



ATT MONITOR

Civil society perspectives on the
First Informal Preparatory Committee and Working
Group meetings
of the Arms Trade Treaty
29 January - 1 February 2019



Reaching Critical Will

4 February 2019
Vol. 12, No. 1

IN THIS ISSUE

- 1 | Editorial: From making it binding to making it work
- 3 | Summary: Sub-Working Group on Article 5
- 4 | Summary: Sub-Working Group on Articles 6 & 7
- 5 | Summary: Sub-Working Group on Article 11
- 6 | Summary: Working Group on Universalisation
- 7 | Summary: Working Group on Transparency and Reporting
- 8 | Summary: Informal Preparatory Meeting
- 11 | Upcoming meetings

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

Editor: Allison Pytlak
www.reachingcriticalwill.org
disarm@wilpf.org

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

EDITORIAL: FROM MAKING IT BINDING, TO MAKING IT WORK

Allison Pytlak | *Reaching Critical Will of WILPF*

The achievement of a provision in the Arms Trade Treaty (ATT) on gender-based violence (GBV) was a turning point in bringing gender perspectives into security issues. It is the first ever legally-binding instrument to recognise the link between GBV and the international arms trade. The Women's International League for Peace and Freedom (WILPF) is proud of the role that we and our partners played through the "Make it Binding" campaign that advocated for a standalone provision GBV provision.

Yet, six years after the ATT's adoption, what can we say about its impact in preventing GBV? This aspect of the Treaty has been largely marginalised vis-à-vis other perceived priorities. As well, because gender-based violence is severely underreported and underdocumented, it is often overlooked in arms transfer risk assessments or officials making the risk assessment have found themselves unsure of what indicators to look at or credible sources to consider.

Research conducted by WILPF in 2016 found that while 63 countries stated that they were already conducting risk assessments on GBV, most of these were in the context of international humanitarian law or human rights, and not on its own merit.¹ Interviews revealed that with few exceptions, there was little to no consultation with gender experts in the course of making a licensing decision.

Just as including a specific criterion on gender-based violence in the ATT was important for reasons of recognition and prevention, so too is the focus on gender and arms-related GBV at the upcoming Fifth Conference of States Parties (CSP5). This is creating a space for states parties, observers, and civil society to discuss and dismantle the specific obstacles that prevent robust application of this part of the Treaty, including by mainstreaming the topic across the various ATT working groups.

Meetings over the last week have helped to

illustrate what some of the obstacles are. There are, for example, different views and some uncertainty about the relationship between gender-based violence and the international arms trade. Some delegations have asked how direct of a connection a weapon needs to have to an act of GBV in order for it to be prevented by the Arms Trade Treaty. Others have questioned if all forms of GBV are relevant to arms transfer decision-making, or just those that are more visible, such as sexual violence.

It needs to be underscored that all conventional weapons can—and have been—used to inflict violence on people based on discriminating norms and practices relating to their specific sex or gender role in society. Moreover, GBV can occur both in times of conflict and outside of conflict—the absence of generalised violence does not mean that there is no risk of GBV.

This is why export officials must conduct a risk assessment on GBV for every single arms export license application. They must assess the risk of sexual violence, domestic violence, impact on girls' education, impact on women's reproductive health, impacts on LGBT rights, or the use of sex as a signifier in targeting attacks or conducting post-strike analyses.

They must also look to how weapons are used to exacerbate or prop-up discriminatory gender-based social norms and power inequalities in social, economic, and political spheres of life. For example, it has been shown that the proliferation of arms in any given context has a negative impact on women's equality within the household, their mobility, and their political participation. Widespread possession and use of weapons tends to prevent women from fully participating in public and political life, and to hinder their economic empowerment—which also qualifies as GBV.

The ATT is clear in its wording that states

Editorial, continued

parties must consider the risk of the arms in question being used to “commit or facilitate serious acts of gender-based violence or serious acts of violence against women and children.” These two words (commit and facilitate) must be given equal weighting, and it would be valuable to focus discussion in upcoming working group or preparatory meetings on reaching common understanding about what they mean in practice.

In addition, how explosive weapons facilitate GBV is often overlooked in the context of arms transfer discussions. The use of these weapons also has gendered dimensions just as the use of small arms does—such as exacerbating gender inequalities and oppressions and increasing the risk of sexual and gender-based violence during forced displacement.

States have also expressed that finding credible sources with which to evaluate the risk of GBV is challenging, and that when pressed with time there may not conduct an extended search. Here it will be necessary for licensing officials to look beyond the usual and obvious information sources used for other kinds of risk assessment, and consider reports generated by the Women, Peace and Security (WPS) community, or under the International Convention on the Elimination of Discrimination Against Women (CEDAW), as just two examples. Building up an awareness of these resources and how to search them rapidly could go a long way in reducing the time pressure, as would in-

formation sharing between and within governments. The Women’s International League for Peace and Freedom (WILPF) has published multiple resources that suggest information sources and outline key questions to ask.

