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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) daily during all ATT meetings.

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EDITORIAL: TALKING INSIDE, DYING OUTSIDE

Ray Acheson | *Reaching Critical Will of WILPF*

1 7 states parties to the Arms Trade Treaty (ATT) are selling weapons to Saudi Arabia, which is leading a group of states in bombing in populated areas in Yemen, resulting in massive civilian casualties, displacement, and food insecurity.

This is the headlining concern raised by most civil society interventions to the Second Conference of States Parties (CSP2). It also the headline of much mainstream media coverage related to the conference. Yet for the most part, states parties participating in the conference have not addressed this issue at all, not even during the discussion on treaty implementation on Wednesday.

Zambia, one of the few states to critique existing arms transfer practice and policy, pointed out that many of the governments providing assistance to other states for ATT implementation efforts are also transferring weapons that result in armed conflict, violence, death and destruction. Is it really a best practice to transfer lethal weapons to places where they are being used to kill and maim people and destroy homes and schools, asked the Zambian delegation.

Recognising that some states parties, such as Belgium, Denmark, the Netherlands, Sweden and Switzerland, have taken steps to amend their export policies with regard to the Yemen conflict, Control Arms highlighted the continuing problem. "We are appalled that States Parties, signatories and aspirant states, including France, the UK, the US and Canada continue to authorise weapons to Saudi Arabia in this context," said Cesar Jaramillo of Project Ploughshares on behalf of the Control Arms coalition.

The Women's International League for Peace and Freedom (WILPF) also challenged these transfers, pointing out that "there is no doubt that these governments have all the information they need to understand the gravity of the situation and its relationship to their legal obligations on arms exports." In addition to such cases where there is mounting evidence of international humanitarian

law violations from the use of explosive weapons in populated areas, Maribel Hernández of WILPF Spain explained that WILPF's research has found many arms transfers have also been made in instances where the risk of the weapons being used to facilitate gender-based violence should have been well known.

The failures to comply with articles 6 and 7 of the ATT suggest that more is needed to tighten interpretations and applications of the Treaty. Amnesty International, for example, suggested that ATT states parties employ a requirement that arms exporters not approve an arms transfer "until importing states provide legally binding guarantees ensuring the intended end users of those arms will respect human rights and the rule of law." Amnesty's Brian Wood explained that the ATT "does not require a 'balancing' of export risks," but rather it "a thorough assessment to weigh up of all the risks of the possible 'negative consequences' of each potential export and then conclude whether the export would be either unlawful or too risky to authorize."

There is also scope to improve risk assessments and the application of the ATT through integration with other initiatives to deal with the international arms trade. Peru's delegation, noting the difficulties in defining elements of the risk assessment especially regarding human rights, suggested that the ATT Secretariat should maintain close coordination with the UN Office of the High Commissioner on Human Rights, which has the task of drawing up a report on "the impact of arms transfers on human rights" in pursuit of Human Rights Council resolution 32/12.

Current practice indicates that much more is needed to ensure that the ATT lives up to the expectations of those that demanded its negotiation and the needs of those being killed, injured, or displaced around the world. There are two days left at CSP2 yet ideas for strengthening the treaty's implementation—or even methods to do so—have scarcely been raised. The Treaty's credibility is at stake, but so are human lives. •

NEWS IN BRIEF

Mia Ganderberger | *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.

