

ARMS TRADE TREATY MONITOR

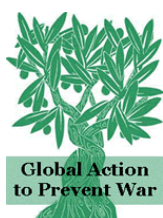
Civil society perspectives
on the Arms Trade Treaty
negotiation process

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Problems and proposals: how to close loopholes in the draft ATT

Ray Acheson | *Reaching Critical Will of WILPF*

With only one day left until the final draft text of the arms trade treaty (ATT) is released, all participants have expended tremendous efforts to either improve or further undermine the current draft text. As it stands, the draft is not reflective of the positions of the vast majority of states. It is certainly not reflective of the urgency of regulating the irresponsible arms trade and preventing its most horrifying effects. As the Liberian delegation said, the current draft elevates the views of arms exporters above those of the victims of those exports. Thus states that want a robust treaty have been actively proposing language to close some of the treaty's biggest loopholes and ensure the treaty is comprehensive and effective.

The limitations of scope

Currently, ammunition, munitions, parts, and components are only subject to some provisions of the treaty. Not all of the risk assessment criteria are applied to them, nor are they subject to rules on brokering, transit, transshipment, or reporting.

Liberia's delegation argued that the current scope "trivializes" the concerns of African states. Indeed, not just the African delegations but also those of the vast majority of other countries that have demanded that ammunition and parts and components be fully integrated into the scope. Either these items must be directly included in article 2(1), or articles 3 and 4 must be consistently referenced throughout the text so that all of the Treaty's relevant provisions apply also to these items..

Furthermore, the definitions of both ammunition/munitions and parts and components are so narrow as to leave many important items, such as hand grenades,

out of the scope. In fact, the definitions of all arms and items in the scope-related articles are deficient. The list of arms included in article 2(1) are, according to article 5(4), to be based on definitions provided in the UN Register of Conventional Arms at the time that the ATT enters into force. As SIPRI points out, the Register's scope is defined by items considered "indispensable" at the end of the Cold War. The ATT as currently drafted also does not provide for updating items or re-defining scope items in the future.

Many delegations and civil society organizations have called for the ATT to be "future proofed". This could be done by having a more robust scope with better definitions from the outset, and by explicitly providing for periodic reviews of the treaty's scope in the future. Last week, France suggested that the Conference of States Parties "consider the impact of the evolution in the field of conventional arms and the impact on relevant categories in article 2(1) and consider recommendations for their possible update." This should of course be expanded to also include the items currently covered in articles 3 and 4.

Furthermore, the scope of activities covered by the treaty must be expanded. Most delegations want the treaty's provisions to apply to non-commercial activities, such as gifts, loans, and leases. Otherwise, many arms transfers could circumvent the treaty altogether.

Capturing all war crimes

Norway and Switzerland, supported by more than 55 other countries, have suggested new language on article 6(3) to fully capture all war crimes, including those covered by customary international law.

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Problems and proposals, cont'd

Their proposal is to change the wording of 6(3) to: “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.”

This proposal is stronger than the current language. However, as some states have pointed out, knowledge at “the time of authorization” could be changed to “the time of transfer,” as the situation can change between the time of authorization and that of the actual transfer. However, strengthening article 7(10) could mitigate that concern. 7(10) currently “encourages” exporting states to suspend or revoke the transfer if it becomes aware of new relevant information. It should instead *mandate* the suspension or revocation, for which many countries have called.

A prohibition on human rights violations

Many countries have suggested adding a prohibition against transfers where the arms are likely be used to commit human rights violations. The delegation of Spain suggested a new paragraph in article 6 that indicates states parties “shall not authorize any transfer of conventional arms covered under article 2(1) or items covered under article 3 or 4 if there is knowledge that items will be used for the commission of gross violations of IHRL constituting violations prohibited by relevant international agreements to which it is a party.”

A new prohibition on this issue is imperative. However, as with war crimes, the prohibition should also encompass customary international law.

Strengthening gender-based violence (GBV) prevention

The language on preventing GBV in the preamble could give way to incorrect interpretations of international law. It also continues to highlight women as “vulnerable” and to group women with children. Women and others targeted with gender-based violence are not inherently vulnerable. They are subject to *unique effects* of a common threat—in this case, armed violence or armed conflict.

More than 100 states and more than 100 civil society organizations are advocating for a gender-sensitive ATT not because women are vulnerable. We do it because states have repeatedly and continually failed to assess the substantial risk of violations of IHL and IHRL related specifically to GBV.

