

ROADMAP FOR ACTION: Toward A Transparent Arms Trade Treaty



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ABOUT CONTROL ARMS

Control Arms is the international movement working to stop irresponsible arms transfers that fuel conflict and armed violence.

The Control Arms Coalition brings together over 200 non-governmental and civil society organisations from different fields, including human rights, poverty alleviation, conflict reduction, weapons specialists, health, youth, gender experts, survivor networks, parliamentary networks, and legal experts.

Together we work toward universal membership to the Arms Trade Treaty (ATT) through in-depth policy analysis and tailored regional and national campaigns. We work to ensure the effectiveness of the ATT by providing high-quality implementation support to States Parties seeking to develop new legislation, regulations, procedures, and arms control systems.

Control Arms works to achieve its mission through three key objectives:

- Amplify the Voices of Civil Society in the Arms Control Dialogue
- Strengthen Regulations Governing the International Trade in Conventional Arms
- Advance Accountability and Transparency in the Global Arms Trade

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ROADMAP FOR ACTION: TOWARD A TRANSPARENT ARMS TRADE TREATY

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ROADMAP FOR ACTION:

Toward A Transparent Arms Trade Treaty

INTRODUCTION

As part of a multi-year project to take stock of transparency in the Arms Trade Treaty, in 2021 the ATT Monitor, a project of Control Arms, undertook a comprehensive data analysis of [the first five years of annual reporting](#) under the Arms Trade Treaty (ATT). Building on this analysis, the ATT Monitor produced a [special briefing paper](#) in early 2022 analyzing transparency in reporting in the context of two humanitarian crises - Yemen and Myanmar. While a few positive examples of “meaningful transparency” are recognized, these two resources focus on the downward trend in transparency in ATT reporting, highlighting key examples where States Parties have neither met nor contributed to the transparency objectives of the ATT. The conclusions of each of these studies show that **the state of transparency in the global arms trade, one of the three main aims of the ATT, remains inconsistent and in steep decline and emphasize that there is much work to be done when it comes to promoting transparency in the international arms trade.**

While the third and final resource of this transparency analysis project was under development, several civil society organizations and research institutions conducted and published complementary stocktaking exercises¹ on a variety of aspects of the ATT, each with targeted recommendations on ways forward.

Many of these recommendations are referenced in this paper. Also during the development of this paper, the Eighth Conference of States Parties of the ATT (CSP8) mandated the ATT Management Committee to “review the ATT programme of work ... and to submit a proposal to CSP9 for a decision.”²

Following this mandate, the ATT Management Committee took up the issue of restructuring the ATT programme of work by undertaking consultations with States Parties and Signatories and developing a [Background Paper](#) released on 31 January 2023.

1. Varisco, E.A, Giovanna Maletta and Lucile Robin (2021). [“Taking Stock of the Arms Trade Treaty: Achievements, Challenges and Ways Forward”](#), SIPRI See also: Varisco, E.A, Giovanna Maletta and Lucile Robin (2021). [“Taking Stock of the Arms Trade Treaty: A Summary of Policy Options.”](#) SIPRI; Beijer, P (2021) [“Taking Stock of the Arms Trade Treaty: Application of the Risk-assessment Criteria”](#) SIPRI; Holtom, P. (2021) [“Taking Stock of the Arms Trade Treaty: Scope”](#) SIPRI; Dondisch, R. (2021) [“Taking Stock of the Arms Trade Treaty: Processes and Forums”](#) SIPRI; Stohl, R. (2021) [“Taking Stock of the Arms Trade Treaty: Universalization”](#) SIPRI; Bauer, S and Giovanna Maletta (2021) [“Taking Stock of the Arms Trade Treaty: International Assistance to Support Implementation”](#) SIPRI; Stohl, R. Fletcher, R and Yousif, E (2022) [“Taking Stock of the Arms Trade Treaty” Examining trends, challenges, and opportunities to strengthen implementation of the ATT, with a focus on transparency and reporting”](#) Stimson Center ; Stohl, R. Fletcher, R and Yousif, E (2022). [“Taking Stock of ATT Reporting”](#) Stimson Center

2. ATT Secretariat (2022), [‘Final Report of CSP8 to the ATT’](#), 26 August, para. 36

The Management Committee's initial aims for this review were to address three main challenges identified as: (1) the busy arms control/disarmament calendar, (2) the global economic downturn, and (3) the unfavorable financial situation surrounding the Treaty process.³ After a set of consultations and exchanges at the ATT working group sessions in February 2023, the Management Committee on 12 May 2023 released a set of initial draft recommendations that would change the ATT Programme of Work, most notably to reduce the Working Group and PrepCom sessions from two 5-day sessions to 5-day session.

In the same timeframe, on 3 May 2023, the Working Group on Effective Treaty Implementation (WGETI) submitted a Working Paper on “WGETI Configuration and Substance” that initiated a process to retool its approach with an eye toward practical engagement by all ATT stakeholders.

