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ONE MORE TIME FOR THE PEOPLE IN THE BACK— TRANSPARENCY (STILL) MATTERS!

Allison Pytlak | Women's International League for Peace and Freedom

In keeping with the general spirit of 2020, the Sixth Conference of States Parties (CSP6) to the Arms Trade Treaty (ATT) was a departure from the norm. Due to the pandemic, it took place in “written format”—which meant participants submitted written statements and draft decisions were only commented upon in writing. Its unusual format and decision-making process made for a challenging experience of multilateralism, which was reinforced by familiar, and troubling, dynamics around the ATT's implementation and transparency.

Transparency

In the edition¹ of the Monitor published before CSP6, we highlighted several concerns relating to transparency at CSP6. This included the distribution of conference documents; how the breaking of silence on a draft decision would be handled; and about draft decision 13 on establishing a Diversion Information Exchange Forum. We explained that our concerns stem from an increased attempt to limit transparency within ATT meeting cycles and Treaty implementation. These concerns have been reinforced by other civil society organisations² and noted by multiple states in the context of Treaty reporting.

Positively, formal written objections have been posted on the ATT Secretariat's website³ as well as translated into other languages. The draft final conference report was disseminated to allow 24 hours for states parties to review its content, before being published and considered final.⁴ Some states parties made reference to aspects of the draft decisions in their national written statements to the conference, either by expressing concern or welcoming certain initiatives. Such public documentation of objections and concern are vital for transparency in a process like this and ensure credibility and support for what ultimately gets decided.

The process behind the scenes was seemingly less clear cut. Reportedly, at least one state party objected to a draft decision that was ultimately maintained and may have received pushback on its concerns, while others reportedly received mixed signals about how their concerns were being responded to and addressed, vis-à-vis the agreed procedure.

Of course, it's challenging to report on the process to address objections because there was no open format in which states parties could give voice to those concerns, or to hear and react to what others, including civil society, have to say. While behind-the-scenes consultation is a way that impasses are bridged in diplomacy, there is almost always a space for public discussion and interaction as a component of getting to agreement. The chosen format for CSP6 eliminated that option, which meant that bilateral and backchannel interactions became the sole way to manage disputes.

Draft decisions

Ultimately, eleven of the seventeen draft decisions were adopted. More than half of those are administrative and procedural in nature (i.e. agreeing dates, venue, budget, and leadership roles for CSP7; accepting a report on the sponsorship programme; and continuing the contract of the Head of the ATT Secretariat).

Two of the adopted decisions are substantive: one that affirms the mandate for the Working Group on Transparency and Reporting (WGTR) over the next year, and one that establishes a Diversion Information Exchange Forum.

Four of the draft decisions that were not adopted are also substantive. This includes the draft workplans for the Working Group on Effective Treaty Implementation (WGETI) sub-working groups and the CSP6 president's working paper. The other two are about financial rules and proposed repercussions for non-payment of dues.

Elsewhere in this edition we provide more detail about the written objections from states parties to some of these decisions, as based on what is publicly available online. Two states parties, France and the United Kingdom⁵, objected jointly to the adoption of the WGETI workplans because they understand that a silence procedure can only be applied to procedural matters, and not substantive ones “requiring discussion and consultation” which, in their view, the work plans are and for which, they argue, more discussion is needed.

Apparently that logic of substance versus procedure was not extended to the establishment of the Diversion Information Exchange Forum or adopting a task list of “further work” for the WGTR. In fact, both countries welcomed the establishment of that new body in their national statements, along with several other states, mainly exporters. The Forum has come under strong civil society criticism and a few states also expressed concern about it either in national statements, as Austria did, or directly to the CSP6 president, Ambassador Villegas. “Both procedurally and substantively, Draft Decision 13, if agreed to, undermines the ATT’s purpose of transparency and its historic inclusion of civil society,” writes Control Arms in one of its statements.⁶ In its national statement, Austria also drew attention to the risk that the independence of civil society could be compromised by how the Forum would periodically invite non-governmental experts to participate.⁷

Of course, without being allowed to view any of the documentation related to this new Forum, the discussion that gave rise to it, or how the decision to establish it was taken, it is nearly impossible for civil society to comment either on the Forum itself, much less how we might be instrumentalised by it.

Familiar dynamics

The process through which the Forum on diversion was established mirrors some of the dynamics seen at CSP5 around financial rules and proposed repercussions for non-payment of contributions. Both point to an emerging narrative within the ATT context about which states “count” and are thus listened to, and what “matters”. Major arms exporting countries speak out against or draw attention to the inability of smaller or developing

countries to pay their dues, describing it as a lack of compliance, while other implementation and compliance concerns about their own behaviour—including arms transfers that violate the Treaty—remain unaddressed.

This point is not missed by other states. “We, the States Parties, must demonstrate to those States that are not yet [party], that there are a series of substantive benefits that they would obtain by participating in this forum, beyond the administrative discussions that may require our attention, but that do not constitute in any way the *raison d’être* of the Treaty and, much less, an obstacle to the inclusive participation of States and the universalization efforts with which we have committed ourselves,” stated Costa Rica.⁸

Yet once again, this CSP did not include any “discussion” of actual arms transfers. International organisations and civil society groups were almost the only participants expressing concerns about this.

“With protracted armed conflicts and high levels of armed violence in many parts of Africa, the Middle East, Latin America and Asia, I am concerned that serious violations of IHL [international humanitarian law] and human rights law continue to be fueled by a steady supply of conventional arms and ammunition,” wrote Peter Maurer, president of the International Committee of the Red Cross, in his statement to CSP6.⁹ “In this respect, I remain gravely concerned by the apparent disparity between the Treaty’s obligation to ensure respect for IHL in arms transfer decisions and the arms transfer practices of too many States. This calls into question the Treaty’s credibility and effectiveness.”

Only one ATT state party made explicit in its CSP6 statement concern about “real-life” problems. The Netherlands¹⁰ spoke of diverted arms shipments in violation of UN arms embargoes, such as in Yemen and Libya, and took note of and expressed support for the report by the UN Group of Eminent International and Regional Experts on Yemen of September 2019 which “directly questioned the legality of the authorization of arms transfers in view of the Arms Trade Treaty.” While explaining that it has implemented a strict national approach

to arms exports to countries involved in the Yemen conflict, the Netherlands also noted, “It is striking that this has not been a more prominent point of discussion within the ATT” and expressed hope “that collectively we can do more justice to such matters in the future.” Palestine¹¹, Mexico,¹² Costa Rica,¹³ and Libya,¹⁴ as a signatory state, made either less explicit references to contexts of concern, or to improve compliance and implementation of article 7.

The Yemen conflict is not the only violent context to be concerned with, but it is a context where the extent of armed violence and the culpability of arms suppliers is so very clear. It is also a crisis that has been highlighted by civil society and international actors (including a former Yemeni foreign minister) at every CSP that has ever been convened, in addition to extensive media, national advocacy, and legal work. While it may sound surprising that only one state party referenced Yemen plainly in its statement to CSP6, this is actually the only state party to have done so—ever.

“Up until today, most of the cases that have been discussed in more detail took place in the margins of the ATT [conferences], at side events about conflict in Yemen, and about arms supplies to warring parties,” noted Frank Slijper of PAX, at a virtual side event organised by Control Arms. “I can’t believe that states thought the ATT would not be dealing with these questions and discussions. Why are they so afraid?”

Where to from here?

The ongoing spread and evolution of the COVID-19 pandemic makes all future planning challenging, and a multilateral forum like the ATT is no exception.

