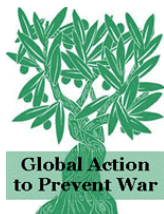


# ARMS TRADE TREATY MONITOR

*Civil society perspectives on the Arms Trade Treaty negotiation process*

**19 July 2012**  
**Vol. 5, No. 12**

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## Editorial: At the heart of it all

Ray Acheson | *Reaching Critical Will of WILPF*

On Wednesday morning, the Chair of Main Committee I released a new draft text on the goals and objectives of the arms trade treaty (ATT). The most glaring change to the text was the removal of language stating that preventing violations international humanitarian and human rights law is an objective of the treaty. Leaving this out will have serious repercussions for the negotiation of other sections of the treaty and for the treaty's implementation. It is an absolute necessity that this be corrected.

The draft text introduced today includes five points, apparently constituted as two goals and three objectives. The only reference to humanitarian issues is bullet four in the objectives section, which states that the goals of the treaty are intended to “ensure that the international trade in conventional arms does not contribute [to] or facilitate human suffering.”

Immediately after the release of the draft text, there was an onslaught of opposition from delegations highlighting the problems with this formulation and calling for remedy. The delegations of the Caribbean Community (CARICOM), Costa Rica, Denmark, Finland, France, Germany, Italy, Liberia, Mexico, New Zealand, Netherlands, Norway, Sweden, and Togo insisted that a reference be made to international humanitarian and human rights law. Norway suggested re-introduction of text stating that the treaty's goals are intended to “ensure that the international arms trade does not contribute to and facilitate human suffering, including gender-based violence and all other serious violations of international human rights law and international humanitarian law.” Most of the above delegations issued support for that formulation.

Without an explicit reference to gender-based violence, international humanitarian law (IHL), and international human rights law (IHRL), the treaty is in substantial danger of failing to meet its original purpose.

The representative of CARICOM emphasized that the ATT was never meant to be “just a trade treaty”—rather, it has always had a strong human rights and international law component at its core. Likewise, Costa Rica's delegation highlighted the importance of ensuring that the treaty's goals and objectives are consistent with those of the UN General Assembly resolutions that established the ATT process, such as resolutions 61/89, 63/240, and 64/48.

Futhermore, as the Mexican delegation pointed out, each part of the treaty is inter-related. It is thus important to have strong references to IHRL, IHL, and gender-based violence in the goals and the objectives of the treaty so that preventing and reducing violations of these elements guides the implementation of the treaty. For example, the current draft of the criteria section stipulates that a state party “shall prohibit any transfer of any item within the scope of this treaty if the transfer is inconsistent with the goals and objectives and the principles of the treaty.” It likewise stipulates that during risk assessments, states parties must ensure that the transfer is consistent with the goals and objectives of the treaty. If the goals and objectives do not include preventing violations of IHRL, IHL, and gender-based violence, they may not be covered by a strict prohibition in the treaty text.

The absence of explicit references to IHRL, IHL, and gender-based violence in the goals and objectives could also affect other aspects of the treaty's implementation. Current draft language in the implementation section suggests there may be provisions indicating that transit and transshipment states parties shall monitor and control transfers through their territories if they have grounds to believe the transfer undermines the goals and objectives of the ATT.

Not all governments supported the call for strengthening the relevant provision in

*continued on page 3*

## Suffering servant

Dr. Robert Zuber | *Global Action to Prevent War*

The Wednesday morning open meeting of the arms trade treaty (ATT) negotiations focused on goals and objectives and was a fair, balanced, and respectful discussion.

Among the many points of contention was the reference to 'human suffering' in bullet point 4 of the Chairman's text. GAPW does believe that some reference to humanitarian and international human rights law is imperative, and such reference was reinforced in many delegate statements. We are not, however, as convinced about the need for a 'suffering' reference.

This is a treaty process, and while humanitarian norms should be reinforced, norms do not have the same accountabilities as laws. As much as we might like it to be otherwise, human suffering is not a legally actionable term since it does not specify whether the suffering is caused by stray bullets, sexual violence, or common stress. Nor is there medical consensus on the point at which pain turns to suffering, though there is a widespread implication that suffering is a more permanent condition with deeper causes and more complex processes of remediation.

