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The *ATT Monitor* is produced by the Reaching Critical Will programme of the Women's International League for Peace and Freedom (WILPF), produced daily during the ATT negotiations, conferences of states parties, and other relevant meetings.

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HERE'S THE THING ABOUT TRANSPARENCY: IT'S THE LEAST YOU CAN DO

Ray Acheson | *Reaching Critical Will of WILPF*

During the second day of CSP1, someone on Twitter was periodically send out messages about deaths from gun violence and armed conflict that were occurring during the day's meetings. There are countless examples because about 1500 people are killed every day from war, armed homicides, extra-judicial executions, and excessive use of force by state security forces. Thousands more are injured, and millions more forced to flee their homes.¹ The weapons "regulated" by the Arms Trade Treaty (ATT) are used to commit this violence. Its states parties are meant to come up with mechanisms to prevent this.

At this particular CSP, perhaps the most crucial decision to be made that could help prevent the ongoing mayhem and violence of the international arms trade has to do with reporting.

Each state party is mandated to submit an initial report of measures undertaken to implement the ATT, including national laws, national control lists, and other regulations and administrative measures. In addition, each state party must submit an annual report about authorised or actual exports and imports of the conventional arms covered by the Treaty. States parties are also encouraged to report on measures they have found effective in preventing diversion of transferred weapons.

Some states want to keep the arms trade in the shadows, where they can profit from the death and destruction of millions of lives, comfortably out of sight from public scrutiny or international pressure. These states point to the deficiencies in the ATT text to undermine the Treaty's transparency mechanisms. For example, there is no stipulation in the Treaty text that these reports must be made public. The annual reports "may exclude commercially sensitive or national security information." States only have to report on items covered by article 2(1) of

the Treaty, which does not include ammunition, parts, or components. And the Treaty says states can report the same information they submit to the UN Register of Conventional Arms, which is a voluntary reporting mechanism.

Thus some states have come to claim that the UN Register is the basis for reporting; that reports should not be made public; that it is only obligatory to report on certain aspects of the Treaty; etc. The draft templates designed for the baseline and annual reports, in trying to compromise between those who want strong reporting and those who prefer effectively none at all, have fallen far short of what was expected and what is necessary.

In presenting the latest versions of the templates, the Swedish facilitator of the reporting working group admitted that the "flexibility"—i.e. the option to choose what and how to report on key items and practices—will nullify the value of having a standardised reporting form. It will make it difficult to compare policies, practices, and transfer decisions between countries. But, he argued, it helps to allow states worried about national security or commercial sensitivities to report in ways in which they are most comfortable.

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Editorial, continued

Making states and industry comfortable about the transparency of the volume, value, type, and destination of their weapon sales is not the objective of the ATT. The objective of the Treaty, as stated very clearly in its text, is reducing human suffering; contributing to international and regional peace, security, and stability; and promoting cooperation, transparency, and responsible action.

All of these goals require transparency. Responsibility requires accountability, which means states must be clear, consistent, and open about their policies and practices. They must be held accountable to each other and to the world. As Portugal said during the general debate on Monday, the ATT is “based on the principles of good faith, cooperation, transparency, and accountability.” Without these, the ATT will not stop a single arms transfer or protect a single human life.

The United States, a signatory to the ATT and the biggest arms exporter in the world, said on Tuesday that the CSP must turn the Treaty “from mere words on the page into a reality that makes a difference around the world.” Claiming that it has “long implemented laws and practices that are fully consistent with ATT requirements,” the US delegation offered its assistance to other states wanting to establish laws, processes, control lists, and border controls necessary for the ATT’s implementation.

