

ARMS TRADE TREATY MONITOR

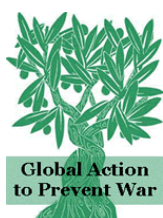
Civil society perspectives
on the Arms Trade Treaty
negotiation process

NO. 6.3

20 March 2013

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Scope and criteria: getting to the “operational” heart of the ATT

Katherine Prizeman | *Global Action to Prevent War*

After a lengthy discussion on Preamble, Principles, and Goals and Objectives, delegations began debate on Scope, Prohibitions and Criteria. These sections of the Treaty are surely at the heart of any ATT’s effectiveness and will guide how, and under what circumstances, national assessments will be carried out in practice. Given the framework that has been set for the ATT—national risk assessments conducted for transfers of weapons covered under the Treaty’s scope according to an agreed set of criteria—construction of these sections is most vital to determining if the Treaty will actually impact international peace and security and address the many consequences of the illicit and unregulated trade in conventional arms. As has been noted previously in this ATT Monitor, there are certain elements of these sections that simply cannot be compromised if the ATT is to be considered a “success” by those that are working for a text that will positively impact arms transfer policy making it not just better regulated, but also more responsible.

What are these indispensable elements of scope and criteria?

As succinctly and rightly noted by the delegation of New Zealand, the scope of items must be clear, comprehensive, and “the same for all”. In terms of specific items, as was noted by a group of 69 countries in a joint statement delivered by the delegation of Ghana, inclusion of ammunition is fundamental to the objective of an ATT if it is to address the consequences of illicit and irresponsible trade globally. Such consequences are mostly the result of diversion of small arms and light weapons (SALWs) and their ammunition and munitions. This has been an issue championed

by many African, Latin American, and Caribbean countries. Both CARICOM and ECOWAS reiterated that explicit inclusion of ammunition in the treaty’s scope is essential. The delegation of Costa Rica, on behalf of a group of five Central American states, also reiterated the importance of ammunition and munitions to the scope in a joint statement.

These weapons and their ammunition and munitions inarguably fuel the majority of armed conflict and armed violence globally. As noted by Daniel Mack in *ATT Monitor 6.1*, anything less than all conventional arms in the scope will not address the basic objective of the ATT. Furthermore, allowing for a loophole such as procuring parts and components to be assembled post-transfer (in lieu of a direct transfer of a complete weapon system) essentially negates the obligation of criteria assessment. The exporter would then be under no obligation to report on this transfer given the exclusion of parts and components from the legally-defined scope of the Treaty.

The objective of the ATT, as repeatedly reiterated by nearly all the delegations and as stated in the original General Assembly resolution, is to set the *highest possible* common, international standards for the transfer of conventional arms. The objective is not to create high standards for just some of the conventional arms in international circulation, in particular leaving out those weapons and components that have been proven to have the most impact on societal instability across the globe. Moreover, the exclusion of activities such as loans and gifts is a glaring omission that could easily be taken advantage of in order to render the ATT’s obligations meaningless. Support for including gifts and loans

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Scope and criteria, cont'd

as activities under the Treaty's scope was expressed by the delegations of Algeria, Brazil, Finland, Holy See, Japan, Netherlands, New Zealand, Solomon Islands, and the UK.

In addition to scope, criteria for national risk assessment processes are crucial for determining how the ATT will function in practice. If a comprehensive scope of items is identified, then states must be likewise required to make comprehensive assessments. As states will retain the sovereign right to conduct assessments and make determinations for arms transfers, the criteria set forth in the text must be strong, clear, and legally-binding so that there is a straightforward obligation to deny an authorization should any of the criteria be proven to be at "substantial risk". The delegation of Liechtenstein rightly noted that "overriding risk," as it is currently drafted in the 26 July text, simply makes no sense, as a risk is either high or low. Several other delegations expressed preference for the term "substantial" or "clear" risk, including Chile, Colombia, Germany, Holy See, Japan, Liechtenstein, Switzerland, and UK.