To the degree that we can successfully define and recognize it, we acknowledge with most diplomats and UN agencies that 'suffering' has specific implications for women. Fortunately, several existing UN treaty bod-

ies, agencies, and NGOs take great care to address the gender implications of all UN obligations. For example there will be an event hosted by UN Women on Friday examining the linkages between the ATT and the Convention on the Elimination of Discrimination Against Women (CEDAW). Moreover, numerous NGOs including WILPF, IANSA, and ourselves have highlighted for many policymakers in New York and in capitals the gender dimensions of illicit arms and the violence associated with them. Further articulation of these linkages is needed, and more will come.

The question for delegations is whether inclusion of unspecific language in this treaty makes the reduction of 'suffering' more or less likely in the long term. Since the UN and its member states have already worked through complex human rights/humanitarian law formulations and since the upholding of such obligations will fall much more directly on other treaty bodies, agencies, and offices of the UN system than on any ATT structure, the strong reference to existing human rights/humanitarian standards seems more reliable than introducing new and ill-defined language into a legally-binding treaty. This would most especially be the case if the language of 'suffering' becomes a potential deal breaker for states otherwise committed to a successful treaty process. •

## ATT MONITOR

19 JULY 2012 | Vol. 5, No. 12

The *Arms Trade Treaty Monitor* features civil society reporting and analysis on meetings of the UN conference on an Arms Trade Treaty (ATT). It is coordinated, edited, and published by the Reaching Critical Will project of the Women's International League for Peace and Freedom in partnership with Global Action to Prevent War, World Council of Churches, and the International Action Network on Small Arms (IANSA). PDF versions of all *ATT Monitors*, along with statements and other documents from the conference, are available at [www.reachingcriticalwill.org](http://www.reachingcriticalwill.org).

**All views expressed in this publication are solely those of the contributing authors and do not necessarily reflect the positions of the supporting organizations.**

## Side event report: Improving end-user control systems

Lily Gardener | *Reaching Critical Will of WILPF*

Many delegations during the past three weeks of negotiations have discussed the importance of effectively implementing the future Arms Trade Treaty (ATT). One component of implementation will be an effective control system. Wednesday's side event, co-hosted by the UN Office for Disarmament Affairs (UNODA) and the Permanent Mission of Sweden to the UN, explored the idea of improving end-user control (EUC) systems. Panelists also discussed present gaps, ad-hoc practices, and future challenges.

Ambassador Paul Beijer from Sweden introduced the two panelists: Dumisani Dladla, Department of Defence, South Africa; and Brian Wood, Amnesty International's Head of Arms Control and co-author of the 2011 UNODA Study on the Development of a Framework for Improving End-Use and End-User Control Systems.

Mr. Wood argued that end-use certificates are designed to form a key line of defence against the diversion of authorized arms transfers. He reasoned that EUC documents are only effective in the context of a broader system, which includes a comprehensive consideration of diversion risks at the licensing stage, the verification of end-user documentation, and post-shipment controls.

He explained that the study was the result of a call from the UN Security Council in 2002 for states to establish an effective national EUC system. The study assessed existing practices regarding EUC in a wide range of countries. Mr. Wood's presentation examined concepts, documents, and procedures relating to the regulation of end-use and end-users of conventional arms. He spoke about the problems of corruption in current practices and called for the development of an international framework for authentication, reconciliation, and standardization of end-user certificates. The study proposes guidelines for the development of a system of EUC.

Mr. Dladla presented the South African experience in implementing arms transfer controls. He explained that South Africa is both an importer and exporter of arms and regulates the development, manufacture, possession, trade, and transfer of conventional arms under the National Conventional Arms Control Committee (NCACC). Mr. Dladla said the practical challenges moving forward include lack of uniformity in EUC application, implementation of EUC controls require practical experience, impact of EUC authentication and certification on timely delivery, the time lag between the point of EUC submission and actual export and import, performance on commitments, and falsified documents.

A number of practical questions around the comple-

tion of EUCs were raised during the Q&A period. In particular, the chair asked how violations of a future ATT will be dealt with. Panelists had few suggestions for punishment if the violation came from an arms company; unfortunately they were less forthcoming on state violations of a future ATT. This only further highlights the need for a strong, robust, and transparent treaty, through which states can be held accountable for their actions.

