



# ATT MONITOR

Civil society perspectives on the  
Fourth Conference of States Parties  
to the Arms Trade Treaty  
20-24 August 2018



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## EDITORIAL: NOTHING VENTURED, NOTHING GAINED—A LOOK AHEAD AT CSP4

Allison Pytlak | *Reaching Critical Will of WILPF*

The Fourth Conference of States Parties (CSP4) to the Arms Trade Treaty (ATT) is taking place amidst a world rocked by armed violence on a daily basis. The recent air-strike on a bus full of children in Yemen has captured the horrified attention of millions around the world; a tragedy made worse by the revelation that this is only one of around 50 such strikes on civilian vehicles that has been made so far this year. Combatants in South Sudan have for years continued to acquire small arms as well as bigger ticket items which have fueled a bloody civil conflict that has killed tens of thousands and caused millions more to flee, and only very recently prompted a long overdue UN arms embargo. Violence from smuggled and illicitly acquired guns is on the rise in Canada, a country with whom the Philippines cancelled an arms contract earlier this year, following an expression of concern about the domestic human rights situation in the Philippines and prompting it to turn to new, less critical, suppliers.

The ATT was conceived of and adopted in order to prevent and reduce precisely these kinds of situations which, in turn, leads to an obvious question: is the Treaty working? Is it saving lives? Does it reduce human suffering? The months since the Third Conference of States Parties (CSP3) has brought about some positive developments but also worry-

ing trends. Just as this publication argued one year ago at the outset of that conference, assessing the ATT's real life impact and lives saved must be a fundamental question that undercuts statements and discussion throughout the week.

### *Forward progress*

The three working groups on universalisation (WG TU), effective implementation (WG ETI), and transparency and reporting (WG TR) have each met at least twice since CSP3 and are proposing a range of next steps and new tools meant to improve Treaty implementation overall. Some examples include renewed or updated mandates for the period leading to the fifth CSP; the creation of online platforms and information exchanges opportunities; and toolkits and guidance documents.

The suggestion to develop new guidelines and resources, or list existing ones in a single location for ease of access, is helpful but doesn't go far enough—particularly in the area of implementation. Practical capacity building and information exchange is more valuable in assisting states to, for example, put in place control systems for the first time or prevent diversion. The WG TU suggestions on engaging parliamentarians and organising regional events, as well as those from

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## Editorial, continued

the WGTR that encourage dialogue on obstacles to reporting, are particularly welcome in this respect. It's concerning in some places, the working group reports reflect a reduced role for the expertise of civil society by overlooking previous work and contributions.

States parties have followed up on a CSP3 commitment to continue reviewing the relationship between the ATT and the Sustainable Development Goals (SDGs). Each working group has considered this relationship from its relevant perspective and following a joint meeting, produced a document that outlines the connections between distinct ATT articles and distinct goals and targets, moving beyond a preoccupation with Target 16.4. It's not clear that this stream of work will continue or not after CSP4; some states reportedly feel that given time and resource constraints, other subjects will take priority. Regardless of whether or not this continues as an official work stream within the ATT it will be necessary for achieving the shared objectives of the SDGs and the ATT that individual actors continue to work collaboratively, with a view to connecting the dots between the arms control and development community.

### *Two steps back*

Within the "worrying trends" category would the drop in the rate of reporting and stalled progress on universalisation. The Control Arms' ATT Monitor project has found that around one-quarter of ATT states parties have not yet submitted an Initial Report, and fewer than half have submitted Annual Reports for 2017. While the majority of these reports are being kept public, it's not a good start for such a young instrument. Similar to discussions in other fora where reporting has stagnated, identifying an end use for reports such as a comparative review or analysis in combination with proactive outreach can incentivise states parties to complete reports.

The pace of universalisation is slowing as well. Five countries—Brazil, Cameroon, Chile, Kazakhstan, and Palestine—acceded or ratified in the last year, which is fewer than in past years, certainly given the Treaty's very rapid entry into force. Discussions in the WGTU have revealed the obstacles that some states face in completing the ratification process, or acceding. In some instances, this is a result of domestic insecurity or competing priorities that understandably put the ATT on the backburner of national politics. In other contexts, the obstacles relate to capacity and readiness for implementation, which underscore the importance of continued cooperation and assistance measures. To date there have been a lot of resources

put in to ATT assistance such as through UNSCAR and the Voluntary Trust Fund, as well as national initiatives. Some are concerned that this will dry up in future though, impacting the implementation support efforts alongside the Treaty's infrastructure.

