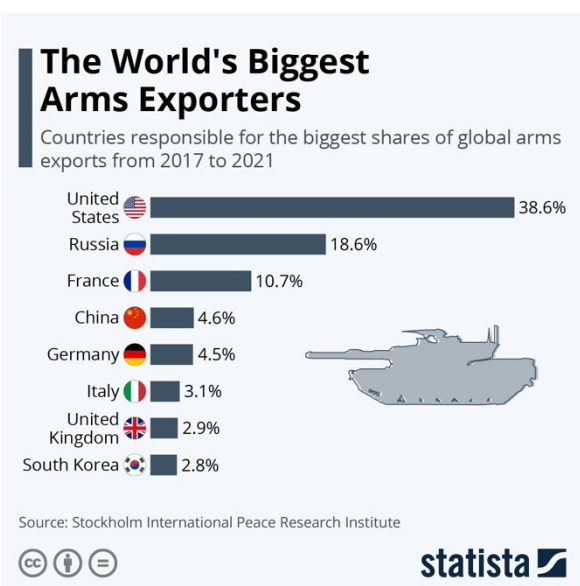
from private or state-owned companies from other countries directly), or it can have them manufactured within its own company in which it holds a majority share.¹⁰

When it comes to arms sales, globally, states usually have strict policies restricting companies producing military equipment on their territory from selling their weapons to whomever they please.¹¹ An example is the International Traffic in Arms Regulations (ITAR), which is a United States regulatory regime to restrict and control the export of defense and military-related technologies to safeguard U.S. national security and further U.S. foreign policy objectives.¹² With this in mind, we will look into the specific position NATO is in accordance with the global arms market.

3 NATO's position in the global arms market

To properly understand the importance and significance of the Alliance's arms and military equipment exports compared to the rest of the world, it is useful to note a few statistics.

Not surprisingly, the members of the world's biggest military organization, NATO,¹³ are responsible for the most arms being exported overall. To be more precise, of the top ten arms exporters in 2022, six were NATO members.¹⁴ The driving force is undoubtedly the United States of America, which is responsible for almost 40% of world exports.¹⁵ This dominant position in the global arms trade market means, as briefly mentioned in the introduction, both many possible advantages on the one hand but also risks and ethical or security questions on the other, as will be demonstrated later in this paper.



The World's Biggest Arms Exporters. Source: Statista⁴⁷

4 NATO's biggest arms suppliers

Even though NATO is an alliance of free and democratic countries, it is sometimes peculiar to which countries, or regimes, its members sell their weapons to. Arms sales to undemocratic or outright dictatorial

countries that do not respect human rights have often occurred in the past and unfortunately continue to occur today.¹⁶

4.1 United States of America

One of the biggest examples is the United States of America, which for example between 2002 and 2016 sold some \$51.8 billion worth of military equipment to Saudi Arabia, Egypt, and Iraq.¹⁷ It is worth noting that all of the three above-mentioned countries have been in some form criticized for their approach toward both basic human and political rights.^{18 19 20}

But the list does not end with the United States, as the Stockholm International Peace Research Institute demonstrates. Since the position of the U.S. is a bit of a chapter itself, and since the report outlined its share of arms sales at the beginning of this chapter, the focus shall be shifted in the following sections on smaller NATO members where there are observable similar trends to those of the United States.

4.2 France

If we look at the history of France's military sales and transactions, we find that the country has traded not only with states that openly violate human rights, such as Egypt, Qatar, Turkmenistan, and Vietnam, but also with Russia itself. There, France sold three AS-350/AS-550 Fennec light helicopters as recently as in 2013.²¹ Another customer of French equipment has been China,

which NATO itself identifies as a challenge.²² Despite the fact that this perception of China was only officially declared at the Vilnius Summit in 2023, it should be mentioned that China has never been a democratic country, which does not change the morality of the issue. There, China has bought SS-12 sonars and marine engines.²³

4.3 Germany

The next country we will look at is Germany. We don't find many differences between German, French and American customers. Germany too has sold military equipment to countries such as Egypt, Saudi Arabia, Turkmenistan, Qatar, and Vietnam. And even Russia and China have not been left out.

Germany has sold 324 marine and land engines to the Chinese government, with the last purchase in 2022.²⁴ And to Russia, the Germans have also sold marine engines, but it should be noted that they did so in 2015²⁵, a year after the annexation of the Ukrainian Crimea.

4.4 Italy

Another country worth mentioning is Italy. The clientele of Italy is quite similar to the previous countries discussed. Non-democratic countries such as Somalia, Turkmenistan, Yemen, and others are certainly no exception. For example, the Italians have delivered 380 Iveco LMV combat vehicles to the Russians.

