

# Arms Trade Treaty Monitor

Independent views and reports from the Arms Trade Treaty negotiations

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The *Arms Trade Treaty Monitor* features civil society reporting and analysis on meetings of the UN conference on an Arms Trade Treaty (ATT).

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## The importance of treaty objectives for implementation

Ray Acheson | Reaching Critical Will of the Women's International League for Peace and Freedom

On the opening day of the [third arms trade treaty \(ATT\) preparatory committee](#), one of the most fundamental challenges of the upcoming negotiations was starkly underscored by the competing goals and visions for the ATT outlined by participating delegations. While this week's discussions are to focus primarily on matters of implementation, it is clear that the as-of-yet undetermined objectives of the treaty will be the most controversial elements for negotiation.

The Costa Rican delegation, speaking strongly of its desire to counter the violence of both the legal and illegal trade in weapons, emphasized that the ATT should be as comprehensive and rigorous as possible. It argued that the objective of the ATT is to close loopholes in international law and reduce the violence generated by abuse of arms. Many other delegations have issued their strong support throughout the ATT process for a robust, legally-

binding instrument that will help prevent violations of international humanitarian law and human rights law, reduce conflict and armed violence, and mitigate the effects of the trade and use of arms on sustainable development.

The US delegation, on the other hand, was equally emphatic that the ATT must **not** seek to reduce violence, conflict, or abuses. Noting that the treaty might make such things more difficult, the US delegate argued that all attempts to eliminate these practices globally have failed and that the ATT will fail also if this is its mandate. Instead, the US delegation focused on what it seeks to get out of such the treaty, explaining that "an effective ATT will make it easier to acquire and control weapons legitimately required for security" and that the "internationalization of commerce in conventional arms will be improved" for manufacturers and suppliers of weapons.

This stark difference in opinion over the primary objective of the treaty has important consequences for the scope of items and activities that will be included in the treaty, as well as the criteria established for arms transfer decisions and the requirements and mechanisms for implementation. The Russian delegation was correct in noting that holding discussions about implementation before establishing the objectives and parameters of the treaty is like “building the roof without having built the foundation or the walls.” It is difficult to stake out a position on what implementation mechanism will be necessary and effective when it is not clear what exactly the treaty is setting out to do. While governments and NGOs can create wish lists of implementation, compliance, verification, and monitoring mechanisms tailored to their ideal treaty, having a more concrete notion of the key provisions of the treaty is vital to determining the level of detail necessary for the treaty’s implementation requirements.

For example, the US delegation argued that the treaty should not necessarily establish an objective rationale for the denial of arms transfers but should instead simply stipulate that no transfer should occur without official authorization. The Indian delegation likewise called for “simple” guidelines for implementation, arguing that the treaty should be “self-implementable” at the national level without implementation bodies or follow-up mechanisms written into the treaty text. Similarly, the US delegation emphasized that the treaty should establish mechanisms to ensure competent decision-making, but that it must be careful not to tell all states how to make those decisions. In this context, issues like brokering, transshipment, and re-export will be “too complicated” for the treaty to address and, the US delegation suggested, the treaty would be “more effective” if it just says that each state has to establish for itself a means for handling those subjects. However, the overwhelming majority of delegations (including the Caribbean Community and the European Union) expressed support for having these activities included, with specific implementation requirements, in the treaty text.

Another example is the establishment of an implementation support unit (ISU) for the treaty. Many delegations and NGOs are keen on the

establishment of an ISU that could, *inter alia*, serve as a repository for national reports; provide administrative and technical support to states parties’ in their efforts to implement the treaty; convene meetings to review implementation; assist with peer review of national implementation systems; and help match assistance needs and resources. However, it is important to bear in mind that the operation of the ISU will flow from the treaty’s agreed objectives and parameters.

Some states would like the ISU to review and analyze data in national reports and even to provide verification services to ensure states parties are complying with the treaty. A verification regime would require diverse mandates and tools depending on what, exactly, is being verified—i.e. whether it is seeking to verify that an arms transfer has been delivered to the correct end-user, or whether or not it has facilitated genocide, or it has resulted in a lucrative business transaction for the manufacturer or supplier. Would a verification regime be desirable if its purpose is to verify that weapons used in the commission of violence were properly transferred and licensed?

