



ATT CSP 2017 Preparatory Committee Meeting
Geneva, Switzerland, 16 February 2017

Summary

The ATT CSP 2017 Preparatory Committee meeting was held in Geneva the week after the meetings of the three Working Groups. There was also a 'Civil Society Forum' the day before the PrepCom, consisting of a meeting between Control Arms representatives and the ICRC with Finland and the Bureau. The meeting of the PrepCom included a report-back by the co-chairs of the three working groups, and a cursory discussion of the agenda for CSP 2017. There were also two side events held in the margins of the PrepCom. The substance of the debate mostly endorsed the outcomes from the working groups, with very little 'new' information being provided by government delegations. Control Arms' intervention focused on the need for effective implementation and high standards to be applied.

Civil Society Forum meeting

Control Arms members met with Ambassador Korhonen and the Vice Presidents (Australia, Bulgaria, Guatemala, and Sierra Leone) to discuss the CSP process on 5 February for around 90 minutes. Control Arms members brought up a variety of issues including:

- Making strategic choices and establishing long-term efforts for engaging with target countries for Treaty universalization
- Ensuring that the ATT process moves beyond Geneva, and discussing ways to improve exchange of information and analysis within the various regions
- Identifying meaningful ways to support national implementation efforts
- Starting to think long-term about how the Treaty engages with relevant issues like diversion – and how it relates to other treaties and agreements
- Strengthening and supporting reporting and verification efforts
- Linking up with wider processes that have an impact on ATT implementation such as the SDG process.

ATT CSP 2017 Preparatory Committee Meeting

The first informal Preparatory Meeting (PrepCom) for the third Conference of States Parties (CSP 2017) took place on 6 February and discussed reports from and progress made in the three subsidiary bodies (Working Groups on Effective Implementation, Transparency and Reporting and Universalization) as well as the draft agenda for the third CSP. The meeting began with an introduction by the CSP 2017 President. He appeared to warn against raising issues of violations or controversy, stating 'A treaty mired by confrontation is a weak treaty. We must focus on what unites us, and not what divides us.' He acknowledged feedback for the Working Group Meetings and the PrepComs to be held during the same week in future, rather than spread over two weeks, in order to be more cost-effective and to facilitate wider more diverse participation.

Voluntary Trust Fund

Germany, chairing the discussions on the Voluntary Trust Fund (VTF), announced that several States Parties (Sweden, France, the Czech Republic, New Zealand, Finland, and the UK) have already provided or pledged up to \$1.9 million. Ambassador Biontino also noted that a call for grant proposals was issued on 20 December 2016. He clarified that proposals can be regional and national in character and will be reviewed based on a pre-established qualitative criteria by the Voluntary trust Fund committee. The deadline for the first round of applications is 31st March.



Germany, endorsed by France, Guatemala, UK, Australia and Sweden encouraged civil society and regional organizations to cooperate closely with states to develop in order to ensure high quality project proposals. The UK and Bulgaria stressed that the VTF, operating in a complementarity with the Working Group on Effective Implementation and Working Group on Universalization, could make a tangible difference in assisting States to ratify or accede to the Treaty. The ATT Secretariat, responding to a question from New Zealand, noted that it could assist states in formulating or targeting proposals while striving to remain objective in its role. The ATT Secretariat is developing a manual, which will provide clear explanations of each section in the VTF Grant Application Form. Control Arms welcomed calls for cooperation with civil society and stressed the importance of building upon and learning from past projects in order to avoid duplication of efforts and establish good practices. This was echoed by SIPRI who highlighted their [ATT-relevant Cooperation and Assistance Activities Database](#) as a source for researching existing ATT activities.

Working Group on Effective Treaty Implementation

Switzerland, as Co-Chair, noted that the WGEI meeting was a helpful exercise, which demonstrated that implementation is a complex issue, which will require high levels of ambition and coordination. It stressed the importance of building national control systems in order to better address regional specific challenges (diversion, transit and transshipment, GBV) as well as ensure better inter-agency cooperation in the licensing decision-making process.