Given the important stocktaking work completed to date, as well as the upcoming shift in the ATT Programme of Work and the WGETI's approach and function, the scope of this paper includes a look at the overall transparency challenge faced by the ATT in the areas of reporting, process and risk assessment. It provides possible pathways forward to enhance and further support ATT States Parties in fulfilling the transparency objectives of the ATT.

The opportunity now at hand to restructure the ATT Programme of Work is one that, if considered thoughtfully, equitably and practically, can support higher levels of engagement among a more diverse group of ATT States Parties, signatories and stakeholders and foster transparency throughout the ATT process. Rather than shrinking the space for ATT States Parties to engage on critical issues of conventional arms control driven by financial and administrative concerns, this paper suggests that ATT States Parties use this opportunity to design a framework that is fit for purpose: to support exchanges of practical information that can serve as a foundation for the creation of a sustainable ATT global community of practice.

3. Saferworld (2023) 'The Arms Trade Treaty: Preparing for the Next Decade'. Page 2.



1 THE ATT TRANSPARENCY CHALLENGE



ATT REPORTING

The ATT Monitor's study of the first five years of reporting under the Arms Trade Treaty (ATT) found that the state of transparency in the global arms trade, one of the three main aims of the ATT, is in decline.

Between 2015 and 2019:

- **less than half of ATT States Parties fulfilled all of their ATT annual reporting requirements in any given year;**
- **only 12 ATT States Parties were fully compliant with Article 13.3 reporting obligations and submitted reports that contributed to the transparency aims and objectives of the Treaty for every year a report was due; and**
- **only eight States Parties submitted reports that reach the highest standard of “meaningful transparency,”⁴**

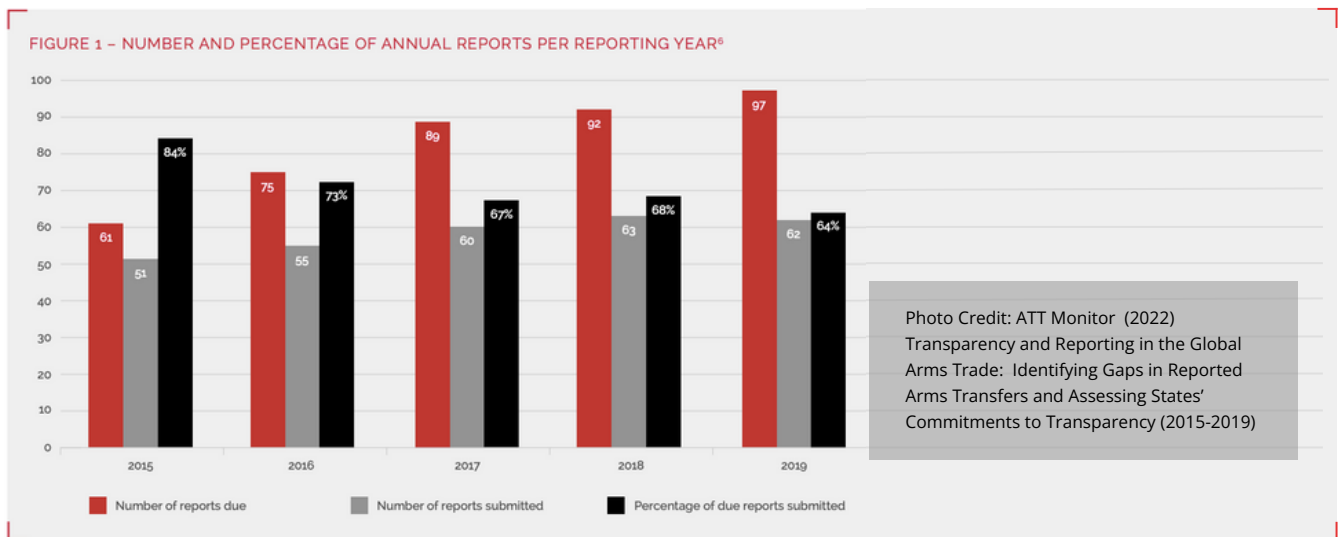
Further analysis of reporting data revealed that in the context of two humanitarian crises - Yemen and Myanmar - the trends toward greater secrecy, incomplete or aggregate reporting, and low rates of data mirroring greatly limit the overall utility of ATT reporting. These limitations hinder cooperation and trust between importing and exporting states and undermine the credibility of all states involved in arms transfers.

With the continuing downward trend in the number of reports submitted, and the increase in confidential, or private reporting, it is clear that the ATT reporting mechanism, a key Treaty transparency and accountability tool, has stalled.

In recognizing this downward trend, a range of ATT stakeholders have tried with increasing effort to encourage, persuade, and provide support for ATT States Parties to report, report publicly, and report accurately. The ATT Working Group on Transparency and Reporting (WGTR) has, since its inception in August 2016, developed templates, manuals, “FAQ” guidance and online reporting tools to help make the reporting process clear, accessible, and efficient for all States Parties. In addition to the WGTR resources, other ATT stakeholders have created procedural resources and conducted surveys and in-person training at both the national and regional levels to support states in meeting their reporting obligations.