Furthermore, the question of where the ISU would be housed must also be determined by the treaty’s function. If the ISU is to be hosted by the United Nations, the ISU’s mandate to facilitate implementation of the ATT should by no means detract from the UN’s core role in promoting disarmament and the effective regulation of armaments. As many delegations have said time and again, the ATT should be viewed as a floor, not a ceiling, for the regulation of the arms trade. States should be encouraged to adopt stricter standards. Any ATT must not be used as an excuse for the UN to limit or curtail its advocacy for more effective regulation and the strengthened application of international humanitarian and human rights law. Such a role may be especially important, especially if that treaty turns out to not be as robust as the majority of member states would like.

Wherever it is housed, the ISU will have to retain independence from states parties, especially if it is to have any analytical and/or verification responsibilities. In the end, it might be best to set up an ISU to help facilitate implementation and to

assist with annual meetings, etc., and a separate, independent verification body. Establishing any of these bodies will be difficult however, as a few key states have emphasized their desire for “minimal bureaucracy”. For example, the UK delegation urged the creation only of a minimally mandated ISU created by states parties for states parties.

Frankly, it is difficult to know at this moment what the treaty will accomplish in the end, and thus how many financial and human resources should be dedicated internationally and nationally to facilitating its implementation and ensuring compliance. If the treaty, once negotiated and adopted, is simply a vehicle to facilitate the conduct of the arms industry—the manufacture, sale, trade, and use of weapons—should the treaty’s implementation be assisted by the United Nations? Should civil society spend their time and

energy monitoring compliance? On the other hand, if the treaty is as robust and game-changing as many governments and NGOs wish, then establishing equally robust implementation and compliance mechanisms will be vital to ensure its success.

As the Spanish delegation said on the opening day, we should be able to shape an instrument that can tackle the complex requirements of today’s world and our work should be motivated by the highest level of ambition. Civil society has gathered to promote a strong and robust ATT that truly enhances human security rather than the coffers of the arms producers and we look forward to maintaining and further developing our high ambitions throughout and beyond the ATT’s negotiation.

## **Fiscal challenges to implementation**

Katherine Prizeman | Global Action to Prevent War

As the penultimate PrepCom for an arms trade treaty gets under way, Chairman Ambassador Moritan started the week with an unambiguous focus on final provisions and implementation issues relevant to an ATT. Delegations expressed support and enthusiasm for discussing the critical issue of implementation of a future arms treaty. There was consensus on the need for a practical conversation on how member states could effectively and practically undertake this challenge. The United States called for a ‘constructive’ but ultimately limited framework for regulating the trade in conventional arms. The Australian delegation explained that there are many measures that need to be assessed in order to determine how each member state can best implement the treaty within their respective jurisdictions. The African Group, represented by Nigeria, made specific reference to providing training and resource building for proper treaty implementation.

The issue of implementation poses several challenges. A litany of national challenges will arise once a treaty is penned, but a few to

highlight are: promoting community participation and local buy-in through sustainable local interaction between the government and local authorities; building reconciliation and trust between communities and local security forces implementing the treaty provisions; building local institutional capacity such as border control and arms policing; allocating appropriate funding for an international secretariat, Implementation Support Unit (as proposed by the Chair) or other structure, as well as funding for local training and institution building; and finally addressing logistical coordination challenges from bringing together individuals and entities responsible for implementation.

There is no obvious, existing mechanism that exists to coordinate such a logistical behemoth—coordination that has considerable legal, political, and technical aspects. Once an ATT is signed into force, significant capacity-building will be required for effective implementation. As a result, over the last two PrepComs, and currently this week, member states have been engaged in a robust and vibrant discussion of how international assistance

and cooperation will be needed to provide states with the tools and resources necessary for successful implementation. A large portion of this assistance must be aimed at addressing implementation challenges at the national level so that the entities responsible for implementation are adequately trained and resourced.