In terms of specific criteria enumerated in article 4(2), many delegations emphasized the importance of strengthening diversion into a "hard criterion" rather than leaving it in the weakly and insufficiently drafted language in article 4(6). Combating diversion of weapons to the illicit market has always been a primary objective of an ATT insofar as the consequences of illicit trade often derive from diversion risks. The delegations of Argentina, Australia, Chile, Japan, and Netherlands also supported the movement of diversion risk to article 4(2). It could be said that even those delegations that have been skeptical of an ATT and concerned over its potential political manipulation would be hard-pressed to argue against the goal of preventing diversion of weapons from authorized users to the black market. Why, then, should diversion be treated as a sort of secondary criterion?

Another key criterion receiving attention was that of gender-based violence. While GBV is currently lumped in the poorly-worded article 4(6), 31 countries— Argentina, Belgium, the fifteen countries of CARICOM, Denmark, Estonia, Finland, Hungary, Iceland, Ireland, Latvia, Lithuania, Netherlands, Norway, Papua New Guinea, Portugal, Sweden, and UK—argued that gender-based violence must be included in article 4(2). Norway noted that it is unacceptable that gender-based violence and violence against children are in article 4(6), as there is no duty to refrain from authorization based on those criteria.

Meanwhile, Venezuela, on behalf of a group of states, suggested that prohibitions and criteria be merged into a single article. They suggested specific language for this new article (see the News in Brief). However, the inclusion of separate prohibitions is vital to underscoring that decisions to deny authorizations, if such authorizations are in clear violation of universally-accepted breaches of international law such as genocide, crimes against humanity or war crimes, are not to be left to national prerogative. These prohibitions must be explicitly enumerated and cannot be merged into a section that will be defined by national discretion. This could, in fact, weaken already-existing international law obligations.

Indeed, delegations such as Argentina, ECOWAS, France, Liechtenstein, New Zealand, Senegal, and Switzerland underscored that the reference "for the purpose of" in article 3(3) is insufficient. The Swiss and Australian delegates noted that it implies intent to commit the crime of genocide and should rather be a knowledge-based assessment. It was also noted by the delegation of the UK that references to international law must be clear and not serve to undermine existing international law obligations. Furthermore, the delegation of Norway rightly noted that the current text refers too narrowly to international law and the current criteria exclude customary international law.

As noted by the delegate from the USA, the Scope, Prohibitions, and Criteria are indeed the "operational" heart of the Treaty. The stakes are even higher for these sections given the important role that they will play in judging the strength of the final text. The complexity of the negotiations on these sections must not eclipse the fact that certain indispensable provisions must be maintained—inclusion of ammunition, munitions, parts, and components in the scope of items and gifts and loans in the scope of activities, risk of diversion as a primary criterion for assessment, and clear prohibitions based on international law obligations. Weakening of any of these provisions will make it difficult for the ATT to fulfill its purpose—to have any real impact on the security, social, economic, and humanitarian consequences of the illicit and unregulated trade in conventional arms. •

Side event report: Arms transfers and the global supply and transport chain

Maj Rørddam Nielsen | Global Action to Prevent War

On Tuesday the Danish Mission to the UN and the Stimson Center co-hosted a side event on arms transport. Speakers at the event included the Danish Minister of Foreign Affairs, Mr. Villy Søvndal, as well as Deputy Director of Amnesty Denmark, Ms. Trine Christensen, and Mr. Thierry Jacobs of the FN Herstal Group, a firearms manufacturing company. The background for the meeting is that the issue of arms transport is only indirectly addressed by the current ATT draft text: states that have arms transported through their territory or territorial waters will have obligations under the ATT's transit and transshipment provision, but states that are actively carrying out the transport are not likely to be bound by the treaty's obligations.

