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IN THIS ISSUE

- 1 | Editorial: The elephant—or the massive explosive violence—in the room**
- 2 | News in brief**
- 4 | Event: No arms for atrocities!**
- 5 | Event: Enhancing cooperation and preventing diversion: strengthening end use/r control systems**
- 6 | How Brazilian weapons sold to Saudi Arabia are helping to kill civilians in Yemen**

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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The views expressed in this publication are not necessarily those of WILPF or Reaching Critical Will.

EDITORIAL: THE ELEPHANT—OR THE MASSIVE EXPLOSIVE VIOLENCE—IN THE ROOM

Ray Acheson | *Reaching Critical Will of WILPF*

Widespread proliferation of weapons leads to widespread human suffering, said the Nigerian delegation on Thursday. This is no more visible anywhere in the world today than it is in Yemen, where the relentless sale of weapons to Saudi Arabia is facilitating its relentless bombing campaign in Yemen. It is civilians who pay the price. Yet by the end of the fourth day of deliberations at the Second Conference of States Parties (CSP2) to the Arms Trade Treaty (ATT), these transfers have been raised and criticised only by civil society, not by states.

According to the UN Office of the High Commissioner for Human Rights, an estimated 3,799 civilians have been killed and 6,711 injured as result of the war in Yemen.¹ This estimate is far higher in other counts. At least 7.6 million people are currently suffering from malnutrition and at least three million people have been displaced. "Living this type of life you die a million times over," said a father of five to the International Committee of the Red Cross (ICRC) after having to flee his home because of the conflict.

The High Commissioner, Zeid Ra'ad al-Hussein, has called for an international investigation into human rights violations in Yemen as a result of the ongoing conflict.² This is necessary and welcome. But states can make a significant contribution to ending the suffering now, before the investigation's results are known or before it even begins, by ending arms transfers to Saudi Arabia.

In violation of the ATT, apparently neither the US nor the UK has undertaken a proper risk assessment process in regards to their transfers to Saudi Arabia. A spokesperson for US Central Command told a *New York Times* reporter two weeks ago "that the United States is not conducting a single investigation into civilian casualties in Yemen."³ The UK Foreign Office admitted in late July that it has not carried out an assessment of Saudi compliance with IHL.⁴

Despite these failures, there is sufficient evidence and information to put a halt to arms transfers. A UN panel of experts, the ICRC, Médecins Sans Frontières, Human Rights Watch, Amnesty International, and a number of other civil society groups and media sources have documented and reported on violations of IHL and human rights in Yemen by the Saudi-led coalition.

None of these facts have been aired at CSP2 outside of civil society interventions and side events, however. Discussions on implementation, transparency, and universality have all failed to address actual arms transfers happening in the actual world that are known to be resulting in actual human rights and IHL abuses. Such total lack of engagement with apparent violations of a treaty by its states parties is, to our knowledge, unprecedented.

The UK, along with Germany and other states transferring weapons to Saudi Arabia, declared on Thursday that universalisation of the ATT is crucial to the credibility and effectiveness of the Treaty. The UK even said universalisation is the "only way" the Treaty can be truly effective and highlighted the role that civil society and the arms industry can play in promoting the ATT.

However, civil society, for the most part, is arguably more concerned with getting existing states parties to comply with their legal obligations under the treaty. The arms industry, in the meantime, is more interested in breaking into new markets and taking advantage of increasing geopolitical tensions and rising military budgets than promoting universality of a Treaty that should in fact curtail their sales and their profits.

The interests in the room at CSP2 are diverse. They always have been, in the ATT context. But one of the core motivations for negotiating this treaty, highlighted once again by countless states and civil society groups and international organisations dur-

Editorial, continued

ing this meeting, was the reduction and prevention of human suffering. Can we really say that CSP2, or states parties' implementation efforts, have lived up to even a shadow of this goal?