⁴ “The ATT Monitor considers an annual report to include the minimum information needed in order to be meaningfully transparent and contribute to the aims and objectives of the ATT in Article 1 if a report:

1. Is submitted and made publicly available on the ATT Secretariat website
2. Provides information that is disaggregated by weapon type
3. Provides information that is disaggregated by importer/ exporter
4. Indicates whether transfer data concerns authorizations or actual transfers (or both)



Through interviews, meetings, and consultations, ATT stakeholders have gone as far as to identify a variety of factors to explain why ATT States Parties are not prioritizing their commitment to transparency in reporting. In addition to political will, which is a constant challenge faced by many states, these include more practical explanations such as lack of internal structure and capacity, reporting fatigue, confidentiality concerns, and confusion regarding reporting requirements, deadlines, and/or reporting template/ online reporting tools.⁵ Despite these efforts to address these technical glitches and reverse this trend, significant work remains to make compliance more consistent and improve transparency in ATT reporting.

As highlighted in the ATT Monitor analysis of transparency and reporting in humanitarian crises, the downward trend in reporting is indicative of a much larger set of transparency challenges that extend into other key areas of the ATT - its process and its risk assessment.



ATT PROCESS

As one of the ATT's central objectives, transparency is not only critical to the effectiveness of ATT reporting, the ATT process itself must also foster open and transparent exchanges among States Parties, signatories and other ATT stakeholders.

In its first five years, ATT States Parties built the scaffolding of the ATT structure to support its key aims. Biannual working group sessions and preparatory meetings regularly preceded the annual Conference of States Parties. These multiple touchpoints allow ATT stakeholders to discuss various issues concerning ATT implementation, universalization and reporting. **Because information exchange is the driver of many of the Treaty's provisions,⁶ substantive engagement in these meetings and conferences are key to the success of the Treaty as a whole.**

5. Stohl, R. Fletcher, R and Yousif, E (2022). "Taking Stock of ATT Reporting" Arms Trade Treaty Baseline Assessment Project (ATT-BAP), Stimson Center.

6. Arms Trade Treaty. Articles 5, 7, 11, 15 (adopted 2 April 2013, entered into force 24 December 2014) UNTS. <https://unoda-web.s3.amazonaws.com/wp-content/uploads/2013/06/English7.pdf>.

Now nine years since the Treaty's entry into force, the focus of the ATT process still remains squarely in its procedural phase. While a strong and thoughtful framework is necessary to develop sound Treaty implementation, the legal, structural and technical nature of the discussions, many of which are focused on creating more and more voluntary guidance documents, no longer attracts enough engagement by States Parties, nor do they yield actionable outcomes. In fact, the singular focus on meeting structure, reporting systems and voluntary guidance documentation has prevented States Parties from allocating time to open discussion and information exchange during the Working Group and CSP sessions to identify critical challenges to ATT implementation and to address ATT compliance.

One area where concerted efforts were made to improve transparent information exchange among ATT stakeholders through structural changes is in the area of arms diversion. Beginning at CSP4 in 2018 and culminating at CSP6 in 2020, States Parties agreed on the creation of the Diversion Information Exchange Forum (DIEF), a forum designed to support information exchange concerning concrete cases of arms diversion, but closed to all but ATT States Parties and signatories. While the general aims of the DIEF encourage transparency, its exclusive structure undermines it.⁷ At the same time, CSP6 agreed to create a virtual information exchange portal - also closed to all but States Parties and signatories. Closed forums do not serve as models for increased transparency, but instead, threaten the basis upon which the Treaty is built. With these decisions, States Parties took a firm and significant structural step away from the ATT's purpose to promote transparency, signaling the deepening general trend toward confidentiality seen today.



ATT RISK ASSESSMENT

Articles 6 & 7 of the ATT outline the required prohibitions and risk assessment that together form the humanitarian imperative of the Treaty. Without transparency among ATT stakeholders in the development and implementation of systems to ensure compliance with these provisions, the ATT's aim to create the highest common international standards to regulate the trade in arms cannot be realized.

In its nine years, there has been little discussion by States Parties in the ATT CSP sessions concerning how States Parties implement and apply their processes to ensure compliance with the prohibitions and the risk assessment set out in Articles 6 and 7. The most notable examples of States Parties mentioning the actions of other states are at CSP3 when several Latin American States Parties proclaimed that arms transfers to Venezuela would be in breach of the ATT⁸ and annual statements by the State of Palestine since its accession concerning Israel's conduct.⁹

7. Civil society organizations, led by Control Arms, objected to the lack of transparency in the negotiating modalities used to create the DIEF as well as its outcome: the formalization of the first-ever private forum in the ATT process. See Control Arms (2020), "[CSP6 Statement on Draft Decision 13](#)," 13 August.; see also Dondisch, R. (2021) "[Taking Stock of the Arms Trade Treaty: Processes and Forums](#)" SIPRI

8. Control Arms (2017) "[Conference of States Parties to the ATT \(CSP3\) Geneva, 11 September 2017: Daily Summary Analysis Report: Monday 11 September 2017](#)"