If the US has such strong export policies and practices, why have the majority of its weapons exports in recent years gone to the Middle East, a region wracked with war and crises? Why has it approved \$46 billion in new agreements with Saudi Arabia, a country with a terrible human rights record that is currently engaged in bombing Yemen?² Why has it resumed arms sales to Egypt?³ Why does it continue to provide weapons and military assistance to Israel? Why does it continue to sell military equipment to Iraq despite the security forces abandoning large amounts of the weaponry to ISIS?⁴ Why is it arming Syrian fighters in a civil war in which both sides are known to have committed atrocities?⁵

Experts on the US arms trade have long criticised US arms export policy. Rachel Stohl of the Stimson Center has highlighted that the government’s latest policies, adopted in 2014, arguably “allow too much ambiguity, and allow national security interests to trump human rights.”⁶ William Hartung of the Center for International Policy has suggested the changes in policy are motivated by industry, explaining that the Commerce Department has been granted control over matters the State Department used to control. The Commerce Department is interested in promoting arms sales, not vetting them against human rights

concerns. Thus, Hartung argues, “it’s going to be easier for some countries to get arms without a license, and those countries will become hubs of smuggling, no doubt. So it’s going to be counter to even the narrow security interests of the United States, but it’s something industry has wanted for quite a while.”⁷

To whom is the US government, and its arms industry, accountable? To whom are all the other arms exporters, and importers, accountable? To the countries to which they sell or buy? Or to the people whose lives these sales cost?

Life is the true cost of the arms trade. Public, consistent, and robust reporting is the bare minimum that states can do to reduce this cost. It is a decision they can make right now, at this Conference, to begin to translate the ATT “into a reality that makes a difference around the world.” •

1 “10 killer facts: the global weapons trade,” Amnesty International, 31 July 2012, <http://www.amnesty.org.au/armstrade/comments/28098/>.

2 “Are Obama’s Record Arms Sales to Saudi Arabia, Yemen, Egypt and Iraq Fueling Unrest in Middle East?” *Democracy Now!*, 7 April 2015, http://www.democracynow.org/2015/4/7/are_obamas_record_arms_sales_to.

3 Rachel Stohl and Shannon Dick, “Proposed US Arms Sales To Egypt Could Test New Conventional Arms Policy,” *Stimson Center*, 13 May 2014, <http://www.stimson.org/spotlight/proposed-us-arms-sales-egypt-test-conventional-arms-policy/>.

4 *Democracy Now!*, *ibid.*

5 Rachel Stohl, “Promoting Restraint: Updated Rules for U.S. Arms Transfer Policy,” *Arms Control Today*, 4 March 2014, https://www.armscontrol.org/act/2013_03/Promoting-Restraint-Updated-Rules-for-US-Arms-Transfer-Policy.

6 *Ibid.*

7 *Democracy Now!*, *ibid.*



NEWS IN BRIEF

Mia Gandenberger | *Reaching Critical Will of WILPF*

The News in Brief is not a comprehensive summary of all statements. It highlights positions on a few critical issues covered during plenary discussions.

- The Conference elected Ambassador Jorge Lomónaco of Mexico to be the President of the first Conference of States Parties.
- The Conference elected Montenegro, Samoa, Nigeria, and United Kingdom as the four Vice-Presidents.
- The Conference decided the Secretariat will be represented by Ana Paola Barbosa for this meeting.
- After addressing a number of procedural issues, the high-level segment was continued.
- The President informed the Conference that a non-recorded, secret ballot will take place to determine the location of the ATT Secretariat on Wednesday morning. The location with a 2/3 majority of the votes will provide the candidate for consideration in plenary and adoption by consensus.
- Should no candidate obtain a 2/3 majority a second ballot will be held, before which the candidate with the least votes will withdraw. The location with a simple majority will provide the candidate for consideration.

Rules of procedure

- A revised draft on the rules of procedure, as contained in WP.1/Rev.1, was presented to and adopted by the Conference.

Financing

- The Co-Facilitators on the financial rules presented the latest draft as contained in WP.3, with suggested amendments contained in WP.9.
- Informal consultations on financial rules were held in parallel to the plenary meeting.
- The reviewed draft of the financial rules, as contained in WP.3/Rev.1, were presented in the afternoon.
- After brief informal consultations, a revised draft will be presented on Wednesday.