The WGETI in particular will need to identify a new course of action, as the multi-year workplans that were meant to give long-term guidance to its three sub-groups were not adopted. It would be beneficial to convene open, informal, virtual consultations to understand some of the concerns that states parties would have raised in this connection and be in a position to take those on board in a formal setting.

Clearly, there is a need to identify alternative ways of convening that will enable discussion and exchange while guaranteeing access for all stakeholders. Several states parties expressed in their national statements that while they appreciate efforts made to convene CSP6, its modalities and format are due to exceptional circumstances and they have concerns about access and transparency, in particular for civil society. These concerns led to the inclusion in the final report of a line that notes that the format for the CSP6 is not intended to set a precedent for how future CSPs or other ATT meetings are convened. This is positive as it will ensure states parties learn from this experience and explore other avenues to hold the future meetings. It cannot be overlooked that there will likely be resourcing constraints in the future as well, which may impact the scale of meetings and how extensively all stakeholders can participate.

While many will want to see how the Diversion Information Exchange Forum takes shape, its secretive mandate and the way in which it was established makes that unlikely (which is intentional).

The president-designate for CSP7 is Ambassador Gberie of Sierra Leone. His video statement¹⁶ does not identify a possible thematic focus for the next meeting cycle, but does describe strengthening various working groups and establishing bodies and committees to accomplish the object and purpose of the ATT. The Ambassador also identifies several specific challenges that require collaboration such as universalisation, capacity-building, international cooperation and assistance, and gender equality.

International meetings are an important dimension of maintaining and strengthening global instruments like the ATT, they are not a substitute for strong national implementation and Treaty compliance. As WILPF and others have expressed on multiple platforms, the multiple crises caused by COVID-19 are linked to how security is defined, and what is prioritised as a result of that definition.

“We must remember that security is inextricably linked to public welfare and socio-political and economic stability,” observed Nonviolence

International Southeast Asia in its CSP6 statement.¹⁷ For example, as the ICRC outlined, there are direct connections between the international arms trade and health care. “In April, hospitals supported by the ICRC in South Sudan were already at maximum capacity due to the high number of patients with gunshots wounds. After many years of armed conflict, half of the medical facilities in Syria and Yemen are not functioning, leaving their healthcare systems too weak to effectively respond to the pandemic. Access to life-saving healthcare is reduced or prevented by ongoing armed violence and even direct attacks against health-care, such as those that occurred a few weeks ago in Afghanistan.”

The next ATT meeting, whether virtual, hybrid, or physical, may not be held for awhile. But each day presents a new opportunity for states to work with other stakeholders to implement changes that will stop human suffering and build trust through transparency. “The ATT should always seek to be better in what it does,” observed Ambassador Gberie. We agree.

1. Allison Pytlak, “Transparency (still) matters,” *ATT Monitor*, Vol. 13, No. 3, 14 August 2020, <https://reachingcriticalwill.org/images/documents/Disarmament-fora/att/monitor/ATT-Monitor13.3.pdf>.
2. General Statement from Saferworld to the CSP6, <https://reachingcriticalwill.org/images/documents/Disarmament-fora/att/csp6/statements/Saferworld.pdf>.
3. See <https://thearmstradetreaty.org/csp-6-decisions>.
4. Final Report of the Sixth Conference of States Parties to the Arms Trade Treaty, 21 August 2020, ATT/CSP6/2020/SEC/635/Conf.FinRep.Rev1.
5. Objection from France on behalf of France and the United Kingdom, 17 August 2020, <https://reachingcriticalwill.org/images/documents/Disarmament-fora/att/csp6/documents/objection-france-uk.pdf>.
6. Statement of Control Arms to CSP6 on draft decision 13, August 2020, <https://reachingcriticalwill.org/images/documents/Disarmament-fora/att/csp6/statements/CA-2.pdf>.

7. Statement of Austria to CSP6, August 2020, <https://reachingcriticalwill.org/images/documents/Disarmament-fora/att/csp6/statements/Austria.pdf>.
8. Statement of Costa Rica to CSP6, August 2020, <https://reachingcriticalwill.org/images/documents/Disarmament-fora/att/csp6/statements/CostaRica.pdf>.
9. Statement of Peter Maurer, President of the International Committee of the Red Cross, to CSP6, August 2020, <https://reachingcriticalwill.org/images/documents/Disarmament-fora/att/csp6/statements/CostaRica.pdf>.
10. Statement of the Netherlands to CSP6, 14 August 2020, <https://reachingcriticalwill.org/images/documents/Disarmament-fora/att/csp6/statements/Netherlands.pdf>.
11. General statement of the State of Palestine to CSP6, August 2020, <https://reachingcriticalwill.org/images/documents/Disarmament-fora/att/csp6/statements/Palestine.pdf>.
12. Statement of Mexico to CSP6, August 2020, <https://reachingcriticalwill.org/images/documents/Disarmament-fora/att/csp6/statements/Mexico.pdf>.
13. Statement of Costa Rica to CSP6, August 2020.
14. Statement of Libya to CSP6, August 2020, <https://reachingcriticalwill.org/images/documents/Disarmament-fora/att/csp6/statements/Libya.pdf>.
15. At CSP2, Zambia pointed out that many of the governments aiding other states with ATT implementation efforts are also transferring weapons that result in armed conflict, violence, death, and destruction. At CSP3, Mexico delivered a statement on behalf of 12 countries to request that ATT states parties and others abstain from transferring arms to Venezuela. Mexico welcomed the work done by civil society to stigmatise illegitimate arms transfers, while Chile said that it shared the concerns of civil society regarding transfers that violated the ATT. Costa Rica and Palestine made veiled references to problematic transfers to and of Venezuela and Israel at CSP4.
16. Arms Trade Treaty (ATT): Statement by the President of the Seventh Conference of States Parties, 21 August 2020, <https://www.youtube.com/watch?v=1u-xLQgdG2w&feature=youtu.be>.
17. Statement of Nonviolence International Southeast Asia, August 2020, <https://reachingcriticalwill.org/images/documents/Disarmament-fora/att/csp6/statements/NISEA.pdf>.

NEWS IN BRIEF

Katrin Geyer and Allison Pytlak | Women's International League for Peace and Freedom

The News in brief is not a comprehensive record of all statements and positions but attempts to capture key points from discussions.

Implementation

Below is a non-exhaustive summary of implementation related references found in written statements submitted to CSP6. Three draft decisions that relate to implementation were put forward for adoption at CSP6. They contained the draft multi-year workplans for the three sub-working groups on articles 6 and 7; article 9; and article 11. All three were objected to and not adopted.

General

- The Netherlands observed, "Many real-life problems remain in the realm of arms export control. For example, many instances of diversion of arms shipments in violation of UN arms embargoes, such as in Yemen and Libya, continue to occur." WILPF, Control Arms, and other civil society organisations made similar observations. Libya said that violations of the UN Security Council arms embargo lead to serious violations of international law in the country, and arms embargo violations "continue with appalling impunity." Peter Maurer, president of the International Committee of the Red Cross (ICRC) expressed concern that "serious violations of IHL and human rights law continue to be fuelled by a steady supply of conventional arms and ammunition" in many parts of Africa, the Middle East, Latin America, and Asia.
- The Netherlands expressed hope that states parties focus increasingly on the proper interpretation and functioning of the Treaty in practice, preferably based on concrete case studies. The Netherlands added that "Though no arms export control system – including our own – is infallible, we must identify our failings and challenges and find ways to cooperatively address them."

