



# ATT MONITOR

*Civil society perspectives on the  
Fourth Conference of States Parties  
to the Arms Trade Treaty  
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## EDITORIAL: TRANSPARENCY AND UNIVERSALISATION—DOUBLE-EDGED SWORDS?

Reporting and universalisation were the focus of discussion during day three of the Fourth Conference of States Parties (CSP4) to the Arms Trade Treaty (ATT).

While seemingly very different topics, the share a common challenge that extends as well to implementation. This was alluded to by one delegation when it noted that transparency is a double-edged sword. What it meant is that if ATT states parties set a high bar for reporting requirements in ways that improve transparency, it may deter new countries from acceding or ratifying and affect universalisation rates. Yet, the same delegation noted, transparency is indispensable. In the subsequent discussion on universalisation, a few states reflected on the trade-off between ensuring robust and rigorous implementation and attracting new countries, including major arms exporters and importers, to join the Treaty.

The “strength versus universality” discussion has been taking place since before the ATT was adopted. It is a conundrum for any instrument really, and can be a source of division or debate. As an example, one delegation said on Wednesday that the best way to encourage new countries to join the ATT and build confidence in the effectiveness of the instrument is by rigorously adhering to all its obligations; another echoed the best way to build such confidence is by not allowing transfers that violate the Treaty to continue. At the other end of the spectrum, there have been notes of caution in the statements of some about not using the ATT as a space to vilify states parties or bad behaviour and definitely an interest in bringing along the major players in the arms trade. Of course it would be beneficial to have them in the fold—but only if they are willing to play by the rules. If they are not, and states parties are concerned that demanding accountability among current ATT membership will send that signal, then the entire instrument is in jeopardy.

A civil society organisation framed it well in saying that, “While further universalisation is important, it is universal compliance that is the critical objective.” A primary criticism of the ATT has always been that it is discriminatory, and will continue to allow some states to sell, or acquire arms, with impunity and restrict the actions of others. Some of the states have levelled this criticism might well have cause to worry that their access would be restricted but expanding ATT membership cannot come at the cost of comprised implementation and accountability. This logic must underpin approaches to universalisation as well as to reporting and the transparency that it seeks to bring. The difficulties that a range of states parties are experiencing with submitting timely reports are very concerning, as are the discrepancies within the reports that complicate efforts at analysis. This first concern was stated by nearly every delegation during the session on reporting and transparency, and will need to be addressed concretely. Reporting is not an option, as some delegations stated, but a requirement.

In general the discussions on Wednesday moved smoothly between hearing reports from chairpersons and the ATT Secretariat, to responses and contributions from states parties, signatories, and observers. Statements have been succinct and largely supportive of the draft documents each group has put forward for adoption at CSP4. •

## SUMMARY

Mr. Dumisani Dladla, head of the ATT Secretariat, opened the session on Transparency and Reporting with an overview of reporting rates.

Mexico and Belgium, the co-chairs of the Working Group on Transparency and Reporting (WGTR) introduced the Working Group's two reports (here and here) and outlined their proposals for decisions that this conference should take.

Belgium, as co-chair, stated that the alarming reporting figures exemplified the importance of the mandate of the WGTR and further maintained that reporting is an indicator of the compliance with the treaty as a whole. Belgium highlighted that the lack of reporting denies states parties' commitment to the implementation of the Treaty, raises questions about the functioning of national control systems and ultimately reflects poorly on states parties' commitment to the Treaty's implementation. Before moving to the presentation of the report, the co-chair emphasised that it was a legal duty for new states parties to file their initial report.

Mexico, as co-chair, presented the Group's proposed strategy on outreach around reporting, and recognised civil society's role in this. It made a number of recommendations to CSP4, including to adopt an outreach strategy, to foster the development of the information exchange platform, and to discuss the possibility of regional reporting workshops.