### *Elephants in the room*

Political will can also be a barrier to universalisation in some countries—but this is not an affliction limited just to states outside of the ATT. Political will is a big part of why some states parties, like the UK and France, have continued authorising arms to dubious recipients, such as Saudi Arabia, leader of the military coalition that is bringing Yemen to the brink to collapse. Lack of political will can also explain the reluctance of other states parties to engage in meaningful discussions about actual arms transfer decision-making in these cases, all of which means that this particular elephant in the room will continue to eat away at the ATT's credibility and legitimacy.

The calls on these countries to cease these transfers have been loud and consistent but to date overlooked and dismissed. Political will to do so is simply lacking, despite the legal violations and reputation damage. Others have changed course: Finland, Germany, Norway, the Walloon regional authority of Belgium announced in 2018 restrictions on arms controls in the context of Yemen. The Netherlands, Sweden, Switzerland, and the Flemish region of Belgium ceased transfers before that. One way to build on these actions and strengthen accountability would be if these states, and all ATT states parties, spoke out against transfers that violate the ATT. While the example of the Saudi-led coalition and Yemen is used frequently because of the extremity of the situation, it is certainly not the only context of concern—consider that in 2017 the UK approved licenses to 18 countries on its own list of human rights abusers; and that the new Conventional Arms Transfer Policy in the US features a controversial loophole that will make it easier for the ATT signatory to sell arms to countries with poor human rights records. Adopting a permissive habit of "looking the other way" not only sends a business as usual message but will make it more difficult to address compliance issues in future and exposes the ATT to criticism, including about double standards.

### *More than just an after thought*

The gendered impacts of the arms trade and potential of the ATT to reduce gender-based violence (GBV) must not continue being treated as a special interest issue only or referenced as an after-thought, if at all.



## Editorial, continued

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## **DIVERTED ARMS DON'T JUST DISAPPEAR, THEY FLOW FROM CONFLICT TO CONFLICT**

Arms from Libyan stockpiles before 2011, have since been documented in the possession of armed groups in all six of Libya's neighbours, and at least 4 other countries. ( See map ).

Source ATT Monitor -Tackling Terror Case Study



#ArmsTreaty

**control arms**

Interest in this topic between CSPs has been largely underwhelming, despite traction gained recently in other disarmament and arms and arms control fora, most recently at the Third Review Conference of the UN Programme of Action on Small Arms and Light Weapons (UNPoA). WILPF has published guidance for states in past on how to approach gender-related obligations in the ATT, and in relation to the UNPoA; work that is now being expanded on and added to by others. Yet it's not clear if or how states are acting on this guidance and this aspect of the Treaty must begin to be accorded higher priority.

Diversion is the focus of a special mid-conference thematic session at CSP4 and the choice of topic is very welcome. Throughout the many years of campaigning, ATT advocates argued that one of its primary benefits would be the closing of legal loopholes so as to prevent diversion of arms to illicit markets, working in complementarity to the UNPoA. Stopping diversion should result in fewer arms finding their ways to militias, criminals, and terrorists. Illicit arms fuel corruption, and go hand in hand with the trade in narcotics and other illegal goods, including human trafficking.

Diversion is an excellent topic to focus on yet we encourage states parties to engage by moving beyond mere statement making, by agreeing and implement-

ing decisions that will actualise their rhetoric in concrete ways. There are two proposals relating to diversion that have emerged from the Working Group on Treaty Implementation that will be presented at CSP4; the first is a recommendation of a list of documents as reference tools for states in preventing diversion and the second is a list of potential mitigating measures.

Since diversion can occur at any point during a weapon's life cycle—a point reinforced in working group discussions—it is imperative that states work together to identify responses that address the varying challenges and contexts of that cycle.

The Japanese expression, "If you do not enter the tiger's cave, you will not catch its cub" speaks to concept of "nothing ventured, nothing gained". We will not attain the goals of the ATT if we do not venture to try, and sometimes, that means taking risks, having courage, and seeking creative solutions around political impasses. As CSP4 gets underway, we call on states to enter the proverbial tiger's cave for the collective gain and benefit of people everywhere. •



## JAPAN AND THE ARMS TRADE TREATY: A CALL FOR AN INCLUSIVE APPROACH

Tamara Enomoto | Meiji University Research Institute for the History of Global Arms Transfer

The Fourth Conference of States Parties (CSP4) to the Arms Trade Treaty (ATT) is taking place in Tokyo on 20–24 August. This is a historic moment given the intricate history of domestic debate about and actions taken toward the ATT since the 2000s. It is also a time to reflect upon this complex history and derive some lessons for this conference.

The Control Arms Japan Coalition, a national campaign that is part of the international Control Arms Coalition, was launched in December 2004 by three domestic non-governmental organisations (NGOs) as well as two international ones, Amnesty International Japan and Oxfam Japan. After some campaigning, the government of Japan expressed its support for the idea of an ATT in July 2006.