Secretariat

- The Facilitator on the ATT Secretariat presented the progress of her work, as contained in WP.2 and WP.5.
- Haiti expressed support for the Trinidad and Tobago candidacy.
- Brazil stressed staffing decisions should ensure gender diversity.

- Revised drafts for the Secretariat, as contained in WP.2/Rev.1, and terms of references (ToR) for the Management Committee, as contained WP.5/Rev.1, were presented in the afternoon and discussed in informal consultations.
- Further revised drafts for the ToR for the Management Committee and the Secretariat will be presented on Wednesday.

Transparency

- The Facilitator on Reporting presented the latest draft as contained in WP.4 during the morning session.
- The US said civil society and industry should be allowed, without discrimination, to continue to play an important role as observers assisting states parties.
- Bangladesh highlighted that successful implementation will help shine a spotlight on arms trade and end-users of weapons.
- Several delegations, as well as Control Arms and Amnesty International, stressed the importance of transparency.
- Following further consultations in the afternoon, a proposal for reporting templates to be adopted provisionally will be presented on Wednesday.
- Sweden announced it will propose a subsidiary body to work further on reporting during the time leading up to CSP2.
- Costa Rica, US, and Control Arms expressed support for this proposal.

Universality

- Many states highlighted the importance of universal adherence to the Treaty.
- Brazil, EU stressed the importance of all major arms producing countries to adhere to the Treaty.
- Mozambique, Honduras, and ROK announced they are close to ratifying the ATT.
- China criticized the voting procedure that resulted in the adoption of the ATT in 2013.



EVENT: UNIDIR PROJECT, “EXAMINING OPTIONS TO ENHANCE COOPERATION AND STRENGTHEN END USE/R CONTROL SYSTEMS”

Hector Guerra | SEHLAC Network

The United Nations Institute for Disarmament Research (UNIDIR) hosted this event on Tuesday afternoon, featuring speakers from the Mexican Ministry of Foreign Affairs, UNIDIR, and the United Kingdom.

The proper implementation of the Arms Trade Treaty (ATT) will save lives, according to Katya Cortes, Director for International Security of the Mexican Ministry of Foreign Affairs. From the importers’ perspective, she added, we need to be clear on what information has to be issued. Cortes also made a description of the legal framework for the regulation of transfers in Mexico, from the UN Programme of Action on small arms, the Firearms Protocol, the Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials (CIFTA), the ATT, the Convention on Cluster Munitions, the Mine Ban Treaty, and at the national level the Firearms Law.

Mimayu Shiotani, Project Manager of UNIDIR, stressed the relevance of the end use/user control, and the need for initiatives to be taken at the regional and subregional levels. States under arms embargos, as part of their interaction with the entities imposing it, become familiar with a series of reporting procedures, which have similarities with those for the issuing of end user certificates.

Guy Pollard, Deputy Permanent Representative of the United Kingdom, also presented remarks on national perspective on end use and end user control systems. In referring to the UK experience, he de-

scribed the license application process and institutions involved; criteria for authorization; and reasons for rejection. He highlighted that decisions are evidence based, as they are subject to judicial review. Undertaking an inadequate licensing process can have negative consequences, so adequate, case-specific assessments have to take place, as once transferred, the arms can hardly be brought back to the point of origin. It is necessary to let the ATT evolve, increase its membership, and as this happens, to find out what countries want to share, he said.

Paul Holtom, Arms Transfer Expert Consultant of UNIDIR, examined the options to strength the end use and end user control systems. He acknowledged the problems diversion causes for security, and said end use/r mechanisms can be effective mechanisms to cope with such phenomena. Multilateral efforts and cooperation are fundamental in shoring them up. Holtom presented the UNIDIR project on a comprehensive study to identify ways of aligning standards on the key elements contained in end use/r documentation, an increasing understanding of the roles and functions of such documentation including assurances on use and re-export, and enhancing information sharing.

