POWER AND CHANGE

The Arms Trade Treaty

By Duncan Green and Anna Macdonald

In October 2003, Oxfam, together with Amnesty International, the International Action Network on Small Arms (IANSA) and many other organizations across the world launched the Control Arms campaign. The aim of the campaign was to reduce armed violence and conflict through global controls on the arms trade, and the primary objective was an international Arms Trade Treaty (ATT). In April 2013, a decade of campaigning paid off as the Arms Trade Treaty, the world’s first global treaty to regulate the transfer of conventional arms and ammunition, was adopted by overwhelming majority at the UN in New York, and opened for signature two months later. As of June 2014, the ATT looks set to enter into force around a year after it opened for signature, which will make it one of the fastest ever multilateral treaties to become international law.
BACKGROUND

Oxfam’s involvement in arms control dates back to advocacy to control arms exports from Europe to South Africa in the early 1980s and the landmines campaign of the 1990s. The rationale was that armed violence and poverty are a vicious circle, and that development efforts are greatly impeded by conflict and armed violence.

In the late 1990s, NGOs in Europe including Oxfam, Amnesty International, and Saferworld worked together to successfully advocate for a review of Europe’s arms exports, resulting in the EU Common Position on arms exports. At the same time, a group of Nobel laureates and NGOs had been in discussion about the idea of greater international arms controls, at that time called a ‘Framework Convention on International Arms Controls’.

Following this work, and discussions with other NGOs as to what should be the next campaign priority to try and reduce conflict, Oxfam and Amnesty decided to join forces to launch a campaign to secure an Arms Trade Treaty (ATT). The International Action Network on Small Arms (IANSA) joined during 2003, enabling many grassroots and national organizations around the world to also engage.

By the early 2000s, the political environment was propitious. The adoption of the Mine Ban Treaty in 1997 had created confidence that campaigning could achieve change within the arms sector, and many grassroots organizations around the world saw conflict and armed violence as the next big issue.

THEORY OF CHANGE

Power analysis

While there were a handful of governments sympathetic from the outset, and some spillover momentum from the Mine Ban and Cluster Munitions Treaties, there were also strong opponents to the ATT. The USA was the only public ‘no’ voting government at the UN until 2009, when the Obama administration changed its stance, but Russia, China and many Middle East states were also significant opponents, albeit not always overtly.

The campaign followed and responded to the shifting tides of government positions through regular exercises in stakeholder mapping.

Beyond governments, the National Rifle Association (NRA) and various associated pro-gun groups, predominantly from the USA, campaigned against the ATT, attended UN meetings as accredited NGOs to speak against Control Arms and mounted expensive campaigns within the USA to create domestic fear of the ATT as a treaty which would ‘take away US guns’. At a global level, perhaps, the extremity and the obviously fundraising-driven bias of their campaigns actually worked against them, since most delegations dismissed their views.

Oxfam’s change strategy

When the Control Arms campaign launched in 2003, only three governments (Mali, Costa Rica and Cambodia) would publicly associate themselves with the call for an Arms Trade
Treaty. The rest were quite clear that this ambition was ‘too idealistic’, ‘unrealistic’ and was pitted against too many vested interests.

The initial strategy, therefore, was to try and get one government in each region to ‘champion’ the idea of an ATT, the theory being that this would gradually build global support for the treaty, as the countries around each regional champion gradually followed their lead in a snowball effect.

So the early focus was on getting the concept of an ATT on to the political radar in key countries, often achieved by first getting widespread popular support through the ‘Million Faces’ petition and other campaigning activities. By mid-2005, the snowball was rolling: at the Biennial meeting of the UN Programme of Action on Small Arms, 55 states included a positive reference to the need for an ATT.

As work progressed at the UN, power analysis became increasingly sophisticated. States were categorised by their support not only for the ATT overall, but for the inclusion of individual elements within the treaty (e.g. human rights or sustainable development). By 2006, campaign planning involved regular updating of complex spreadsheets that were colour coded into ‘champions’, ‘progressive supporters’, ‘swingers’, ‘undecided’, and ‘sceptics’.

Put simply, the strategy was to work with the champion governments, try to move more of the mainstream and swingers into this category, and to isolate or undermine the arguments of the sceptics.