Notes

1. "Zeid urges accountability for violations in Yemen," UN Office for the High Commissioner of Human Rights, 25 August 2016, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20411&LangID=E>.
2. Ibid.
3. Samuel Oakford, "Saudi Arabia Kills Civilians, the U.S. Looks the Other Way," *The New York Times*, 19 August 2016, <http://www.nytimes.com/2016/08/22/opinion/international/saudi-arabia-kills-civilians-the-us-looks-the-other-way.html>.
4. Patrick Wintour, "Foreign Office retracts statements to MPS on Saudi campaign in Yemen," *The Guardian*, 21 July 2016, <http://www.theguardian.com/politics/2016/jul/21/foreign-office-retracts-statements-to-mps-on-saudi-campaign-in-yemen>.

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NEWS IN BRIEF

Jessica Lawson and Josephine Roele | RCW 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.

Treaty universalisation

- France and Italy have submitted a working document that builds on the President's paper on universalisation and formally outlines the proposal of a troika system for the CSP presidency.
- Brazil, Switzerland, Sweden, Germany, UK, Mauritius, and Argentina expressed support for this proposal.
- Italy, Switzerland, and Brazil expressed that the CSP President has a role to play in outreach activities to promote universalisation.
- Switzerland, Germany, and UK said that the Treaty's effectiveness depends on its universalization.
- Switzerland suggested that the Voluntary Trust Fund should be used to fund projects reinforcing universalisation.
- Haiti said that the VTF should be available to all states parties, signatories and non-signatories, for this reason
- Thailand, on behalf of Samoa, Fiji, and Palau said that universalization should be tailored for each particular region. For example, signatories in Southeast Asia can provide expertise on the complex nature of the Treaty to encourage more participation from the Pacific.
- Mexico, Sweden, Germany, UK and Haiti supported the President's proposal to set up a working group on universalization.
- Samoa mentioned that the ATT is competing with other priorities in the Pacific, such as rising sea levels and meeting the Sustainable Development Goals.
- Sierra Leone said that all other aspects we are discussing at this CSP also strengthen the argument for promoting treaty universalization.
- Poland mentioned that violence can be found in the impact of weapons on society more broadly, and does not just depend on the number of people killed by weapons. Regional strategies can help with universalisation.

Reporting

- The facilitator on reporting, Sweden, held two consultation rounds yesterday with interested states parties on the reporting templates and came up

continued on next page



News in brief, continued

with a third option, which specifies that templates will be kept under review to take into account practical experience of their use.

- The amended text of the reporting template was adopted.

Secretariat

- The interim head of the Secretariat presented his report on the work since CSP1.
- The sponsorship programme, administered by UNDP, was circulated to states. Contributions were received from the following in US dollars: UK 58,000, Switzerland 64,000 Australia 61,000 Germany 100,000.
- A number of state delegations expressed hope that the four vacant positions in the secretariat will be filled quickly.
- France reported on the work of the management committee for the first year of the ATT's life. The management committee's main activities include: calls for contribution to the sponsorship programme, ATT Secretariat website update, and supporting the secretariat to review the extraordinary meeting in February 2016.
- The Interim Head of Secretariat, Mr. Dladla, presented the budget for financial year 2017.
- Sweden and Belgium expressed concern that there were still outstanding financial contributions to be made. Belgium recalled the importance of paying this contribution to the ATT Secretariat.
- Mr. Dladla responded that delayed contributions to the budget are problematic, since the Secretariat has no reserves to allow for running a programme at the point that it is needed rather than at the point it gets its funding. Mr. Dladla proposed a reprioritisation of the budget, although this would be complicated.
- President adopted the budget proposed by Mr. Dladla and the Secretariat Staff Policy Adjustment.
- President Imohe presented Mr. Dladla as the highest-ranking candidate recommended by the candidate selection committee for position of Head of Secretariat.
- Ghana, ECOWAS, Sweden, Switzerland, Mexico, US, Zambia stated support for Dladla's selection.
- Sweden and US expressed concern on the lack of transparency around the selection process. Sweden proposed that the weighting around the selection

criteria could have been shared more fully during this process while respecting the confidentiality needed around the selection itself.

- President Imohe approved Dladla to the position of Head of Secretariat. Dladla accepted the responsibility and stated he would work hard to live up to expectations.

