



ATT MONITOR

Civil society perspectives on the
Third Conference of States Parties
to the Arms Trade Treaty
11-15 September 2017



Reaching Critical Will

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IN THIS ISSUE

- 1 | A turn to substance? Yes please.
- 3 | News in brief
- 6 | Statement of Mwatana Organization for Human Rights (Yemen)

A TURN TO SUBSTANCE? YES PLEASE.

Allison Pytlak | *Reaching Critical Will of WILPF*

During the general debate a handful of states described the Arms Trade Treaty (ATT) as moving into a new phase, making a “turn to substance”. In this vein, many participants emphasised the importance of implementation, expressing the sentiment that it would now be easier to move forward with substantive discussions in this area following the establishment of several key mechanisms and structures over the last year.

Civil society has been calling for greater discussion of substantive matters during ATT meetings for the past two years. In our view, the focus of recent meetings on procedural matters has been necessary to some extent, but has possibly also been used as a way to avoid more robust discussion of challenging issues, particularly in relation to so-called transfers of concern. We have been told that ATT conferences of states parties are not the appropriate space to discuss such things—to which we’ve replied, if not here, then where?

In her statement to the conference, Radhya al-Mutawakel from Mwatana Organization for Human Rights painted a painfully ac-

curate picture of what is happening to her country of Yemen as a result of conflict. She called for an end to arms transfers to all parties of that conflict. “Two million people are internally displaced, of which more than a million are children. The health system is in freefall. Cholera has killed more than 2,000 Yemenis and half a million more are infected, making it the worst cholera epidemic in modern history.” Describing the violence and destruction in Yemen and other countries, Peter Maurer, President of the International Committee of the Red Cross (ICRC) warned that there is “a gap between promise and implementation, between the law and respect for the law,” which results in human suffering. “The ATT is a blueprint for action by all States,” he noted, but emphasised that the challenge is to “turn words into deeds” in order to “protect communities from the worst brutalities of war.”

The calls for more substantive discussion by states parties, particularly on implementation, are very welcome, but we urge states to meet them with equally substantive action outside the conference room—and to do so immediately.

continued on next page

The *ATT Monitor* is produced by the Reaching Critical Will programme of the Women’s International League for Peace and Freedom (WILPF) daily during all ATT meetings.

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The views expressed in this publication are not necessarily those of WILPF or Reaching Critical Will.



Airstrikes in the city of Sana’a in Yemen have left 14 dead and injured another 16 people.

© EPA / Yahya Arhab

Editorial, continued

ATT implementation means different things to different states, as was well articulated during the general debate. For some it is about developing national control systems for the first time, or passing new laws that will incorporate ATT obligations, sometimes in context of competing national priorities. It may also be about cultivating expertise where there is none, or providing training and information on less familiar aspects of the treaty, such as the criterion on gender-based violence. It includes establishing information-sharing mechanisms, or stronger border controls. Any substantive discussion about implementation should include these aspects—provided that doing so does not become a way to avoid other types of substantive issues that may touch on the behaviour of countries that are already well-equipped to implement the ATT.

On behalf of twelve states, Mexico delivered a proposal at the end of Monday's session calling for an end to arms transfers to Venezuela until peace is restored. It stated that this would be in line with obligations under articles 6 and 7 of the ATT. This signifies the kind of positive and substantive action that can make a difference on the ground. Having a similar outcome from this conference on the transfers that facilitate the bloodshed in Yemen is strongly encouraged, as are actions that translate the Mexican proposal into

tangible actions. Ceasing arms transfers is one step; verifying, monitoring, and reporting on it transparently are others.