Finally, Antonio Evora, Senior Political Affairs Officer of UNIDIR, talked about the promotion of international cooperation on end use and end user control systems. He stressed that attention to templates should not overshadow the proper evaluation of existing standards and their further development. •

CALENDAR OF SIDE EVENTS

When	What	Where	Who
13:00-14:00	Launch of the 2015 ATT Monitor Report	Room 1	Control Arms and Australia, Ireland, Mexico, Netherlands, Norway, and Trinidad & Tobago
14:00-15:00	Articles 6 & 9 and the regime of innocent passage	Room 1	Saferworld
14:00-15:00	Beyond Ratification: A focus on Africa’s Peace and Security	Room 2	Oxfam International, Control Arms and Nigeria



TRANSPARENCY AND REPORTING IN SWEDEN

Sofia Tuvestad | WILPF Sweden and Linda Åkerström | Swedish Peace and Arbitration Society

One of the side events at the Arms Trade Treaty Conference of States Parties (ATT CSP) discussed Nordic export control systems. The discussion focused to a large extent on these states acting as models for others in the development of export control regulations and the implementation of the ATT. The debate as such highlights an important factor in all discussions on the ATT, not least those relating to exporting states: While stopping uncontrolled flows of arms and establishing control systems where they do not yet exist is an absolutely central part of the Treaty's goals, there is also an urgent need for improvements in existing systems.

The Nordic countries all have export control systems in place that include key provisions, such as on human rights considerations in risk assessment procedures. This does not, however, in any way imply that there's not more work to be done. And as we see in practice, especially in Sweden's exports, it certainly does not mean that all arms deals that should be stopped are stopped, or that there is adequate transparency.

Neither the ATT in general nor the states working to establish stronger export controls will merit from irresponsible and destructive "legal" and "controlled" arms trade being left out of the conversation. Exporting states should undertake implementation efforts that interpret Treaty obligations in the strictest possible way in terms of promoting human rights, human security, and transparency. This should also be the case with implementation measures that are adopted for the Treaty at this CSP, or at a later stage, such as reporting templates. Civil society actors have expressed serious criticism towards the latest draft for reporting templates, arguing in particular that the templates for states parties' annual reports do not live up to the standards set out in the Treaty text. The need for strong measures with regards to reporting has already been addressed during the CSP by a number of states, such as Costa Rica, the Netherlands, and New Zealand.

Transparency and accountability mechanisms were discussed briefly at the side event on Nordic export controls, with the message that Nordic states all have good systems for transparency in place. But it was also noted that there is room for improvement, and this is certainly the case in the Swedish context. Sweden is often regarded—and regards itself—as having an open and transparent export control system. However, this image has been increasingly questioned during the last few years in the national debate and the critique was recently acknowledged by a Swedish parliamentary committee in their proposal for new legislation on arms exports.

Sweden should be promoting and implementing a higher degree of transparency, nationally as well as in ATT debates, in order to accommodate the purpose of the ATT. For example, as of today, parliamentary insight into decision making on arms exports is understood to be ensured by the Swedish Export Control Council—a council of parliamentarians who are briefed on up-coming licensing decisions and which can give input with regards to interpreting current regulations. However, with all discussions in the council being secret, parliamentary representatives cannot even discuss their positions with party colleagues and certainly not explain them to the public. This makes the system inadequate in enabling accountability. These flaws hinder the effective scrutinizing by the parliament of the decision making by the authorizing government agency. The Swedish peace movement has advocated for a long time that the parliamentary council should be open. It has also demanded more detailed reporting on actual exports from Sweden, including motivations for decisions to authorize or deny arms deals, as well as reporting on arms imports. There is currently no public reporting on import and no import regulations in Sweden, a serious flaw that should be addressed under the ATT.

