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IN THIS ISSUE

- 1 | Editorial: Blood and canapés**
- 2 | Growing pains: moving beyond process at the ATT**
- 3 | News in brief**
- 4 | Event: Launch of the ATT Monitor Report 2016**
- 5 | Introduction to the ATT Monitor Report 2016**
- 6 | Event: Towards a globalised ATT: understanding barriers and obstacles**

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EDITORIAL: BLOOD AND CANAPÉS

Ray Acheson | *Reaching Critical Will of WILPF*

The selection of the World Trade Organisation—the function of which is to promote trade between states—as the venue to host a meeting on the international arms trade feels a bit cynical. Perhaps not an intentional choice, it nevertheless seems symbolic of the approach of many Arms Trade Treaty (ATT) states parties to their implementation of this Treaty, which they treat a tool to legitimise the arms industry rather than to prevent humanitarian harm. This brings to the fore the importance of states parties and civil society in challenging the treatment of the international arms trade as a legitimate business rather than as a key contributor to armed violence and armed conflict around the world.

“From Yemen to Syria to South Sudan, every day children are being killed and horribly maimed by bombs, civilians are threatened and detained at gunpoint, and armed groups are committing abuses with weapons produced by countries who are bound by the treaty,” warned Brian Wood of Amnesty International in a press release issued at the opening of the Second Conference of States Parties (CSP2).¹ “There must be zero tolerance for states who think they can just pay lip service to the ATT. The need for more effective implementation is painfully obvious.”

This point was driven home during the CSP2 opening high-level panel, where Geoffrey Duke, a survivor of armed conflict in South Sudan, described the hopes of his young nation being held hostage by violence fueled by arms transfers from other countries. Regrettably, South Sudan is not a unique situation. Weapons exporters continue to send tools of violence to countries and regions that are embroiled in war or that are already awash in weapons, exacerbating organised crime, gender-based violence, corruption, and poverty.

Sometimes it feels that the ATT has not made much of a difference in the year and a half since its entry into force. It seems that profit margins, rather than people's lives,

drive arms transfer decisions and that the ATT has not yet made a dent in this deadly calculus.

There is an undeniable relationship between decisions to transfer weapons to situations of armed conflict or human rights violations and the economic profits derived by such transfers for producers and exporters. As Mexico's Secretary of Foreign Relations pointed out, the international arms trade moves about \$100 billion a year, far outweighing funds dedicated to official development aid or other efforts for social and economic justice.

When the ATT is seen by many of its states parties as both a trade treaty as well as a human rights or arms control treaty, as was clear from Monday's general debate, implementation efforts risk opposing the interests of industry with the interests of preventing humanitarian harm. The concept of “responsible” or “legitimate” arms transfers, contrasted with “irresponsible” or “illicit” trade, glosses over the fact that every transfer and use of weapons results in violence in some form and that many so-described legitimate transfers are incredibly destabilising and destructive.

Death and destruction from arms deals that do not meet the ATT's human rights criteria will continue if we do not have proper implementation of those aspects of the Treaty, warned the Irish delegation. The International Committee of the Red Cross (ICRC) also emphasised this concern. “At the heart of the treaty are its humanitarian objectives—the moral and legal imperatives to prevent human suffering and to respect and ensure respect for IHL and human rights through the strict control of arms transfers,” emphasised Christine Beerli of the ICRC. States parties must implement the ATT in good faith, “with the highest possible standards of implementation.”

Yet some states participating in CSP2 seem rather keen to postpone consideration of

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Editorial, continued

“substantive” implementation issues until next year, arguing that this meeting should continue to focus on “administrative” matters such as establishing a Voluntary Trust Fund and adopting reporting templates. While important, these issues must not supersede a critical discussion on Treaty implementation. Between now and the next CSP, thousands of lives will be lost and millions of people will be displaced from their homes if the arms trade continues to operate as it does now.

“The stakes could not be higher,” argues Andrew Smith from Campaign Against Arms Trade. In the case of the United Kingdom, he explains, “UK fighter jets are flying over Yemen and people are dying from UK bombs.”² A recent article in *The Guardian* juxtaposes this reality with arms dealers “nursing glasses of champagne and grazing on canapés” at an arms fair hosted by the UK government last month.³ This is a stark but accurate picture. War profiteering is a booming business and it can be measured in dollars and lives. The ATT was supposed to help tilt the scales in favour of humanity, but so far states parties have mostly failed in this task.