For further technical detail on EUC please see <http://www.un.org/disarmament/HomePage/ODAPublications/OccasionalPapers/PDF/OP21.pdf>. •

Art by Lin Evola



### Editorial, cont'd

the goals and objectives—in fact, the US delegation argued that the current provision related to human suffering should be weakened even further. The US representative argued that conventional arms cause suffering by their very nature, and thus the treaty's objective should not be to ensure that the arms trade does not contribute to or facilitate such suffering, but rather to merely reduce it. However, this objection demonstrates exactly why explicit references to IHRL, IHL, and gender-based violence are necessary in this section. Through specificity, states parties will be able to make determinations about the impact of the transfer on these particular elements. Weapons are designed and produced to cause harm, as the US delegate argued. But in a treaty designed to regulate the international transfers of arms, the core objective must be to ensure that these arms are not used to violate laws established to prevent suffering and protect human life and dignity. •

## News in Brief

Ray Acheson | *Reaching Critical Will of WILPF and Katherine Prizeman* | *Global Action to Prevent War*

### Goals and objectives

#### Overall

- South Africa indicated support for the text as is.
- India on behalf of Algeria, Armenia, Azerbaijan, Belarus, China, India, Indonesia, Malaysia, Philippines, Russia, Singapore, Thailand, and Venezuela suggested replacing this text with one that says this instrument shall seek to prevent the illicit trafficking in small arms and light weapons and diversion to illegal and unauthorized end-users; the treaty shall seek to promote those areas of international trade in arms that represent a high risk of diversion; and with a view to implementation shall also seek to promote strict national controls and high standards on international trade in conventional arms.
- Brazil said it would better to leave the second part of the text to discussion on other parts of the treaty.
- South Sudan called for a new bullet point on “providing an international cooperation and assistance framework which addresses inter alia implementation of the treaty.”

#### Bullet 1

- CARICOM and Mexico suggested deleting “their” international trade and replacing it with “the” international trade.
- Germany said bullet 1 should refer to highest possible international standards.
- Cuba said the treaty should be a tool to prevent illicit trafficking so bullet 1 should be removed or put in the second part.
- Costa Rica said to be consistent with relevant UNGA resolutions the first bullet should say: “establish highest possible common international standards to regulate international transfers of conventional arms.”
- Sweden said it is important to relate the second obligation/goal to highest possible standards—suggest ending sentence with “in the same spirit”

#### Bullet 2

- Brazil, CARICOM, Costa Rica, Holy See, Mexico, ROK said word “eradicate” should be added to reference to illicit trade.
- ROK and Brazil said “end use” should be replaced by “end user”.
- Cuba said treaty should prevent diversion “to illegal and unauthorized end-users and non-state actors”.
- South Sudan said “end use” should be replaced with “unauthorized users including criminal organizations”.
- CARICOM said “end use” should be replaced with

“unauthorized end-users and the illicit trade in those arms”.

- CARICOM suggested switching the order of the two elements in bullet 2 (i.e. diversion and the illicit trade), since the illicit trade flows from diversion.
- El Salvador said regulation of trade should also be mentioned in bullet 2.

#### Bullet 3

- Costa Rica said after “stability” text should say “and to promote sustainable social and economic development”.

#### Bullet 4

- CARICOM, Costa Rica, Denmark, Finland, France, Germany, Italy, Liberia, Mexico, New Zealand, Netherlands, Norway, Sweden, and Togo insisted reference be made to human rights and international humanitarian law (IHL).
- CARICOM, Denmark, Italy, Liberia, Norway, and Togo suggested that the text from an earlier draft be reintroduced, saying, “ensure that the arms trade does not contribute to and facilitate human suffering, including gender-based violence and all other serious violations of international human rights law and international humanitarian law.”
- Sweden said this formulation is acceptable if gender-based violence is retained in the preamble.
- USA argued conventional arms by their nature cause human suffering and thus the treaty can’t “ensure” suffering is not facilitated but should aim to “reduce” suffering.
- South Sudan suggested “prevent” instead of “ensure”.
- Cuba said it would be too difficult to start trying to define human suffering.
- DPRK said human suffering should be addressed by including a reference to constraining and reducing arms production and exports.