After the overview of the two reports, states had the opportunity to respond:

- Australia stated that the aim of the ATT was the promotion of cooperation and transparency, and to build confidence, of which reporting is central to achieving this. It commented that the compliance with reporting is too low, and noted the decreasing rate of annual reporting this year. It said that the success of the information exchange portal depends on whether states parties chose to engage with it.
- South Africa is supportive of Mexico's suggested outreach strategy and encouraged the co-chairs and states parties to use it so to improve reporting capacity. It welcomed the establishment of the information exchange portal and said it is confident that states will make use of it.
- The European Union (EU) supports accountability and transparency as key elements to effective implementation and confidence building. It supports

the WGTR's practical initiatives to assist states parties in reporting and encouraged states parties to explore synergies with reporting requirements from other mechanisms such as the UN Register of Conventional Arms (UNROCA), the UN Programme of Action on small arms and light weapons (UNPoA), iTrace, or the Organisation for Security and Co-operation in Europe (OSCE). It drew attention to the EU's online system that facilitates exchange of information on the granting and denials of licenses, specific brokers, end-users, and more.

- Belgium endorsed all of the WGTR's recommendations. It was alarmed by the high numbers of non-compliance and called upon all states parties to submit their annual reports. It offered practical support to states parties and concluded that the three-tiered approach to diversion has the potential to advance reporting and transparency.
- Switzerland emphasised that reporting obligations are not voluntary and said that because accurate reporting is challenging, states parties have to keep detailed records of arms transfers. It sees great value in assisting states parties, specifically those that do not have an electronic database and welcomes respective assistance initiatives in this area. It welcomed all recommendations and supported the Working Group's proposed mandate for the next conference of states parties.
- The United Kingdom (UK) welcomed the Working Group's reports but highlighted obstacles to achieving full reporting including concern about accountability mechanisms and reporting fatigue.
- Argentina highlighted that sharing experiences, including best practices, is valuable, and expressed concern that reporting is not only a means for trust building, but first and foremost an obligation.
- The Republic of Korea expressed that transparency is a double-edged sword because setting too high of a bar for reporting requirements would deter new countries from joining, while at the same time, transparency is indispensable for the Treaty's implementation. It highlighted the need to better share information and supported the proposed IT platform for information sharing. It welcomed the three-tiered approach to diversion but said it seemed inappropriate to detail cases because of those under investigation.
- Paraguay highlighted its willingness to cooperate, coordinate, and to substantially implement the ATT's obligations.



- Japan is concerned about the low rate of reporting as it is a key measure for transparency, and calls upon all states parties to report. It mentioned that it submitted a working paper and highlighted the importance of information sharing.
- Brazil said that reporting is an essential ATT obligation and stated that it would submit its report in 2019.
- France noted that transparency is a pillar for the ATT's implementation and that reporting is an obligation. It cautioned that it is important to improve reporting and encouraged the sharing of best practices. France submitted its report in 2017 with several weeks delay as it had some issues with disclosing some data in its data compilation.
- Sweden will submit an updated initial report to reflect recent changes in its national system.
- The International Committee of the Red Cross (ICRC) encouraged open reporting and said that disclosure of information is a critical means of ensuring transparency.
- The Economic Community of West African States (ECOWAS) suggested that states parties should report on license refusals to be included in Annex 2 of the reporting template.
- Control Arms reiterated that reporting is obligatory for all states parties, fundamental to the operation of the Treaty, and an essential means to build confidence. It is therefore extremely concerned at today's presentation by the ATT Secretariat on reporting. It urged that states parties provide disaggregated and accurate data, are fully comprehensive and therefore include inter-agency cooperation, so to ensure meaningful transparency. It pointed to both civil society's capacity and the Working Group's efforts to provide assistance to states that lack the capacity to report. It encouraged states parties to update their reports to reflect recent changes to national systems.
- The Centre for Armed Violence Reduction (CAVR) has provided technical assistance to partners in the Pacific and the Caribbean. It observed that many Pacific states lack the capacity to report on arms transfers and most of them do not have a record keeping system for arms transfers. As databases can be very expensive, CAVR and partners have developed a low-cost database solution that tracks import and export licenses and arms transfers.

The second half of the day moved to a focus on universalisation, starting with a presentation from the ATT Secretariat. This was followed by the presentation of the draft report from the co-chairs of the Working Group, Japan and Finland, as represented by Ambassador Korhonen, president of the third CSP, and

Ambassador Takamizawa, president of CSP4.

