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# THE FUEL THAT PERPETUATES CONFLICT

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

As the Arms Trade Treaty (ATT) community convened for its Seventh Conference of States Parties (CSP7) last week, many eyes were also following the painful “final chapter” of the United States’ (US) withdrawal from Afghanistan. The sheer scale of violence and tragedy which has borne out over the last few weeks has been appalling to watch and **dehumanising** for those living through it.

Multiple dimensions of the crisis bear relevance for the international arms control and disarmament community, not least the capture and acquisition of US arms, ammunition, and military equipment by the Taliban and possibly other armed groups. There are lessons and learnings here which relate to some of the main themes of the CSP7—diversion, illicit trafficking, and stockpile security.

Yet there are also lessons and learnings that connect with some of the **fundamental drivers of the movement** for an ATT when it started in the late 1990s. Cold War arms racing and the arming of proxies by major powers had ballooned the international trade in conventional arms to unprecedented heights, leading to massive build-ups of arms with scant consideration of the human rights or humanitarian impact of their transfer or use. Many of these weapons came to play a bloody role in diverse post-Cold War conflicts and violence, some funnelled there by unscrupulous brokers, while other arms and ammunition stockpiles were scooped up and re-used by armed groups, militaries, or new governments amid transition. The proliferation and misuse of these arms **propelled the campaign** for a legally binding instrument on the international arms trade.

“The world is over-armed and peace is under-funded,” **observed** former UN Secretary-General Ban-ki Moon on the eve of the ATT’s negotiation in 2012.

Those words feel particularly apt when considering what has just occurred in Afghanistan. While exact figures appear hard to come by, it’s evident that the value of weapons and equipment

provided to the Afghan military over the last almost two decades by the United States and other governments is well into the tens of billions of dollars. The trend of over-arming has continued. For instance, the **advance edition of the 2021 report** of the **UN Group of Eminent Experts on Yemen** recalls its **previous report** which notes the role of, and names, several third states—many of them ATT states parties—in perpetuating the Yemen conflict through arms transfers. The 2021 report reminds that: “Arms sales are fuel that perpetuate the conflict.”

“Countries react too often to crises by supplying more arms into areas already awash with them,” noted Control Arms in a **statement** to CSP7, citing Libya, West Africa, and the recent establishment of a European “Peace Facility” that will facilitate the transfer of more military equipment into fragile settings as recent examples.

Herein lies a learning point for the international arms control community: over-arming does not lead to peace; time and again it only serves to further destabilise and to cause more suffering, sometimes for generations. “States should reassess whether the answer to an overabundance of weapons,” continued the same Control Arms statement, “especially in a fragile context, is more weapons.”

## Prioritising substance

In many ways, however, CSP7 discussions were broadly substantive and put human rights and humanitarian concerns at the fore, in a way not felt during recent meetings, which have grown increasingly technical.

This is owing in large part to the efforts of Sierra Leone as the CSP7 president. In this capacity, Ambassador Lansana Gberie spoke openly throughout the meeting cycle of his country’s civil war and the lingering impact of conventional arms, in particular small arms and light weapons (SALW). This was a large motivation behind the



priority theme Sierra Leone selected for CSP7—“Strengthening efforts to eradicate the illicit trade in small arms and light weapons and ensure efficient stockpile management”—and is outlined further in a draft working paper from the president.

Substantive concerns over the human cost of the arms trade came through during a high-level opening panel, which was followed by a session focusing on the CSP7 priority theme, in which most speakers highlighted with facts and concrete examples of the scourge of armed violence and conflict.

“We know from the work of the International Committee of the Red Cross (ICRC), International Crisis Group, and other humanitarian organisations that about 2 billion people suffer from fragility, conflicts, or violence,” **stated** Dr. David J. Francis, the Minister of Foreign Affairs of Sierra Leone during the high-level opening panel of CSP7. Sheikh Omar Faye, Minister of Defence of The Gambia, **noted in his high-level statement** that illicit transfers of arms and diversion have become significant in many countries in Africa and elsewhere, and communities suffer the “scourge of armed violence partly as a result of inadequate regulation of arms exports.” Similar points were made about Latin America, and especially Mexico, by the Mexican Secretary of Exterior Relations, H.E. Sr. Marcelo Ebrard Casaubon.

In the same panel, Gilles Carbonnier, Vice-President of the ICRC, **described** the “acute suffering” witnessed by ICRC staff working in Mali, Syria, Afghanistan, and Yemen, as brought about by arms. In South Sudan, he noted that three ICRC surgical teams have cared for an estimated 9,000 patients wounded by weapons; around one third of those patients are children or women.

Multiple side events held throughout CSP7 illustrated in vivid detail the daily impact of arms transfers in Libya, the Tigray region, the Sahel, Gaza, Yemen, and Syria, among other places; these examples were also referenced in statements delivered (mainly by civil society groups) at different points during the CSP7. Some side events or statements were also quite explicit in naming states engaged in arms transfers to those countries or regions, including France,

Canada, Italy, Turkey, US, and the United Kingdom (UK).

The high-level opening panel was followed by a thematic discussion on SALW, diversion, and stockpile management, summarised elsewhere in this edition. Taken together, these two sessions set a substantive opening tone for CSP7, compounded by the in-person participation of many delegations—a first since the start of the pandemic.

### Shifting political headwinds?

In the context of the priority theme, five recommendations to states and other stakeholders for advancing practical action in relation to SALW control and stockpile management were adopted at CSP7. These were widely welcomed by most delegations participating in the session, although a cautionary note was struck by the UK in a **statement**, which was otherwise quite positive: “As the paper sets out, a strong export licensing system, with a comprehensive risk assessment prior to the transfer of small arms and light weapons, is critical. We must ensure however that we do not create unnecessary barriers and unrealistic requirements for States Parties.”

The UK may have had the United States in mind, given the country’s “withdrawal” of its signature from the ATT in 2019. In a **statement** delivered during the universalisation session, the US explained the country’s desire to underscore the “continuing commitment of the United States to the responsible international trade in conventional arms.” The US explained that it is in the process of revising its Conventional Arms Transfer policy, which will help to determine the “proper relationship of the United States to the Arms Trade Treaty.”

The US’ currently ambiguous relationship with the ATT was noticed by China, when it called on the US to “right this wrong” and return to the ATT as soon as possible. China also appeared to touch on the US in its **general statement** to the CSP7: “Some country, in particular, by abusing arms trade as a political tool, flagrantly interferes in the internal affairs of other countries, which undermines international and regional peace and stability.

Some country, out of its own interest, constantly breaks its commitments through relaxing its arms export control policies and even revoking its signature to the ATT, which undermines multilateral efforts in regulating conventional arms trade by the international community.”

While not an entirely inaccurate—and perhaps even refreshingly direct—description, it is also disingenuous considering the source. Just recently for instance, the role of Chinese weapons and military equipment in the Myanmar crisis was not overlooked during the April CSP7 preparatory meetings. Yet, China has been a very active participant in ATT meetings since acceding to the Treaty in 2020. Whether or not the US “re-joins” the ATT in the near future, dynamics between the two countries will be an interesting development to keep an eye on.

There are also interesting dynamics emerging in relation to transparency and reporting. As described in greater detail elsewhere in this edition, the ongoing decline in ATT reporting rates, and increased number of reports being made private, is an urgent matter of concern. According to the ATT Secretariat, in 2015, four per cent of states parties made their reports private whereas in 2020, 29 per cent had done so.

CSP7 saw the adoption of proposed revisions to the two voluntary ATT report templates. Work on these revisions has been ongoing for almost two meeting cycles, with decisions to adopt them delayed because of COVID-19, and largely undertaken with the intention of resolving inconsistencies, errors, and omissions created by the structure of the current reporting templates. The revisions process was done in an open and inclusive way and enjoyed broader support from across the ATT community—but at CSP7 there were a few murmurings of unease. In the lead up to CSP7, for example, it was reported that South Africa might move to block adoption of the revisions, in line with concerns it had raised earlier this year about the inclusion of sensitive information and reporting fatigue.

Ultimately South Africa did not block the amendments, but referenced its earlier concerns, which it felt had been brushed aside. It flagged its concern that reporting requirements could

be become deterrent to treaty universalisation. France, Australia, and China all supported the amendments and reiterated the importance of transparency and reporting, but variously made points about the voluntary nature of the templates, sovereign rights of states, and national security or trade interests.

In the quest for universalisation, it’s vitally important that the provisions—and expectations—of the ATT not be diluted in order to accommodate the whims and “national security” needs of the world’s most powerful states, also its largest weapons producers. This will lead to double standards that could undermine the ATT as an instrument and international law more broadly, and risks creating politicisation and division between states parties.

### Taking stock

Germany will preside over CSP8. In brief remarks delivered at the conclusion of CSP7, Germany’s ambassador outlined the three issues it will promote next year: universalisation, post-shipment controls, and “taking stock” of the first six years of the Treaty. Germany has recently commissioned a series of research papers from the Stockholm International Peace Research Institute (SIPRI) looking at what has been achieved in key areas like universalisation, implementation, assistance, and processes and forums—and what work remains to be done. A side event presenting these papers took place on 3 September, and is reported on separately in this edition of the *ATT Monitor*.

It feels like the right moment for taking stock and looking back—in order to move forward. WILPF has encouraged that this approach would be beneficial in the context of assessing progress made against outcomes adopted at CSPs in relation to priority areas of focus, noting that sometimes in the move to a new thematic focus each year, previous conference outcomes may be overlooked or forgotten. WILPF and others have also suggested, through past statements and written submissions, that it’s time for states parties to create a space or mechanism by which to meaningfully explore transfers of concern in the context of compliance with articles 6 and 7.

This is because taking stock of achievements must go beyond what has been accomplished in conference rooms or on paper alone. During the opening panel, the ICRC Vice-President noted that all too often there is a tension between commitment and practice, with respect to ATT implementation. This was compounded by a point made by the UN High Representative for Disarmament Affairs, Izumi Nakamitsu in her [video statement](#) to CSP7, “Despite UN Secretary-General’s call for a global ceasefire over one year ago, arms continue to flow—conflict continues to rage and rights of world’s most vulnerable people, many of them women, continue to be eroded.”

As WILPF argued in the context of its [reporting](#) on the recent Seventh Biennial Meeting of States on the UN Programme of Action on SALW in July 2021, “Yet in the search for measurability, we must look beyond the UN conference rooms and look

for impact. Impact on lives, impact on livelihoods. The UNPoA was driven by a strong humanitarian imperative to reduce human suffering, poverty, armed conflict, violence, and crime.”

So too was the ATT, as described at the outset of this editorial. To evaluate success, we must look beyond conference reports to also consider practice, and impact. In its CSP7 thematic statement, [Namibia](#) pledged its support for the ATT’s implementation while also recalling that it continues to seek “to promote the establishment and maintenance of international peace and security with the least diversion for armaments of the world’s human and economic resources”. In the context of stocktaking, this reference to the Article 26 of the UN Charter is an important reminder to question current policies and habits of routine over-armament and militarism—and invest instead in peace and human security.

## CSP7 REPORT: THEMATIC DISCUSSION

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

The Seventh Conference of States Parties (CSP7) to the Arms Trade Treaty (ATT) began with a session focusing on the Conference’s priority theme of small arms and light weapons (SALW) and effective stockpile management. Conference president Ambassador Gberie of Sierra Leone selected this topic because of his country’s experience of armed conflict and violence, as he explained during informal remarks made at the outset of the session.

Earlier in the CSP7 meeting cycle, the president forward a [draft working paper](#) (ATT/CSP7/2021/PRES/659/Conf.SALWPSSM.Rev3) to concretely outline how he and his government view the priority theme in the context of the ATT given that the subjects of SALW, diversion, and stockpile management have traditionally been an area of work and focus for other instruments. This has been particularly true for the UN Programme of Action (UNPoA) on SALW and International Tracing Instrument (ITI). As his paper states, bringing these subjects more prominently into the context of the ATT—as a treaty that regulates legal transfers—would help to solidify practically some of the

normative synergies that exist between these and other instruments including in relation to gender and human rights.

The paper puts forward five possible outputs<sup>1</sup> for ATT states parties to endorse at CSP7 and was revised and updated throughout the meeting cycle based on inputs received.

The thematic discussion opened with four expert presentations. Following these presentations, Thirteen delegations delivered statements. An additional six statements were delivered later in the CSP7 due to time constraints. These are summarised below, as well as some references from written general statements.

### Panel presentations

**Hon. Dr. David J. Francis**, the Minister of Foreign Affairs of Sierra Leone, explained that the working paper reflects Sierra Leone’s experience of violence and great human suffering as caused by SALW during its civil war. He said he believes that

the country has the “moral and legal standing” to champion efforts in the international arena to address illicit trade in SALW and prevent diversion; and would not wish for people of other regions to be victims as they have been. Dr. Francis emphasised that Sierra Leone is seeking to lead by example in putting in place or trying to advance many of the suggestions contained in the draft working paper which stresses the importance of cooperation and assistance.