The most active campaigning took place in countries with active Oxfam affiliates or country programmes (UK, Australia, Spain, Netherlands, France, Kenya, Cambodia and West Africa as a region); Amnesty member sections (UK, America, Finland, France, Peru, Senegal and many others); and active national level Control Arms partners in important locations, such as Brazil and South Africa. Over time, and with many Oxfam country programmes moving on to other issues, the work with partner organizations in the global south became more and more important.

Up to 2010, the lead group of governments involved with the campaign were the ‘co-authors’, also known as the group of seven (Argentina, Australia, Costa Rica, Finland, Japan, Kenya and UK) who wrote and led all of the ATT resolutions at the UN, led largely by the UK.

From 2011 through to the final negotiations and beyond, an additional group of progressive governments approached by the Control Arms campaign became increasingly important in maintaining pressure for a strong treaty. The campaign had long wanted a progressive group that could put pressure on the crucial but more mainstream co-author group, and speak out forcefully for the strongest possible language to be included in the treaty. Finally, Norway, Mexico and New Zealand, later joined by Nigeria and Trinidad and Tobago began coordinating together with Control Arms, and invited others from progressive nations from across all regions (although the Middle East and Asia proved a struggle).

The progressive group became a key ally, working closely on tactics such as joint statements on particular treaty content, anticipating and planning for treaty opponents’ tactics and strategizing together on who to influence at every stage of the negotiations.
Specific strategies were developed for particular opponents. For China, the focus was always on African campaigners being the ones to engage directly with Chinese officials, and to encourage African states to engage bilaterally. China’s interest in stability in Africa, combined with its deep resistance to perceived western NGOs, meant this was a much more effective strategy, and China’s acceptance of inclusion of both small arms and ammunition within the treaty can at least in part be attributed to this tactic.

For the Middle East, there was never the possibility of winning round the whole region, so the focus was instead on trying to ensure that there was not a united Arab group against the ATT. This succeeded, in as much as Morocco, Libya, Tunisia and Jordan voted in favour consistently, while others from the region abstained. Always ensuring Arabic speaking campaigners from the region took the lead in engaging with officials was also important, as was an emphasis on trying to show the growing global (rather than western-only) support for the ATT.

Strengthening regional arms agreements were seen as a stepping stone to a global agreement. For example, campaigners worked to strengthen Europe’s ‘Code of Conduct’ which later became the ‘EU Common Position’, and after concerted lobbying, West Africa’s ‘ECOWAS Moratorium’ on arms transfers evolved into the ‘ECOWAS Convention’, on Paper 1 of the strongest regional agreements. They consciously sought to include at a regional level the same elements that they wanted to see in the global ATT – e.g. a requirement for a clear risk assessment, with no transfers authorized where there were high risks of violations of international human rights and humanitarian law. Progress at a regional level meant those states were much more likely to advocate for the same thing at international level. It also helped create regional blocs of support.

**Tensions and challenges**

A key challenge, mentioned earlier, was the constant battle to prevent the content of the treaty being diluted. Throughout the process the big tension was between the universalists, who argued that the most important aspect was to keep sceptics such as Russia and China on board and were willing to make concessions in treaty content to do so; and governments like Norway and Mexico, plus civil society, who argued for a stronger treaty, which would establish strong international norms that would ultimately affect even non-signatories.

This tension manifested itself in different ways throughout the process, from the bitter arguments over the rule of consensus for decision making, through to detail on every aspect of the text. The difference was a mix of a genuine difference in analysis, and seeking an excuse for foot dragging and dilution. Major successes for the progressive groups included the inclusion of ammunition within the provisions of the Treaty, relatively strong assessment criteria around international human rights and humanitarian law and references to gender-based violence. Weaknesses included not securing a completely comprehensive scope, and the loss of an explicit reference to sustainable development.

In addition to these topics, a particular flashpoint was provisions to prevent the diversion of arms transfers – critical, since diversion is the main way in which arms find their way from the licit to the illicit trade. While the vast majority of states had always maintained that reducing the spread of illicit weapons was a key motivating factor for greater arms controls, opinions on how to achieve this varied sharply.
WHAT HAPPENED?

