

ARMS TRADE TREATY MONITOR

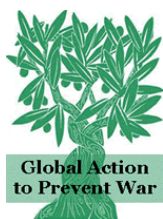
Civil society perspectives
on the Arms Trade Treaty
negotiation process

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Honing in on the indispensables in the second draft text

Katherine Prizeman | Global Action to Prevent War

With the release of the new President's Non-Paper last Friday, delegations have been carefully examining the text in order to identify what has been improved, what has remained the same, and what new ambiguities have been introduced. Levels of satisfaction with the new draft text were varied, from the Arab Group's statement that "none" of its views were represented to other delegations that were more positive on the draft.

Some of the positive points raised by delegations included the new prominence of ammunition/munitions and parts and components in articles 3 and 4, respectively, as well as the new article 14 on diversion and the additional provision for the Conference of States Parties to review implementation and interpretation of the treaty.

Other more tempered support for the text was expressed. A statement from 103 states, delivered by the delegation of Ghana, pointed out some improvements, such as those mentioned above, but also was clear that provisions related to scope, export assessment, and implementation have not "met expectations" and "some seem to be a step backwards from earlier language." These countries urged stronger language on all of these sections in order to "produce a strong and effective Treaty which lives up to the expectations expressed by the overwhelming majority of States."

Those in the "minority" also called for changes, though usually in the opposite direction. The Russian delegation noted that "the text has become clearer and more accessible" but also highlighted "clear omissions" from the text such as the lack of

references to non-state entities. Likewise, the Indian delegation welcomed certain "improvements" in the text such as the additional references to terrorist acts in the preamble and the object and purpose, but continued to oppose coverage of parts and components and ammunition/munitions in the scope. The Chinese delegation said that it would be possible to reach consensus based on this latest text, but remained concerned that articles 7(4) and 7(8) could be abused and "jeopardize Chinese interests". Moreover, the US delegation called the text "clearer, stronger, and more implementable," but stated that it was too late to re-open negotiations in an attempt to expand the Treaty into "entirely new topics". The delegation of Pakistan noted that it may be a "strong" treaty, but it is not a balanced one from the perspective of importers. This issue of imbalance was reiterated by the Cuban, Egyptian, and Venezuelan delegations.

It is clear that serious work remains if a consensus text is to be reached and adopted on Thursday. However, as has often been repeated, the goal is not just a consensus document, but a treaty that effectively prevents human suffering associated with the arms trade and enhances peace and security.

Depending, of course, on the individual priorities of delegations, the prioritization of text "fixes" varies. There are many "fixes" to choose from—ammunition and parts and components are not fully covered by the scope of the draft treaty; activities such as gifts and loans are not explicitly covered; the defense cooperation clause allowing for "contracting out" remains unchanged; "overriding risk" in export assessment has not been addressed and

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Honing in on the indispensables, cont'd

continues to allow for a possible undermining of existing international humanitarian law (IHL) and international human rights law; and public reporting is still not mandated. While there are other changes that would also be important for the next draft set to be released on Wednesday morning, these aforementioned items are crucial items to the ability of the ATT to set meaningful standards for the arms trade that will do more than “regulate” transfers on paper and “legitimize” existing practice, but move the industry towards higher levels of transparency, accountability, and responsibility.

In terms of scope, it is clear that ammunition, parts, and components are still not adequately covered. The Ambassador New Zealand called the new scope formulation “unwarrantably narrow” and reiterated once again that non-commercial transactions are still not covered. The delegation of Nigeria noted that it would not “budge” on ammunition. Although it is an improvement that these items have been placed more prominently in individual articles (3 and 4, respectively) as noted by the delegation of Japan, such items are still subject only to the prohibitions and the “top tier” of export assessment criteria and not import, brokering, transit and trans-shipment, “second tier” criteria, or reporting obligations.

The majority of delegations speaking today supported the view that ammunition/munitions and parts and components should acquire full coverage under the treaty. While the vast majority of states have already called for more comprehensive coverage of these items, the text has not incorporated this majority opinion. Not only are these items outside of the full scope of the treaty, but the definitions provided for them in their respective articles are too limiting. For example, the Latin American and Caribbean Group of Friends, the EU, Germany, Kenya, New Zealand, Netherlands, and Sweden noted that items such as hand grenades and landmines remain outside the scope.