Public reporting is one of the key critical factors for an effective implementation of the ATT. It is no accident that the Treaty's article 1 speaks about promoting transparency and responsible action by states parties. Reporting templates that do not even meet the most fundamental purpose and provisions of the Treaty must not be accepted by the CSP delegates, and certainly not by states who pride themselves with being front figures in the development towards openness in international arms transfers. •





EVENT: ATT - HUMAN RIGHTS AND ARMS TRANSFERS CONTROL

Kendall Burns | Researcher

Today at the CSP1's side event on "ATT: Human Rights and Arms Transfers Controls," was organized by the Arias Foundation for Peace and Human Development, Project Ploughshares, Clave, Asocia-cion de Politicas Publicas, the Caribbean Coalition for Development and Reduction of Armed Violence (CDRAV), and Centro de Estudios Ecumenico. Cesar Jaramillo from Project Ploughshares introduced former Costa Rican President and Nobel Laureate, Dr. Oscar Arias-Sanchez, who spoke passionately on how his dream to create an international arms regulation treaty had come to be a reality. "People told me it was an impossible dream," he remarked, while also expressing his delight that he was able to see the Arms Trade Treaty enter into force and become international law within his lifetime.

In his presentation, Dr. Arias-Sanchez made three distinctive points, which included that the objective of the Treaty is the salvation of human life, that the Treaty must be implemented robustly going forward, and that there is a need to change the process of aid to developing countries.

With this, he described first hand the devastating effects that the unregulated arms trade has had on Central America due to political agendas of exporting states. "We learned the hard way that a shipment of weapons into a developing country is like a virus in a crowded room. It cannot be contained; we do not know whom it will attack; and it can spread in ways we would never have imagined." While everyone in armed conflict is affected, Dr. Arias-Sanchez focused

on the children of conflict and the sanctity of their lives, prompting his push for peace.

Dr. Arias-Sanchez then spoke of the history of the Central American Peace Accords, which in turn prompted his idea to promote, with a group of Nobel Laureates, a Code of Conduct regarding the global arms trade that of course would become the foundation towards the creation of the Arms Trade Treaty. However, he noted that there is still much more work to be done. He stated that "the Treaty is a powerful tool, one that can change the world, but it will only protect our children if we give it teeth," thereby calling for a stronger and more robust implementation of the Treaty.

ATT implementation is not the only concern. He also described the mounting need to change the methods by which we give aid to developing countries. "The rules our international community have established for aid and debt forgiveness say that a country that makes good decisions must be punished. A country that invests wisely and achieves improvements in human development, is then told it is 'too rich' for debt forgiveness or aid." The methodology must be changed, and his proposal, the Costa Rican Consensus, attempts to do just that.

In closing, Dr. Arias-Sanchez reaffirmed the importance of the lives of the children of conflict that the work done at the first CSP must reflect. He declared, "Our work can change, or save, their lives ... the power of words can change the world, for I have seen it in my own life." •

EVENT: ARMS TRANSFER CONTROLS IN FRENCH-SPEAKING COUNTRIES—LESSONS LEARNED FOR THE IMPLEMENTATION OF THE ATT

An Vranckx | Group for Research and Information on Peace and Security

On Monday, 24 August the Belgian-based Group for Research and Information on Peace and Security (GRIP) and the French Ministry of Foreign Affairs co-organised a side-event to move forward the debate on the control of conventional arms transfers, to, from, and across Sub-Saharan Africa. The event was chaired by the French MFA's Manuel Bufala, and kicked off with a brief report by Cédric Poitevin on the results of baseline studies that GRIP recently conducted in ten French-speaking African countries.

These studies fed into a summary report that GRIP launched at the event and that is now on the GRIP site, Arms transfer controls in sub-Saharan Africa:

Lessons for the implementation of the Arms Trade Treaty (see www.grip.org/en/node/1811). The report identifies some of the challenges these countries face to implement the Arms Trade Treaty and offers considerations to ensure that the Treaty's mechanisms for cooperation and assistance effectively help them meet such challenges. Colonel Dibano Zerbo, chair of Burkina Faso's High Authority to Control the Importation of Arms and their Use (HACIAU), followed up on that presentation. Conference delegates from several French-speaking African countries actively participated in the debate. •

CONTROL ARMS DAILY SUMMARY OF CSP1

Tor Birkeland and Allison Pytlak | Control Arms

The two highlights of the day were the adoption of the Rules of Procedure, and the decision to choose the Secretariat location by informal voting Wednesday morning.