4.5 United Kingdom

The last country on our list of major exporters is the United Kingdom. Again and again, we see the same pattern as the rest of the NATO colleagues mentioned. A highly democratic country, with certain security

interests, sells its equipment regularly to authoritarian countries, or rather regimes. So once more, we see on the list of transactions recipient countries such as Qatar, Egypt, China etc.²⁶

4.6 Others

Despite the fact that in this background report each member country of the Alliance shall not be depicted individually, it must be said that even smaller states have their skeletons in the closet, and only few democratic countries can boast a clean past, as SIPRI's Trade Register shows.²⁷

At the end of the paper, a complete list of arms transactions by all Alliance members to non-democratic regimes between 2000 and 2022 will be added for the use of delegates. In the next chapter some international policies regarding how to properly regulate arms trade will be discussed.

5 Methods of regulating arms exports

Several international organizations and conventions deal with the issue of arms exports. For the purposes of this paper, some will be mentioned to inspire delegates in the context of the development of the NATO resolution. United Nations

The United Nations has several different bodies that work with the subject of regulating international arms exports. Worth mentioning is, for example, the United Nations Register of Conventional Arms (UNROCA). UNROCA is a voluntary transparency measure that encourages UN member states to provide information on their imports and exports of major conventional weapons. It helps to promote transparency and build trust between states.²⁸

Another example would be UN Security Council (UNSC) sanctions. The UNSC has the power to impose arms embargoes on specific countries or entities under Chapter VII of the UN Charter.²⁹ These embargoes restrict the supply of arms to countries or groups involved in conflicts or other problematic situations.³⁰

Lastly, it might be useful to mention the United Nations Programme of Action on Small Arms and Light Weapons (UNPoA), which provides a framework for countries to control the illicit trade in these weapons.³¹

5.1 ATT

The Arms Trade Treaty (ATT) is an international treaty that regulates international trade in conventional arms and seeks to prevent and eradicate illicit trade and diversion of conventional arms by establishing international standards governing arms transfers.³²

The Treaty came into force symbolically on the 24th of December 2014. At this stage, the Treaty has a total of 112 State Parties and 29 States that have signed but not yet ratified the Treaty.³³ The Treaty was negotiated in New York City at a global conference under the auspices of the United Nations from 2-27 July 2012.³⁴ On 2 April 2013, the UN General Assembly adopted the ATT.³⁵

5.1.1 Scope of Action of ATT

The UN Office for Disarmament Affairs claimed the treaty would not interfere with domestic arms commerce or the right to bear arms in its member states; ban the export of any type of weapon; harm the legitimate right to self-defense; or undermine national arms regulation standards already in place.³⁶

The Arms Trade Treaty obligates member states to monitor arms exports and ensure that weapons don't cross existing arms embargoes or end up being used for human rights abuses, including terrorism. Member states, with the assistance of the U.N., will put

into place enforceable, standardized arms import and export regulations (much like those that already exist in the U.S.) and be expected to track the destination of exports to ensure they do not end up in the wrong hands. Ideally, that means limiting the inflow of deadly weapons into places like Syria or Palestine.³⁷

One of the key principles of the Arms Trade Treaty is the emphasis placed solely on the international arms trade and not on the domestic policies regarding internal arms deals. The ATT explicitly states it is "the exclusive right of States to regulate internal transfers of arms and national ownership, including through constitutional protections on private ownership".³⁸

5.1.2 Prohibitions

Article 6 of the ATT lists prohibitions on arms exports to other countries. These are essentially three basic points:

"A State Party shall not authorize any transfer of conventional arms, if the transfer would violate its obligations under measures adopted by the United Nations Security Council acting under Chapter VII of the Charter of the United Nations, in particular, arms embargoes.

A State Party shall not authorize any transfer of conventional arms if the transfer would violate its relevant international obligations under international agreements to which it is a Party, in particular those relating to the transfer of, or illicit trafficking in, conventional arms.

A State Party shall not authorize any transfer of conventional arms, if it has knowledge at the time of

authorization that the arms or items would be used in the commission of genocide, crimes against humanity, grave breaches of the Geneva Conventions of 1949, attacks directed against civilian objects or civilians protected as such, or other war crimes as defined by international agreements to which it is a Party."³⁹

Additional stress on human rights is subsequently placed in Article 7. If the export is not prohibited under Article 6, each exporting State Party, shall, in an objective and non-discriminatory manner, taking into account relevant factors, assess the potential that the conventional arms or items:

"(a) would contribute to or undermine peace and security;

(b) could be used to:

(i) commit or facilitate a serious violation of international humanitarian law;

(ii) commit or facilitate a serious violation of international human rights law;