This is not a new message from civil society, but it continues to be a relevant and increasingly urgent one. As many countries stated today, the potential benefits of the ATT are manifold and go beyond the obvious. For example, the relationship between stronger arms control and development, such as through the Sustainable Development Goals (SDGs), was reinforced by many governments during the general debate and will be addressed in greater depth at this conference. Also noted was the Treaty's potential to reduce crime, human suffering, and gender-based violence. Sweden said that the ATT could be a "game changer" but for that to happen, all must work together to fully implement it. Ms. Izumi Nakamitsu, UN High Representative for Disarmament Affairs, said the ATT is part of the broader disarmament architecture and is thus part of the UN Secretary-General's vision of "disarmament that saves lives". In order for the ATT to live up to such expectations, states parties cannot continue to put off the challenging discussions any longer. It's time to confront those that continue to profits ahead of people and demand real change. •

ATT Side-event

GENEVA
DISARMAMENT
PLATFORM




Mansplaining Gender and Disarmament

Thursday, 14 September 2017, 13:00 -15:00

CICG, Room 3

NEWS IN BRIEF

Ray Acheson | *Reaching Critical Will of Women's International League for Peace and Freedom (WILPF)*

The news in brief is not a comprehensive report on all statements but provides brief highlights on a range of themes and positions.

High-level segment

- Foreign Minister Soini of Finland lamented that many countries rely more on force than international rules and cooperation, noting that each year over half a million people are killed by conflicts, terrorist attacks, and crimes.
- Foreign Minister Burkhalter of Switzerland said ATT states parties must seek to ensure the Treaty fulfills its promise for thousands of potential victims, noting that the priority must be reducing human suffering.
- High Representative for Disarmament Affairs Ms. Izumi Nakamitsu said ATT states parties bear responsibility to promote the Treaty and its norms, including with those states with which they have military and/or trade relationships.
- She described the ATT as an important part of the overall disarmament architecture and part of the UN Secretary-General's vision for disarmament that can actually save lives.
- Mr. Peter Mauer of the International Committee of the Red Cross (ICRC) noted that armed conflict costs about \$13.6 trillion or 13% of global GDP annually and argued that weapons must not be treated as just another form of commercial goods.
- He sees the gap between promise and implementation, between law and respect for the law, and the suffering that results; in this context he described the ATT as a blueprint for action but emphasised that states parties must tackle realities such as the devastating conflict in Yemen.
- Ms. Radhya Al-Mutawakel of the Mwatana Organization For Human Rights (Yemen) said it is shocking that 19 states parties and 3 signatories have agreed to sell or deliver arms to Saudi Arabia after the conflict began in full knowledge that these weapons are likely to be used in Yemen, which is currently experiencing the worst armed conflict and humanitarian crisis underway.
- Soini, Burkhalter, and Nakamitsu emphasised the importance of universality of the ATT; Nakamitsu noted that while accession is going well in Western and Eastern Europe and Latin America and the Caribbean, it lags far behind in Africa, Asia/Pacific, and the Middle East.
- Burkhalter, Nakamitsu, and Mauer highlighted the importance of the ATT for achieving the Sustainable Development Goals (SDGs).
- Soini said the ATT needs to account for new weapons technologies.
- Soini, Burkhalter, and Nakamitsu said its time to shift focus to ensuring effective implementation of the Treaty.

General debate

- The CSP3 President urged states to “focus on what unites us rather than what divides us.”
- The CSP3 President, Argentina, Australia, Belgium, United Kingdom (UK), and Uruguay said that it's time to turn from process to substance in ATT discussions.
- Bulgaria, El Salvador, European Union, Honduras, Netherlands, Peru, Samoa, and Slovenia reiterated the Treaty's objective of reducing human suffering.
- Honduras also highlighted the Treaty's contribution to reducing armed violence.
- Costa Rica said the ATT combines arms control with principles of humanitarianism, noting that it has the potential to help bring peace and development to those areas that are today covered in blood and violence.
- Guatemala highlighted the economic incentives of the legal and illegal trade in arms, from which hundreds of thousands of people die each year.
- Colombia said it is one of its priorities to prohibit arms transfers to non-state actors.
- Nigeria said the importance of the ATT lies in the number of lives it helps to save and the number of conflicts it helps prevent, noting that challenges of implementation, reporting, and universalisation are enormous but surmountable.
- Madagascar is convinced that safeguarding peace and security, in compliance with human rights and IHL, is the basis of our common security.