Thus, the **preamble** must recognize that acts of gender-based violence constitute violations of IHL and human rights law when those legal regimes are applicable. It should not use the patronizing term “women and children” but instead promote the equal, full, and effective participation of both women and men in the prevention and reduction of armed violence and armed conflict.

The GBV **criterion** should be subject to mandatory risk assessments and to transfer denials. An effective ATT must require states to assess whether there is a substantial risk that the items to be transferred could be used to commit or facilitate acts of gender-based violence. This should be done without prejudice to the assessment in 7(4).

The overriding risk of “overriding risk”

In article 7(3), the current draft pits the assessment of IHL and human rights violations against assessment of the weapons’ potential “contribution” to “peace and security”. It does not have language suggesting that if a transfer is assessed to *undermine* peace and security, the transfer shall not be made. It does not recognize that respect for IHL and human rights themselves contribute to peace and security.

Furthermore, the use of “overriding” rather than “substantial” risk in article 7 means that even if the exporting state is 90% certain the weapons will be used to slaughter civilians, it could decide the weapons contribute to promoting some other, undefined interest, and thus approve the transfer.

As the vast majority of states have suggested, articles 7(7) and 7(10) must refer to “substantial risk”. That is the only way to ensure that an assessment of IHL or human rights violations cannot be subordinated to undefined interests.

The importance of transparency

A large number of delegations support mandatory public reporting under the ATT. As Paul Holtom of SIPRI described during Monday’s side event on transparency, public reporting will enable monitoring of government compliance with the obligations outlined within the ATT; eliminate 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 human rights.

On behalf of a substantial number of delegations, Lithuania introduced a new proposal for article 12 that obli-

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Problems and proposals, cont'd

gates public reporting. It indicates that a state party can request the Secretariat to “not make public those parts of the report that the State Party considers commercially sensitive or national security information.”

Unfortunately, the new proposal does not require reporting on items currently included in articles 3 and 4. If ammunition, munitions, parts, and components are added to article 2(1), this is fine; otherwise, they must be explicitly mentioned in article 12(2).

The “just kidding” clause

Even if all of the above problems with the text are fixed, article 5(2) still allows states to “contract out” of the treaty by signing other agreements such as defence cooperation agreements. Some delegations, including Liechtenstein and Turkey, have described this as the “just kidding” clause—after drafting a full treaty, why add one more that says, “Just kidding, do whatever you want”? The overwhelming majority of states have called for article 5(2) to be deleted or amended.

Conclusion

The above challenges are certainly not the only ones. Much work remains to be done on this treaty; yet we will receive the final draft (barring technical corrections) on Wednesday morning. What will this draft look like? Will it represent the positions of the vast majority of states that want to prevent human suffering and contribute to international peace and security? Or will it promote the interests of the minority that want a treaty to provide legal cover for their profit-seeking arms industries?

As we wait for the final draft text, states should keep in mind that if the latter option is put on the table, they do not have to stand for it. As most of us writing in the *ATT Monitor* have emphasized, along with many delegations: a weak treaty would be worse than none at all. •

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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.

Final appeal

Dr. Robert Zuber | Global Action to Prevent War

The clock continues to tick on this final negotiating session and the list of objections seems to be lengthening rather than shrinking. Moreover, these objections are generally not, as we had hoped, tied to specific intentions on the part of delegations to either adopt, abstain from, or walk away completely from the “final” text to be presented by Ambassador Woolcott Wednesday morning.

As mentioned by Global Action to Prevent War (GAPW) yesterday, it is important at this stage that states not only share the specifics of their concerns, but also the scale and severity of these “objections”. We have all said so much over so many months. There is little left to share. With a few modifications (some minor and a few more substantial), we most likely have the treaty that we will be obligated to adopt or pass on to another GA process. It is critical at this point that we know as much as we can regarding delegation intent so that some final efforts to modify such intent can urgently commence.

In the interest of moving forward both concretely and legally, we would like to restate one last time our primary concerns at this point in the process:

- The need for the treaty to incorporate a reasonable process for amendment based on what we will come to learn about how treaty provisions function in practice as well as how technology will alter conventional weaponry in the future. We do not know how states will respond to adopted provisions, nor can we predict with certainty how global circumstances might impact the desire of states to seek a more context-specific engagement on transfers of existing or new types of conventional weapons.
- The need for practical activity at the earliest possible moment to link exporting and importing states in capacity assistance and other measures essential to full implementation of treaty provisions. This activity should under no circumstances be dependent on entry into force and should be modeled on (or utilize) the existing Group of Interested States in Practical Disarmament Measures.

