

# How Progressives Enable China's Exploitation of the Arms Trade Treaty

*Ted R. Bromund, PhD, and Sterling Mosley*

## KEY TAKEAWAYS

China joined the Arms Trade Treaty (ATT) to avoid isolation and to win cheap applause; in reality, the ATT cannot and will not stop China from arming dictatorships.

U.S. adversaries and U.S. bureaucrats who oppose U.S. arms sales can weaponize the ATT to constrain U.S. support for partners like Taiwan and Ukraine.

U.S. policymakers must recognize China's exploitation of the ATT and refuse to join the treaty in order to preserve full U.S. control over its arms exports.

The Arms Trade Treaty (ATT), which was negotiated in a process that ended in 2013, is purportedly intended to promote transparency in the international arms trade, to require nations to establish control systems for exports of conventional arms, and to ban arms exports to nations that committed grave human rights abuses.<sup>1</sup> President Barack Obama signed the ATT and transmitted it to the Senate, but a majority of Senators opposed the treaty.<sup>2</sup> In April 2019, President Donald Trump unsigned the treaty on the grounds that it “fails to truly address the problem of irresponsible arms transfers, while providing a platform for those who would seek to constrain our ability to sell arms to our allies and partners.”<sup>3</sup> As of December 2022, 112 nations had signed and ratified the ATT.

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While achieving greater transparency in the arms trade is sensible in theory, the ATT has neither promoted meaningful transparency nor prevented nations from supplying regimes with arms to commit crimes against humanity. The treaty has only hampered Western democracies.<sup>4</sup> China only signed the ATT at the height of the COVID-19 pandemic in an effort to save face. Since signing, China has continued to export conventional weapons to repressive dictatorships.

Revealingly, after China signed the treaty it joined the progressive supporters of the ATT—from governments to politicians to media to nongovernmental organizations (NGOs)—by criticizing the U.S. for refusing to follow suit.<sup>5</sup> China's participation in the treaty is mere window-dressing, and the ATT's supporters are complicit in ignoring China's violations. These failures demonstrate again that the ATT is merely a political weapon aimed at the U.S. and its allies.

## The Main Requirements of the Arms Trade Treaty

The ATT sets out a number of requirements for signatories. Article 3 requires that each signatory “establish and maintain a national control system to regulate the export of ammunition/munitions fired, launched or delivered,” including conventional weapons ranging from battle tanks to small arms.<sup>6</sup>

Under Article 6, signatories are prohibited from providing conventional arms to nations if the potential exporter 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, [or] attacks directed against civilian objects or civilians.”<sup>7</sup> Article 6 also forbids states parties from transferring arms to any nation that is under an arms embargo by the U.N. Security Council.

Finally, the ATT seeks to promote transparency in the conventional arms trade. Thus, as set out in Article 13, states parties are required to submit annual reports “concerning authorized or actual exports and imports of conventional arms.”<sup>8</sup> While the expectation of the treaty's supporters was that these reports would be public, the ATT does allow nations to submit private reports.

## The Inherent Weakness of the Arms Trade Treaty

Like a number of other treaties on conventional and nuclear weapons before it, the ATT does not function by imposing verifiable commitments. Instead, it seeks to use public pressure to promote constraining norms, which in turn rest on progressive visions of morality.<sup>9</sup> This vision is deeply ideological.

As Colin Dueck, professor at the Schar School of Policy and Government at George Mason University, recently put it, progressive policymakers promote what they assert are “global interests through multilateral institutions.... The rules-based liberal international order is in constant need of being updated, and progressives are always happy to ‘Left-splain’ their latest demands.”<sup>10</sup> The ATT is simply one part of that progressive vision for international order.<sup>11</sup>

But treaties like the ATT are innately flawed because these treaties do not incentivize nations to live up to their commitments. In fact, treaties like the ATT incentivize nations to sign on without making a serious commitment to the treaty’s object and purpose, because these treaties in practice have two layers. The first layer, the text of the treaty as it is written, imposes requirements that can nominally be fulfilled without significantly affecting the signatory’s policies.