Matters pertaining to CSP3

- The dates and location of CSP3 were left unclear and will be decided on at a later date. The most concrete option at this stage would be September 11-15, 2017 at CICG in Geneva.
- President Imohe proposed Finland as candidate for the presidency of CSP3, with Australia, Guatemala, Bulgaria, and Sierra Leone as vice-presidents.
- All candidates accepted their nominations. New Zealand endorsed Finland; Chile, Costa Rica, Brazil and El Salvador endorsed Guatemala; Sweden and Samoa endorsed all candidates.
- CSP3 presidency was given to Mr. Korhonen of Finland, and vice-presidency to Bulgaria, Australia and Sierra Leone. Guatemala's vice-presidency will come into effect on 10 October 2016, when the deposit of ratification comes into force, with Costa Rica remaining in this role in the interim.
- Candidature for the VTF selection committee was delayed until Friday 26 August.
- The working group on reporting and transparency was established.
- Delegates from Costa Rica and Finland presented revisions to a working group on implementation as an "open ended ad hoc working group" with clearly defined terms of reference to be adopted during CSP3.
- New Zealand and Mexico asked for clarifications on how open this working group would be.
- Switzerland and Sweden supported the proposal submitted by delegates from Finland and Costa Rica, but agreed it should be open.
- Belgium asked that the working group on implementation be open to technical experts with relevant experience.
- Panama stated that working group meetings should be available for all to attend, and Sweden suggested that the sponsorship programme might help with this.
- Costa Rica and Finland will present a revised proposal for the ad hoc working group on implementation tomorrow morning. •



EVENT: NO ARMS FOR ATROCITIES!

Josephine Roele | *Reaching Critical Will of WILPF*

On Wednesday evening, Amnesty International Switzerland held an event at the University of Geneva, open to members of the public and civil society activists who are not attending this week's CSP2.

Rasha Abdul-Rahim from Amnesty International opened with the history of negotiations leading to the ATT. Ms. Abdul-Rahim highlighted the role played by civil society in bringing to the fore the terrible humanitarian consequences of the arms trade and in holding respective governments to account. In this vein, Ms. Abdul-Rahim spoke of the pressure Amnesty International is putting on the UK government, where documented unlawful airstrikes targeting schools and hospitals in Yemen are not stemming the flow of UK arms to Saudi Arabia.

Allison Pytlak from Control Arms underscored the vital importance of comprehensive and public reporting in ensuring accountability in the arms trade. On the subject of answerability and reluctance among states for public reporting, Ms. Pytlak said the following of those exporting states being directly challenged by civil society during the CSP2 plenaries: "Their silence speaks volumes, and this is something that we will not let rest."

Control Arms is also interested in increasing the participation of the African region. Often the most affected by the international arms trade, African countries have historically taken a strong position on a treaty that speaks to human suffering. However, numbers of ratification are low, due in part to a lack of financial and structural capacity that can be traced to the armed conflict in those regions.

Guy Feugap, from WILPF Cameroon, took the floor on this issue, noting the impact of regional instability on economic and social development. The circulation of arms perpetuates conflict and underdevelopment, and it falls on civil society to remind governments of this cost. Mr. Feugap gave a gendered perspective to his analysis. A concern for girls' safety, for example, prevents them from being allowed to attend school. Deprived of this right, how is economic freedom a possibility? ATT implementation would help reduce the risk of arms falling into the wrong hands, thus contributing to regional stability and development.

The final speaker, Amanda Gavilanes, represented Group pour une Suisse sans Armée (GSsA), a pacifist, anti-military lobby group in Switzerland. She spoke specifically on Swiss exports of munitions parts to the Saudi-led coalition in Yemen and the diversion of Swiss arms to ISIS in Turkey. Ms. Gavilanes made a strong case for total disarmament in light of the human rights abuses that occur wherever there are arms. Ms. Gavilanes took the position that a treaty regulating rather than banning the arms trade still accepts that geopolitical and strategic policies can take priority over human lives. She stressed local level empowerment as an opportunity to change the mentality of governments.