The funding required for such assistance and cooperation is not insignificant. It is unlikely that member states will indiscriminately provide funding for national capacity building in a time when the pinch of the ongoing global economic recession is still starkly felt. Nonetheless, as has been noted by several delegations including Costa Rica and CARICOM, an arms treaty will only be as successful as its level of effective implementation by member states. Therefore, it is necessary to look practically and realistically at funding options for these potentially large budgets for national capacity building. Engagement with the private sector is an option for both funding as well as for political will and local consensus

building. Regional organizations and economic blocs are in an advantageous position for addressing many of these funding and coordination challenges. In addition, it would be prudent to look at development, security sector reform, and rule of law funding as avenues for improving application aid funding and perhaps seeking opportunities for overlap with ATT implementation capacity building. It is imperative that the funding structure is reassessed so that a viable platform can be provided and cooperative spheres of expertise can work together.

Adequate implementation of an ATT, no matter the final scope and parameters of such a treaty, will likely remain a concern at review sessions beyond the time of formal ratification. At this time, we encourage member states to look realistically at the challenges that lay ahead for national implementers and take all necessary measures to provide the resources to help all member states to comply with the treaty's provisions.

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## Units of trust

Robert Zuber | Global Action to Prevent War

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The issue of a viable ATT structure to encourage reporting, information sharing and other elements of compliance with treaty provisions was given a robust and welcome hearing on Day 1.

As part of his recommendations, Ambassador Moritan had proposed development of an Implementation Support Unit with a role limited to encouraging reporting, facilitating information sharing, and (highlighted also by France) helping states create more robust procedures to successfully combat illicit transfers and implement other treaty provisions.

Despite efforts by the Chair to limit the scope and authority of the proposed Unit, many delegations questioned the wisdom of any structure embedded in the treaty that might supplement (though hardly usurp) fundamental state prerogatives to regulate their own transfers. Some states, including India,

saw little need for any independent structure, even to solicit and hold reports on transfers from states or exercise a guiding role in capacity assistance. Others such as the Arab Group questioned whether any implementation structure could avoid 'political abuse.' Still others such as Cuba didn't reject non-state structure outright, but cited a litany of concerns all related to 'interference' in its internal affairs by any structure, even one with as 'light a hand' as that proposed by the Chair. Clearly, transparency in arms trade matters is not fully trusted by many states unless the states themselves are shining their own light on their own transfers in accordance with their own sense of their own security needs.

The gap maintained by some delegations separating national control and international monitoring seems to us somewhat overblown, but certainly underscore lingering issues of trust when it comes to any international efforts to regulate

and then verify national performance. As mentioned yesterday, we believe that structural questions – much like capacity building assistance and other measures – will continue to evolve beyond the moment of formal ratification. Nevertheless, we remain skeptical that the widespread existence of illicit transfers that gave urgent rise to this ATT process in the first place can successfully be addressed by a structure that leaves the validity of transfers in the hands of national officials who have, in some instances, already demonstrated considerable practical difficulty in gaining control of national arms export industries and weapons imports.

We understand well the degree to which this ATT process represents 'new ground' for diplomats. There are few guideposts in the disarmament field to help diplomats gauge the potential impact of a particular implementation policy, including possible negative impacts on sovereignty and national security. Nevertheless, it is difficult to see how state-centric system for assessing transfers will, in and of itself, result in substantial improvement in rates of diversion to non-state actors, to uses inconsistent with national human rights obligations, to resale for purposes of generating illicit revenues for state officials, etc. Something more seems necessary.

States deserve latitude in implementing ATT provisions and reporting on transfers. But states also have an obligation to honor the hard work of diplomats and the aspirations of the global public by ensuring that illicit transfers can be properly flagged and, where necessary, rejected. While fully recognizing the trust issues involved and acknowledging the national security implications of full transparency in arms transfers, states opposing the minimal structural suggestions proposed by the Chair should explain how their alternative will limit illicit transfers any more successfully than the current system which initially motivated the resolution that resulted in this ATT process.

The Russians noted that it is unreasonable to contemplate building a roof for a room that has no walls. This was a fair and welcome analogy; with the caveat that even the modest unit proposed by the Chair would have the skill and resources to build state capacity, move critical information from region to region, and encourage more reporting transparency than governments would likely volunteer alone. These are indeed the walls of a structure that can cultivate trust, preserve national prerogatives, and eliminate dangerous illicit transfers.