Western backers of these treaties therefore rely on the second layer of the treaty, which includes the progressive norms that they hope the treaty will promote and their unrealistic expectations of the results they believe the treaty will bring about. As a result, treaties like the ATT offer the easy reward of applause from progressives for dictatorships that are willing to fulfill its minimal textual requirements while ignoring the norms in the treaty’s second layer.

President Obama unwittingly illustrated these unrealistic expectations in his message transmitting the ATT to the U.S. Senate, in which he asserted that U.S. participation in the ATT would reduce crimes against humanity around the world:

By providing a basis for insisting that other countries improve national control systems for the international transfer of conventional arms, the Treaty will help reduce the risk that international transfers of specific conventional arms and items will be abused to carry out the world’s worst crimes, including genocide, crimes against humanity, and war crimes. It will be an important foundational tool in ongoing efforts to prevent the illicit proliferation of conventional weapons around the world, which creates instability and supports some of the world’s most violent regimes, terrorists, and criminals.<sup>12</sup>

Such expectations create false expectations of what the treaty will achieve—expectations based on naivete, not on the written requirements of the treaty.

## China Joins and Weaponizes the Arms Trade Treaty

In July 2020, at the height of the COVID-19 pandemic, China signed the ATT. When it did so, and since 2020, Beijing used its participation to advertise its alleged humanitarianism.

During the Sixth Arms Trade Treaty Conference in 2020, Chinese diplomat Li Song argued that “China attaches great importance to the humanitarian concerns caused by conventional arms. We support the international community to take all necessary measures to regulate international arms trade and to combat illicit transfer of conventional arms.”<sup>13</sup> This was a convenient position for China to take when it was the starting point for a global pandemic.

China joined the ATT not because it wanted to control its arms exports. China does not need a treaty to become a responsible arms exporter. It joined the ATT to win easy applause from progressives by contrasting itself with the United States.

When Beijing joined the ATT, China’s U.N. Ambassador Zhang Jun asserted that

a certain country...walked away from international commitments, and launched acts of unilateralism and bullying.... This has brought huge uncertainties to the global strategic balance and stability, and seriously undermined the joint efforts of all countries to tackle global challenges.<sup>14</sup>

This “certain country” was clearly the United States, which had unsigned the ATT the previous year. Zhang’s tone—like the boy who was so good that butter would not melt in his mouth—belied the fact that China had showed no interest in the ATT until it needed a diplomatic pick-me-up because of the COVID-19 pandemic.

China has continued to use the ATT as a stick to beat the U.S. In 2021, China offered this assessment of the international arms trade:

Some country, in particular, by abusing [the] arms trade as a political tool, flagrantly interferes in the internal affairs of other countries, which undermines international and regional peace and stability. Some country, out of its own interest, constantly breaks its commitments through relaxing its arms export control policies and even revoking its signature to the ATT, which undermines multilateral efforts in regulating conventional arms trade by the international community.<sup>15</sup>

Much of this language is drawn directly from the ATT. The reference to “some country” was clearly aimed at the U.S., just as the reference to “the internal affairs of other countries” was a coded attack on U.S. arms sales to Taiwan, which—since China does not accept Taiwan’s independent existence—it characterizes as interference in its internal affairs.

After China signed the ATT, Chinese propagandists also toed the goody-two-shoes party line: The *Global Times*, a Chinese state outlet, wrote that “China’s move to join the ATT displays its efforts to make contributions to world peace.”<sup>16</sup> In fact, back in 2013, Chinese diplomats announced that China opposed the ATT partly as a tit for tat against the West’s post-Tiananmen Square arms embargo on Beijing.<sup>17</sup>

By 2020, China’s calculus had changed, and it decided it had more to gain by signing the treaty. Its signature was entirely about image. But for this public relations strategy to work, China needed Western collaborators to pick up and amplify its message.

