



Trump's misguided assault on the Arms Trade Treaty

A. Trevor Thrall

May 6, 2019

During a speech to the National Rifle Association in April, Donald Trump announced that he will “unsign” the United Nations Arms Trade Treaty and ask the Senate to halt the ratification process. Though Trump and other critics argue that the treaty threatens Second Amendment freedoms and poses undue limits on American sovereignty, these claims are misguided at best.

In fact, not only doesn't the Arms Trade Treaty threaten gun rights in America, it strengthens global efforts to reduce the damage done by the illicit flow of conventional weapons. Instead of rejecting the treaty, the United States should be promoting it.

In force internationally since 2014 but not yet ratified by the United States, The Arms Trade Treaty (ATT) attempts to regulate trade of conventional weapons (everything from small arms to battle tanks and warships) by raising the standards for arms exports to ensure weapons are sold only to responsible state parties. The goal is to encourage states to assess the risks before making any sales and to keep weapons off the black market, out of the hands of criminals and terrorists, and to make sure that transferred weapons don't wind up contributing to genocide, war crimes, or other serious violations of humanitarian law.

The most misleading argument from the treaty's critics regards the Second Amendment. Critics like the NRA have falsely argued that the treaty will require governments to collect information on individuals who purchase weapons from abroad and to report that information to the exporting country on demand. Beyond that, critics also worry that even if the treaty doesn't do so now, proponents of stricter regulations could eventually amend the treaty so that it does, thereby restricting American sovereignty. This concern, too, is unfounded.

On the contrary, the treaty does not require states to track purchases by individual citizens, which make up a tiny fraction of the international arms market. Further, the treaty explicitly states that all signatories reserve the sovereign right to regulate arms according to its own constitutional system and that each country will maintain records “pursuant to national laws.” Moreover, the United States would have far more influence over the evolution of the ATT as a signatory than it would as an outsider. And of course, the United States could always withdraw from the ATT if the treaty someday did in fact take a turn for the worse.

The real goal of end use monitoring under the ATT – already a longstanding component of U.S. arms export policy – is to ensure that exported weapons end up and remain in the possession of the intended recipients and that the companies and governments that purchase the

weapons are in fact responsible customers. Far from requiring the United States to change its policies, the treaty in fact did not require any change to U.S. policies. In many respects the ATT is simply an effort to encourage other nations to upgrade their arms exports policies to match existing U.S. standards. The treaty poses no threat to the right to bear arms.

Another overblown argument Trump likes to make is about the economic benefits of arms sales. Trump once claimed that the 2017 deal with Saudi Arabia could mean as many as a million American jobs, and the administration's updated Conventional Arms Transfer policy puts a heavy emphasis on increasing arms exports. The problem, as a recent report from the Security Assistance Monitor discusses, is that arms sales do not create nearly as many jobs as Trump claims, for at least two reasons. First, more than 25 percent of U.S. arms deals permit manufacturing of weapons in countries *outside* of the United States. Second, American defense contractors offer offsets – essentially huge discounts – to purchasing nations which dramatically lowers both the profits and the number of American jobs generated.

Finally, several major arms exporters like Russia, China, and India are not currently signatories to the ATT, leading some to argue that the ATT only constrains responsible countries like the United States, while leaving irresponsible states free to continue selling weapons to whomever they choose. Though superficially persuasive, this argument has things backwards. International agreements are more influential and more likely to be successful when the United States supports them. If the United States wants other nations to abide by the treaty, it needs to take the lead by ratifying and living up to the treaty's principles regardless of what other nations do. This approach maximizes American moral leadership and soft power – allowing the United States to call out irresponsible nations without fear of hypocrisy and amplifying its persuasiveness about the importance of regulating the international arms trade.

None of this is to argue that the ATT is a perfect treaty, or that American support is sufficient to ensure its success, but the arguments made by critics of the ATT just don't hold water. Far from being a threat to the United States, the ATT is a potentially useful tool of American foreign policy. Millions of weapons circulate the globe today on the black market, and illegally obtained weapons are responsible for killing hundreds of thousands of people every year. The ATT won't eradicate illicit arms trafficking, but it represents a step in the right direction.

A. Trevor Thrall is an associate professor in the Schar School of Policy and Government at George Mason University and a senior fellow at the Cato Institute. Jordan Cohen, Ph.D. student in political science at George Mason University's Schar School of Policy and Government, contributed.