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The *ATT Monitor* is produced by the Reaching Critical Will programme of the Women's International League for Peace and Freedom (WILPF), produced daily during the ATT negotiations, conferences of states parties, and other relevant meetings.

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EDITORIAL: PRINCIPLES WITHOUT BORDERS

Ray Acheson | *Reaching Critical Will of WILPF*

As Arms Trade Treaty (ATT) states parties voted on the location of their future secretariat on Wednesday, the president of South Sudan finally signed a peace agreement that seeks to end the mayhem and bloodshed that has ravaged the young country for years.¹ Had the ATT's principles and objectives been applied to arms transfer decisions by exporting states, the violence devastating South Sudan would not have happened in the way it has due to the easy access of conventional weapons on all sides.

The conflict, based on a power struggle between President Salva Kiir and his former deputy Riek Machar, has been fueled with arms from many exporters. In particular, Canada, China, and South Africa have flooded the country with weapons and ammunition.² According to a recent UN report, the South Sudanese government spent almost US\$30 million last year on machine guns, grenade launchers, and other weapons from China. It also procured Russian armored vehicles and Israeli rifles and attack helicopters.³ Meanwhile, rebel forces have obtained their weapons largely through theft, battlefield seizures, regional trafficking networks, or directly from neighbouring countries. Ammunition has been largely supplied to the rebels by Sudan.⁴

Of the countries supplying arms and ammunitions to South Sudan since the ATT entered into force, none are signatories. On Tuesday, speaking as an observer state at the first Conference of States Parties (CSP1), China said that it would never export weapons that do not accord to its three principles for arms transfers: that the transfer must relate to self-defence, must not undermine security, and must not interfere with internal affairs of recipient. Yet it sent "more than 27 million rounds of small calibre ammunition, 40,000 rounds of 40 mm Type-69 HEAT rockets for RPG launchers, 20,000 rounds of 40 mm BGL2 anti-personnel grenades, 1,200 Type HJ-73D anti-tank missiles, more than 9,500 Type 56 (AK-pattern) 7.62 x 39 mm as-

sault rifles, 2,394 add-on 40 mm under barrel grenade launchers, as well as smaller quantities of NP42 9 mm pistols, Type 80 general-purpose machine-guns, and other military equipment" to South Sudan in 2014.⁵

The UN report found, unsurprisingly, that "the continuing resupply of arms and ammunition on both sides has been instrumental in the continuation and escalation of the war to its current scale, leading to large-scale violations of international humanitarian law." There have been countless rapes, sexual slavery, executions, people burned in their homes, mass displacement, and many more atrocities, which have been documented by UN observers and by humanitarian and human rights groups such as Amnesty International and Human Rights Watch.⁶

China did not mention human rights or humanitarian law in its criteria for arms export decisions—criteria which are at the heart of ATT-mandated risk assessment procedures. The application of articles 6, 7, and 9 would bind ATT states parties and signatories, both exporters and transit/transshipment states, to refuse arms transfers to South Sudan. Of course, China is not a state party or signatory to the ATT. Yet its transfer in 2014 does not stand up to its own cited criteria for arms transfer decisions. If the shipment of weapons to South Sudan does not constitute "undermining security,"

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Editorial, continued

what would? And given that there is an ongoing civil war in which both sides are known to be committing atrocities, how does such a transfer not constitute interference with the internal affairs of recipient? In January 2015, China sent its first troops to join a UN peacekeeping force, and also persuaded the UN to guard not just civilians but oil installations.⁷ China has invested billions of dollars in South Sudan's oil production; presumably the massive shipment of weapons in 2014 was designed to help stabilise the government forces against the opposition in an effort to protect these interests. Of course, this strategy did not work—it just fueled the conflict and violence. This is yet another of countless examples showing that trying to arm one side of a conflict to the teeth in order to facilitate security or stability does not work.

China can argue that it is not bound by the ATT. So can Canada, Israel, and Russia, the other states that have contributed heavily to South Sudan's horrific war. But that argument is unacceptable. Yes, the ATT is legally-binding only upon those states that ratify it. But its principles and objectives must guide behaviour of all states, because its principles and objectives should reflect those of any responsible government. The governments that have been shipping arms to South Sudan must be held to the same standards as those who have been sending arms to Egypt, Iraq, Israel, Saudi Arabia, Syria, Ukraine, and any other country where horrific human rights and humanitarian abuses are being committed.