Ambassador Korhonen reviewed the activities he undertook while president, including visits at a high political level, media engagement, and civil society meetings.

Ambassador Takamizawa stressed that speaking with parliamentarians was very productive for him, given their role in advancing the Treaty. Cooperation with the UN regional disarmament centres was also useful, and talking about the ATT at the inter-ministerial level. He noted that in some places visited on universalisation trips there was little knowledge about the ATT and its significance, in which cases local civil society was excellent at explaining the ATT from its own narrative. He recommends looking for synergies with the meetings of other related instruments to maximise opportunities to promote the ATT.

Following these presentations, the floor was opened for statements:

- Palestine highlighted that it is the first in its region to become a state party. It will try to encourage others in the region to follow suit. It supports the recommendations of the Working Group. It reiterated that the most effective way to support universalisation is through demonstration of its effectiveness, by states parties adhering to its rules.
- Australia emphasised a "top down and bottom up" approach in which civil society plays a crucial awareness-raising role coupled with high-level political endorsement. It noted that states concerned with capacity can join the Treaty and then utilise the Voluntary Trust Fund (VTF).
- South Africa supported the proposed toolkit and pointed out that the link between the ATT and the African Union's Silencing the Guns initiative couldn't be clearer.
- The EU called on major arms exporters, importers, and transit states to join without delay. It highlighted its active role in universalisation efforts, such as through its ATT Outreach Programme, drafting and reviewing legislative frameworks of partner countries, and capacity building. It urged mobilising stakeholders to raise awareness and counter misinformation.
- Ireland cautioned that while reaching 100 signatories is something to be proud of, it is far from full universalisation. It too noted the importance of bringing in large exporters and importers, and endorsed the WGTU's recommendations, particularly with respect to acknowledging the role of parliamentarians.

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- The UK supports the suggestion of targeting regions with fewer states parties, work with parliamentarians and develop a toolkit. It suggested ensuring coherence with other conventions and planning towards future conferences of states parties.
- Paraguay said that states need to approach any type of actions that violate Treaty objectives, such as international humanitarian law (IHL) and use the Treaty to mitigate any type of humanitarian impact. It welcomed new members from the region, Chile and Brazil.
- Mexico welcomed Brazil and Cameroon. It emphasised the importance of cooperation, including with UNLIREC and civil society. Universalisation work is on-going, and can never stop.
- Netherlands is in favour of continuity of action and as such supports proposals in that regard, including the toolkit. It said that successful implementation depends on many countries joining and abiding by the standards of the ATT. It urged to keep an open mind, and use ties with other countries that are targets for universalisation to encourage them to join.
- Transit is a problem for Georgia. It will work hard to progress universalisation in the region, and will host two sub-regional conferences on implementation and universalisation. It noted that as more states join, existing loopholes will begin to close.
- Peru states that the ATT needs to be for, and include, everyone. Building awareness of the ATT is crucial. Peru spoke about the work of the UN Regional Centre in Latin America and the Caribbean (UNLIREC) in this regard, and stressed finding creative and imaginative ways to encourage universalisation.
- Germany is impressed with Japan's systematic and targeted efforts to promote universalisation. However, the overall number of states parties is low and Germany felt that more effort should go into putting forward convincing arguments to political leaders and overcome obstacles to acceding or ratifying. It noted the absence of major arms importers and exporters, with whom Germany will seek to raise the profile of the Treaty.
- Guatemala expressed hope that a new website will be translated into Spanish and other languages. It welcomed the new accessions and appreciated the presentation from the ATT Secretariat as well as noted the role of civil society in assisting with universalisation.
- France referred to its suggestion of developing a troika system that can enhance universalisation through continuity between outgoing, current, and incoming conference presidencies. It noted that without civil society, the ATT cannot be brought to the top of the political agenda.
- Brazil is likewise grateful to the work of Brazilian organisations and said that efforts should also be oriented toward parliamentarians and industry. Outreach from states parties to "major players" was encouraged.
- Japan has also made efforts to promote universalisation in a national capacity, such as in bilateral meetings. It will continue to do so after CSP4, especially in the Asia Pacific region with help from the regional centre for disarmament and civil society.
- New Zealand is focused on encouraging universalisation in the Pacific region, where many states lack national control systems and other priorities compete for resources. New Zealand recently sponsored a roundtable in Nepal, which brought together parliamentarians and civil society.
- Ghana places special value and emphasis on universalisation especially in Africa and has worked with other partners on regional meetings and conferences to promote the ATT in its region and sub-region.
- Colombia welcomes efforts toward universalisation. There has been a lot of outreach from both of the co-chairs to accelerate the ratification process in Colombia. The internal discussions about the ATT now are focused on ensuring conformity with the constitution. Ratification remains a high priority.
- The Philippines asked what is the cost when a state party complies with the Treaty, which is a question it is asking itself as it moves toward ratification. The president has given his support to the Treaty, which will facilitate the process; there is an inter-agency Working Group established on this.
- Haiti explained that it faces many challenges but took domestic measures to put in place stronger arms control. It is committed to becoming a state party and expects that its parliament will soon decide to do so. The VTF is a good mechanism.
- This is the first CSP that the Cook Islands has attended. It thanked the support of sponsorship programme for enabling it do so and noted the universalisation and outreach from New Zealand and Australia within the region. It is heartened by the efforts made by regional agencies to assist small islands with limited resources and capacity.