Working Group on Effective Treaty Implementation (WGETI)

- Belgium and Japan welcomed the modified work plans for the different sub-working groups of the WGETI. The United Kingdom (UK) and France opposed the adoption of workplans for all three sub-working groups of the WGETI, in the understanding that only decisions of procedural nature are adopted by silence procedure. The UK and France said that the workplans raise a number of substantive points which should be discussed between states parties. Ireland supported the conclusions and recommendations as contained in the WGETI chair's draft report to CSP6. Japan observed that the expected activities after CSP7 in the proposed multi-year work plans should be considered tentative and should be reviewed at CSP7 to address current circumstances and evolving priorities.
- Germany said that establishing effective export control authorities and national control lists are crucial preconditions for the ATT to take full effect. Germany encouraged all states parties to increase their efforts further by establishing the principle of ex-ante end-user certification which can be complemented by post-shipment verifications allowing for continuous dialogue and deepened trust between exporting and importing countries.
- Ireland said that the Arms Trade Treaty Expert Group Meeting, co-hosted with Germany and Saferworld in Dublin in preparation for the CSP among diplomats, national policy practitioners, and experts involved the sharing of experiences on Treaty implementation. The meeting sought to maximise the effectiveness of the Treaty, and facilitate consistent and robust implementation.
- South Africa proposed to create a subsidiary body that would promote international cooperation and assistance as enshrined in articles 15 and 16. It said that the body could "serve as a platform for exchanging

information, building partnerships and facilitating interaction between States Parties seeking assistance and those in a position to provide such assistance, including, but not limited to information exchange on best practices, as well as practical and concrete support in the aforementioned areas.”

- Control Arms urged the WGETI sub-working groups to allow space for discussions on the implications of the COVID-19 pandemic on effective export controls, and recommended for the establishment of contingency measures to tackle challenges caused by the pandemic.

Sub-working group on articles 6 and 7

- Spain called on CSP6 to adopt the multi-year work programme which will allow for advancing the exchange of information on the application of certain concepts establishing a voluntary training guide.
- Ireland and Control Arms welcomed the multi-year workplan. The ICRC noted that the work plan should include exploration of the practicalities, requirements and challenges associated with the implementation of articles 6 and 7, and that it should provide for the open exchange of views and elaboration of good practices, including best practices for risk assessments of gender-based violence (GBV).
- WILPF expressed concern that aside from the reference to article 7(4) in the workplan’s discussion on mitigation measures, the plan does not make any mention of gender or GBV, and therefore lacks clarity how outcomes adopted at CSP5 in 2019 will be actioned. WILPF referred to its submission to the sub-working group on articles 6 and 7 made during the preparatory meeting in February 2020 which offers suggestions as to how commitments on gender and the prevention of could be integrated and implemented in future review cycles.
- Canada and Argentina welcomed the development of “elements of a voluntary guide to implementing articles 6 and 7”. Canada invited states to contribute to this process. The ICRC and WILPF would welcome more clarity on how states parties envisage the voluntary guide to assist them practically in implementing Treaty obligations. Control Arms said that some of the proposed elements of the voluntary guide are covered extensively in resources already published by different stakeholders. It encouraged the sub-working group to undertake a thorough review of each of these resources in its initial desk research.
- Argentina and Mexico welcomed the proposal to discuss key concepts of articles 6 and 7 in order to understand states parties’ interpretation of these.
- Canada explained that it provided its input to the “unpacking key concepts” initiative “with the understanding that States have the sovereign right to regulate and control conventional arms within their territory according to their own legal or constitutional system, and have the primary responsibility for establishing and implementing national control systems.” Japan expressed concern of the proposed activity of unpacking key concepts which are not defined in the Treaty.
- Japan said that the interpretation of these key concepts is not something that can be easily agreed on by consensus and that a written interpretation of such key concepts would have serious legal implications and should not be perceived as establishing new norms. Japan reiterated that difficulties in agreeing on a unified interpretation could in no way signify waiver of treaty obligations. Japan said that information exchange on good practices related to each article of the Treaty would be more suitable and effective to enhance Treaty implementation.
- Canada, Argentina, and Control Arms welcomed the focus on mitigation measures. Control Arms said that “this is an opportunity to emphasize that the mere presence of mitigation measures should not be used in of itself as grounds to approve a transfer that would otherwise be refused. Mitigation measures need to be assessed on the basis of their impact, not their existence.” Control Arms and WILPF encouraged discussing cases in which mitigation measures have and have not had the intended results, with real-word examples.

Sub-working group on article 9

- Ireland, Control Arms, and Mexico welcomed the multi-year workplan for sub working group on article 9.
- Control Arms urged to remain aware of the close interrelationships between obligations under article 9, and articles 6, 7, 11 and 12. It suggested additional questions to be addressed, including measures and options for regulating transit and transshipment of arms respectively by land, air and sea. It suggested an additional question with the aim to encourage participants to exchange information on their lessons from experience on the effectiveness of their transit and transshipment regulations, and on areas of improvement that they are presently considering.

National measures

- Canada outlined national measures since its ratification in 2019. Amongst others, it embedded the concept of “overriding risk”, known in its legislation as “substantial risk”. If there is a substantial risk of any of the negative consequences listed in article 7(1) and 7(4), the Minister of Foreign Affairs is required to deny the permit application.
- Chile also reported on its recent national implementation efforts, including establishing a non-proliferation and arms control unit, and a coordination table on arms trafficking to strengthen collaboration in the implementation of obligations related to the arms trade and ammunition control. The coordination table works across many different ministries and seeks to generate synergies between institutions.
- El Salvador explained that its competent authorities make secondary markings to weapons entering the territory, in order to better control their use, and that a complete destruction of all disused firearms is carried out annually.
- Montenegro announced that with the help from the US Export Control and Related Border Security Programme (EXBS) and the Estonian government it is currently preparing an electronic system for issuing licenses that will make the procedure more efficient and more transparent.
- The Netherlands said that it has implemented a strict national approach to arms exports to countries involved in the conflict [in Yemen]. No licenses are granted unless it can be incontrovertibly shown that the arms will not be used in Yemen.
- Paraguay issued in May 2018 a general prohibition on the import of weapons except for those acquisitions directed to institutions in charge of internal security, such as the national police or the military forces. Because of the current prohibition, Paraguay said that the proliferation of arms in the country is due to illegal trade and diversion of weapons. It stressed the need for traceability of the import and export of firearms, as well as international cooperation to combat transnational organised crime.
- Peru informed that in 2019, it established a multisectoral commission to implement its national control system and national control list.
- Spain said that it assesses license applications on a case-by-case basis and said that it introduced national legislation to carry out controls after approvals, to monitor compliance and to verify the end-user. As well, it noted that its national control system offers “a high degree of transparency and reliability”.
- Zambia said that it has draft national legislation in line with ATT requirements, and a draft control list that is ready to be approved.

Links with other instruments

- Namibia stressed that the ATT should continue to support and complement regional efforts to combat the illicit flow of small arms and light weapons (SALW), such as the African Union’s initiative of “Silencing the Guns”. South Africa made similar remarks.
- Argentina said it’s important to explore synergies and cooperation mechanisms with international mechanisms dealing with the illicit trafficking of firearms, and the conventional arms trade. Mexico made similar

remarks. It further said that by aligning efforts from the respective mandates of international instruments such as the ATT, the UN Programme of Action (UNPoA) on small arms and the Protocol against Trafficking in Firearms, the achievement of Sustainable Development Goal 16.4 of the 2030 Agenda will be facilitated. The UN Office on Drugs and Crime (UNODC) also said that the ATT and the Firearms Protocol should not be implemented in silos.

