



# ATT MONITOR

Civil society perspectives on the  
Fourth Conference of States Parties  
to the Arms Trade Treaty  
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Reaching Critical Will

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## EDITORIAL: A LOOK BACK TO MOVE FORWARD

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*"The death toll from small arms dwarfs that of all other weapons systems. In terms of the carnage they cause, small arms, indeed, could be described as 'weapons of mass destruction.' Yet there is still no global non-proliferation regime to limit their spread."*  
– Kofi A. Annan

The opening day of the Fourth Conference of States Parties (CSP4) to the Arms Trade Treaty (ATT) began on a sober note, with a moment of silence to remember Kofi Annan, former UN Secretary-General, Nobel Peace Prize winner, and the kind of genuinely inspiring leader that only comes along once in a generation.

Incidentally, Mr. Annan also played a central role in the early days of the UN process to negotiate the ATT, as the delegation of Ghana reminded delegates on Monday. He came into the role of Secretary-General just as a General Assembly-mandated study on the excessive and destabilising accumulation of small arms and light weapons (SALW) revealed the extent to which UN agencies were dealing with the issue, bringing it to the fore.

The study provided impetus for later political action, such as the 2001 UN Programme of

Action on the illicit trade in SALW (UNPoA). Years later in 2006, Annan was the recipient of the "Million Faces" petition, which was organised by the three non-governmental organisations that formed the Control Arms Coalition and highlighted the calls of one million people from around the world in support of an ATT. Shortly after the petition handover, the General Assembly adopted resolution 61/89, triggering the official process that led to the ATT's negotiation and subsequent adoption in 2013.

It's important to remember where the ATT comes from, in order to stay the course ahead. Contexts change. People come and go. But the vision of what the ATT was intended to accomplish should remain constant, until it is fulfilled.

Many states parties spoke to the ATT's goals and objectives during the General Debate, as well as its as of yet unfulfilled potential. Statements delivered today indicate general satisfaction with how the three working groups are progressing and a feeling that the work of setting up these groups and other aspects of the Treaty's "infrastructure" are roughly on track and enabling space for

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Photo: Control Arms Coalition

**Editorial, continued**

substantive work and discussion within them to begin.

Of course, views on what constitutes substance differ and from the perspective of many in civil society, there has not yet been any accounting for Treaty violations, or indications of appetite to do so. A few countries made references in their statement that might be interpreted as wanting more accountability but were not clear enough for this publication to say so with certainty.

There was widespread support for the intersessional work that has occurred on diversion, and it was obvious that a majority of states parties accord priority to this topic. Also obvious is the desire to continue to grow the ATT's membership by attracting new states parties and appreciation for the activities that the Voluntary Trust Fund (VTF) has enabled. There is concern about the dip in reporting rates, as well as non-payment of dues by some states parties. The opening day was also marked by significant recognition of the link between the Sustainable Development Goals (SDGs) and the ATT, as well as synergies with other instruments. States also spoke out about the Treaty's potential to prevent gender-based violence (GBV).

The General Debate will continue into Tuesday after which states will address issues relating to implementation. So far the general sentiment is positive, and seeking to conclude a successful conference in which decisions are taken that enable further work.

*Opening segment*

Japan's Foreign Minister Mr. Taro Kono opened the conference, with a statement that emphasised Japan's contributions to the ATT both past and present. This includes the work it has undertaken in the area of universalisation during its presidency, during which five new countries have joined the ATT. Minister Kono further referenced the compatibility of the ATT with the UNPoA and indicated pleasure with the discussion on the SDGs at the Third UNPoA Review Conference and through the ATT intersessional period.

A video message from the UN High Representative for Disarmament Affairs, Ms. Izumi Nakamitsu referenced gains made since the last conference but also underscored that much remains to be done in order to "operationalise the ATT to the fullest extent". She reiterated the support of the UN for the ATT in stating that humanitarian suffering remains at the centre of the UN's commitment to disarmament. Ms. Nakamitsu ended by referencing the collaboration between civil society and states as a "critical ingredient" especially in the areas of implementation and universalisation.