The prohibitions and export assessment criteria have seen some improvement, notably the replacement of a knowledge-based standard rather than one of mere intent in article 6(3). In addition, the transnational organized crime criterion has been moved from the “voluntary mitigation measures” section in 7(8) up to the primary export assessment section in 7(4)(d). Nevertheless, the most glaring loophole in this section remains—the term “overriding risk”. Various regional blocks reiterated concern over this provision on Monday. CARICOM, ECOWAS, and the Pacific Island states called for replacing “overriding” with “substantial,” while the EU proposed the language “clear

risk”. Only the delegations of France, Iran, and the US have explicitly supported the retention of “overriding.”

Moreover, another significant improvement needed for this section was addressed by the delegation of Norway, on behalf of a diverse group of states. The Norwegian and Swiss delegations jointly proposed new, improved language for article 6(3) that would cover war crimes more effectively and comprehensively so that this provision references customary international law rather than only those explicit treaties to which a state is a party.

Lastly, the language in 7(8) regarding voluntary mitigation measures must also be strengthened if these criteria are not be treated in the primary export assessment section. As noted by the representative of Germany, the language in this provision currently lacks “operational clarity” and is still hampering effective application of the criteria found in this sub-article. Some of these items, including gender-based violence, must have binding obligations not voluntary mitigation measures.

With regards to implementation, the issues of public reporting as well as the defence cooperation clause remain unchanged. Many delegations have noted that the provision of public reporting is necessary for the future ATT to fulfill its goal and objective to improve transparency of the arms trade. Despite the fact that the Arab Group called for voluntary reporting, 37 states have previously supported the inclusion of public reporting in a joint statement from 20 March and others have since expressed support for this change. The statement from 103 states delivered by Ghana on Monday noted that the Treaty “should enhance transparency and strengthen accountability by making key information publicly available.” As has been noted since the genesis of the ATT process, and quoted in the 2006 General Assembly resolution (61/89), one of the motivations behind the ATT has been in the context of initiatives that seek “to enhance cooperation, improve information exchange and transparency and implement confidence-building measures in the field of responsible arms trade.”

Many delegations also continue to reiterate that current article 5(2) is unacceptable and will undermine the treaty. Today, those voices included CARICOM, ECOWAS, the Latin American and Caribbean Group of Friends, Ghana on behalf of 103 countries, Germany, Japan, Netherlands, New Zealand, and the US.

As has been repeated several times in the *ATT Monitor* by various civil society colleagues, the elements referenced above are indispensable to an ATT that is robust,

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Truth or consequences

Dr. Robert Zuber | Global Action to Prevent War

The latest draft text has been picked over robustly by delegations and NGOs, some of which object to language, some to themes and concepts, and some to what they feel is a willful ‘ignoring’ of their previous suggestions.

This is clearly an anxious time for negotiations. With a few days to go, the energy of the room seems split in what we feel are understandable ways. Delegates continue to push hard to ensure that a treaty is adopted by week’s end that justifies this processes’ massive financial, political, and emotional costs. But there is also a feeling, mostly whispered in the common areas around the Vienna Lounge, that this process might be better off back in the General Assembly where the burdens of consensus will have been lifted and state ‘red lines’ become options for policy rather than potential deal breakers.

Diplomats continue to tinker with treaty text, some of the time in ways that we find worthy of support, but mostly without reference to the consequences of their positions, both in terms of conditions on the ground and in terms of prospects for surviving the week with a consensus-driven process that promises to do more good than harm on transfers. If we adopt a particular policy, what will likely be its effects in the world? How will stakeholders, from states to potential victims, be affected? Statements by some delegations, including the Caribbean Community (CARICOM), have attempted to promote clear linkages binding policy and practical consequences for communities, but this doesn’t happen often enough. Sadly, as we approach the finish line, textual suggestions are more and more abstracted from the processes and the human lives they purport to impact.

But there are also consequences of delegate objections for a consensus treaty process, and these are also being developed with little clarity or transparency. While many suggestions for amendment have been presented (as well as even more strident objections), there is little attempt to rank any of these concerns in terms of how they might impact the outcome of the negotiations. Will objections be employed as the basis to block consensus? Are objections just strong enough to cause a state to abstain once the treaty is put to a formal vote? Or are objections merely nagging concerns that will dissolve as the pressure mounts to get a treaty done?