## Progressive Politicians, Media, and NGOs Praise China for Joining the ATT

Ignoring China’s history of skepticism about the treaty and its track record as a repressive autocracy with close ties to dictatorships around the world, the ATT’s friends were not shy about showering China with praise as soon as it signed onto the treaty.

Supporters of the ATT have regularly argued that including major weapons exporters, such as China, in the treaty would bring greater transparency to the arms trade and reduce human rights abuses around the globe. As a result, the treaty’s backers praised China’s decision to join the ATT. Control Arms, an NGO that played a significant role in promoting the ATT’s creation, stated that it saw “China’s accession to the Treaty as an opportunity to improve transparency and accountability in its national arms export control system and ultimately to play a role in reducing armed violence globally.”<sup>18</sup>

The Center for International Policy’s Security Assistance Monitor, which purportedly analyzes U.S. security sector assistance and arms sales programs, similarly argued that China’s accession to the ATT would lead to additional transparency in the arms trade:

If China upholds the biggest elements of the ATT, namely a more transparent national control list, established regulation, end-use monitoring, and international coordination, China’s treaty ascension has the potential to bring more transparency and reduce risky and/or potentially harmful arms sales.<sup>19</sup>

While some ATT backers hoped that China’s accession would bring greater transparency, other organizations expected that it would lead to improved protection of human rights. The Arms Control Association

declared that: “By adhering to the treaty, China signals a commitment to preventing international crimes and ensuring the respect of international humanitarian law and international human rights law.... Most importantly, China can now be seen as respecting and representing international standards.”<sup>20</sup>

The NGOs behind the ATT were not the only ones to offer exuberant praise to the People’s Republic of China: The European Union argued that China’s accession to the ATT would lead to the eradication of the illicit arms trade and contribute to global stability:

By acceding to the ATT, China, an important arms exporter, contributes to the advancement of the Treaty’s objectives to regulate the international trade in conventional arms, to prevent and eradicate the illicit trade in conventional arms and ammunition, and to prevent their diversion.... This is an important development as a more responsible global arms trade would contribute to peace, security and stability, reduce human suffering, and promote cooperation, transparency and increased confidence.<sup>21</sup>

Other organizations used China’s signature as an opportunity to attack the U.S. for unsigned the treaty. Reaching Critical Will, yet another progressive backer of the ATT, approvingly quoted the 2021 Chinese attack on the U.S., stating that China’s words were “not an entirely inaccurate—and perhaps even refreshingly direct—description” of U.S. policy.<sup>22</sup>

Reaching Critical Will did at least note that China’s criticisms were “disingenuous,” given China’s own track record of arms exports. Other commentators were less careful, using China’s signature solely as an opportunity to condemn the U.S. For example, Rachel Stohl, vice president of research programs at the Stimson Center, blamed the U.S. for the treaty’s broader failures:

China (a major importer and exporter of arms) acceded to the treaty in July 2020; and in July 2019 the United States (the world’s leading exporter of arms) informed the treaty depositary that it did not intend to seek ratification of the treaty, despite signing it in 2013, and would no longer consider itself bound by its object and purpose. While Joe Biden pledged to undo this decision as part of his platform in the 2020 US presidential election, his administration has thus far remained silent on the ATT. This has provided cover to other states eager to stay outside the treaty.<sup>23</sup>

In short, while a few of the treaty's backers did indicate a bit of skepticism about China, most of them enthusiastically and uncritically applauded China's signature and did nothing to call attention to its track record prior to signing the ATT of selling arms in sub-Saharan Africa.<sup>24</sup> This was precisely the reaction that China hoped for when it signed the ATT as COVID-19 spread round the world.

## China Continues to Arm Despotic Regimes

China's arms exports to dictatorial and abusive regimes are not just a thing of the past. According to the ATT's supporters, the core purpose of the treaty is to restrict the supply of conventional arms to nations that commit gross human rights violations. But while China has signed the ATT, Beijing continues to supply arms to repressive regimes across the world, including Ethiopia, Mozambique, Burma, and Venezuela.