9. See, for example, State of Palestine (2022) '[General Statement by Ambassador Dr. Omar Awadallah Ministry of Foreign Affairs and Expatriates](#)'

The trend towards secrecy and refusal to recognize or address apparent violations of the Treaty have been most evident in the case of arms sales by ATT States Parties and Signatory states to the Saudi Arabia-led coalition for use in Yemen. Despite documented violations of international human rights and humanitarian law, arms exports to Saudi Arabia and the United Arab Emirates (UAE) for use in Yemen have continued since the conflict began in March 2015. Since 2016, legal challenges have been brought against state and corporate actors in at least nine national jurisdictions, and one international intervention made before the International Criminal Court.¹⁰ Control Arms and other civil society organizations undertook a multi-year campaign to draw attention to Saudi Arabia's military support of the war in Yemen that resulted in serious violations of international humanitarian law, calling upon States Parties to halt their arms transfers to Saudi Arabia. While this campaign saw some success with regard to national policy changes,¹¹ it did not result in sparking an international dialogue among ATT States Parties concerning ATT compliance in this context or a broader conversation of what constitutes a violation of the ATT's Article 6 or 7.

At the Eighth Conference of States Parties to the Arms Trade Treaty (CSP8), progress was made toward a more transparent discussion of the ATT risk assessment. Some states shared openly for the first time their views on Treaty interpretation and compliance and declared that, in view of international humanitarian law violations committed in Ukraine, arms transfers to Russia would be a violation of the ATT.¹² Others shared specific national information relating to arms transfers to Ukraine.¹³

Despite this promising start, these important discussions continue to take place only outside of the formal ATT process - in side events,¹⁴ in small group discussions, and bilaterally.¹⁵ **Holding these discussions in any context is indicative of ATT States Parties' interest and readiness for substantive engagement on ATT risk assessment implementation. However, the choice by ATT stakeholders to hold these discussions outside of the formal meetings could signal that the structure and protocol of the ATT process developed by States Parties is not yet fit for this purpose.** With more time and focus devoted to constructive engagement and information exchange within ATT Working Group and Conference mandates, key conversations can take place and critical connections can be made, all of which can push implementation to the next level.

10. Saferworld (2021) "[Domestic accountability for international arms transfers: Law, policy and practice](#)" ATT Expert Group, Briefing number 8.

11. Maletta G (2021), '[Seeking a Responsible Arms Trade to Reduce Human Suffering in Yemen](#),' The International Spectator 56 (1), 5 February, pp 73–91. See also Saferworld (2021) "[Domestic accountability for international arms transfers: Law, policy and practice](#)" ATT Expert Group, Briefing Number 8.

12. Control Arms (2022) "[Eighth Conference of States Parties to the Arms Trade Treaty Daily Summary Analysis Report: Day Two \(23 August 2022\)](#)"

13. Control Arms (2022) "[Daily Summary Analysis Report of the Eight Conference of States Parties to the Arms Trade Treaty](#)," Geneva, Switzerland, Monday 22 August 2022"; and Control Arms (2022) "[Daily Summary Analysis Report of the Eight Conference of States Parties to the Arms Trade Treaty](#) Geneva, Switzerland Tuesday 23 August 2022" See also Arms Trade Treaty Secretariat (2022). '[Statement by Austria on the Occasion of the Eighth Conference of States Parties to the ATT](#)'. Geneva. 22 – 26 August 2022.

14. See for example "Rounding out risk assessment under the ATT: factoring in corruption and exploring export reassessment practices" hosted by Saferworld and Transparency International – Defence & Security on 23 August 2022, "Gender, Conventional Weapons and the ATT – A 2022 Review" hosted by Control Arms, Small Arms Survey, UNIDIR, Canada, Switzerland and WILPF on 24 August 2022 and "Military goods export control experience of Japan, Latvia and Mexico" hosted by Latvia on 25 August 2022. Available at <https://thearmstradetreaty.org/side-events-csp8conf>

15. Dondisch, R. (2021) "[Taking Stock of the Arms Trade Treaty: Processes and Forums](#)" SIPRI p.5

2 FACTORS INFLUENCING THE ATT TRANSPARENCY CHALLENGE

With the ATT Transparency Challenge broadly affecting reporting, process, and risk assessment alike, there are a number of factors that contribute to the growing lack of transparency in the Arms Trade Treaty.

Increased Militarization. Even before Russia invaded Ukraine in February of 2022, military spending was on the rise worldwide. According to the Stockholm International Peace Research Institute (SIPRI) military spending rose by 11.8% over the past 6 years - from \$1893.09 billion in 2017 to \$2181.92 billion in 2022.¹⁶ Along with this increased military spending, tensions among powerful nations are rising, and interest in multilateralism is waning. The ongoing war in Ukraine in response to the February 2022 Russian invasion evokes concerns even beyond conventional warfare to nuclear options, as does the rising tensions between China and the United States concerning Taiwan and between the Republic of Korea and the DPRK. These tensions have greatly limited engagement on a global scale in and support for international arms control and disarmament processes.