Finding ways to incorporate the experience and perspectives of those who have experienced different forms of arms-related gender-based violence in the next round of meetings and on panels will be important as well.

The focus on gender and GBV is an opportunity. We encourage states parties to approach it with ambition and a view to action-oriented outcomes that will have a real impact on practice. •

NOTES

1. See Rebecca Gerome, *Preventing gender-based violence through arms control: Tools and guidelines to implement the Arms Trade Treaty and UN Programme of Action*, 2016, Women’s International League for Peace and Freedom, pp. 14-24.

**Elements of this editorial and WILPF’s statement to the Preparatory Meeting are based on the above and other resources.*

MAKE IT BINDING

INCLUDE GENDER-BASED VIOLENCE IN THE ATT



SUMMARY: SUB-WORKING GROUP ON ARTICLE 5

Katrin Geyer | *Reaching Critical Will* of WILPF

This is a sub-group of the Working Group on Effective Treaty Implementation (WGETI), which is chaired by Ambassador Sabrina Dallafior of Switzerland. The sub-group was convened on Wednesday 30 January, under the facilitation of Mr. Leonard Tretty of Ghana.

Article 5 of the Arms Trade Treaty (ATT) requires states parties to establish and maintain a national control system in order to implement the provisions of the ATT, including a national control list, competent national authorities and one or more national points of contact to exchange information on matters related to the Treaty's implementation. At the Fourth Conference of States Parties (CSP4) to the ATT, states agreed to work towards a basic, voluntary and non-prescriptive guide to establish a national control system.

Mr. Roy Isbister of Saferworld opened the discussion as part of an expert panel. He presented the different steps of a "gap analysis" which compare a state's existing national control system with new obligations under the ATT. He emphasised that such an analysis needs to be context-specific, requiring national ownership and impetus and driven by political commitment.

Most states consider the draft guide to be an excellent starting point. Some states highlighted that there is no one size fits all model to comply with the ATT, but that the comparison of national systems and gap analyses can be useful for countries with similar contexts.

Mr. Isbister observed that the greatest challenge in harmonising national systems with the ATT is the lack of sustained resources and lack of sustained engagement by involved stakeholders. Some speakers, such as Norway and Austria, gave insights into national mechanisms that strive for a harmonised control system and highlighted the importance of inter-agency cooperation.

The International Committee of the Red Cross (ICRC) reminded delegations that the Treaty establishes minimum requirements, and that the proposal could consider additional measures to enhance the Treaty's implementation.

Mr. Dladla of the ATT Secretariat offered an overview of the status of national control lists submitted by states parties. So far, 68 states have submitted initial reports, of which 58 states indicated that they have national control lists. Thirty-one of those that have control lists indicated that they base their lists on the Wassenaar Arrangement on Export Controls for Con-

ventional Arms and Dual-Use Goods and Technologies (Wassenaar Arrangement) or based on the European Union's Common Military List. The Wassenaar Arrangement, publicly available, is regularly reviewed by technical experts from participating states, and any changes to the Wassenaar Arrangement are also incorporated in the European Union's Common Military List.

Mr. Tretty gave insights into the process of elaborating Ghana's national control list. Decisions had to be taken with respect to the scope of the list; and the best sources for cases of good practices that could serve as an example.

The European Union (EU) noted that as part of its outreach programme, it has supported Costa Rica in developing a list, which could serve as good example for the region. It also cited other states, such as Zambia, Senegal, Sierra Leone, or Madagascar where the EU has supported the establishing of national control systems and lists.

Norway informed that it implements the EU Common Military List. Austria said its list is based on that of the EU and the Wassenaar Arrangement. Belgium reported that it applies the EU's list and the Wassenaar Arrangement to exports, and a more limited list for imports. Belgium encouraged including the requirement for public availability of such lists in the guide. The Control Arms Coalition encouraged the application of the Wassenaar Arrangement.

Discussions then moved to Article 5(5) that requires the designation of competent national authorities. The Facilitator noted that there is no one-size fits all model, and states use a variety of approaches for the organisation and structure of authorities, agencies and ministries involved.

A representative of Benin provided a general overview of national actions and challenges in implementing the Arms Trade Treaty. Similarly, a representative of Liberia presented the national process that Liberia has for establishing national points of contact, a project which has been funded by the Voluntary Trust Fund (VTF). The implementation of the project was a collaborative effort between Liberia's National Commission on Small Arms and the Liberia Action Network on Small Arms.

