

**ATT Working Group Meetings and
2nd CSP9 Informal Preparatory Meeting**
09 - 12 MAY 2023 | GENEVA, SWITZERLAND

Summary Analysis Report

TABLE OF CONTENTS

WORKING GROUP ON EFFECTIVE TREATY IMPLEMENTATION (WGETI)

| | |
|---|---|
| <u>Sub-Working Group on Articles 6 and 7</u> | 1 |
| <u>Sub-Working Group on Article 9</u> | 6 |
| <u>Sub-Working Group on Article 11</u> | 7 |
| <u>Session configuration and substance of the WGETI</u> | 8 |

WORKING GROUP ON TREATY UNIVERSALIZATION (WGTU) 11

WORKING GROUP ON TRANSPARENCY AND REPORTING (WGTR) 13

2ND CSP9 INFORMAL PREPARATORY MEETING 16

SIDE EVENTS

| | |
|---|----|
| <u>Reporting and the Arms Trade Treaty: Synergies and Sanctions</u> | 23 |
| <u>ATT Voluntary Trust Fund (VTF):</u> | |
| <u>supporting national ATT implementation strategies or plans</u> | 27 |

WORKING GROUP ON EFFECTIVE TREATY IMPLEMENTATION (WGETI)

Sub-Working Group on Articles 6 and 7

Ambassador Ignacio Sanchez de Lerin of Spain and Chair of WGETI stressed that the goal for this meeting is to complete discussions of the elements under Chapter 2 of the draft Voluntary Guide on Articles 6 & 7.

Item 10 of the Multi-Year Work Plan - Prohibitions under Article 6

Switzerland suggests that the Rome Statute (of the International Criminal Court) should be addressed under the provisions relating to genocide. Under Swiss law, prohibitions are included in the Swiss War Materiel Act and also (as per Article 6) apply to the transit and brokering of arms transfers and cover ammunition, parts, and components. **Brazil** proposed minor linguistic changes to paragraph 20 while **France** requested that any new paragraphs added to the Voluntary Guide should reflect that this tool is not establishing new obligations nor creating new interpretations of these norms.

Item 11 of the Multi-Year Work Plan - Exporting State Party Adoption of Arms Transfer Mitigation Measures.

This discussion began with a presentation by **Mr. Calum Watson of Small Arms Survey** regarding mitigation measures with a focus on Art 7.4 on GBV. Mr Watson noted that sexual violence can be a strategy - a specific aim/command of a state - and/or a practice where it is tolerated by a state. Sexual violence (SV) varies in conflict e.g. cases where one side perpetrates high levels of sexual violence but the other doesn't. In non-conflict settings, where armed violence levels are high most victims of armed homicide are male; but when armed violence is low, women are the main victims at the hands of family members.

While most GBV is not lethal, perpetrators use the threat of violence to commit GBV. For this reason, we need to address other forms of violence other than those that result in death. In addition, GBV reinforces gender inequality - it causes particular classes of people to adapt their behavior and limits their full enjoyment of human rights

According to the 2022 brief published by Small Arms Survey - "At Whose Risk? Understanding States Parties' Implementation of Arms Trade Treaty Gender-based Violence Provisions" - most arms transfer risk assessments combined Articles 6 and 7. However, non-conflict GBV needs to be assessed as well as cases of GBV not authorized by leadership.

Thus far, there have been no denials of exports based on Art 7.4 and no information has been provided on specific mitigation measures implemented. In addition, licensing officers make ad-hoc decisions while mitigation measures require medium to long-term engagement.

National Action Plans are important to ensure measures - legislative, regulatory, and enforcement - are not siloed. GBV is rare where institutions had values and mechanisms that precluded it e.g. where commanding officers can investigate and address GBV in armed forces. GBV and sexual

violence need to be criminalized in line with international conventions (e.g. CEDAW), and firearms licenses should be suspended if they were suspected of being used in the commission or facilitation of sexual violence.



Argentina then presented its Working Paper on moving forward the CSP5 decisions encouraging States Parties to share national practices relating to mitigating measures under Article 7(4). Recalling that CSP8 requested that States publish statistics on GBV to enable the evaluation of the impact of gender on the implementation of the ATT, Argentina invited states to share their data and national legislation.

Argentina explained that national civil society organizations called for the adoption of measures and legislation to tackle GBV, including the collection of clear data on GBV. An agreement was reached in 2012 which required government agencies to collect data on violence against women disaggregated by age, sex, marital status, occupation, and relationship with the aggressor. Latin American countries also agreed to share information on GBV in conflict and non-conflict situations. In 2021, a Federal Register of GBV was implemented; since then 20,000 precautionary measures were ordered for GBV in the home including six thousand orders to withdraw firearms licenses. Policies had been implemented promoting GBV training of armed forces and police. Similarly, sanctions were established for the commission of GBV.

Argentina has circulated a survey on this topic and is currently awaiting answers from States. Argentina also noted that it hopes the ATT Secretariat will collate responses for a more in-depth discussion before CSP10.

Control Arms stressed that mitigation measures needed to be medium and long-term to be effective – but questioned what that meant for licensing decisions that were being taken today.

Austria then explained that cases of GBV in Austria were mainly in domestic situations and a lot of measures were being undertaken to address this e.g. if a partner was convicted of violence - could be prevented from contacting the victim and also from owning a weapon. Austrian export control was dealing with at least 150 countries, so it was difficult to assess whether all of these countries had measures to address domestic GBV. Austria also inquired if discussions on the risk assessment of GBV have been completed, given that some countries have disputed the concept of gender.

In response to the question from Control Arms, Calum Watson explained that no country had a perfect situation and that establishing the necessary systems of data collection and information sharing was key, as is considering how states had incorporated the ATT into national law. Regarding the export licensing question from Austria, Watson recalled that even if countries disagree regarding the concept of gender, international norms, such as the ICC, apply.

Argentina explained that more than one woman is killed every day in its country. As such, the domestic rates of femicides are much greater than those mentioned by Austria. It views mitigation measures not as obstacles but as ways to address violence in different settings. It also recalled that Human Rights obligations are our link to violence against women and children. ATT States Parties should take into account the full body of international law.

Ireland noted that full information – including gender-disaggregated data – was required to enable GBV assessment and mitigation. It also underlined the importance of awareness raising so as to overcome the problem of systemic underreporting and community stigma. **Brazil** noted that risk mitigation is of structural relevance to addressing GBV in arms transfers. Also, the marking of ammunition was important for addressing diversion and misuse but was not widely practised. Some countries implement marking for lot and batch numbers which have helped in generating actionable information. It is important to remember that the costs of commercial marking were less than the wider costs of not marking arms and ammunition. **China** shared its efforts to protect women and children from violence including the adoption of a Law on Women's Rights.

The **European Union (EU)** shared that in 2021 it adopted an integrated methodological framework for addressing pre-delivery assessment and post-delivery controls - implemented via the European Peace Facility.

ICRC noted that mitigation measures had to be assessed cautiously depending on what could reasonably be achieved. ICRC also shared recommendations from the 2021 "Allies, Partners And Proxies: An Introduction To Support Relationships In Armed Conflict" report in which ICRC collected good practices of states who engage in support relationships in and around armed conflict. SSR programs were often implemented in peacetime and could constitute international assistance and cooperation (ATT Articles 15 and 16). In implementing such programs, states should consider capacity across:

- framework of policies and laws setting out how the institution should act, and the system to enforce that framework;
- look at systems and processes for coherent and consistent application towards respect for IHL;

- robust and standardized processes for vetting members of the armed forces, e.g. persons convicted of IHL violations were excluded;
- culture and intent e.g. through supporting staff colleges.