In an environment of increased militarization combined with powerful economic drivers behind the arms trade, the ATT and its obligations, specifically its risk assessment, are at risk of being overlooked and ultimately weakened. Transparency in the international arms trade - a key ATT objective - can reduce the need for excessive stockpiling and increased arms production and limit arms races. Though the ATT process is designed to foster engagement and credibility amongst States Parties, given the increase in global insecurity, leaning toward transparency is often perceived as a risk. With its emphasis on information exchange, the ATT has the potential to provide a platform to build a community of practice that will in time reduce this risk to identify and implement the highest possible common standards for the regulation of the international arms trade.

The Illusion of Confidentiality. Confidentiality in arms transfer reporting and risk assessment is a tool often used to balance the competing interests of national security and transparency. The ATT incorporates the use of confidentiality by allowing a State Party to comply with its obligations while also withholding what it deems to be “commercially-sensitive or national security information.”¹⁷ In practice only, the ATT also permits States Parties to submit a report privately, visible only to other States Parties, and not to the public.

While confidentiality can appear to provide safety and security and encourage more honest information exchange, it can be a barrier to inclusivity, equity, and, ultimately, transparency. Also,

16. Stockholm International Peace Research Institute (2023) Military Expenditure Database, <https://milex.sipri.org/sipri>

17. Arms Trade Treaty, Article 13. (adopted 2 April 2013, entered into force 24 December 2014)_UNTS_(ATT Art 13). <https://unoda-web.s3.amazonaws.com/wp-content/uploads/2013/06/English7.pdf>.

confidentiality can be easily undercut in terms of ATT reporting when information withheld by one State Party is provided by another. The same holds true for a State Party that chooses to make its entire report confidential. Industry resources detailing arms sales as well as open source clearinghouses like the SIPRI Arms Transfer Database¹⁸ provide detailed information on arms imports and exports. Complementary reporting regimes like UNROCA, the UNPoA, and the EU contain a wealth of information that, when cross-referenced, can also reveal information held back by ATT States Parties. Media reports and reports from UN Special Rapporteurs and Commissions of Inquiry can also provide information otherwise deemed confidential by ATT States Parties.¹⁹

Even with a significant amount of arms transfer information already in the public domain and information on risk assessment processes placed in the hands of many Parliaments, States Parties are still choosing confidentiality to the detriment of transparency.

Exclusivity in the ATT Process. Despite requirements of regional representation, including a rotating annual Presidency based on regional groupings, there remain concerns that the ATT is an exclusive group to the detriment of states with less representation in Geneva, non-exporting states, and countries affected by armed violence, rather than conflict-affected states.²⁰ While efforts are underway to balance the voices heard in the ATT process, including through the ATT Secretariat's Sponsorship Program, significant work is still needed to structure the Working Groups, in terms of both content and accessibility, to ensure that all States Parties are able to engage in the ATT process. To be an effective global arms control instrument, the ATT process must provide value to those who are beginning to explore how to design and implement national control systems as well as those with complex regulation systems already in place. Without this balance, the ongoing dialogue and connection required to create and maintain common standards to support an ATT community of practice will remain out of reach.

In addition to ensuring there are viable entry points into the ATT process to support a learning environment for states with varying levels of experience, the voices of civil society must also be meaningfully included. The ability of civil society to play a significant role in the ATT process is set out clearly in the ATT Rules of Procedure.

Civil society was instrumental to the development, negotiation, and adoption of the Treaty. It continues to play a key role in ATT implementation by producing guidance documents, conducting training programs, undertaking research and analysis, and bringing the voices of those affected by conflict and armed violence fueled by irresponsible arms transfers to the attention of States Parties. Civil society engagement is critical to ensuring that the humanitarian purpose of the ATT remains in focus.

18. See Stockholm International Peace Research Institute (2023) Arms Transfer Database.

19. See, e.g., A/HRC/52/66: Report of the Special Rapporteur on the situation of human rights in Myanmar, Thomas H. Andrews, 9 March 2023

20. Vestner, T. (2020) "The New Geopolitics of the Arms Trade Treaty," Arms Control Association

In 2020, despite its enormous contribution to ATT implementation and universalization, it became clear that civil society had increasingly less access to ATT meetings and information, in part due to COVID-19 pandemic restrictions. The formalization of the DIFE in 2020, open only to states and signatories, solidified the progression toward the exclusion of civil society and other stakeholders in the ATT process.