Austria noted it still needs to establish a point of contact but affirmed that this will have much potential to facilitate exchange and information-sharing. Mexico supported the establishment of a matrix of national authorities so to facilitate exchange of information. •



SUMMARY: SUB-WORKING GROUP ON ARTICLE 6 AND ARTICLE 7

Katrin Geyer | *Reaching Critical Will of WILPF*

This sub-Working Group was convened on Monday 29 January, under the facilitation of Mr. Daniel Nord of Sweden.

Ms. Jasmina Roskic of Serbia commenced this session with an in-depth presentation of Serbia's export control system, including its legal framework, licensing process, transport and transit procedures, outreach and awareness raising activities, and sanctions. She also highlighted good practices and challenges that Serbia has encountered in the process and outlined further steps to ensure continued ATT compliance.

The presentation prompted an active discussion. Questions were posed about the transparency of denied or granted licences, the specificities of granting or denying a licence, mechanisms for information-sharing about licence decisions, industry engagement and relationship-building, the validity of granted licences, access to necessary expertise, and more. Ms. Roskic noted that each licence was issued on a case-by-case basis, and reasons for denied applications have been predominantly on the grounds of the company's failure to provide end-user certificates.

Article 7(4): Risk assessments and gender-based violence

The ensuing exchange of views was focused on Article 7(4) on gender-based violence (GBV) as part of CSP5's priority theme. Mr. Daniel Nord of Sweden and facilitator of the sub-Working Group, introduced the session by noting that the inclusion of the provision on GBV in the ATT was a major achievement and stepping stone, but that more concrete discussion was needed about how the provision can be implemented. A panel presentation followed, which consisted of Ambassador Michael Gaffey of Ireland, and Ms. Verity Coyle from the Control Arms Coalition.

The Ambassador noted that the international community has been too long in denial of GBV as a consequence of war, conflict, and arms flows. Yet he observed that the need to consistently include gender perspectives in disarmament efforts has started to come to the fore, such as in UN Security Council Resolution 1325 on Women, Peace and Security, the 2030 Agenda, and the UN Secretary-General's Agenda for Disarmament. He drew attention to Ireland's working paper submitted at CSP3 that acknowledges the need for clarification around terms such as "serious" or "overriding" risk.

Ms. Coyle presented the practical guide produced by the Control Arms Coalition a step-by-step reference to help develop better export control procedures to address GBV.

The following themes emerged in the discussion that followed, in which around 15 delegations made contributions.

States observed that a major challenge was the lack of clear evidence and data that help to make assessments about the prevalence of GBV in a recipient country.

Finland, Switzerland, the European Union (EU), and others confirmed that more guidance was needed on the implementation of the GBV provision and welcomed the CSP5 President-designate's proposal to develop a guidance document on best practices.

Various states referred to existing material developed by civil society organisations that can assist states with implementing this provision, such as the Control Arms Coalition's practical guide; resources from the Women's International League for Peace and Freedom (WILPF) and the International Committee of the Red Cross (ICRC); and the EU Common Position on Arms Exports, and its accompanying User's Guide with its chapter on GBV prevention.

Some states noted that licensing is a multi-partner effort, and that the designated licensing authority has not sufficient expertise. Collaboration with different ministries, human rights and regional desks, and embassies to receive input on the risk of GBV, and the political, economic, and humanitarian situation of a potential recipient country, is therefore indispensable. Some speakers observed that it was challenging to conduct a thorough analysis when often, time is pressing upon receipt of license applications.

Some speakers agreed that a training for stakeholders in the licensing process could be very helpful. The Control Arms Coalition informed that it will hold trainings for ten governments in the coming months, where representatives from different ministries are encouraged to participate.

Due to the lack of time and resources, a suggestion was made if resources should be focused on more "sensitive" systems to be exported, such as small arms and light weapons (SALW), as compared to radar systems or warships, that would require less scrutiny. Switzerland also noted that more information on the links between GBV and the trade of systems other than SALW would be helpful. In response, Ms. Coyle cited cases where other systems than SALW have been used or can be used in committing or facilitating GBV.



Article 6 and 7, continued

The Republic of Korea announced that it recently included gender considerations in the first stage of its risk assessment. The Netherlands announced that it publicly reports on arms transfer denials and that it has committed to also making information available when a license has been denied specifically on the grounds of GBV. A suggestion was made to include gender considerations in the ATT's annual reporting template. It was asked if it was necessary to focus on clarifying the definition of GBV or instead achieve a broad understanding. The panellists stated that the definition used in the Control Arms Coalition guide was drawn from existing UN instruments, and that states should move to collecting examples of GBV, and develop a stronger understanding of the impacts of GBV, which would then lead to better impact as-

sessments. Poland urged to also consider the potential wider gendered effects of the arms trade, such as forced displacement.