Discussions with the audience looked to the future of the ATT and the part that civil society can play. The introduction of amendments to the ATT in 2020, for instance, poses an exciting opportunity, albeit faraway, to push for greater transparency and stronger obligations. •



PREVENTING DIVERSION: STRENGTHENING END USE/R CONTROL SYSTEMS

Jessica Lawson | *Reaching Critical Will of WILPF*

This event organized by UNIDIR and Amnesty International began with a panel: Mr Jarmo Sareva, Director, UNIDIR; Mr Himayu Shiotani, Project Manager, UNIDIR; Dr Paul Holtom, Arms Transfer Expert Consultant, UNIDIR; Mr Brian Wood, Head of Arms Control and Human Rights, Amnesty International; and Ambassador Philip Griffiths, Head of Secretariat, Wassenaar Agreement. Following the panel presentations, Mr Shiotani moderated a roundtable discussion with a list of six pre-organised respondents, including one woman.

Since more than half a million people per year die a violent death, and diversion of weapons is a major contributing factor, this event aimed to discuss practical options to strengthen end use/r control to prevent diversion.

Brian Wood said that roughly two-thirds of human rights abuses documented by Amnesty are committed with small arms and light weapons. He said that diversion, for Amnesty, includes to the illicit market, unauthorised end users, and unauthorised end use. In the case of Islamic State, Amnesty has found—through photographs, documents, and fieldworkers in Syria and Iraq—three of the main sources of the arms are China, the US, and Russia.

Paul Holtom presented an overview of some of the findings of UNIDIR's report, *Examining Options to Enhance Common Understanding and Strengthen End Use and End User Control Systems to Address Conventional Arms Diversion*. He highlighted six key areas for the development of common understandings. Four of these areas can be dealt with now—defining key terms, detailing items to be provided to export control authorities, having common understandings of types of assurances to be provided by the end user or importer, and increasing understanding of the role and functions of end use/r document. Two require the beginning of dialogue by states—enhancing information exchange and indicators for risk assessment, and post-delivery cooperation.

Philip Griffiths provided an overview of the Wassenaar Arrangement. He said that end use/r controls are integral and can make a major contribution to mitigating the risk of diversion. He said that members of the Wassenaar Arrangement regularly share information, increasing transparency and greater responsibility for arms transfers, as well as preventing acquisition by terrorists.

During the roundtable discussion, Mr Ewin Bollinger, Head of Export Controls and Sanctions, State

Secretariat for Economic Affairs, Switzerland, spoke about Switzerland's export control system, including that it now includes a possible post-delivery verification process.

Mr Johannes Rumpff, Export Control Division, Federal Foreign Office, Germany, discussed the German export control system, which also includes the possibility of post-delivery checks.

Ms Maria Brandstetter, Conflict Prevention Centre, OSCE, spoke about OSCE's efforts to harmonise or establish common standards for end user certificates. She suggested some possible ways forward, including joint verification processes to deal with the lack of resources often sighted by states and international cooperation on post-delivery verification.

Dr. Sani Adamu, Small Arms Division, Directorate of Peacekeeping and Regional Security, ECOWAS Commission discussed how information sharing takes place regionally under the ECOWAS Convention. He said that the ECOWAS Convention is stronger than the ATT.

Frank Meeussen from European External Action Service (EEAS) explained the level of information sharing that occurs at the EU level, including the existence of a denial database, with records of export licenses that have been denied.

Mr Leonard Tettey, National Commission on Small Arms and Light Weapons, Ghana, highlighted the importance of the role of the Secretariat of the ATT in information sharing, including responding to states' queries about end users.

The UNIDIR report, *Examining Options to Enhance Common Understanding and Strengthen End Use and End User Control Systems to Address Conventional Arms Diversion*, is available on the UNIDIR website. •



HOW BRAZILIAN WEAPONS SOLD TO SAUDI ARABIA ARE HELPING TO KILL CIVILIANS IN YEMEN

Jefferson Nascimento

US\$ 109,559,247. This is the value of exports of arms and ammunition from Brazil to Saudi Arabia in 2015, according to information provided by the Brazilian government database to UN Comtrade. Much of this amount relates to exports of Avibrás Industria Aeroespacial, a Brazilian company headquartered in São José dos Campos (SP) that designs, develops, and manufactures defense products and services. The Avibrás portfolio includes from artillery products and air defense system to rockets, missiles, and armored vehicles.