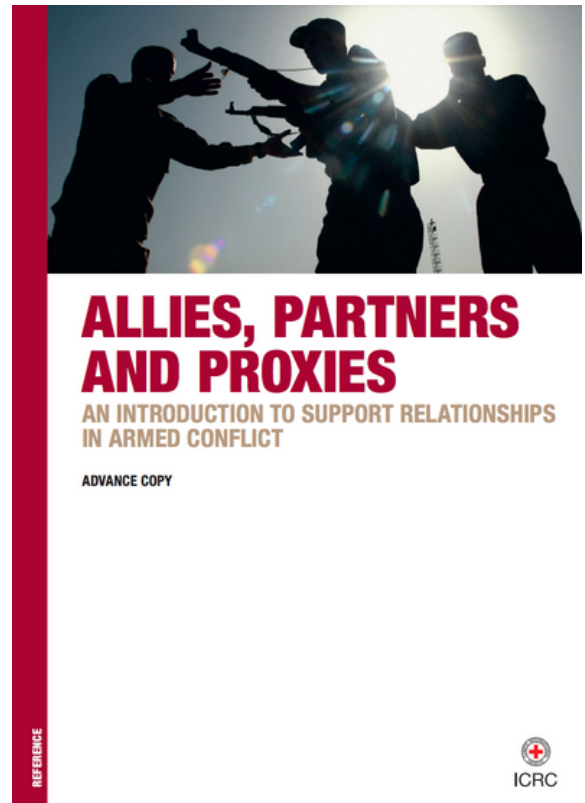
ICRC explained that the ability of training to offset IHL violations ultimately depended on circumstances - including content, format, trainers, audience, etc. Such initiatives must be tailored to the recipient's needs, reviewed, and adapted over time in response to observations. Weapons training was particularly important: when relating to the use of explosive weapons with wide impact areas, importing armed forces should be trained so they understand the impacts of these weapons and can implement measures to prevent harm. ICRC noted that it may be in a position to contribute to the training itself or curriculum development.

Mexico stressed the importance of having a register of judgments/convictions of GBV which should be used in recruitment to state forces. It also stressed the importance of capacity-building measures and introducing import and export control measures.

Control Arms shared that it is in the process of developing an ATT gender action plan and reminded states of the [Control Arms Practical Guide](#) on the implementation of the GBV criteria.

Switzerland explained its domestic process for the export of War Material and associated risks under ATT Article 7.1. In such cases, the licensing authority cannot authorize the transfer without prior approval from other Swiss government entities e.g. MFA, MoD, Intelligence Services, Min of Energy and Aviation. If different entities reached different conclusions in their assessments - the matter is referred to the Federal Council of Ministers. Such a process reduced the risks of errors in export assessment. In addition, the end-user must specify the use of equipment in the EUC and commit to not selling or using the arms contrary to the EUC. Similarly, **China** explained that it also required the exporting entity to obtain a EUC and that it prohibits the re-export without its prior approval. Multiple government entities were consulted as part of the risk assessment. In addition, China has in place a policy that prohibits the sale of arms to non-state actors.

France noted that in evaluating arms transfer risks it undertakes an in-depth analysis which includes information from overseas missions and intelligence services. Authorities can suspend/withdraw licenses once issued. Partnerships with manufacturers helped ensure the effectiveness of controls, including the accompaniment of materiel; measures relating to the storage of goods; and the final end-user.



The Philippines noted that the Strategic Trade Management Act and national laws and regulations provide a risk assessment matrix. The Philippines has undertaken outreach efforts to the industry to raise awareness of risks and ensure due diligence through an Internal Compliance Program for export control. The effectiveness of mitigation measures is monitored and multilateral and bilateral dialogues are entered into in order to mitigate risks. The industry is also at the forefront of the development of new technologies that could assist in mitigating risks.

Austria shared that mitigation amounted to more than just a risk assessment. For example, if there was a problem with GBV in a country but there was a process there for addressing it in which Austria was also involved, this could represent a mitigation measure. Post-shipment verification was a very important tool in this context. **Control Arms** agreed that mitigation was more than standard risk assessment. As per the Treaty's text: when an export is unlikely to be approved, mitigation measures could be looked at in order to reduce the risks. What happened after the mitigation measures are implemented? There should be a further risk assessment to check their effectiveness (or lack of it). A process on its own is not enough: governments need to be looking at the outcomes.

The Chair concluded the meeting by noting that it was a useful exercise in finding out what could be done if a risk assessment pointed to the refusal of a license and what measures could be taken in response. The Chair invited States to submit further comments in writing, as they continue their work on the Voluntary Guide.

WORKING GROUP ON EFFECTIVE TREATY IMPLEMENTATION (WGETI)

Sub-Working Group on Article 9 (Transit and Transshipment)

Mr. Robert Wensley of South Africa, the facilitator of the sub-Working Group on Article 9 explained that the group developed a multi-year work plan with a focus on sharing information on national practices related to transit and transshipment. Topics covered included defining "transit and transshipment," discussing phrases like "under its jurisdiction" and "through its territory in accordance with international law," regulating arms transit, examining the role of the private sector, and exploring the relationship between Article 9 and other articles. During a previous session,

a Voluntary Guide on implementing Article 9 was developed and presented and received positive feedback without objections. The comprehensive guide is intended to serve as a training resource for states looking to develop or strengthen their transit and transshipment controls. He invited states to submit additional proposals for consideration and to review and comment on the revised draft elements of the Voluntary Guide during the current session.

China stressed the importance of strengthening transit and transshipment practices to prevent abuse and misuse of arms. They urged states to fulfill their obligations and enhance oversight, emphasizing that countries should consider their specific contexts and avoid interfering in other nations' domestic legal frameworks. China further highlighted the primary responsibility of governments in ensuring effective transit and transshipment practices, while calling for the private sector to align with international laws.

France, who generally welcomed the draft, underscored the importance of clarifying that the guide is voluntary and serves as a reference rather than being prescriptive. France also emphasized the importance of ensuring that the guide is flexible enough to accommodate different national contexts and practices. The Chair acknowledged France's concerns and clarified that the guide is voluntary, as stated in the definition. Participants were encouraged to provide written comments to the ATT Secretariat, particularly regarding section 7, which remained underlined.

ATT/CSP9.WGETI/2023/CHAIR/748/M2.LetterSubDocs

ATTACHMENT 2

ELEMENTS OF A VOLUNTARY GUIDE TO IMPLEMENTING ARTICLE 9

REVISED DRAFT

Contents

| | |
|---|----|
| Background | 29 |
| Treaty text | 30 |
| National approaches to the terms 'transit' and 'trans-shipment' | 30 |
| Phrases 'under its jurisdiction' and 'through its territory in accordance with international law' | 32 |
| Measures to regulate the transit and trans-shipment of arms | 34 |
| Measures to regulate the transit and trans-shipment of arms by land | 37 |
| Measures to regulate the transit and trans-shipment of arms by air | 37 |
| Measures to regulate the transit and trans-shipment of arms by sea | 38 |
| The role of the private sector in the transit and trans-shipment of arms | 39 |
| Relationship between Article 9 and other Articles | 17 |
| Conclusion | 41 |
| ANNEX A. CITED INTERNATIONAL AND REGIONAL INSTRUMENTS AND REFERENCE DOCUMENTS | 44 |
| National approaches to the terms 'transit' and 'trans-shipment' | 44 |
| Phrases 'under its jurisdiction' and 'through its territory in accordance with international law' | 44 |
| Measures to regulate the transit and trans-shipment of arms by land | 44 |
| Measures to regulate the transit and trans-shipment of arms by air | 45 |
| Measures to regulate the transit and trans-shipment of arms by sea | 46 |
| ANNEX B. OTHER RELEVANT ARTICLES OF THE TREATY | 47 |

WORKING GROUP ON EFFECTIVE TREATY IMPLEMENTATION (WGETI)

Sub-Working Group on Article 11

The session explored the causes of diversion and the importance of post-delivery verification to ensure the responsible transfer of arms. Participants examined the framework for participating countries, exploring operational steps for effective post-delivery verification. The Chair emphasized that any proposals made were voluntary and aimed at enhancing arms transfer controls, without introducing new interpretations or obligations.