Various states and the panellists reiterated that Article 7(4) is not a stand-alone criterion, but should be read in conjunction with Article 7(1) as GBV is part of human rights law and international humanitarian law. Others wondered if there are any serious acts of GBV that would not be covered by Article 6(3) and 7(1). The Control Arms Coalition and the International Committee of the Red Cross (ICRC) noted that the inclusion of Article 7(4) in risk assessments can expand and deepen ongoing conversation about the practical implementation of Articles 6 and 7. •

SUMMARY: SUB-WORKING GROUP ON ARTICLE 11

Katrin Geyer | *Reaching Critical Will* of WILPF

The sub-Working Group on Article 11, facilitated by Ms. Samantha Allen of Jamaica, was convened on Wednesday 30 January. It opened with an opportunity for states parties to provide feedback and comments on a draft multi-year work plan, annexed to the broader proposed work plan for the Working Group on Effective Treaty Implementation (WGETI). The plan seeks to focus discussions around the main diversion points along the arms transfer chain, with the objective of arriving at possible voluntary common principles, practices, or guidelines to prevent the diversion of conventional arms transfers.

All states taking the floor expressed support for the suggested multi-year work plan.

Prior to the meeting, France and Mexico jointly circulated a working paper on best practices and information sharing. Mexico noted that this should be regarded as a living document, which could be the starting point to help states parties implement Article 11.

States welcomed this paper as useful resource. Various speakers stressed the importance of information sharing, including the International Committee of the Red Cross (ICRC). Several ideas were presented to improve this, such as the collaboration with regional entities, the sharing of experiences and real cases between different countries, and the improvement of industry outreach to raise awareness about diversion.

One participant suggested to include information sharing between enforcement officers as this is a rich source for methods on diversion, as evidenced by multilateral export control regimes. The Control Arms

Coalition pointed to the European Union (EU) User's Guide in the EU Common Position on Arms Exports, which includes cases and best practices on the prevention of diversion.

Switzerland welcomed the proposal to start discussions around documentation about imports, transit, and transshipments, as well as the how risk assessments relate to diversion. Switzerland and Germany were pleased that discussions around post-delivery verification mechanisms continue. Germany noted that the realisation of post-shipment control requires preparation and experienced personnel and offered to share further information on effective practices.

Various states supported greater involvement of the private sector in ATT meetings and on national levels, so as to better understand diversion and address it from different angles. Australia suggested including discussions about the role of the private sector in next year's preparatory meetings.

Austria noted that European member states exchange data on denials, and diversion is the most frequently used criterion for export denials. Austria observed that transit countries have an equal responsibility in avoiding diversion, and that it assesses transits the same ways as exports.

The meeting then discussed the first stage of the transfer chain—import documentation. Mr. Himayu Shiotani of UN Institute for Disarmament Research (UNIDIR) presented its research findings on end-user documentation, and Mr. Iassen Tomov of Bulgaria offered his experience in managing import documentation. •



SUMMARY: SUB-WORKING GROUP ON TREATY UNIVERSALISATION

Katrin Geyer | *Reaching Critical Will of WILPF*

The Working Group on Treaty Universalisation (WGTU), co-chaired by Ambassador Janis Karklins of Latvia—president-designate of the Fifth Conference of States Parties (CSP5) to the Arms Trade Treaty (ATT)—and Mr. Kazuhiro Nakai of Japan was convened on Thursday 31 January.

The session began with an overview of activities that the presidency has undertaken in past months to promote universalisation. In particular they highlighted various activities during the 2018 General Assembly First Committee that resulted in a resolution with a remarkable 86 co-sponsors and 151 states voting in favour of it.

Mr. Dumisani Dladla from the ATT Secretariat provided an update on the status of ratification, accessions, and signatures. Last year, the Treaty met an important milestone, when Mozambique became the 100th state party on 14 December 2018. There are now 130 signatures and 100 ratifications. However, this means that there are still 59 states that have not yet joined. Lebanon announced that it has completed the domestic ratification process but has not yet deposited its instrument with the UN Secretary-General, which it will do shortly.

Discussions moved to an exchange of views about the draft universalisation toolkit and welcome pack document. Both documents are annexed to the Working Group's work plan. Mr. Dladla presented both documents, which he described as separate but complementary, and distinct in terms of orientation and target groups. He indicated that the toolkit is supposed to promote Treaty universalisation while the welcome pack was developed to introduce new states parties to Treaty provisions and mechanisms.

Whilst the documents enjoy broad support from states and others, various suggestions were made to improve them. This included the suggestion of adding hard copies of summarised fact sheets based on the two documents that could be used in bilateral meetings; translation into more than the six UN languages; including the objective and purpose of the Treaty; updating the structure and headings as was agreed during last year's CSP; the need to highlight the ATT's application in and outside of armed conflict; a section that would address and counter common fears and misconceptions about the Treaty; and including references that highlight how the ATT reinforces and relates to international humanitarian law (IHL) and the humanitarian consequences of illicit and non-illicit arms transfers.