- China noted it actively supports and implements the UNPoA and the International Tracing Instrument (ITI).
- Paraguay recognised the importance of the Inter-American Convention against the Illicit Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials (CIFTA) to facilitate the ATT's implementation.
- Australia argued that that the ATT can address security challenges magnified by COVID-19, especially through strengthening existing synergies with other arms control and peace-building initiatives, and by looking for creative ways of fostering new links.
- Peru said that within the framework of the United Nations Human Rights Council, it and Ecuador are promoting an initiative on arms transfers and human rights. It recalled that the latest resolution on the impact of arms transfers on human rights was adopted by consensus in July 2019 (A/HRC/RES/41/20).
- Costa Rica called for a holistic implementation of international normative and legal instruments aside from the ATT, including international law, IHL, international human rights law, multilateral resolutions, and universal periodic reviews. WILPF made similar remarks.

Universalisation

Below is a summary of universalisation related references found in written statements submitted to CSP6. There were no draft decisions relating to universalisation but a report from the co-chairs of the Working Group on Universalisation was prepared and submitted to CSP6.

- Almost all participants welcomed the new states parties since the 2019 Conference of States Parties: the Maldives, Namibia, China, Sao Tome and Principe, Afghanistan, and Niue.
- Argentina reminded that more than 50 states still need to join the Treaty, which is why it will continue its universalisation efforts. Canada also said it will be supporting promotion and outreach efforts in regions where the membership rate remains low. Japan announced it will continue its universalisation efforts, especially in Asia. Kazakhstan will continue its outreach in the Asia Pacific region.
- New Zealand reported about its universalisation efforts in the Pacific, and France about its efforts in Burkina Faso, Cameroon, Côte d'Ivoire, Guyana, Mali, and the Philippines. New Zealand reminded states and observers of the availability of the model legislation produced by New Zealand with the Small Arms Survey to assist prospective states parties in preparing for their membership. The ICRC and Germany offered their technical expertise in assisting states' ratification of the ATT. The Republic of Korea announced that it translated the Treaty Universalisation Toolkit and the "Welcome Pack" into ten different Asian languages in 2020. Japan welcomed this.
- Argentina, Kazakhstan, Nigeria, Palestine, Bulgaria, Canada, and the UK said that one of the major challenges in universalisation efforts is to include the biggest arms producing and exporting countries. South Africa expressed hope that China's accession will serve as encouragement to all major conventional arms producers and exporters to do the same. Similarly, Japan said that next to China's ratification, the United States returned to participate in the CSP6 ATT meetings, and noted that the engagement of major arms trade states with the Treaty is "paramount". Maurer of the ICRC observed that only four of the top 25 conventional arms suppliers remain outside of the ATT.
- Peru said that the best way to promote universalisation is by demonstrating that the Treaty is fully functional, that it is obtaining significant results in the prevention of armed violence and the reduction of human suffering,

and that it is contributing to regional and international peace, security and stability. Costa Rica made similar remarks, stressing that administrative discussions should not pose an obstacle to universalisation efforts.

- Palestine said that disarmament education and media are important factors in advancing universalisation and to promote favourable public opinion of the ATT. It advocated for the use of media and education as a tool for universalisation, in which parliamentarians can play a crucial role. The International Parliamentary Union (IPU) proposed a draft project with the ATT states parties and the Secretariat to mobilise parliamentarians to communicate the ATT's value through public debates and outreach to opinion-makers, and requested views and inputs on its proposal.
- Thailand, a signatory state, announced that its efforts towards ratification are ongoing. Singapore, a signatory state, said that it is laying the ground for updating its domestic legislation to allow for Singapore to fully implement the ATT. The Philippines also informed about its next steps towards ratification, including a study visit to the Netherlands, collaboration with the European Union on the exchange of best practices, and other activities.

Transparency, reporting, and diversion

Below is a non-exhaustive summary of references to matters of reporting, transparency, and diversion as included in written statements submitted to CSP6.

There were two draft decisions put forward for adoption by states parties related to these themes: draft decision 12 which outlined the mandate and task list for the Working Group on Transparency and Reporting, and draft decision 13 that proposed to establish the Diversion Information Exchange Forum. Both were adopted.

- Australia urged harmonising ATT transparency reports with the UNROCA to prevent "duplication of effort" and potentially increase compliance with reporting under both. China and Israel noted that they report to the UNROCA.
- Australia views the ATT working groups as important fora to discuss effective implementation mechanisms and controls, and has shared its relevant recent experiences via a paper for the diversion sub-working group.
- The Bahamas has yet to submit its national reports and welcomes efforts to assist states in meeting reporting obligations. Canada is in the process of finalising its initial report, and plans to submit it in advance of the one-year anniversary of becoming a state party to the ATT.
- The Netherlands noted it was slightly late in reporting because of COVID-19 but has taken steps to improve transparency in its reporting activities, such as improving the English information on its website, including an overview of all denied license applications, and an English translation of its national report.
- Belgium, a co-chair of the WGTR, expressed disappointment that initiatives undertaken to increase reporting have increased reporting compliance.
- Belgium, France, Germany, Ireland, Luxembourg, Mexico, Netherlands, Norway, Republic of Korea, Serbia, the UK, Argentina, the EU, Control Arms, and WILPF reiterated the importance of meeting reporting obligations.
- Luxembourg, Serbia, Ireland, the EU, Control Arms, Saferworld, and WILPF also expressed support for keeping reports public and/or concern about private reporting; Ireland noted that private reporting is becoming a trend across multilateral fora.
- Control Arms and Saferworld noted that the amount and nature of information included in reports varies, which is problematic.
- Saferworld listed other concerning trends, such as the conflating of the terms "information sharing" and "transparency" and more frequent use of the restricted section of the ATT website, alongside encouragement to use that section of the site.
- Belgium stressed the importance of having meaningful discussions on substantive

issues and concerns that states and other stakeholders raise about reporting.

- Mexico supports efforts to update and improve the reporting templates, the use of technological tools that now allow submitting reports online, the possibility of providing disaggregated data in the reports, as well as the initiatives of cooperation and technical assistance on reporting.
- Control Arms and WILPF spoke favourably of efforts to improve and update the templates. Control Arms further encouraged states to make use of the templates.
- South Africa supports the mandate of the WGTR including its discussions on the draft proposed amendments to both templates. It noted for the record its preference to leave the templates unchanged but said it can go along with Decision 12 “on the basis of the clear understanding that until an inclusive and interactive discussion is held on the issues, as opposed to a mere continued exchange of views between States Parties on the one side and the Co-Chairs on the other, it is self-evident that there can be no agreement on amending the templates”.
- Palestine noted the need to reflect accurate and comprehensive data in reports, as well as compliance, inconsistencies, and gaps. Reporting the total number of each weapon type without stating final exporting or importing countries, is not sufficient to determine compliance.
- Netherlands is proud to sponsor the Control Arms’ ATT Monitor and encourages all to take note of its findings and recommendations.
- The UK said, inter alia, that requirements such as fixed reporting templates must not become onerous and thus detrimental to timely reporting.
- Argentina said it’s important to keep the lists of national points of interest updated and available.
- The International Committee of the Red Cross reinforced that a “strong level of openness, complete, accurate and transparent reporting on the implementation of the ATT demonstrates States Parties’ commitment to a responsible arms trade.”
- Control Arms welcomed updates that have been made to Initial Reports, by Japan, New Zealand, Sweden, and Slovenia.