However, the idea was not necessarily supported by all Japanese civil society actors. Until April 2014 Japanese policy generally banned all arms transfers (with some exceptions), and as such some civil society actors feared that the idea of an ATT would legitimise a possible future relaxation of the ban. In fact, some advocates of the relaxation believed that an ATT, which would provide common international standards for the import, export and transfer of conventional weapons, would be a useful instrument to legitimise such a move.

In order to overcome the deep division and lack of communication between pro-ban and pro-export advocates, there were efforts by individuals including advocates of both sides to launch the Arms and Civil Society Research Forum in May 2007. It served as the sole domestic public forum for information sharing and inclusive discussion throughout the United Nations process to negotiate the ATT, and it currently

enjoys participation of over 1,000 individuals holding differing views and perspectives.

Such efforts aside, the wide range of perspectives on the ATT found among domestic actors was not necessarily reflected at the international level. There was very limited participation from Japanese non-governmental organisations at international meetings on the ATT, and the views of the other organisations and individuals were not necessarily represented by international NGO coalitions or the Japanese government.

Today, some Japanese civil society actors still hold reservations about the ATT. Their reservations have been amplified by the fact that the Japanese government relaxed the general ban on arms exports in April 2014 and ratified the ATT the following month, pledging that it would abide by international agreements in exporting arms. The Control Arms Japan Coalition has been disbanded, and many of the Japanese civil society organisations that have registered for the CSP4 have done so independent of any international NGO coalitions.

In light of the history of the complex domestic debate on the ATT and the wide range of views and perspectives among domestic actors on the Treaty, it is hoped that this conference will facilitate inclusive debate on the possibilities and challenges of the ATT, both domestically and internationally. All meetings and decision-making processes at the CSP4 should be made in an inclusive and open manner, and we should strive to ensure a delicate approach that respects a diversity of views among civil society actors, both at the domestic and international levels. •

**Statements, documents, and analysis of CSP4 are available on the Reaching Critical Will website.**

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## SIDE EVENTS CALENDAR

*Monday 20 August*

When	What	Where	Who
13:00-15:00	Launch of the ATT Monitor 2018 Annual Report	Room KOMOREBI	Australia, Netherlands, Control Arms
13:00-15:00	International assistance and the effective implementation of the ATT	Room HIBIKI	Japan, SAS, SIPRI
13:00-15:00	Taking stock of the Third Review Conference of the UNPoA in the framework of the Arms Trade Treaty	Room MAI	France
13:00-15:00	Using the ATT to prevent diversion	Room TSUZUMI 3	Meiji University

*Tuesday 21 August*

When	What	Where	Who
13:00-15:00	Enabling the Adoption and Practical Implementation of the Arms Trade Treaty	Room KOMOREBI	Australia, Switzerland, CAVR
13:00-15:00	Advancing the Implementation of the Arms Trade Treaty (ATT): The Voluntary Trust Fund (VTF)	Room HIBIKI	Germany and the ATT Secretariat
13:00-15:00	Preventing the diversion of legally transferred weapons	Room MAI	France, Mexico, Control Arms

*Wednesday 22 August*

When	What	Where	Who
08:30-09:30	Japan's Security Export Control System	Room KOMOREBI	Japan
08:30-09:30	Arms Transfers to the MENA region	Room HIBIKI	Control Arms
13:00-15:00	EU assistance and cooperation on ATT implementation	Room KOMOREBI	EU/Expertise France, BAFA
13:00-15:00	Transparency and Reporting	Room HIBIKI	SAS, UNIDIR, BAP
13:00-15:00	Launch of: "Assessing the risk of Gender Based Violence under the Arms Trade Treaty", a practical guide	Room MAI	Ireland, Control Arms
13:00-15:00	Tackling Diversion: Examining Options and Avenues for Strengthening End Use/r Controls for Non-Governmental Entities (NGEs) in Conventional Arms Transfers	Room TSUZUMI 3	UNIDIR





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## Thursday 23 August

When	What	Where	Who
08:30-09:30	The Arms Trade Treaty and Armed Drones: Transparency and Control	Room MAI	PAX and Stimson
13:00-15:00	Opportunities and Challenges in Implementation of the ATT	Grand Hall TSUBAKI	Control Arms
13:00-15:00	Post-shipment verifications – a new instrument of weapons export control	Room KOMOREBI	Germany
13:00-15:00	Strengthening ATT implementation by better understanding diversion risks	Room HIBIKI	Belgium, Flemish Peace Institute, CAR
13:00-15:00	Exploring Synergies between the Operationalisation of the Arms Trade Treaty (ATT) and the Implementation of United Nations Arms Embargoes	Room MAI	UNIDIR

**Note:** There are no side events scheduled for Friday 24 August. In case of updates or changes, check online at [www.thearmstradetreaty.org](http://www.thearmstradetreaty.org)