The Danish Minister of Foreign Affairs opened the meeting by emphasizing the need for regulation of arms transport. Just as it is true for the arms trade in general until we get an ATT, transport of arms is largely unregulated. The Minister raised the point that it will constitute a paradox if a transport of arms can legally be conducted when an export of those very arms would be prohibited under the ATT. He emphasized that leading shipping nations, including his own country, have a big responsibility to carry. Meanwhile, he said, shipping companies also have interests in ensuring that transport is regulated. Regularly, companies find themselves unwittingly assisting in the illegal and irresponsible arms trade—and these companies are often interested in doing the right thing but are left without guidelines of assessing their loads. The Minister pointed to the need for policymakers to develop a deeper understanding of the arms transport business itself and of existing national and regional regulatory frameworks, in order to figure out how to develop norms and standards that will ensure that companies do not transport arms where there is a substantial risk that they

will be used for human rights (HR) or international humanitarian law (IHL) abuses. He proposed that steps could be taken in multiple areas, such as development of national and regional codes of conduct as well as best-practice exchanges between countries on national legislation; and development of sector-wide guidelines for arms transport by transport industry organizations.

Ms. Christensen of Amnesty likewise underlined the importance of having arms transport activities regulated—not least because diversion of arms often takes place during transport. She expressed the wish that the issue of transport with time can be addressed under the framework of the ATT. Before that time, she sees important roles for both governments and companies: states could improve regulation by adopting legislation on registration of transporters and on the issuance of transport licenses; while companies could improve in showing due diligence and making sure that their transports would not be contributing to HR and IHL violations.

Finally, Mr. Jacobs, representing the manufacturing industry's view on transport regulation, spoke. He emphasized that rules should be both “acceptable and applicable” for the industry. He noted that legislation could be a good thing for the industry—but he also argued that it is imperative that the door not be left open for “less scrupulous countries” engaged in arms transport. He also warned against bureaucracy and against not differentiating between legal and illicit trade. On the positive side, under the following discussion, Jacobs explained how there had been fruitful cooperation between industry and HR organisations when implementation guidelines were drafted pertaining to the Firearms Protocol. This model could serve as an example for the future. “It's feasible if we take the time to discuss,” he said. •

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

Major recipients today, major suppliers tomorrow?

Tilman Brück and Paul Holtom | Stockholm International Peace Research Institute (SIPRI)

The release of SIPRI's new data on international arms transfers coincided with the first day of the final UN conference to negotiate a global Arms Trade Treaty (ATT). During the last round of negotiations at the UN in July 2012, the discussions seemed far removed from the realities of weapons being smuggled, traded or mis-used in violent conflicts around the world, with devastating effects on millions of innocent people.

This week's conference provides the last opportunity to negotiate an Arms Trade Treaty that will have a real impact on irresponsible arms transfers and contribute towards efforts to combat the illicit arms trade. SIPRI's new data can provide some key pointers for ensuring that an ATT negotiated in 2013 remains relevant for regulating the arms trade in the future.

New players and new patterns of arms trade

For the past 20 years, the top 5 suppliers of major conventional weapons have been North American and European: the USA, Russia, Germany, France and the UK. Our data has shown over many years how the world divided neatly into arms exporters and arms importers. This was also the perceived reality during much of the ATT preparatory committee meetings and during the July 2012 conference.

However, today we find that the profile of the major suppliers of weapons is changing. A key finding of our work is the rising prominence of China as an arms exporter:

- For the five-year period 2008-2012, China replaced the UK as the fifth largest arms exporter, accounting for 5 per cent of the volume of major arms exports.
- China increased the volume of its exports by 162 per cent when comparing the periods 2003-2007 and 2008-2012; the volume of global arms transfers increased by only 17 per cent between these two periods.
- China recorded the largest increase by far of the major exporters, with the US increasing its exports by 16 per cent and Russia by 27 per cent.