These are both essential in our view, but in some ways the first is the most significant. This treaty process has been costly at many levels, and has put enormous pressure on delegate time and energy. A treaty that cannot readily be amended to circumstance or that puts off indefinitely the practical engagement of existing provisions will only increase those costs. •

Groundhog Day?

Dr. Natalie J. Goldring

During the first few days of the “final” ATT conference, diplomats appeared to be making steady progress toward an Arms Trade Treaty that might be worthy of the name. Countries seemed focused on creating the strongest possible treaty, with useful interventions on the scope of the treaty and criteria for evaluating—and denying—arms transfers that were likely to pose humanitarian and human rights concerns. Joint statements from groups of diverse countries addressed issues such as public reporting, gender-based violence, and development. Moreover, the specific text suggestions offered by the so-called “skeptics” indicated a focus on ensuring that their interests were reflected in a treaty text, rather than simply blocking progress toward a treaty.

The beginning of the conference showed the UN at its best—dealing with critically important issues in a serious manner. The voices of victims were heard in the halls and side events, and were also reflected in the country statements. The focus of many of the discussions was on ways to reduce human suffering, which is, after all, the most important reason to do this work in the first place. Countries proposed many ways to strengthen the 26 July draft, and a “legal scrub” converted that draft into a document that looked more like a treaty and less like a glorified resolution, albeit while introducing additional issues of concern.

Sadly, momentum reversed after the first few days. The President’s draft text of 22 March failed to resolve key problems with the text. This resulted in dozens of delegations spending two more days arguing for many of the same substantive changes that they had already advocated: full coverage of ammunition in the scope, the replacement of “overriding” with “substantial,” and stronger human rights language. The 22 March draft text was a major disappointment, as NGOs had been led to believe it would be significantly stronger than the legal scrub.

Inside the conference room, several of the “skeptics” reverted to offering lengthy polemical statements about the Treaty, the state of international affairs, and the nature of offenses committed against them by their adversaries. Some of these countries seemed to go to great lengths to avoid offering any material or text suggestions that would be useful to consideration of the ATT. Nuclear weapons and climate change were both featured in such exchanges.

At this writing, Tuesday’s session has concluded, with a “final” text due to delegates on Wednesday morning. Senior members of some delegations were seen only in passing on Tuesday, if at all. In the case of at least one

P5 country, this left the country seats occupied by relatively junior diplomats. The energy—and the negotiating power—had left the room.

If a treaty is in fact being negotiated, it is happening in the shadows. Not only are NGOs being shut out of the process, many governments also seem to be well outside the inner circle.

This part of the process has shown the UN at its worst, with secret negotiations apparently open only to the select few. The NGOs, which have been largely responsible for bringing the attention of the world to the costs of the international weapons trade, have been shut out of many of the discussions. This means that much of the expertise on what’s actually happening on the ground has also been absent from the discussions of the treaty text. A few handfuls of NGO representatives are serving on individual country delegations, but most NGO representatives have been barred from the rooms where many of the most substantive discussions and debates have been taking place.

Arguably, achieving consensus on a weak ATT would be the worst possible outcome of this conference. A weak treaty would be a step backwards. It could undermine current human rights and humanitarian standards, while potentially legitimizing questionable arms industry practices. If the text released on Wednesday does not meet the standards for a robust treaty, supporters of a strong ATT will need to display the courage necessary to block its adoption.

In the end, it may simply not be possible to complete an ATT this week. If a treaty is not agreed, this will be the second failed attempt to negotiate an ATT by consensus. Another failed attempt would further strengthen fears that the UN has been paralyzed by its insistence on consensus, which has effectively been defined as unanimity.

It’s time to talk seriously about other options. The old adage, “Fool me once, shame on you; fool me twice, shame on me,” comes to mind. If we continue to permit and support a treaty negotiation process that’s based on consensus, we should assume that the results will be similarly flawed.