Specific country situations

- Uruguay noted that the five permanent members of the UN Security Council are responsible for 75% of the arms trade but most of them have not ratified the ATT.
- Costa Rica highlighted arms transfers resulting in violence in Yemen, Syria, and throughout Latin America.
- Costa Rica appealed to all ATT state parties not to transfer arms to Venezuela.
- On behalf of twelve states, Mexico delivered an appeal to all ATT states parties and non-states parties to not transfer any weapons to Venezuela while it is in the midst of its democratic crisis. Citing recorded human rights abuses, the group of states argued that articles 6 and 7 of the ATT should be applied, in line with paragraph 13 of the Lima Declaration on 13 August 2017.

Links between the ATT and other issues

- Argentina, Australia, Austria, Bulgaria, Costa Rica, European Union, Iceland, Mexico, Macedonia, Montenegro, Netherlands, Palau, Panama, Poland, Sierra Leone, Slovenia, Spain, Sweden, and Zambia highlighted links between the ATT, sustainable development, and the SDGs.



News in brief, continued

- Peru highlighted links between the arms trade and human rights, noting its initiative in the Human Rights Council.
- Argentina highlighted the links between arms transfers and human rights violations and violence in local communities.
- Panama highlighted links between drugs and arms trafficking.
- Honduras, Norway, and Mexico highlighted links between the arms trade and organised crime.
- Spain said UN Security Council resolution 1325 on women, peace and security (WPS) should be taken into account in ATT implementation.
- Belgium noted synergies between the ATT and the WPS and the children in armed conflict agendas.

Gender-based violence (GBV)

- European Union noted that the ATT is the first every legally binding regime to recognise the link between GBV and the international arms trade and suggested the Treaty will help strengthen norms against GBV.
- Norway said the Treaty's GBV provision is a great achievement that will hopefully focus and advance efforts to prevent GBV.
- Belgium, Iceland, and Spain said ATT is important tool to prevent GBV.
- Ireland hoped the ATT's provisions on GBV have set a precedent in arms control and highlighted its working paper on how to implement these provisions.
- Uruguay noted that sexual violence as a weapon of war, as well as domestic violence and GBV, have been exacerbated by access to weapons.

Universalisation

- Argentina, Australia, Czech Republic, El Salvador, France, Germany, Iceland, Macedonia, Mexico, Netherlands, Norway, Panama, Paraguay, Spain, Sweden, UK, and Zambia called for further efforts to universalise the Treaty.
- Panama said universalisation is as important as implementation.
- Germany said it discusses the benefits of the ATT in bilateral consultations with non-state parties.
- Italy said it would be happy to further discuss its proposal from last year for informal troika system of CSP presidents, aiming to make universalisation efforts more sustainable while allowing for appropriate coordination and advanced planning.
- Norway encouraged states to speed up ratification processes.
- Australia announced it will launch a new compendium of benefits to joining the ATT in an effort to broaden universalisation.
- Bulgaria and Poland said they are working on universalisation through the EU outreach programme.

- Costa Rica called on the biggest producers and exporters of weapons to join the ATT.
- UK suggested ATT states parties need to convince non-state parties that the Treaty is not a threat to self-defence or arms industries.
- Argentina said credible implementation of the Treaty is important for achieving universality.

Participation

- Ireland said diverse representation at CSPs is a priority.
- Ireland and New Zealand highlighted their contributions to the ATT sponsorship programme.