(iii) commit or facilitate an act constituting an offense under international conventions or protocols relating to terrorism to which the exporting State is a Party; or

(iv) commit or facilitate an act constituting an offense under international conventions or protocols relating to transnational organized crime to which the exporting State is a Party."⁴⁰

Having read chapter four of this work and chapter five, it remains for the delegates to make up their own minds about their own country's approach to this treaty, which all members of the alliance have signed and ratified, except Türkiye and the United States of America, which have only signed.⁴¹

6 Reasons to supply un-democratic countries with arms by NATO members

This background, as can be understood from the previous chapters, focuses primarily on the moral problems associated with arms sales to non-democratic countries. Nevertheless, it is necessary to show the other side of the coin, namely the reasons why this phenomenon occurs and why it is justified in the international political context.

If we think about the specific reasons why democratic countries, and NATO members in

particular, supply weapons to authoritarian regimes, the most obvious answer is probably money. After all, in 2022 alone, the United States sold some \$51.9 billion worth of military goods.⁴² The truth is, however, that it is definitely not that simple.

One of the main reasons why NATO members, and especially the United States, supply weapons to countries with questionable respect for basic human rights is that if those countries cannot get weapons

from Alliance members, they will turn to China or Russia.⁴³ And this is really not just about the symbolic meaning of, for example, Arab countries getting their weapons potentially from China rather than the United States. It is primarily about the geopolitical orientation of these countries towards the West, not the East.⁴⁴

Another important point is that arms suppliers have some strategic control over the states to which they supply arms. For example, if a state buys a weapon from another state that has the know-how to produce not only the product itself but also spare parts, the

recipient becomes practically dependent on the supplier.⁴⁵ That could be also used in negotiations with the autocrats. The spare parts in particular are a kind of insurance against waging conventional war with the supplier, because conventional war cannot be waged without spare parts, and only the supplier can produce them.⁴⁶

With that being said, after showing perspectives of both sides of the argument, it is up to the delegates to decide, whether this strategy should last and whether it is actually as safe as intended, especially during this period of rapid geopolitical changes.

7 Conclusion

In conclusion, it should be said that in today's world, where long-dormant threats are rapidly awakening, it is more important than ever to confront the subject of this report. As has been shown, military exports to countries with undemocratic principles have backfired several times in the past, and something needs to be done about it. However, the whole thing is not black and white, and such trade also has its strategic positives.

NATO certainly has plenty of opportunities to prevent future problems related to this issue. The most obvious step could be the adoption of a resolution

defining non-democratic states and subsequent restrictions on arms exports to them. The general principle is one thing, but the specific form is another.

Not only from a security point of view, but also from an ethical and moral point of view, it is necessary to confront issues that have long been off the table. Whatever resolution delegates arrive at, they should bear in mind that NATO doesn't have global influence only on the military field, but also on the political one, and that any resolution that is passed will quite possibly affect the entire international environment.

8 Questions for negotiations

- I. How relevant a force is your country in arms exports?
- II. What major arms development companies are based in your country?
- III. Does your country have a history of exporting arms to non-democratic regimes?
- IV. Does your country have strategic political objectives in the territory of the countries to which it exports its weapons?
- V. How important does your country find human rights and democratic principles in general?
- VI. Which countries does your country see as the biggest threats or challenges ?
- VII. Would it be more beneficial for your country to have tighter regulation of arms exports?
- VIII. What is your country's position on the Arms Trade Treaty in general?

9 9.Recommended further reading

1. The official NATO website: https://www.nato.int/cps/en/natohq/topics_48896.htm
2. Stockholm International Peace Institute's arms register, where you can after selection of supplier, recipient and period of time see everything linked to their arms exports: https://armstrade.sipri.org/armstrade/page/trade_register.php
3. The official Arms Trade Treaty website: <https://thearmstradetreaty.org/>
4. Arms Trade Film: https://www.youtube.com/watch?v=UjiFzmYVG7w&ab_channel=DWNews

Pražský studentský summit

Pražský studentský summit je unikátní vzdělávací projekt existující od roku 1995. Každoročně vzdělává přes 300 studentů středních i vysokých škol o současných globálních tématech, a to především prostřednictvím simulace jednání čtyř klíčových mezinárodních organizací – OSN, NATO, EU a G20.

Asociace pro mezinárodní otázky

AMO je nevládní nezisková organizace založená v roce 1997 za účelem výzkumu a vzdělávání v oblasti mezinárodních vztahů. Tento přední český zahraničně politický think-tank není spjat s žádnou politickou stranou ani ideologií. Svou činností podporuje aktivní přístup k zahraniční politice, poskytuje nestrannou analýzu mezinárodního dění a otevírá prostor k fundované diskusi.

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