**H.E. Sr. Marcelo Ebrard Casaubon**, the Secretary of Exterior Relations of Mexico, brought his region’s experience with diverted or illicit weapons. He explained that different reports indicate that trafficking has increased and many non-state groups are benefitting from the insecurity derived from these weapons, stating that an estimated 230,000 weapons cross Mexico’s border illegally each year. Casaubon’s presentation also outlined three strategies that Mexico is currently pursuing to address illicit arms flows, one of which includes taking US arms manufacturers to court—something that has recently attracted much media attention. Casaubon’s presentation also stressed complementarity between the goals of the ATT, the 2030 Agenda, and in relation to gender-based violence (GBV).

**Gen. (rtd.) Christo Simon Fataki** of the Regional Centre on Small Arms (RECSA) presented the work of RECSA in supporting the 15 member states of the Nairobi Protocol. This has included diverse training programmes; providing equipment and materials, such as for safe storage or marking; developing customised software for record-keeping; and creating best practice guidelines. RECSA has adopted a gender policy to guide mainstreaming of gender in line with UNSCR 1325 and 2250. Gen. Fataki observed that not enough attention is being given to preventing diversion and that there is a need to update relevant laws and harmonise them with regional instruments, while also building the capacity of national institutions.

**Dr. Jovana Carapic** with the Geneva International Centre for Humanitarian Demining (GICHD) described the work of GICHD’s Ammunition Management Advisory Team. It was established in 2019 to contribute to technical and operational aspects of effective ammunition management,

which is closely related to SALW management. Dr. Carapic’s remarks stressed the importance of destroying surplus ammunition and arms, which often lead to accidental explosions alongside diversion. She highlighted as well that illicit trade does not occur in a vacuum but in a context of crime and instability, among other factors.

As such, patterns of diversion matter to preventing its occurrence.

### President’s paper

Most delegations that spoke in this session welcomed or expressed support for the thematic focus and/or the paper specifically.

Hungary said it agrees that stockpile management is key to preventing diversion in the post-delivery phase. Ireland said it feels the paper sets out clear path and Control Arms described it as a “practical first step” towards ensuring that the measures, policies, and structures adopted to implement the ATT will be effective in addressing these challenges.

Peru endorsed the five recommendations contained in the paper. Romania welcomed and is ready to support the paper by exchanging good practices, although said it wished there had been more time for discussions on the topic during this meeting cycle.

Switzerland said that the paper’s themes are areas where progress on implementation is needed.

Control Arms encouraged applying the paper’s outputs to ammunition as well as weapons.

In its written statement, South Africa shared that the AU Master Roadmap identifies a number of obstacles such as the persistence illicit transfers and illegal arms transactions as constituting serious threats to the African peace and security agenda. South Africa further acknowledged however that trade in other conventional weapons “has been recognized as a contributory factor to the escalation of conflicts. It is therefore important to ensure that all conventional weapons remain our focus.”

The United Kingdom (UK) specifically mentioned the paper's focus on gender with France also referencing the paper's mention of the Sustainable Development Goals (SDGs). In relation to the paper, the UK said it supports the objective of the full, equal, and effective participation of women as well as the recognition of the differing effects on women, men, girls and boys and noted that it supported similar language in the outcome document from the Seventh Biennial Meeting of States (BMS7) on the UN Programme of Action on small arms and light weapons. WILPF suggested updating the working paper to reference the very recent BMS7 outcomes.

Spain welcomed the paper and its proposals, stating that they "help to link the ATT with reality".

The Republic of Korea (RoK) welcomed the paper, noting that the recommendations are clearer and stronger than in earlier versions. It stressed that it will be "meaningful" when the recommendations are translated into sub-working groups work plans and be discussed among states.

Italy (in its written statement) views the thematic focus as a "positive input" for tackling human rights violations, terrorism, and GBV.

A few delegations provided reactions to specific parts of the paper's five proposed outputs:

#### *Output 1*

- Switzerland said it would be appropriate to carry out the proposed mapping of international instruments and relevant regions. It referenced the process of updating the Organisation for Security and Cooperation in Europe (OSCE) Guide to Good Practice on Small Arms and its Guide to Good Practice on Stockpiles of Conventional Ammunition, the latter of which the UK also referenced.
- Ireland welcomed the mapping suggestion but noted that many excellent guides exist which should be leveraged to enhance ATT implementation. In this regard it noted a paper on the role of women in ammunition management, which it had supported.

#### *Output 2*

- France said it would be important to stress that cooperation can only be done on a voluntary basis, and said that it would like to add the term "on a voluntary basis".
- Switzerland welcomed this output.
- WILPF noted that cooperation around documentation is positive and can have beneficial results but also urged a focus on practical cooperation measures for initiatives that help to facilitate peace and human security, rather than supply of arms.

#### *Output 3*

- France asked to add "as appropriate" because it felt that while that this proposal could prove to be very difficult to implement in practice.
- WILPF described this as a positive confidence-building step that could aid in stockpile security but would encourage any future reporting or sharing to be done publicly, and not limited to the restricted area of the ATT website, for example.

#### *Output 4*

- France welcomes the current language consisting of an encouragement of states parties to exchange information on measures taken in terms of stock management and mitigation measures risks related to Article 7.4.
- Ireland strongly endorsed this outcome and referenced the 2020 report of the UN Office of the High Commissioner for Human Rights (OHCHR) on the gendered impact of diverted and illicit arms, explaining that these differentiated impacts must be understood in order to tailor responses appropriately.
- WILPF noted this directly corresponds with a CSP5 outcome and welcomed the continuity between conference thematics. WILPF cautioned however that the only way to truly mitigate GBV and other harm is by not transferring or stockpiling weapons.



## Impacts

Some delegations described the different harmful impacts of SALW proliferation and diversion. Peru acknowledged that trafficking and diversion threatens peace, security, and development, noting in particular the impact it has had in its own region of Latin America and the Caribbean and the links to organised crime.

Hungary said SALW kill or injure more people than any other kind of weapons. In a written statement, Romania noted that the widespread availability of conventional arms, in particular SALW and their ammunition, is a key enabler of armed violence and conflict.

Peru referenced the differentiated effects of SALW on women, adolescents, and children. Namibia underscored the importance of the ATT's GBV provision. RoK said it agrees that the illicit trade in SALW can hamper implementation of the SDGs and negatively impact GBV. Ireland highlighted that illicit arms can be destabilising and is correlated with gender and sexual violence.

In its written statement, Norway highlighted that sexual and GBV often increases before a conflict erupts and persists after a peace accord has been signed. "The prevalence of weapons

therefore exposes women to further danger in an already vulnerable situation. We must continue to have a systematic focus on women, peace and security in our efforts to implement the objectives of the Treaty. In our view, including women is essential if we are to address the security needs of the whole population."

Control Arms urged states parties to address key weaknesses in the legal arms trade systems, noting that "arms transfers to fragile areas don't disappear once conflict abates." It cited Libya and Afghanistan as examples of how the "continued recycling of weapons" exacerbate rising tensions, results in increased political instability and human suffering.

Maat for Peace, Development and Human Rights underscored that SALW are used to perpetrate violations such as extrajudicial killings and forced

disappearance. It spoke in particular of violations of international humanitarian law (IHL) in Syria and of Turkey's role in providing armed groups with ammunition and weapons, although it is not the only country doing so. Maat called for greater control on SALW especially in Syria and restrictions on the transfer of ammunition.

Control Arms also highlighted the impact of ammunition and asked states parties to "consider ammunition in the context of its controls throughout the life cycle of an arms transfer". Control Arms noted that diversion of ammunition fuels conflicts, facilitates terrorism and organised crime, and contributes to the perpetration of GBV on a daily basis.

ASER brought several country examples of the impact of SALW and framed them in the context of international arms transfers. It said that after seven years of conferences, many governments are acting against ATT articles despite war crimes being committed by Saudi Arabia, the United Arab Emirates, and others involved in the Yemen conflict. It referenced legal procedures undertaken in France and Canada to stop these transfers. ASER also stated that France and the UK have gone against commitments by sending weapons to Israel and spoke of the role of France in the Rwandan genocide and the tragedy in Afghanistan.

Montenegro (in its written statement) spoke of the "startling human and economic cost" and the widespread availability and trafficking of conventional arms is "dangerously compromising international security and peace, as well as sustainable development."

## Relationship to other instruments

Most delegations speaking on this topic supported strengthening the existing synergies and/or complementarity between the ATT and other instruments, in particular the UNPoA and ITI. Some mentioned regional agreements that they are party to, such as the Southern Africa Development Community's (SADC) Protocol or the African Union's (AU) Silencing the Gun initiative.

In its written statement, South Africa shared that



the AU Master Roadmap identifies a number of obstacles such as the persistence illicit transfers and illegal arms transactions as constituting serious threats to the African peace and security agenda. South Africa further acknowledged however that trade in other conventional weapons “has been recognized as a contributory factor to the escalation of conflicts. It is therefore important to ensure that all conventional weapons remain our focus.”

The UN Office on Drugs and Crime (UNODC) said that it understands the language of the working paper as a call for joint implementation of the ATT and the Firearms Protocol (FP). It explained that the FP creates legally binding marking and record-keeping requirements for small arms that allow for their tracing. It further establishes a system of reciprocity in the authorisation of small arms transfers, which complements the export criteria in the ATT. It also highlighted that the criminal offences established under the FP help to enforce the ATT.

Japan referenced the recently concluded BMS7 on the UNPoA. Japan explained that it, along with South Africa and Colombia, jointly submitted an annual resolution on SALW to the UNGA, of which the most recent was adopted by consensus.

Peru said it favours “harmonised multilateral responses” and work with other agreements, naming the UNPoA and ITI. Hungary appreciates that the paper encourages exploring and further enhancing synergies between the ATT and other international instruments that are relevant in this area.

Spain noted that the management of SALW is closely related to some of the main objectives of the Treaty as well as one of the basic objectives of the UN Secretary-General’s Disarmament Agenda, a point echoed by the Netherlands in its written statement. As such, Spain said that action must be “complemented and coordinated with the other international forums and instruments that already have experience in this area”.

WILPF and Control Arms welcomed the practical actions contained in the paper and spoke of the importance of bridging siloes. WILPF noted in

particular the references to relevant Human Rights Council resolutions and reports.

### **Relevant national or regional initiatives**

China described its efforts to strengthen SALW management and control. This includes some of the following: consolidating legislative and institutional safeguards by promulgating laws and regulations; strengthening capacity of law enforcement and cross-departmental cooperation, including through “process-wide management”; improving its export control and implementing UN Security Council embargos; and strengthening international cooperation and exchange.

China additionally outlined several principles for the international community to uphold, relating to refraining from transferring arms to non-state actors or regions with conflict; shared governance and enhancing integrated governance; eliminating the root causes of SALW-related problems; and actively participating in all kinds of pragmatic cooperation for assistance.

Japan referenced its support for the “Saving Lives Entity (SALIENT)”. In June 2021, Japan hosted an online seminar focusing on key challenges related to SALW with the Stimson Center. The seminar included discussions of how new technology is impacting SALW control, and said this is also relevant for the ATT.

Namibia explained that it commemorates the African Gun Amnesty Month, held annually during September until 2030, by urging its inhabitants to surrender all illegally acquired and unlicensed firearms, armaments, and ammunition to the Namibian police. It also described its work with Control Arms in completing the second phase of an “ATT Academy” capacity-building project for countries in southern Africa.

The UK has been supporting an Ammunition Management Advisory Team project which created a comprehensive training programme on the International Ammunition Technical Guidelines and a subsequent project this year to digitalise the Guidelines.

Hungary is supporting western Balkan countries decrease the risk of proliferation of firearms,

Ammunition, and explosives and to mitigate the consequences of stockpiling those weapons and ammunition. It is supporting two projects; one focusing on safety and security upgrades to ammunition and weapon storage sites in Bosnia and Herzegovina through weapons management capacity building; a second that seeks to reduce the risk of accidental explosions in Montenegro.

RoK has established a structured system for marking, record-keeping, and tracing SALW. It explained that since the establishment of an electronic system which manages the distribution of arms on the basis of national laws, the Korean military and police can respond efficiently in case of urgency such as the detection of missing arms.

Spain described a recent collaboration with the United Nations Institute for Disarmament Research (UNIDIR) to prepare a manual that seeks to increase baseline data on types, patterns, and origins of ammunition; strengthen local capacities; and serve as the basis to support the efforts of national and local authorities to reduce gun violence. It has also supported the work of AMAT, described by Dr. Carapic.

Cameroon said it has ratified relevant regional and sub-regional instruments relating to SALW control. It has taken steps domestically to adopt new relevant laws, including for stockpile management. It stressed the importance of firearms marking.