We need to invest more in development and less in weapons so that peace and development can replace blood and violence, argued the Minister of Public Security in Costa Rica. The best way to do this is to stop arms transfers that risk violating human rights or international law and to redirect investments from the multibillion dollar arms industry towards the fulfilling the Sustainable Development Goals (SDGs) and investing in alternative solutions to and prevention of violent conflict. Over the coming days, we look forward to discussions about how best to ensure the ATT lives up to its core objectives of saving lives and increasing peace and security for all. •

Notes

1. “UN: Zero tolerance for states who flout Arms Trade Treaty obligations,” Amnesty International, 22 August 2016, <https://www.amnesty.org/en/latest/news/2016/08/un-zero-tolerance-for-states-who-flout-arms-trade-treaty-obligations>.
2. Jamie Doward, “How Britain is cashing in on the Middle East’s hunt for weapons,” *The Guardian*, 21 August 2016, <https://www.theguardian.com/world/2016/aug/20/britain-cashing-in-middle-east-weapons-sales-saudi-arabia-yemen>.
3. Ibid.

GROWING PAINS

Natalie Goldring | Acronym Institute

At the United Nations, change frequently seems to occur at a snail’s pace. Bringing an issue to the attention of the international community can involve crafting initial resolutions for evaluation and approval, followed by an expert group meeting to report on the problem in greater depth. After additional resolutions, a conference might take place, offering recommendations for additional consideration, and perhaps spawning additional recommendations. When members of civil society become frustrated with the process, we are often cautioned to understand that these things take time, and are advised to exercise patience.

The first Conference of States Parties on the ATT focused almost solely on administrative matters. This was perhaps understandable, given that the Treaty had only entered into force on 24 December 2014. But now it’s a year later. It’s time to move forward and focus on substantive issues.

This is not the time to be patient. We have an opportunity this week to evaluate the progress of the ATT and to determine ways to make more progress sooner. In this context, failure to act carries a human cost.

Even so, some substantive issues are masquerading as process questions. For example, states have not yet agreed on forms for the Initial Report on Implementation Activities or the Annual Transfer Reports. Although this seems like a process question – it involves forms, after all – critical substantive questions are contained within this debate.

One important issue is the extent to which these reports will be made public. Right now, states are given the option of making their reports secret, simply by checking a box on the relevant form. But if states are willing to export or import weapons, they should also be willing to justify these transfers to their citizens. During CSP2, states should ensure that these reports are automatically made public.

Famous basketball coach John Wooden said that true character is what people do when they don’t think anyone is watching. Unfortunately, there is a long history of countries acting badly when they are allowed to supply weapons in secret. If countries can’t justify their actions to the public, they shouldn’t be taking those actions in the first place. •

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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 in the plenary discussions.

High-level segment

- During the high-level segment dignitaries from Switzerland, Nigeria, Mexico, Costa Rica, Finland, and Panama addressed the Conference. Mexico and Costa Rica noted the relationship between arms trade and financing for development.
- UNODA updated on the status of the ATT.
- The ICRC highlighted how weapons facilitate violations of IHL and human rights law, including sexual and gender-based violence. It also noted violence in Syria, Yemen, South Sudan, and Latin America, stressing the responsibility of ATT states parties to prevent it. ICRC also called for public reporting.
- Mr. Geoffrey L. Duke, as a representative of civil society, highlighted the human suffering caused by armed violence in his home country of South Sudan, where violence is breaking out once again after years of deadly civil war and is being fueled by arms transfers.

Organisation of work

- The President of CSP2 introduced the agenda that will guide the meeting.
- The President recalled the members of the management committee, namely Cote d'Ivoire, Czech Republic, France, Jamaica, and Japan, while the Bureau for CSP2 consists of Costa Rica, Finland, Montenegro, and New Zealand.

General debate

- Ireland and El Salvador highlighted the ATT's role in efforts towards a safer and more secure world, as envisioned in the SDG agenda.
- Australia, South Africa, and Thailand highlighted goal SDG 16.4 to reduce arms flows by 2030.
- Most speakers stressed the need for universalisation of the Treaty.
- Italy and France highlighted their paper on universalisation, in which they propose the establishment of a troika system, aiming to make universalisation efforts sustained over long-term.
- Japan cautioned that states should avoid the situation where overly-strict implementation creates barriers to the universalisation of the ATT.
- A great number of speakers including Australia, Austria, Belgium, El Salvador, Ireland, and Thailand

highlighted the important role played by civil society in Treaty implementation.