#### Bullet 5

- CARICOM, Mexico, Netherlands, and New Zealand said accountability should be added to the list promoting cooperation, transparency, and responsibility.
- South Sudan called for text saying “build trust and confidence between states through increased transparency, accountability, and information on production, stockpiles, imports, and exports of arms”.
- Cuba argued “states” and “states parties” are used indiscriminately in bullet 5 and “states parties” should be used.
- El Salvador said “states” should be used.
- DPRK said references to transparency are “risky”.



**Implementation, ISU, international assistance**Implementation*National authorization systems*

- Philippines called for inclusion of “import” in para 4.
- EU suggested the language “over transfers of conventional weapons in the scope of the Treaty” for para 4.
- EU and Switzerland called for the deletion of paragraph 5 related to contractual obligations.
- Uganda proposed adding the language “in accordance with this Treaty” to paragraph 5.
- India stated that paragraph 5 is not about grandfathering and the Treaty must ensure stability in implementation of contracts.
- EU proposed replacing “authorization” with “license” in paragraphs 7 and 10 and suggested moving paragraphs 7, 8, and 10 related to export and import to the cooperation section.

*Transit/transshipment*

- Papua New Guinea expressed concern over paragraphs 12 through 14 and the possibility of overburdening transit and transshipment states and asked for the deletion of the phrases “where necessary” and “where appropriate”.
- Philippines sought clarification regarding the monitoring responsibilities of transit and transshipment states and noted that such states would not be aware of vessels carrying items covered under the scope of this Treaty unless informed by the exporting state.
- EU said there was some overlap of paragraphs 12 and 14 and sought further clarification.

*Enforcement*

- India expressed concern over the reference to seizures and inspections in paragraph 16, arguing these activities are already covered under other UN conventions.
- Mexico called for a direct reference to the UN Convention on Corruption in paragraph 18 and a reference to “corrupt activities” rather than “corruption”.
- Nigeria questioned the meaning of “illicit market” in paragraph 19 and instead proposed the language, “Each state party shall prevent, combat, and eradicate illicit trade and illicit proliferation and circulation of conventional arms.”

*Record keeping/reporting/transparency*

- Israel called for language that clarifies that all information exchange between states parties must be done in accordance with national administrative procedures bearing in mind issues of confidentiality.
- Mexico said it was not advisable to tie ATT record keeping practices to those of the UN Register.

Implementation Support Unit (ISU)*General comments/nature of the ISU*

- Australia and Mexico supported the insertion of the word “hereby” at the beginning of the text indicating creation and functioning of the ISU upon EIF.
- Japan, Cuba, and Brazil called for the deletion of 2g stating that outreach should not be a task of the ISU, while CARICOM supported this provision in the text.
- The EU, Germany, Sweden, France, and Kenya supported an incremental approach to the tasks and duties of the ISU.
- Mexico said the ISU should provide substantive support to assist member states with regards to the “complexities of the ATT.”
- Uruguay said the ISU should not be just for information exchange and proposed the language “produce summary data and analyze trends and data in arms transfers.”
- Ghana agreed that the ISU should not just serve as a “post office.”
- Malaysia stated an ISU should be responsible solely for logistical and administrative tasks.
- India stated it remains “unconvinced” of the need for an ISU, while Iran stated any functions in support of an ATT’s implementation could be carried out by UNODA.
- Ghana, Ecuador, and Brazil supported an ISU housed within the UN.
- The US supported an ISU outside of the UN directly answerable to states parties.

*Financing*

- Switzerland said the ISU should be funded through assessed contributions and not on a voluntary basis.
- CARICOM supported an ISU founded in the Treaty with assessed contributions adjusted accordingly to number of states parties.
- Japan stated that funding is not a matter that should be stipulated in the Treaty itself, but should refer to general ideas with specific arrangements to be determined later.
- Spain and Cuba said the ISU should be funded voluntarily by states parties.
- The US said funding could be a combination of assessed, voluntary, and in-kind contributions.
- Pakistan and Sweden supported an overarching funding clause in the Treaty wherever financial obligations would be most appropriately discussed.