Several countries, including **Germany** and the **EU**, expressed support for the proposal on post-delivery verification, highlighting its effectiveness in preventing diversion and building confidence between exporting and importing states. They also underscored the importance of information sharing and cooperation among countries to achieve effective post-delivery verification. China emphasized the importance of clearly identifying the responsibilities of importing and exporting countries and suggested that on-site physical verification should be based on mutual respect and trust while ensuring compliance with international standards.

Various countries, including **Switzerland, the Netherlands, Peru, and Liberia**, shared their perspectives on post-shipment verification, diversion prevention, and the challenges they face. **France** emphasized the need for industry involvement, sharing of best practices, and adhering to international standards while **Austria** highlighted the importance of trust and equal footing in post-shipment cooperation. **Jamaica** expressed concerns about ports being potential points for arms diversion during transit and transshipment and explained that Jamaica requires arms in transit through its territory for over 48h to be stored in a safe location, not in the port. The arms are returned to the port at the time of departure in order to prevent diversion.

Liberia underscored the disconnect between international exporting actors and industry. It shared that Liberia continues to see a huge transfer of arms on flights to Liberia and as a result, has confiscated large quantities of weapons and has taken punitive measures and flagged concerns. Despite these efforts, recently Liberia identified a huge arms transfer of arms by ship, including assault rifles, from a Western country. Liberia explained that it is a challenge to prosecute a citizen of another country without a Treaty and questioned the possibility of obliging industry actors to take responsibility for illegal transfers.

The **Chair** acknowledged the contributions made by the participating countries and encouraged further discussions on diversion and post-delivery control. They highlighted the importance of sharing experiences and evaluating the effectiveness of the documents produced during the session. The Chair reiterated that the discussion on these topics would continue in future sessions and invited specific cases, such as the one raised by **Liberia**, to be presented in the next session of the Diversion Information Exchange Forum (DIEF) to address the challenges effectively.

WORKING GROUP ON EFFECTIVE TREATY IMPLEMENTATION (WGETI)

In the final session of the Working Group on Effective Treaty Implementation (WGETI), the Chair (Ambassador Sanchez de Lerin of **Spain**) opened the meeting with a presentation of the draft proposal on the configuration and substance of the WGETI. He explained that the Working Group was initially split into sub-groups examining different articles of the Treaty, with a focus on developing a set of tools and guidelines to better understand the content and implementation of those provisions at the national level. This process highlighted the interconnected nature of the articles, which led to a joint meeting between the sub-groups during the February Working Group sessions which underscored the need to share and exchange information on a regular basis.

The draft paper seeks to address this and explore options for the future configuration of the WGETI, including by focusing on national Treaty implementation and sharing information through improved communication and cooperation. In terms of content, the paper proposes nine topics for examination in the WGETI sessions, which follow a sequential order from ATT process, ratification and accession through to post-delivery measures and international assistance. To achieve this, Ambassador Sanchez Sanchez de Lerin explained that the WGETI would seek to cooperate with other working groups; for example, the WGTU would be involved in the development of implementation support for new States Parties. A new multi-year work plan will be elaborated over the course of 2024, at which point the sub-working group on Article 6 and 7 will have completed its mandate. Ultimately, the aim is that approaching these subjects jointly and drawing from national experiences will boost the exchanges between States Parties as well as with other international instruments, such as the UN Programme of Action and the Human Rights Council.

Several states expressed general support for this approach, including **Japan, Ireland, Brazil, Germany, Switzerland, Netherlands, Mexico, Canada, Liberia, Argentina, Australia, France, China, the UK, United States, Norway, Peru, and the European Union**.

Beyond this, **Japan** suggested incorporating more proactive use of the Voluntary Trust Fund (VTF) as a valuable mechanism to share insights on practical implementation that could support discussions in the WGETI. **Austria, Argentina, Switzerland, and the Small Arms Survey** echoed this suggestion to leverage experience from the VTF in the WGETI, with **Switzerland** suggesting that VTF and Sponsorship Fund recipients be required to make presentations on certain aspects of implementation.

Ireland expressed support for the consideration of international assistance as a cross-cutting theme but questioned the chronological approach of the nine subjects as proposed in the paper. It suggested exploring a way for States to agree on some specific focus topics, while at the same time advancing other areas of Treaty implementation. **Australia, Argentina, Switzerland, Brazil, Liberia, Mexico and the Netherlands** echoed the concerns and suggestions presented by Ireland, with **Brazil, Switzerland and Mexico** adding that some subjects will require more time consideration than others and called for the workplan to allow for flexibility to spend more time on

certain issues, as needed. Some states also took this opportunity to recommend other topics including:

- **Germany** raised the possibility of including ammunition-related considerations and
- The **European Union** suggested building a toolbox for practical cooperation (especially on diversion prevention), developing good standards of transparency for post-delivery cooperation, and more effective utilization of the DIFE in the broader ATT context.
- The **Netherlands** suggested that the work plan include certain standing items for consideration in each cycle such as effective risk assessments prior to arms transfers and relevant global developments. The **United States** noted the central importance of Articles 6, 7, and 13 to the Treaty and suggested that these subjects be considered as standing topics for annual discussion in the WGETI sessions, alongside risk assessments and international cooperation.
- **France** suggested that post-delivery cooperation could be raised in the context of other implementation phases
- **Argentina** suggested that the WGETI explore synergies with other international organizations and instruments focused on the illicit trafficking of firearms
- **Australia** suggested potential subjects to be discussed in small group settings – such as litigation processes or reporting to parliament/cabinet – and emphasized the need for presentations to come from a geographically diverse group of states.

States **also provided recommendations on ways of working to implement the proposed plan with**

- **Germany and Mexico** suggested the use of intersectional/informal consultations. However **Mexico** also expressed potential concerns over the organization of ad-hoc or informal sessions, raising logistical questions including who could call for a session to be held, how would the structured debates connect to the ad hoc discussions, and how would States provide feedback.
- **Australia** emphasized the need for presentations to come from a geographically diverse group of states while **Liberia** advocated for a regional approach
- **Canada** suggested that each subject should be addressed through at least two practical presentations from States followed by a question-and-answer period, to facilitate information exchange.

The **UK** and **Norway** also expressed support for the draft proposal, in particular, the flexible approach to implementation challenges and the move towards better utilizing the inter-sessional period.

China expressed a concern that incorporating universalization and reporting into the WGETI's work plan would exceed the mandate of the group as established by CSP3, which led to Ambassador Sanchez clarifying that the relationship between Working Groups would be primarily coordination, not duplication. Peru similarly noted that the issues of accession and ratification should remain in the WGTU and that reporting should be discussed in the WGTR.

Control Arms intervened to call for a focus on improving the depth of engagement, given that the current structure is not generating the level of interactivity needed for practical debates. It expressed concern that a multi-year workplan may not provide the flexibility necessary to foster

such debates, and highlighted the need to discuss how states are implementing the treaty through their arms transfer decisions. It also suggested that small group discussions – as initially suggested by Australia – on a regional basis could encourage more interaction.

Ambassador Sanchez de Lerin of Spain provided an overview of the main considerations noted during these interventions, which will be further considered in a revised version of the Paper and elaborated during the 2024 cycle. He agreed that the multi-year work plan should not consider the implementation issues in chronological order and that different ad hoc or informal formats should be considered to best foster an exchange of experiences. Collaboration with other instruments such as UNROCA should also be explored, and if necessary, he will arrange consultations in advance of CSP9 to discuss any significant updates to the draft proposal.