In November 2020, the Tigray War began between the Ethiopian federal government and Eritrea, on one side, against the Tigray People's Liberation Front (TPLF), on the other, for control of the Tigray region in northern Ethiopia. This conflict was marked by widespread human rights violations by the Ethiopian government, including multiple instances of deliberate attacks on civilian populations.

Ethiopian military and regional forces have been credibly accused of carrying out mass killings, extrajudicial executions, arbitrary detentions, and torture.<sup>25</sup> But despite the crimes against humanity committed by the Ethiopian National Defense Forces in the Tigray region, which under the terms of the ATT should have led China to refuse to sell conventional weapons to Ethiopia, the Chinese government continued to supply Ethiopia with arms, such as Wing Loong 1 drones and the CALT A-200 and Norinco AR2 missile systems.<sup>26</sup>

While the Ethiopian government committed crimes against humanity to put down the TPLF's insurgency, Mozambique is doing the same thing in the southern part of Africa. The Mozambiquan government, which has been fighting the Al-Shabab insurgency in the northern part of the country since 2017, has repeatedly been credibly accused of extrajudicial executions, acts of torture, and other human rights abuses against civilians suspected of collaborating with Al-Shabab.<sup>27</sup> Before it signed the ATT, China supplied armored combat vehicles to the Mozambique government.<sup>28</sup> Since signing the ATT, Beijing has committed to expanding military cooperation between Mozambique and China, including strengthening "equipment and technical cooperation."<sup>29</sup> Given Mozambique's human rights record, any such cooperation runs a grave risk of violating the provisions of the ATT.

China's provision of arms to the Ethiopian and Mozambiquan regimes has been replicated closer to Beijing. Since the military coup in 2018, the regime in Burma has carried out massive human rights violations against the Rohingya.<sup>30</sup> According to the U.N. Independent International Fact-Finding Mission on Myanmar, the Rohingya have experienced a "textbook example of ethnic cleansing" including murder, rape, torture, sexual slavery, persecution, and enslavement.<sup>31</sup> Yet China has continued to supply Burma with aircraft, such as the Hongdu K-8W Karakorum light-attack aircraft, and with other arms that the Burmese regime has used to attack the civilian population.<sup>32</sup> These transfers took place after China signed the ATT.

A U.N. report released in 2022 explicitly condemns China's arms sales to Burma:

Based on the wide reporting of the Myanmar military committing attacks against civilians using fighter jets since 1 February 2021, China had the requisite knowledge. The Myanmar military continued to use jet fighters to attack civilians and China continued to provide them. These transfers are a probable violation of China's obligations under the ATT.<sup>33</sup>

China has also continued to arm dictatorships in the Western Hemisphere. A report by the U.N. Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela released in 2022 found the Venezuelan government has committed "grave crimes and human rights violations...including acts of torture and sexual violence."<sup>34</sup> Yet 90 percent of China's arms shipments to Latin America have been directed to Venezuela, and Venezuela harnessed Chinese-imported military equipment to suppress pro-democracy protests beginning in 2017. As analyst Joshua Chang notes, "it is clear that the weapons that the regime has already stockpiled from previous purchases still enhance the repressive capabilities of [Venezuelan] security enforcers."<sup>35</sup>

Since signing the ATT, Beijing has continued to sell arms, including the C-802A anti-ship cruise missiles and the YJ-83 anti-ship missile system, to the Venezuelan regime.<sup>36</sup> While these missiles do not violate the ATT's Article 6 prohibition on supplying arms that will be used to commit human rights abuses, they are difficult to reconcile with Article 7 of the ATT, which mandates that nations should assess the potential for a sale of conventional arms to "contribute to or undermine peace and security."<sup>37</sup> There is no reasonable basis for believing that arming a dictatorial regime that is engaged in suppressing widespread popular protests with long-range anti-ship missiles is a contribution to peace and security in the Latin American region.