The second day of the CSP moved swiftly into taking decisions on several key points. After confirming Ambassador Jorge Lomónaco as the President of the Conference and adopting the programme of work, the draft Rules of Procedure were put forward for adoption. Informal consultations held yesterday have led to agreement on the final areas that required agreement, notably in the areas of defining which meetings are public and which are private; intersessional decision-making; and what constitutes a subsidiary body. The Rules of Procedure were adopted by consensus.

This enabled decisions to be taken in other areas. Montenegro, Samoa, Nigeria, and the United Kingdom were confirmed as Vice Presidents. The Conference Secretariat will continue as the Secretary until the Head of the Secretariat is selected and can take on this function.

Facilitators of the working groups on financial matters, the ATT Secretariat, and reporting were then invited to deliver reports. All three outlined the process by which they have consulted with states and other stakeholders over the last several months and identified areas in which there is still not agreement or further discussion is required. Recommendations were put forward to resolve these issues as well as how to prioritize the decisions that need to be made, via informal consultations.

Following the reports from the facilitators, the President adjourned the meeting so that states could continue informal consultations on those topics while the high-level segment resumed. This began with remarks from the Haitian Secretary of State, followed by opening statements from 14 delegations, plus the Organization of American States (OAS), the European Union (EU), the Wassenaar Arrangement, Control Arms, Amnesty International, and the defense industry.

As they did yesterday, the majority of governmental statements—which came primarily from signatories—reiterated commitment to universalizing and implementing the Treaty as well as the role the ATT can play in addressing specific security challenges, such as organized crime or terrorism. They also commended the role of civil society in working to support Treaty implementation. Honduras, Mozambique, and the Republic of Korea noted that they are working toward being able to ratify soon. The US pledged to continue its commitment to the Treaty, and to “continue to offer assistance to States determined to establish the laws, the processes, the control lists and the border controls that will allow them to implement fully this Treaty.” The Philippines described activities it has undertaken to promote the ATT in the Asian region.

Lithuania urged states parties to base the decisions they will take this week in a spirit of transparency and openness. Brazil also spoke in favour of openness and public reporting. China was the only non-state party and non-signatory to deliver remarks, in which it criticised the

ATT for having been adopted by vote, and stressed that it “never transfers arms to non-state actors”.

Control Arms made two short statements, the first by the CA Secretariat to welcome the adoption of the Rules of Procedure, in particular that they provide for the potential for majority decision-making and for all meetings, including subsidiaries, to be open, and stressed the importance of transparency. The second by Amnesty International stressed the importance of public reporting, and of governments living up to the human rights aspirations of the Treaty.

At the informal consultations on the Financial Rules, chaired by Ghana and Australia, three issues were discussed. One was whether there should be a minimum fee of USD 100, or whether the UN scale of assessment should be the basis of the fee. Another was the demarcation of where the Financial Rules ended and where the terms of reference of the Management Committee began. The third was technical concerns.

France chaired the informal consultations on the terms of reference for the Management Committee. This committee is not a decision making body, but will make recommendations. The purpose is to ensure ownership of the ATT and better decisions taken at the CSP. At the end of the discussion there remained some uncertainty of whether or not the Management Committee is to exercise oversight over certain functions related to the Secretariat, and whether signatories should be on the committee.

The Swedish facilitator of the informal consultations on reporting referred to the complexity of collecting different views on the reporting templates, which had delayed the drafting process. It was proposed to improve the template after experience had been gained from the first reporting obligations. Some states expressed concern about the erroneous distinction in the initial reporting template made between reporting on mandatory and voluntary Treaty provisions—an error acknowledged by the facilitator—while others expressed their concerns on the lack of clarity in terms of definition of items such as small arms and light weapons and “unmanned” combat aerial vehicles and “unmanned” aerial vehicles.