Reporting and transparency

- Peru said it is important that the formats of the initial and annual reports incorporate information regarding the elements on which the exporters have based their assessment to authorise the transfer.
- Peru also suggested the ATT Secretariat should maintain a close coordination with UN OHCHR as they are tasked with drawing up a report on “the impact of arms transfers on human rights” in pursuit of HRC resolution 32/12.
- Belgium stressed the importance of transparency and explained that its internal system is being updated and from 2018 on it will be able to report on the two SALW categories.
- Belgium expressed support to the reporting template as in WP.6.
- Belgium, Switzerland, Germany, France, Poland, New Zealand, Italy, and Argentina highlighted the importance of public reporting.
- US warned that reporting should not become a barrier to prevent states from joining the ATT.
- France thought the format of the reporting templates should be flexible over time.
- Netherlands, Italy, Mexico, and Moldova expressed support the establishment of a working group on reporting in transparency.
- With regard to the working group, the US suggested it should abide by rules 1-5 and 42 of the rules of procedure and be open those interested in them.
- New Zealand explained that preparing reports is time and resource intensive. It is currently undergoing a system change to move towards electronic internal reporting and record keeping, which should ease reporting in the future.
- With regard to the tick box option to opt-out of public reporting, New Zealand suggested including a requirement to provide an explanation as to why states choose to do so.
- Japan encouraged states to submit their reports as early as possible.
- Moldova clarified that its report was submitted restricted, but had been posted publicly on the website by mistake.
- Samoa explained that it identified many challenges when filling out both templates for the first reports, but hoped to address them in the future.
- The President assessed that there was divided support for the different options on reporting templates suggested in the IWG report. He therefore called on states to position themselves.
- Australia, France expressed support for Option 3.
- Mexico expressed support for option 1; but should states reach a consensus decision in favour of option 3, Mexico suggested a slight change to “encourage the states parties to use those templates.”
- President expressed hesitation to start redrafting.
- Ireland expressed support for option 2, but should consensus emerge around option 3 then it could support Mexico’s suggestion.
- Switzerland too expressed support for option 2 but was willing to take any option as long as there is comparability between the reports.
- It went on to suggest the Facilitator on Reporting continue his consultations before deciding on reporting.
- The President and Facilitator welcomed the suggestion.
- The Facilitator met with interested states at 3pm.

Voluntary Trust Fund (VTF)

- The Facilitator on the VTF updated on the results of his consultations. Paragraph 7 now includes compromise language to preclude a conflict of interest of a committee member that submitted a proposal.
- In paragraph 17 a footnote was included referencing geopolitical balance.
- Further, the possibility of joint proposals was included.
- Guatemala, US, and Mauritius expressed their support for the document.
- The terms of references were adopted.
- The Committee composition will be taken under agenda item 11.

Treaty implementation

- The Facilitators on Implementation, Costa Rica and Finland, took the floor to present their paper.
- Costa Rica stressed if states want ATT to be more effective then regional and international coopera-

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News in brief, continued

tion needs to be strengthened, including ties with CSOs.

- Most states shared their efforts on the technical and legal aspects of implementation.
- UK proposed a WG on implementation, the form of which could still be agreed upon. It could include national experts and other expertise including industry, CSOs, academia, think tanks, etc. It would meet once or twice a year to clarify themes of discussion and aims.
- The group should have open meetings to demonstrate transparency, but some issues may need a close or separate format to allow discussion with confidence.
- The UK would be open to chairing such a group but it remained open to other states putting themselves forward and would assist them in their candidacy.
- Belgium, Netherlands, New Zealand, Czech Republic, Sweden, France, Switzerland, Italy expressed support for such a group.
- Belgium thought the WG should not only reflect importing and exporting states but also transit and transshipment states.
- Belgium suggested including technical expertise from CSOs and industry as appropriate.
- Switzerland stressed the working group should be as inclusive as possible.
- Costa Rica expressed support for a working group before the next CSP. It liked the idea of an OEWG as a forum for discussion of best practices and the needs of technical assistance for all countries.
- Brazil expressed concern that states are creating working groups while the Secretariat remains undetermined, and therefore initiatives might not be adequately followed up by the Secretariat and states parties.
- Mexico thought it appropriate to create a mechanism to follow up on the implementation phase. It suggested the establishment of a working group or mechanism to consider synergies between the ATT and other instruments.
- Paraguay suggested more coordination with OHCHR.
- Zambia would support the idea of working group with the inclusion of less capacitated countries.

- Zambia asked states if they were collectively making a difference as envisioned, in terms of transforming the way the arms trade operates, expressing regret that states parties are transferring weapons causing harm. Zambia asked, is it still a best practice if lethal weapons continue to be transferred?
- All representatives from civil society highlighted similar points.
- The Finnish Facilitator agreed with the need to establish some kind of mechanism/working group to address implementation and proposed this CSP make a decision on how to carry the work forward. The Facilitators will come back with a proposal on a possible way forward on Thursday morning.
- Mexico highlighted the recent resolution on 32/12 on the acquisition possession and use of firearms of the HRC.