On its own, the ATT clearly will not stop China from arming dictatorial regimes.<sup>38</sup> Indeed, if the ATT did have the power to stop or alter China's arms sales, China would never have signed it: China's signature is *de facto* proof that the ATT will never constrain dictators. That fact is inherent in the treaty's two-layer structure: The ATT relies on the generalized expectation of good faith (embodied in the principle of *pacta sunt servanda*, Latin for "agreements must be kept"), and, more specifically, public pressure (or, in reality, on pressure from progressive NGOs) to stop arms sales.

But dictatorships do not work in good faith, and the progressive NGOs that back the ATT are too busy praising China for signing it, and bashing the U.S. for unsigning it, to devote time to calling out China's arms sales. That is because the ATT's effect is to constrain the democracies. It is not about pressuring regimes like China, and its backers do not want to use it to put pressure on China.

Beijing has therefore been left free to use the ATT as window dressing by claiming that it is supporting the treaty and acting as a responsible stakeholder in the international arms trade.<sup>39</sup> The point of the ATT, as far as China is concerned, is to give it another way to criticize the U.S. (and, in particular, U.S. arms sales to Taiwan), while mitigating the damage that the COVID-19 pandemic did to its international image by winning applause from Western progressives. The fact that anyone continues to praise China for signing the ATT showcases Beijing's ability to manipulate the West with meaningless promises while continuing to arm regimes that commit gross human rights violations.

## The ATT's Backers Still Focus Their Fire on the United States

The U.N. report condemning China's arms sales to Burma and explicitly calling out its likely violation of the ATT should have warned the ATT's backers to stop cheerleading for China and instead call out its arms sales. But the treaty's supporters have continued to downplay or ignore China's actions and to do what they have always preferred to do: condemn the U.S.<sup>40</sup>

By this point, the behavior pattern of these treaty backers is well-established: They always and invariably call out the U.S. (and the U.K. and Israel) by name, but even when they can be bothered to notice arms transfers from or atrocities committed by anyone else, they rarely identify the guilty party. For example, in 2015, Reaching Critical Will complained that

US-made cluster munitions have been found near Yemeni villages. The UK has reportedly expedited weapons sales to Saudi Arabia since the airstrikes

began. During the last Israeli military operation in Gaza in 2014, the UK refused to impose an arms embargo.... There are also countless examples of the use of banned weapons (cluster munitions in Ukraine), indiscriminate weapons (barrel bombs in Syria), and explosive weapons in populated areas (Gaza, Iraq, Nigeria, South Sudan, Syria, Ukraine, Yemen, etc.).

Reaching Critical Will identified the U.S., the U.K., and Israel by name. But somehow, barrel bombs just got used in Syria, and bombs just went off in Iraq, Nigeria, and Yemen. The democracies are named; the terrorists and the dictators are not.

In 2022, the ATT's backers, as always, have a host of grievances with the U.S., ranging from the U.S. relationship with Saudi Arabia to the Biden Administration's failure to produce a new conventional arms transfer policy.<sup>41</sup> They are also unhappy about U.S. arms sales to Taiwan—an unhappiness they share with China—and are increasingly restive about the West's efforts to help Ukraine to defend itself from Russia's unprovoked invasion.

In the case of Taiwan, the ATT's defenders claim that the U.S. is only making the situation worse.<sup>42</sup> In the case of Ukraine, the ATT's progressive backers are hamstrung by the fact that the Biden Administration is responsible for supplying the military aid, but their restiveness is shown by their “growing concern that American support to Ukraine's war effort was proceeding without sufficient safeguards to ensure the thousands of armaments pouring into the country did not end up in the wrong hands.”<sup>43</sup> Being more concerned about the diversion of U.S. military aid to Ukraine than about the Russian invasion of Ukraine is not reasonable. But focusing on the supposed wrongs of the U.S., not Russia's actual misdeeds, is what the ATT's defenders prefer to do.<sup>44</sup>