Civil society and research institutions are sometimes the only actors reporting on developments in different regions, from national legislative developments and judicial processes to arms embargoes and armed violence epidemics, civilian harm, and arms diversion. In addition to bringing voices of those affected by conflict and armed violence fueled by irresponsible arms transfers into the ATT conversation, civil society, from the international to the local, are the organizations that grow and maintain the capacity to support ATT implementation and ensure its sustainability year after year. Support for this work is dependent on government, institutional, and private donors, many of which have prioritized other arms control issues above the ATT, including regulating or banning lethal autonomous weapons, nuclear weapons, or explosive weapons in populated areas (EWIPA). **Without State Party engagement in the ATT as well as support for meaningful access of civil society to the ATT process, funding opportunities will continue to dwindle, survivor voices will fade, and effective and sustainable ATT implementation will falter.**

Declining Leadership and Engagement. As have other international instruments in the implementation stage, the ATT also suffers from an overall lack of engagement. With 113 States Parties to date, the rate of ratification and accession to the Treaty has slowed considerably.²¹ Many ATT States Parties that began as champions of the Treaty are no longer taking on leadership roles in the ATT process or in supporting implementation, either publicly or privately. Multiple chair positions in the Working Groups remained vacant during the CSP9 cycle and the once consultative nature of the Working Groups has become stilted due to general diplomatic turnover, competing priorities, and the lingering effects of the COVID-19 pandemic on in-person meetings, thereby limiting opportunities for meaningful input. Without enough preparation time or direction, dialogue in the working group sessions has been scant. With few exceptions, states appear to be unwilling or unable to prepare or share their implementation experiences, causing several working group sessions to end hours early.

For several states who once led the Treaty negotiations a decade ago, the ATT no longer figures prominently in their international disarmament or arms control portfolios. For others, the increasingly technical nature of the discussions, the limitations of a leanly staffed and budgeted ATT Secretariat, the waning interest in leadership positions, the burden of multiple reports on officers, and the lack of national resources or capacity to engage have proven to be significant barriers to entry into the annual ATT discussions.

21. ATT Monitor (2022) "[The 2022 Report](#)"

Yet, even when adequately resourced, states with extensive experience in arms transfer controls and complex systems in place to implement the ATT have thus far avoided discussions of actual arms transfers, of real cases of diversion, and the decision-making processes behind them. With continued arms exports to the Saudi-led coalition for use in Yemen and a refusal to discuss the application of the Treaty to these transfers, P5 members including France and the UK, are failing to set a positive example for the ATT community. Similarly, despite being welcomed as an ATT champion in the Asia-Pacific region by the ATT community, China has continued its conservative stance on transparency evident in other international disarmament processes by submitting a confidential ATT initial report and by omitting data from its ATT annual reports.

Rather than the substance of the work itself, States Parties in the ATT process consistently focus on procedural and financial discussions. Several states remain silent on compliance but engage prominently in discussions on non-payment of assessed contributions in 2019 and 2020, the impact of non-payment on VTF applications in 2022, and the structure of work in the ATT process in 2023. While maintaining financial solvency and procedural efficiency requires attention, these issues have dominated the conversation to the detriment of substantive discussions, particularly on the applications of Articles 6 and 7 of the ATT.

Even during the CSP9 cycle, States Parties are calling for more practical level discussions, but have thus far failed to set objectives for or engage in such discussions themselves. Instead, the Management Committee's review of the ATT Programme of Work focuses primarily on shrinking the time allotted, the stated drivers of which are a busy arms control/disarmament calendar, the global economic downturn, and the unfavorable financial situation surrounding the Treaty process.²²

The consistent downward transparency trend - as demonstrated in reporting rates, the lack of substantive discussion on risk assessments, and the general languishing of the ATT process - are indeed worrisome. Many have highlighted factors that are contributing to this trend and provided corresponding suggestions on practical ways forward. It is time to put these reviews and suggestions to good use and take visible and measurable steps toward promoting and strengthening transparency across all areas of the ATT.

3 ROADMAP FOR ACTION: ADDRESSING THE ATT TRANSPARENCY CHALLENGE

Even with the prevailing geo-political trends and national interests skewing toward polarization and militarization, there are steps that ATT stakeholders can take to promote transparency. The decision to review the ATT Programme of Work provides a key opportunity for ATT stakeholders to

22. Saferworld (2023) "[The Arms Trade Treaty: Preparing for the next decade](#)". See also Arms Trade Treaty Secretariat (2023) "[Background Paper Draft Elements For Consideration: Review Of The Arms Trade Treaty Programme Of Work](#)" ATT Management Committee

consider practical ways to support transparency in reporting, process and risk assessment with the aim of setting the highest possible common standard to regulate the international trade in conventional arms. With a thoughtful structural shift toward a framework with the central objective of supporting practical information exchanges among ATT stakeholders, increased transparency is possible.

With information exchange as its common objective, below is a roadmap for action containing practical ideas for consideration by all ATT stakeholders that can support states in bringing transparency to the forefront of the ATT once again.



ATT REPORTING



Continue to Build on Synergies with Other International Instruments. Even with the convenient option already provided to submit one report to both UNROCA and the ATT, States Parties continue to report inconsistently among international and regional arms control instruments. Much work has been completed to map many of these reporting mechanisms and the national processes used to complete them.²³ These insights as well as broader mapping work to include regional instruments provide new ideas on how to take further advantage of synergies among reporting instruments.²⁴



Initiate Annual Reporting Infrastructure Workshop. An annual reporting workshop held during or in the margins of the ATT Working Group meetings facilitated by States Parties and civil society actors could provide the opportunity to identify, assess and even resolve many national reporting challenges. These workshops could provide skill-building opportunities for record-keeping and database management in addition to opportunities for interaction between States Parties who have built successful reporting systems and others that are beginning the process.