Among the Avibrás products is the Astros II (Artillery Saturation Rocket System), a multiple launch rocket system with ability to launch ammunition of various calibers at distances between 9 and 300 kilometers. Generally regarded as the debut product of Brazilian defence industry in the international market, the Astros system was developed to meet Iraqi government demand in the early 1980s, intended to be used in the Iraq-Iran war. Versatile, the Astros system allows the use of different warheads, including cluster munitions.

Cluster munitions: violations “made in Brazil”?

Reports of organizations such as Amnesty International and Human Rights Watch show that the coalition led by Saudi Arabia could have used a Brazilian model of cluster munitions in Ahma, northern Yemen in October 2015. The ammunition would have injured at least four people and contaminated a wide area with deadly unexploded submunitions.

Given the difficult access to the region in war, both Amnesty and Human Rights Watch have been unable to verify “in loco” the submunitions found in Ahma. Nevertheless, the pumps have “strong resemblance” to the model manufactured by Avibrás, which could have been deployed from an Astros II system.

Questioned by Amnesty International, Avibrás stated that the ammunition “resemble” the company’s projects, not ruling out the possibility that the munitions have been produced by it, stating that it would determine in more detail the facts.

An expanding market

Analysis of figures released by the Brazilian Ministry of Development, Industry and Foreign Trade (MDIC) indicates that Avibrás alone sold more than US\$ 115 million to Saudi Arabia since 2010, including arms, munitions and armored vehicles. Notwithstanding the impressiveness of this number, one detail draws attention: 93% of this amount was sold in 2015 alone, a 140-fold increase over 2014.

The business opportunities in Saudi Arabia and the region have not gone unnoticed to the arms industry in Brazil. In his inaugural speech as president of Abimde (Brazilian Association of Defense and Security Materials Industries) held on 26 January 2016, Carlos Frederico Queiroz de Aguiar pointed out the interest in expanding the partnership of the Brazilian defense industry with Middle Eastern and North Africa countries, either through exports or by industrial activities in these countries.

What can be done

The ratification of the Arms Trade Treaty in Brazil will be a game-changer in the process to increase transparency in the rising arms transfers carried out by Brazil. The duty to submit periodic and public reports and to establish a clear risk assessment procedure of exports will be key to prevent arms and ammunition manufactured in Brazil from being used for human rights violations and practice of atrocity crimes worldwide.

A Brazilian coalition of civil society organizations was created in the beginning of 2015 to monitor the process the implementation of the Arms Trade Treaty in Brazil and to raise awareness of national public opinion on the importance of a more transparent and accountable control of arms exports. The Coalition for Responsible Arms Exports, formed by Amnesty International Brazil, Conectas Direitos Humanos, Dhesarme, Igarapé Institute, and Instituto Sou da Paz, has been advocating to ensure the ratification of the ATT (currently under analysis of the legislative branch of Brazil) and national incorporation of the Treaty mechanisms through legislative reform that enshrine transparency in international transfers of Brazilian arms. •

Notes

1. A modified version of this article was published at <http://bit.ly/2bYYdK8>.
2. See <http://comtrade.un.org/data>.
3. See <https://guerraearmas.wordpress.com/armas-brasileiras/avibras-astros-ii-iii-o-destaque-brasileiro-em-foguetes-de-saturacao>.
4. See <https://anistia.org.br/noticias/iemen-suspeita-de-uso-de-municoes-cluster-brasileiras-em-ataque-de-coalisao-liderada-pela-arabia-saudita>.
5. See <https://www.hrw.org/news/2016/02/14/technical-briefing-note-cluster-munition-use-yemen>.
6. See <https://anistia.org.br/noticias/iemen-suspeita-de-uso-de-municoes-cluster-brasileiras-em-ataque-de-coalisao-liderada-pela-arabia-saudita>.
7. See <http://mdic.gov.br/sitio/interna/interna.php?area=5&menu=1444&refr=603>.