The ATT campaign developed in three main stages:

1. The early years of winning support for the idea of an ATT 2003–2006

Initial work focused on developing champion governments; building an international popular campaign through the ‘Million Faces Petition’; growing the coalition and getting the ATT onto as many political agendas as possible. A lot of the focus was at the national and regional levels.

2. The second stage of work starting at the UN 2006–2009

The next stage centred on UN advocacy, and a focus on global and regional-level meetings, over national level. It consisted of multiple UN phases including the Secretary General’s consultation with all Member States, Group of Government Experts, and Open-Ended Working Groups. Campaigning continued with a ‘People’s Consultation’ to mirror the UN one, and the ‘World is Watching’ campaign, designed to pressure governments.

3. The third stage of formal UN negotiations 2009–2013

The establishment of a final timeline for treaty negotiations and a move from ‘if’ there would be an ATT to ‘what type’ led to a resurgence of campaigning and advocacy work both in capitals and at the regional level, with an increased presence in New York at UN meetings.

Of course, written in the ‘rear view mirror’, this looks like a serene progression from one stage of the campaign to the next. While the major phases were relatively planned out, progress was very much incremental. As one commenter on the draft noted, ‘In retrospect perhaps the trajectory looks clear, but at the time, things were a lot messier!’ Each stage of getting sufficient governments to agree to move to the next stage seemed like a significant victory.

As the diplomats were fond of saying, ‘nothing is agreed until everything is agreed’, meaning that not until right at the very end was success guaranteed.

COALITIONS AND ALLIANCES

The campaign developed a wide range of potential allies in this work. These included:

The defence industry

Starting in the UK, support was obtained from some of the major industry players, initially via the Defence Manufacturers Association (DMA) for the ATT. From their perspective, they saw themselves as the ‘responsible’ end of the arms industry. In 2006, the Million Faces petition in the UK was presented to the UK Foreign Office by Control Arms and the DMA jointly, which sparked particular media interest. Support spread to the rest of Europe, and this in turn helped with outreach to North American industry – which was never persuaded to speak out publicly in favour, but which campaigners believe played a positive role by not actively opposing the treaty.
In parallel, the campaign developed relationships with the kind of stakeholders that arms manufacturers would listen to: retired generals and ex-war correspondents in India, Africa, North America and Europe.

**Financial institutions**

By 2012, Oxfam could claim support from financial investors worth 3 trillion dollars, including some major banks such as Credit Agricole and Standard Chartered. This followed a specific strategy of engaging with the financial sector, with roundtable meetings in London, Paris, New York and Brussels.

**Survivors**

Working with survivor organizations and individual survivors was both about empowerment of individuals and groups, and the collective power of that group then engaging directly with decision makers. The inclusion of survivors in UN delegations, regional meetings and other gatherings meant that the campaign was both able to stay focused on the ultimate humanitarian aim of the treaty, and to ensure that those most affected by the issues at stake had a say in the policy direction of the campaign.

**The UN**

The UN is far from monolithic, and the campaign encountered both allies and opposition. Although successive Secretary Generals came out in support, the campaign ended up using a ‘leader and laggard’ approach, building alliances with progressive bodies in the UN system (UN Women, OCHA, UNICEF, UNDP) and working with them to influence or at least neutralize less sympathetic voices.

These tactics operated at all levels, with the campaign attempting to identify leaders and laggards among governments, exporters, investors, multilaterals and others, requiring sharp and regularly updated intelligence on the shifting positions and views of different players, and how to influence them.

**Faith groups**

While the campaign worked with a few leaders, such as bishops in the UK and Desmond Tutu, and the Pope came out in support in 2010, it did not engage with faith organizations as institutions. This makes for an interesting contrast with the Jubilee 2000 campaign on debt relief, which was based both on theological considerations, and an institutional base in a range of faith organizations. It is not hard to reimagine an ATT campaign driven by faith groups, perhaps using the ‘Golden Rule’ or Ethic of Reciprocity, which states we should treat others as we would wish to be treated ourselves, instead of the Jubilee concept. One reason for not pursuing that path was divisions over some of the campaign’s issues, e.g. the Vatican (along with Syria) opposed including gender-based violence in the treaty, but another may well have been the secular preferences of many campaigners and NGOs.