The EU recommended facilitating the sharing of experiences, challenges and good practices within regions, noting that a similar system of good practices was put in place in the EU to monitor brokering activities. Bulgaria, Guatemala, Sweden and Control Arms called for a thematic issue focus in the work of the WGEI in order to address different needs and challenges, and for a more regional focus in the Group's discussions. Sweden and Netherlands highlighted that the Treaty's goals cannot be achieved without the active participation and ownership of all States Parties, and recommended using the sponsorship program to foster the participation of national experts as well as extending the Group's work into the regions. They, along with Belgium, proposed the development of implementation guidelines without prejudicing the flexibility of the Treaty. New Zealand warned that such guidelines will narrow down the scope of the discussions and could trespass onto other international legislations (such as the Right of Innocent Passage), risking marginalizing certain states.

Eugene Ngalim of Cameroon Youths and Students Forum for Peace (CAMYOSFOP), speaking on behalf of Control Arms, noted that it is essential to realize the Treaty's core purpose of reducing human suffering, tragically so evident in conflicts including Syria, Yemen and South Sudan. He stressed that what should unite us all is the commitment to end human suffering caused by arms transfers, and welcomed the commitment of some States Parties not to transfer arms that would contribute to violations of international law and instability and insecurity. He also encouraged States to explore how effective implementation of the ATT can support the achievement of the Sustainable Development Goals. The ICRC stressed that the credibility of the Treaty lies on effectively implementing its object and provisions, reminded States Parties that it is critical to have in-depth exchanges on national implementation but also on how arms transfer assessments are applied in practice.

Belgium, Guatemala, Sweden, New Zealand, Australia welcomed the proposal of continuing the WGEI meetings beyond the third CSP. New Zealand however, cautioned against labeling the WGEI as permanent as it might linger on beyond its purpose.

Working Group on Transparency and Reporting

Co-chair Mexico announced that there would be another one day meeting in conjunction with CSP 2017 Informal Preparatory Meeting to be held in Geneva, on Friday 7 April. Sweden outlined the main topics that emerged from the first WGTR meeting:

1. Priority topics to be discussed at the second WGTR meeting include drafting proposal for group's mandate of work between CSP2017 and CSP2018, improve compliance with mandatory reporting; develop broader measures to strengthen reporting capabilities, in the light of multiple reporting obligations in different international fora and the resulting 'reporting fatigue' and develop more structured means of exchanging information on treaty-related topics
2. IT related issues (which fall under ATT Secretariat's responsibility) include ensuring the development of a new web-based format for reporting as well as the development of an on-line platform to coordinate technical assistance
3. Topics supported but not prioritized include to explore further adjustments to reporting templates and to develop a template for the voluntary reporting tasks outlined in Article 13.2 of the Treaty

The EU, France and Australia urged States Parties to submit their reports as well as to explore synergies with reporting from other international instruments (UN Program of Action on SALW, International Tracing Instrument) to avoid duplication of work. Guatemala warned that those other instruments must first accept such synergies, noting the rejection of synergies between ATT reporting and the UN PoA by certain states.

The UK spoke about the legal challenge brought by Campaign Against Arms Trade (CAAT) against the UK government for its arms transfers to Saudi Arabia in relation to the conflict in Yemen. As a ruling has not been yet made, the UK could not comment on the rational of its own system and process but it noted that the UK would continue to revise its processes regardless of the High Court's decision.

Working Group on Treaty Universalization

Ambassador Korhonen started the session with a clear recognition that there are many different ways to understand what is meant by universalization – and to that end, he suggested States Parties should try to develop a common view on the subject. His report of the proceedings of the Working Group on Treaty Universalization (WGTU) focused on two substantive reflections. First was a recognition that there is strong political support including a [letter](#) in the Financial Times in December 2016 by the Foreign Ministers of Finland, Australia, Bulgaria, Guatemala, and Sierra Leone that promoted universalization of the ATT. The second was that the WGTU provided the space for a number of government and other relevant stakeholders to share their national experiences from different parts of the world, and to explore challenges faced by countries, including reasons why countries in their region choose to join or stay out of the ATT regime).