The statement from Ms. Anja Kaspersen, Director of the Geneva Branch of the United Nations Office for Disarmament Affairs, focused on regional trends in Treaty universalisation. She explained that in less than four years of being in force the ATT's membership has surpassed half that of the UN. In three regions there is a membership rate of over 70 per cent but in Africa and Asia it is much lower. As well, only half of the world's top ten exporting countries are ATT states parties.

Ms. Helen Durham, Director of International Law and Policy of the International Committee of the Red Cross (ICRC), used vivid examples to illustrate the humanitarian suffering caused by arms, particularly in Papua New Guinea. She stated that the rules based order established by the Treaty faces an unprecedented threat and expressed concern about the growing gap between the commitment stated in the Treaty and how arms are transferred in practice noting that, "This is the time to defend and not dilute the ATT."



## Summary, continued

The statement from civil society, represented by Ms. Shobha Shrestha of Women for Peace and Democracy (WPD) Nepal and the Control Arms Coalition, likewise illustrated the humanitarian impact of arms by relating the stories of Sunita, a female ex-combatant in Nepal, and also of a first responder to the air strike on a school bus in Yemen last week. She called on governments to remember that they are “diplomats and officials, as well as parents, brothers, sisters, friends, and community members.”

### General Debate

#### *Universalisation and outreach*

Virtually all statements included a call on states that have not yet done so to ratify or accede to the ATT and spoke to the importance of universalisation. Most extended words of welcome to the five countries that have most recently acceded or ratified.

Ghana emphasised the necessity of improving universalisation in Africa. Argentina welcomed Brazil as a new state party.

New Zealand is pleased with the focus on the Asia-Pacific region enabled by the Japanese presidency. The Republic of Korea would like to welcome more states parties from the Asian region and will continue working with Japan in this regard.

Argentina stated that universalisation and implementation are complementary and must be discussed together. If the Treaty is not fully and effectively implemented then it will not be possible to universalise it, impacting its operationalisation. Austria also noted the “mutually reinforcing” nature of the two work streams.

The UK said that the ATT must not become a platform to “vilify” states parties as it will deter potential new members.

The UK and Romania urged more engagement with industry. The UK also referenced the private sector as a priority area of outreach.

A few states including Slovenia, Finland, France, and Poland referenced a need for more outreach to states that are major exporters or importers.

Finland suggested a need for regional champions to advance universalisation in regions with lower adherence.

Poland suggested that universalisation should con-

sider the specific challenges and context of each state and involve civil society and industry.

#### *Implementation*

Costa Rica expressed concern about arms transfers to a “particular country” in its region, and requested states to not transfer weapons there, in line with commitments under articles 6 and 7 of the Treaty.

New Zealand stated that the “success of a treaty cannot be measured by extent of its membership or the of participants in its meeting”—the “real success” is in progress toward realisation of its object and purpose. It is keen to explore how the “key drivers” behind the creation of the ATT can be given the “central focus that they deserve”. Austria urged stakeholders to look at the ways in which the Treaty’s humanitarian approach can be better realised in the day-to-day work of implementation.

The UK claimed its national export system fully assimilates ATT provisions. Luxembourg welcomed the more focused approach on implementation issues.

Czech Republic noted that for those states that are not traditional exporters, the setting up of control systems can be a demanding task.

Lesotho spoke to the challenges that remain in effective implementation due to emerging technology, and a need for assistance particularly from scientists and intelligence experts.

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## Summary, continued

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### *National or regional implementation initiatives*

Costa Rica announced that a new presidential decree from May 2018 has initiated a development of a national control system.

Ghana outlined the following outcomes from the support received by the European Union (EU) ATT Outreach programme: national ratification, the enhanced capacity of relevant agencies within Ghana; improved inter-departmental collaboration; and the initiation of a legal review.