At the same time, SIPRI's data shows that Europe is declining in importance as an arms exporter: The UK increased its arms exports by only one per cent, while German exports declined by 8 per cent and French exports by 18 per cent.

China's increase as an arms trader is therefore very significant in comparison to the other major suppliers. Although its rise has been primarily driven by a significant increase in the volume of deliveries to Pakistan, it is also being recognised as a potential competitor to Russia and other European suppliers in North Africa, Asia and the Americas.

Major recipients today, major suppliers tomorrow?

For the past decade, China has been one of the world's major arms recipients. The five largest recipients of major conventional weapons during 2008-2012 were all located in Asia and Oceania: India, China, Pakistan, South Korea

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ATT wordsearch

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

AGGRAVATE
BANANAS
BUDGETS
DISPLACED
MANUFACTURE
NEGOTIATING
PARAMETERS
STATEMENT
WEAPON

Major recipients today, cont'd

and Singapore. Combined, they accounted for 32 per cent of all imports.

Of particular importance for an ATT is that many of the deals that these states have concluded in recent years, and many of the deliveries counted by SIPRI as imports, are for items that are either being assembled or produced under license by indigenous arms producers or are for components for armoured vehicles, aircraft or ships being built in India, China or South Korea.

However, it is not only major recipients that are operating in this way. Regional powers such as Brazil, South Africa and Turkey are also seeking to import technology to boost the ability of their arms industry to compete on international arms markets, and so too are many smaller states around the globe. Even established suppliers such as Russia have concluded deals for the licensed production and transfer of technology for building modern armoured vehicles, ships and unmanned aerial vehicles (UAV) not only to equip national armed forces but also to boost national arms industries and their export capacities.

What does this mean for the ATT?

In our view, there are two key implications for the ATT.

First, there are a number of UN member states with arms export ambitions that operate with very different practises and understandings of arms trade responsibilities to more established suppliers. A successful ATT would provide clear mechanisms and norms for responsible arms transfers for emerging suppliers.

Second, the ATT needs to ensure that states do not evade their obligations by supplying knock-down kits or concluding licensed production arrangements that they believe to be outside the scope of an ATT. The ATT needs an anti-circumvention clause to close what looks like a significant loophole in the current draft treaty text.

The final UN conference on the ATT represents an important opportunity to establish an international instrument for regulating the international arms trade. However, it needs to correspond with the realities of the international arms trade of today and tomorrow. •

Professor Tilman Brück is the Director of the Stockholm International Peace Research Institute (SIPRI). Dr Paul Holtom is the Director of the SIPRI Arms Transfers Programme.

Link to bio Tilman Brück: http://www.sipri.org/about/bios/tilman_brueck

News in Brief

Ray Acheson and Katherine Prizeman

The following is not a comprehensive account of all positions or interventions but a snapshot of the negotiations from the second day.

Preamble

- Brazil, Chile, DPRK, Ecuador, Iran, and Malaysia change end-use to end-user in pp3.
- Belgium, El Salvador, and Morocco supported inclusion of armed violence in pp10.
- Belgium called for inclusion of reference to child soldiers in pp11 and suggested changing “violence against children” to “violence involving children”.
- Bulgaria and Turkey called for inclusion of the elderly.
- Bulgaria called for inclusion of people with disabilities.
- Syria called for “armed conflict” to replace armed violence in pp11 because the latter “doesn’t have any international definition”.
- Bulgaria, Chile, France, Ghana, and Norway said pp12 on adopting more rigorous measures must be retained.
- Ecuador and Iran called for deletion of pp12.

Principles

- Morocco said principles should become article 1.
- Belgium supported merging of preamble and principles.
- Iran supported proposal to include principle on “legitimate rights” of importing states.
- Ghana said these rights should be conditioned on fulfilling the provisions of the ATT.

Goals and objectives

- Brazil and Republic of Korea supported proposal to change title to “object and purpose”.
- Iran suggested using the title “purposes”.