The EU shared that the European Council adopted a decision in 2021 establishing a common approach on the elements of end-user certificates in the context of the export of SALW and their ammunition, intended to contribute to the risk of reducing the risk of arms diversion. It also outlined the many UNPoA or ATT projects it supports in third countries, including across Africa, the western Balkans, Latin America, and with the League of Arab States.

1. *The five proposed outputs are:*

*- ATT stakeholders should undertake to map and better utilise existing guidance and tools developed under relevant international and regional instruments on preventing the illicit trade in SALW and strengthening stockpile management and security in order to prevent diversion as a way to strengthen ATT implementation.*

*- WGETI should formalise discussions concerning post-delivery cooperation experiences from both exporter and importer perspectives and should consider developing guidelines on cooperation and assistance to ensure ongoing compliance with export documentation, including authorised end-use.*

*- ATT States Parties should share, as appropriate, information on effective and innovative stockpile management programmes through updates to their ATT initial reports under section 7 a) i) of the ATT initial reporting template, plenary discussions or the restricted area of the ATT Secretariat website.*

*- States Parties are encouraged to provide information on their national practices relating to "mitigating measures" in the context of Article 7(4) on GBV prevention, including related to stockpile security; what these can be and how they are implemented.<sup>20</sup>*

*- The WGETI, with support from the ATT Secretariat, should consider identifying and compiling a list of existing relevant bilateral and multilateral assistance programmes within and outside the ATT, which aim to address the illicit trade on SALW and stockpile management. This list should be made available to States seeking such assistance.*

# CSP7 REPORT: TREATY IMPLEMENTATION

Jillian Rafferty | Women's International League for Peace and Freedom

The chairperson of the Working Group on Effective Treaty Implementation (WGETI) Ambassador Sang-beom Lim of Korea (RoK) presented the WGETI's work in the lead-up to the Seventh Conference of States Parties (CSP7), including the work carried out by the WGETI's three sub-working groups.

First, Ambassador Lim discussed the work achieved by the sub-working group on articles 6 and 7. He reminded participants of the sub-working group's methodology exercise, through which the group aimed to gather states parties' and other stakeholders' understandings and interpretations of key terms contained in articles 6 and 7.

During his presentation, Ambassador Lim noted the sub-working group facilitator's conclusion that, despite minor variations in interpretation, the majority of participants in the methodology exercise had largely convergent views on key treaty terms. In addition, Ambassador Lim stressed—perhaps in response to concerns raised during the preparatory meetings for CSP7—that the methodology exercise aimed to promote the exchange of practices, not to prescribe particular interpretations or to create new norms or standards. Ambassador Lim noted that, by and large, reactions to the exercise and its outcome have been positive—in part because it does not seek to create such new norms or standards.

Next, Ambassador Lim discussed the work of the sub-working group on article 9. He noted the sub-working group facilitator's emphasis on the importance of sharing information about national practices, particularly around transit and transshipment, in meetings held earlier in this cycle; and praised the facilitator's incorporation of expert presentations on these topics during the preparatory meetings for CSP7. In addition, Ambassador Lim reviewed the facilitator's exploration of the possibility of compiling a compendium of national practices, with a view to supporting the implementation of article 9.

Finally, Ambassador Lim delved into the work of the sub-working group on article 11. He praised the group's facilitator for their preparation of a draft paper outlining a potential process for assessing the risk of diversion when considering a potential arms export. In preparing that paper, the sub-working group solicited input aimed at exploring state practice in assessing diversion risks. Ambassador Lim suggested that the draft paper on assessing diversion risks be endorsed by CSP7 in the form of a living document of a voluntary nature, to be reviewed and updated regularly by the WGETI as appropriate.

Ambassador Lim also praised the contributions of the sub-working group on article 11 in establishing the Diversion Information Exchange Forum (DIEF).

## Presentation of Working Paper from Argentina by Ambassador Villegas

Ambassador Federico Villegas of Argentina, the president of the Sixth Conference of States Parties (CSP6), then presented his [draft paper](#), "Transparency and Exchange of Information: Its Role in the Prevention of Diversion," (ATT/CSP6/2020/PRES/611/Conf.TranspInfExch.Rev4) developed during the CSP6 cycle—which was not adopted during CSP6 due to particularities with the silence procedure used during that cycle.

## Statements by participants on ATT implementation

Several states discussed their national practices on treaty implementation during this session. Canada, for example, noted that its national risk assessment had led to the denial of exports due to a determination of a substantial risk of one or more consequences under articles 7(1) and 7(4) of the Treaty that could not be sufficiently mitigated. The European Union (EU) also discussed its internal practices, including the obligation that all EU member states assess potential arms exports in line with the EU Common Position and



its eight criteria, which fall in line with the ATT's requirements. The EU also noted what it and its members states are doing to further the Treaty's smooth implementation, including: establishing a searchable online database for all ATT stakeholders; implementing a uniform approach to the export of small arms and light weapons (SALW) and their ammunition; creating a database for export licensing officers from member states to be used in licensing decision-making; and promoting the EU Common Military List. Finland described its strategy to support efforts to prevent the proliferation of small arms and light weapons (SALW) in Africa. China spoke to its own efforts to improve its export laws, as well as to its export policy of requiring end-user certificates that include commitments not to transfer arms to third parties without Chinese consent.

Though Bulgaria did not discuss its own implementation practices during this session, it did speak to the importance of such exchange. Bulgaria suggested that by discussing benchmarks used internally by export authorities, criteria used by states parties when conducting risk assessments, and enhancing discussions on the day-to-day policies and practices of ATT implementation, states parties might enrich the Treaty's deliberative process, inspire new approaches to implementation, and better achieve the ATT's aims.

Control Arms spoke to the importance of states openly sharing not only the successes of their implementation processes, but also their implementation challenges—and, perhaps more importantly still, how they approach and address problematic arms transfer requests. Control Arms argued that states parties must approach the articles 6 and 7 assessment process with a longer view. With that in mind, the organisation praised Italy for its recent revocation of export licenses that would otherwise have allowed for large shipments of conventional arms to Saudi Arabia and the United Arab Emirates, given Italy's assessment that the weapons might be used to carry out disproportionate and indiscriminate air strikes.

Maat for Peace, Development, and Human Rights echoed the points made by Control Arms and argued that states parties to the ATT have already

violated the Treaty, supplying weapons that have been used in a large number of war crimes and other violations of international humanitarian law (IHL) and international human rights law (IHRL). The organisation also noted its dismay that the vast majority of global arms transfers come from states that are not parties to the ATT (whether because they have signed but not ratified, or neither signed nor ratified)—presumably referring to both the United States and Russia.

Namibia, a new state party, discussed its work to implement the ATT since ratifying in April 2020. In particular, Namibia spoke to the importance of the Voluntary Trust Fund (VTF) as a pivotal tool for new states parties to lay the foundations needed to implement the treaty, incorporate it into their national laws, and build capacity. New Zealand echoed this point, noting its role as chairperson of the VTF's selection committee and its commitment to supporting and sustaining the fund.

Canada described its progress on a working paper on post-delivery verification measures, based on the collection of various perspectives in the ATT context. Canada had circulated a questionnaire in May 2021 to compile views and practices from states parties and other stakeholders; though the consultation period was short, Canada said it is pleased with the contributions so far but encouraged stakeholders to continue their work on completing Canada's questionnaire.

Switzerland noted its support for the work of the WGETI sub-working group on articles 6 and 7, through the methodology exercise, to develop an understanding of state practice on key terms in the treaty and specifically urged the further development of a voluntary guide with respect to serious violations of international humanitarian law (IHL) and international human rights law (IHRL). Switzerland noted the potential to refer to other instruments that use these same terms and concepts in developing that voluntary guide.

France commented on the methodology exercise, as well, noting that its objective is not to impose a unique interpretation of key concepts in the treaty, as such interpretation can only be done on a voluntary basis.

Palestine also mentioned its support for the methodology exercise, noting its own participation in that work.

Japan gave cautious support for the methodology exercise, given the clarification that its aim was to promote national practices, rather than to prescribe or create new norms or standard. Japan reiterated its earlier encouragement to be careful about the risk of creating new norms, which could have serious implications for other frameworks. As in its presentation during the preparatory meetings, the International Committee of the Red Cross (ICRC) reminded participants that many of the key terms in Articles 6 and 7—such as “serious violation of international humanitarian law”—are already well defined and well understood under international law.

The Women’s International League for Peace and Freedom (WILPF) reiterated its earlier concerns about the methodology exercise—especially the low participation in the exercise and the risk of re-defining already settled concepts under international law, and pointed states parties to [WILPF’s April 2021 analysis](#) of the methodology exercise’s survey results.

Ireland, New Zealand, RoK, and Switzerland noted their support of the draft paper on assessing the risk of diversion in arms export (developed by the sub-working group on article 11) and welcomed the report’s posting on the ATT website. Belgium, Japan, Palestine, and the United Kingdom (UK), too, noted their support for the paper as a living document of a voluntary nature.

Switzerland noted, in the context of Ambassador Villegas’ working paper on the role of transparency and information exchange in preventing diversion, that post-delivery cooperation could be a powerful tool in preventing diversion. Belgium, Japan, Mexico, and the RoK also commented on Ambassador Villegas’ paper, noting their appreciation for his efforts to promote transparency and information exchange in the context of preventing diversion.

A few participants, including Belgium, Ireland, and the RoK, noted their support for the establishment of the DIF.

Though WILPF welcomed CSP7’s work on diversion in the context of the ATT, it reminded participants that diversion must not be taken as the “sole focus” of the ATT community’s efforts; instead, states parties must take a “more robust, reality-based, and compliance-oriented approach” to implementing all of the ATT’s provisions in full.

Finland reminded others of the importance of the gender and gender-based violence (GBV) provisions of the ATT, given the treaty’s role as the first arms regulation instrument to recognize the link between arms transfers and GBV. Montenegro echoed Finland’s points, welcoming the “enhanced focus” on the gender impact of armed violence in the context of the ATT. Montenegro also noted its own work to increase understanding of the gender-specific impacts of the illicit arms trade, with a view to improving the country’s own national policies and programmes.

Ireland likewise spoke to gender, noting that the availability of illicit arms is “significantly correlated to sexual and GBV” and arguing that preventing and eradicating the illicit trade of arms is a key element in furthering gender equality. Italy noted the connection between the illicit arms trade and GBV. Norway made a related point, noting its own observation that sexual and GBV often increase in the lead-up to armed conflict and persist after peace has been reestablished, thus highlighting the reality that the prevalence of weapons “exposes women to further danger.” Latvia noted that, during its own presidency of the Fifth Conference of States Parties (CSP5), it prioritised the “fight against gender-based violence in arms exports”.

Some participants, including Ireland, New Zealand, and Peru, spoke to the importance of transparency and of the exchange of information in effectively implementing the ATT. Peru additionally highlighted the key role that sub-regional and bilateral information exchange and cooperation can play in that regard.

New Zealand noted the “tireless” work of civil society organisations in raising awareness about the ATT and supporting and furthering the Treaty’s aims.

# CSP7 REPORT: TREATY UNIVERSALISATION

Jillian Rafferty | Women's International League for Peace and Freedom

The Seventh Conference of States Parties (CSP7)'s discussion on the universalisation of the Arms Trade Treaty (ATT) began with a presentation by Dumisani Dladla, of the ATT Secretariat, in which he provided an overview of the status of ATT participation around the world and by region.

## Overview of universalisation efforts and progress

Dladla noted that the ATT currently enjoys 110 states parties, representing 56 per cent of UN member states. Though this is a "good number," he argued that states parties must not become complacent, as true universalisation must be the goal. He also noted that 31 countries (16 per cent of UN member states) have signed but not ratified the ATT; 1 country (<1 per cent of UN member states) has signed the treaty, but has since indicated that it does not intend to ratify it; and 54 countries (28 per cent of UN member states) are not associated with the ATT at all.

Dladla then broke down ATT participation by region. As in past years, he noted that Asia is particularly underrepresented in ATT membership: just 21 per cent of the region's countries are ATT states parties. Again, as in past years, he noted with praise that the Americas (77 per cent are ATT states parties) and Europe (91 per cent are ATT states parties) enjoy high rates of ATT participation.

Next, Dladla discussed the ratification rates year-to-year. He noted that, as expected, ratification rates were highest in the first few years following the treaty's adoption. Still, he argued that the hardest work begins as that rate begins to slow and encouraged states to work together to keep up and further build momentum toward true treaty universalisation.

## Presentation of the WGTU's work

Following the Secretariat's presentation, Ambassador Gberie of Sierra Leone and

Ambassador Villegas of Argentina, this year's co-chairs of the Working Group on Treaty Universalisation (WGTU), as well as presidents of the past and current CSPS, presented the WGTU's report.

First, Ambassador Gberie discussed the history of the WGTU, including its founding at the Third Conference of States Parties (CSP3) and its publication of an ATT Universalisation Toolkit and Welcome Pack at the Fifth Conference of States Parties (CSP5). He also noted the particular importance of the WGTU to his own presidency of CSP7, given his focus on universalisation.