- Australia and EU urged exchange of practices.
- Australia, Germany, Japan, Thailand, New Zealand, Montenegro, Republic of Moldova, and Chile highlighted the importance voluntary trust fund.
- New Zealand, Belgium, Argentina, ECOWAS, Montenegro, Peru, stressed the importance of assistance and cooperation to support adherence to and/or implementation of the ATT.
- Most speakers highlighted the importance of transparency for effective implementation of the Treaty.
- Australia, Austria, Brazil, France, Germany, Ireland, Japan, France, and Brazil highlighted the importance of reporting.
- Some states, e.g. Germany and Austria, indicated that their reports have been made public.
- Austria called for civil society access to all ATT meetings.
- Moldova welcomed the suggestion by Sweden for a working group on reporting.
- Some speakers, including Senegal, Ireland, Belgium, and Uruguay, highlighted the exacerbating effects of the arms trade on gender-based violence.
- Austria noted that all Presidents and Chairs of the ATT CSPs and preparatory committees were male and expressed the hope that soon a female colleague would assume such a responsibility.
- Argentina argued the ATT has three dimensions of human rights, development, and trade, all of which must be implemented.
- Germany thought the CSP should prepare to take up substance next year.
- Moldova thought the main focus of discussions should be on treaty implementation and hoped for a focused exchange of views and lessons learned.
- The African Union recalled that SALW have played a primary role in prolonging armed conflict in Africa, often using illegal or diverted weapons and ammunitions. The status quo cannot continue.
- Peru highlighted its work (together with Ecuador) around the consequences of arms trade on human rights and impact of possession and use of firearms. It highlighted HRC resolution 32/12 in this connection. •



EVENT: LAUNCH OF THE ATT MONITOR REPORT 2016

Jessica Lawson | *Reaching Critical Will of WILPF*

This side event was hosted by Control Arms, Australia, Ireland, and the Netherlands, to launch the second ATT Monitor Report. The panel event was chaired by the President of the ATT CSP2, Ambassador Emmanuel E. Imohe of Nigeria.

The ATT Monitor Report 2016 includes a special focus on the African region; a timely focus in light of the fact that the President of the ATT is from Nigeria and that a number of the newest state parties to the treaty are from Africa.

Ambassador John Quinn of Australia welcomed the development of the Monitor's analytical tools, noting that the new phase of the ATT meant there was both a need for careful analysis of publicly available information, and constructive cooperation between states and civil society. He also spoke about the importance of the report's particular focus on Africa but also said that there is much work to do in universalising the Treaty in the Asia Pacific region.

Deepayan Basu Ray, ATT Monitor Coordinator for Control Arms, provided an overview of the 2016 report, which was financially supported by the governments of Australia, the Netherlands, and Ireland. The report highlights that despite some significant supporters of the Treaty being from the African region, some of these remain outside of the Treaty. Mr. Basu Ray said that secrecy and illicit transfers have created many challenges in the region but there is political will for change.

Ambassador Patricia O'Brien from Ireland said that this report highlights the fact that we need strong implementation of the Treaty and that ratifications should be made more accessible to countries. She said that the proliferation of illicit arms impede and inhibit sustainable human development and that implementation and compliance with the ATT is key to eliminating the "evil trade" in illicit arms.

Mark Verstedden, Deputy Permanent Representative of the Netherlands, highlighted the significant role the Monitor can play in ensuring greater transparency within the ATT, also complimenting the Monitor's recent case studies on transfers to South Sudan and Saudi Arabia for bringing the conversation from high-level abstract discussions and applying the ATT to real life cases. He argued that the Monitor helps to fill the gap between reporting and implementation, because transparency alone is not sufficient. He also noted that while the Netherlands may not agree with all the conclusions in the report, it is a powerful and useful tool.