## Women's role in implementing a humanitarian arms trade treaty

Jasmin Nario-Galace | IANSA Women's Network

One afternoon, I received a frantic message from my sister. "Ate, hurry, phone for you, Gigi on the line. She is sobbing." Alarmed, I rushed to the phone. Gigi? I said. *Mare*, she said, your *kumpare* is dead. He was shot dead by unknown assailants. The sobbing turned into weeping. Gigi went on to tell me that her husband, a well known physician in our small home town was due for promotion in government health service. Then the murder came. That was about ten years ago. Till now, Gigi does not know the assailants. Till now, justice has not been served. Gigi is now raising her three children alone.

Even if the primary perpetrators and victims of gun violence are men- women like Gigi suffer the effect of the lack of controls on today's billion-dollar trade. They are traumatized by the deaths of loved ones. They bear the brunt of the emotional and socio-economic consequence of gun violence. In addition, women are particularly at risk of certain crimes because of their sex - --crimes such as violence in the home, on the streets and in the battlefield. They are vulnerable to threats and sexual violence at gunpoint. In fact, every year over 30,000 women and girls are killed by guns and millions, at gunpoint, are traumatized, intimidated, enslaved, robbed and raped.

But women are not only victims of gun violence; we are part of the solution. We offer our support in implementing a humanitarian ATT. How can women do that? In at least eight ways:

Number one, we can **raise awareness** on the agreement. We have direct contact with various sectors, including those at the community and grassroots levels. Peacewomen's groups' reach is extensive. We possess awareness-raising technology and are equipped with creative techniques for effective capability-building work. Recognizing that controlling the tools of violence is imperative in the work of conflict prevention and in the building of peace and security, women could be an effective mouthpiece of the arms trade agreement. Specifically, we can do capacity building for police and customs personnel to ensure better controls over trade in small arms.

Number two, we can actively **lobby** for the creation and adoption of national laws, regulations and administrative procedures that will be required to implement the Treaty's provisions. We can review existing policies, legislations and practices with the purpose of identifying weaknesses and gaps and make recommendations on how to strengthen them. In the Philippines, women were part of the lobby group that called for gun-free elections. When gun-free elections were instituted, the number of casualties from election-related violence significantly decreased.

Number three, many international donors and agencies work with women's groups from across the world. We can use these connections to help **you look for and solicit both technical and financial assistance** from the international community in putting up or putting into operation effective controls on arms transfers.

Number four, we can help **monitor compliance** to the parameters and principles provided for in the treaty. The example of South African NGOs successfully stopping the delivery of arms to Zimbabwe a few years ago can be replicated in

various parts of the world if this treaty is already in place.

We can be watchdogs to help make sure that the criteria laid out in this agreement are complied with. We can form monitoring groups, for example, that will document incidents of sexual violence or violations of human rights or the international humanitarian law in areas where arms were transferred. In the Philippines, a group of women peacekeepers was recently formed, ages 16-60 who pledged to work 24/7 (24 hours/7days a week) to monitor compliance to the agreement of warring groups to protect civilians in armed conflict.

Number five, in the global arena, a mechanism to settle disputes may be instituted. With women's work in mediation and negotiation in communities worldwide, it might be helpful to have women sit and participate in the **formulation of dispute settlement procedures and in the actual settlement of intractable disputes**.

Number six, as the proposed treaty recognizes that disarmament, non-proliferation and arms control are essential in the maintenance of peace and security, women can **participate in DDR processes** particularly in weapons collection and help make sure that former combatants do not take their weapons with them when they return to civilian life.

Number seven, as women are experienced evacuation center managers, psycho-social trauma healers, and caregivers for the wounded in situations of conflict and even in non-conflict situations, we can do our part in helping you implement that section in the ATT on victim assistance. We can **care for victims of conventional arms violence** and take initiatives to create a more protective environment for them.

