

## **Taking Strength from the Past in Securing India's Future: India's earlier leadership in Biological and Chemical Weapons Convention and the need to take a pro-active role in ongoing UN Process for an Arms Trade Treaty (ATT).**

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### **Summary**

A new ongoing process for an international arms trade treaty has been testing India's foreign and domestic policy for greater peace and security. When the UN committee on disarmament and peace voted on a resolution for a global Arms Trade Treaty on October 30, 2009 India abstained. The final tally was 153 for, 1 against, 19 abstaining with India in the minority alongside the company of countries like Pakistan and China.

*To promote the establishment and maintenance of international peace and security with the least diversion for armaments of the world's human and economic resources*

-Article 26 of the UN Charter

Peace, disarmament and development were the pillars of India's foreign policy since independence in 1947. As early as 1959, India called attention of the United Nations to the existence of large armaments and their unchecked growth which, besides being a threat to international peace and security. In 1964, India placed the item, "Non-proliferation of Nuclear Weapons" on the agenda of the United Nations. 1965, India with 7 other nations called for an international treaty based, among others, on the principles which was to be a step towards the achievement of general and complete disarmament. Prime Minister Jawaharlal Nehru Speech at the Anti-Nuclear Arms Convention, New Delhi, June 16, 1962 had stated, "I am absolutely convinced that if any country adopted unilateral disarmament through strength, nobody would be able to injure it and it will win in the end".

In the year 1973, India signed Biological Weapons Convention and ratified of the Biological and Toxin Weapons Convention (BWC) on July 15, 1974. The Biological Weapons Convention was the first disarmament treaty that eliminated an entire category of weapons of mass destruction. And then in 1981, India signed the Convention on Certain Conventional Weapons and ratified in 1984. The last disarmament treaty that India signed the Chemical Weapons Convention treaty in the year 1993. It was ratified in 1995. Under that Convention, India has destroyed over half of its declared 1,055 metric tons of chemical weapon stockpiles. 100% of India's chemical weapons stockpile was destroyed by the end of April 2009, an example to the world of India's continued commitment to peace and disarmament efforts.

However of late, a new ongoing process for an international arms trade treaty has been testing India's foreign and domestic policy for greater peace and security. When the UN

committee on disarmament and peace voted on a resolution for a global Arms Trade Treaty on October 30, 2009 India abstained. The final tally was 153 for, 1 against, 19 abstaining with India in the minority alongside the company of countries like Pakistan and China. Some of the world's biggest arms traders, including the United States, Britain, France and Germany, supported the resolution, which garnered 153 out of 192 votes.

## **Background to United Nations's Arms Trade Treaty Process**

Armed violence kills more than 350,000 people a year, and severely injures more than a million. Yet the global trade that fuels the epidemic of armed violence is not subject to international regulation. The 55 billion dollar weapons industry is unlike any other. It operates without regulation.

The movement of arms across the world is a huge threat to human security including that of India. Recently the Union Home Secretary, Shri G K Pillai has stated Indian concerns about Maoists being supplied arms from China. The realisation has come late since China has been supplying arms to Northeast India armed groups since 1960s.

Around 8 million new small arms are manufactured every year, but far more significant is the movement of second-hand guns from one user to another. They last - and remain lethal - for decades. At present, it is impossible to monitor or interrupt this deadly flow of weapons. This is because there are no agreed global standards for governments when authorising exports or transfers.

On December 6, 2006, work on an international Arms Trade Treaty began immediately following a historic vote in the UN General Assembly<sup>1</sup>, which saw 153 governments supporting the proposed Arms Trade Treaty. The UN General Assembly vote comes just three years after the launch of the Control Arms campaign, which has seen over a million people in 170 countries calling for a Treaty. Pursuant to General Assembly Resolution 61/89, on September 28,

2007 the Secretary General appointed a Group of Governmental Experts (GGE) from the 28 countries<sup>2</sup>. The GGE have already met for three sessions in New York<sup>3</sup> in 2008 and they met twice in 2009.