## China and Russia Use the ATT to Attack U.S. Arms Transfers

When the ATT's backers use it to criticize the U.S. and its allies, they are standing shoulder to shoulder with Russia and China. As long ago as 2015, Russia formally complained to Lithuania that its supply of arms to Ukraine violates the ATT.<sup>45</sup> When in 2022 Amnesty International published a shoddy report titled, “Ukrainian Fighting Tactics Endanger Civilians”—a claim that, under the ATT, could require limiting or even ending arms transfers to Ukraine—the Russian embassy in London immediately leapt to praise Amnesty's work.<sup>46</sup>

China has been just as vociferous about using the ATT to attempt to stem U.S. arms transfers to Taiwan. It argues that these transfers are being made to “non-state actors” and urges all states parties to the ATT to end such sales.<sup>47</sup>

The problem with the ATT is not that China, or Russia, could use it directly to block U.S. arms transfers to Taiwan or Ukraine. The problem is what would happen if the U.S. were to sign back onto the treaty and a crisis—for example, a Chinese threat to invade Taiwan—kicked off. China would certainly use the ATT to object to any proposed U.S. arms transfers. But any clever leftwing lawyer in the national security bureaucracy who opposed those transfers could also use the ATT to make the case that those transfers would violate the treaty.

The Left is well aware of this opportunity. It is now urging the U.S. government to “create an office to evaluate and coordinate executive branch efforts to combat arms trafficking” with a “highly empowered director.”<sup>48</sup> That is precisely the kind of bureaucratic mechanism that would in practice work to constrain the U.S.’s ability to arm its friends and allies around the world.

In short, the risk of the ATT is that, if the U.S. rejoined it, the treaty would create powerful legal leverage for the Left to deploy inside the U.S. government itself against U.S. arms transfers that progressives dislike.<sup>49</sup>

## China’s Track Record on Conventional Arms and Nonproliferation Agreements

China’s approach to the ATT has much in common with its attitude toward other agreements on conventional arms and nonproliferation. Wendy Frieman, author of *China, Arms Control, and Nonproliferation*, notes that “[e]very time since 1990 that China has faced the possibility of being isolated...the Chinese have joined with the community of nations to agree on, sign, and, in some cases, ratify major arms control and nonproliferation accords.”<sup>50</sup> Moreover, “China has, by any objective standards, lived up to its international commitments.”<sup>51</sup>

But China has not “acted in accordance with U.S. interests, or with political commitments made to U.S. government officials.”<sup>52</sup> In other words, China interprets treaty compliance narrowly and in light of its own policy goals and has no interest in wider (and vaguer) unrealistic expectations that the treaty is supposed to promote. As Frieman notes, “Chinese officials regularly point out the difference between subjective unilateral standards and objective, internationally agreed-upon rules.”<sup>53</sup> For China, conventional arms treaties are about signing on in order to appear to be a good global citizen, and about textual compliance.

Emphasizing textual compliance is not an unreasonable approach. If every nation adopted it, treaties would likely be narrower, more carefully

drafted, and as a result achieve more in practice. The cost, however, would be that the West, in general, and Western progressives, in particular, would have to give up on aspirational treaties like the ATT that are intended to restrict the conduct of Western democracies, which are susceptible to pressure from aspirational treaties.

China's approach to the ATT is illustrated by the way it deals with the ATT's reporting requirements. While China is mandated to report its arms exports under Article 13 of the ATT, the ATT allows states parties to make their reports private. Sure enough, China submitted its annual report to the ATT Secretariat—and sure enough, China kept its report private. This is completely within the rules of the ATT, but it is against the spirit of the ATT. When the treaty was being negotiated, the treaty's backers assumed that most, if not all, states parties would make their reports public—because if they did not, the treaty would not work. But in practice, reporting levels under the ATT have never been high, and in recent years, both non-reporting and confidential reporting have become even more common.<sup>54</sup>

As with China's arms exports to abusive regimes, the fact is that, on a good faith understanding, China is violating the ATT as it was supposed (or fantasized) to work. But it is not violating the actual, textual terms of the ATT. It is violating the hopes and dreams of the ATT's supporters. In short, China's conduct is as bad as the ATT is ineffectual in curbing it.