It’s time to bring this process out into the open. Whether that means taking a stronger ATT text to the General Assembly for a vote or convening interested states outside the UN to write a robust treaty, a new set of tactics may breathe new life into this struggling process. We need to break out of this “Groundhog Day” cycle of repeating failed approaches, and move on. •

100 states support strengthening the criterion on preventing gender-based violence!

This must be reflected in the treaty text.

100 states support Iceland's proposal to move the criterion "Being used to commit or facilitate gender-based violence or violence against children" into article 7(4) as a new sub paragraph.

Supporting states:

- | | | |
|------------------------|---|---|
| 1. Albania | 35. Georgia | 68. Niger |
| 2. Andorra | 36. Germany | 69. Nigeria |
| 3. Angola | 37. Ghana | 70. Norway |
| 4. Antigua and Barbuda | 38. Greece | 71. Palau |
| 5. Argentina | 39. Grenada | 72. Papua New Guinea |
| 6. Armenia | 40. Guinea | 73. Portugal |
| 7. Australia | 41. Guinea-Bissau | 74. Republic of Congo |
| 8. Austria | 42. Guyana | 75. Romania |
| 9. Bahamas | 43. Haiti | 76. Rwanda |
| 10. Barbados | 44. Honduras | 77. Saint Kitts and Nevis |
| 11. Belgium | 45. Hungary | 78. Saint Lucia |
| 12. Belize | 46. Iceland | 79. Saint Vincent and the
Grenadines |
| 13. Benin | 47. Ireland | 80. Samoa |
| 14. Botswana | 48. Italy | 81. Senegal |
| 15. Bulgaria | 49. Jamaica | 82. Serbia |
| 16. Burkina Faso | 50. Latvia | 83. Sierra Leone |
| 17. Burundi | 51. Lesotho | 84. Slovakia |
| 18. Cameroon | 52. Liberia | 85. Slovenia |
| 19. Canada | 53. Liechtenstein | 86. Solomon Islands |
| 20. Cape Verde | 54. Lithuania | 87. South Africa |
| 21. Comoros | 55. Luxembourg | 88. South Sudan |
| 22. Côte d'Ivoire | 56. Macedonia | 89. Spain |
| 23. Croatia | 57. Madagascar | 90. Suriname |
| 24. Cyprus | 58. Malawi | 91. Swaziland |
| 25. Czech Republic | 59. Mali | 92. Sweden |
| 26. Denmark | 60. Malta | 93. Switzerland |
| 27. Djibouti | 61. Mexico | 94. Timor-Leste |
| 28. Dominica | 62. Micronesia (Federated
States of) | 95. Togo |
| 29. Dominican Republic | 63. Montenegro | 96. Trinidad and Tobago |
| 30. El Salvador | 64. Mozambique | 97. Turkey |
| 31. Estonia | 65. Namibia | 98. UK |
| 32. Finland | 66. Nepal | 99. Uruguay |
| 33. France | 67. Netherlands | 100. Vanuatu |

Note: The CARICOM countries supported from the floor with the suggestion to have "armed violence" also added to article 7(4).

To be added to the list of supporters contact the delegation of Iceland.

Biting the bullet: why the Arms Trade Treaty must regulate ammunition

Conor Fortune | Amnesty International

“When she came out she was covered in blood. There are two bullets still in her head.”

No mother should ever have to utter such a chilling line about her child. But in Côte d’Ivoire, one woman recently told our researchers the harrowing story of how her 12-year-old girl survived a deadly attack on their village in the west of the country amid the post-election violence of early 2011.

The guns and ammunition used by Dozo militias were among those illegally smuggled into the country via Burkina Faso, in contravention of a UN arms embargo in place since 2004. Since before the embargo, weapons and ammunition were irresponsibly shipped to both sides in the Ivorian armed conflict.

Almost two years after that vicious attack, the little girl still suffers nosebleeds and headaches – to say nothing of the psychological trauma she and her family must endure. Besides her shooting, they also lost a 4-year-old son to the violence and the mother was raped by armed men.

They and other residents live in fear of fresh attacks by armed groups who still roam the area.

This story sounds extraordinary, but sadly it is not uncommon in Côte d’Ivoire. In the last decade the illegal and irresponsible trade in weapons and munitions has resulted in hundreds of Ivorians being killed, women and girls being raped and thousands forced to flee their homes – all under the threat of armed violence.

I wish this woman could come to the United Nations this week, to share her message with diplomats from all over the world who are hammering out the final text of a historic treaty to regulate the global trade in conventional weapons.