Australia recommended customizing the Treaty's universalization narrative to each region by linking the ATT with other cross-cutting issues, including the Sustainable Development Goals, organized crime or terrorism. Sweden suggested the need to 're-vitalize the mandate for the ATT', including stepping up outreach in all regions of the world. Ambassador Beijer also fed back to the plenary about an outreach meeting that was conducted in New York with sceptics of the ATT. The team conducting the outreach prepared a brief that focused on some of the common themes that sceptics often focus on – such as security of supply. The meeting was difficult, but the team agreed afterwards that more of these need to happen. The UK followed up by reiterating the need to improve 'qualitative membership' – ie increasing the participation of states and regions which will make a material difference to the Treaty.



Sierra Leone referenced work by Control Arms in analyzing barriers to universalisation as useful to help focus the work of the States Parties in promoting universalization. France also recognized the importance of the work of civil society.

Consideration of CSP 2017 draft agenda items.

There was very little substantive debate on the proposed [draft agenda](#) items for CSP 2017. Most speakers endorsed the proposal as a good basis for further discussions.

The meeting concluded an hour ahead of schedule around 1700. Around 50 States participated in the PrepCom, mostly from WEOG countries, with a few from Latin America, Asia and Africa. There were 9 civil society representatives at the Civil Society Forum and 12 at the PrepCom from Africa, Americas, Europe and North America.

Side Events:

1. Coordinating and Implementing ATT-Related Assistance Activities: Lessons Learned and Ways Forward. Sponsored by Control Arms, SIPRI, Sweden and Saferworld.

Hugh Watson of Australia noted that the assistance provided for implementing the ATT will assist States in also meeting their commitments under other instruments. He urged states to use the VTF alongside UNSCR and the UN Programme of Action on Small Arms and Light Weapons Implementation Support System. Anna Macdonald of Control Arms shared experiences from the 'ATT Academy', a training approach for those specifically responsible for ATT implementation in their country, that encompasses regionally relevant thematic areas. Eugene Ngalim of CAMYOSFOP detailed a civil society ATT implementation project in Cameroon, which includes the development of an ATT manual, a workshop which brought together representatives from all governmental stakeholders and an awareness-raising meeting with journalists. Germany, citing experience from BAFA ATT implementation projects, stressed the importance of regional cooperation and the need to build on past or existing projects to avoid duplication and ensure more effective activities in the future. Roy Isbister spoke about the Saferworld Expert Group on ATT Implementation, which aims to bring ATT implementation forward by facilitating targeted discussions, and identifying challenges and solutions for recent ATT States Parties and States with resource challenges. Mark Bromley of SIPRI introduced the ATT-relevant Cooperation and Assistance Activities Database, and detailed how this tool can be used to ensure more coordination and collaboration between ATT related activities in different regions.

2. Respect for International Humanitarian Law and Human Rights in Arms Transfer Decisions under the ATT. Sponsored by ICRC and Ireland

Kathleen Lawand of ICRC introduced the "Understanding the ATT from a Humanitarian Perspective, Arms Transfer Decisions" practical guide. She reminded States that the Treaty requires a fact-based assessment which should consider the risk that the goods could be used to both "commit" as well as 'facilitate' serious violations of IHL and IHRL. Ilkka Rentola shared information about Finland's assessment process, which is based on the Criteria 2 of EU Common Position and the ATT and also considers UN, EU, OSCE sanctions and arms embargos. Andre Mittmann clarified that for Switzerland "overriding risk" implies that there is a 50% +1 chance that the arms will be misused. To diminish such risks, Switzerland does not export to any exports to internal or external armed conflicts or to countries that violate IHRL in a systematic and serious manner. Deepayan Basu Ray of Control Arms took the floor to draw attention to the current High Court case in the UK over arms transfers to Saudi Arabia in the context of the ongoing humanitarian crisis in Yemen. He highlighted that adherence to IHL and IHRL are not voluntary standards – but clear obligations that all States Parties have to meet.