Scope: Items

- EU, France, Germany, Japan, Norway, and UK said the categories of the UN Register are incomplete and treaty should cover all conventional weapons.
- UK said chapeau of article 2 should be redrafted to either say: a) This treaty shall apply to all conventional arms then insert article 2(2) before list of categories; or b) This treaty shall apply to all conventional arms including items within the following categories at a minimum.
- India said the proposal to include “all conventional arms” is not workable.

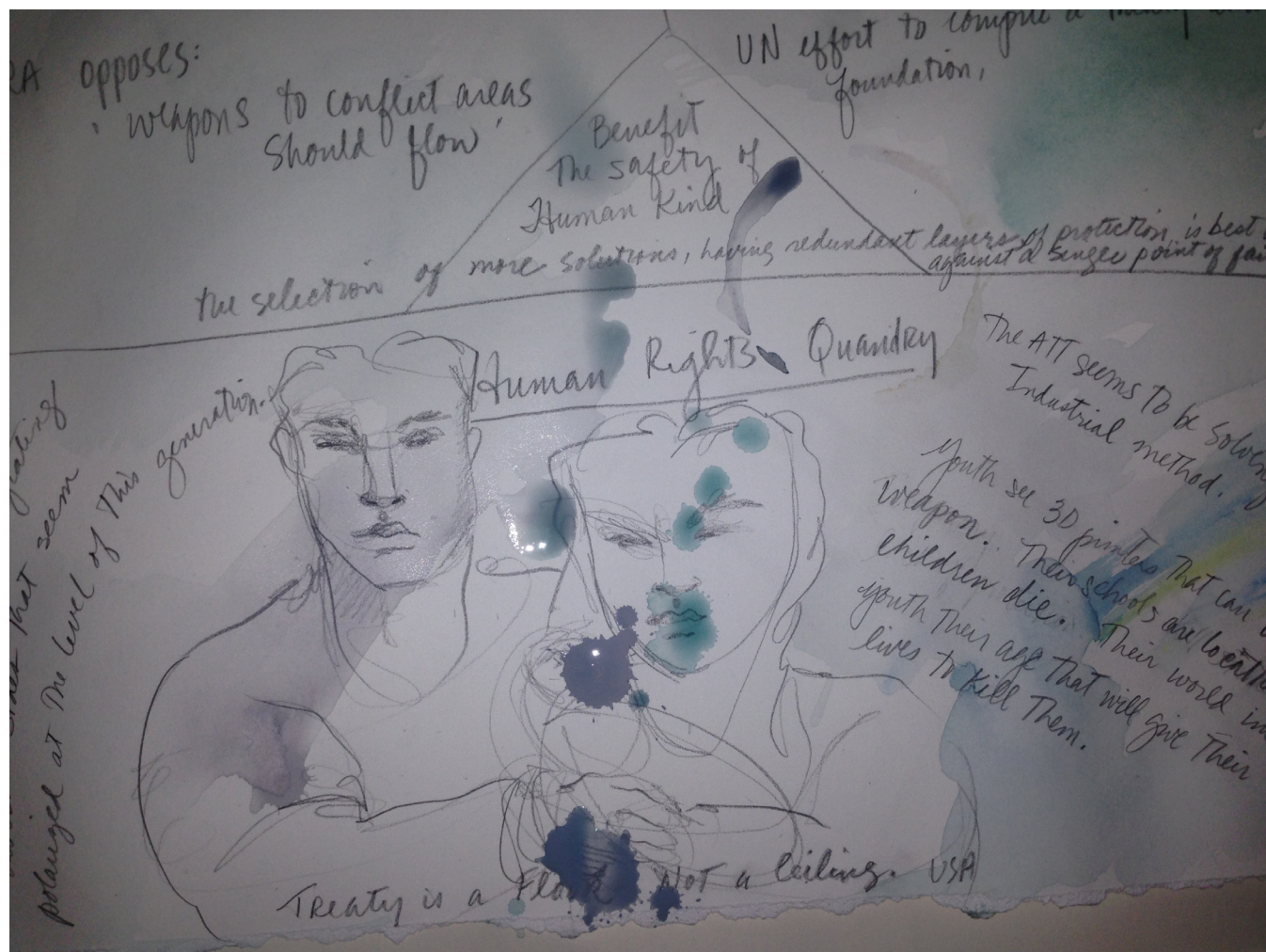
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News in Brief, cont'd