When I hear about what happened to her family, I wonder how any country could want to exclude ammunition – like the two bullets lodged in the young girl’s head – from the draft treaty text.

But that’s precisely the stance of the USA – the world’s largest exporter of weapons and munitions – and it’s not alone.

During an earlier round of treaty negotiations last July, a US State Department staffer said that ammunition “...is fungible, consumable, reloadable, and cannot be marked in any practical way that would permit it to be tracked or traced. Any practical proposal for ammunition would need to consider the significant burdens associated with licens-

ing, authorizations, and recordkeeping for ammunition that is produced and transferred in the billions of rounds per year.”

But what of the millions of lives per year affected by weapons and munitions that fall into the wrong hands? Surely these human beings are worth the extra paperwork.

And in any event, the US government is already required to regulate its own export and import of ammunition, so the argument falls flat.

This is why it’s encouraging news that on 19 March – day two of a nine-day final conference on the Arms Trade Treaty at the UN – 69 states signed a declaration demanding that ammunition be regulated under the treaty.

Many of them were African and Latin American countries whose societies suffer the widespread scourge of small arms and light weapons violence.

For them, if the Arms Trade Treaty is to be effective at saving lives, it’s clear that its scope must cover not just transfers of weapons but also of the ammunition that can be used for atrocities and abuse.

Amnesty International delegates from every region of the world are in New York until the end of the conference and will be pressing all states to ensure that bullets like the two lodged in the little Ivorian girl’s head can no longer be bought and sold around the world without the proper controls in place.

No country should be in the business of supplying weapons and munitions to repressive regimes or armed groups when there is a real danger they would be used to commit or facilitate serious violations of human rights.

I hope that after these two weeks our researchers can return to that small village in western Côte d’Ivoire with the news that the world has paid attention and acted to rein in the irresponsible arms trade across borders that caused them so much suffering. •

News in Brief

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

The following is not a comprehensive account of all positions or interventions but an overview of key debates or new suggestions made on Tuesday, 26 March.

Overall

- Liberia expressed concern that the treaty will be subjected to national laws and whims of states parties rather than strict international provisions. It suggested deleting most references to national laws, except for that on brokerage.
- Indonesia said that the text still remains imbalanced between the rights of exporters and importers.

Preamble

- Senegal and Zimbabwe said the reference to terrorist acts it needs to be expanded to prevent transfers to unauthorized end-users including criminal organizations. Zimbabwe said a similar reference should be made throughout the treaty to replace “unauthorized end-use”.
- Niger said the phrase “terrorist acts” was unclear and needs defining.
- Denmark and Liberia welcomed the reference to GBV in the preamble.
- Argentina noted that the current pp on GBV could suggest that such acts are not violations of IHL and IHRL and must be amended to correct this.
- Ghana and Holy See called for a definition of “gender”.
- Holy See suggested switching pp 4 and 6 in order to give human rights, development, and peace and security more prominence than state’s commercial and other interests.
- Holy See called for stronger language on victims.

Scope

- Liberia said article 2(1) should say “including,” ensuring the listed items are floor not ceiling.
- Argentina, Benin, Bangladesh, Botswana, Colombia, Djibouti, Denmark, Ethiopia, Ghana, Guatemala, Ireland, Lesotho, Liberia, Mozambique, Niger, Palau, Peru, Sierra Leone, Solomon Islands, South Sudan, Switzerland, Tanzania, Timor Leste, and Turkey said ammunition/munitions and parts and components need to be fully integrated in the scope and applied throughout the text.
- Switzerland said article 3 should say parts and components “specifically designed for” the items in the scope.

- Uganda called for further clarification on how articles 3 and 4 would be applied in practice.
- Belarus, Philippines, and Viet Nam said articles 3 and 4 should be deleted.
- Morocco supported the inclusion of munitions under article 2(1), but said article 3 on parts and components represented a sufficient compromise.
- Mozambique and South Sudan said scope should allow for future developments in technology.
- Ireland, Lesotho, Peru, Senegal, Solomon Islands, Switzerland, and Uruguay said gifts and other non-commercial transfers should be included in scope of activities.
- Canada called for differentiation between transfers (export and import) and activities that facilitate transfers (brokering, transit, transshipment).
- Peru said article 2(3) must emphasize that extraterritorial transfers of weapons refers only to those weapons for the use of the state in question.