## **India's Response to Arms Trade Treaty Process**

India abstained repeatedly from voting repeatedly for an Arms Trade Treaty in October 2006 and also in October 2009 voting. In its submission to the United Nations Secretary General's request for views in 2007, India had written:

*Although India's security interests have also been affected by illicit and irresponsible transfers, Government of India is not convinced that it is the absence of common international standards on trade in conventional arms alone that results in irresponsible or illicit trade...Only by eliminating the illicit trade we can address the basic malaise. It is the lack of full and effective implementation of existing obligation of states and not the lack of common international standards for the import, export and transfer of conventional arms that is to be blamed for illicit transfers or diversion for licit transfers to illicit trade...In conclusion, India believes that it is premature to begin work on a comprehensive, legally binding instrument establishing common international standards for the import, export and transfer of conventional arms.*

However, it is important to note that there is no such treaty as Arms Trade Treaty and it is in India's interest to take leadership role in securing its interest in the ongoing negotiations. India was one among of the few select countries to be included in the Group of Governmental Experts selected by UN Secretary General Ban Ki Moon in 2008 to work towards the feasibility, scope and parameters of an Arms Trade Treaty. India could have taken this role to advance and strengthen our foreign policy for peace, disarmament and development policies which had earlier formed pillars of our foreign policy.

## **The Need for India to Take a More Pro-active Role for an ATT**

Work at Control Arms Foundation of India confers three reasons as to why India need to take a more pro-active role and support the call for an international Arms Trade Treaty:

1. Lack of regulation of the ongoing international arms trade is hurting India's citizens
2. The Global Principles of the Arms Trade Treaty reflect India's values and Constitution.
3. An Arms Trade Treaty would not end India's arms production or trade in arms but only require good practice by all countries

India is a victim of unregulated arms trade. Insurgencies, armed insurrections, criminal activities and armed violence have become a part of life in many states of the country. India possesses 40 million firearms many illegal according to United Nations sources. These weapons impact the polity, social life and the economy and they are linked to illegal trafficking and money laundering that manages political clout and sustains conflicts. An international arms trade treaty is a way out of this spiral.

A national incentive alone cannot tackle the problem of arms proliferation in the country. Our Arms Act cannot tackle this problem alone. The Arms Trade Treaty proposes rules to regulate the transfer of conventional arms based on the principle that arms exporters and importers have a responsibility to ensure that they do not provide weapons that would be used in serious violations of international law. If this happens, we can hold China or Pakistan accountable for many of their arms which are flooding India.

The Arms Trade Treaty would also reinforce states' existing responsibilities under international law and provide a mechanism for their application to the trade in weapons.

The Treaty proposes that countries importing arms must meet criterion like promotion of democracy; do not violate human rights; do not engage in civil war and armed conflict; commit genocide, etc. It opposes the sale of arms to states that support terrorism; and advocates marking of weapons so as to its source and end use; it looks into the issue of brokers and their registration.

The proposed Treaty is thus in keeping with India's historic role for non-violence, civil order and universal disarmament. India's Constitution and national laws support arms control. This is also what can help India in the long run

The ATT in no way targets the legitimate security needs of countries or the legal transfer of arms. India has the largest defence industry on the subcontinent. This makes the country's state-owned munitions factories a significant source of arms exports to smaller neighbouring nations, such as Nepal, Burma, and the Maldives. The Government is now seeking a more global scope for arms exports. India is also the largest arms importer in the developing world, purchasing some \$15 billion in weapons every year, a figure expected to rise to \$50 billion by 2015, and is now developing closer ties with other international arms suppliers. And many of the countries which India is dealing with namely USA, UK, France etc are now strongly supporting the ATT.

An Arms Trade Treaty would not end arms production or trade for India but only require good practice by all countries. And global "restrictions" on irresponsible arms transfers, applied to all countries, would be in India's enlightened self-interest. It is time therefore that India takes a pro-active role in the ongoing Arms Trade Treaty process, just the way India had taken leadership role in other disarmament treaties such as Biological and Chemical Weapons Convention. The changing needs of the time such as terrorism and armed insurrections which confront India can be tackled strongly if "tools of terror" based ATT is in place.

## **Endnotes:**

1. UN Resolution 61/89 of 6 December 2006, entitled “Towards an arms trade treaty: establishing common international standards for the import, export and transfer of conventional arms”.
2. Algeria, Argentina, Australia, Brazil, China, Colombia, Costa Rica, Cuba, Egypt, Finland, France, Germany, India, Indonesia, Italy, Japan, Kenya, Mexico, Nigeria, Pakistan, Romania, Russian Federation, South Africa, Spain, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland, and United States.
3. First session: 11 - 15 February 2008, Second session: 12 -16 May 2008