Universalisation

- The President shared his report on universalisation.
- Thailand, EU, AU, Colombia, Tuvalu, and Japan shared their activities and efforts around universalisation.
- Bulgaria expressed support to Italy and France's proposal for a troika system, to ensure better coordination in the actions of the CSP chairs.
- Paraguay supported the establishment of a working group on universalisation.
- Mozambique had suggestions regarding composition of WG and may come up with additional proposals in due course. •



ATT REPORTING AND TRANSPARENCY: IMPRESSIONS AND LESSONS LEARNED

Robert Perkins | Control Arms

The Arms Trade Treaty Baseline Assessment Project (ATT-BAP) and Control Arms hosted a side event in which ATT-BAP presented a new report that reviews the first group of initial reports and highlights what lessons can be learned.

Chaired by Jessica Hand, the Head of the UK's Arms Export Policy, the event began with presentations by Rachel Stohl and Paul Holtom, who created the ATT-BAP to assist states in understanding the obligations of the ATT and promote effective implementation. As of 15 June 2016, 49 states parties had submitted initial reports, out of the 63 state parties that were due to meet this legal obligation. Three of the reports are private, and so ATT-BAP analysed the results of 46 public reports. Among the key findings, the analysis found that in many cases information was either partial or had already been provided in a wider jigsaw puzzle of existing reporting mechanisms on national control systems.

This has made identifying good practice challenging. National control systems may be more robust than the ATT initial reports have indicated. Mr. Holtom recommended several options to take this work further, including developing a database across the various reporting mechanisms, including on measures to address diversion.

Other speakers at the event included Deepayan Basu Ray, who discussed the critical need for greater transparency in the arms trade. He also highlighted the level of states parties' compliance in submitting the very first annual reports on imports and exports, which were due on 31 May 2016. Anne Giles, of Australia, informed the audience of Australia's national experience of using the ATT-BAP to help meet their reporting obligations. An engaging and constructive discussion then followed, in which states and civil society primarily discussed what could next be done by states to build on the first steps provided by the initial reports. •

We sold [REDACTED] worth of [REDACTED] and [REDACTED], but our commercial interest make this sensitive...so we don't have to report [REDACTED].

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WHEN A VOTE IS NOT A VOTE

Natalie Goldring | Acronym Institute for Disarmament Diplomacy

Throughout the ATT negotiation process, states chose to follow a consensus decision-making approach in which consensus was effectively defined as unanimity. A single actor could block progress if it chose to do so, often leading to “least common denominator” results. The rules of procedure included the option to hold a vote if all efforts at achieving consensus failed. However, the only vote was on the actual adoption of the Treaty, which took place in the General Assembly after Syria, Iran, and DPRK blocked consensus adoption of the treaty text in the negotiations. This extreme reluctance to vote—even as a tool to signal support for an option, rather than to make an actual decision—led to an amusing set of exchanges Wednesday morning.

In the plenary session, delegates attempted to reach consensus on the use of templates for states parties’ initial and annual reports on their compliance with the ATT. They had been given three options: adopting the templates for all states parties to use; urging states parties to use the templates; or endorsing the templates, but saying they “may be used by states parties” in compiling their reports.

Several states commented on the templates, after which the chair attempted to sum up the preferences. “We appear to have some support for the second option, though also one or two preferences for options 1 and 3,” he explained. He then asked if any other

delegations wished to indicate their preferences. After interventions from Australia and France, he said, “We can now come to the conclusion that option 3 is the choice of the majority.” Next, Mexico suggested strengthening option 3 as a possible compromise, at which point the chair expressed his desire to avoid redrafting. After Ireland supported option 2, he said, “It seems 2 and 3 have tied again.”

To the non-diplomat, this looked a lot like a vote—but without any procedure. The chair was asking states to express their opinions and he was tallying the results. As each state indicated its preference, he seemed to be giving one point to that option. It arguably would have been far more efficient in terms of time to simply have a quick vote to get a sense of the room. But because of the ongoing interpretation of how to apply the consensus rule, this wasn’t possible.

After this back and forth, states decided to convene a small group to try to develop new language. The consultations may result in a compromise proposal that will be agreed to by states. The argument in favour of the consensus process is that this may give stronger support for the solution that’s ultimately reached. But the costs can also be significant. In this case, by taking the discussion from the full group to a small subcommittee, many voices have been lost. And ironically, a single state could still block consensus even after this process is complete. •

ON YEMEN

Ann Feltham | Campaign Against Arms Trade

Even though the organisation has been working on arms trade issues since 1974, this is the first time Campaign Against Arms Trade has been represented at an ATT conference. As a newcomer, I find it rather strange, somewhat surreal, to have heard numerous statements from governments with, while I was present, no mention of Yemen. This is even though Yemen is being bombed by Saudi Arabia and other coalition members using weapons bought from overseas. Many of these are weapons licensed by governments which say their exports are subject to rigorous controls.