Provide Reporting Accountability. To encourage transparent reporting, the WGTR could hold a rotating in-person reporting requirement where each year, a small regionally balanced set of States Parties presents their initial and annual reports in person. Such reporting could include background and explanations of information in each national report and highlight reporting successes and challenges. It could also provide an opportunity for ATT stakeholders to submit questions for discussion and allow those reporting to request specific national assistance.

23. See e.g., Stohl, R. Fletcher, R and Yousif, E (2022). [“Taking Stock of ATT Reporting”](#) Arms Trade Treaty Baseline Assessment Project (ATT-BAP), Stimson Center

24. Control Arms (2022) [“Arms Trade Treaty Regional Actor Handbook”](#)



ATT PROCESS



Build on Established Sponsorship Programs. The Sponsorship Program run by the ATT Secretariat has improved diversity in engagement at ATT Working Group meetings and the CSP. With this program, ATT stakeholders attending these meetings have had the benefit of hearing a wide range of perspectives on the arms trade and ATT implementation. Adding a structured educational component to support sponsorees in learning more about the ATT from experts and to provide opportunities for direct engagement among States Parties would strengthen this program significantly.²⁵ A partnership between the ATT Secretariat and civil society experts to design and implement this program could provide balance with regard to capacity and management.



Establish Regular Regional and Small Group Meetings. To address the low levels of engagement in ATT meetings, states and civil society groups have expressed interest in holding regional and small group meetings in addition to or alongside ATT Working Group meetings. Smaller meetings with States Parties that already have common ground could be effective in building confidence among States Parties to share information and viewpoints concerning ATT implementation. These meetings could be held on the first day of ATT Working Group sessions to provide background for delegations less experienced with the ATT and to set common objectives.²⁶ To ensure transparency, each regional or other small group meeting could provide a summary to the plenary session to ensure that all stakeholders benefit from their outcome. To support effective participation and actionable outcomes, agendas with clear and tangible objectives could be set in advance on an annual basis at CSP.

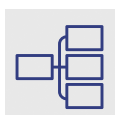


Improve Communication and Information Exchanges between ATT Office Holders, the ATT Secretariat, and ATT Stakeholders, including Civil Society. More consistent and better communication between office holders, the ATT Secretariat, States Parties, and other ATT stakeholders like civil society would support transparency in the ATT process and allow for more constructive engagement in ATT Working Group sessions. Suggested ways to improve communication and transparency among these stakeholders include:

25. Control Arms, with the support from the Federal Department of Foreign Affairs of Switzerland, piloted a program that provided three state delegations that were not yet ATT States Parties with the opportunity to engage in bespoke programming in the margins of CSP8 that provided background on the ATT as well as an opportunity to explore specific topics in depth with key experts. Feedback from this program indicated that the ability to have a small learning environment alongside the CSP8 meetings allowed them to follow the CSP8 discussions with more clarity and understanding.

26. Meetings could also be held virtually, however, the response to the COVID-19 pandemic has shown that in-person meetings are significantly more valuable. See Saferworld (2023) *The Arms Trade Treaty: Preparing for the Next Decade*. Page 4.

- Holding regular open meetings and providing regular reports on ATT Management Committee decisions
- Public access to intersessional meeting calendars of the ATT President, office holders, and ATT Working Group Chairs and Facilitators
- Providing timely public access to working papers and other supporting resources on the ATT Secretariat website
- Increasing accessibility to ATT initial and annual reports through a regularly updated public searchable database.



Design and Structure Working Groups in Workshop Format. To lower barriers to engagement, States Parties could shift the format of a portion of ATT Working Group meetings toward a workshop model. This shift would better facilitate an environment that fosters interactivity and information exchange among stakeholders, rather than prepared statements. One way to collect information on the effectiveness a variety of forum formats could be for the ATT Management Committee or ATT Secretariat to conduct interviews with actors in other disarmament and arms control processes to identify structures and formulas that have proven successful in fostering engagement.



ATT RISK ASSESSMENT



Increase Dialogue on Risk Assessment Application. Aside from discussing the legal interpretation of Treaty language, ATT risk assessments and their practical implementation have yet to be squarely addressed in any ATT Working Group or during the CSP. While some States Parties have provided concrete information on arms transfer authorization and denial decisions in expert groups or side events, more focused discussions in the ATT Working Group on Treaty Implementation (WGETI) on actual arms transfers decisions are needed. National security concerns and commercial sensitivities likely contribute to States Parties' hesitation to engage in these kinds of discussions to date.