Diversion Information Exchange Forum (DIEF)

- Multiple states and stakeholders welcomed efforts made and work within the context of the WGTR to support states parties in fulfilling reporting requirements.
- A majority of participants reinforced the centrality and importance of preventing diversion as an objective of the ATT. Multiple participants offered appreciation for the thematic focus on information exchange to prevent diversion, and the president's working paper on this topic.
- Bulgaria, Canada, France, Germany, Japan, Canada, Netherlands, Mexico, Poland, Republic of Korea, Sweden, Honduras, Slovenia, the UK, and the EU, among others, welcomed the establishment of the DIEF.
- Belgium reminded that the DIEF has emerged in response to "recurring discussions" since CSP4 about how states parties can deal with obligations and encouragements around information exchange. It emphasised that while the information exchange in the Forum is "obviously voluntary" it is "firmly rooted in the object and the operational articles of the Treaty."
- Japan emphasised that the Forum is designed as a "mechanism in which all participants work in good faith and promote constructive exchange and international cooperation." It noted that efficacy and terms of reference (TOR) should be reviewed at CSP8.
- Bulgaria underscored that no country is in a position to prevent diversion alone and that information sharing is critical. It said that "Sharing information needs rules providing equal rights for all participants and avoiding any disclosure of possible detrimental effect to any ATT State Party, based on mutual respect for the sovereignty in national decision-making" and that this is the basis of its support for the DIEF.
- The UK explained for the DIEF to realise its potential, states parties and signatories must have confidence in it as a confidential platform for frank, transparent discussion.
- Mexico highlighted the importance of the DIEF, and that it views it as a space to "promote cooperation and communication, under constructive parameters—not confrontational—that promote the exchange of practical and operational information on concrete cases of diversion."
- Control Arms, Saferworld, and WILPF called for the postponement of taking a decision on the DIEF at CSP6 until more deliberation is possible. These organisations raised concern about the manner in which the DIEF is being established as well as that it would be closed to civil society. Saferworld encouraged adopting a process that would enable civil society to give input to the DIEF in the same way that it has to the reporting templates.
- Austria said that the ToR's mechanism for non-state expert participation would benefit from further clarifications. It noted that the ToR add "a two-level agreement process for non-state experts to participate in this particular forum of the ATT." It expressed concern about the complicated participation process for non-state experts in this Forum.
- Latvia regretted that due to the pandemic, it's not been possible to hold consultations or side events to discuss practicalities with the civil society as regards prevention of diversion of conventional weapons.
- Canada suggested prioritising a renewed focus on diversion, including further discussion on postdelivery verification and other mitigation measures.
- Luxembourg acknowledge diversion as a serious problem with a risk that weapons end up in conflict regions, which are more destabilised by them and with an impact on local populations, especially women who suffer the effects in a disproportionate way
- WILPF encouraged better coordination across the various forums working on conventional arms control to enrich information exchange on diversion. It encouraged to not implement the ATT and the Firearms Protocol in siloes. The UNODC explained that the establishment, maintenance, and communication of national points of contacts are essential to address the issue of diversion in an "integrated manner".

Human rights, sustainable development, and gender

Human rights

- Many states, including Costa Rica, Peru, Montenegro, Mexico, Uruguay, and Luxembourg, amongst others, drew attention to the devastating impacts of armed conflict and violence on civilians. Mexico reminded that around one thousand people die every day because of the use of small arms and light weapons (SALW). It explained that in Mexico, the rates of homicides are above those in areas of armed conflict in recent years, where 75 per cent of homicides are estimated to be committed with a firearm.
- Australia noted with concern that the UN has verified over 25,000 “grave violations” against children, as stated in the Report of the United Nations Secretary-General on Children and armed conflict. It encouraged states to consider the risk of violations against children, including the recruitment of children, in states’ arms exports risk assessments.
- Costa Rica called for a holistic implementation of international normative and legal instruments aside from the ATT, including international human rights law, such as the International Covenant on Civil and Political Rights (ICCPR), the Convention Against Torture (CAT), the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), and other treaties, multilateral resolutions, and universal periodic reviews.

Sustainable Development Goals

- The European Union (EU), Uruguay, the African Group, and the Bahamas argued that broader adherence to the ATT will create better conditions for the achievement of the Sustainable Development Goals (SDGs), and vice versa. The EU, Ireland, Paraguay, Malaysia, and El Salvador stressed particular target 16.4 on significantly reducing illicit arms flows. The EU and Ireland also noted target 5.2 on eliminating gender-based violence (GBV). The Bahamas and Ireland said that complementarity also exists across goals relating to gender equality, poverty, economic growth, and reduced inequalities.

- Luxembourg expressed hope that the Diversion Information Exchange Forum can help to advance the SDGs, in particular SDG 5.2.
- Mexico said that by aligning efforts from the respective mandates of international instruments such as the ATT, the UN Programme of Action on SALW (UNPoA), and the Protocol against Trafficking in Firearms the achievement of SDG target 16.4 of the 2030 Agenda will be advanced.

Gender

- Germany informed that the Women, Peace and Security (WPS) agenda and its cross linkages to the SDGs are among its core priorities as a non-permanent member of the UN Security Council until the end of this year. It announced that it will continue to explore the connections between the WPS agenda, the SDGs, and the ATT.
- Australia noted that effective implementation of the ATT also means recognising that different groups of people, including men, women, and children, experience armed conflict differently. The Bahamas underscored the link between gun-related crime and domestic violence, including GBV and intimate partner violence. Costa Rica reminded of the alarming rates and statistics of armed violence in developing countries, including GBV, which calls for states parties to redouble their efforts and to have the human at the centre of all discussions. Luxembourg made similar observations. Mexico also noted that the high rate of homicides correlates with a surge in violence against women and other sectors of the population considered vulnerable. Peru made similar remarks. Mexico noted that the proliferation of arms has also indirect effects on women and girls when they are forced to take care of the victims of armed violence. Norway observed that that sexual and gender-based violence often increases before a conflict erupts, and persists after a peace accord has been signed. South Africa said that much more needs to be done on gender and GBV.
- Australia reminded of the valuable role that women play in the prevention and

resolution of conflict, and called for support of women's peacebuilding roles, including through projects supported by the Voluntary Trust Fund. Norway and South Africa made similar remarks. In addition, South Africa argued that "the contribution of women and girls to the peace building process remains undervalued and under-resourced, leaving a vital tool regarding transformative change and sustainable peace glaringly underutilised." The African Group and South Africa further stressed the importance of gender equality and women's empowerment in the regional initiative of "Silencing the guns".

- WILPF and Control Arms expressed concern at the fact that working group workplans and CSP6 decisions do not adequately account for the commitments on gender and gender-based violence, agreed at the 2019 Conference of States Parties. Control Arms and WILPF urged states to build on commitments made at CSP5. Peru drew attention to the recent report by the UN Office of the High Commissioner for Human Rights (OHCHR) on the impact of illicit or diverted arms on the human rights on women and girls, which serves also as a reminder of the validity of the work done on gender and GBV at CSP5. Peru invited states parties and signatories to review the report, also as documented contribution on the importance of implementing article 7(4).
- Canada, Sweden, and Mexico said that a priority for upcoming work should be the mainstreaming of practical work on gender across the ATT. Norway called for a more systematic focus on WPS as a part of Treaty implementation. South Africa expressed hope that future discussions will contribute to a better understanding of GBV within the framework of the ATT.
- Ireland informed that it has committed to funding for the Stimson Center to develop a practical guidance tool on the GBV risk assessment.
- Canada said that it has included the ATT assessment criteria of article 7(1) directly in the Export and Import Permits Act. In recognition of the importance of addressing GBV and serious acts of violence against women and children, as set out in article 7(4),

Canada made the conscious decision to give this criterion the same weight and importance as other criteria found within article 7(1).