As the sun sets on this GA mandate for formal negotiations, diplomats are urged to consider more consequence-based interventions. If suggested textual revisions cross a state redline, diplomats must be clear about the impact of

their suggestions on consensus. And all delegations must be clearer to distinguish the concerns which are ‘nagging’ and those which will jeopardize their ability to formally endorse the outcome. Not all objections are equal, and objections that matter deeply at this stage should be more clearly identified so that other delegations (and Amb. Woolcott) can take urgent notice.

It may be that some delegations, through their suggestions and objections, are already positioning themselves to impact a GA-driven process if negotiations fail. If presentations are actually intended to influence the next iteration of this process rather than to improve language within the current consensus-driven process, then this ‘hedging of bets’ should be made transparent as well. We have run out of time to play this game without all cards on the table. Not just what delegations want to see in the treaty text, but the consequences of what they want on prospects for a successful outcome worthy of urgent needs and collective sacrifices. •



Art by Lin Evola

Honing in on the indispensables, cont'd

comprehensive, and, effective in practice. They are necessary if the goal is for arms transfer policy to be made more responsible in order to limit and prevent the humanitarian consequences currently surrounding this unregulated industry. The current draft text does not adequately address these fundamental “loopholes” that will be crucial to determining if the treaty will be a “success”—success defined by its meaningful contribution to international peace and security.

Are states getting cold feet as Arms Trade Treaty talks heat up?

Widney Brown | Amnesty International

As the first week draws to a close at the Arms Trade Treaty negotiations being held at the UN in New York, there is a chill in the air that is not solely attributable to the snowy, windy weather.

It seems that just as governments have a real opportunity to make a difference – to draft and adopt a treaty that could save lives and reduce suffering – they are getting cold feet.

Since its inception, the UN Security Council has had the power to impose arms embargoes that – in theory – should stop the flow of arms into states that systematically violate international humanitarian law.

But as we know, these embargoes – when they are imposed – are often far too late. At Amnesty International we call this the “body bag” approach to arms control. Wait until enough civilians have been killed and then decide to stop shipping arms to those who are targeting civilians.

The states gathered here have the opportunity to move beyond the body bag approach. It is within their powers to adopt a treaty that would identify situations in which arms were being used to commit atrocities or in danger of being diverted to an illegitimate end user and prohibit those arms transfers.

We are proposing two separate criteria for assessing whether any government should transfer arms, ammunition and related technology to another country. First, if the government knows that the weapons would be used to commit abuses, the transfer should be prohibited. Second, if the government determines that there is a significant likelihood that the weapons would be used to commit abuses, the transfer should be prohibited.

It is not rocket science.

But some of the states involved in the negotiation want to keep prohibitions as narrow as possible. For example some are arguing that the state would only need to prohibit a transfer if it was their intent that the weapons would be used to commit genocide, crimes against humanity and a limited number of war crimes.

Or another way to put it, even if they knew that the weapons were being used to commit war crimes and serious violations of human rights, they could still arm those perpetrators.

So the question becomes: how many civilians need to be killed before you stop supplying weapons to someone who has already demonstrated disregard for international humanitarian and human rights law? And what war crimes are “serious enough”? One proposal being bandied about could be read to exclude war crimes of sexual violence.

We knew when we arrived in New York that states were eager to safeguard the economic and political power they have as arms suppliers. We also knew that the treaty would have to be shaped so that all those countries that sell arms would have to be working from a level playing field. No government wants to do the right thing of stopping arms transfers to an abusive government only to see another government step in and swipe their arms deal.

But economic and political interest cannot be used to justify sending arms to a country where you know the government and its security forces are committing war crimes or serious violations of human rights.

Again, it is not rocket science. States need to stop counting money and start counting the lives they could save. Spring cannot be late this year.

Widney Brown is the Senior Director of International Law and Policy at Amnesty International. •

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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.

News in Brief

Ray Acheson | *Reaching Critical Will of WILPF*

The following is not a comprehensive account of all positions or interventions but an overview of key debates or new suggestions made on Monday, 25 March.

Preamble

- Iceland and Kenya noted that acts of GBV constitute IHL and IHRL violations; therefore further deliberation on wording of pp10 is necessary.
- Egypt said references to GBV should be changed to violence against women and references to armed violence should be changed to armed conflict.
- Syria said if term GBV is to be used, treaty should also include “violence based on religious affiliation, race, and xenophobia”.
- Iceland called for separate pp on protection of children.
- Costa Rica and Japan said states must be able to adopt “more rigorous measures” than the ATT in pp12.