The ATT can and must be used as a tool to illuminate, stigmatise, and hopefully prevent arms transfers that are responsible for death and destruction, regardless of who is selling or receiving the weapons. The carnage caused by flows of weapons to regions of conflict or to recipients that use them to rape, murder,

torture, and terrorise does not respect borders. So neither should the Treaty's principles. They are the principles that should guide our engagement with each other as human beings in this shared world.

In terms of what this all means for states parties, it means establishing mechanisms for reporting that publicly provides vital information on the arms trade; it means condemning arms transfers that violate the provisions of the Treaty and our collective conscience; and it means preventing states from making profits from the death and destruction of others, regardless of where this takes place or who is responsible. •

Notes

1. "South Sudan: President Kiir 'will sign peace deal'," *BBC News*, 26 August 2015, <http://www.bbc.com/news/world-africa-34059495>.
2. "Arms transfers to South Sudan," Control Arms ATT Monitor Case Study 1, 2015, http://armstreatymonitor.org/wp-content/uploads/2015/08/ATT_ENGLISH_South-Sudan-Case-Study.pdf.
3. "Letter dated 21 August 2015 from the Panel of Experts on South Sudan established pursuant to Security Council resolution 2206 (2015) addressed to the President of the Security Council," S/2015/656, 21 August 2015.
4. Somini Sengupta, "U.N. Report Details Flow of Foreign Weapons into South Sudan," *The New York Times*, 25 August 2015, <http://www.nytimes.com/2015/08/26/world/africa/un-report-details-flow-of-foreign-weapons-into-south-sudan.html>.
5. "Arms transfers to South Sudan," *op. cit.*
6. See for example "Republic of South Sudan," *Amnesty International Report 2014/15*, <https://www.amnesty.org/en/countries/africa/south-sudan/report-south-sudan>; "South Sudan's New War: Abuses by Government and Opposition Forces," Human Rights Watch, 7 August 2014, <https://www.hrw.org/report/2014/08/07/south-sudans-new-war/abuses-government-and-opposition-forces>.
7. Somini Sengupta, "For the U.S. and China, a Test of Diplomacy on South Sudan," *The New York Times*, 2 March 2015, <http://www.nytimes.com/2015/03/03/world/africa/for-the-us-and-china-a-test-of-diplomacy-on-south-sudan.html>.

12,000,000,000

BULLETS ARE PRODUCED EVERY YEAR

ALMOST 2 FOR EVERY PERSON ON THE PLANET

74% OF THE WORLD'S WEAPONS

ARE SUPPLIED BY THE 5 PERMANENT MEMBERS OF THE UN SECURITY COUNCIL AND GERMANY

*2010 arms deliveries by value, to nearest whole percentage. Source: Congressional Research Service.

UNITED KINGDOM 7%

GERMANY 7%

RUSSIA 15%

CHINA 6%

FRANCE 4%

USA 35%

58

MILLION GUNS IN THE WORLD



NEWS IN BRIEF

Sofia Tuvestad | WILPF Sweden

The News in Brief is not a comprehensive summary of all statements. It highlights positions on a few critical issues covered during plenary discussions.

Financing

- The Co-Facilitators on Financial Rules presented to the plenary revised draft WP.3/Rev.1 with amendments from the informal session on Tuesday. These included a number of technical amendments, as well as a compromise with regards to Rule 5, "Contributions for the CSP and any subsidiary bodies it may establish". The compromise read that the adjusted financial contributions shall ensure that no one state's contribution exceeds 22 per cent of the total, and that no state contributes less than US\$100. In addition to this, the amount shall be subject to review by the CSP every three years.
- The Financial Rules as drafted in WP.3/Rev.1 were adopted in plenary.

Secretariat

- The President reiterated to the Conference that a non-recorded, secret ballot was to take place to determine the location of the ATT Secretariat. The voting continued in an informal session.
- The first round of voting, based on 67 valid ballots from the participating states parties at the CSP, gave the following result: Geneva: 21 votes; Port of Spain: 32 votes; Vienna: 14 votes. Vienna subsequently withdrew its candidacy.
- A second vote took place in the afternoon, in which a simple majority was needed to win. The second round of voting, based on 67 valid ballots, gave the following result: Geneva: 35 votes; Port of Spain: 32 votes. Trinidad and Tobago subsequently withdrew its candidacy.
- The President then re-opened the plenary session for the formal decision by the plenary to place the ATT secretariat in Geneva.
- The Co-Facilitators presented their revised draft WP.5/Rev.2 on Terms of Reference for the Management Committee. The revised draft included a few technical modifications as well as amendments with regards to the different roles of the members of the management committee, based on Tuesday's informal session. This was reflected in item 2 of WP.5/Rev.2 stating that a representative of Signatory states may be invited by the Conference to attend the meetings of the Management Committee as observer.
- Barbados suggested including a clarification in relation to item 3 to identify what procedure to undertake in case one or several members of the

management committee are unable to continue functioning in their role. The facilitator clarified that in the event of this; the representative's regional group will be able to appoint someone else for the role. It was concluded that no changes to the text were necessary.