WORKING GROUP ON TREATY UNIVERSALIZATION (WGTU)

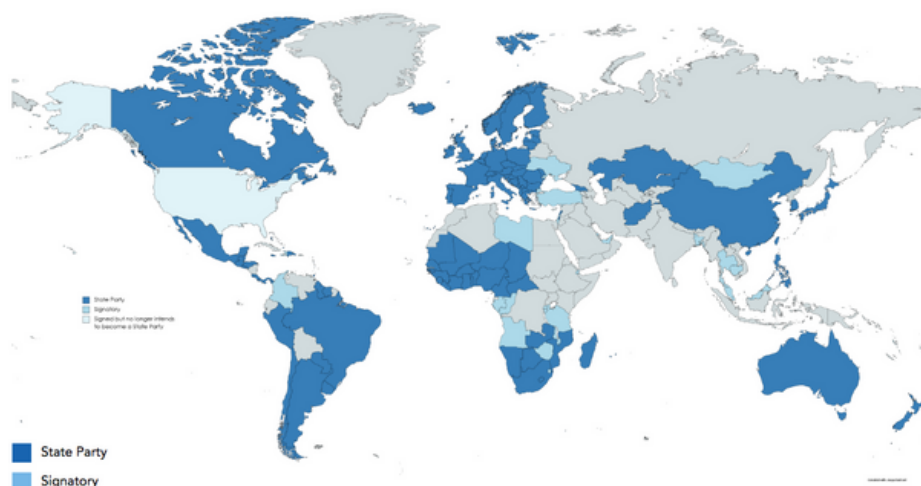
This session was opened by **Dumisani Dladla, Head of the ATT Secretariat** who provided an overview of the current status of participation in the ATT CSP process. The Treaty now enjoys 113 State Parties with Andorra being the latest State to join the Treaty. There are an additional 28 Signatory States that have yet to ratify the Treaty at the national level. 54 states have not yet joined the Treaty.

As noted in past sessions of the WGTU, the rate of states joining the ATT has declined over the years. While there were 32 states to accede in the first year after the Treaty opened for signature and 37 in the second, the number has been steadily decreasing since then. The ATT Secretariat hopes to reverse this trend and increase the number of states joining the ATT on an annual basis in the coming years.

Ambassador Yoon of the Republic of Korea (RoK) provided an update on the RoK's efforts towards Treaty universalization, which included outreach to regional partners, recent translations of the ATT toolkit into three additional languages, and plans to hold a regional workshop on the Treaty universalization in Jakarta with Association of Southeast Asian Nations (ASEAN) member states.

Switzerland suggested that future presentations by the ATT Secretariat in the WGTU should include data reflecting which states have and have not joined the ATT by their respective value of arms transfers. This suggestion was echoed by **China** who, along with the **EU and Mexico**, called on major arms trading nations that have not yet ratified the Treaty to consider doing so. **China and Japan** echoed support for RoK's ASEAN workshop in Jakarta.

Status of ATT Participation



113 States Parties

28 Signatories that are not yet States Parties

54 States that have not yet joined the treaty

Source: ATT Secretariat website.

Liberia emphasized the need to focus resources on critical parts of Africa that have not yet joined the ATT. **Liberia and the Philippines** both signaled support for potentially being identified as regional champions within the WGTU.

The **European Union** stressed the importance of identifying voluntary regional champion states to prioritize outreach efforts. **Georgia** aligned itself with the EU's statement and highlighted the security concerns in its region and its efforts to promote universalization and stated it had hosted several sub-regional workshops on the ATT.

Japan, France, and Peru also expressed their support for the WGTU and shared their activities in promoting the universalization of the ATT. Civil society organizations were acknowledged for their contributions, and the importance of collaboration between governments and civil society was emphasized.

As Co-Chair **of the WGTU, Ambassador Göbel of Germany** was encouraged by the discussions held so far, including by the Philippines and Liberia who offered to serve as potential regional champions. Ambassador Göbel then invited participants to provide input and comments on the revised draft working paper on enhancing the work of the WGTU. He noted that the working paper was restructured to address the comments and suggestions received during the February CSP9 Working Groups and included descriptions of the status and proposed amendments, the rationale behind the changes, concrete steps for improvement, and the resources needed to implement these amendments.

Canada, Brazil, the EU, and Japan expressed support for the revised draft paper on enhancing the work of the WGTU. **Brazil**, however, emphasized the need for pooling universalization efforts towards states that are most likely to accede to the Treaty, as opposed to those states with no intention to do so.

South Africa expressed concern that vice-Presidents of the WGTU would automatically become regional champions following their term. Amb. Göbel acknowledged the feedback and emphasized the need for a network of regional champions to facilitate outreach activities. The language regarding vice-Presidents becoming automatic regional champions would be revisited to address concerns and avoid overburdening them.

France supported the proposal for individual assistance to countries and strengthening regional cooperation. They also requested information on the allocation of additional financial resources for these activities. Ambassador Göbel thanked all States Parties for their contributions and indicated that all perspectives had been noted and would feed into the final draft of the Working Paper to be further discussed at CSP9. Ambassador Göbel signaled he was optimistic about the collective efforts toward reforming and optimizing the WGTU.

WORKING GROUP ON TRANSPARENCY AND REPORTING

The meeting of the WGTR was opened by Mr Dumisani Dladla, Head of the ATT Secretariat who provided an overview of the current status of compliance with ATT reporting obligations.

Initial Reports: Of the 110 States Parties that are obligated to submit Initial Reports, 86 have done so, indicating a 78% reporting rate for the ATT membership. 76% of all initial reports have been submitted publicly. The ATT does not impose a specific format for reporting, but it has developed templates that have been endorsed by the CSP. Of the reports submitted, 85% have been submitted using the endorsed reporting template. Only six States Parties have updated their Initial Reports to reflect new national practices, despite more States Parties likely having new information to report.

Annual Reports: The reporting rate has shown a downward trend over the years. In the first year, the reporting rate was 84%, but it has gradually decreased, reaching 64% in 2021. Asia and Europe have the highest reporting rates, with around 95% for Europe and 80% for Asia. In contrast, Africa and the Americas have lower reporting rates compared to the other regions.

Annual report Global statistics 2015-2021



| Year | Annual Reports due | Annual Reports submitted (and due) | Annual Reports submitted (and not due) | Annual Reports due but <u>not</u> submitted |
|------|--------------------|------------------------------------|--|---|
| 2015 | 61 | 51 (84%) | 3 | 10 (16%) |
| 2016 | 75 | 57 (76%) (+1) | 1 | 19 (24%) |
| 2017 | 89 | 62 (70%) | - | 27 (30%) |
| 2018 | 92 | 68 (74%) (+1) | 1 | 25 (26%) |
| 2019 | 97 | 69 (71%) (+1) | 1 | 29 (29%) |
| 2020 | 105 | 68 (63%) (+2) | - | 39 (37%) |
| 2021 | 110 | 70 (64%) (+2) | - | 42 (36%) |

*The numbers highlighted in green represent the progress since the last status update on reporting during the 16 February 2023 meeting of the Working Group on Transparency and Reporting. These additional reports are included in the total numbers of submitted (and due) reports shown on this slide.

Source: ATT Secretariat Presentation on ATT Reporting.

To address reporting compliance at the regional level, states are permitted to submit Annual Reports one week after the May 31st deadline to accommodate any logistical issues. Timely reporting compliance has generally improved in cases where Reports were submitted between the deadline and the extended period. In 2021, 69% of States Parties reported on time.

Regarding the format of annual reports, the majority utilized the 2021 Annual Reporting Template endorsed during CSP7. Some States Parties still used the template endorsed during the 2016 CSP, and a few use other formats.

Surprisingly, the majority of reports submitted since the introduction of the online reporting tool in 2018, have not been submitted using it. Only 10 out of 70 reports in 2021 were uploaded via the online tool. It remains unclear why States Parties are not utilizing the tool as expected. In 2021, 31% of annual reports were marked private, which is a drop from 37% in 2020 but an increase from previous years.