Scope

- Latin American and Caribbean Group of Friends, Costa Rica, Kenya, and Netherlands lamented the deletion of “at a minimum” in article 2(1).
- Iran said it would only accept small arms and light weapons in article 2(1) if the right to self-determination is not reflected in “appropriate manner” in the treaty.
- ECOWAS, EU, Pacific Islands Forum, Ghana on behalf of 103 countries, Chile, Costa Rica, Iceland, and Nigeria called for ammunition/munitions and parts and components to be more fully integrated in the scope of the treaty.
- Costa Rica, Germany, and Netherlands called for articles 3 and 4 to require assessments to include criteria from all of article 7.
- CARICOM, ECOWAS, Costa Rica, and South Africa said that whenever a reference is made to article 2(1) the text also needs to reference articles 3 and 4.
- India and Singapore called for the deletion of references to articles 3 and 4 throughout the text.
- Algeria, Cuba, Malaysia, Pakistan, Russia, and Singapore called for deletion of articles 3 and 4; though Algeria called for ammunition to be added to 2(1)(h) next to small arms.
- EU, Latin American and Caribbean Group of Friends, Germany, Kenya, New Zealand, Netherlands, and Sweden

highlighted that the definition of ammunition/munitions needs to be expanded so as to capture all relevant items such as hand grenades and landmines.

- France, Germany, and Netherlands called for stronger definition of parts and components in article 3.
- ROK said it supports definition in article 3 as it is.
- CARICOM, ECOWAS, Latin American and Caribbean Group of Friends, Ghana on behalf of 103 countries, Japan, New Zealand, and Netherlands said 5(4) on definitions is insufficient because the UN Register does not include a definition of small arms and light weapons.
- Israel said it is good to freeze the definitions to the current UN Register definitions.
- Latin American and Caribbean Group of Friends, Chile, Costa Rica, France, and Germany called for future proofing scope to address new developments.
- Sudan called for a list of definitions to be included in the treaty.
- Pakistan it is a loophole that the draft only addresses authorization and use of weapons and largely misses actors and activities in between, such as facilitators, financiers, and brokers.
- France said all activities and operations should have more explicit responsibilities, including brokering, transit, and transshipment.
- Latin American and Caribbean Group of Friends, Ghana on behalf of 103 countries, Pacific Islands Forum, Chile, Costa Rica, Iceland, Japan, Kenya, New Zealand, and Netherlands said the definition of transfer should be comprehensive enough to encompass all types of transfers, including non-commercial transactions.

Implementation

- Several delegations called for amending or deleting 5(2), including those of CARICOM, ECOWAS, Latin American and Caribbean Group of Friends, Ghana on behalf of 103 countries, Germany, Japan, Netherlands, New Zealand, and USA.
- Algeria said 5(2) should refer to both military and defence cooperation agreements.
- Algeria called for deletion of 5(3) calling for national control systems.
- Sweden suggested moving national control lists from 7(2) to article 5 on general implementation, arguing this

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News in Brief, cont'd

doesn't change obligations in terms of articles 7, 8, 9, and 10, but provides greater clarity on the role of control lists.

- New Zealand said states should be obligated to publish their national control lists.

Prohibitions

- Syria called for deletion of 6(1) on UNSC resolutions.
- Ghana on behalf of 103 countries, Norway on behalf of 56 countries, EU, Chile, Costa Rica, Finland, Germany, and Iceland said the prohibition in 6(3) must capture all war crimes and systematic human rights violations.
- Norway on behalf of 56 states proposed the following wording for 6(3): "A State Party shall not authorize any transfer of conventional arms covered under Article 2(1) or of items covered under Article 3 or Article 4, if it has knowledge at the time of authorization that the arms or items would be used in the commission of genocide, crimes against humanity, or war crimes as defined by its international obligations, including those under the Geneva Conventions of 1949."
- Japan noted that while its proposal for 6(3) is reflected in the current draft, it shares concerns of others on the limited scope of war crimes and lack of reference to human rights, and thus called for further improvement of the language.
- USA said it supports Japan's proposal for 6(3) but will consider Norway's.
- South Africa said "time of authorization" should be changed to "time of transfer" as the situation can change in the meantime.
- India called for the deletion of 6(3).
- Russia asked what "knowledge" referred to in 6(3).
- Cuba, Iran, Syria, and Venezuela called for a prohibition on transfer to states involved in crimes of aggression.
- Brazil reiterated that it wants a prohibition to transfer weapons to non-authorized non-state actors, to make the diversion provisions stronger.