Latvia has focused on national implementation since joining the Treaty, and has achieved higher standards as a result. It is willing to share its experiences and best practices with other countries.

Zambia has created an interministerial programme on Treaty implementation.

Burkina Faso shared that it has organised workshops to elevate the interest of parliamentarians and other actors involved in national legislation and is pursuing the creation of an implementation action plan.

Germany will present a new mechanism for post-shipment controls on certain arms and weapons.

FYR Macedonia announced it is drafting a new law on the development and trade of military goods. A new action plan on small arms and light weapons will be ready by the end of 2018.

El Salvador has a domestic project on Treaty implementation that is in its final stages, for which the policy will soon be approved by its president.

Senegal recently held a workshop in Dakar to enhance ATT implementation and is making efforts at the sub-regional level within the framework of the Economic Community of West African States (ECOWAS).

Chile is modernising its arms transfer legislation.

A new law is being deliberated in the parliament of Honduras to improve control of weapons, including those held by the army.

Central African Republic has initiated various control mechanisms, and punishments, to address illicit trade and production.

Peru is streamlining relevant domestic regulation and focusing on cross-departmental initiatives, with a plan to update its control lists.

Samoa noted it was one of the first Pacific states to sign and ratify, and has since passed a Conventional Arms Act in 2017 and organised a gun amnesty programme. It noted the necessity of regional cooperation for successful implementation.

Cameroon has adopted a new arms control regime, as well as a complete check of all arms and ammunitions; closing of armories in six regions; prohibiting arms sales for hunting and sporting; and detaining individuals who do not have a permit.

France and Togo have worked together on a roadmap intended to assist in universalisation.

In Brazil, consultations are underway to update relevant legislation and take into account ATT obligations.

### *Reporting*

Norway is pleased to see that so many states have submitted reports but expressed concern that some have not done so. Italy regretted that only a limited number of states parties have submitted national reports in this and previous years. It said that widespread compliance would increase transparency and strengthen significance of reporting itself and it welcomes the proposals elaborated by the Working Group on Transparency and Reporting (WGTR) especially the strategy for outreach.

The EU called for increased transparency in reports on exports and imports. Netherlands is pleased to see that many states parties have submitted public reports but noted that a significant number have not fulfilled their reporting obligations.

Belgium stressed transparency and that report information be presented in a format that allows for analysis.

Numerous other statements stressed the importance of transparency and reporting.





## Summary, continued

### *Diversion*

Both Mexico and Panama emphasised the challenge that diversion presents for their countries. Mexico described the number of weapons that pass through its borders and national measures it has taken to address this problem. Similarly, Panama spoke of its porous borders and canal, citing the amount of trafficked weapons and drugs that it has confiscated or captured. It is implementing a new national registration system.

Panama believes that a database and effective information management are necessary and crucial. Real-time exchange of information is necessary to improve tracing, and prevent diversion into hands of abusers.

Spain said there are still many steps yet to be taken in the area of preventing diversion. Belgium urged states to take measures to prevent diversion but noted that doing so must be underpinned by an understanding of the nature of diversion.

Montenegro urged attention to diversion that occurs post-delivery.

A majority of states welcomed the focus on diversion over the last year and potential for CSP4 to make progress in this area.

### *Gender*

Ghana took note of the potential of the ATT to address GBV. Argentina, Guatemala, and Austria pointed to the vulnerability of women to armed violence and/or conflict.

The African Group stated that the ATT plays a role in curbing GBV in conflict zones.

The EU noted that it is the first legally binding arms regime that addresses negative impact of the arms trade on women and children. Ireland referred to having set a precedent by including GBV as a consideration in the ATT. It launched a document on this subject during CSP3 and is supporting Control Arms in the development of a practical guide to be launched later this week.

Montenegro welcomes the Treaty's focus on measures to prevent GBV, and armed violence against women and children. Norway hopes to enhance the focus on how the ATT can prevent GBV.