Transparency and reporting

- Austria, Belgium, Guatemala, Ireland, Macedonia, Mexico, Montenegro, Netherlands, Norway, Republic of Korea, Romania, Slovakia, and Spain encouraged all states parties to honour their reporting obligations.
- Austria, Guatemala, Ireland, Montenegro, Netherlands, Romania, and Spain indicated support for public reporting.
- Czech Republic said transparency is key to building confidence in compliance with Treaty and to ensuring effective implementation, noting the importance of strengthening the reporting capacity of states parties.
- Germany and Macedonia supported universal templates.
- Japan said the ATT's reporting mechanisms should be flexible in format.
- Spain offered to translate the reporting template into Spanish.
- Poland said transparency helps build trust, creating conditions for further progress in disarmament and arms control.
- Mexico said current levels of implementation of reporting obligations are not sufficient, noting that information is needed to learn where diversion is occurring.
- Paraguay noted that national reports are key to assessing needs in cooperation and implementation.
- Nigeria noted that proper record keeping helps with transparency.
- Zambia noted that states parties' information sharing on implementation of the Treaty can be another avenue for universalisation.
- Romania said fulfilling the ATT reporting obligations should be seen as necessary to be considered a credible partner in the arms trade market.

Working groups (WGs)

- Australia, Germany, Greece, Italy, Japan, Macedonia, Montenegro, Netherlands, Nigeria, Norway, and UK welcomed the operation of the WGs established at CSP2.



News in brief, continued

- Netherlands, Romania, and Sweden noted the WGs would benefit from further participation from export control experts from capital.
- Japan called for more participation from states of different regions.
- Sweden urged participation from global south.
- UK said WG proposals should be at the heart of discussions at CSP3, including assessing their mandates for the coming year.
- Greece supports the continuation of the WGs in any format.

National control systems and legislation

- Côte d'Ivoire, Czech Republic, France, Peru, Sierra Leone, and South Africa highlighted the importance of establishing robust national legislation and control systems to implement the ATT.
- South Africa noted the establishment and maintenance of arms control systems is complex if viewed against ever-changing security environment and ever-decreasing resources; therefore need long-term perspective in implementation processes.
- Czech Republic offered its assistance to states parties that need to build national control systems from scratch.
- Samoa said there is only so much national systems can do, arguing that a regional approach is the most effective way to implement the Treaty.
- Slovakia urged all states parties to adapt their existing export control systems to be fully compliant with the ATT.
- Spain said its national control system has been adapted to ATT.

- Costa Rica announced it has trained more than 500 civil servants in observance matters and customs.
- Guatemala highlighted its efforts to establish national plans for prevention of armed conflict and to control firearms.
- Burkina Faso has established a body to control import and export of weapons, which works with its institution for combatting the illicit proliferation of small arms; it also works with the EU in relation to transshipment and brokering, a new law on which will soon be submitted to parliament.
- Greece highlighted its efforts to incorporate ATT provisions in national legislation and ensure close cooperation of relevant ministries.
- Colombia said it is working to ensure future ratification of the ATT and is in the meantime working on implementation.
- Nigeria said it has collected excess weapons, worked to prevent entry of small arms, improve stockpile management, and regulate brokers.
- Uruguay has updated its legislation including by approving a national law on the manufacturing and trafficking of weapons.
- Madagascar is studying the feasibility of implementation of a national arms commission in relation to ATT implementation.
- Zambia has established a committee of inter-ministerial officers to design an implementation programme.

Implementation assistance

- Benin, Burkina Faso, Finland, France, Germany, Guatemala, Macedonia, New Zealand, Nether-



Campaigners outside the UN calling upon delegates to the third Conference of States Parties on the Arms Trade Treaty in Geneva to immediately stop arms transfers that violate the Treaty and kill and injure thousands of people around the world.

11 September 2017 © Ralf Schlesener



News in brief, continued

lands, Nigeria, Romania, Senegal, Spain, and Zambia welcomed establishment of the Voluntary Trust Fund (VTF).