Ambassador Gberie noted his disappointment that the COVID-19 pandemic and its travel restrictions certainly dampened the WGTU's universalisation efforts this year. Still, he provided an overview of the work the WGTU achieved.

In particular, he discussed the Working Group's strategy of splitting states that are not parties to the ATT into two groups: (1) states close to joining the ATT based on developments at the national level; and (2) states that have indicated that joining the ATT is a much longer or more distant prospect. Based on that division, the WGTU developed and implemented a two-tier strategy. For the first group, they hand-delivered personalised letters to those states—and received significant positive feedback on that effort. Ambassador Gberie credited that effort with The Gambia's recent announcement that it will imminently join the treaty. Each country in the second group received a more general letter discussing the ATT and prospects for joining.

In addition, Ambassador Gberie noted his collaboration with the Interparliamentary Union (IPU)'s Secretary General to encourage parliamentarians to engage with the ATT, which was sent to more than 80 parliaments all around the world.



Ambassador Gberie spoke about his efforts to engage with a particular large producer of arms that is not currently part of the Arms Trade Treaty. He encouraged their future participation in conferences of states parties and pushed them to consider joining the ATT.

Following Ambassador Gberie's remarks, Ambassador Villegas spoke to some of the WGTU's additional work during the previous year.

Ambassador Villegas noted that, though the ATT enjoyed just five new ratifications in the past year, receiving any ratifications during the world-halting COVID-19 pandemic was a real achievement, and one that spoke to the commitment of states to the Treaty. That said, he acknowledged Mr. Dladla's point that the rate of ratification has decreased and encouraged states parties to not let their guard down and to instead focus on building and maintaining the treaty's momentum.

Ambassador Villegas then provided an overview of several states parties' efforts to promote universalisation. In particular, he made note of the European Union (EU)'s announcement that it will fund the publication of the ATT Universalisation Toolkit as a brochure and of the Republic of Korea (RoK)'s agreement to fund the translation of the Toolkit and Welcome Pack into several Asian languages. In addition, he discussed efforts made by the Philippines to harmonise national-level legislation with ATT obligations while encouraging greater outreach in the Asia-Pacific region.

He then reviewed a few new and innovative proposals to promote universalisation. For example, Panama has proposed that, during the Human Rights Council's Universal Periodic Review (UPR) process, states encourage others that are not yet parties to the ATT to join the treaty as a means of furthering their obligations and commitments under international human rights law. He also praised Control Arms for its efforts to promote ATT universalisation, especially in the Asia-Pacific, the Middle East and North Africa, and Sub-Saharan Africa.

Ambassador Villegas called on states to promote ATT universalisation through a variety of means. He noted the particular importance of promoting

greater understanding of the ATT's objectives among states that are not yet parties to the treaty—including discussions of the treaty as an arms control (rather than disarmament) instrument, as well as reassurance that the ATT will bolster rather than undermine national, regional, and international security. He also discussed the importance of engaging in direct and meaningful dialogue with non-parties to better understand the challenges to achieving progress on universalising the ATT.

### **Statements by participants on ATT universalisation**

Several participants, including the EU, Honduras, and Spain, noted that universalisation of the ATT is pivotal to achieving the Treaty's goal of establishing the highest possible standards for the legal trade of arms and the prevention of the illicit trade and/or diversion of arms.

Mexico praised civil society organisations, in particular, for the successful work in promoting the universalisation of the ATT.

Mexico, Control Arms, praised the WGTU's co-chairs for their two-tiered approach toward bringing states not yet party to the treaty closer to ratification. Control Arms noted the particular usefulness of adopting an approach that incorporates tailored outreach and engagement to address the specific challenges or hesitations of states that have not yet joined the treaty.

Several participants, including Mexico, the Parliamentary Forum on Small Arms and Light Weapons, and the Interparliamentary Union (IPU) noted the importance of engaging parliamentarians in an effort to promote the universalisation of the ATT. The Parliamentary Forum argued for the particular importance of engaging women and young members of parliament to better reflect the reality of those affected by illicit arms transfers.

A large number of participants, including Cameroon, China, the EU, New Zealand, RoK, Spain, Action Sécurité Ethique Républicaines (ASER), Control Arms, the International Committee of the Red Cross (ICRC), welcomed new states

parties to the ATT, as well as The Gambia's recent announcement that it will imminently join the treaty. The Gambia made this announcement during the high-level opening panel.

Several participants, including China, Spain, and ASER, noted their concern that many countries, including leading countries in the arms trade, remain outside of the treaty. Some appeared to indirectly address the United States (US) in particular during the discussion on treaty universalisation. China noted that the "largest exporter of conventional weapons"—the US—has moved backward in its progress toward joining the treaty, having withdrawn its earlier signature; China called on the United States to "right this wrong" and accede to the treaty as soon as possible. Similarly, Spain called on the state that has indicated it will not accede to the treaty—again, the US—to reconsider as soon as possible. ASER noted its hope that China's accession to the treaty would encourage both the United States and Russia to do the same.

The US spoke during this session, too, noting that its delegation attended CSP7 and earlier meetings to signal the country's continuing commitment to the responsible trade in conventional arms. In addition, the US noted that the country is in the process of reviewing its Conventional Arms Transfer policy to better reflect the current administration's priorities, and expects to finalise and release that revised policy soon—which will likewise revise the relationship of the country to the ATT.

Other participants, including Spain and the ICRC, called on the 31 signatories who have not yet ratified the treaty to finalise the ratification process. On a related note, Poland called on current states parties to focus their universalisation efforts on those 31 non-party signatories.

A number of participants, including Cameroon and China, noted that some countries may face resource-based barriers to joining the Treaty, and called on countries that are able to do so to assist developing countries in joining and implementing the ATT.

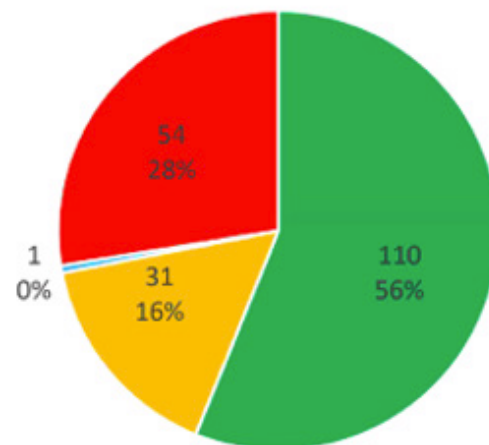
Poland, Control Arms, and the ICRC each spoke

to the importance of focusing universalisation efforts at the regional level, given the specificity of regional arms dynamics and the role regional stakeholders can play in leading universalisation efforts.

Several participants, including the EU, called on all states parties to play an active role in ATT universalisation in their own bilateral relationships with states not yet party to the treaty.

Haiti and the Philippines, which have not yet joined the Arms Trade Treaty, noted their eagerness and commitment to join the Treaty.

Haiti and the IPU, among others, noted that development is hampered by the illicit trade in and diversion of conventional arms. The IPU argued in particular that sustainable development and sustainable peace go hand-in-hand.



■ States Parties ■ Signatories ■ No intent ■ Not joined

*Image from ATT Secretariat presentation on universalisation.*

# CSP7 REPORT: TRANSPARENCY AND REPORTING

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

The session on transparency and reporting began with a presentation of states parties' reporting rates by Sarah Parker of the ATT Secretariat. Parker started with an overview of initial reporting rates. She explained that out of the initial reports due, 23 per cent of states parties have not yet submitted their initial reports. As well, in 2021, 21 per cent of states requested their initial reports to not be made public. This was at 18 per cent in 2020. In total, there are only five states parties that have updated their initial reports.

For annual reports, Parker underscored the worrying trends of decreasing reporting rates, from 84 per cent of states parties submitting reports on time in 2015, to only 55 per cent of states parties submitting reports on time in 2020. There's also an increasing number of states parties keeping their reports private. The number has increased from just 4 per cent in 2015 to 29 per cent in 2020.

Parker also provided an overview of regional reporting rates, both for the initial and annual reports.

The slides of Parkers' presentation will be made available on the ATT Secretariat's website.

## Presentation of the WGTR's work by the co-chairs

On 1 September, the co-chairs Iulia Vladescu of Romania and Alejandro Alba of Mexico presented the work of the WGTR in the period between the Sixth and Seventh Conferences of States Parties (CSP6 and CSP7), based on their [draft report](#) to CSP7 (ATT/CSP7.WGTR/2021/CHAIR/676/Conf. Rep, 22 July 2021). They noted that despite the challenges posed by COVID-19, the WGTR managed to adapt to remote and virtual working methods, allowing for substantial progress in their work.

The co-chairs reminded that on the WGTR's meeting on 28-29 April, they presented an introductory paper providing background on the WGTR's tasks endorsed at CSP6, summarised

past deliberations, and proposed further areas for discussion. The details of that meeting are included in the co-chairs' draft report.

During May and June 2021, participants could submit written statements on different topics and proposals, including adjustments to initial and annual reporting templates, as well as the proposed mandate for the WGTR until CSP8. The co-chairs also held informal consultations as a "live drafting session" regarding the draft proposed amendments to the initial and annual reporting templates on 29 and 30 June.

The co-chairs said that while Covid-19 has impacted states' ability to submit reports, other challenges persist, including lack of capacity, inter-institutional challenges in collecting information, reporting fatigue, and lack of political commitment, amongst others. The co-chairs stressed that reporting challenges should remain on the agenda. The co-chairs encouraged the use of the Voluntary Trust Fund (VTF) to improve reporting, as well as the use of the information exchange platform, which is fully operational but has not been used so far. As well, the co-chairs said that concerns about an increasing number of reports being kept confidential should also remain as agenda item.

Lastly, it was stressed that the updated reporting templates seek to address inconsistencies, errors, and omissions of the current reporting templates. The co-chairs stressed that the use of the reporting template is voluntary but noted that the use of comprehensive, clearer, and user-friendly templates can improve the quality and quantity of reports. The co-chairs presented recommendations for adoption by CSP7 that can be found in paragraph 37 of the [draft report](#).<sup>1</sup>

## Diversification and Information Exchange Platform (DIEF)

The Chair of the DIEF, Tom Nijs of Belgium, introduced his [report](#) (ATT/CSP7.DIEF/2021/



CHAIR/673/Conf.Rep, 16 July 2021) to CSP7. He noted that he was the first chair of an ATT subsidiary body which has not conducted any meeting since its first year of existence. He explained that he decided to postpone the inaugural meeting since the confidential nature of the DIEF requires in-person participation by as many capital experts as possible. Nijs therefore recommends for the first inaugural meeting to take place as soon as broad in-person participation is feasible, within the timeframe and budget allocated for ATT meetings in 2022, and to review the usefulness of the DIEF at the first CSP following two cycles of DIEF meetings.

Nijs said since CSP6, he has focused on awareness raising about the DIEF and its potential role in preventing and addressing diversion as states might still be uncertain about the purpose and working methods of the DIEF and the option of information sharing in the restricted area of the ATT Secretariat's website. He stressed that for the DIEF to be successful in detecting and addressing diversion, states need to share relevant information through the DIEF about every case of diversion that was prevented and addressed. He invited all ATT stakeholders, including the president, ATT Secretariat, civil society organisations, and states parties and signatories to raise awareness about the DIEF.

ATT stakeholders then took the floor to address various aspects of above proposals.

### **On the rates of reporting and public availability of reports**

Argentina, Control Arms, France, Maat for Peace, Development, and Human Rights, Mexico, the Netherlands (in its written general statement), the European Union (EU), Ireland, Republic of Korea (RoK), Romania, and Switzerland regretted the negative trend in reporting. Belgium specified that it was “alarming” that half of the states parties do not report at all, and that a quarter of those that do, do not make their reports publicly available. Switzerland encouraged states parties to submit their reports according to ATT obligations under article 13. Argentina, Control Arms, Belgium, the EU, France, Japan, Peru, Poland, and Germany

made similar remarks. Belgium said it understood the negative impacts of COVID-19 on the reporting rates but that the negative trend precedes the pandemic, and that ATT stakeholders are confronted with a “structural and worsening problem”. Control Arms also urged states parties to submit updated initial reports, as so far, only five states parties have done so. It highlighted that “sharing improvements to national control systems improves compliance and brings us closer to achieving a core Treaty objective: to develop the highest possible common international standards for regulating the international trade in conventional arms.”

The Netherlands, in its written general statement, said that the Control Arms' ATT Monitor has established a clear and systematic track record of ATT implementation of reporting. It said that as a sponsor, it takes the recommendations to heart and encouraged all other state parties to improve their reporting practice.

The EU underscored that transparency and reporting contribute to confidence and accountability within the ATT. Similarly, Romania said if states parties behave in predictable and transparent way, mutual confidence can be built, which is significant for the purpose and object of the Treaty.

Switzerland stressed that reports should be made publicly available, as transparency is a key aspect of the ATT. The EU, France, Ireland, Germany, and Maat for Peace, Development, and Human Rights, and the Netherlands (in its written general statement), made similar remarks.