Export assessment

- Ghana on behalf of 103 countries said this section needs to prevent the authorization of transfers where there is a substantial risk of serious violations of international law, including IHL and IHRL, or if those transfers could be diverted to the illicit market and to unauthorized end-users.

- Latin American and Caribbean Group of Friends, Chile, Costa Rica, Finland, Germany, Netherlands, and ROK called for language in 7(3) to entail an obligation to deny a license if assessment finds the export would undermine peace and security.

- Most countries called for replacing "overriding risk" with either "substantial" or "clear" risk, including those of CARICOM, ECOWAS, EU, Ghana on behalf of 103 countries, Latin American and Caribbean Group of Friends, Pacific Islands Forum, Costa Rica, Finland, Germany, Japan, Netherlands, and New Zealand.

- France and Iran called for retention of "overriding".

- CARICOM, ECOWAS, EU, and France said they were glad transnational organized crime has been added to 7(4).

- China, Cuba, DPRK, Iran, Pakistan, Russia, and Syria argued that 7(4)(a) and (b) could be subject to political manipulation; Pakistan suggested changing "could" to "would" in the 7(4) chapeau.

- Germany suggested that article 7(8) should require states not just to consider taking mitigation measures on the criteria therein, but also to consider not authorizing the transfer if the risk seems too high.

- Japan, Netherlands, and New Zealand suggested moving 7(8)(a) on diversion to 7(4).

- Iceland on behalf of 96 states called for a binding criterion on gender-based violence, highlighting the UN fora in which it has been addressed and pointing out that it is not fully covered by 7(4)(a) and (b) and this is unacceptable.

- Netherlands suggested moving 7(8)(b) on GBV to 7(4).

- Finland said gender-based violence deserves a more "solid place" in treaty.

- Brazil, China, Ecuador, India, Malaysia, Russia, Singapore, and Venezuela called for deletion of corruption and development criteria.

- Iran, Pakistan, and Syria called for deletion of 7(8).

- CARICOM and Costa Rica said article 7(10) should replace "encourage" with "shall" to ensure that states revoke transfer authorization if reassessment indicates risk.

- Syria called for deletion of 7(10).

Brokering

- Nigeria supported Pakistan's proposal for a provision on measures to prevent and eradicate illicit brokering.

Remembering the survivors: the ATT could forget the millions of victims of armed violence

Eileen McCarthy | *Action on Armed Violence*

A strong and robust Arms Trade Treaty has the opportunity to save lives around the world. However, the current draft text fails to provide for those who have and will lose the most from an unregulated trade of arms—the victims of armed violence themselves.

Over the past week, States have met once again at the United Nations for the Final Conference on the ATT. Survivors are among those campaigning for a strong treaty. One that includes all conventional arms and ammunition. One that sets robust criteria to prevent arms transfers to war criminals and human rights abusers. One that makes a real impact on the lives of those who suffer the consequences of the poorly regulated weapons trade.

But what no one is talking about are the challenges these survivors and the millions like them face every day, far from the spotlight. As negotiations continue into a second week, in a marathon of meetings and seemingly endless string of statements, it's easy to forget the true impact armed violence has had on the lives of the victims and survivors.

In these final days of the treaty negotiations, it is imperative we remember why we are here. The unregulated trade of arms kills millions of people each year and leaves many millions more injured. Lives ruptured. Lives faced coping with permanent disabilities, in families and communities that have been torn apart, often in countries with poor infrastructure and health care systems.

This treaty will not end wars. It will not end violence.

But what we have is a golden opportunity going forward to help those impacted by the acts of violence that do occur. Recognising the victims of armed violence in the Arms Trade Treaty could be the one thing that truly makes the world a better place.

But how can we remember the victims of armed violence?

In the Preamble, which sets the context and background of the Treaty, States should recognise their existing obligations towards victims of armed violence.