International assistance

- Egypt proposed the establishment of a Technical Assistance Fund coordinated by an ATT Secretariat for de-

*continued on page 7*

## How the ATT can strengthen international control over SALW proliferation

*Nathan A. Sears*

Since the late 1990s, global concern for the death, damage, and destruction wrought by the uncontrolled proliferation of small arms and light weapons (SALW) has appropriately led to another type of proliferation: the spread of multilateral legally and non-legally binding agreements concerning SALW proliferation, both licit and illicit. Nevertheless, the problems caused by SALW proliferation, particularly armed violence, have continued despite growing international attention. Today, many people see the Arms Trade Treaty (ATT) as a new beacon of hope for mitigating the effects of SALW proliferation. This begs the question of how exactly the ATT could strengthen existing multilateral frameworks of SALW control.

Admittedly, the ATT is not the end-all agreement for reigning in SALW violence. As has been pointed out previously—although usually misleadingly—the ATT is not a disarmament treaty. Nowhere in the operative paragraphs of the ATT would there be a call to reduce the number of SALW already in global circulation. As a result, we cannot expect the ATT to eliminate SALW violence, because it would not eliminate SALW. That said, the potential for international regulation of the ammunition trade—for the first time, I might add—could make superfluous millions of illicitly held and irresponsibly used SALW, if their abusers are denied access to bullets. Arguably, the ATT could save more lives as an instrument of ammunition control than arms control.

The ATT is also not conceived as an instrument to give international organizations the right to supplant national laws on civilian ownership of firearms—a fact which some civil society organizations, such as the National Rifle Association in the United States, either fail to understand, or are happy to ignore in order to stir up domestic political opposition to the ATT.

Despite all of this, there are many new areas that this treaty could cover, and old areas that it could strengthen.

The single most important part of the ATT will be the normative principles established through legally-binding transfer criteria. These criteria will be the heart of a new norm of international law: a norm for a responsible arms trade. From here onward, the trade of SALW between states—or at least states parties—will be judged against legally-binding standards. These normative principles are the centre of a ferocious debate; for example, whether or not international human rights law shall be included as a criterion for granting or denying arms transfers. But whatever the substantive outcome of this debate, the ATT would clearly establish a normative-legal dichotomy be-

tween responsible and irresponsible arms trade. Despite some progress towards this end at the regional level, the ATT represents the first global attempt to regulate the trade of the weapons of war and violence from the pedestal of international morality, rather than from the vantage points of private profit or national interest.

The ATT can also greatly strengthen the precedent of transparency in SALW transfers established by the United Nations Register of Conventional Arms (henceforth the Register). The Register has been a weak transparency instrument with respect to SALW transfers, having long only received information on states' transfers of larger conventional systems. Furthermore, as a non-legally binding confidence-building measure, the Register is neither mandatory, nor does it have means to sanction non-reporting states. The ATT would be different. It would be a legally-binding treaty, with arms transfer reporting being one of its core functions. Obligatory transparency in SALW transfers would be a big step towards eliminating the illicit and irresponsible SALW trade.

In terms of implementation, states parties should be required to have national authorities apply ATT transfer criteria in case-by-case risk assessments; adopt national legislation; create or refine national agencies to monitor, keep records, and enforce laws on arms transfers; strengthen transit and transshipment security; and prepare annual reports for an Implementation Support Unit of information on all arms transfers, national transfer control systems, law enforcement efforts, and other steps taken towards implementation. This represents a serious step forward for international SALW control, which has thus far been limited to the goal of eliminating illicit transfers.

A final opportunity for the ATT is in the realm of monitoring and verification. Civil society could play a critical role in encouraging ATT implementation and compliance by adopting a number of monitoring and verification functions. First, civil society should monitor national risk assessments, verifying that transfer authorizations and denials objectively comply with ATT transfer criteria. Second, civil society should compare states parties' national reports with open source information on the arms trade in order to verify their accuracy. Third, civil society should evaluate the strengths and deficiencies of transfer control systems. While it would be unrealistic to expect a civil society organization to assess all states' implementation and compliance on an annual basis, scholars that study monitoring and verification have concluded that there is no such thing as 100% verification, but the fact that systems are imperfect does not mean that they can-

not effectively enhance the probability of detecting non-compliance, and therefore also provide a strong deterrent and build confidence among states. Thus, a possible approach to civil society monitoring and verification would be a random selection of states on an annual basis, with in-depth assessments of their implementation on the basis of the above criteria.