- Russia said there should be a general reference to conventional arms so that definitions are left to states.
- Algeria, Cuba, Iran, Indonesia called for the deletion of "at a minimum".
- Ghana read out a statement on behalf of 69 countries noting that inclusion of ammunition and munitions in the scope is fundamental to the purpose and objective of the ATT.
- Botswana, CARICOM, Colombia, Costa Rica, Dominican Republic, ECOWAS, El Salvador, EU, France, Guatemala, Honduras, Japan, New Zealand, Norway, Palau, Turkey, and UK called for ammunition and/or munitions to be included in the scope.
- USA said ammunition should not and cannot be incorporated in the scope.
- Philippines said ammunition in scope would be difficult to implement.
- France and UK said if ammunition can't be included in article 2, then articles 6(4) and 6(5) should be redrafted so that all criteria must be applied to all items.
- Canada said that what's in the text on ammunition is already a good compromise.
- Botswana, CARICOM, Colombia, Costa Rica+, ECOWAS, EU, France, Palau, and UK called for inclusion of parts and components in the scope.
- CARICOM, Colombia, Costa Rica, Dominican Republic, El Salvador, EU, France, Guatemala, and Honduras called for technology to be included in the scope.
- Cuba rejected inclusion of parts and components and technology.

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Art by Lin Evola

News in Brief, cont'd

- New Zealand proposed a more detailed list of the types of weapons included under the SALW category.
- Iran said missiles and missile launchers do not belong in the scope and said that as long as the principles of self-determination and self-defense were not clearly defined, it would be difficult to accept SALWs.

Scope: Activities

- Algeria, Brazil, Finland, Holy See, Japan, Netherlands, New Zealand, Solomon Islands, and UK said the treaty should cover the full range of transfer activities, including loans, leases, and gifts.
- Argentina, Chile, and Mexico stated that “transfer” should include all activities such as export, import, transit, transshipment, and brokering.
- Japan called for inclusion of weapons used abroad and then transferred to another party.

Scope: Control lists

- Costa Rica, Dominican Republic, El Salvador, Finland, Guatemala, Honduras, and Japan said each start party must publish its control list.
- Colombia, ECOWAS, the Holy See, Mexico, and New Zealand called for deletion of “as defined on a national basis”.
- Colombia said it does not accept conditionalities in 2(2) such as “as appropriate,” “as defined by national law,” and “in accordance with the provisions of national law”.

Prohibitions

- Venezuela called for a merger of articles 3 and 4 in which the text would prohibit transfers if the weapons would be used to commit genocide, war crimes, crimes against humanity, or crimes of aggression as defined in international legal instruments or to extend foreign occupation; and in which states shall assess whether the transfer could be diverted to unauthorized non-state actors or for illicit trafficking, while taking into account information provided by the importing state and the establishment of risk mitigation measures; that the exporting state shall authorize the transfer unless it concludes there is an overriding risk; and that each state shall apply the parameters in an objective, nondiscriminatory manner in accordance with the right to self-defence.
- Algeria, Cuba, and DPRK supported this proposal.
- Argentina, ECOWAS, France, Liechtenstein, New Zealand, Senegal, and Switzerland said 3(3) is too restrictive.