Samoa is promoting women's participation in parliamentary committees.

### *Development*

Costa Rica noted that in many cases, countries that are acquiring weapons are also states that cannot meet the basic needs of their people, and pointed to the imbalance between military expenditure and socio-economic development. Brazil pointed to the rise in global military expenditure.

The African Group also noted that research shows that in addition to the human cost of the arms trade, there are economic costs, and that increased military expenditure in fragile countries result in lack of development of critical services.

The EU and Macedonia stated that the ATT contributes broadly to the SDGs, in particular Targets 16.4 and 5.2. Ireland welcomed the thematic discussion on the SDGs during CSP3 and the outcomes of the joint meeting.

Finland and Romania wish to continue the discussion on how to link goals of ATT with development.

Paraguay spoke to the negative political and social impact stemming from the transfer of arms and ammunition that hamper sustainable development, which is a priority.

### *Synergies or relationships to other instruments*

The EU emphasised the complementarity of the ATT to the UNPoA and the International Tracing Instrument (ITI). Hungary urged creating and reinforcing synergies with other regional and international frameworks in order to help implementation, and recalled the references made to the ATT at the Third Review Conference of the UNPoA as did Slovenia.

Spain referred to synergy as an "inevitable solution", even if some states see it as a taboo.

The African Group, and South Africa, said that the ATT is especially important in context of 2063 African Union (AU) Agenda and its 2020 initiative to Silence the Guns.

Peru referenced synergies and connections to human rights.



## Summary, continued

### *Working groups and working methods*

South Africa noted that there has been a shift, since the last conference of states parties, to substance than just procedural discussions. It felt that the new format for preparatory meetings enables greater focus and better participation from experts.

The EU observed the efforts being made to create a functional ATT and concrete guidance documents and recommendations. It supports continued work of three working groups. Norway appreciates the work of the groups.

Romania noted that states parties are all coming to implementation from different baselines and capacities. The working groups can help with information exchange to enable progress.

Australia felt that the three working groups have had productive discussions over the last year that has led to many practical proposals. It is pleased to have been the facilitator of the sub-group on diversion, in the belief that by achieving “demonstrable” outcomes states can combat the misperceptions of Treaty opponents and skeptics.

Netherlands proposes increasing the capacity of the Management Committee by expanding its membership to 10, in a staggered format.

Sweden said that the three working groups have established a “productive and promising” format and functioning framework. It highlighted including a wide range of voices, including importers, exporters, and transit states. Belgium noted that importers and transit states are important stakeholders in the Treaty.

### *Assistance*

A majority of states spoke to the central role of the VTF in facilitating action in the area of implementation and some recognised the role that Germany has played in facilitating it. Germany encouraged new donors to step forward to enhance the credibility of the of Fund, noting that “small or symbolic” contributions are welcome.

Argentina stated that international cooperation and assistance, including the VTF, play an important role. New Zealand noted its strong support for two important tools: the Voluntary Trust Fund, and the sponsorship programme, which at this conference has particularly boosted the participation of Pacific Island states. The African Group expressed appreciation for sponsorship that has improved participation from its region.

Netherlands and Ireland announced intentions to continue contributing to the VTF and/or future sponsorship programmes.

With respect to financial issues, Italy expressed concern that the ATT already has a deficit and liquidity problems; Switzerland is concerned about non-payment of dues. Austria urged states to pay contributions. The Netherlands sees a role for the Management Committee in dealing with these issues. Belgium pointed out that a lack of resources will hamper work of the Treaty’s implementing bodies and raised questions about the commitment of states to the Treaty, as has been seen in other treaties. Bulgaria and Sweden, among others, urged states parties to pay dues. Luxembourg cautioned against dependence on a reserve fund. •

## SIDE EVENTS: 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	Mexico, France, Control Arms
13:00-15:00	Complementarity of the Arms Trade Treaty and the ECOWAS Convention	Room TSUZUMI	ECOWAS Commission