



## **Second Conference of States Parties to the Arms Trade Treaty Geneva, Switzerland 22-26 August 2016**

### **Summary and Analysis**

#### **Overview**

In many ways, the second Conference of States Parties to the Arms Trade Treaty was disappointing. Despite repeated claims that this would be a meeting to address matters of substance, States Parties avoided addressing real concerns about the Treaty's implementation or any discussion of actual arms transfers, and instead chose to focus on safer procedural and administrative subjects. Specifically, there was no response to the concerns raised by civil society with regard to on-going transfer of arms by a handful of States Parties to Saudi Arabia despite the clear and demonstrated risk of their use against civilians in Yemen. No States Parties, Signatories or Observers, (with the sole exception of Zambia), spoke on the subject of problematic arms transfers. Control Arms' submission of formal views in writing on arms transfers to Saudi Arabia was subject to numerous bureaucratic delays, with the US unsuccessfully attempting to block a reference to the document in the final conference report.

The area of reporting was also disappointing. Following failed efforts to agree on reporting templates during the first CSP, States Parties were expected to adopt templates to standardize reporting formats, which would make it easier to draw comparisons and monitor compliance. Control Arms has been advocating for mandatory public reporting, in line with the ATT text, and called specifically for the removal of the "make this report public or private" tick box on the draft templates of both the initial and annual report. This is a key way to increase transparency in the arms trade. There was not, however, a lot of commentary from States on the content of the templates. Instead, States chose only to discuss the status, rather than the content, of reporting templates, and the only major decisions taken by the Conference on reporting were to 'endorse' both the initial and annual reporting templates, and to recommend their use by States Parties. The tick box remains – meaning that States Parties can opt out of making their report public. While these templates can be amended in the future, the lack of agreement on the essential area of transparency falls far short of pre-Conference expectations.

There was however some positive progress made in other areas of Treaty implementation. There appears to be a significant amount of time and resources being put into national implementation, as described by States Parties in their statements during the week as well as updates on efforts to accede to or ratify the ATT. The Conference established a Voluntary Trust Fund for ATT implementation, as well as three working groups to allow work to continue

between CSPs: on Transparency and Reporting, on Effective Implementation of the ATT, and on Universalization.

The third CSP will be held in Geneva, at the Centre International de Conférences (CICG) from 11-15 September 2017, under the Presidency of Ambassador Klaus Korhonen of Finland.

Read the official [Final Report of CSP2](#)

### **High-level Panel and General Debate**

The meeting was opened by the President of Switzerland, Johan Schneider-Ammann and the President of the CSP, Ambassador Emmanuel Imohe of Nigeria. In his opening remarks, President Ammann praised the success of the Treaty which, two years after opening for signature, now has 85 States Parties and 45 Signatories.

The **high level segment** of the meeting included ministers from Nigeria, Costa Rica, Mexico, Finland and Panama, as well as representatives of the ICRC, UNODA, and [Geoffrey Duke](#), representing Control Arms. In his statement, Geoffrey recalled how he was recently held at gun point in Juba. Despite a peace deal that was agreed almost exactly one year ago – during the first CSP – violent atrocities continue and weapons are flowing in. Efforts at an arms embargo have been blocked at the UN Security Council; the ATT represents a way to halt the transfer of arms to South Sudan. *“As I waited for the trigger to be pulled, I thought: what has happened to my country?”* he asked. *“We cannot wait for the slow churn of bureaucracy. We need positive action this week.”*

The segment was followed by a General Debate that spilled over into the second day of the Conference, featuring statements from a total of **53 States Parties, Signatories and Observers**.

Some key themes emerged in the General Debate that overlapped with other sessions of the agenda, particularly the Voluntary Trust Fund (VTF) and updates about national accession, ratification or implementation. Four countries (Australia, Brazil, Germany, Moldova) argued for the Conference to move towards a more substantive focus and away from discussing procedural elements – which unfortunately did not happen. The need for transparency was referred to several times, with Austria and Ireland making explicit calls for public reporting. There were positive references to the inclusion of gender-based violence in the ATT’s export assessment criteria from Austria, Belgium, Montenegro and Senegal. A few States Parties (including Argentina, Australia, El Salvador, Ireland, and South Africa) took note of the recently agreed upon Sustainable Development Goals and the link between the ATT and Target 16.4. A large number of States spoke highly of the important role played by civil society, including Australia,



Austria, Ireland, El Salvador, Malaysia, New Zealand, Norway, Poland, Serbia, Sweden.

Speaking on behalf of Control Arms, [Anna Macdonald urged](#) States Parties to stop all arms transfers to warring parties in Yemen, and to properly apply the ATT, in particular the core human rights and humanitarian provisions in Articles 6 and 7, and to fulfil one of the Treaty's objectives of bringing about greater transparency.

### **International Assistance**

The International Assistance segment was one of the more productive aspects of the CSP. It focused specifically on agreeing on a Terms of Reference for the VTF. An informal Working Group had been developing a draft TOR over several months before the Conference, as guided by German Ambassador Biontino.