Argentina, Australia, Brazil, Cameroon, China, EU, France, Japan, Liberia, Mexico, Netherlands, Paraguay, Peru, the Republic of Korea (RoK), Romania, Switzerland, and the United Kingdom noted the importance of transparency and reporting under the ATT. **Peru** also recognized the importance of transparency and reporting to prevent diversion. They highlighted their commitment to fulfilling reporting obligations and promoting transparency and trust.

Argentina, Australia, France, Jamaica, Romania, and the EU signaled interest or support for the concept of identifying regional champions with positive reporting track records to help assist those that are encountering difficulties.

Argentina suggested consideration of initiatives that could facilitate reporting obligations, including translating all relevant materials into all languages and updating the list of focal points of cooperation and assistance between states.

Austria discussed the burden of reporting on national officials and mentioned it will consider updating its Initial Report once Post-Shipment Controls measures are implemented in Austria's national control system. **Brazil** stated it was finalizing its Initial Report for submission to the ATT Secretariat.

Liberia, Lesotho, Trinidad and Tobago, and Togo discussed challenges that have delayed the submission of Annual Reports. Trinidad and Tobago shared their commitment to improving reporting obligations and highlighted their participation in the VTF project to enhance stockpile management and legislative amendments.

Liberia highlighted issues it has faced due to internal personnel changes and, alongside **Japan** and **Jamaica**, highlighted the importance of institutional memory for maintaining reporting compliance.

Australia, China and Japan encouraged States parties facing reporting capacity constraints to seek help through the Voluntary Trust Fund (VTF). **Australia** commended the CSP9 President and ATT Secretariat for engaging with states in arrears on their reporting obligations. It also raised the idea of introducing a simplified standalone nil report for States Parties which do not have imports or exports to report.

Mexico advocated for finding ways to facilitate the work of the WGTR in order to avoid future situations where the Working Group lacks a facilitator.

The **United States** questioned the blanket ability of States Parties to make reports private, as they did not find it mentioned in the relevant Treaty articles. They expressed confusion about the ability to make an entire report private and mentioned the absence of Russia and India in the room, as they were the main proponents of private reports when the Treaty was being drafted.

The **European Union (EU)** expressed concern about low reporting rates and encouraged all states to fulfill their reporting obligations in a timely and transparent manner. They mentioned national security considerations and the EU's compliance with legal obligations, and, alongside France, the Netherlands, and Switzerland, urged States Parties to submit public reports, as opposed to private ones.

Jamaica emphasized the value of peer-to-peer exchange in sharing information and experiences on meeting reporting obligations. They suggested involving existing regional bodies or mechanisms in supporting states to meet their reporting obligations.

The Netherlands emphasized the importance of transparency but mentioned limitations due to national security concerns, particularly regarding **Ukraine**. They discussed their new policy of providing more details about military support to Ukraine while limiting disclosure of specific quantities of goods transferred.

Austria, Control Arms, the EU, Mexico, and Switzerland signaled interest or support in furthering the conversation of building an online searchable database reflecting data submitted by States Parties through their Annual Reports. **China** warned that such an online database should not introduce new burdens, and **Japan and the UK** problematized the utility of such a database in light of the already-low rates of Annual Report submissions.

Item 2: Priority Theme for the Korean Presidency

The 2nd Informal Preparatory Meeting began with an update from Ambassador Seong-mee Yoon of the Republic of Korea and CSP9 President on the CSP9 thematic focus: 'The Role of Industry in Responsible International Transfers of Conventional Arms'. Informal consultations were conducted with stakeholders prior to this meeting to discuss the President's draft, Working Paper. Due to time constraints, however, the feedback obtained through these consultations has not yet been reflected in the draft Working Paper.

Ambassador Yoon explained that while the recommendations contained in the draft Working Paper, the CSP9 Presidency, set modest expectations they represent a starting point on which a sustained partnership between the ATT community and industry actors can be developed. Consultees also highlighted the importance of a dedicated space to engage with industry, through which industry representatives can provide information or updates from the sector to the ATT Working Groups by providing, specifically the Working Group for Effective Treaty Implementation. The President also suggested that certain key reference documents, such as the UN Guiding Principles on Business and Human Rights, could be provided to State Parties, to ensure industry compliance with the ATT.

Several states welcomed and supported the proposal while also offering suggestions on how to strengthen the paper to reach the objective of better industry compliance with the ATT, noting that industry actors involved in all aspects of the arms supply chain play a vital role in effective Treaty implementation.

Several stakeholders, including **Mexico, Switzerland**, the **Women's International League for Peace and Freedom (WILPF)**, **Control Arms**, and the **International Committee of the Red Cross (ICRC)** specifically raised the linkages between the Business and Human Rights framework and the ATT. **Ireland** raised the possibility of submission to CSP9 on the topic of responsible business conduct and the ATT. The paper would elaborate on how the ATT and the UN Guiding Principles can be mutually reinforcing.

Participants also made suggestions on how to strengthen the paper and specifically, its recommendations, based on their experiences and challenges they observed with regard to the industry's role in arms transfers in their countries.

Mexico for instance, recommended dedicating a special session within the ATT Working Groups to the industry's involvement in the ATT; including specific agenda items on the role of industry, as well as inviting industry representatives to the CSPs. **Austria** suggested that industry actors specifically be invited to the Diversion Information Exchange Forum (DIEF), as they could greatly profit from the information distributed. These suggestions were supported by other States, including **Ireland, Uruguay, Brazil, and Peru**.

China specifically noted that all countries should fulfil their responsibility of controlling and monitoring arms companies to make sure that their activities are aligned with the ATT, other international instruments, and domestic law. China noted that the ATT does not place an obligation on industry but rather on states, who should in turn strengthen their communication and relationship with the former. Similarly, France noted that industry is responsible for following all national legislation on the control of arms and endorsing State efforts to ensure that legislation is adapted to their transactions. This can be facilitated through greater dialogue between state and industry and increased participation of the private sector in the ATT working groups.

Liberia welcomed the thematic focus as a timely issue, particularly given the challenges they are facing in holding industry actors, such as shipping companies, to account for facilitating illegal arms trade into the country. Liberia noted that the conversation thus far has been largely around exporting actors and that the challenges faced by importing countries should also be taken into account.

WILPF highlighted that there has been a lack of focus on reducing human suffering as a central issue in the ATT Working Groups in recent years, which is the main purpose of the ATT. It noted that the current priority theme offers an opportunity to bring back focus on this issue, rather than on issues of reputational risk, which appears to be the focus of the draft working paper. It also noted that the paper should acknowledge the relationship between the State and the arms industry, with weapons manufacturers having significant influence over national security policy and political processes. **Control Arms** reiterated some of these points, flagging that the current focus seems to be on what the ATT can do for the industry, rather than how the industry can support the ATT's objectives. Control Arms also iterated that companies already include responsible business conduct across their value chain, such as on issues relating to the environment and corruption, with human rights due diligence now being acknowledged as part of good business practice. However, there is currently little evidence that arms manufacturers have extended due diligence practice to include the impact of their products on human rights. State Parties should therefore explore the relationship between business and human rights to advance the ATT's objective.

Item 3: Progress reports of ATT subsidiary bodies

Working Group on Effective Treaty Implementation (WGETI)

Ambassador Ignacio Sanchez de Lerin as Chair of WGETI explained that the sub-groups on Articles 9 and 11 have been concluded and will not be active in the next period. Regarding Article 9, there are no new proposals to have further discussion on transit and transshipment. No further changes to the revised draft element for the voluntary guide on the implementation of Article 9 were proposed; he further emphasised that the purpose of this guide is not to create new norms or have a singular interpretation of the treaty. Regarding Article 11, it was proposed that a non-prescriptive annexe on operational steps for the implementation of post-delivery cooperation should be added, with possible measures to address diversion.