- Paraguay explained that it has a requirement in which licenses to carry and possess weapons are denied if there is a criminal record of violence against women or domestic violence. It noted that to date, a high percentage of license applications have been rejected.

Financial and administrative matters

Several draft decisions relating to financial and administrative matters were put forward for adoption at CSP6.

Eight were adopted, including draft decisions relating to the confirmation of the CSP6 president; the president-designate, vice-presidents, budget, venue, and dates for CSP7; appointing the Voluntary Trust Fund's selection committee members; and continuing the contract of the Head of the ATT Secretariat.

Two were not adopted. These include draft decision 15 on the Management Committee's proposal on Rule 8.1.d, and draft decision 16 on the application of rule 8.1.d on the ATT sponsorship programme and VTF.

- Belgium, Bulgaria, Canada, France, Germany, Ireland, Netherlands, Japan, Slovenia, Switzerland, Poland, Republic of Korea, the EU, and the UK, among others, expressed concern about outstanding financial contributions, with many noting that this is increasing. Most of these countries further urged all states to pay contributions in full and on time and to settle their arrears without further delay.
- The Africa Group, Namibia, and South Africa support the "restatement" that no state will be prejudiced by Financial Rule 8.1.d in applying for support 5 from the ATT Voluntary Trust Fund or the ATT Sponsorship Programme until CSP7.
- The UK welcomed efforts of the Management Committee to create a clear process for States in arrears to enter into an arrangement with

the Secretariat to discharge their financial obligations “but it is important to ensure that this process is only used where absolutely necessary and as a last resort.”

- Belgium, Japan, and Poland said they support the initiative of the Management Committee to address the problem of the funding sustainability. Germany referenced its role in helping draft this proposal.
- The Netherlands says it supports efforts to provide clarity regarding the procedure to establish a payment plan but cannot support decision 15 in its current form and would like to propose amendments to eliminate a few remaining ambiguities and loopholes.
- The EU welcomes the work on the proposed procedure that seeks to establish the necessary arrangements for states in arrears to settle their financial obligations.
- South Africa agreed that meeting financial obligations is essential for the operation of the Treaty, but that it needs to be “considered in a holistic manner and cannot simply be seen from the prism of an individual State not paying. There needs to be an overall balance in that measures adopted should be considerate of circumstances and not frustrate any other initiatives within the ATT.”
- The Africa Group, Belgium, Bulgaria, Honduras, Slovenia, Namibia, and South Africa, among others, expressed appreciation for the current Head of the ATT Secretariat and support his continuing in the role.
- The Africa Group, Bahamas, Ireland, and Canada, among others, expressed appreciation for the Voluntary Trust Fund to assist national implementation of the Treaty. The UK welcomed the efforts of the VTF Selection Committee and the ATT Secretariat facilitating implementation projects and activities. Poland noted it has made a contribution to the VTF because it views it as a valuable tool for assisting states parties in implementing the Treaty’s standards and for prospective members to facilitate their accession. Honduras said that voluntary contributions have been a successful modality of international assistance Canada and Ireland referenced their VTF contributions.

- New Zealand outlined steps it has taken since assuming the position as VTF Chair. This includes outreach on the VTF and including examples of completed application on the website to help applicant states better understand the Selection Committee’s expectations. It is also creating a series of short instructional videos that address common pitfalls in the application process to ensure that applicants can maximise their chances of success.
- Switzerland informed that its in-kind support to the ATT Secretariat since its establishment in Geneva in 2016 will continue for the period 2022-2023. Germany expressed appreciation for this.

COVID-19

- The vast majority of statements thanked the president’s and the ATT Secretariat’s efforts to continue the work of the ATT amidst the unprecedented circumstances due to the COVID-19 pandemic.
- Various states, including Chile, Belgium, Netherlands, and Sweden stressed that the agreed silence procedure should not set a precedent for future conferences. Saferworld said that it had hoped for indications in statements and draft decisions “as to how the ATT process will be managed into the future, in the event that the COVID-19 threat is undiminished.”
- Various states reflected on the impact of the COVID-19 pandemic, and what it means for the work of the ATT and the multilateral system in general. Austria said that the pandemic has brought new challenges to multilateralism and how business is conducted in multilateral fora. Australia observed that “We are all rethinking how diplomacy can be conducted safely and effectively,” noting that resource constraints will be an issue for many years to come. Australia urged to find “as many efficiencies” as possible. Austria observed that the current situation requires exceptional measures to continue the ATT’s work. Peru said that there is “no single recipe” for how multilateral diplomacy should operate in times of a pandemic, but that flexibility is required. Peru stressed the importance of sufficient

funding for the Secretariats of international instruments to make virtual services available to all.

- Some states also addressed the impacts beyond the diplomatic realm. Austria noted that the pandemic's effects go well beyond the immediate health emergency, bringing new and additional challenges to social and economic development. The Bahamas and Malaysia made similar observations. A few participants, such as WILPF, the Bahamas, and El Salvador noted that COVID-19 has exacerbated the impact of arms proliferation and violent crime. The Bahamas said that "unemployment, national lockdowns, extreme fiscal uncertainty and multiple strains on social services all contribute to increasing tensions in households and communities that give rise to ripe conditions for gun-related crime." The president of the International Committee of the Red Cross (ICRC) Peter Maurer underscored how human suffering from arms proliferation is compounded by COVID-19, a point reinforced by Control Arms in the context of Yemen.
- WILPF and Nonviolence International Southeast Asia (NISEA) highlighted how rates of domestic and gender-based violence during lockdowns have increased exponentially.
- New Zealand said that the pandemic has reinforced the importance of the need for multilateral efforts, and in particular of issues that extend beyond national borders. Maurer of the ICRC noted that the pandemic underscores the need to address underlying vulnerabilities and systemic problems, and invites to reconsider the "role and value attributed to weapons in securing human health and well-being." Similarly, Palestine urged to reconsider the notion of 'security,' which is not achieved by spending billions on militarisation at the detriment of healthcare and education.
- Many participants drew attention to the mismatch of spending priorities in a global socio-economic, environmental, and health crisis. Maurer of the ICRC, NISEA, China, Palestine, WILPF, Control Arms, Costa Rica, and Switzerland highlighted continued excessive military spending in a context

where the world is short of masks, ventilators, and protective equipment, investments in healthcare and education, and humanitarian assistance.

Civil society participation

- Many states, including Argentina, El Salvador, the Netherlands, Ireland, Kazakhstan, Mexico, New Zealand, Norway, the Republic of Korea, Spain, Sweden, Costa Rica, and the European Union (EU) recognised the importance of the role of civil society in their work to advance effective Treaty implementation.
- Ireland noted that the engagement of civil society facilitates rich discussions and can broaden the collective understanding of issues. Norway encouraged civil society to continue monitoring the implementation of the ATT, raise awareness and to mobilise their regional networks to create further support for the Treaty.
- Costa Rica reiterated that across all disarmament fora, only through an inclusive, open, and participatory dialogue is it possible to identify common areas to advance the objectives of respective fora, including in the ATT context. The Netherlands urged to continue to "ensure that the ATT remains a transparent and inclusive treaty that allows all stakeholders to fully engage in order to ensure that the ATT has broad support and can reach its full potential." The EU made similar observations.
- Sweden encouraged states parties to support the continued work of civil society in the ATT context.