One way to mitigate these concerns would be to introduce at the WGETI regular consideration of hypothetical or partly anonymized case studies on risk assessment. These fact patterns could serve as a starting point or framework to facilitate concrete public discussions within the ATT process on the development and application of the Treaty risk assessment criteria. Civil society organizations with experience using hypothetical or anonymized case studies in ATT training programs and workshops can serve as a great resource to ATT Working Groups Chairs and facilitators to reinvigorate

discussions on the implementation of the ATT. This kind of structured facilitation can serve to normalize risk assessment discussions and pave the way for States to share information and discuss changes in national policies with regard to their arms transfer decisions.



Improve Leadership and Inclusion. In the area of risk assessment, States Parties that already have national obligations to report publicly on risk assessment processes or outcomes are in an excellent position to lead others in doing so. If these States Parties work together to start and support regular dialogue among arms-exporting States Parties on how the ATT risk assessment is conducted more broadly, including how overriding risk is considered, this kind of leadership could encourage other exporting countries to begin to share similar information and likewise engage.

To ensure a variety of perspectives and to strengthen arms control all along the arms transfer chain, it is important to include importing States Parties in risk assessment discussions. Importing States Parties may be in a unique position to identify specific weaknesses in the transfer chain or to suggest effective mitigation measures that may reduce risks. If importing States Parties are able to better understand how risk assessments are implemented, they will be better equipped to work with exporting states to ensure safe and secure transfers after authorization.



Provide Accountability Avenues. Without accountability, effective ATT implementation cannot progress. In addition to the accountability leveraged from ATT reporting requirements, which has been diminished significantly due to the use of private reporting and low levels of transparency in reports that are made public, States Parties can also provide accountability avenues through information exchange on risk assessment. One method to encourage consistent review of risk assessment is to set a standing agenda item on this topic in the WGETI.²⁷ With a standing agenda item within the ATT Working Group structure devoted to risk assessment, States Parties would be provided with consistent moderated space to build the confidence necessary to engage in regular dialogue on how to assess risks and address pressing issues concerning risk assessment compliance.

27. Control Arms (2023) “[Summary Analysis Report: ATT Working Group Meetings and Second CSP9 Informal Preparatory Meeting](#)” Geneva, Switzerland 9-12 May 2023, p. 8-10.



CONCLUSION & RECOMMENDATIONS

To reverse the current trend and move toward increased transparency – in ATT reporting, ATT process, and ATT risk assessment – it is essential to develop an approach that can improve both the quantity and quality of ATT stakeholder engagement. The following recommendations, therefore, stand to make a positive contribution to the achievement of all three aspects of the ATT transparency challenge.



Build an inclusive community of practice within the ATT process. The momentum and unity that characterized the ATT community prior to the Treaty's entry into force in 2014 has eroded in recent years. With increasingly technical discussions, the ATT community is siloed by interest groups, for example, region, position in the arms trade, and level of implementation. The review process undertaken by the Management Committee during the CSP9 cycle provides an opportunity for States Parties and other ATT stakeholders to shift the focus of the ATT CSP process towards building trust and strengthening collaboration toward an ATT community of practice driven by the Treaty's humanitarian goal - to reduce human suffering. Key to building this community is the consistent and meaningful engagement of civil society and survivors of conflict and armed violence ATT implementation efforts at the national, regional, and international levels.



Take a consultative approach to goal-setting and information exchange. To ensure that the ATT process is meeting its transparency goals, ATT States Parties could take a consultative approach to identifying measurable outcomes of ATT working group sessions at regular intervals and develop communication structures to support consistent engagement and progress toward these goals. Engagement among States Parties could include more consultative and collaborative approaches that are reactive and flexible, such as peer-to-peer information exchange on reporting and risk assessment practices and issue-based workshops that provide opportunities for States Parties to elucidate their national practice and ask questions of other States Parties on all aspects of the Treaty.



Provide more access to more flexible assistance. The ATT Voluntary Trust Fund is one of the few mechanisms through which states facing challenges to universalization and implementation of the ATT may receive international assistance. Contributions to the ATT VTF are an important means of supporting a range of assistance programs including outreach, capacity building and information sharing. However, multilateral funding mechanisms such as the VTF are limited in their scope and application, in that they fund only very specific projects with set guidelines. Access to VTF assistance can also be limited because of its extensive application and reporting processes. While maintaining accountability for funds accessed is essential, the current high barrier to entry appears to limit opportunities for states without significant project management experience to obtain VTF funding.

Without direct access to VTF funding, financial support is even more limited for civil society organizations, which play significant roles to support ATT implementation assistance around the world. Donor countries should therefore ensure that funds allocated to ATT assistance can go beyond what can be provided through the VTF, including by providing more direct funding opportunities to states, civil society, and regional organizations over longer periods with more flexible terms.



Leverage regional support. In the context of both ATT universalization and implementation, ATT States Parties have identified benefits to increased engagement and support for regional organization engagement in the ATT process. The ATT Working Groups on Treaty Universalization and Transparency and Reporting have highlighted proposals that include the designation of regional champions and more generalized regional cooperation in diversion and other cross-border issues. By initiating some information exchange at the regional level, States Parties may be in a better position to encourage engagement in the broader ATT process.

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