Existing multilateral agreements have succeeded in framing the uncontrolled proliferation of SALW as a matter of global concern, but there is still much to be done to effectively rout the problems caused by both licit and illicit SALW proliferation. The ATT has the potential to be a key mechanism for strengthening international control over SALW proliferation. The most important opportunity that the ATT provides is to develop a strong international norm for a responsible arms trade, based firmly on normative-legal principles enshrined in the ATT's transfer criteria. The other areas investigated here, such as civil society's potential monitoring and verification

functions, can also support the goal of eliminating illicit and irresponsible SALW transfers, with potentially great consequences for reducing armed violence and the numerous other challenges aggravated by the unregulated flow of arms. •

*Nathan Sears is an independent scholar whose focus is small arms control. He is soon to have an article published in the Paterson Review of International Affairs published by the Norman Paterson School of International Affairs on this subject matter.*

#### Notes

1. On the other hand, despite the obvious outcry from a number of governments that international organizations do not have the right to tread on states' sovereignty over their internal affairs, this goal would not be so wrong from moralistic and legalistic perspectives. The government of Mexico, for example, would probably be happy to see higher US standards of firearms regulation, since so many arms manufactured in the United States seem to find their way into the hands of Mexican cartels.

#### News in Brief, cont'd

- developing and least-developed countries funded through mandatory, assessed contributions of states parties.
- Brazil called the paragraphs related to assistance "weak" and proposed the language, "states parties are encourage to" offer or receive assistance.
- The Holy See called for provision on victims' assistance.
- Iran said all requests and offers for assistance should go through UNODA and the UN system in general.
- India agreed requests for assistance could be met through existing UN infrastructure. •

D Y M Q T N E T S T E U Y I S  
T L Q T K A V K A N L Q T Z L  
K H H J Q R I Q A O G K I Q E  
Q L Q O D T S M B I G F N R T  
N I T H R I N X L T U B U M H  
I T D H F C E N U U M Y P C A  
U V O D A L H O N L S R M C L  
P V P P D E E R N O Q L I U T  
B V K G E A R Y G S O C F N R  
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K G Z A W P M D E R A E M A N  
V M S K O U O K L X K O R A S  
C Y J X R B C I E O G Y Q C F  
U J T Z I X T S C Y B J M Y E  
Q G V E R I F I C A T I O N R

ARTICLE  
COMPREHENSIVE  
IMPUNITY  
LETHAL  
RESOLUTION  
SMUGGLE  
VERIFICATION  
TRANSFER

## Final provisions with long-term effects

Katherine Prizeman | *Global Action to Prevent War*

Tuesday afternoon's discussion of final provisions illustrated just how important these seemingly 'organizational' and 'technical' matters are to a successful ATT process. Allowances for reservations and amendments will undoubtedly have a significant impact on how robustly and uniformly the Treaty will be implemented and, in turn, how effective it will be in preventing the irresponsible and illicit trade in conventional arms. Moreover, reservations related to scope and criteria would be particularly alarming given the nature and intent of the ATT's obligations. Likewise, provisions for Review Conferences are essential to the long-term success of the Treaty. Incorporating a concrete review process is imperative in order to establish regular meetings of states parties that can assess and adjust the ATT to better reflect evolving security circumstances. Such a process would provide opportunities to make the treaty stronger both in its provisions and implementation.

Perhaps most importantly, the provisions for entry-into-force (EIF) will have a direct impact on not only when the Treaty will enter into force, but also (based on the number of ratifications required) how universally its provisions will be implemented. As noted by the delegation of Costa Rica, provisions that facilitate rapid and widespread EIF should be a priority. A Treaty that is seeking to craft international standards for the trade in conventional arms by its nature requires widespread, if not universal, adoption. However, this desire for universality must not entirely stifle the opportunity to begin a process of implementing uniform arms transfer standards. It will be important to strike a balance between the need for rapid EIF and ensuring participation is widespread enough to guarantee that the Treaty's implementation is meaningful in achieving treaty goals and objectives.