SIDE EVENT REPORT: THE GENDERED IMPACT OF DIVERSION OF ARMS AND UNREGULATED TRANSFERS ON WOMEN AND GIRLS

Katrin Geyer | Women's International League for Peace and Freedom

The Permanent Missions of Peru and Panama, the UN Office of the High Commissioner for Human Rights (OHCHR), and the Women's International League for Peace and Freedom (WILPF) co-hosted an online side event on 18 August 2020 at the margins of the Sixth Conference of States Parties to the Arms Trade Treaty (ATT).¹ The side event provided an opportunity to present and discuss findings and recommendations from a recent report by OHCHR² which examines specific ways that diversion of arms and unregulated or illicit arms transfers may increase gender-based violence against women and girls, including sexual violence and domestic violence. The report was recently presented to the Human Rights Council (HRC), following the latest HRC resolution on the impact of arms transfers on the enjoyment of human rights of women and girls.³

The side event provided an opportunity to continue raising awareness between the work of the Human Rights Council and other human rights mechanisms, the OHCHR and the ATT bodies and mechanisms in the field of arms transfers and human rights.

Speakers included Ambassador Elena Alfaro Espinosa and Ana Teresa Lecaros of the Mission of Peru, Jamie Walsh of the Mission of Ireland, Andrés Pérez from OHCHR, Maya Brehm from the International Committee of the Red Cross (ICRC), and Allison Pytlak from WILPF.

Ambassador Elena Alfaro Espinosa set the scene by describing how the human rights of women and girls are negatively impacted by the international legal and illicit arms trades, and by diverted arms. As an example, she noted that around 87,000 women were intentionally killed around the world in 2017. More than half of them, over 50,000, were killed by intimate partners or family members, with small arms and light weapons (SALW) being the principal weapon of intimidation and murder.

Andrés Pérez presented the purpose of the OHCHR report, explained key terms used in the report, outlined major categories of rights impacted, and summarised the report's key findings. He emphasised that the report resoundingly affirms that the diversion of arms and unregulated transfers fuel the commission of gender-based violence (GBV) against women, especially in the context of domestic violence. Pérez underscored the various binding obligations on states parties, and emphasised particularly states' due diligence obligations in preventing GBV against women and girls in this context of arms proliferation.

Allison Pytlak welcomed that the new OHCHR report on arms transfers calls to address the gendered root causes of violence, and that it outlines clearly how all forms GBV, including psychological and socio-economic, are linked to arms proliferation. She noted that the report is an important bridge builder between the human rights and ATT communities, and links the CSP6 priority theme of diversion to the CSP5 priority theme of gender. Pytlak also welcomed that the report accounts for corporate responsibility, ammunition, data collection, and explosive weapons in populated areas (EWIPA).

Jamie Walsh explained that work on gender and GBV in the context of the ATT aligns with work that states are doing in other fora, such as in the Women, Peace, and Security space, the 2030 Agenda, the UN Secretary-General's disarmament agenda, and the process towards a political declaration on EWIPA. He stressed the need for closing the gap between policy and practice. Walsh also underscored the problem of the lack of sufficient data availability, and the lack of disaggregation of available data, and pointed to the low reporting rates on armed violence against women and girls.

Maya Brehm discussed the ICRC's paper⁴ on international humanitarian law (IHL) and GBV in the context of the ATT, and reflected on how states parties can take forward the commitments made in 2019 at CSP5. She emphasised that article 7(4) on the GBV risk assessment is at the heart of the ATT as part of strict criteria for states parties' arms exports assessments.

The question and answer session after panelists' presentations touched on how to continue bridging gaps between the human rights, sustainable development, and arms control communities, and which other related topics could be explored in the future OHCHR reports.

1. *The recording of the side event is available on YouTube: <https://www.youtube.com/watch?v=jEuYX38a4JU&t=19s>.*
2. *Impact of arms transfers on human rights, A/HRC/44/29, 19 June 2020, https://www.reachingcriticalwill.org/images/documents/Resources/HRC/hrc_44_29.pdf.*
3. *Human Rights Council resolution A/HRC/RES/41/20, Impact of arms transfers on human rights, 22 July 2019, https://www.reachingcriticalwill.org/images/documents/Resources/HRC/hrc_44_29.pdf.*
4. *International humanitarian law and gender-based violence in the context of the Arms Trade Treaty, International Committee of the Red Cross Working Paper, April 2019, https://reachingcriticalwill.org/images/documents/Disarmament-fora/att/csp5-prep/ICRC_WP.pdf.*



Photo: Charlotte Hooij | WILPF

SIDE EVENT REPORT: LAUNCH OF THE ATT MONITOR 2020 ANNUAL REPORT

Katherine Young | ATT Monitor/Control Arms

With support of the governments of Australia and the Netherlands, the ATT Monitor, an independent project of Control Arms, launched its most recent edition of its flagship publication, the *ATT Monitor 2020 Annual Report* during a virtual side event. Katherine Young, ATT Monitor Senior Researcher, and Rachel Stohl, Vice President at the Stimson Center, presented key findings of the report. Ambassador Federico Villegas, CSP6 President; Ambassador Sally Mansfield of Australia; and Ambassador Robbert Gabriëlse of the Netherlands, also provided remarks. The event was moderated by Carina Solmirano, the ATT Monitor Coordinator.

The report shows a concerning trend towards private reporting, which serves as a significant hindrance to transparency in the international arms trade. This trend was identified in analysis of both 2018 and 2019 ATT annual reports, as well as initial reports submitted up to June 2020. Rachel Stohl noted that submitting private reports also presents an obstacle to analyzing global arms trends, prevents accountability in arms sales, and impedes the identification of particularly troubling transfers.

While the COVID-19 pandemic likely had an impact on the number of 2019 annual reports submitted this year, the geographic diversity and varying levels of capacity for managing national transfer control systems of those that were able to report by the deadline demonstrate that political will likely remains the largest impediment to ATT reporting.

Ambassador Mansfield commented on this “question mark” over political will, and the importance of identifying what prevents states from joining the Treaty and states parties from submitting annual and initial reports. Ambassador Mansfield said, “The ATT Monitor tells a good story in showcasing the actual operation of the ATT,” which seeks to establish the highest possible international standards to improve the regulation of the international arms trade. Ambassador

Gabriëlse spoke to the invaluable role of the ATT Monitor in tracking the progress of ATT implementation, as it facilitates transparent and fact-based discussion.

Ambassador Gabriëlse also noted that transparency and information exchange are fundamental tools in the implementation of the ATT. Similarly, Ambassador Villegas highlighted the importance of cooperation between civil society organisations and other ATT stakeholders to support the implementation of the ATT to fulfill its purpose of reducing human suffering.

The *ATT Monitor 2020 Annual Report* takes an in-depth look at the role of transparency and information sharing in tackling diversion. Katherine Young made clear that in addition to specific ATT provisions, the Treaty as a whole provides a broad framework for promoting cooperation between states parties, as well as information sharing, transparency and responsible action by states in the global arms trade.

To make *ATT Monitor* analysis more accessible to all stakeholders, its coordinator Carina Solmirano, introduced new resources available on the ATT Monitor website. An interactive map displays dates and milestones relevant to ATT reporting obligations, and *ATT Monitor* Country Profiles are available for download.

For more information, and to read the report summaries, view the interactive map, or Country Profiles, please visit the ATT Monitor website: <https://attmonitor.org>.