Two civil society speakers, Mr. Stephen Mwachofi Singo from Kenya, and Ms. Maria Belén Gallardo Rivas from Peru spoke about their experiences in promoting universalisation. Whilst they outlined a plethora of activities civil society has undertaken in Africa, Asia, and Latin and North America, Ms. Belén Gallardo reminded that "universalisation is not enough to guarantee the success of the ATT. In considering universalisation, we must do so in the context of implementation towards the highest universal standards." She called on states parties to refrain from picking and choosing among the Treaty's obligations and cautioned that if states parties do not effectively implement the Treaty, they threaten the Treaty itself.

States were then given the floor to speak about their universalisation efforts. The European Union (EU) highlighted its outreach programme and the recent regional outreach seminars it organised in Georgia and the Philippines. Australia informed that together with New Zealand it will host a follow-up conference in Brisbane in February to support states in the Pacific region to accede to the Treaty. Namibia announced that it was in the last stages of its ratification of the ATT.

The Republic of Korea (RoK) noted that it will hold ten bilateral meetings with each state in the Association of Southeast Asian Nations (ASEAN) this year. Lebanon stressed the important role of civil society organisations in increasing awareness with stakeholders, so to "change mindsets" towards joining the ATT. Cameroon announced it will be holding sub-regional seminars to ensure ratification by states in Central Africa.

The Centre for Armed Violence Reduction (CAVR) described challenges to universalisation in the Asia-Pacific region. High staff turnover in small government agencies is one challenge, as it can "degrade the institutional memory," while the prioritisation given to other urgent regional issues such as climate change is another.

The Working Group closed the session with a celebration of "ATT@100," with a panel consisting of Ms. Anna Macdonald from the Control Arms Coalition, Ms. Anja Kaspersen from the UN Office for Disarmament Affairs, Ms. Helen Durham from International Committee of the Red Cross (ICRC), and Ambassador Pedro Comissario Afonso of Mozambique, 100th state party to the Arms Trade Treaty. The panellists emphasised the Treaty's potential to advance the Sustainable Development Goals (SDGs), to produce real impact on the ground, and to create a safer world for all, if—and only if—states parties faithfully apply and implement the Treaty's provision, so that the ATT is seen to work "on the ground, and not just on paper," as observed by Ms. Durham. •



SUMMARY: SUB-WORKING GROUP ON TRANSPARENCY AND REPORTING

Katrin Geyer | *Reaching Critical Will* of WILPF

This Group was convened on Thursday 31 January under the co-chairpersonship of Ms. Katya Cortés Martínez of Mexico and Mr. Tom Nijs of Belgium.

Mr. Dumisani Dladla from the ATT Secretariat provided an overview of states parties' compliance with reporting obligations. He presented developments both for initial reports and annual reports. He noted that while there are currently 100 states parties, only 92 initial reports are due, since for the remaining eight, the deadline for submission has either not come yet, or because the Treaty has not yet entered into force for that country. Since the Secretariat's last report, the number of initial reports submitted has increased from 67 to 68 reports. Twenty-four reports are still due to be submitted.

Mr. Dladla also provided an overview over regional reporting rates, and the rate of submissions. He further noted that the annual reporting rate is declining but commended the Dominican Republic for having submitted its annual report on 2018 in January, many months before the deadline in May.

Ms. Jasmina Roskic, Head of Department of the Ministry of Trade, Tourism and Telecommunications presented Serbia's reporting system as a possible example to other states parties. According to the Small Arms Survey¹, Serbia is among the top five most transparent arms exporters. Ms. Roskic outlined Serbia's procedures relating to record keeping and its databases. She also spoke about challenges, such as difficulties in deciding which exports to include—authorised exports or actual exports; how to deal with re-exports; and lack of clarity on categorisation. She noted that all national reports are made publicly available by year on the website of Serbia's Ministry of Trade, Tourism and Telecommunications.

A range of questions were posed to Ms. Roskic, including about potential clashes between transparent reporting and commercial interests, the time period for record keeping, and mechanisms for gathering data on imports and exports.

Ms. Roskic indicated that Serbia's reporting does not breach commercial sensitivity since companies' names aren't included in reports. She noted that after ten years, information from databases is moved into the national archive, and informed that data is gathered from companies and customs administration.

In the exchange of views that followed, various states indicated that they send their national reports to parliament for review and input. However, Serbia and Bulgaria noted that parliamentarians generally do not show

much interest in reviewing these reports. Mexico, Costa Rica, and Peru stressed they are encountering challenges in collecting data for their initial and annual reports. It has proved difficult to collect and coordinate information from different entities and authorities, and to harmonise and consolidate the data. However, Costa Rica and Peru informed that they set up mechanisms entrusted with the coordination and harmonisation of data collection across stakeholders which has facilitated reporting.