CAAT is a UK organisation. The UK government was one of the leading states during the ATT negotiations. However, the UK government’s support for the arms companies is a bigger priority for it. Despite many, many credible reports of International Humanitarian Law violations by Saudi Arabia, the UK government

continues to licence exports where there is a clear risk they might be used in serious IHL violations. The UK government even accelerated the export of bombs. Unfortunately, the UK is not the only government doing this.

Those who campaigned for an ATT did not expect this. Even those of us who were more sceptical have been shocked. To stop the exports to Saudi Arabia from the UK, CAAT is now taking legal action. It is shameful we should have to do this to stop an ATT member government licensing exports which are helping to cause thousands of deaths and the complete devastation of homes and infrastructure.

We call on all states to immediately cease any exports which might be used in the conflict in Yemen. •



EVENT: IMPLEMENTATION OF ARTICLE 7 OF THE ARMS TRADE TREATY

Jessica Lawson | Reaching Critical Will of WILPF

This side event, organised by Women's International League for Peace and Freedom (WILPF), looked at implementation of article 7 of the ATT, especially as it relates to gender-based violence (GBV). WILPF's disarmament programme Reaching Critical Will presented its recent report, *Preventing gender-based violence through arms control: tools and guidelines for effective implementation of the Arms Trade Treaty and UN Programme of Action*. This event also introduced two affiliated case studies on the recent arms exports of Spain and Sweden and focused on perspectives from activists working in Colombia, Cameroon, and Spain.

Katherine Ronderos, of LIMPAL, the Colombian section of WILPF, spoke about the impact of the arms trade on Colombia, especially as it relates to women in Colombia. Ms. Ronderos explained that in the context of arms transfers to Colombia, women suffer more. She said that all armed actors, legal and illegal, have been perpetrators of sexual and gender-based violence. Even if they are not directly impacted by the weapon exported, "an arm is a tool to harm". She said that future Conferences of States Parties (CSPs) must deal better with the differential impact of the arms trade of women, girls, and LGBT people. She also noted that women are sometimes armed actors themselves and are treated differently from men in DDR processes. Finally, she highlighted that as Colombia reaches a peace agreement, the arms industry is already looking more at exporting weapons, including to Saudi Arabia.

Guy Feugap of WILPF Cameroon then spoke about the impact of the arms trade on women and girls in Cameroon. Some of the specific impacts Mr. Feugap mentioned include girls becoming suicide bombers, girls dropping out of school, forced and early marriages, and denial of rights of women and girls. He discussed some of the ways activists and the government are trying to address this situation and highlighted the importance of regulating arms transfers in this regard.

Maribel Hernández of WILPF Spain presented the Spanish case study. Spain ratified the ATT in April 2014 and during treaty negotiations, was an early endorser of the inclusion of the GBV criterion. However, Ms. Hernández said that to date, Spain has not denied an export license based on the GBV criterion. She highlighted some of the cases of potential violation of the GBV criterion, including the approval of arms transfers to both Colombia and Cameroon.

During the discussion, one criticism came from the audience that the specific link between the arms exports and GBV is not clear, especially in relation to the Swedish case study. In particular, it was argued that it is not

clear how exporting weapons other than small arms, such as airborne early-warning systems, facilitate GBV.

Ray Acheson, Director of Reaching Critical Will, the disarmament programme of WILPF, pointed out there are many indirect ways that acts of GBV are facilitated by the arms trade. She said that while small arms are often associated with committing GBV, there are many examples of other systems being used. Furthermore, the core issue is that all weapons exacerbate the violence suffered by women, girls, and LGBT people in both conflict and non-conflict situations and states must take this into consideration in the risk assessments of the countries they are selling to.

The full report, Preventing gender-based violence through arms control: tools and guidelines for effective implementation of the Arms Trade Treaty and UN Programme of Action, in both English and Spanish, as well as the detailed case studies on Spain and Sweden, can be downloaded on the Reaching Critical Will website. •