- Liechtenstein noted the reference to war crimes does not include most types of attacks against civilians, which is a “huge omission”.
- Switzerland outlined its working paper on article 3 submitted jointly with several other delegations, which calls for recognition of customary international law in article 3(2) and amends 3(3) to change “for the purpose of facilitating” to “if the transfer would aid or assist in the commission of” in reference to genocide, crimes against humanity, or war crimes. It deletes the references to the specific Geneva Conventions mentioned, because the limited references do not sufficiently capture all conduct that would be considered war crimes under law.
- Cuba called for prohibitions to include: 1. For the purpose of facilitating genocide, war crimes, crimes against humanity, or crimes of aggression as defined in international legal instruments; 2. To unauthorized non-state actors; 3. To prolong foreign occupation; and 4. To states implementing extraterritorial or unilateral coercive measures in contravention of the UN Charter.
- Arab Group suggested changing 3(3) to “likely to facilitate”.
- Spain and Australia supported language indicating knowledge of commission of genocide.
- India called for just a general reference to the Geneva Conventions.
- Palau called for prohibition on diversion to transnational organized crime.
- Russia called for deleting article 3.

*Criteria**Article 4(1)*

- Switzerland suggested in its joint working paper to add: “If the proposed export is likely to undermine peace and security, the state party shall not authorize the export.”
- Republic of Korea and Palau called for deletion of reference to “contribute to” peace and security.

Article 4(2)

- Venezuela questioned the objectivity of preventing arms transfers to states in conflict that might violate IHL.
- Liechtenstein pointed out that the whole point of the ATT is not to authorize if there is substantial risks involved and emphasized that the right to self-defence does not include the right to attack civilians during the conduct of hostilities.

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*News in Brief, cont'd**Article 4(4)*

- Japan argued that not all states are capable of undertaking risk mitigation measures; thus they should not be included in risk assessment/authorization process.
- In its joint paper, Switzerland suggested making mandatory the consideration of risk mitigation measures “available to it”.

Article 4(5)

- Chile, Colombia, Germany, Holy See, Japan, Liechtenstein, Switzerland, and UK called for replacing “overriding risk” with “substantial” and/or “clear” risk.
- Philippines supported keeping “overriding” and said the delegation would provide a definition.

Article 4(6)

- Switzerland in its joint paper suggested rephrasing this para to say: “As part of the assessment, each State Party shall also take into account whether there is a substantial risk of any of the consequences set out in this paragraph, and in addition consider taking measures available to it...”
- Switzerland’s joint paper also suggests changing 4(6) (b) to: “being used to commit or facilitate armed violence, including gender-based violence”.
- Argentina, Belgium, CARICOM, Denmark, Estonia, Finland, Hungary, Iceland, Ireland, Latvia, Lithuania, Nether-

lands, Norway, Papua New Guinea, Portugal, Sweden, and UK said the reference to gender-based violence should be lifted to 4(2).

- Norway said it was unacceptable that GBV and violence against children are in 4(6) as there is no duty to refrain from authorization and suggested the language, “Be used to commit or facilitate armed violence, including GBV and violence against children”.
- Holy See said violence against women and children was already covered under the references to IHL and human rights law.
- Argentina, Australia, Chile, Japan, Netherlands, and Switzerland supported lifting diversion to article 4(2).
- Costa Rica, on behalf of 40 states, suggested language for 4(6)(e) that reads, “seriously undermining the socio-economic development of the importing State, taking into account its legitimate domestic security and defense needs.”
- Argentina called for lifting development to article 4(2).
- Argentina, Brazil, and India called for deletion of development criterion.
- Brazil and India called for deletion of corruption criterion. •

MAKE IT BINDING

INCLUDE GENDER-BASED VIOLENCE IN THE ATT



31 states have called for gender-based violence to be included in article 4(2) of the draft ATT text. Gender-based violence **must** be subject to transfer denials, not voluntary risk mitigation measures.

The text should require states not to allow an international transfer of conventional arms where there is a substantial risk that the arms under consideration are likely to be used to perpetrate or facilitate acts of gender-based violence, including rape and other forms of sexual violence.