The Control Arms Coalition and Belgium noted that the number of report submissions is worryingly low. The Control Arms Coalition added that the quality of some of the submitted reports needs improvement as well. It also criticised that eleven states parties have chosen to keep their reports confidential, and that no state party expressed any concern about this during working group discussions.

Mr. Dladla of the ATT Secretariat then informed states parties about the Secretariat's activities in the past months to enhance reporting compliance, including participating in seminars hosted in Tanzania or Montenegro, amongst others.

The majority of states speaking to reporting templates expressed support for the format. The Netherlands noted that it was difficult to compare annual reports due to the variety of data entered by states parties. Switzerland also noted that changes to the template should be kept to a minimum so to be able to compare reports over time. Austria stated that the template was too elaborate. Peru observed that the initial report assumes that states parties already have an export control system in place which may sometimes not be the case. Mr. Nijs pointed out that the initial report should serve as a check-list and acknowledges that there will be gaps in states' systems.

Last year, the World Customs Organisation (WCO) informed states parties in its briefing that most of the conventional weapons covered under the ATT, except for small arms and light weapons (SALW), are not classified by specific customs codes that would allow identification of those conventional arms in the "Harmonised System" (HS) of the WCO. The proposal of amendments to have more specific codes for conventional arms was discussed in earlier meetings.

Costa Rica offered its national experience in having amended the HS to fight the illicit trade of arms and prevent diversion. Belgium, Austria, and Bulgaria expressed interest in the prospect of amendments to the HS and Belgium informed it would discuss this with its customs authorities.



Transparency and reporting, continued

The Republic of Korea cautioned against amendments as some of the information that would have to be provided may threaten national security, and some states not yet party to the Treaty may be discouraged from joining the ATT.

The co-chairs encouraged inputs by states parties on the proposal to hold an informal meeting on the margins of the April meeting to discuss concrete cases of detected or suspected diversion. The Control Arms Coalition reiterated that such a meeting be open to civil society and international organisations. Various states supported the initiative but requested further clarification on its format. Samoa and the Centre for Armed Violence Reduction (CAVR) informed participants about their projects that streamline data collection and enhance transparent reporting. CAVR reported

back from projects in Vanuatu, Palau, Tuvalu, and Fiji that seek to support record keeping and reporting.

The session closed with an introduction to the new information technology (IT) system and ATT Secretariat website, launched in October 2018. It was noted that the restricted areas, only accessible for states parties, has not been widely used at all. So far, only 25 individuals from 12 states have registered, and there have been zero entries in the exchange platform. •

NOTES

1. Paul Holtom and Irene Pavesi, *The 2018 small arms trade transparency barometer*, Small Arms Survey, 2018, <http://www.smallarmssurvey.org/fileadmin/docs/T-Briefing-Papers/SAS-BP-Transparency-Barometer-2018.pdf>.

SUMMARY: INFORMAL PREPARATORY MEETING

Katrin Geyer | *Reaching Critical Will of WILPF*

The first informal preparatory meeting for the Fifth Conference of States Parties (CSP5) to the Arms Trade Treaty (ATT) met on Friday 1 February and covered multiple agenda items.

Introduction of the theme “gender and arms-related gender-based violence”

The theme of CSP5, gender and arms-related gender-based violence (GBV), was the first item on the agenda. CSP5 President-designate, Ambassador Janis Karklins of Latvia introduced his working paper on the topic, which is comprised of three parts. The first part deals with equal representation of women and men in disarmament; the second part looks at the gendered impact of armed violence and conflict; the third part addresses Article 7.4 of the Arms Trade Treaty that requires states parties to conduct risk assessments of exported conventional arms to be used to commit or facilitate serious acts of GBV.

Ambassador Karklins reiterated his intention for CSP5 to produce ideas as concrete and practical as possible. He announced that based on this week’s discussions, he will submit a draft of tips or recommendations to the April meeting for states parties to consider as a possible formal document for adoption in August, at CSP5.

Three panellists kicked off the exchange of views. Ms. Anja Kaspersen, Director of the Office for Disarmament Affairs contextualised CSP5’s special theme within the broader UN framework. She noted that

her office, as well as UN Secretary-General Antonio Guterres in his Agenda for Disarmament, approaches gender as a priority and cross-cutting theme. She highlighted that the inclusion of gender considerations is common sense but needs the right “mindset,” and should also enable discussions how gender norms shape disarmament efforts.