## What the U.S. Should Do

Following the outbreak of the COVID-19 pandemic, signing the ATT was an easy way for China to win cheap international acclaim without having to alter its sales of conventional arms in any significant way. China has capitalized on this newly won and unmerited acclaim by using the treaty to criticize the U.S., a practice that the ATT's progressive backers pioneered and continue to employ. The ATT's supporters and China have found common cause in their desire to use the ATT to constrain Western democracies, in general, and the U.S., in particular.

China is violating not the terms of the treaty as it is written, but the fantasies of the treaty's progressive backers about how the treaty would work and how effective it would be.<sup>55</sup> With their focus on the evils of the U.S., the treaty's supporters are not interested in using the public pressure they love to deploy against the U.S. against Beijing—not that it is likely the Chinese regime would respond to public pressure even if the treaty's backers were willing to use it.

In 2012, when the treaty was being negotiated, one of the major talking points justifying the negotiations was the need for a treaty to stop arms dealers such as Viktor Bout—portrayed by Nicolas Cage in the 2005 movie *Lord of War*—from running amok in Africa. This was nonsense: Bout was not a free agent, He was working with the knowledge and backing of the Russian government. Now the Biden Administration has swapped Bout for Women’s National Basketball Association player Brittney Griner, a bad deal made even worse by the fact that the ATT’s advocates see it as nothing more than an opportunity to cheerlead for even tighter controls to supplement the ones that Bout, now casually discarded, was used to justify.<sup>56</sup>

The ATT is a bad treaty because it rests on ever-evolving progressive norms, and because it uses those norms to turn policy decisions around arms exports—decisions that should be made by the executive and legislative branches—into legal debates conducted on the Left’s terms that must end with a clear-cut answer. The U.K. faced this problem in 2019, when its Court of Appeals barred arms sales to Saudi Arabia because of Britain’s signature of the ATT. A decision that should have been made in Downing Street and in Parliament was instead shifted to the courts. This is precisely why the Left loves the idea of using norms to shape policy: It takes the making of policy out of the hands of the public and the politicians, and hands it over to lawyers.<sup>57</sup>

President Trump’s unsigned of the ATT in 2019 was therefore correct. It allows the U.S. to support Taiwan, and Ukraine, without being obstructed by the ATT which is a useful tool for foreign adversaries such as China and, more important, anyone in the American bureaucracy who dislikes these arms sales. But while the U.S. is no longer constrained by the ATT, it can certainly not expect that the ATT will have any effect on Chinese conduct—and it can rely on China, and the ATT’s backers, to continue to condemn it for unsigned the treaty. The U.S. should therefore:

- **Refuse** to rejoin the ATT to preserve its policy control over its arms exports;
- **Recognize** that China participates in agreements on conventional arms not to fulfill the hopes of Western policymakers and progressives, but to avoid the appearance of isolation and to win easy applause; and
- **Publicize** China’s continued arms exports to repressive and dictatorial regimes to prevent China from winning unmerited praise for signing the ATT.

The ATT cannot and will not stop regimes, such as China's, that are determined to sell arms to dictatorships. An opportunistic China is more than willing to take advantage of naive progressives who enjoy criticizing the United States and who are always ready to mistake a national signature on a treaty for concurrence with their unfounded fantasies.

**Ted R. Bromund, PhD**, is Senior Fellow in Anglo-American Relations in the Margaret Thatcher Center for Freedom at The Heritage Foundation. **Sterling Mosley** was a member of Heritage's Young Leaders Program in the Thatcher Center in fall 2022.

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