They should recognise also the challenges faced by victims of armed violence, including armed conflict and their need for adequate care, rehabilitation, and social and economic inclusion.

States should reintroduce assistance to victims in the operative part of the treaty, to recognize existing obligations toward victims in their own jurisdiction and territory,

and articulate their commitment to international assistance in helping states meet the needs and the rights of victims of armed violence.

We propose, therefore, the inclusion of the following Article.

New Article 16(5):

Each State Party in a position to do so shall provide assistance for the care and rehabilitation, and social and economic inclusion, of victims of armed violence. Such assistance may be provided, inter alia, through the United Nations system, international, regional or national organizations or institutions, the International Committee of the Red Cross, national Red Cross and Red Crescent societies and their International Federation, non-governmental organizations, or on a bilateral basis. •

News in Brief, cont'd

Diversion

- Cuba said 14(4) is “ambiguous and dangerous”.
- Germany said the diversion section needs a provision on re-exports and to include ammunition/munitions and parts and components, and to apply the criteria in 7(8).

Reporting

- Ghana on behalf of 103 states, Costa Rica, Iceland, Japan, New Zealand, and others called for mandatory public reporting to enhance transparency.
- Arab Group said reporting should be voluntary.

Conference of States Parties

- China and Iran said the CSP must operate by consensus.
- Finland and France requested a review conference or CSP to look at material and technologies over long-term.

Dispute settlement

- Latin American and Caribbean Group of Friends argued that limiting dispute settlement to the state parties involved in the transfer is insufficient because all states parties have a stake in the interpretation or application of the treaty as a whole.
- Kenya agreed third parties could be involved as arbitrators.

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A step backwards in the regulation of SALW transfers

Héctor Guerra | *International Action Network on Small Arms (IANSA)*

Small arms and light weapons (SALW) were included in the scope of the 20 March President's Non-Paper. This is a legacy of the enormous pressure exerted by the majority of participating delegations in last July's diplomatic conference and in spite of stern opposition by a few others. Several recent statements expressed how relevant and indispensable this inclusion is, given the role of SALW in armed violence worldwide, both in and outside armed conflicts.

There are approximately 900 million small arms currently in circulation all over the world. Almost 100 million more are produced every year and the majority of the 500,000 individuals who die as a consequence of armed violence annually are victims of these weapons.

Even though SALW have remained as part of the scope in the second President's Non-Paper from 22 March in article 2(1), they do so in a comparatively weakened way. This weakening is apparent in the provisions included in article 5(4) in the General Implementation section, which reads: "Each State Party is encouraged to apply provisions of this Treaty to the broadest range of conventional arms. No national definition of any of the categories covered in Article 2(1) shall cover less than the descriptions used in the United Nations Register on Conventional Arms [UNROCA] at the time of entry into force of this Treaty."

The elements of the scope (battle tanks; armoured combat vehicles; large-calibre artillery systems; combat aircraft; attack helicopters; warships; missiles and missile launchers; and small arms and light weapons) place the UNROCA as a ceiling. Regarding SALW, the Register is very limited because it does not have a definition of SALW; it applies only to military weaponry and it lists only SALW that are firearms. Additionally, the scope would be restricted to those weapons included in UNROCA at the time of entry into force of the ATT.

This means that potentially several types of weapons would not be included in the scope of the treaty. These include those that could be developed in the future or that are in their early phases of development, those that are considered for non-military use, or even those which do not fit in the spectrum of firearms at all, like weaponized explosives.

This omission would leave open the doors to uncontrolled transfers of sniper rifles; anti-vehicle landmines; sporting rifles that are easily refitted into fully operational assault rifles with large-capacity magazines; hand grenades; and electronically initiated stacked projectile

weapons (i.e. Metal Storm). Such uncontrolled transfers could even include handguns used by armed forces, but available for sale to civilians, which could be diverted to illicit trafficking and into the hands of transnational organized crime actors and other illicit users.

A final draft text of this final round of negotiations, with such a serious SALW loophole, is unacceptable for the majority of the member states taking part in this conference. Indeed, it is a clear obstacle to achieving consensus. Certainly, these weakened provisions on SALW are a step backwards.