Switzerland said that the disaggregation of data was crucial for the meaningful assessment of annual reports. Mexico made similar remarks. Switzerland also said that the use of the online reporting tool is practical, and enables easier comparison of the data submitted.

### **Assistance in reporting**

Mexico stressed that the WGTR should support states parties that have trouble reporting. Switzerland and the EU encouraged states to

use the Voluntary Trust Fund (VTF) to improve their reporting. Similarly, Romania acknowledged states parties' difficulties in reporting but it encouraged them to use available support tools to prepare reports or to request assistance through existing mechanisms, or bilaterally from other stakeholders. Belgium made similar observations. Ireland also said that it recognised reporting difficulties, including due to lack of capacity and resources, and internal challenges, and stressed that it was committed to working collectively to find ways to overcoming these challenges.

Germany, in its written general statement, said that the Stimson Center has made very useful suggestions for improvements in the field of reporting. Romania said it was available to support states in enhancing their reporting capabilities within a national capacity, as well as part of the EU's ATT outreach programme.

Nigeria provided an update of its implementation of a VTF sponsored project that seeks to strengthen inter-agency cooperation for reporting and informed that it submitted an interim report to the ATT Secretariat on the project's progress so far.

Chile explained that it is disposed to collaborate with entities in other countries to improve reporting, especially in the Caribbean and Latin America, as this is a region affected by the illicit trade of small arms and light weapons (SALW). Chile said that with the support from the VTF and Small Arms Survey, it created a working group with Peru and Colombia that offers training on the prevention of diversion.

### **National practices of reporting**

France explained that its annual reports to the ATT complement other arms transfers reports, including contributions to the UN Register of Conventional Arms (UNROCA), the Organisation on Security and Cooperation in Europe (OSCE) and the French parliament. It stressed that all of its arms reports are online and public.

Signatory state Singapore, in its written general statement, said that it has contributed to efforts to promote arms transparency, with regular annual

submissions to UNROCA and its participation in the UNROCA Group of Governmental Experts in 2019.

Argentina said that it has fulfilled its obligations under Article 13, and has submitted its initial and annual reports. It explained that the reports are drafted jointly by the government, the Ministry of Defense, as well as the Agency for Controlled Material. Guatemala also reaffirmed its commitment to the ATT's reporting obligations and to that end, created an inter-institutional group of experts to draft its annual report.

In its written statement, Italy shared that this year it had decided "not to avail itself of the Art 13.3 clause, allowing States to exclude from their annual reports commercially sensitive or national security information...".

### **Updates to reporting templates**

Control Arms, Mexico, the EU, Japan, Germany, Ireland, Italy and the Netherlands (in their written general statement) Peru, RoK, Romania, and Switzerland welcomed the updates to the templates. Romania said that the revisions remove ambiguous language and address some challenges related to reporting. Ireland made similar observations. Peru said that the templates will allow for more precise reporting and are more user friendly. Specifically, in its written general statement, Ireland welcomed that the option for ATT reports to be submitted as reports to the UNROCA is included. It said that this will improve coherence in reporting, reduce the reporting demands on states, and it also hoped that it would improve reporting to the UNROCA. The Netherlands made similar remarks in that regard in its written general statement.

Japan stressed that the new format of the reporting templates should be used on a longer-term basis, as frequent updates could make data comparison difficult over time, and would create additional burdens on states parties.

France recalled the letter and spirit of article 13 provides flexibility on the format of reporting, and stressed that the WGTR's recommendations should not lead to obligations that go beyond the scope

of the Treaty. Similarly, South Africa stressed that those promoting amendments to the template should bear in mind that such exercise may risk of being a deterrent to Treaty reporting, directly impacting implementation and universalisation of the ATT.

Mexico stressed that the adoption of revised reporting templates will allow the WGTR to focus its efforts on other areas.

## DIEF

Argentina, Australia, Control Arms, Mexico, Poland, and Switzerland welcomed the recommendations by the DIEF chair. Mexico said it was pleased that it was “up and running”. Control Arms encouraged regular communication between the DIEF chair and the sub-working group on article 11 to ensure that all ATT stakeholders benefit from the lessons learned within this closed forum.



Image via Control Arms Coalition, 2021.

1. *These recommendations are:*
  - *Recalls that transparency is a key purpose of the Treaty and as such, the WGTR must ensure that transparency is reflected in all its processes, discussions and proposals aimed at the fulfillment of the objectives of the Treaty;*
  - *Reiterates that reporting is a fundamental obligation of the ATT, and submitting initial and annual reports is an indicator of the commitment of a State Party to the Treaty;*
  - *Expresses its concern for the low rate of compliance with the reporting obligations;*
  - *Urges States Parties that are not fully compliant with their reporting obligations to submit their reports or, in case of difficulty to do so, to make use of the available assistance mechanisms in order to achieve full compliance with the Treaty's reporting obligations;*
  - *Encourages all relevant stakeholders to continue to implement the Outreach Strategy on Reporting that was adopted at CSP4, and to use all available means to actively engage with States Parties that are not fully compliant with the reporting obligations, in order to raise awareness on the mandatory nature of reporting and to provide assistance upon request;*
  - *Encourages States Parties and signatory States to register online for access to the IT platform and make use of the information exchange platform;*
  - *Endorses the revised Initial reporting template, as contained in Annex C of this Co-Chairs' report, and recommends its use by States Parties in compiling their initial reports in accordance with Article 13 paragraph 1 of the Treaty;*
  - *Endorses the revised Annual reporting template, as contained in Annex E of this Co-Chairs' report, and recommends its use by States Parties in compiling their annual reports in accordance with Article 13 paragraph 3 of the Treaty;*
  - *Endorses the standing agenda-items and the recurring and specific tasks for the WGTR in the period between CSP7 and CSP8, as included in Annex A of this Co-Chair's report.*



# CSP7 REPORT: FINANCIAL AND ADMINISTRATIVE MATTERS, AND MATTERS PERTAINING TO CSP8

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

The final two days of the Seventh Conference of States Parties (CSP7) to the Arms Trade Treaty included sessions devoted to financial and administrative matters, as well as in relation to the CSP8 in 2022.

## Matters pertaining to the Secretariat

On 31 August, Dumisani Dladla of the ATT Secretariat presented the Secretariat's provisional budget for 2022. First, Dladla noted particular challenges regarding the Secretariat's budget—including, for example, that the budget is determined in United States (US) dollars but spent in Swiss francs, which can pose challenges as currency exchange rates fluctuate. Next, he provided an overview of the Secretariat's spending over time, noting its notable downward trend over the past five years. Still, Dladla noted that because of weakened US dollar relative to the Swiss franc, the Secretariat has had to carry out significant work to adjust the budget based on that exchange rate, while still minimising financial risks. The solution arrived at involved a fully funded (i.e., not reduced) budget that accounts for the weak exchange rate of the US dollar, with the promise to roll over any cost savings produced by a future strengthening of the dollar.

Dladla's presentation will be available [here](#).

Following the budget presentation, Angus September from the Management Committee (MC) presented its proposal to reappoint an independent auditor for the Arms Trade Treaty. In his presentation, September reiterated the MC's work to prioritise accountability, efficiency, and transparency. He noted that PricewaterhouseCoopers (PwC), the current independent auditor overseeing the Committee's work, has done good work, but the mandate for that auditing expires at the end of 2021. Mr. September then noted the Management Committee's recommendation to renew the independent

auditor's mandate for another four-year period beginning in January 2022, and that the mandate continue to be held by PwC.

September's presentation will be available [here](#).

Four participating delegations spoke in response to these presentations.

The United Kingdom (UK) noted its concern that the Secretariat's proposed 2022 budget represented a 12 per cent increase from its 2021 budget and suggested that the Secretariat carefully consider how to best manage increasing staff, travel, and administrative costs. In addition, the UK focused on late payments and non-payments of ATT dues by states parties and called on all states parties to meet their financial obligations under the Treaty in good time, arguing that such on-time payment is essential to deliver the implementation of the treaty.

Like the UK, Japan stressed the importance of states parties paying their assessed contributions in a timely manner to ensure the functioning of the Secretariat. Though Japan noted the importance of international organisations achieving zero nominal budget growth and ensuring efficient budget formulation and implementation, it also noted its support (as a member of the MC) for the proposed budget with its 12 per cent increase, given the exchange rate fluctuation problem—and noted that focusing on savings might limit the functioning of the Secretariat.

The Republic of Korea (RoK) noted that efficiency is crucial to the work of international organisations and suggested that it is necessary to closely examine how costs might be reduced without affecting the ATT's and CSP's work. In addition,

RoK stressed that the Voluntary Trust Fund (VTF) and ATT Sponsorship Programme are practical means of incentivising states—especially

developing states—to join and implement the Treaty. Like the UK and Japan, RoK called on all states to pay their assessed contributions.

Finally, the European Union (EU) noted its own commitment of 1.37 million euros dedicated to assist with ATT implementation. That support will enable hiring consultants, creating a database to match needs and resources, helping states' points of contact collaborate more effectively with the ATT Secretariat, and strengthening the Secretariat's institutional capacities. Overall, this is part of the EU's strategy to strengthen multilateralism through the promotion of peace and security.

## Matters pertaining to financial contributions

### *Overview of the ATT finances*

On 1 September, Dladla provided an overview of the status of ATT finances. He explained first how assessed contributions for ATT stakeholders are calculated, moved on to describe the source of revenue of the ATT, and then discussed the financial management process. In his overview of contributions received as of 1 September, Dladla noted that only close to 59 per cent of assessed states have paid for the 2021 budget, with nearly US \$123,000 outstanding. He noted that the current rate of payment lies at 88 per cent, and hoped that 100 per cent could be achieved. He warned that the non-payment by 50 states for the 2021 budget, and 30 states for the 2020 budget means that a deficit is being accumulated which will pose liquidity challenges if outstanding contributions remain unpaid. Mr. Dladla said that since the establishment of the reserve fund, no voluntary contributions have been made.

Dladla's presentation will be available [here](#).

### *Elements for a procedure regarding rule 8(1)(d)*

As outlined in the [paper](#) (ATT/CSP7.MC/2021/MC/674/Conf.PropFinArr8(1)d, 16 July 2021), submitted by the Management Committee (MC), the Fifth Conference of States Parties (CSP5) requested the MC to prepare guidelines for financial rule 8(1)(d) for arrangements of the Secretariat regarding its discharge of financial obligations. However,

these guidelines were not adopted at the Sixth Conference of States Parties (CSP6). In March 2021, states parties approved the proposal to extend the MC's mandate to revise the guidelines on financial arrangements. States parties also decided that no state shall be prejudiced by rule 8(1)(d) in applying to the Voluntary Trust Fund (VTF) and the sponsorship programme until CSP7, when this matter will be considered.

Costa Rica and Germany, as MC members, presented the revised guidelines on the issue of financial arrangements with the Secretariat. They said that the objective of the guidelines was to allow for clear and effective implementation of the rule, with everyone's commitment to the process. They noted that the proposal was presented in the knowledge that all voices have been taken into account. The members of the MC stressed that the financial rule does not specify how financial obligations should be settled, and that they looked outside of the ATT, within other UN mechanisms, to inform the drafting of the proposed guidelines.

The members presented the proposed process, available on page 3 of the MC's [draft elements paper](#), made up of eleven separate steps.

The RoK welcomed the explanation by the MC, and stressed that it was important to lay out a concrete process on how to deal with financial rule 8(1)(d). Switzerland, the European Union (EU), Belgium, and Mexico also expressed their support for the draft decision.

Switzerland expressed its concern at the financial situation of the ATT, and that more than 50 states haven't made their payments yet. Similarly, Mexico also expressed concern at the risks to cash flow which can put the ATT in danger. Belgium made similar remarks of alarm at the financial situation.

Switzerland said that it understood the impact of COVID-19 on states' financial situation, but that some countries have never respected legally binding financial obligations.

Switzerland and the EU called on those states in arrears to make their payments as soon as possible.

China also stressed that adequate financial resources are vital for the efficient running of the ATT, and proposed the following to ensure this: 1) all parties must fully discharge their financial obligations; 2) ATT stakeholders must strengthen financial planning to make the most out of existing contributions; and 3) priorities of assistance should be given to developing countries' needs.

Switzerland said that it supported the budget proposal for 2022.

### **Matters pertaining to the Eighth Conference of States Parties (CSP8)**

The final day of CSP7 was devoted largely to discussion regarding the eighth conference of states parties (CSP8).

#### *Scheduling and location for CSP8*

Ambassador Gberie noted CSP7's responsibility, under rule 11 of the ATT Rules of Procedure, to set the date and duration of the following conference of states parties. He recommended that CSP8 take place 22-26 August 2022. In addition, in the absence of alternative hosting offers, Ambassador Gberie noted that CSP8 would be held in Geneva. In the absence of objections or comments by any participants, CSP7 adopted those suggestions.