Ambassador Michael Gaffey of Ireland and co-chair of the Disarmament Gender Impact Group also encouraged gender analyses of substantive disarmament discussions. He observed that there is an increasing interest and understanding of this topic, and noted that bold action is needed to ensure that diverse actors are taking part “in the decisions that affect their lives”. He offered various ideas for actions to advance meaningful and equal participation, including the collection of sex-disaggregated data across the ATT’s different mechanisms, the inclusion of gender advisors into delegations, equal representation in panels, and more.

Ms. Anna Macdonald from the Control Arms Coalition highlighted the breadth of the gendered impact of armed violence and conflict with concrete examples. She noted that the understanding the gendered impact of armed violence is essential to appreciate the humanitarian and human rights risks related to arms transfers. She informed about upcoming training seminars on the application of GBV as a risk assessment criterion for export officials in Eastern Europe and highlighted other resources available for states to consult.



Preparatory meeting, continued

The Women's International League for Peace and Freedom (WILPF) called on states parties to include gender specialists, civil society experts, non-binary people, and those who have experienced arms-related GBV particularly in local contexts in future discussions. WILPF described the extent to which arms can facilitate different forms of GBV and pointed delegates to sources that export officials can consult when conducting risk assessments.

Sixteen delegations took the floor and all welcomed the CSP5 focus. Australia, Mexico, Trinidad and Tobago, Samoa, Costa Rica, and Peru specifically supported the working paper's policy recommendations.

Australia, Norway, Peru, and South Africa highlighted the need to better connect the Women, Peace and Security (WPS) agenda to the ATT. Germany informed that as a non-permanent member of the UN Security Council, it seeks to advance enhanced implementation of the WPS agenda, and to mainstream all aspects within the Security Council. South Africa and Lebanon reiterated the indispensable role of women in peace-building and peace processes.

The European Union highlighted the European Council's decision to invest 4.4 million Euros in mainstreaming gender policies in combatting the trafficking and misuse of small arms and light weapons (SALW) in line with the WPS agenda. Various states, such as Costa Rica and Mexico, welcomed the potential of this year's theme to also advance the 2030 Agenda.

The United Kingdom (UK) suggested that instead of equal "representation", "participation" may be a better word to ensure that women participate actively, and meaningfully influence all aspects of the Treaty's implementation. South Africa and Mexico supported the President's call to strive for gender balance in delegations and South Africa expressed support for the inclusion of gender advisors. Norway noted that applying gender and diversity perspectives is not only common sense but also leads to better results. Japan noted that it cannot commit the President's target of gender-balanced "50/50" delegations at CSP5, as the participation in the ATT requires "highly technical" expertise and may therefore equity may be difficult to achieve.

While the UK acknowledged the gendered impact of weapons, it wondered if the ATT is the appropriate tool to address all of its aspects. It also informed that in its own practice, GBV is not in and of itself grounds for refusing an export, but that it formed part of a wider risk assessment under Article 6.3 and Article 7.1. Germany explained that as part of risk assessments,

officials are analysing exports' immediate impact on GBV as part of international humanitarian law (IHL) or international human rights law (IHRL).

The Netherlands informed that for each assessment, officials consult with regional desks and missions abroad, and that so far, no licence has been denied specifically on the grounds of GBV but noted that all denials are publicly available.

The International Committee of the Red Cross (ICRC) called on states to discuss which factual indicators are to be examined when carrying out risk assessments and what measures states parties are taking to mitigate identified risks. The European Union (EU) stressed that to ensure enhanced implementation of risk assessments and prevent serious acts of GBV, states have to be equipped with best practice information and tools. Costa Rica and Mexico emphasised the need for the collection of disaggregated data on the topic, and Costa Rica highlighted that all involved stakeholders have to be trained in the application of the Treaty. El Salvador and Samoa informed about their participation in recent regional workshops relating to conventional weapons and gender.

Voluntary Trust Fund (VTF)

Mr. Peter Andreas Beerwerth of Germany, Chairman of the VTF Selection Committee reported on the status of operation of the VTF, including an update of funded projects and applications for the next project cycle. Mr. Beerwerth noted that the VTF is gaining traction and encouraged states to contribute to the fund. In 2018, 25 projects were funded. Thirty states submitted 39 proposals to the 2019 cycle, with 60 per cent of applications coming from African states.

Status of Working Groups discussions

The Chairs of the three working groups on Effective Treaty Implementation (WGTI), Transparency and Reporting (WGTR), and Treaty Universalisation (WGTU) provided a summary of discussions held in each session, respectively. Please see the summary reports elsewhere in this edition of the *ATT Monitor*.

Management Committee (MC)

Sponsorship Programme—Draft administrative guidelines

The Management Committee and the ATT Secretariat reported on the operationalisation of the Sponsorship Programme and presented the draft administrative guidelines that govern its administration. The Fourth Conference of States Parties (CSP4) entrusted the ATT Secretariat with the Programme's administration.