The representatives from Australia, the Netherlands, and Ireland each underscored the value of the deep analysis provided by this report—data and analysis that is only possible if states report publicly and on time. •

The international arms trade is worth billions of dollars but costs millions of lives in death, destruction, and displacement

Stand up for human rights and peace at the Second Conference of States Parties to the Arms Trade Treaty, 22-26 August 2016



INTRODUCTION TO THE ATT MONITOR REPORT 2016

Rob Perkins | ATT Monitor Researcher

Control Arms officially launched the second Annual Report of the ATT Monitor project on the first day of the Second Conference of States Parties to the ATT (CSP2). The project is a central and trusted source of information on the implementation and impact of the ATT around the world.

The report was introduced by Deepayan Basu Ray, the project coordinator. He introduced the main themes and content of the report, including a special focus on the implementation challenges and status of the ATT in Africa, in line with Nigeria's Presidency of the CSP this year.

The report starts with a commentary on the status of the ATT and the progress made in the last year. It finds that while the pace of universalisation globally remains positive, progress has been inconsistent between regions, especially in Asia, the Middle East, and North Africa. States must also redouble their efforts to ensure effective and meaningful implementation if the Treaty is to achieve its potential.

In addition to its thematic focus on Africa in Chapter 1, the report introduces the Monitor's "Risk Watch" methodology, through which the project

intends to synthesise and analyse credible information on arms transfer-related risks in contexts of concern. As states continue to grapple with the concept of risk, this project will help to create a more balanced knowledge base among states parties, acting as a guide both to their own comprehensive risk assessments and to them and civil society in the analysis of licensing practice.

The report also provides a detailed analysis of the first initial reports submitted by states parties, as well as a brief assessment of the first annual reports on imports and exports that had been submitted before the 31 May deadline set by the Treaty.

As Basu Ray noted in his presentation, "Meaningful implementation means changing behaviour, not just legislation." The ATT Monitor will continue to provide a vital service to states in the future as they work to ratify, implement, and comply with the legal obligations of the ATT.

The ATT Monitor Annual Report 2016 can be downloaded at <http://armstreatymonitor.org/en/the-2016-report>. •

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Statements, documents, analysis

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#BeTransparent
#StopArming



ATT MONITOR

EVENT: TOWARDS A GLOBALISED ATT: UNDERSTANDING BARRIERS AND OBSTACLES

Josephine Roele | *Reaching Critical Will of WILPF*

This side event, organized by RAND Europe and UNSCAR, focused on the challenges that all states face in the implementation of the Arms Trade Treaty (ATT). Participants recognised that implementation does not happen within a vacuum, and therefore the context of an individual state or a prospective state party must be taken into account. For states that plan to accede to the ATT in the future, the challenge of implementation forms a large part of the decision to ratify. How will the Treaty be transposed into existing legislation and national frameworks? Do factors such as strength of infrastructure or perceived national security threats play a part in the level of implementation we should expect from a state? Participants suggested that the perceived breadth of responsibilities in the ATT might discourage states from ratification. Speakers from three different sectors proposed means to address potential obstacles, placing an emphasis on the role of universalisation of the ATT in reinforcing its implementation.

Ivor Fung from UNSCAR recommended partnerships between states and civil society organisations, where the latter are eligible to receive UNSCAR funding. These partnerships are a constructive example of civil society putting pressure on national governments to make commitments to disarmament. Issues of legislative assistance, staff training, and the development of information-sharing platforms are all likely projects for UNSCAR's funding, and these in turn contribute to a state's capacity for commitment to the ATT.

One example of an UNSCAR-funded project was presented by Giacomo Persi Paoli from RAND Europe. Here, a "scientific approach" was adopted on information mapping, starting from the perspective of an individual government's mechanisms and their environments. If these mechanisms do not function well, then the ATT process will be ineffective, with legislation being nominal rather than operative. In essence, this approach comprises a structural review where a government's internal capacity and external enabling resources are identified and assessed. In so doing, a state becomes aware of its strengths and weaknesses in relation to ATT implementation, and this awareness facilitates finding solutions.

Raison Arobinto from the Philippines emphasised the role of existing national legislation in assisting implementation. The Philippines, for example, has introduced specific legislative frameworks that address the ATT (e.g. Republic Act 10697). Arobinto promoted the Philippines as an ATT state aware of the challenges it faces, but also ready to organise regional activities on sharing practices and experiences through outreach projects.

Effective implementation, high on the agenda of the Second Conference of States Parties to the ATT, was portrayed as being conditional on the context of the implementing government. Each speaker foregrounded the sharing of information as a way in which implementation can play a part in universalisation, and in collective confidence-building towards a stronger ATT. •