On Article 6, a revised draft chapter for its implementation was introduced, which took into consideration comments and additional elements introduced in February, on the relationship between this and other treaty articles. The sub-group on Article 7 specifically discussed Article 7(2), on exporting State Parties' consideration of risk mitigation measures in accordance with Articles 7(1a and b) and 7(4). Small Arms Survey also gave an expert presentation on mitigating risks of arms-related gender-based violence and violence against women and children. Argentina presented a paper proposing a guide of good practices on the topic. Issues were raised on support for capacity building measures, monitoring the impact of mitigation measures, and information sources to inform risk assessments. Some also noted that there the new schedule should have some flexibility to allow states to react to new developments, including the application of due diligence by exporters.

A draft proposal was also introduced on the future of WGETI. In response, it was suggested that the Working Group should be arranged along the lines of practical Treaty implementation phases, rather than distinct articles, though not in chronological order as initially proposed. Flexible working arrangements were proposed in collaboration with other stakeholders through different formats. The links between the WGETI and other working groups were also addressed, with proposals that such issues be addressed through dedicated groups. This feedback will be taken into consideration in the draft proposal for future working group configuration after CSP10. The **US** noted that any changes should underscore the importance of maximizing participation by all ATT stakeholders.

Working Group on Transparency and Reporting (WGTR)

ATT Secretariat explained that while a number of States Parties are not in compliance with their reporting obligations, some progress has been made. A Working Paper on national procedures that can facilitate transparency and reporting is available. A number of challenges were raised, such as personnel changes, institutional memory, streamlining processes, and identifying synergies. Global events can also impact reporting and decisions to keep them secret due to national security reasons. Current reporting templates were also considered unsuitable for small arms transfers. The role of the Voluntary Trust Fund (VTF) in reporting assistance was also highlighted.

Several steps have been taken, such as an informal breakfast meeting; invitations to exchange on national practices, challenges, and limitations; the resumption of discussions on the information exchange platform; discussing perspectives on the online searchable database; and the proposal of a draft mandate for the working group between CSP9 and 10. The Chair also noted that the regional champions initiative has received positive feedback so far.

Working Group on Treaty Universalization (WGTU)

CSP9 President, Ambassador Yoon presented two ATT universalization projects that are already underway. First is the additional translation of the ATT Toolkit and Welcome Pack into SEAN languages. Moreover, a regional outreach workshop will be organised in Jakarta (Indonesia) for ASEAN members on May 31 in cooperation with the Asia Pacific Group and the ATT Secretariat, to discuss the challenges and opportunities of joining the ATT. The **Ambassador Gobel** of **Germany** presented the revised draft paper on enhancing the work of the WGTU, explaining their approach

and outlining the feedback received during the February WGTU meeting, particularly the financial implications of the proposed changes. Some states raised concerns about “regional champions” and expressed concern that other states might be left behind. The concept of establishing a regional champions network will also be revisited. **Liberia** raised awareness regarding the role of regional groups such as ECOWAS in West Africa, where 14 out of 15 States are parties or signatories of the Treaty.

Diversion Information Exchange Forum (DIEF)

France as President of DIEF, gave an overview of the lessons learned from a case study provided by Brazil with regard to small arms and light weapons diversion. The case highlighted how the diversion of weapons fuels criminal groups’ operations. France explained that these groups are able to modify weapons to make them more deadly, and they know to navigate the norms and legislation set out by states. As such, international cooperation, such as between importing and exporting states during the licencing phases, prior to as well as during the delivery of weapons, particularly to unusual or unfamiliar states, is essential. Inter-ministerial cooperation should also be established between the different bodies involved in dealing with crime. Industry cooperation with investigation processes, such as tracing the origin of diversions, is also essential.

Management Committee (MC)

The Management Committee (MC) session discussed two critical topics: the status of ATT finances and the review of the programme of work.

1) Status of ATT finances: The ATT Secretariat presented the status of ATT finances, drawing attention in particular to the growing debt of the institution which now totals \$578,000. Despite attempts to save assets and improve efficiency, the ATT Secretariat on a very tight budget as a result of unpaid assessed contributions. They warned that if the outstanding debt was not recouped, it would have severe consequences in the future.

The cash flow projection revealed two main cost drivers: conference expenses (including rooms, interpretation, and translation) and staff salaries. The budget was analyzed against planned objectives over time, and it was determined that by August, funding would be severely limited, with the ability to fund beyond the next CSP9 in jeopardy. The Secretariat expressed hope that additional contributions would be received before December 2023. However, they warned that if sufficient funds were not obtained, they would be forced to make tough decisions and potentially cancel some contractual agreements, including reconsidering translations and reducing ATT Secretariat staff, if the situation worsened.

The session also discussed the establishment of a fund to address liquidity issues, which was initiated in 2019, during CSP5. This fund aimed to set aside money specifically for dealing with delayed payments, although it was not intended to cover non-payment situations. Germany contributed 50,000 EUR to this fund, providing a backup to handle potential crisis situations. However, it was clarified that this money was ring-fenced and not used for regular ATT Secretariat functions.

Financial arrangements, as outlined in Financial Rule 8(1) Guidelines, were mentioned as a mechanism that had been in place for 2-3 years but remained unused and untested by States. The session encouraged States to make use of this mechanism to establish financial arrangements with the Secretariat.

During the session, various member states shared their concerns and recommendations. The **European Union and Switzerland** reiterated their concern over the deteriorating financial situation of the ATT and urged States Parties (SPs) to settle their contributions in full. They also highlighted the importance of utilizing the financial arrangement mechanism established at CSP7, which provided provisions for settling contributions over time.

France, Dominican Republic, Australia, and the UK acknowledged the liquidity problems generated by outstanding arrears and emphasized that timely payment of contributions was crucial for effective work. **France** also emphasized the need to avoid a situation where some SPs had to pay for others.

The Netherlands urged all States, particularly those benefiting from ATT support, to pay their contributions in full. They expressed disappointment that the financial arrangement mechanism had not been utilized by any States and requested insights from the ATT Secretariat on their outreach efforts to countries in arrears.

Liberia explained they had taken advantage of the financial arrangement mechanism by filing a request for a payment plan. They had also included appropriations in their 2023 budget to ensure full payment of arrears. Liberia explained that many countries face challenges due to the budget being held in external relations, making it difficult to prioritize payments. They called for increased bilateral engagement to facilitate payments and clarified that they had fulfilled their obligations under the Treaty.

MAAT for Peace emphasized the importance of the Treaty's financing, emphasizing its role in reducing human suffering and upholding human rights. They also called for support for civil society organizations (CSOs) working to implement the treaty, as their financial sustainability was crucial for the Treaty's success. They urged states to ensure sustainable funding for both the Treaty and CSOs.

Canada recognized the gravity of the financial challenges and commended countries, such as Liberia, that had taken advantage of payment plans. They emphasized the need for collective efforts to reverse the current financial state of the Treaty and expressed hope that more states would engage in these mechanisms moving forward. They also echoed **the Netherlands'** call for the Secretariat to robustly engage with countries in need of support.

2) Review of ATT programme of work

The Management Committee (MC) presented draft proposals based on the mandate given by the Eighth Conference of States Parties(CSP8). The goal is to optimize the support process and address the congested disarmament calendar and the limited capacity of delegations. The proposals focus

on revising the configuration and substance of ATT Working Groups and streamlining the number of ATT Working Groups and Preparatory meetings as follows:

- reducing in-person meetings from eight (8) to five (5) days. As such the two (2) sessions of 4 days currently in place would be replaced by 1 session of 5 days.
- The streamlined meetings would be supported by informal consultations, either virtual or hybrid, to increase flexibility and inclusivity.
- The proposals aim to enhance practical implementation, avoid repetition and duplication, and adapt the process to the evolving needs of the Treaty.