General Implementation

- Australia, Ireland, Lesotho, Liberia, Liechtenstein, Mozambique, Peru, Sierra Leone, South Sudan, Switzerland, Togo, Turkey, and UK called for deletion or amendment of 5(2).
- Denmark, Guatemala, Turkey, and Uruguay said the definitions for items in article 2(1) and/or articles 3 and 4 must be expanded.
- Indonesia asked for an additional paragraph addressing the definition of “the broadest range of conventional arms”.

Prohibitions

- Argentina, Denmark, Ireland, and Liechtenstein said the prohibition in 6(3) must capture all war crimes and systematic human rights violations.
- Spain said “time of authorization” should be changed to “time of transfer” as the situation can change in the meantime.
- Austria, Liechtenstein, Morocco, Palau, Spain, Switzerland, United Kingdom, and Uruguay called for a new article 6(4) about human rights. Spain suggested: States Parties “shall not authorise any transfer of conventional arms covered under article 2(1) or items covered under article 3 or 4 if there is knowledge that items will be used for the commission of gross violations of IHRL constituting

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News in Brief, cont'd

violations prohibited by relevant international agreements to which it is a party..."

- Benin, Mali, Senegal, Sierra Leone, Togo, and Zimbabwe said there should be prohibition on transfers to unauthorized end-users or entities.
- Zimbabwe said 6(3) should require evidence.
- Philippines called for "if it has knowledge" to be deleted in 6(3).

Export assessment

- Spain called for language in 7(3) to entail an obligation to deny a license if assessment finds the export would undermine peace and security.
- Belarus, Indonesia, and Viet Nam said "gross and systematic" should be used in front of IHL and IHLR in 7(4)(a) and (b).
- Australia, Ethiopia, Fiji, Guatemala, Ireland, Lesotho, Liechtenstein, Palau, Senegal, Solomon Islands, UK, and Vanuatu called for the use of "substantial" rather than "overriding".
- Philippines said 7(8) should use "avoid" instead of "reduce the likelihood".
- Argentina, Denmark, Iceland, Ireland, and Timor Leste called for a binding provision on GBV—a position that 100 states now support.
- Holy See said that 7(8)(b) should be moved up to become binding or it should be removed, since the acts contained within constitute IHL and IHLR violations and thus keeping them in 7(8) is "invalidating".
- Austria said it strongly supported strengthening all the sub-provisions under 7(8).
- Uganda Zimbabwe called expressed reservation over 7(8)(b) on GBV.
- Belarus and Djibouti called for deletion of 7(8)(d) and (e) on corruption and development.
- Senegal and Vanuatu said 7(10) should compel states to suspend or revoke authorization if new information suggests risk.
- Zimbabwe said it has concerns about 7(10) because it could "delay" transfers.

Transit or trans-shipment

- Colombia proposed a new provision for 9(2): "When a

transfer of conventional arms covered under article 2(1) or items covered under article 3 or 4 implies transit or trans-shipment, the exporter state shall provide information about that transfer to the transit or trans-shipment state prior to the transfer." Guatemala supported this proposal.

- Jamaica said it did not support the removal of former article 9(2) as information sharing between exporting and importing states is a key obligation, in line with other regional agreements, that must be included in this section.

Diversion

- Liberia suggested deleting reference to terrorist acts, because that is not the only consequence of diversion.
- Palau said diversion should be considered as part of the export assessment.

Reporting

- Benin, Denmark, Ireland, Timor Leste, Turkey, and UK said public reporting must be mandatory.
- Lithuania presented a new proposal from 28 states on public reporting for article 12 that reads, "On receipt of a State Party's report, the Secretariat shall make it public but shall, if so requested by the State Party, not make public those parts of the report that the State Party considers contain commercially sensitive or national security information."
- Iraq & Saudi Arabia said reporting should be voluntary.

Dispute settlement

- Argentina said dispute settlement mechanism should be available to all states parties not just those involved directly in a given transfer.
- Vanuatu supported provision for third party arbitration.
- Benin supported a provision that would allow for the option to refer cases to international courts and tribunals.

Secretariat

- Uganda called for an additional provision in article 18 that highlights the ability of the Secretariat to collaborate with regional organizations in supporting states parties in implementation, monitoring, and capacity-building.