This is the only way to ensure that the lives and rights of all women, men, girls, and boys are respected under the Arms Trade Treaty. Make It Binding!

Compelling states to transfer arms?

Ray Acheson | *Reaching Critical Will of WILPF*

Over the past two days, delegations have discussed many proposals aimed at either strengthening or weakening the draft arms trade treaty (ATT). Some of the proposals that would weaken the text have focused on the so-called “right” of states to import weapons. Exemplified by the intervention by Venezuela on Tuesday morning, a number of importing states continue to seek guarantees that exporting states must authorize arms transfers except in very extreme circumstances. A number of states subscribe to the notion that the ATT should facilitate the arms trade, ostensibly out of concern that an effective treaty could be used as a political weapon. However, provisions that effectively compel exporters to transfer arms are inconsistent with the core objective of the treaty: to prevent human suffering caused by irresponsible trade.

Venezuela’s proposal would require states only to assess whether the transfer could be diverted to unauthorized recipients. Exporters would take into account information provided by the importing state and establish risk mitigation measures. Transfers would only be prohibited if the weapons would be used to commit genocide, war crimes, crimes against humanity, crimes of aggression, or to extend foreign occupation. All transfers shall be authorized unless the exporting state concludes there is an overriding risk.

To illustrate its rationale, Venezuela described a hypothetical situation in which a state is engaged in armed conflict and may be “compelled” to violate international

humanitarian law (IHL) or human rights. The delegation asked, in such a situation, should that state then be deprived of its right to self-defence by having arms transfer requests denied?

Liechtenstein responded directly to this question with the only defensible answer: Yes, if there is substantial risk that the weapons will be used to violate IHL or human rights, the exporting state must not authorize the transfer. As Liechtenstein argued, this is the entire point of the treaty. The delegation also noted that the right to self-defence does not include the right to attack civilians during the conduct of hostilities.

Venezuela is absolutely correct, however, in demanding that the treaty be applied equally to every state. And as Liechtenstein pointed out, the proposals to strengthen the treaty’s prohibitions, criteria, and national assessment mechanisms are aimed at doing just that. These provisions will ensure that the treaty is applied consistently and that its provisions are as robust as possible so as to ensure effective implementation of the treaty’s object and purpose.

But consistency cannot translate into an unconditional right to receive imports, nor can it be used to compel any state to export weapons. Sovereign states will always retain the right to have the final word on their own arms exports. The purpose of the ATT is to ensure that these decisions are subject to common standards that minimize human suffering. •

ARMS TRADE TREATY MONITOR: THE BLOG

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From the team that brings you the *ATT Monitor* in PDF and print daily comes a blog full of timely and informative analysis and information about the ATT negotiations and related issues. View it online and/or subscribe to receive updates by email!

Reaching Critical Will of the Women’s International League for Peace and Freedom • Global Action to Prevent War

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New resources available from Global Action to Prevent War on the Arms Trade Treaty process

The Arms Trade Treaty and the control of dual-use goods and technologies

by Daniel Fiott and Katherine Prizeman

Published by the Institute for European Studies

<http://www.ies.be/working-paper/arms-trade-treaty-and-control-dual-use-goods-and-technologies>

Anticipating the “Final” Arms Trade Treaty Conference: Eight Concrete Proposals

by Katherine Prizeman and Niels van Willigen

Published by the Global Governance Institute

http://www.globalgovernance.eu/images/documents/GGI_Analysis_Paper_ATT.pdf

CALENDAR OF EVENTS

Time	What	Where	Who
10:00-13:00	Plenary	Conference Room 1 North Lawn Building	
13:15-14:30	Finish the Business: Bulletproof ATT	Conference Room D North Lawn Building	Permanent Mission of Nigeria to the UN and WAANSA
15:00-18:00	Plenary	Conference Room 1 North Lawn Building	



Reaching Critical Will