A broad number of states and stakeholders took the floor to comment on the proposal of the Management Committee including:

- **Switzerland** supports the focus on national implementation and the need for consistency among working groups. It also expressed concern regarding reducing the WGTR to one session may threaten effectiveness and cautioned that this should not be done hastily. Switzerland also noted that a two-phase approach has had a lot of benefits.
- **Japan** welcomed the proposal of one in-person meeting of 5 days, and informal consultations, preferably held online or in a hybrid format. It also stressed the importance of a holistic approach which would advance Treaty implementation through lessons learned, sharing of best practices, cooperation and assistance.
- **Norway** supports the proposals and suggests a 5-day meeting without constraints, encouraged engagement from capital experts, underscored inclusivity and inquired regarding the process of organizing and holding informal meetings
- **Ireland** emphasizes the importance of deciding the structure of the Working Groups and topics covered before deciding on the number of days allocated. Ireland also stresses inclusiveness and transparency.
- **New Zealand** highlights the need for a vibrant, agile, and responsive Treaty process, with constant review and useful structures.
- **France** endorses the proposals, emphasizing the participation of technical experts, improved document transmission and suggested virtual or hybrid informal meetings.
- **China** supports reducing meeting length but urges that decisions should be based on a review of Working Group Mandates and the availability of financial resources. China also noted that planning should be strengthened and efficiencies sought in spending with a focus on assisting developing countries.
- **Liberia** seeks clear justifications for the proposals and emphasizes the importance of engagement beyond Geneva, particularly in Africa.
- **Mexico** disagrees with reducing meetings to one per year. Instead, it proposed holding multiple meetings throughout the year via Zoom and encouraging more involvement from capitals.
- **The US** raises logistical questions about the proposed informal meetings and stressed the importance of clarifying the mandates of the ATT Working Groups. It also raised concerns about delays in the circulation of documents and noted that the participation of capital-based experts should be prioritized.

- **Germany** stressing that form follows function, noted that decisions regarding the amount of time devoted to the sessions should be decided based on the operationalisation of the Treaty. Germany sees the proposal as a basis for further discussions but noted that additional time is needed to formulate a final decision on this topic.
- **The EU** supports adjusting the program for efficiency while maintaining the process's effectiveness, with one set of meetings per year. It also stressed the importance of the DIEF.
- **Australia**, acknowledging the need for reconfiguration due to low engagement, expressed support for the proposal for condensing the inter-sessional process into a one-week meeting. It also stressed the need to facilitate the timely circulation of materials to provide participants with sufficient time to prepare and suggested focusing on discrete implementation challenges, which would be a more practical and effective approach. In terms of the WGETI agenda, Australia agrees with the recommendation to reorient it towards practical experiences and case studies but cautioned against being overly prescriptive regarding the specific topics to be covered. It also expresses support for conducting small group meetings in a hybrid or virtual format.
- **Spain** prefers two sessions per year but expressed support for the Management Committees' proposal. It also suggested holding meetings between disarmament conferences in April or May.
- **The Netherlands** supports the proposals but calls for clearer metrics for success and consideration of informal meetings, preferably held online. It also highlighted the timely distribution of reports
- **Canada** welcomes the proposal and suggested evaluating synergies with other export control mechanisms.
- **Maat for Peace** highlighted the importance of awareness raising, accountability, and civil society participation.
- **Panama** supports the idea of exploring ways to enhance efficiency but suggests a cautious and gradual approach. It also emphasized the need to define meeting content before making decisions on reducing meeting days. It express concerns about the potential impact on participation, particularly for experts from smaller countries, and underscored the importance of addressing substantive matters.
- **Control Arms** expressed support for the review of the ATT Working Group but noted the need for clear expectations and guidance to be provided to states on effective engagement in these meetings, focusing on sharing good practices and overcoming challenges. The conversation regarding the restructuring of the ATT process should prioritize outcomes over process, ensuring that the structure and modalities support the desired objectives. To avoid making rushed decisions and to ensure that we develop a truly fit-for-purpose process, Control Arms proposed extending the conversations on this topic until CSP10 in August 2024, when a final decision can be made.

The Management Committee welcomed views from stakeholders and noted that it will consider feedback to finalize the proposals for presentation at CSP9. The CSP President will consult stakeholders to select dates for informal preparatory meetings in 2024 and share them with the ATT States and Stakeholders in October/November 2023. The proposals will undergo further discussions and refinement based on the input received.

REPORTING AND THE ARMS TRADE TREATY: SYNERGIES AND SANCTIONS

Date: 9 May 2023

Sponsors: Small Arms Survey

Panellists: Cindy Ebbs, Co-Director, Control Arms; Rachel Stohl, Vice-President, Stimson Center; Gian Giezendanner & David Atwood, Small Arms Survey

Moderator: Ambassador Robert in den Bosch – Permanent Representative of the Kingdom of the Netherlands to the Conference in Disarmament

Ambassador Robert in den Bosch of the Netherlands opened the side event with a general overview of the session, which aimed to provide a snapshot of the status of reporting under the ATT and explore the opportunities for synergies across a range of arms control instruments. Initial and annual reporting is an obligation under the Arms Trade Treaty – under Article 13 – however, for some states, this presents a range of challenges in practice.

Cindy Ebbs, Co-Director of Control Arms, began her presentation by highlighting that reporting rates among States Parties have declined in recent years and therefore the state of reporting can only go up. She made three requests to States Parties: (1) to complete their reporting; (2) to ensure that reports, when completed, are made public if it does not affect their national security; and, (3) to disaggregate data by category, including small arms and light weapons and the type of small arms. Ebbs called on States who submit to UNROCA to submit the same report to the ATT, which can be done in the same format, as a way of minimizing workload if needed. **Amb. In den Bosch** echoed the concern at the low reporting rates among States Parties and called on all states to take these recommendations on board.

Rachel Stohl, of the Stimson Center, then followed and gave a presentation on the importance of transparency in the arms trade. She highlighted that transparency is fundamentally a confidence-building measure, which if properly implemented can support multiple international instruments including international humanitarian law and human rights – and this is why it was written into the core of the ATT. There are now more frameworks than ever before for states to report on their arms transfers and laws/policies to regulate them; Stohl flags that she will focus on synergies between UNROCA, the UN Programme of Action on Small Arms and Light Weapons (PoA) and the ATT. Reporting under the UN PoA has been robust and consistent, with 177 states having submitted at least one report since 2002. However, reporting under both UNROCA and ATT has been on a downward trajectory; only 99 states have submitted a report within the first 10 years of UNROCA reporting. So far for 2022, only three states have submitted a report to UNROCA – this figure may increase closer to the deadline at the end of May, but it remains a concerning trend nonetheless. Under the ATT, more than a quarter of States Parties have yet to submit an initial

SIDE EVENTS

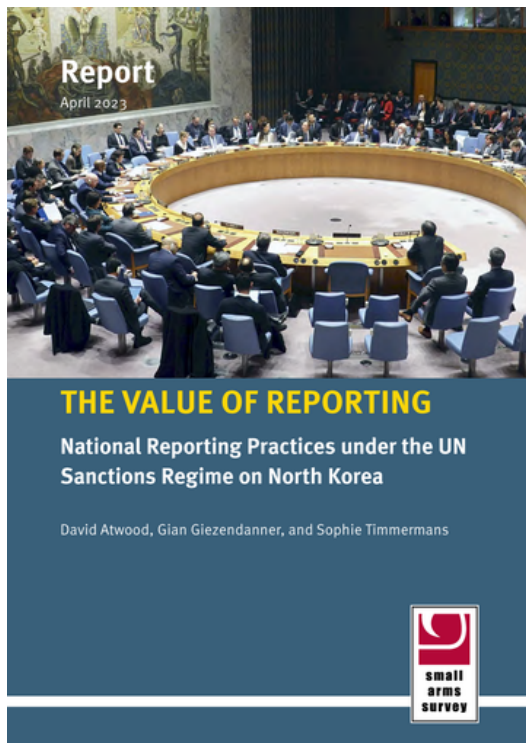
report as required under the Treaty. At the time of the presentation, Stohl notes that only five States have submitted reports for 2022 and urges all States to submit their reports by 31 May 2023. Low reporting rates can perhaps be attributed to challenges caused by the COVID-19 pandemic, but this can only be part of the picture.