Amendments

- Guatemala, Ireland, Liechtenstein, and Uganda supported CARICOM's proposal for amendments to be adopted by 2/3 majority if efforts to reach consensus fail. •

Side event report: Baseline study in Africa on small arms and light weapons

Sameer Kanal | NYU Global Affairs and Reaching Critical Will of WILPF

The African Union, in conjunction with the Regional Centre on Small Arms in the Great Lakes Region, the Horn of Africa and Bordering States (RECSA), hosted a side event on Tuesday on small arms in Africa. The panel was introduced by Mr. Peter Omurangi Otim, Expert from the Common African Defence and Security Policy of the Defense and Security Division of the AU Commission's Peace and Security Department. It was moderated by Engineer MarieClaire U. Bisamaza of RECSA and included researchers Ms. Sarah Parker of Small Arms Survey and Ms. Jihan Seniora of GRIP

Mr. Otim opened the panel, noting that since 2006, the African Union has been trying to find a way to help member states with the implementation of agreements and policies related to conventional arms, specifically with regards to small arms and light weapons (SALW). He highlighted the fact that the survey about to be discussed would help member states prioritize their work on SALW in the coming years.

Ms. Bisamaza began by describing the survey as a diagnostic mechanism. Comparing the survey to a doctor when a patient first arrives, she said that first, someone aiming to help must determine the problem. In order for RECSA to undertake a second phase of the overall project, Ms. Bisamaza asserted that it needs a baseline study to measure the outcome of phase one. She highlighted that the study is being conducted in twelve specific African countries as a representative sample of overall implementation of the UN Programme of Action on Small Arms and Light Weapons (UNPoA) and other relevant international frameworks in Africa. The twelve countries are Chad, Congo, Côte d'Ivoire, Kenya, Malawi, Mozambique, Rwanda, Somalia, South Sudan, Togo, Uganda, and Zimbabwe.

Ms. Parker then presented information specific to the survey. She explained that a baseline "is a starting point from which to make a comparison." It helps researchers understand where states are at now under current regional and international instruments, in order to determine progress of new frameworks. Ms. Parker then described the goals of the survey as being to identify and evaluate implementation of regional and international commitments and to assess national and regional capacity to fight illicit SALW proliferation. In the long term, Ms. Parker stressed that the survey was designed to determine outcomes of the project so far and to help plan and evaluate the next phase of the project through providing a clear regional picture of the illicit accumulation and trafficking in small arms.

Ms. Parker then described the survey's methodology. It begins by undertaking a comprehensive review of existing documents and reports and moving on into country visits. These involved interviews and questionnaires for officials designated as implementers of agreements for their governments. Country visits are in progress already, having begun in January, and will conclude in April.

The questionnaire focused on fifteen separate categories of action. Containing over 90 questions, it was designed to gain enough information to become, as Ms. Parker described it, a useful tool in helping to identify gaps and challenges in implementation. Questionnaires and interviews went to national focal points, relevant ministries, local experts, and civil society organizations. Interviewers also attempted to meet with dealers, brokers, private military contractors, and gun manufacturers and smiths as well. In doing so, Ms. Parker concluded, the survey would capture information from a wide variety of stakeholders and form a comprehensive picture of where states were at in terms of their ability to implement their commitments and progress in doing so.

In response to a question on uniformity of survey responses following Parker and Seniora's presentation, the researchers noted that questionnaires and interviews were standardized and that questions were not open-ended. A second question focused on whether or not the data was to be analyzed or merely collated, to which the researchers stated that analysis would come later on and for now data was merely to be collected. Ms. Parker added that previous surveys had ranked states, but that these ranking systems only used data provided by the countries to avoid "naming and shaming". The next inquiry related to how capacity building can be measured, and Ms. Bisamaza noted that the survey was a snapshot of where a country was now and only in the future could the data be analyzed to determine where and how the overall project could assist states. •



Art by Lin Evola

ATT MONITOR 6.8



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CALENDAR OF EVENTS

Time	What	Where	Who
10:00	Plenary; distribution of new draft text	Conference Room 1 North Lawn Building	
13:30-14:30	Day of prayer for the arms trade treaty	221 East 52nd Street RSVP: www.nae.net/arms-tradetreaty	National Association of Evangelicals, National Latino Evangelical Coalition, New York Divinity School, Salvation Army International Justice Commission, and the World Evangelical Alliance
15:00	Plenary; report from drafting committee	Conference Room 1 North Lawn Building	



Reaching Critical Will