Let us not forget that there is a fundamental necessity behind the ATT process. Whether or not it will be met in this conference, the driving need for a robust treaty will not die. Behind this drive for an ATT, there are voices of individuals and communities from the past and present, and from the decades to come. People closely related to us, and people far from us, with whom we share this century. All are demanding better controls to reduce human suffering committed at the point of a gun. •

News in Brief, cont'd

- CARICOM said this section should indicate states parties shall submit to the ICJ any dispute that hasn't been resolved in keeping with 19(2).
- Latin American and Caribbean group of friends called for a reference to judicial settlement in article 19(1).

Amendments

- CARICOM said that where consensus fails, amendments should be adopted by 2/3 present and voting.
- Similarly, Latin American and Caribbean Group of Friends and Japan called for an alternative mechanism in case consensus cannot be reached.
- Finland suggested a majority for amendments.

Reservations

- CARICOM, ECOWAS, Latin American and Caribbean Group of Friends, and Costa Rica said reservations should not be allowed and/or if allowed must only be allowed at time of ratification.
- CARICOM and Latin American and Caribbean Group of Friends said if reservations are allowed, they must not be permitted to articles 1–7. •

Side event report: Visualizing the small arms trade: the need for transparency in the ATT

Lauren Billi | NYU Global Affairs and Reaching Critical Will of WILPF

On Monday, the Permanent Mission of Norway to the United Nations in collaboration with the Peace Research Institute Oslo (PRIO) hosted a roundtable discussion emphasizing the essential need for a transparent Arms Trade Treaty (ATT). The panel was moderated by Mr. Nicholas Marsh, Researcher on the Norwegian Initiative on Small Arms Transfers (NISAT), PRIO; and included presentations by Dr. Robert Mtonga, Co-President, International Physicians for the Prevention of Nuclear War (IPPNW), and Dr. Paul Holtom, Senior Researcher for the Stockholm International Peace Institute (SIPRI).

The discussion commenced with Dr. Mtonga's heartfelt depiction of the ill effects of the misuse of small arms seen in his home country of Zambia—effects that resonate throughout Africa and worldwide. Dr. Mtonga noted the irony in Africa's landscape that is shaped like a "pistol" and the widespread misuse of small arms that are seen as a reoccurring reality throughout the region. The illicit transferring of firearms contributes to an array of public health effects such as loss of lives and limbs, creates refugees and internally displaced persons, malnutrition due to food shortages, the spread of diseases HIV/AIDS, and other phenomenon that not just doctors, but the world must grapple with. The misuse of small arms fosters a culture of violence that must be addressed and prevented by all nations.

Dr. Holtom stressed the importance of making information on arms transfers and policies readily available to the public. Existing reporting mechanisms such as the UN Register of Conventional Arms, International Merchandise Trade Statistics (Comtrade), and national and regional reports enhance information exchanges with states and provide a strong platform to engage with governments on addressing imperative national issues. Utilizing the aforementioned reporting mechanisms in conjunction with the ATT will enable monitoring of government compliance with the obligations outlined within the ATT, eliminate the possibilities of actors undermining congruent international conventions regarding the prevention of armed conflict, and promote mutual cooperation in the efforts to curtail human suffering and safeguard the non-derogable rights of civilians.

Dr. Holtom further addressed the concerns held by many participating members in the ATT negotiations that challenge the emergence of a transparent ATT and the formulation of an effective reporting mechanism. The highly sensitive areas of concern, exposure of commercial confidentiality, national security, and lack of bureaucratic