In addition to low reporting rates, Stohl notes that there are issues of cross-comparability. Since the majority of data is not disaggregated, it can be difficult to fully understand the information; meanwhile, some States choose to withhold data due to national security or commercial sensitivity reasons. Of the five States who have already submitted annual reports under the ATT for 2022, more than 40% have been submitted privately. Although these international instruments have undoubtedly helped progress our understanding of the global arms trade, these low rates hinder transparency efforts.

Stohl acknowledges that States face a number of challenges to effective reporting, such as uncertainties in the process (especially across instruments), capacity constraints, internal bureaucratic issues, national security considerations, and many more. Fostering international cooperation and leveraging guidance and assistance from various instruments can help to streamline the reporting process. Stohl, therefore, encourages States Parties to make use of the synergies between these instruments to eliminate duplicative work and reduce the overall reporting burden on states. She notes that synergies can extend beyond the three instruments discussed here; for example, although UN Security Council Resolution 1540 relates to countering the proliferation of WMDs, there are some synergies in terms of scope, reporting, record-keeping, and implementation measures related to brokering, diversion, and import/export controls.



Photo Credit: Ambassador Robert in den Bosch – Permanent Representative of the Kingdom of the Netherlands to the Conference in Disarmament



Gian Giezendanner, of the Small Arms Survey, followed by briefly presenting findings from the Survey's latest report, entitled 'The Value of Reporting: National Reporting Practices under the UN Sanctions Regime on North Korea'. This report forms part of a project aimed at improving the enforcement of sanctions on the DPRK, which has led to the development of several practical tools such as the Arms Embargo Self-Assessment Tool – an online gap analysis of implementation and enforcement structures – and dedicated 'how-to' guides on effective sanctions implementation. This latest report focuses on national implementation and reporting practices across all UN Member States, with regional and other groupings designed to explore the relationship between capacity, political will, and reporting under the sanctions regime.

Quantitatively, reporting was patchy at best. Qualitatively, Giezendanner notes that the quality of reporting varied greatly across regions and states, with common issues such as weak language, limited details, and late submissions.

Building on these insights, **David Atwood**, also of the Small Arms Survey, highlighted the importance of points made by previous speakers about how meeting reporting obligations in one area can improve the overall reporting record across a range of arms control instruments. He notes that although there are some clear differences, there are definite overlaps between the type of information sought from States by the DPRK Panel of Experts in relation to the arms embargo and the reporting requirements of the ATT and other conventional instruments. The Small Arms Survey report considers several policy recommendations in this regard, including:

- The guidance documents produced by the UN Security Council 1718 Committee (which oversees all sanctions related to the DPRK) could be revised to align with other arms control instruments such as the ATT, for example by making use of equivalent formats or templates.
- States should be encouraged to specify the international, regional, and national mechanisms they are party to, or actively engaged with, as a way of motivating cross-instrument comparisons, discovering synergies, and promoting international cooperation/assistance.
- States should be encouraged to use their reporting to the ATT and UN PoA to help with other UNSC initiatives, such as 1540. This could help to reduce the reporting burden on states while having the potential to increase the quality and regularity of reporting on the sanction regime. States could also consider, once they have reported on particular UNSC resolutions, this information could be incorporated into regular reporting on other instruments such as the UN PoA and ATT.

SIDE EVENTS

Finally, the ATT's Working Group on Transparency and Reporting (WGTR) could encourage States Parties to include in their initial reports information on how they're addressing their Article 6(1) obligations, specifically in relation to arms embargoes.

Atwood concluded by calling for greater levels of assistance to States in preparing their national reports, including from international and regional organizations working on initiatives such as the Voluntary Trust Fund, UNSCAR funding mechanism, EU Outreach Programme, and others.

In the discussion, **Rachel Stohl** highlighted the importance of prioritizing consistent reporting. She noted that it is not enough for a State to submit an initial report in 2015; States must update these reports every time there is a change in the national control system. Compared to other obligations under the Treaty, reporting is relatively straightforward and achievable. **Cindy Ebbs** raised the possibility of establishing a national focal point for reporting, which could improve efficiency on the national and international levels. She added that exploring synergies between sanctions reporting and ATT reporting would be interesting, particularly since Article 6(1) is designed to reinforce existing embargo obligations, not create new obligations, thereby signaling an inherent need for better coordination. Finally, Ebbs flagged that it is important to remember why the obligation to report exists, which is to support accountability so that the international community can better understand – and therefore regulate – the international arms trade.

THE ATT VOLUNTARY TRUST FUND (VTF): SUPPORTING NATIONAL ATT IMPLEMENTATION STRATEGIES OR PLANS

Date: 10 May 2023

Sponsors: Delegation to the Conference on Disarmament and the Arms Trade Treaty Secretariat

Panellists: Mr. Dumisani DLADLA, Head of the ATT Secretariat, Mr. Teklo Maxwell GRIGSBY II, Chairman, Liberia National Commission on Small Arms (LiNCSA), Ms Angie Melissa VALVERDE MASIS, Legal Police Adviser, Ministry of Public Security, Costa Rica, Dr. Paul HOLTOM, Head of Conventional Arms Programme, UNIDIR

Moderator: Ambassador Aidan LIDDLE, UK Ambassador and Permanent Representative to the Conference on Disarmament in Geneva

Ambassador Liddle, the newly elected Chair of the VTF Selection Committee, emphasized the importance of solidarity among countries in supporting the goals of the ATT through practical means. The VTF, operational for seven years, has proven itself as a key mechanism for implementing the Treaty. He noted that the core task of the Selection Committee is to ensure the proper use of funds in accordance with Guidelines and Terms of Reference, with transparency as a guiding principle. He also stressed his goal to improve the visibility of the VTF and encourage more bids by working closely with the Chairs of the ATT Working Groups.

Mr Dumisani Dladla, Head of the ATT Secretariat, provided an overview of the VTF, highlighting its funding and project cycles. He mentioned that since its inception, over 45 states have directly benefited from VTF support. The Fund supports a broad range of activities including capacity-building workshops, gap analysis, revision and drafting of legislation, national control lists, reporting enhancement, and equipment provision. Only States can directly apply for funding, but non-state parties can receive support to promote Treaty universalization. The selection process is objective and transparent, with considerations given to national plans, implementing partners, and clear payment arrangements.

Liberia shared its experience with VTF projects, including its support for the drafting of legislation to domesticate the ATT and fill gaps in record-keeping. They highlighted the importance of support from the VTF in advancing their implementation efforts and expressed future goals for workshops and the adoption of comprehensive National Control Lists.

Costa Rica expressed gratitude for the VTF's contribution to their efforts in implementing the ATT. They showcased their control system called "Trackar" and the ongoing development of a digital platform to facilitate the assessment of imports of conventional arms. Challenges they faced

SIDE EVENTS

included resource limitations, legal framework updates, and the need for international assistance to operationalize the national control system.

Paul Holtom of UNIDIR shared reflections on VTF applications, emphasizing the importance of preparation, priorities, planning, people, and partnerships. He encouraged states to have a national plan and strategy in place before submitting proposals, suggesting the use of existing methodologies and collaborations with implementing partners. Holtom also stressed the importance of learning from past projects and coordinating with implementers of past projects.

During the Q&A session, stakeholders discussed lessons learned and areas for improvement in their VTF proposals. They highlighted the importance of involving parliament, aligning decisions with national priorities, engaging with missions and working groups, and involving various stakeholders such as media and civil society.