#### *Election of President and Vice Presidents of CSP8*

Ambassador Gberie reminded participants that, under rule 9 of the ATT Rules of Procedure, CSP7 must elect the president and the vice presidents of the following session, with those individuals assuming their offices at the close of CSP7. Ambassador Gberie then reviewed the following nominations: Germany, as president of CSP8; Japan, Latvia, Mexico, and South Africa, as vice-presidents of CSP8. In the absence of objections or comments by any participants, CSP7 adopted these nominations.

#### *Consideration of new subsidiary bodies*

Ambassador Gberie discussed the renewal and/or consideration of subsidiary bodies. In particular, he noted that the current Management Committee's term was scheduled to come to an end at the conclusion of CSP7. He then reviewed the following nominations for the renewed Management Committee: South Africa (African Group); Republic of Korea (Asia-Pacific Group); Czech Republic (Eastern European Group); United Kingdom (Western European Group); Costa Rica (Latin American and Caribbean Group). In the absence of objections or comments by any participants, CSP7 adopted these nominations.

## **ATT AND GENDER-BASED VIOLENCE**

Still not sure how to implement the ATT's provision on gender-based violence?



**Download WILPF's resources on [reachingcriticalwill.org](http://reachingcriticalwill.org)**

# SIDE EVENT REPORT: LAUNCH OF 2021 ATT MONITOR REPORT

Laura Varella | Women's International League for Peace and Freedom

A side event organised by the Control Arms Coalition on Monday, 30 August provided a discussion on the findings of the *ATT Monitor 2021 Annual Report*. Carina Solmirano, Coordinator of the ATT Monitor, was the moderator of the event. She began her remarks highlighting that the Monitor is an independent project of Control Arms that was established in 2015, right after the Treaty entered into force as law. Its annual report is a publication that analyses existing practice; creates greater transparency in how the Arms Trade Treaty (ATT) is implemented; informs the work of the CSP meetings and ensures accountability across the Treaty commitments.

Ambassador Lansana Gberie, President of the Seventh Conference of States Parties (CSP7) to the Arms Trade Treaty (ATT) and Permanent Representative to Sierra Leone to the United Nations was the first speaker in the side event. He congratulated the project and recognised its importance for ATT universalisation and implementation. He highlighted that this year's report features the issue of stockpile management, which is a problematic issue for reasons relating to the possibility of corruption, theft, and damage to human rights. He stated that this problem greatly affects Africa, but Latin America and the Caribbean face similar challenges. Considering that effective stockpile management is a key mechanism to limit the negative potential of weapons, Ambassador Gberie called upon all ATT states parties to share information on effective and innovative stockpile management programmes through updates to their ATT initial reports. He also encouraged states to provide information on their national practices relating to "mitigating measures" related to stockpile security.

Ambassador Robert Gabrielse, the Permanent Representative of the Netherlands to the Conference on Disarmament, stated that the Netherlands is proud to be a long-term supporter of the ATT Monitor. The Ambassador mentioned that the Netherlands values transparency and,

because of that, it has been publishing reports periodically with information regarding arms transfers that were granted and denied by the country's authorities. Ambassador Gabrielse assured that the Netherlands will continue to increase transparency and encouraged other countries to do the same and reinforced his availability to exchange on reporting experiences.

Rainer Schmiedchen, Head of Division of the German Foreign Office responsible for Export Control, Conventional Arms, and Dual Use Goods, spoke next. Schmiedchen complemented the ATT Monitor as an important and independent project for observing how states behave regarding Treaty obligations and helps them to fulfil them. The Monitor also fosters transparency among states and encourages them to share information and exchange practices. Therefore, is important for Treaty universalisation.

Solmirano then made a brief presentation of the 2021 report's structure. She mentioned that Chapter 1 considers stockpile management practices in sub-Saharan Africa, and includes an analysis of the case of Ghana. According to the report, Ghana stands out as a relatively stable democracy, but it still has many security challenges, especially in stockpile management. The country suffers from a lack of a cohesive approach to the issue of stockpile management, as there are multiple norms and multiple agencies, but not always cooperation between them. It also endures the problem of outdated stockpile management systems and infrastructure, in addition to illicit, locally manufactured firearms. In this context, Ms. Solmirano referenced the role of ATT article 16, that allows states to call for assistance in order to fulfil ATT implementation.

Katherine Young, Senior Researcher at the ATT Monitor, presented additional findings. Young highlighted the main trends identified by the ATT Monitor in the past year, which include the following: (i) declining rates of compliance with



ATT reporting obligations and increasing rates of confidential reporting, which poses challenges to transparency in global trade; (ii) a group of states parties is consistently compliant with reporting obligations and contributes to the transparency aims of the Treaty; and (iii) some states parties submitted past due reports and serve as an example of good practice towards improving compliance with the ATT's reporting requirements. Young explained that Chapter 2 offers an in-depth analysis of the 2019 ATT annual reports, and that Chapter 3 provides individual country profiles and a five-year review for the period 2015-2019. According to her, progress has been slow and there is yet a lot of improvement to be done.

She said that in order to evaluate whether and to what degree the reporting obligations and transparency objectives of the ATT have been fulfilled, the ATT Monitor considered whether 2015-2019 reports: (a) are compliant with article 13.3 reporting obligations; (b) are meaningfully transparent and contribute to the transparency aims and objectives of the Treaty; and (c) contribute to a higher standard of transparency. Young pointed out that in five years, the percentage of states parties submitting annual reports has declined from 82 per cent of 2015 reports to 64 per cent of 2019 reports. Less than half of states parties have fulfilled all of their ATT annual reporting requirements in any given year. The percentage of reports due that are meaningfully transparent fell from 46 per cent to 30 per cent over the 2015-2019 period.

Finally, Rachel Stohl, also a researcher for the ATT Monitor and with the Stimson Center, spoke about ATT initial reports and updates. Stohl pointed out that while the number of reports submitted has gradually increased, the overall compliance rate for ATT initial reporting has remained relatively constant. She also enumerated three main challenges of the initial report template: (i) 24 per cent of states parties continue to experience difficulties in meeting their ATT initial reporting requirement; (ii) the reporting templates themselves present challenges to clear and

comprehensive reporting, like the language and statements used, the format of certain questions and omitted content; and (iii) private reporting continues to represent an increasing share of ATT initial reporting (for instance, 21 per cent of all submitted ATT initial reports are made private, which means that only other states can access it). She concluded this part by saying that over the first five years of the ATT, reporting compliance is not living up to the promise of requirements of the Treaty, and that without universal compliance with ATT reporting requirements and increased public reporting, the ATT cannot live up to its original intent.

Stohl said that 105 states parties were required to submit an annual report in 2020 but only 57 states parties did so (11 of them were submitted after the deadline). She pointed out that private annual reports challenge transparency, hinder public accounting of global arms transfers, and obstruct efforts to identify problematic sales or potentially dangerous accumulations.

After the presentations, the moderator opened for questions. A participant asked if the ATT Monitor includes an assessment of the veracity of the information in the reports, as Mexico's annual report would have not included several important data. Young explained that the accuracy of the information is a different exercise and that the ATT Monitor does not have the capacity to do so at the moment. She mentioned that at the end of this year they will launch a paper that includes data about accuracy regarding certain countries and that approaches discrepancy analysis and ways to improve methodology.

Another participant asked if and how country profiles are used by stakeholders to question state action. Young answered that countries usually reach out to her and other researchers of the ATT Monitor, but that she did not know if they discuss with each other the data included in the reports. She said it would be great if countries use this data for implementation and cooperation.

The report is available at: [attmonitor.org](https://attmonitor.org).

## SIDE EVENT REPORT: SEE YOU IN COURT! YEMEN-LINKED ARMS EXPORT LITIGATION AND ITS IMPLICATIONS

Jillian Rafferty | Women's International League for Peace and Freedom

Can a national-level legal action be used to enforce the provisions of the Arms Trade Treaty (ATT)? How can lawyers, non-governmental organisations, and activists hold governments accountable for arms export decisions that fail to comply with the treaty's obligations? In a [side event](#) during the Seventh Conference of States Parties (CSP7), Saferworld presented the findings of the most recent report from its Arms Trade Treaty Expert Group series—*Domestic accountability for international arms transfers: Law, policy and practice*.

The event began with opening remarks by Roy Isbister, who leads Saferworld's work on conventional arms. He provided an overview of the new report, which discusses 10 legal cases seeking enforcement of the ATT—nine in national courts, and one as a request to the International Criminal Court (ICC)—all in the context of the ongoing conflict in Yemen. He noted the particular urgency of the questions the report seeks to answer given the situation in Yemen—which he referred to as a “humanitarian disaster zone.”

Sabine Visser, Kingdom of the Netherlands, spoke about the importance of discussing how the ATT is applied and put into practice, including discussing concrete arms exports and legal cases in which the treaty is applied. She noted that, in the Netherlands, court cases have clearly raised the profile of the ATT and of arms export control more broadly. This has, in turn, fed into parliamentary debates on the topic and into government policy.

Vito Todeschini, one of the report's co-authors, presented the legal backdrop that informs and underpins the report. First, he discussed the ATT's structure—and the reality that the ATT does not, in the text of the Treaty, establish any international oversight mechanism. Instead, the ATT simply sets up monitoring, through the conferences of states parties and through the reporting obligations.

Second, Mr. Todeschini delved into states' duties under international law to ensure accountability for international crimes, talking in particular about the duty of oversight (i.e., states must ensure that those in their territories do not engage or assist in human rights violations or other international crimes) and the duty of providing access to justice (i.e., states must ensure access to justice for those that are harmed). Third, Mr. Todeschini discussed international human rights law and its right to remedy, which ensures that victims have access to courts or other review bodies and that they are entitled to reparations for the harm they suffer. Finally, he discussed the importance of transparency and access to information when challenging arms transfers.

Next, Valentina Azarova, the second of the report's co-authors, discussed the report's purpose and findings. She noted that conflict-linked arms cause some of the most serious violations of international law in Yemen and in other protracted conflicts. As a result, she argued, access to domestic judicial oversight is a necessary dimension of the enforcement of the ATT—particularly given, as Todeschini noted, the absence of an international mechanism tasked with that enforcement. Azarova then explained the report's structure: assessing 10 cases of challenged arms transfers, while attempting to provide an initial taxonomy of the main patterns of barriers to judicial oversight in the ATT context.

Azarova also discussed the report's findings. She noted numerous barriers to enforcement. Some of those barriers are procedural, such as limited access to information, lacking the minimum information needed to go to court, and challenges to legal standing. Others of those barriers are substantive, such as a lack of transparency in court, challenging standards of review, and the presumptions courts apply in assessing decisions made in the context of international obligations.

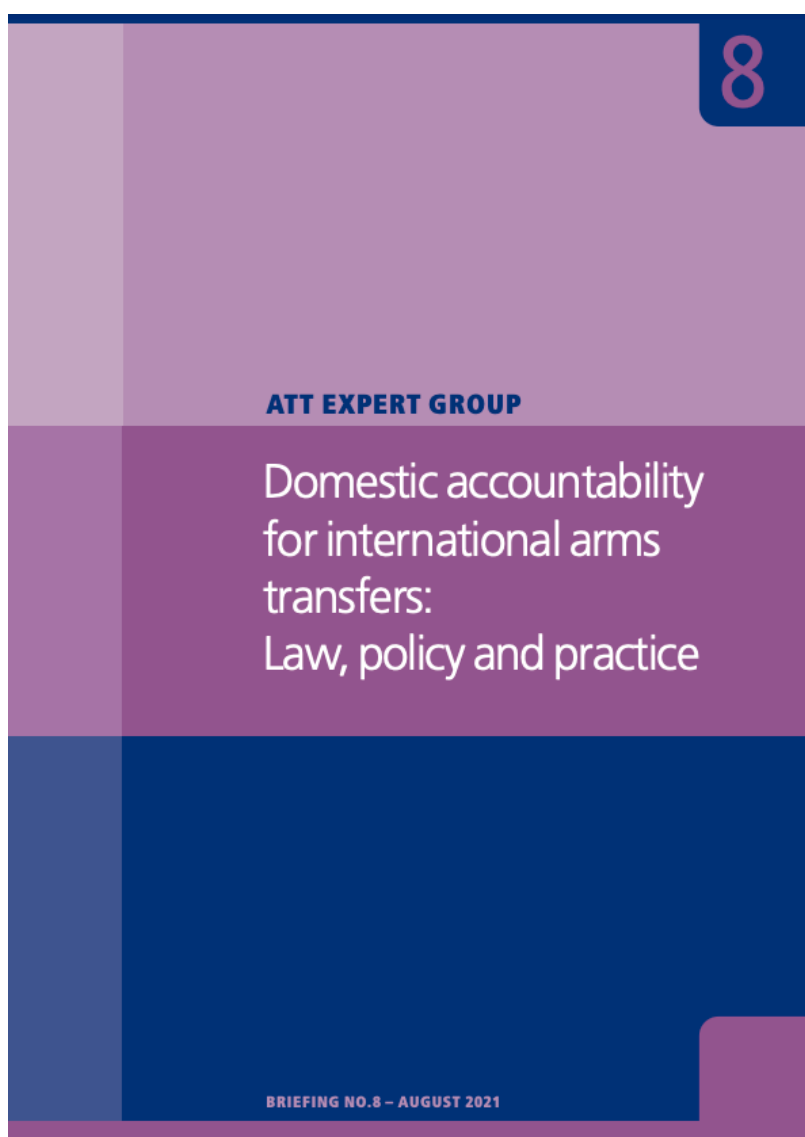
Azarova concluded by noting the necessary role of judicial oversight and arguing for the removal of the procedural barriers that so far have hampered that oversight.