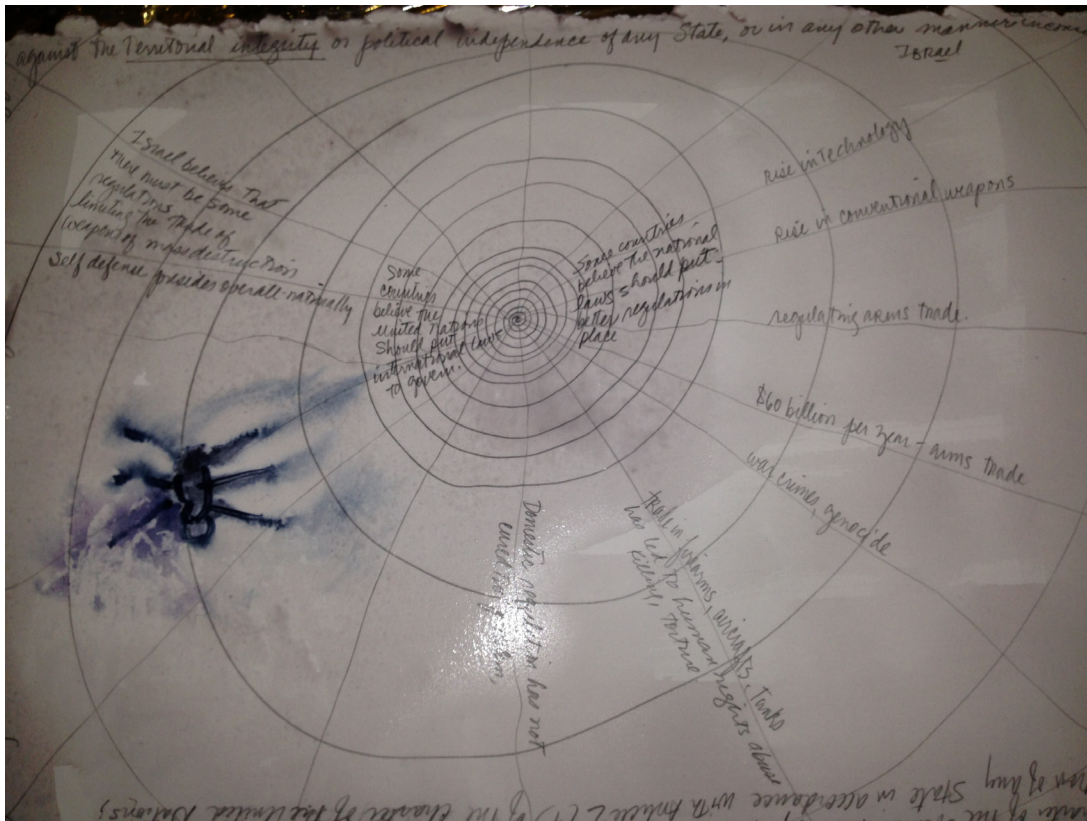
capacity continue to hinder the political will to utilize reporting procedures.

The arms industry already provides channels that relinquish data to the public, allowing for the allocation of such information to construct global datasets that can aid in monitoring the transfers of arms. Governments that choose not to divulge data regarding the sales and distribution of arms due to reasons regarding national security encourage an evolving zero-sum mentality that will promote a culture of secrecy and enable corruption. Transparency promotes responsible members of international society to build mutual confidence and cooperation in undertaking the collecting and dissemination of information. The ATT, if properly formulated, will aid in providing the political will and mutual international assistance necessary to address the pressing issues held by various contracting parties.

Mr. Marsh reiterated that the advancements in technology and available data sets enable the continuation of existing public reporting measures. From 2007–2012 approximately 124 states reported trade in ammunition and 115 reported trade in pistols. Additionally, 124 states reported on small arms and light weapons to Comtrade, 35 states published national arms export reports, and 56 states reported background information in relation to the presence of conventional arms. Analyzing the formulated data from the reports will reveal potential trends of arms imports and exports and clarify the overall structure of the arms trade. Encouraging the oversight of national legislatures and increasing the role of civil society in reporting will engender public discussion that promote more confidence building measures that change the behavior of state participation in illicit arms trafficking.

The Q & A session revealed the issues accompanying the utilization of data and the inherent need to promote transparency. Dr. Mtonga identified that existing national laws exist that address the issue of small arms but there is a lack of stringent international legal control over this issue. It will be mutually beneficial if all nations continue to cooperate and collaboratively work towards enhancing transparency in the efforts to effectively reduce the misuse of small arms. Transparency provisions will reinforce each nation's commitment to enforcing and adhering to the legally binding framework of the ATT, international humanitarian law, and international human rights law. There is an overarching need to construct a meaningfully transparent and legally-binding treaty that will put an end to human suffering. •

ATT MONITOR 6.6



Art by Lin Evola

CALENDAR OF EVENTS

Time	What	Where	Who
10:00-13:00	Plenary	Conference Room 1 North Lawn Building	
13:15-14:30	Baseline study in Africa on small arms and light weapons	Conference Room B North Lawn Building	Regional Centre on Small Arms (RECSA) and Small Arms Survey
15:00-18:00	Plenary	Conference Room 1 North Lawn Building	
19:00-22:00	Plenary	Conference Room 1 North Lawn Building	



Reaching Critical Will