- The Terms of Reference for the Management Committee as drafted in WP.5/Rev.2 were adopted in plenary.
- The Co-Facilitators then presented a series of technical amendments in the revised Directive of the States Parties to the Secretariat, WP.2/Rev.2. The revised draft WP.2/Rev.2 was adopted in plenary.
- The candidates for the position as Head of the Secretariat introduced themselves to the delegates in between the plenary sessions. The candidates gave presentations of their professional backgrounds and qualifications, and were asked questions by delegates.
- The President introduced non-paper WP.8, "Assumptions for the budget related to the functioning of the Secretariat for the Arms Trade Treaty," and announced that consultations relating to this were to be held after plenary.

Transparency

- The Facilitator presented that amendments had been made to the final draft on Provisional Reporting Templates, WP.4/Rev.1, which had been circulated to delegates the same morning. The Facilitator subsequently asked for the plenary to be given more time to go through the final draft. The discussion will be revisited on Thursday. •



WHERE DO WE GO FROM HERE?

Natalie Goldring

The core agenda for the first Conference of States Parties (CSP1) on the Arms Trade Treaty (ATT) focused on matters that seemed more administrative than substantive—rules and procedures for future CSPs, choosing the location of the Secretariat for the Treaty, and choosing the head of the Secretariat. The declared purpose was to begin creating the institutions necessary to implement the Treaty.

On these terms, the CSP has been relatively successful. At the time of this writing, states parties have agreed on Rules of Procedure and have selected Geneva as the site of the Secretariat for the ATT. Before the meeting adjourns, states may also choose the head of the Secretariat and agree on provisional reporting templates for the mandatory reports of states parties, even though analysts and diplomats have raised important concerns about the utility, robustness, and transparency of the current proposed templates.

Important substantive issues are also subsumed beneath some of the seemingly administrative matters. For example, the rules and procedures adopted this week are relatively friendly to non-governmental organizations. This may make it easier for NGOs to participate fully in future CSPs, particularly in contrast to many of the meetings during the formulation of the ATT. This Conference provided promising precedents. NGOs have been an integral part of this meeting, attending informal drafting sessions as well as the formal plenaries. It wasn't necessary to have the usual, separate (and often sparsely attended) session at which NGOs were permitted to speak, because NGOs were allowed to intervene as part of the regular discussion.

But as delegates and observers prepare to leave Cancún, questions that are likely to determine the

prospects for full implementation of the ATT remain unanswered, including:

Why did states choose not to address Treaty implementation issues?

The agenda for CSP1 provided the opportunity to review various aspects of the implementation of the Treaty, to offer recommendations for implementation, and to promote its universal acceptance. When the President of the Conference asked for responses to these points, country placards remained in their stands; not a single country requested to speak. The President of the Conference had mentioned that he did not anticipate responses from states, since it is early in the implementation process. But it's difficult to believe that not a single state had ideas for how to improve Treaty implementation.

What should be the role of countries that have not ratified the Treaty?

A critical task for the full implementation of the ATT will be bringing key suppliers and recipients on board. The United States, for example, has signed the Treaty, but has not submitted it to the Senate for its consideration. This choice reflects political reality; the Treaty's chances of passage would be minuscule at best. Even though US government representatives don't expect the United States to become a state party any time soon, the US government still has political, economic, and military stakes in the process of Treaty development. If the United States is outside the Treaty for several years, for example, it may find that Treaty norms have developed without it.

But the United States is certainly not alone. Of the top ten weapons suppliers for 2010–2014 identified by the Stockholm International Peace Research Institute, five countries (France, Germany, the United Kingdom, Spain, and Italy) have signed and ratified the Treaty. The United States, Ukraine, and Israel have signed but not ratified. China and Russia abstained from the General Assembly vote to adopt the Treaty and neither has signed it.