- The ICRC outlined its activities to promote the ATT. This includes events linking it to sub-regional agreements like the Nairobi Protocol and a Pacific Island roundtable, as well as support for a publication and other events by civil society. It is concerned that the pace of universalisation has slowed. Notably, the ICRC urged states parties to encourage new countries to join the ATT by adhering to all its obligations and thereby build confidence in it as an effective instrument.
  - ECOWAS outlined its activities in the sub-region to promote the ATT in which 13 of its member states have ratified, with the next one about to happen. It is now focusing more on implementation by identifying focal points, developing policies, and identifying funding sources.
  - The Control Arms Coalition highlighted that universal compliance is the critical objective of robust Treaty implementation. It outlined awareness raising activities it has undertaken in various regions of the world. It reminded that for states with less capacity to implement the Treaty at a national level, assistance through bi- and multi-lateral channels remains key to increased universalisation. It called upon states parties to tweet and retweet the hashtag #SprintTo100, encouraging state signatories and observers to take concrete steps towards ratification.
  - Nonviolence International Southeast Asia (NISEA) presented the example of a project it is undertaking in the Philippines to work with multiple agencies and departments so that the President's office would prioritise joining the ATT. It noted that the states from the global south are at different stages of development and readiness to join the ATT. In southeast Asia, NISEA has sought to address reasons why states are reluctant to join the Treaty.
  - Action Sécurité Ethique Républicaines (ASER) stressed the significance of non-discriminatory implementation as crucial to attracting new countries to join the ATT, as this has been a main concern of skeptics.
  - Parliamentarians for Global Action shared its work to advance the ATT. This has included direct outreach to foreign ministries, media interviews, in-country briefing paper preparation, and asking questions in parliament. It noted that religious leaders are under-utilised in ATT universalisation.
- Ambassador Korhonen summarised key points from the discussion:
- Keeping momentum in universalisation work is necessary;
  - Engagement is needed at the working level and the highest political level;
  - Everyone has a responsibility to promote the ATT;
  - Germany should be encouraged to follow-up and promote the ATT with other major exporters as should other countries able to.
- Ambassador Korhonen said he feels it is likely that the Group's recommendations will be adopted.
- Ambassador Takamizawa provided a brief report from the joint meeting of the sub-Working Groups on the Sustainable Development Goals (SDGs), based on the written report submitted to the Conference. •

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

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## DIVERSION OF WEAPONS TO THE MIDDLE EAST AND NORTH AFRICA

Frank Slijper | PAX

This year diversion is a central topic in the ATT's discussions. Rightly so, since the unauthorised re-transfer of weapons has been a key feature in recent conflicts in the Middle East and North Africa. While the stereotypical unscrupulous arms brokers and dealers have definitely played a key role too, in a large number of cases it have actually been states orchestrating the supply of weapons to non-state actors. Some examples may illustrate this.