Internally, the Control Arms Coalition evolved a leadership structure that combined regional representation (regional leads for Africa, Latin America, Caribbean, Europe, Pacific, Middle East) with functional teams (policy analysis, research, legal, media, popular mobilization, logistics, communications). The Leadership Team, which included the leads of each of these groups, enabled coordination across the whole coalition with swift decision making. This was
essential at the main UN meetings where large NGO teams (250-300 people) required both fast decision making and effective consultation.

RESEARCH AND TECHNICAL ASSISTANCE

An evaluation by DFID pointed\(^1\) to the importance of credible research to the campaign’s overall impact:

Oxfam’s own research is frequently cited in formal UN ATT meetings, including the Final Countdown Compendium (July 2012). Oxfam’s research was heavily referenced by Liberia’s Head of State, Ellen Johnson Sirleaf, in her statement to the plenary of the 2012 Diplomatic Conference. As such, we can confidently claim, “attributable input to Member States’ thinking and public statements”, which has on a number of instances included verbatim reproduction of Oxfam’s research, advocacy, policy, and campaigns positions.

A non-exhaustive list of such research products would include ‘Africa’s Missing Billions: International arms flows and the cost of conflict’\(^2\), ‘Shooting Down the MDG: How irresponsible arms transfers undermine development goals’\(^3\), and, more recently, ‘The Final Countdown Compendium: A historic opportunity to deliver an arms trade treaty that saves lives’\(^4\).

In addition, the campaign mobilized legal support for the treaty’s proponents. In 2010, Oxfam established ATT Legal, learning from previous experience from its climate change campaign of the need for access to legal advice to smaller delegations. The idea was to provide legal advice and capacity to smaller delegations and civil society, redressing the balance in the highly unequal reality of UN negotiations. By the July 2012 negotiations, 65 lawyers were on the ATT Legal database, covering all continents and time zones, and a small group attended negotiations, where they played a crucial role in working closely with treaty supporters on detailed text.

THE CAMPAIGN’S POSITION WITHIN OXFAM

At the time of the campaign launch, there was a three-year plan within Oxfam for the Control Arms campaign, a typical time span for a global campaign for an international NGO. With the success of the 2006 resolution to begin work at the UN on the ATT, an internal debate took place on the pros and cons of continuing the campaign.

Ultimately, Control Arms became Oxfam’s longest running (and most successful) thematic campaign, but this was certainly not without its challenges. Some parts of the organization were concerned that a focus on the long-term issue of arms control was a distraction from the immediacy of humanitarian response and the quicker, life-saving wins of crisis advocacy.

Playing a major role in a coalition also meant that Oxfam staff had to balance the demands of a coalition with the internal pressures of a big organization, and therefore at times a conflict of loyalties. Often this was to the benefit of encouraging agility and flexibility – the
necessity of compromise in a large coalition can help with the tendency for rigid procedure in a big organization, but it also meant at times a sense of distance from evolving organizational priorities such as trade or climate change.

This ‘arm’s length’ relationship brought both costs and benefits. Feeling unsupported at times by working at a distance from Oxfam’s top priorities may have been tough, particularly at high stress moments in the negotiations, but its plus side was that decisions could be made quickly in response to events, without going through a time-consuming set of multiple sign off processes.

This in particular encouraged agility and flexibility – the Campaign was better able to ‘surf’ in response to events. According to the evaluation by Chalker and Tibbett, being in some ways semi-detached also meant that the campaign could be, ‘led by campaigners relentlessly focusing on change, rather than mired in wider organizational processes that meets the demands of other parts of the organization; marketing, fundraising or corporate communications, for example.’

The intense pressure of a high profile, rapidly moving campaign inevitably exposes the political, cultural and personality differences between coalition members. Building, maintaining and (after disputes) restoring trust is a crucial part of the campaign dynamic.

RESULTS AND OUTCOMES

The most obvious result is the adoption of the treaty, so the real question becomes one of content and attribution: Was the ATT treaty different in content because of civil society campaigning, and to what extent was public pressure responsible for it being agreed at all, and on such a (for a UN treaty) speedy timetable?