Of the ten top arms recipients for the same period, only Australia has both signed and ratified the Treaty. Five of the top recipients have signed but not ratified the Treaty (the United Arab Emirates, Turkey, the United States, the Republic of Korea, and Singapore). Pakistan voted to adopt the Treaty but has not signed; India, Saudi Arabia, and China abstained on the vote to adopt the Treaty, and have not signed.



Photo by Fred Lubang



Countries that are not states parties are not entitled to the same privileges as those who have made this commitment. That said, it's important to continue working with these countries to bring them into the Treaty regime. Signatories can also demonstrate their commitment to the Treaty by developing the necessary institutional structures to support the Treaty and by making decisions that are consistent with its provisions.

What can we do to continue to bring the global arms trade out of the shadows and into the sunlight?

As a young graduate student (a long ago), one of my professors said, "Suppose all of your questions have been answered. What would it mean?" His point was that we needed to consider whether the information we sought would lead us to suggest different solutions to the policy issue we were addressing, or if it was just interesting information to have.

Ray Acheson's editorial in yesterday's *ATT Monitor*, "Here's the thing about transparency: It's the least

you can do," makes an eloquent case for increased transparency in the implementation of the ATT. The intent of the ATT is not to provide information. It's to save lives. But access to timely information may be the key to doing so. The ATT could allow analysts to obtain information about potentially destabilizing arms flows before conflicts erupted. They could use this information to prevent conflict, rather than trying to resolve conflicts once they occur.

According to the oral tradition of the Talmud, "It is not your duty to complete the unfinished work, but neither are you free to refrain from it." This week was a good start, but there is so much more to do. In the time scheduled for this Conference, approximately 5000 people will have lost their lives to armed violence. •

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EVENT: LAUNCH OF THE CONTROL ARMS ATT MONITOR

Allison Pytlak | *Control Arms*

The Control Arms ATT Monitor project was officially launched today at a side event during the first Conference of States Parties (CSP1). The project aims to track the implementation and impact of the ATT through independent research and analysis.

"How the treaty is interpreted and applied in its earliest years will be vital to its long-term effectiveness and we believe the ATT Monitor will provide a useful resource for both states and civil society," said Deepayan Basu Ray, ATT Monitor Co-ordinator.

This first report features analysis of circumstances in which a transfer should be denied and the risk assessment states must undertake before authorising exports. It also looks at financial assistance provided to states acceding to or implementing the ATT and considers examples of how six states parties (the Bahamas, Malta, Mexico, Norway, Panama, and Serbia) have responded to meet their ATT obligations. In his presentation, Basu Ray explained the ATT Monitor project includes three components: an annual report, case studies, and a website. This first report for 2015 includes a case study on South Sudan and the applicability of the ATT to arms transfers there.

Chaired by Ambassador John Quinn of Australia, the launch included presentations from the Netherlands, Norway, Ireland, and Trinidad and Tobago, all of whom have provided support to the new project. Dutch Ambassador Peter van Wulfften Palthe wel-

comed the ATT Monitor project and the information it will provide. Ambassador Jorge Lomónaco of Mexico outlined the reporting practices of the Mexican government. Ingunn Vatne, Deputy Director of the Norwegian Department for Humanitarian Affairs, explained how her government engages the public in debate over Norwegian arms exports. Jackie O'Halloran Bernstein of Ireland reiterated that the ATT addresses the gendered aspects of armed conflict, which opens up possibilities for reporting on measure to reduce gender-based violence. Ambassador Gerald Thompson of Trinidad and Tobago illustrated exactly how the ATT Monitor project addresses the gaps in the Treaty text with regard to verification. Anna Macdonald of the Control Arms Secretariat outlined why Control Arms had launched the monitoring project, and expressed hope that the project will help fill a watchdog role that civil society is well-suited to play.

The role that ATT Monitor project will play in enhancing the transparency of the Treaty, as well as assisting universalization and implementation, was noted by all governments that participated in the launch. Given the debate at CSP1 as to how transparent states' reports on arms transfers should be under the ATT, this was a timely event.

The first ATT Monitor Report is available online at <http://www.armstreatymonitor.org/> and found on Twitter @ArmsTreaty. •



CONTROL ARMS DAILY SUMMARY OF CSP1

Nic Marsh and Fausto Octavio Brindis Abraham

The third day of the Conference of States Parties was a day of taking decisions and moving forward. The main highlight was the decision on the location of the ATT Secretariat. Other decisions included the adoption of the Financial Rules, the Terms of Reference for the Management Committee, and the Directive of the States Parties to the Secretariat of the ATT.