- Benin, Burkina Faso, Costa Rica, Côte d'Ivoire, and Senegal said they have benefitted from the VTF and other sources of assistance.
- Spain supported the creation of a database to exchange information regarding Treaty implementation.
- Belgium called for assistance to be adapted to states' needs.
- Costa Rica has helped organise workshops throughout its region to share best practices in experience with national implementation and explore how to face common challenges.
- Guatemala said the Secretariat should give assistance to all states parties that request it, especially during the first years of implementation.
- New Zealand has worked with partners in Pacific region and Control Arms to develop an implementation toolkit for the Pacific.
- Mexico welcomed bilateral cooperation with United States, Japan, and others on preventing diversion.
- Senegal suggested that international cooperation and assistance between importing and exporting countries could lead to real impacts on peace and security and on compliance with human rights.

Civil society

- Argentina, Australia, Austria, Belgium, Bulgaria, European Union, France, Ireland, Macedonia, Mexico, Montenegro, New Zealand, Norway, Romania, Samoa, UK, Uruguay, and Zambia welcomed efforts of civil society in relation to ATT implementation.
- El Salvador called for stronger links between states and civil society to implement the ATT and reduce human suffering.
- Samoa noted that civil society efforts to monitor ATT implementation helps with transparency.
- Ireland said engagement with civil society must be promoted.
- Belgium, Mexico, and UK highlighted the importance of increasing industry engagement with the ATT.

Process

- Panama announced its candidature for the ATT management committee.
- Australia and New Zealand said the management committee terms of reference need further work in relation to its geographical basis for appointments.
- Japan announced its candidature for the presidency of CSP4 and is seriously considering hosting the conference in Japan next year if elected. •

STATEMENT OF MWATANA ORGANIZATION FOR HUMAN RIGHTS (YEMEN)

Ms. Radhya Almuwatakel

The following statement was delivered to the high-level segment of CSP3 by Ms. Radhya Almuwatakel, Chairperson and Co-founder of Mwatana Organization For Human Rights (Yemen) and Control Arms representative.

Mr President, Distinguished delegates,

I am honored to be here with you today speaking on behalf of the Control Arms Coalition.

I take this opportunity to bring to you a picture from Yemen, which now for more than two years has been under destruction, fuelled directly by weapons that flow in large quantities to the warring parties in Yemen.

You may not know much about the civilian victims or what is happening to the Yemenis enduring the daily onslaught of the war. Sadly many ordinary Yemenis have come to know some of your countries through the weapons that have destroyed their homes and killed their families.

In Yemen, The Saudi and Emirati led coalition , Ansar Allah armed group (Hothis) and their ally former President Saleh , President Abd Rabu Mansoor Hadi forces and armed groups loyal to him, all warring parties without exception are committing horrific violations against civilians and civilian objects. Kalashnikovs, landmines, mortars, ballistic missiles, Cluster bombs, F-16s –, the range of weapons used against civilians is wide.

For more than two years, Mwatana Organization for Human Rights has documented hundreds of serious violations of international humanitarian law by the various parties to the conflict.

Thousands of civilians, mostly women and children, have been killed.

Hundreds of homes, dozens of schools, hospitals and health centres, shops, bridges, roads, corridors, mosques and cultural and archaeological sites have been targeted.

continued on next page



Statement of Mwatana Organization for Human Rights (Yemen), continued

It seems no one, no place, no home is safe.

Much of the humanitarian aid, health and medical supplies, and educational support sent by well-meaning countries and organizations has never reached the people who needed it. The sad irony is that, instead, weapons were sent, delivered by warring parties, to take our lives and destroy our very limited infrastructure.

This conflict and the conduct of the combatants have created the worst global humanitarian crises in the world today. 17 million Yemenis face starvation and lack food security. Two million people are internally displaced, of which more than a million are children. The health system is in freefall. Cholera has killed more than 2,000 Yemenis and half a million more are infected, making it the worst cholera epidemic in modern history.