The point was made that reports are at the core of the Treaty. There was a suggestion to create a subsidiary body to deal with the development and improvement of reporting templates. Control Arms was concerned that the UN Register of Conventional Arms had to some states become an upper limit of what to report on.

Plenary resumed at the end of the day with the announcement that a non-recorded secret ballot will be used to determine the location of the Secretariat. In the first round the votes will be counted and if a candidate city has 2/3 of the votes it shall be declared the winner. If no candidate has 2/3 of votes cast, then the candidate city with the least votes will drop out. There will then be a second round and the winner decided by a simple majority. •



EVENT: APPLYING THE ARMS TRADE TREATY FOR THE PROTECTION OF INTERNATIONAL SECURITY AND HUMAN RIGHTS

Rasha Abdul-Rah | Amnesty International

Amnesty International and the government of Mexico held a side event on Tuesday to explore how to apply the Arms Trade Treaty (ATT) to ensure the protection of international security and human rights. On the panel were Pablo Arrocha, Adviser to the Deputy Minister for Multilateral Affairs and Human Rights of the Government of Mexico; Marek Marczyński, Head of Military, Security and Police at Amnesty International; Gilles Giacca, Legal Adviser at the International Committee of the Red Cross (ICRC); Nicholas Marsh, Senior Researcher at the Peace Research Institute Oslo (PRIO); and Sarah Parker, Senior Researcher at the Small Arms Survey. The event was moderated by Irma Perez Gil of Amnesty International Mexico.

Pablo Arrocha praised the important role of civil society in getting the ATT adopted and the support and expertise it continues to provide to states in the implementation phase. He said important decisions will be made at the CSP, but the main challenge is still pending: that we need the ATT to make a difference on the ground, to alleviate armed violence and reduce human suffering. In this regard, he particularly stressed the importance of the guidelines elaborated by Amnesty International, which he believes are very relevant both on the international and national level.

Gilles Giacca spoke about the importance of effectively applying articles 6 and 7, which are considered to be the heart of the ATT. He also remarked that having practical guidelines to implement articles 6 and 7 is also important with regard to article 23 (provisional application), which non-states parties can start to apply now. Finally, he elaborated on the meaning of serious violations of international humanitarian law (IHL), examples of which include endangering protected persons and objects e.g. civilians; rape; targeting of civilians, etc. The ICRC is developing a guide on risk indicators in related to articles 6 and Article 7(1)(b)(i), which elaborates further on these points.

Marek Marczyński spoke about the three steps needed when conducting export assessments: assessing the risk; putting in place mitigation measures if there is a risk; and considering if the risk is overriding. This assessment would not only involve collecting evidence of past violations, it would also look at the potential that serious human rights violations may occur. He defined "overriding risk" as more likely to happen than not, or substantial risk. Finally, he stressed the importance of assessing the end use and end user when conducting a risk assessment.

Nicholas Marsh explored what could potentially contribute to or undermine peace and security. Regarding what contributes to peace and security he gave the example of exporting arms to law enforcement agencies that are attempting to prevent criminal violence and the right to individual and collective self-defence enshrined in article 51 of UN Charter. Undermining peace and security include acts mentioned in articles 6, 7, and 11; facilitating criminal activities; and provoking armed conflicts.

Sarah Parker explored how diversion risks should be assessed at the licensing stage and measures states should take to prevent the diversion of arms, including end-use certification; the verification of end-use documentation and transit/post-shipment controls; restrictions on some of the parties involved, e.g. changing shippers and shipping routes; and capacity-building systems to improve control systems and enhance stockpile management. She also listed various sources that could be used when making this assessment, for example, national, regional, and international reports; NGO reports; liaison with customs, law enforcement, and defence agencies, etc. She stressed that a certain degree of due diligence is required by states and they cannot disregard the various sources and information at their disposal when making this assessment. •