Hans Lammerant and Atilla Kislá then presented further details on ATT oversight efforts in Belgium and South Africa, respectively. Lammerant discussed the multiple iterations of legal challenges brought by advocates in Belgium in an attempt to halt arms exports that would fuel the conflict in Yemen and the many rights abuses underway there. He noted that the courts' decision-making has evolved over the course of the cases—first latching on solely to procedural defects in the government's choices, but later expanding its role into a more substantive review of the government's decisions.

In his presentation, Kislá discussed the much

newer legal challenge underway in South Africa. He noted that his organisation's legal strategy, which has involved presenting courts with multiple creative options when seeking relief, has proved effective to date—despite the factual and evidentiary challenges posed by a lack of transparency around arms export decisions.

Finally, the session concluded with a lively question and answer session, through which event attendees posed thoughtful questions to the presenters. The Q&A addressed the trend of applying lessons learned from one case to the next—even across national borders—in enforcing the ATT; how companies can be conceived of as responsible (or not) for how their weapons are later used; and how to demand greater transparency from states and decision-makers in the arms trade space.



# SIDE EVENT REPORT: UPHOLDING LEGAL OBLIGATIONS UNDER THE ATT—THE CASE OF THE PALESTINIAN PEOPLE

Laura Varella | Women's International League for Peace and Freedom

A side event organised by the State of Palestine on Tuesday, 31 August provided for an in-depth discussion regarding the extent to which Arms Trade Treaty (ATT) states parties and signatories have implemented or abided by the provisions of the ATT, particularly articles 6 and 7, in the context of arms used to commit serious violations against the Palestinian people and perpetuate their occupation.

Mxolisi Nkosi, Ambassador and Permanent Representative of South Africa to the United Nations, moderated the event. He opened the meeting remembering the work of the "Cameroon Commission", which was appointed in 1994 with the mandate to investigate South Africa's exports and propose human rights centred policy reforms. He observed that its work still serves as a moral compass for South Africa's foreign policy today. Nkosi stated that the objective of this side event was to deliberate on options for enhancing cooperation to prevent, and more effectively combat irresponsible trade of conventional arms and increase adherence to international legal frameworks.

After the opening remarks, Nkosi invited Ambassador and Assistant Minister for Multilateral Affairs of the State of Palestine, Ammar Hijazi, to speak. Mr. Hijazi began highlighting that this year marks the 54th year of Israeli illegal military occupation of the West Bank, an event that violated several *erga omnes* obligations protected by international law, that continues to deny the Palestinian people their right to self-determination, and violates their right of non-discrimination on the basis of race, ethnicity, or religion. He stated that the events of the past months have exposed the international community to the reality of continuing colonialism, racism, and oppression. He highlighted that several mechanisms, international bodies, and civil society organisations have reported on the exponential rise of discriminatory practices as

policies by the Israeli government.

Ambassador Hijazi argued that this regime has sustained itself because of the lack of accountability, including irresponsible arms trade and non-compliance with international law. That is because although Israel has shown that it uses arms to commit war crimes and crimes against humanity, several countries continue to trade weapons with it, in a clear violation of the ATT, and specifically article 6(3). According to Hijazi, in the past five years, 13 states exported arms to Israel, including Australia, Czech Republic, Germany, and the United Kingdom. In addition, 36 states imported weapons from Israel, such as Greece, Honduras, Netherlands, and Switzerland. Mr. Hijazi called on non-states parties to join the ATT and highlighted that even if they are not parties, they still have to fulfil *erga omnes* obligations.

Shirine Jurdi, with the Permanent Peace Movement and the Women's International League for Peace and Freedom (WILPF) Lebanon, made remarks. She spoke about the physical and psychological impact that irresponsible arms trade has on civilians and on civilian infrastructure, highlighting the serious consequences on children and women, who are disproportionately affected. She also mentioned that the mere possession of weapons by the police or certain members of the community is enough to threaten the population and change the balance of power. An example is the case of Sheikh Jarrah, where around 550 Palestinian people were evicted from their homes through coercion. Regarding applicable legal frameworks, Jurdi stated that numerous human rights bodies and mechanisms expressed concern over the negative impact that arms trade has on women's rights, as it can increase the risk of sexual and gender-based violence. In this sense, Jurdi called attention to article 7(4) of the ATT, which demands countries to conduct a risk assessment that shall take into account if the weapons will be used to commit or



facilitate serious acts of gender-based violence or serious acts of violence against women and children. She finished her remarks recommending that civil society engage in monitoring procedures to ensure that arms exporting comply with ATT parameters and hold states accountable for their actions. She further encouraged promoting building the capacity of organisations to operate on the ground and collect gender-disaggregated data and engage in international advocacy; and, finally, that states need to depoliticise the role of conventional weapons. “It is necessary to stop allowing states to expose weapons as a means to political victory at the expense of human lives,” remarked Jurdi.

After Jurdi’s remarks, Cindy Ebbs, Senior Policy Advisor and Acting co-director of Control Arms, took the floor. Ebbs highlighted the importance of ATT universalisation, especially in the Middle East North Africa (MENA) region, since it has the lowest Treaty universalisation rate with only two state parties (Lebanon and State of Palestine) and two signatory states (Israel and Libya). Ebbs mentioned that the MENA region has been directly impacted by illicit trade and diversion of conventional arms, which undermines progress towards regional peace and stability. In this sense, the region has seen the largest growth in conventional arms imports in recent years, for example, between 2016-2020, 25 per cent more arms were imported into the region compared to the period between 2011-2015. According to Ebbs, the situation in Gaza is one key example of the urgent need for states to stop the transfer of arms at risk of being used to commit violations of international humanitarian law (IHL) and international human rights law (HRL). Arms transfers to Israel and the supply of arms to Hamas only serve to compound human suffering.

Verity Coyle, Senior Advisor of Amnesty International and Saleh Hijazi, also from Amnesty International, spoke about Amnesty’s position on arms transfers to Israel and its research documenting human rights abuses committed or facilitated with weapons contained in the ATT. Ms. Coyle reiterated Amnesty International’s call to the United Nations Security Council (UNSC) to immediately impose a comprehensive arms embargo on Israel, Hamas, and other Palestinian armed groups until effective mechanisms are in place to ensure that weapons, munitions, and

other equipment and technology will not be used to commit serious violations of IHL or HRL. In the absence of an embargo, Amnesty International is calling for states to immediately impose a comprehensive national and regional arms embargo on these same actors. Hijazi presented data regarding the violations that are taking place in Palestine, including systematic, unlawful, and arbitrary killings, in addition to the suppression of protest, violation of the right to mobility, and illegal house searches. He mentioned that in 2014 and again in 2021, Amnesty’s research found strong evidence that Israel committed war crimes in the State of Palestine.

Coyle also talked about states parties’ obligations under ATT articles 6, 7, and 11. She presented data that shows that the United States (US) remains the largest military exporter of security and police equipment to Israel, including a full range of conventional arms, ammunition, jets, small arms, and less lethal police equipment. Besides that, there is a large amount of naval equipment sent from Germany, helicopters from Italy, and small arms and light weapons from Eastern European states. She concluded by saying that combining the obligations under the ATT and the body of evidence gathered through research, it is unclear how those arms transfers could be approved, and in the absence of the UNSC arms embargo, the next step would be for states to impose national embargos.

Michael Lynk, UN Special Rapporteur on the situation of human rights in the Occupied Palestinian Territory (OPT) spoke about the absolute necessity for the issue of accountability to rise to the top of the international community agenda in the context of the Israeli occupation of Palestine.

Lynk initiated his remarks by pointing out that international law not only permits countries in the international community to take meaningful accountability measures against Israel for its grave violations of IHL, international human rights law and international criminal law, but it also requires them to do so. He described Israeli non-compliance with several laws including article 1 of the Geneva Conventions; articles 40 and 41 of the 2000 Articles on State Responsibility; and Article 25 of the Charter of the United Nations.

Lynk also highlighted articles 6(3) and 7(1) of the ATT and outlined accountability measures identified by the International Committee of the Red Cross (ICRC) to ensure respect for international humanitarian law (IHL).

The final speaker was Professor John Dugard, Emeritus Professor of Public International Law, University of Leiden and the former UN Special Rapporteur on the situation of human rights in the OPT, spoke about the resolution that imposed an arms embargo on South Africa because of its apartheid, and compared it with the current failure to place an embargo on Israel. Prof. Dugard also spoke about the role of the UN General Assembly to play a role considering that the UNSC would not be able to do so because of the influence of the United States. He mentioned that the ATT would contribute immensely to stopping illegal arms trade with Israel, but this would not happen unless there is a

clear determination from the UN General Assembly that Israel commits the crimes described in article 6 of the ATT.

The moderator opened for questions. Martin Butcher of Oxfam-GB commented that a coalition of civil society organisations wrote to the Arms Export Control Committee of the British House of Commons asking them to look at the British government policy in practice regarding arms sales to Israel, because in their view the government was not conducting the risk assessment correctly.

Ambassador Hijazi commented on Butcher's remarks, stating that the initiatives he described extremely important to ensure that states treat international issues on equal footing—in other words, that everyone is accounted equally for violations of international law.

## SIDE EVENT REPORT: THE ROLE OF EFFECTIVE STOCKPILE MANAGEMENT IN PREVENTING ILLICIT TRADE & DIVERSION: LESSONS FROM SIERRA LEONE

Paula Soumaya Domit | Women's International League for Peace and Freedom

On 1 September 2021, the Mines Advisory Group (MAG) hosted a side event to the Arms Trade Treaty's (ATT) Seventh Conference of States Parties (CSP7) titled "The Role of Effective Stockpile Management in Preventing Illicit Trade and Diversion: Lessons from Sierra Leone." The event, moderated by Nicolas Florquin of the Small Arms Survey brought together a distinguished panel of representatives of governments and civil society to discuss Sierra Leone's experiences with stockpile management to prevent illicit arms trade and diversion and how it can inform these efforts in other contexts.

The event began with opening remarks from Ambassador Lansana Gberie of Sierra Leone, via a pre-recorded message. Ambassador Gberie discussed the importance of cooperation and assistance in stockpile management practices between states, as outlined in the second and fifth recommendations of his working paper. He

emphasised that this should not be limited to capacity building but should include more robust measures built on the sharing of information and best practices between states. He also stressed the importance of including civil society and states who are not parties to the ATT to find effective ways to address the issue of arms diversion. Ambassador Gbeire invited ATT states parties and all other actors to build on other existing frameworks working on this issue through effective stockpile management.

Emilie Mbaye, MAG's Regional Programme Manager in West Africa, followed with key takeaways from MAG's work on arms and ammunition management in Sierra Leone in partnership with the Sierra Leone National Commission on Small Arms (SLeNCSA). She drew attention to partnership as a critical success factor. In 2019, SLeNCSA developed a National Strategic Plan on Weapons and Ammunition Management which sets out key

objectives for the period up to 2023. This plan was developed through partnerships with MAG, civil society, the governments of Japan and Germany, and others, showing the importance of working collaboratively in building paths for future action. She specifically emphasised the critical role of regional and subregional organisations, such as the Economic Community of West African States (ECOWAS) for the plan's construction. In discussing the plan's creation, Mbaye also drew attention to the importance of flexibility and allowing for course correction.

Philip Alpers from the Centre for Armed Violence Reduction then discussed the Arms Tracker Register, a tool to facilitate recordkeeping of arms and ammunition in West Africa supported by the UN Trust Facility Supporting Cooperation on Arms Regulation (UNSCAR) and the ATT Voluntary Trust Fund. He noted that if data is not readily available to arms control officials, their jobs become more difficult, which is especially detrimental in cases where national governments are the sources of diversion. Arms Tracker follows arms and ammunition through every stage of use and aids compliance with ATT and all regional and international arms control mechanisms.

Albrecht von Wittke, Head of Division for Conventional Arms Control in the Federal Foreign Office of Germany, spoke on behalf of the German Federal Government. He noted that Sierra Leone's experience shows that issues of stockpile management extend past national stockpile facilities but pose transnational challenges. As a result, he said, regional exchange of best practices and lessons learned are critical, emphasising that these efforts should be grounded in local and regional ownership.