Number eight, women can help apply the principles of this treaty by helping create peaceful communities by mediating in conflicts and teaching nonviolent conflict resolution skills,

among other strategies of conflict prevention. Our health focus is on primary prevention and women are often on the front lines of these efforts. *Wasn't it your mother who helped settle the conflict between you and your brother/or sister?*

On what ground do I suggest these roles, you might ask. I put them forward because many peacewomen now, even if there is no arms trade treaty yet, do work on the issues of gun proliferation and control. They campaign for the safe storage of weapons to avoid theft. They campaign for and participate in weapons destruction. They educate the public on the risks of having guns at home and work towards breaking the perceived link between guns and masculinities, security, power and prestige. They sensitize communities on sex and gender based violence and challenge a culture of impunity. They lobby for and/or participate in the crafting of more restrictive policies on the possession and carrying of firearms and other small arms policy and programmes. They work towards the abolition of political dynasties and private armed groups that perpetuate themselves in power and sow fear through the arms in their possession. They lead in the use of indigenous peaceful conflict resolution methods to settle conflict. They train military and police personnel on arms-free peacekeeping, peace and security, and human and women's rights.

These, our friends, are eight ways by which women can help implement this treaty. But you must help us, as well. And there are three major ways by which member States can do that.

One, adopt an Arms Trade Treaty that contains the highest possible, legally-binding standards for the international transfer of conventional weapons that cover **both small arms and ammunition** within the scope of conventional weapons. Let us not turn our backs to the truth that small arms **and** ammunition are the primary tools used to facilitate and commit acts of gender-based violence.

**Two, please adopt an ATT that would not authorize the transfer of arms if there is a substantial risk that they will be used to perpetuate or facilitate high levels of gender-based violence, in particular rape and other forms of sexual violence.**

Three, please adopt an ATT that would not authorize the transfer of arms if there is a substantial risk that they will be used to perpetuate a pattern of or facilitate high levels of firearms-related homicide or serious injury.

Women are not just passive victims of conventional arms violence. We are survivors. We are peacekeepers, advocates, negotiators, mediators, educators, healers and reconcilers. Peace is our goal. Hence, helping in the implementation of this treaty is to our best interest.

## Highlights from Day 1 in 140 characters or less

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Here are some highlights of State's views as reported live on twitter.

**Follow tomorrow's conversation on #armstreaty**

@controlarms: Time to Walk the Talk on [#Armstreaty](#), says [@ControlArmswww.controlarms.org](#)

[@annamac33](#) [#armstreaty](#) negotiations start and it's standing room only at the back. Pretty much every State in the room too

[@OllySprague](#) Kuwait speaking on behalf of Arab Group. Supports objective implementation and warns against political subjectivity [#armstreaty](#)

@ICIPeace Costa Rica: brokering controls must form part of national [#armstrade](#) licensing. [#Armstreaty](#) reinforces rights and responsibilities

@DisarmDialogues [#CARICOM](#) support idea of an international secretariat to improve implementation of [#armstreaty](#)

@OllySprague Barbados point out that any Treaty is only as good as it's implementation measures and strong national laws are imperative [#armstreaty](#)

@OllySprague EU say to curb illegal arms trade, brokering and trans-shipment controls must be incorporated into national regulations [#armstreaty](#)

@OllySprague USA say [#armstreaty](#) can't solve all the world's problems like violence and victims of violence. Surely it must help reduce human suffering?

@OllySprague Russia says implementation debate happening 2 soon as objectives of [#armstreaty](#) not agreed. Detailed UN work since 2006 suggests otherwise.

@dbasuray77 Strong pro-development statements by Costa Rica and Tanzania. [#armstreaty](#)

@OllySprague Bangladesh say [#armstreaty](#) must not only reflect right of self-defense but also international law and human rights

@OllySprague Netherlands say transparency is key for [#armstreaty](#). Have detailed reporting & this doesn't harm defense, security or commercial interests

@DisarmDialogues [#Uruguay](#): future [#armstreaty](#) should require an "end user certificate"--guarantee that arms won't be used for any other purpose/by anyone else

@DisarmDialogues [#Armstreaty](#) should regulate but not restrict trade of arms [#Brazil](#) [#UN](#) [#Article51](#)

@DisarmDialogues @JillMorrisFCO addresses [#armstreaty](#) negotiations representing [#UK](#)- 'international cooperation/assistance should run throughout treaty'

@TDefenceteam End of 1st day of [#armstreaty](#) implementation PrepCom - Good statements on [#corruption](#) from [#CostaRica](#), [#France](#), [#Bangladesh](#), [#Switzerland](#)