Location of the ATT Secretariat

Wednesday commenced with the first round of an informal, 'unrecorded', secret ballot to determine the location of the Secretariat. The plenary session was suspended for the duration of the ballot. The modalities of the ballot, as agreed among the three candidate countries (Austria, Switzerland, and Trinidad and Tobago), were as follows: all states parties present were entitled to vote for one candidate country (and any that indicated an order of preference on their ballot paper would be considered 'invalid'). If any candidate received two-thirds of the votes, they would automatically be declared the 'winner'. Otherwise, the candidate country that received the least number of votes would voluntarily withdraw from the process, leaving two candidates for a second round of voting, with a simple majority determining the ultimate successor. Ms. Maritza Chan of Costa Rica volunteered to be the teller for the ballot and a verification team of four volunteer government delegates from Poland, Japan, New Zealand, and Côte d'Ivoire accompanied her to conduct the ballot. A total of 67 states parties were present for the vote. The results of the first round were as follows: Port of Spain, 32; Geneva, 21; and Vienna, 14. As no candidate achieved a two-thirds majority, third-placed Austria withdrew its candidacy and a second round of voting was held at 5 pm.

With high levels of expectation and speculation, this second round yielded the following results. Geneva received 35 votes, and Port of Spain received 32. The Honourable Winston Dookeran, Foreign Minister of Trinidad and Tobago, withdrew his country's candidacy in a presentation that demonstrated its strong belief in the ideals and aspirations of the ATT. After the ambassadors of both countries exchanged handshakes, Geneva was confirmed as the seat of the ATT Secretariat by acclamation in the plenary. Ambassador Urs Schmid accepted the decision and reaffirmed Switzerland's commitment as a host to a strong and effective ATT Secretariat.

Adoption of Financial Rules and other documents

Following the first round of the Secretariat ballot in the morning, the Financial Rules, Terms of Reference for the Management Committee, and Directive of the States Parties to the Secretariat were put forward for adoption.

Several changes were proposed to the financial rules. These included: a decision that the minimum assessed fee a state party will be obligated to contribute to CSP or Secretariat costs would be \$100, to be reviewed every three years; a reference to sponsorship funding to attend-

ing meetings other than the CSP; and a new sub-section establishing a general fund for the purpose of accounting for expenditures of all assessed contributions and the possibility of trust funds and special accounts being funded wholly by voluntary contributions.

The Terms of Reference for the Management Committee were refined in several technical ways and relevant references to the newly adopted Rules of Procedure inserted. It was clarified that signatory states may be invited to attend meetings of the Committee as observers, and paragraph nine was amended to clarify the Committee's role with respect to investigating budgetary and financial irregularities. It must now 'inform and make recommendations' to the states parties rather than just 'inform' them.

The Financial Rules, Terms of Reference for the Management Committee, and Directive of the States Parties to the Secretariat were then adopted by consensus. The facilitator of the Reporting template also provided an update on the outcome of consultations held on the draft reporting template before and during the conference. He noted that states needed more time to review the changes and accordingly a discussion on the latest draft was postponed until Thursday morning.

Presentations from candidates for the Head of the ATT Secretariat

In the afternoon, the three candidates for the position of head of the ATT Secretariat—Ambassador Paul Beijer, Dumisani Dladla and Guy Pollard—argued their respective cases for why they should be selected to the post.

Paul Beijer emphasized his experience at the Swedish Export Control Institutions and the various positions as a diplomat and negotiator for Swedish interests in terms of disarmament. He highlighted the importance of the Secretariat being able to begin substantive work quickly and focused on practical issues it will face in the first year such as recruiting staff, preparing the physical infrastructure for an effective and efficient Secretariat, a website, and secure ICT for providing reports to the Secretariat.

Dumisani Dladla elaborated on his experience as Chief Director of Strategic Management at the Ministry of Defence. He stressed the need to ensure that the Secretariat assists states parties to implement the ATT and work 'on the ground'.

Guy Pollard highlighted his experience in different positions in other disarmament mechanisms and issues such as landmines, International Tracing Instrument, the UN Programme of Action on small arms, as well as his role as Senior Advisor to the UK for the ATT process. His vision for the Secretariat includes prioritizing support for states parties in understanding their obligations and facilitating international assistance and cooperation, promoting implementation, and maximising transparency. •