None of this is the result of a natural disaster. It is, all of it, man-made, conflict-made. It is the responsibility firstly of those directly involved in the conflict, but also of those providing political cover and material support, particularly support with weapons and military equipment.

Saudi Arabia is one of the largest arms importers in the world and Yemen remains - since the Saudi and its military alliance intervention - home to the world's largest humanitarian crisis and a shocking record of the most serious violations of international humanitarian law.

This sadly reflects the triumph of economic interests over the blood of innocent people.

It is shocking that 19 States Parties and 3 Signatory States agreed to sell or deliver arms to Saudi Arabia after the outbreak of war in Yemen, in many cases in the full knowledge that these will be or are likely to be used in Yemen.

Yemenis are eager for life, they do not like war. They continue to choose life at the time when death is exported to them from every direction. You must support this choice of life rather than push the people of Yemen to war. A peaceful solution in Yemen is still very possible, so please, I implore you, be a leading hand to peace, and don't allow arms trades to stand in the way.

My story is from Yemen. It is a terrible story, though sadly not unique. My colleagues here this week from Africa, Asia, the Americas, Caribbean, and the Pacific can equally share stories of arms-fuelled suffering that continues from war zones in cities and rural areas.

On behalf of Control Arms, my organisation Mwatana and civilians suffering everywhere throughout the world, I call upon you as States Parties and Signatories to the ATT to:

- Remember that the purpose of the ATT is to reduce human suffering, and to focus your discussions this week on how to achieve this.
- Support transparency to help ensure accountability and reduce corruption and the diversion of arms.

And I call on *all* States to immediately stop all forms of support for the conflict in Yemen, including the supply of any arms that might be used by any participant to the conflict. I call on all States to support the establishment of an international independent inquiry to investigate the violations of all parties to the conflict as a first step towards accountability and to end impunity. And I call on all States to focus their efforts on delivering a political solution and humanitarian assistance to the catastrophe in Yemen.

Thank you. •



Radhya Almuwatakel, Chairperson and Co-founder of Mwatana Organization For Human Rights (Yemen)
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upcoming side event 12/09/17

ARMS TRANSFERS: A HUMAN RIGHTS PERSPECTIVE



Photo: Control Arms

Centre International de Conférences
Genève (CICG)

Room 5, Rue de Varembe 17, 1211 Geneva

12 September 2017 (13h15 - 14h45)

Refreshments will be provided. Translation EN-FR-SP.

This event is open to the public.



Photo: Flickr

About the Event

Presentation of the OHCHR report:

"Impact of arms transfers on the enjoyment of human rights"

The Office of the United Nations High Commissioner for Human Rights (OHCHR) recently launched a report on the impact of arms transfers on the enjoyment of human rights. The aim of the report is to provide States and other relevant stakeholders with elements to assess the relationship between arms transfers and human rights law.

This side event is an opportunity to present and discuss the findings of the report with a view to raising awareness about the applicability of the international human rights law framework to the ATT. The discussion also aims to identify synergies between the work of the Human Rights Council, the OHCHR and the ATT bodies and mechanisms.

Speakers

Welcoming remarks: **Minister Maria Antonia Masana**,
Alternate Permanent Representative of Peru

Opening remarks: **Ambassador Sabrina Dallafior**,
Permanent Representative of Switzerland to the Conference on Disarmament

• **Peggy Hicks**,
Director of the Thematic Engagement, Special Procedures and Right to Development Division, *OHCHR*

• **Rasha Abdul Rahim**,
Advocate/Adviser on Arms Control, Security Trade & Human Rights, *Amnesty International*

• **Marco Sassòli**,
Professor of International Law, Department of International Law and International Organization, *University of Geneva*

Co-moderators: **Carlos Sibille Rivera** (Permanent Mission of Peru, PhD Candidate University of Geneva) / **Allison Pytlak** (WILPF)

CO-ORGANISERS



Misión Permanente de Costa Rica
ante la Oficina de las Naciones Unidas
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