An external review of Oxfam’s contribution, conducted as negotiations were picking up speed, has no doubt on both questions:

*Many of the external interviewees of government representatives and diplomatic officials, have positively reflected upon the way in which civil society organisations, and especially Oxfam, have conducted a campaign that has changed the terms of the debate and been instrumental in closing in on a global treaty that regulates the flow of arms. This included comments from external observers such as, “a quite remarkable achievement”, and “this has been transformational.”

In the long experience of these evaluators, this degree of civil society campaigning influence is very unusual – with perhaps only disability NGOs running a ‘conventions campaign’ within the UN system to compare… through good long-term relationship building with individuals on government delegations and a diplomatic, legal and political lobbying strategy that – at crucially important times – has been implemented with extraordinary tactical agility and flexibility and by a team of highly competent and experienced individuals. One external interviewee commented, quite representatively: “The Oxfam lobbying machine is excellent.”

In particular, interviewees noted the instrumental role played by Oxfam in helping reframe the campaign within policy and political spaces. It has been of crucial
importance to have a well-known humanitarian and development organisation active, within a disarmament context, ensuring that the policy debate isn't just a military one but one where the sustainable development and poverty factors come to the fore.

Oxfam is equally convinced that the campaign substantially improved the content of the treaty. In particular, on the trade-off between universalism and high content standards, constant vigilance was required to prevent the emerging treaty text from being watered down in key areas.

**BUDGET**

As is often the case with extended coalition-based campaigns with multiple sources of funding, there is no overall figure available. For Oxfam, the core team’s budget was around £400,000 per annum and the Control Arms Secretariat from 2011 onwards had an annual budget of approximately $500,000. Other Control Arms affiliates contributed varying amounts, but their biggest contributions were staff time.

**MONITORING, EVALUATION AND LEARNING**

Oxfam’s work on arms control has been a heavily evaluated area. In large part, this is due to the fact that engagement in this area has lasted a lot longer than the typical three-year cycle of global campaign engagement. Arguments made to continue the work internally needed to be substantiated by independent evaluation, plus the move to almost 100 percent restricted funding from 2008 onwards also meant that funders such as DFID also required evaluations. These have included five evaluations of the international campaign, plus a number of regionally-specific evaluations such as the work in the Pacific (led by Oxfam Australia), West Africa (at the time of having a large conflict-reduction programme) and some country-specific work e.g. USA.

**CRITICAL JUNCTURES: EVENTS AND SURPRISES**

As with most campaigns, much of what happened was unforeseen, and success depended partly on campaigners’ ability both to assess and respond to events. In September 2004, the UK dynamics changed overnight, when Foreign Secretary Jack Straw came out in support at the Labour Party conference – the first major exporter to back it.

China’s arms shipment to Zimbabwe in 2008, just before the violence-marred elections, was important. South African dockworkers refused to unload the ship, and the campaign promptly highlighted both the effectiveness of the action, and the human cost it prevented.

Otherwise, chronic violence in Eastern Congo and Darfur and later Syria were ‘constant examples’ of the human cost, but the campaign also deliberately highlighted gender-based
violence involving weapons in Haiti (pre-earthquake) to drive home the role of arms outside conflict.

**COURSE CORRECTIONS: WHAT CHANGED ALONG THE WAY?**

Figure 1: Understanding the decision process: The policy funnel

<table>
<thead>
<tr>
<th>General opinion</th>
<th>Public debate</th>
<th>Policy process</th>
<th>Final decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>Concepts / agenda setting</td>
<td>Questions / framing / instruments</td>
<td>Solutions / problems</td>
<td>$ / text</td>
</tr>
<tr>
<td>Room for manoeuvre falls, relative importance of internal players increases</td>
<td>What coalition? Power analysis and lobby</td>
<td>Insider vs. outsider</td>
<td></td>
</tr>
<tr>
<td>Media and narrative, bearing witness</td>
<td></td>
<td></td>
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</tbody>
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Source: D. Green (2011)³

The evolution of the campaign contains elements of the ‘policy funnel’ (see Figure 1), with the campaign initially focusing on mass public awareness to get the issue on the agenda, but then moving into more specialist areas.

The campaign strategy was iteratively developed. At the launch there was no neat linear strategy and only limited ideas on timeline – with initial targets being for 2006, or how it was going to evolve.