While some delegations have proposed a single-number formulation of approximately 60, reflecting nearly one third of UN membership, others including Mexico, Costa Rica, and CARICOM have supported a smaller formulation of 30 ratifications. Some delegations have also called for a qualitative provision for EIF requiring that the "major exporters and importers" of arms be among those ratifications required for EIF. While the logic behind including such a provision in the EIF requirements makes sense for a treaty aimed at setting standards for arms transfers, it would be difficult to identify those "major" arms traders in an objective manner in the context of a legally-binding treaty that would be acceptable to all member states. Therefore, it would be wise to seek as many ratifications as possible without placing too much

emphasis on exporters or importers as separate categories of signatories. It is important to communicate in all provisions of the ATT that transparent and robust transfer regulations are the responsibility of all states.

The majority of treaties dealing with international humanitarian law, human rights, and international peace and security require between 20 and 35 ratifications for EIF with the major exception being the Chemical Weapons Convention, which required 65. For example, the Convention on Cluster Munitions required 30 ratifications and the Convention on Prohibitions or Restrictions of the Use of Certain Conventional Weapons required only 20. There is, of course, the case of the Comprehensive Test Ban Treaty (CTBT) that requires that 44 specific nuclear technology holder states sign and ratify the treaties before EIF. As such, the CTBT has not yet entered into force and, as a result, remains outside the body of international law because of a hold-up on ratifications of a very small (8) number of member states. This type of scenario must be avoided for the ATT. Rather than waiting out a series of meetings on "facilitating the entry-into-force" of the ATT, states parties that have ratified the Treaty must take forward these legally-binding regulations, encouraging universal participation, but not being limited by the lack of it.

Identifying a reasonable EIF formula is a challenge to those crafting all new treaties and conventions and the ATT is no exception. In light of this challenge, the EIF provisions must be understood as facilitating the long-term success of the ATT so that legally-binding, international standards for the trade in conventional arms are implemented as soon as possible rather than being held up due to a lack of sufficient ratifications. If the single-number formulation is kept at a reasonable level, states parties that have signed on will be able to begin implementation of the Treaty's provisions while encouraging others to do the same. •



Art by Lin Evola





## INVITATION

# Women's Human Rights The Arms Trade Treaty and CEDAW

Friday, 20 July 2012

UN-Women headquarters, 19th Floor Conference Room  
(220 East 42nd Street, New York)

From 1:15 to 2:45 pm

*Light Lunch will be served*

**Please RSVP** (for access reasons) to: [ameer.el.nager@unwomen.org](mailto:ameer.el.nager@unwomen.org)

The panel will discuss important ways in which two treaties-- the Arms Trade Treaty (ATT) and the Convention on the Elimination of All Forms of discrimination against Women (CEDAW) along with the UN Security Council resolution 1325 et al. can work to prevent discrimination and violence against women, particularly in conflict and post-conflict situations.

Speakers include:

- Anne Marie Goetz, Chief Advisor, Peace and Security, UN Women.
- Pramila Patten, CEDAW expert and Chair, Working Group on Women in Conflict and Post-conflict Situations.
- Vanessa Farr, International expert and consultant, Women's International League for Peace and Freedom (WILPF).
- Michèle Olga Pépé, IANSa Women's Network and the West African Action Network on Small Arms (WAANSa)-Cote d'Ivoire / Réseau d'Action sur les Armes Légères d'Afrique de l'Ouest (RASALAO)-Cote d'Ivoire.
- Nicole Ameline, Vice-Chair, CEDAW committee and expert

**Co-sponsors** International Action Network on Small Arms (IANSa), The International Alliance of Women (IAW), Women's International League for Peace and Freedom (WILPF) and UN Women.

## ATT MONITOR 5.12

### Calendar of events for Thursday, 19 July 2012

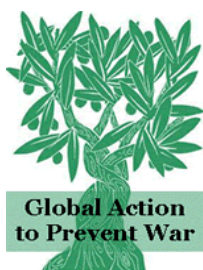
When	What	Where	Who
10:00–13:00	Main Committee 1 (open): Criteria/Parameters	Conference Room 1 North Lawn Building	
10:00–13:00	Main Committee 2 (closed): Final provisions	Conference Room 4 North Lawn Building	
15:00–18:00	Plenary: Update on the work of MC1 and MC2	Conference Room 1 North Lawn Building	

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**Reaching Critical Will**

a project of the Women's International League for Peace and Freedom



**WOMEN'S INTERNATIONAL LEAGUE FOR  
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**World Council  
of Churches**

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