Preparatory meeting, continued

Ms. Sarah Parker of the ATT Secretariat provided background on the methodology and operationalisation of the Programme. She also noted that for the first time, the Secretariat offered a one-day briefing to the nine sponsored participants to this meeting, of which one third were women. Ghana, who has benefitted from the Sponsorship programme, welcomed the orientation day. An evaluation of the briefing will be presented in the next preparatory meeting in April.

There seemed to be disagreement about the model to govern the sponsorship programme's management. One option would be for the Programme to be exclusively managed by the Secretariat; and the second option would be for the Secretariat to prepare a list for approval by the MC. Ambassador Karklins observed that in practical terms, these two views are not very different from each other. He stressed that this meeting was part of a consultative process which leads to a consensual decision at CSP5, but noted that the MC had to apply the provisional guidelines so to enable the participation of sponsored delegates to this meeting.

Costa Rica, Mexico, El Salvador, Namibia, Ghana, South Africa, and Peru supported the most minimal participation of the MC in the management of the programme. They argued that the MC needs to remain independent, and that the CSP4 decision to transfer the sponsorship programme from UNDP to the Secretariat should be respected.

Mexico acknowledged that there was time pressure but regretted that the decision-making process for sponsored participants in this meeting was undertaken without consultation with states parties. Japan, Switzerland, and Australia supported the guidelines as drafted.

Eligibility criteria

There were some questions around the list of eligibility criteria for the Sponsorship Programme. Costa Rica wondered if some criteria will be given more weight than others. Costa Rica and Peru noted that the criteria should be more concise. Costa Rica and Mexico did not support the inclusion of "political support" as this might require subjective assessments. Switzerland supported the list of criteria but noted that it could always be further refined.

Financial liquidity

The Netherlands, as a member of the Management Committee, presented its proposal to address the financial liquidity issues of the Treaty. The ATT does not have an acute problem yet it is building a budget

deficit of about 15 per cent per year. The Management Committee has outlined three proposals to address this: a temporary financial liquidity buffer which means to close accounts later than current practice; a "rolling buffer" where the annual budget could include a contingency of 15 per cent for the next financial year; and the establishment of a reserve fund from voluntary contributions. The Netherlands noted that one option doesn't exclude another and reminded that financial liquidity issues are primarily caused by late payments.

Mexico, the Republic of Korea, and Brazil support the creation of a reserve fund. Belgium was open to the option of a reserve fund but stressed that lack of payment across a variety of disarmament and arms control instruments raises doubts about states' continued commitment to disarmament and arms control.

The UK noted that it does not support the reserve fund, and that any of the options do not tackle the underlying problem of unpaid contributions. Switzerland also expressed concern at the non-payment of assessed contributions but said it would be open to the option of temporary financial liquidity buffer. South Africa and Japan asserted they were open to continue the discussion.

Proposal to address the problem of payment of assessed financial contributions

Mr. Dumisani Dladla of the Secretariat gave an overview of the current status of assessed contributions. As the President noted, the ATT's financial situation, although much better than in other disarmament fora, is not sustainable. Against this backdrop, the President presented the Management Committee's proposal to apply existing financial rules, in particular 8.1. d which would suspend states parties' voting rights after two years in arrears. Brazil, Ghana, and South Africa did not support such proposal. South Africa and Brazil argued that such a measure will hamper universalisation efforts. The European Union (EU), France, Japan, and the UK all expressed support to the Committee's proposal. The President informed that the issue will be further discussed in the next preparatory meeting in April.

Possible expansion of the MC

The Netherlands presented its proposal for a possible expansion of the Management Committee's membership to further strengthen the competence and the continuity Sweden, the EU, Belgium, Japan, and the UK supported the proposal. Namibia, South Africa, Mexico, Ghana, and Peru did not see a current need to increase the number of members. •

UPCOMING ATT MEETINGS

Date	Time	Meeting
Tuesday 2 April 2019	10:00 - 18:00	Working Group on Effective Treaty Implementation
Wednesday 3 April 2019	10:00 - 13:00	Working Group on Effective Treaty Implementation
	15:00 - 18:00	Working Group on Treaty Universalisation
Thursday 4 April 2019	10:00 - 18:00	Working Group on Transparency and Reporting
Friday 5 April 2019	10:00 - 18:00	Second informal preparatory meeting for the Fifth Conference of States Parties to the Arms Trade Treaty

All meetings will take place at the Centre International de Conférences Genève (CICG).

Information about registration, conference documentation, side events and more is available at www.thearmstradetreaty.org.

Documents from these meetings, along with analysis and statements from past ATT meetings are available on the Reaching Critical Will website.

You can also find our reports and briefs on gender, gender-based violence, and the arms trade online.

If you enjoyed our resources and reporting, please consider helping us to sustain our work by donating today!

www.reachingcriticalwill.org