Rtd. Lt. Colonel MS Bangura spoke next, on behalf of SLeNCSA. He outlined the work done in Sierra Leone with ongoing support from MAG. In contrast to the dismal stockpile management practices in Sierra Leone at the end of the conflict in 2002, substantial progress has been made. All weapons held by official and police forces have been marked and 32 armouries have been constructed. He also gave examples of weapons destruction which has formed part of SLeNCSA's work, such as the mass weapons demolition exercise in July 2019-

December 2020 which destroyed dangerously degraded explosives and small arms and light weapons (SALW).

Adenike Cole, Coordinator of the Sierra Leone Action Network on Small Arms, discussed the intersection of gender with the diversion of SALW, given that women and children are uniquely impacted by gun violence. After the conflict in Sierra Leone, the Special Court for Sierra Leone made recommendations including the active participation and inclusion of women in government and decision-making for the prevention of conflict; nevertheless, the space of arms control remains male dominated. "We must treat women as stakeholders, not just victims or passive beneficiaries, when addressing SALW diversion," said Cole. She has found that inadequate data and limited access to funding are main obstacles preventing civil society organisations and the National Commission from extending their scope of work from basic SALW issues to include gender-sensitive initiatives.

Dr. Adamu Mohammed Sani, Deputy Head of the Small Arms Division at the ECOWAS Directorate of Peace and Regional Security, continued by expressing the concerns of the ECOWAS Commission. Following the entry into force of the ECOWAS Convention on Small Arms and Light Weapons, Their Ammunition and Other Related Materials in 2009, all member states in the region have made significant strides, particularly focused on the construction of physical structures for control of SALW and activities to promote physical safety of armouries. A regional effort can mobilise technical support and partnerships which promote national efforts to strengthen armouries, move them to safe locations, and other similar measures. Dr. Sani indicated that ECOWAS is working toward fully effective national commissions within member states and mobilising technical and financial support for this.

The discussion which followed explored practical realities of improving stockpile management practices, with attendees posing questions to all of the event's panellists about metrics for assessing progress, issues of staff retention when states build their capacities, and the relocation of arms storage sites.

# SIDE EVENT REPORT: THE IMPACT OF IRRESPONSIBLE ARMS TRANSFERS ON CURRENT CONFLICTS: HOW THE ATT CAN MAKE A DIFFERENCE

Paula Soumaya Domit | Women's International League for Peace and Freedom

On 2 September 2021, Control Arms hosted a side event to the Arms Trade Treaty's (ATT) Seventh Conference of States Parties (CSP7) titled: "The Impact of Irresponsible Arms Transfers on Current Conflicts: How the ATT Can Make a Difference." The event, moderated by Control Arms Co-Director Cindy Ebbs, brought together numerous experts to address conflicts in the Tigray Region of Ethiopia, the Sahel, Libya, and Yemen.

The event began with an account of the situation in Ethiopia by Nazanine Moshiri, a former member of the UN Security Council Panel of Experts for the 751 Somalia Sanctions Committee. She detailed the acute humanitarian crisis raging in North Ethiopia which has left over 2 million people displaced; 400,000 people living in famine-like conditions; and millions more in need of aid. She described that the combatting parties are awash with weapons, making it more difficult to ameliorate the humanitarian situation. She noted that while Ethiopia and Eritrea are not parties to the ATT, there are ways ATT members can help the situation, as evidenced by the arms embargo against Eritrea and France's suspension of military cooperation with Ethiopia due to concerns about the conflict in Tigray. Both measures serve as examples of the impact ATT member states *could* have on this conflict.

Dr. Ousmane Diallo, a researcher on West Africa from Amnesty International then presented research on arms transfers in the Sahel. His research used open-source data of propaganda materials of Islamist insurgent groups in Mali, Burkina Faso, and Niger. Amnesty compiled approximately 400 pieces of digital content to analyse. Dr. Diallo's analysis concludes that since 2015 most of the groups' weaponry comes directly from the national stocks of neighboring governments. The Islamic State, for example, takes weapons from attacks against garrisons

of national armies. Other groups, given their proximity to security and defence forces, possibly receive illicitly diverted arms from officials. He stressed the need for rigorous assessments by arms exporting countries not only of human rights concerns regarding the defence forces to which they export, but also the risk of diversion to armed groups, emphasising that this is an immediate danger to civilian lives.

Dr. Moncef Kartas, Affiliate Researcher at the Centre of Conflict, Development, and Peacebuilding and former member of the UN Security Council Panel of Experts for the 1973 Libya Sanctions Committee, followed with remarks on arms transfers in Libya. He presented an overview of the situation in Libya since 2012, describing the constant arms flows into the country. He stated that the number of armed groups multiplied after the regime's fall because weapons became readily available, both from the regime and from abroad, often in violation of the arms embargo in place. He suggested that ATT states parties should focus on articles 9 and 10 of the ATT, dealing with transit and transshipment and brokering. He stressed that many arms flowing into Libya are re-transferred materials, meaning that other states buy them and then they end up in Libya in the hands of armed groups. Detecting these types of diversion, remarked Dr. Kartas, requires an increase in transparency on transit and transshipment.

Laura Duarte Reyes, a Legal Advisor for the European Center for Constitutional and Human Rights, presented a [new interactive time map tool](#) showing the use of European arms in hundreds of airstrikes on civilians and civilian objects in Yemen. The map serves as a new modality for gathering, compiling, and viewing data about the conflict in Yemen, though the data itself is not necessarily new. It exposes consistent patterns of indiscriminate attacks by the Saudi-led coalition



using European weapons. She explored how it will be used to support legal interventions to pursue accountability for irresponsible arms transfers which facilitate violations of international humanitarian law in Yemen.

The event finished with a lively question-and-answer session in which panelists explored enforcement challenges of the ATT and sanctions regimes, so-called “naming and shaming” techniques as threats to ATT universalisation, and issues of porous borders when exporting weapons among other topics.

## SIDE EVENT REPORT: TAKING STOCK OF THE ARMS TRADE TREATY—THE FIRST SIX YEARS AND THE WAY FORWARD

Giovanna Maletta | Stockholm International Peace Research Institute

On 3 September 2021, the Stockholm International Peace Research Institute (SIPRI) hosted a virtual side event on the margins of the 7th Conference of States Parties (CSP) to the Arms Trade Treaty (ATT). The event was part of the project “The first six years—Taking stock of the Arms Trade Treaty” which SIPRI is implementing with financial support from Germany. It followed the publication of [five papers](#) focusing on specific aspects of the ATT: its scope, risk-assessment, processes and forums, universalisation, and international assistance.

Following introductory remarks from Rainer Schmiedchen of the German Ministry for Foreign Affairs, the first speaker, Stimson Center’s Rachel Stohl, reflected on [universalisation](#). Stohl gave an overview of the current status of the ATT highlighting how certain regions (Asia, Oceania, and the Middle East) and categories of states (major importers) remain underrepresented. Although several initiatives to address these gaps exist, challenges related to lack of political will, knowledge and capacity, as well as procedural obstacles remain. COVID-19-related restrictions represent an additional obstacle. Stohl stressed the need to focus universalisation efforts on underrepresented states and explore synergies with other instruments.

The second speaker, Dr. Paul Holtom from the United Nations Disarmament Research Institute (UNIDIR), addressed the issue of [scope](#).<sup>1</sup> Analysing how related provisions have been implemented, he argued that many states parties still do not

have a control list and need assistance in this field. Guidance documents and other initiatives were launched to address this gap. Other issues included the lack of alignment between the ATT and the United Nations Register of Conventional Arms (UNROCA); the variety of definitions of small arms used in states’ national reports; lack of clear definitions of ammunitions, parts and components and lack of clarity on what items are covered by Article 2(1). Holtom concluded that although there is always the option to amend the ATT to align its scope to UNROCA or other instruments, states parties should adopt their own systems to adjust the scope of the Treaty, including by reviewing and sharing national practices.

Ambassador (retired) Paul Beijer of Sweden provided some insights into the [application of articles 6 and 7](#). Amb. Beijer stressed that it is important that states discuss ways to align practices on the interpretation and application of these provisions. States parties are already undertaking efforts in this regard, but challenges remain. Possible ways to support these efforts could include the adoption of additional protocols or the establishment of informal arrangements. Amb. Beijer also highlighted the importance of the work of civil society, but he also stressed states’ need for confidentiality in some circumstances. Further, he argued that states should find ways to involve more technical experts in discussions on the Treaty’s implementation.

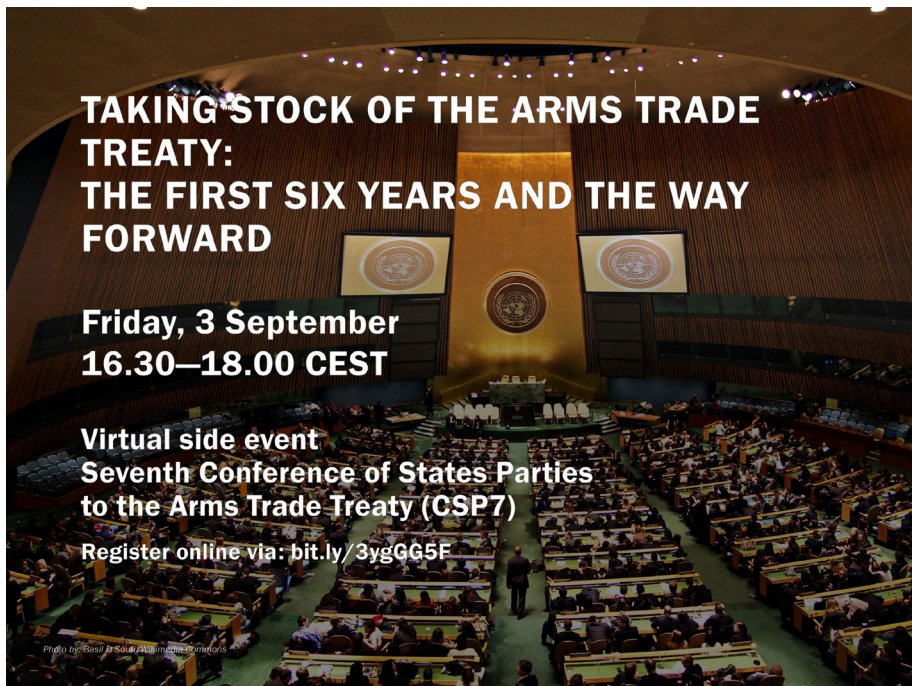
Dr. Roberto Dondish from the Stimson Center discussed the [processes and forums](#) of the ATT.

He noted that the major challenges relate to the need for states to switch from the diplomatic to the technical engagement and resist the urge to renegotiate the Treaty while building on the steps that the CSPs have taken so far. As well, states parties cope with a series of other issues relating to other aspects of the ATT such as transparency, risk mitigation, and maintaining balance between exporters and importers. Looking at how the ATT's processes and forums could facilitate this, Dr. Dondish provided a few possible suggestions such as the separation of technical processes from diplomatic ones in a "Subsidiary Body on Implementation and Transparency" and the establishment of a "Working Group on Clarification and Review".

The last panelist, Giovanna Maletta from SIPRI, addressed the issue of **international assistance**. Maletta highlighted the main challenges that donors, implementers and beneficiary states have faced in ATT assistance programmes.

These included shortages of funding, lack of technical expertise and human resources and, especially for implementers, difficulties in identifying key actors in beneficiary states. Ensuring coordination of efforts and finding effective ways to measure success were also indicated as particularly difficult. Maletta highlighted some recent developments which should help address some of these weaknesses, and provided suggestions on how relevant stakeholders could enhance the effectiveness and sustainability of assistance and improve coordination efforts.

1. *Intended as:*
  - (a) *definition of the scope of the Treaty: Art. 2(1); 3; 4; 5(3);*
  - (b) *provision on control lists: Art. 5(2); 5(4);*
  - (c) *provisions on review of a treaty's provisions: Art. 17 (4).*



**TAKING STOCK OF THE ARMS TRADE TREATY:  
THE FIRST SIX YEARS AND THE WAY FORWARD**

**Friday, 3 September  
16.30–18.00 CEST**

**Virtual side event  
Seventh Conference of States Parties  
to the Arms Trade Treaty (CSP7)**

Register online via: [bit.ly/3ygGG5F](https://bit.ly/3ygGG5F)

**Moderator:**  
**Dr Andrea Edoardo Varisco**  
SIPRI

**Introductory remarks:**  
**Rainer Schmiedchen**  
German Ministry for Foreign Affairs

**Speakers:**  
**Dr Paul Holtom**  
UNIDIR

**Paul Beijer**  
Ambassador (retired),  
Swedish Ministry for Foreign Affairs

**Dr Roberto Dondisch**  
Stimson Center

**Rachel Stohl**  
Stimson Center

**Giovanna Maletta**  
SIPRI



# ATT MONITOR

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.



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