Research by civil society organisations and the media revealed how from 2014 numerous types of weapons supplied to Iraq were diverted to militia fighting the so-called Islamic State alongside Iraqi troops. These predominantly Shia militia also known as the Popular Mobilisation Units (PMU), used these weapons to commit to commit or facilitate serious human rights violations across central and northern Iraq.

Ironically, besides US-made military equipment, the PMU heavily relied on Iranian weapons. In a report published last year, Amnesty International found that the PMU inventories included arms and ammunition manufactured in at least 16 countries, including Chinese, European, Iraqi, Iranian, Russian, and US small-arms and light weapons, rockets, artillery systems, and armoured vehicles. Clearly not all these supplies to the PMU were permitted by the countries of origin.

Another example is the diversion of weapons that eventually ended up with the so-called Islamic State. Conflict Armament Research (CAR) did extensive fieldwork which was published in late 2017. Part of this research looked at significant quantities of NATO-origin weaponry captured from retreating Iraqi forces in 2014. Furthermore, unauthorised retransfers of weapons to a wide range of Syrian opposition forces, eventually ended up with IS. This materiel comprised nearly exclusively Warsaw Pact calibre weapons and ammunition, originally purchased by the United States and Saudi Arabia from mostly South-eastern European sources.

Also, CAR found that 40 percent of anti-armour rockets deployed by IS forces in Iraq, manufactured since 2010, turned out to be of European Union (EU) origin, "A fact that sits uncomfortably with the EU's parallel efforts to degrade the group's capacity to wage war and terrorism and to mitigate the international effects of the Syrian conflict," according to CAR.

Finally, the United Arab Emirates is a notorious source of diversion, including a string of cases related to unauthorised re-transfers of weapons to Libya, in violation of the UN arms embargo. Last year PAX described some of them.



Photo: Cover shot from CAR publication

One case concerns the case of an Mi-24 attack helicopter delivered to General Haftar's Libyan National Army in April 2015. Belarus confirmed to the UN Panel of Experts investigating violations of the embargo that such a helicopter had been transferred to the United Arab Emirates (UAE) and that it had issued an end-user certificate and registered the transfer in the UN Register of Conventional Arms of 2015. "The Committee did not receive an exemption request for the transfer of this helicopter, nor has Belarus received any request by the United Arab Emirates for authorization of re-export of helicopters. The Panel has sent a letter to the United Arab Emirates asking for detailed information on the transfer of the attack helicopter to Libya but has not received a response," states the Panel's report.

Since 2016, a number of aircraft have been transferred to Khadim airport, a hundred kilometres from Benghazi, which has been extensively developed. The base's inventory of UAE air assets was revealed in October 2016 by Jane's Defence Weekly, showing six AT-802 light attack aircraft, two UH-60 'Black Hawk' helicopters, two Wing Loong drones capable of carrying guided weapons, as well as one IL-76 transport aircraft.

In its 2016 report, the UN experts included a leaked email from the UAE's Ministry of Foreign Affairs admitting that "the fact of the matter is that the UAE violated the Security Council resolution on Libya and continues to do so". Regardless, the numerous documented violations of the arms embargo have had little or no consequences for the UAE.

These cases represent a wider problem of weapons originating from states with potentially well-organised export control systems and capable officials. And what these examples also show is that diversion is not necessarily about dodgy arms brokers and dealers shipping weapons under false pretenses to warlords. Often diversion is also a practice organised or assisted by state actors arming proxies to support their political agenda. State actors that are often close allies of the countries of origin of the weapons.

Therefore, to stop and prevent such unauthorised re-transfers from taking place, supplier states should reconsider whether their anti-diversion policies are sufficiently functioning. Based on recent experiences they should further think about proper measures to deal with cases of diversion, ensuring that loopholes are closed and violators prosecuted and/or black-listed. •

### Side events: 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