The balance of insider-outsider shifted over time. At the beginning, it was all outsider. Then there was a phase in the middle of the period between 2008 and 2011, where focus became much more weighted to insider, with many campaigners working closely with governments as the UN process got underway. By the time of the final negotiations, a balance of both insider work – at least 15 campaigners were on different government delegations, meaning there was always access to ‘closed meetings’ – and outsider work through constant media briefings and campaigning actions in capitals.
WIDER LESSONS

**Change takes time:** A major international agreement, a significant shift in global policy or effectively addressing an underlying cause is not going to take one year or three years. It is going to need at least a decade of focus and follow-through. This is perhaps the most important lesson for Oxfam from Control Arms.

**Know your stuff:** The coalition published 50 reports in 10 years on the ATT. Members became seen as valuable issue-experts for governments and the UN, and the research generated quality media coverage and briefings in a multitude of fora all over the world.

**Know your people:** Getting to know and build relationships with the active officials and politicians in key governments was essential. It is not just about knowing the governments who are on your side, it is about knowing the individuals who are prepared to go the extra mile, to work with you, and with whom you can build a real relationship of trust.

**Know your process:** Especially in a labyrinthine process like a UN negotiation, it is as important to have process experts as issue policy experts.

FURTHER READING


TIMELINE

1997  
Mine Ban Treaty adopted.

2000  
NGOs, with the help of international legal experts, develop the first draft ‘Framework Convention on International Arms Transfers’ which later forms the basis of the ‘Global Principles for Arms Transfers’.

2001  
A conference in Nairobi brings together over 100 NGOs working on conflict and arms issues, and results in the ‘Nairobi framework’ proposing work on both the supply side of arms and the ‘community safety’ or grassroots programme side.

2002  
Intensive consultation and planning takes place around the world, numerous regional workshops consider what an international arms campaign should focus on.

2003  
The Control Arms campaign is launched in 70 countries in October, aiming for an ATT. Among national governments, only Mali, Costa Rica and Cambodia publicly support the idea.

2004  
International campaigning to collect a ‘Million Faces’ in support of the ATT, with many southern countries actively involved. UK Foreign Secretary Jack
Straw announces UK support for ATT, leading to many other arms exporters following suit.

2005 By the summer, 50 governments (from across all regions) have publicly declared their support for an ATT.

2006 Million Faces petition is presented to Kofi Anan in June. First resolution on the ATT at the UN First Committee won by overwhelming majority, work is mandated to begin at the UN ‘towards an ATT’. USA is only state to vote against.

2007 UN Secretary General consultation on the ‘Feasibility, Scope and Parameters of an ATT’. The Control Arms campaign runs parallel ‘People’s Consultation’ in many countries, resulting in an unprecedented 101 submissions to the Secretary General’s request (typically 10-12 are received).

2008 Group of Government Experts (GGE) from 27 governments meet three times for total of four weeks to further examine ‘Feasibility, Scope and Parameters’. Consensus report recommending further stages adopted by consensus despite opposition from Russia and USA.

Convention on Cluster Munitions (CCM) adopted in Dublin in May.

2009 Open-Ended Working Group (all states) meets twice for week-long further examination of ATT. Talk moves from ‘if’ to ‘when’. UN General Assembly (UNGA) First Committee resolution transforms remaining Open-Ended Working Group meetings into five Preparatory Committees (PrepComms) with a Diplomatic Conference (negotiations) in 2012. USA votes in favour for first time, but at the cost of stipulating final conference will be governed by consensus rule.

2010 First two PrepComm meetings take place. Focus is on potential treaty content.

2011 PrepComms continue, UNGA First Committee resolution gives dates for the negotiations.

2012 First diplomatic negotiations take place for full month in July. USA uses consensus rule to block treaty at the eleventh hour. Draft text now in existence.

2013 Final negotiations take place, with intensive work by Control Arms and progressive governments to strengthen the draft text. Treaty adoption at UNGA, after the negotiations themselves are blocked on the final day by Syria, Iran and North Korea. ATT opens for signature on June 3, and has 116 signed up by the end of the year.

2014 Focus is on achieving the 50 ratifications needed to trigger ‘Entry into Force’ and the treaty becoming international law. By November, 54 states had ratified, triggering entry into force 90 days after the 50th ratification, scheduled for 24 December).
NOTES