SIDE EVENT REPORT: STRATEGIES TO PROTECT, MAINTAIN, AND ENHANCE ATT TRANSPARENCY IN THE TIME OF COVID-19

Raluca Muresan | Control Arms

“Promoting cooperation, transparency and responsible action by States Parties in the international trade in conventional arms, thereby building confidence among States Parties”

Article 1, Arms Trade Treaty

Alongside reducing human suffering and contributing to peace, security, and stability, transparency is one of the three central purposes of the Arms Trade Treaty (ATT). Since the Treaty’s entry into force in December 2014, 110 states parties committed to bring arms transfer decisions out of the shadows by implementing risk assessment procedures in line with international human rights and humanitarian law; to report annually on arms imports and exports; and to work to prevent and detect diversion of arms. Yet, almost six years on there is a steady decline in the quantity and quality of reporting on arms transfers, alongside an unwillingness to make arms transfer data publicly available, as well as little to no examination or analysis of potential Treaty violations, and a growing interest in closed processes that exclude the voices of key ATT stakeholders. This undermines the initial momentum towards transparency. Compounding these trends are the restrictions resulting from the COVID-19 pandemic, which further limit the ability to gather, communicate, cooperate, and share information.

In a side event organised by Control Arms to discuss these concerns, Cesar Jaramillo of Project Ploughshares made a compelling case for protecting transparency. He stressed the need to ensure that measures implemented this year in response to the challenges posed by the COVID-19 pandemic may be necessary at the time but that they should not outlast the exceptional circumstances for which they were developed.

As a silver lining, Jaramillo noted that the global health crisis has encouraged further cooperation and coordination, and information sharing of best practices beyond public health initiatives.

Recognising civil society as a key stakeholder in multilateral processes, Maricela Muñoz, Minister Counsellor at the Permanent Mission of Costa Rica, stressed the importance of protecting civic space. She described how through advocacy and the provision of research, data, legal and technical input, civil society is able to shape policies and set high national and international norms. In this regard, she recalled the role that civil society played during the Treaty’s negotiations in ensuring that the ATT included strong provisions on transparency. While acknowledging national security concerns that might hinder open and transparent discussions within the ATT process, Ms. Muñoz urged ATT states parties to commit to transparency and inclusion of civil society.

Frank Slijper of PAX focused on transparency in arms transfers decisions. He regretted ATT states parties’ preference for prioritising procedural matters over substantive discussions on arms transfer decisions. Reminding participants that transparency in the arms transfers is at the core of the ATT, he stressed that it is “high time” for states to make a serious effort to integrate discussions of actual export risk assessments into the ATT process. Using the Netherlands’ export control system and policies as an example, Slijper highlighted a series of good practices that can contribute to transparency and accountability without jeopardising national security or commercial interest.

Focusing on two other aspects of transparency—in ATT reporting and in the ATT process, specifically the working methods of the CSP and its subsidiary bodies—Cindy Ebbs of Control Arms highlighted emerging trends that may erode the ATT’s purpose

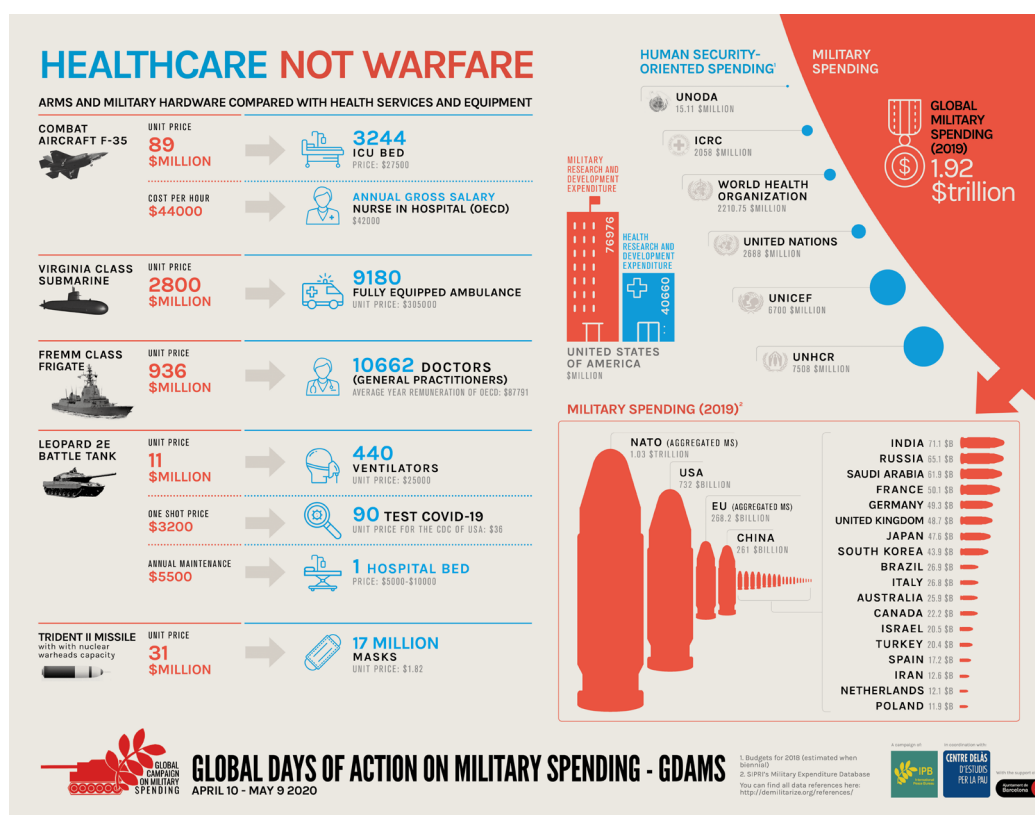
of transparency. In stressing that “transparency cannot be achieved by selective disclosure of information to just a handful of stakeholders”, Ebbs noted that to be effective, ATT annual reports must be timely, accurate, comprehensive, and public.

Ebbs also cautioned that without actively and intentionally safeguarding the space within the CSP process for open discussion and debate, transparency in the ATT process will continue to disappear.

The ATT is one of four treaties that fall under the rubric of humanitarian disarmament, along with the bans on landmines, cluster munitions, and nuclear weapons as well as ongoing initiatives on lethal autonomous weapons systems, drones, and the use of explosive weapons in populated areas.

Bringing in the broader perspective of the humanitarian disarmament sector, Bonnie Docherty, Associate Director of Armed Conflict and Civilian Protection and Lecturer on Law, International Human Rights Clinic at the Harvard Law School, stressed the importance of partnerships and the role of civil society in multilateral processes.

Echoing other panelists, she stressed that the limitations of digital diplomacy should not be used to limit the access of stakeholders in multilateral processes either now or in the future. Docherty also highlighted a recent civil society initiative which calls on governments to follow the principles of humanitarian disarmament as we develop policies and systems for a post-pandemic world. Endorsed by 205 organisations from around the world, this initiative exemplifies how NGOs can advance thinking in the field of disarmament and can push states to adhere to higher global norms.



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Reaching Critical Will is the disarmament programme of the Women's International League for Peace and Freedom (WILPF), the oldest women's peace organisation in the world. Reaching Critical Will works for disarmament and the prohibition of many different weapon systems; confronting militarism and military spending; and exposing gendered aspects of the impact of weapons and disarmament processes with a feminist lens. Reaching Critical Will also monitors and analyses international disarmament processes, providing primary resources, reporting, and civil society coordination at various UN-related forums.



Reaching Critical Will

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Editor: Allison Pytlak

Contact: disarm@wilpf.org

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