There was strong support for the VTF, with almost all speakers commending the current proposal. Some speakers stressed the importance that the Fund be available for Signatories and non-members committed to ratifying the Treaty (including Brazil, El Salvador, New Zealand, Palau, Sweden). Many States spoke of the need for the [Selection Committee](#) that will decide fund allocation to be diverse in make-up, especially incorporating regional diversity (Argentina, El Salvador, Ghana, Guatemala, Mauritius, New Zealand, Palau). Guatemala called for civil society to have a place in the Selection Committee but this proposal was not taken up by the Conference. A few States Parties committed to providing funding, including Netherlands, Sweden, Switzerland, and Germany, who committed to donating €500,000 upon its establishment.

Control Arms, through Roy Isbister, also [spoke in favour](#) of the VTF proposal, and noted the importance of diversity in membership of the Selection Committee, and the importance of providing resources to actually implement the Trust fund.

Ambassador Biontino presented a [revised TOR](#) the following day that mostly took note of the comments regarding geographic diversity on the Fund's selection committee, which will be the group that reviews requests for assistance. The amendments achieved consensus, and the Conference adopted the Terms of Reference for the VTF.

Later in the week, the Conference discussed the Selection Committee for the Voluntary Trust Fund, which would be made up of 12-15 members. Thirteen States had volunteered by the end of the CSP and were appointed to the Committee: Argentina, Chad, Côte d'Ivoire, El Salvador, Germany, Guinea, Japan, Mauritius, New Zealand, Nigeria, Sweden, Switzerland, and the UK.

### **Reporting**

Reporting was the top issue for Control Arms during this CSP. Adopting comprehensive reporting templates and making public reporting mandatory have been key objectives for the campaign since the Treaty's adoption. This is the best way to monitor compliance of the Treaty as well as build confidence between States Parties and foster transparency.

The first CSP in 2015 did not agree on templates, and work continued over the year to develop them further via a [Working Group on Reporting Templates](#) chaired by Swedish Ambassador Paul Beijer. He opened this segment of CSP 2016 by presenting findings and feedback from the first set of [initial](#) and [annual](#) reports that have been submitted by States Parties. He noted the high level of public reporting in both reports and outlined the work that been undertaken during the year by the group to develop both reporting templates, including on improving their accessibility and guidance to States Parties. Discussion on reporting began with comments from Guatemala, who called on States to report publicly. Another 18 States took the floor during this session, along with [Bob Mtonga](#), for Control Arms who told the Conference that comprehensive and public reporting is a mandatory requirement of the ATT, and that efforts should be made to assist those states for whom reporting is a challenge

However, the main issue up for debate during the Conference was whether or not States could adopt the reporting templates that had been developed by the Working Group on Reporting. States were presented with three options (listed with those in favour in brackets):

1. States Parties adopt the template (Mexico)
2. States Parties are urged to use the templates (Switzerland, Poland, Italy, Ireland)
3. States Parties endorse the templates (USA, Australia, France)

When it appeared that there was not agreement on one option, informal consultations were undertaken.

The following day Ambassador Beijer presented new compromise text based on the above options, in which States Parties 'endorse' the templates and 'recommend' their use. A new sentence would be inserted into the CSP's Final Report to clarify that: *"The initial/annual reporting template, as well as associated procedures for making it available for receiving reports, will be kept under review by the States Parties in order to benefit from the practical experiences gained from its use."* No objections to this new formulation were raised.

Among the main points made during the plenary, several States spoke of the importance of transparency, with several (Austria, France, Germany, Guatemala, Ireland and Switzerland) explicitly calling for public reporting. New Zealand



proposed that if the Conference decides to keep the tick box that allows States Parties to make their reports private, then States that do so should explain why they do not want their reports to be public.

However, because the tick box remained, the issue of public versus private reporting is left ambiguous and each State Party can decide on how they would like to proceed. Current trends indicate that there is support for public reporting, but if it's not made mandatory, this trend could shift in the future.

While the establishment of a new, public [Working Group on Transparency and Reporting](#) was a positive development, overall, the discussion on ATT reporting concluded with a disappointing lack of progress towards ensuring mandatory public reporting to promote greater transparency in the global arms trade. Civil society will continue to advocate for comprehensive public reporting.

### **Implementation**

This session was the logical place to speak to concerns about non-compliance with the ATT, as well as share updates on national implementation. However, any hopes that the Conference would show ambition to discuss actual arms transfers fell flat.

Of the 15 States and multilateral groups that took the floor, only Zambia spoke strongly about the problem of States authorising arms transfers that violate the Treaty. Zambia told the Conference to ask itself if the Treaty is really making a difference, especially if States that are helping countries set up control systems and develop new laws are meanwhile sending weapons into areas of conflict.

Control Arms delivered a [strong statement](#) through Cesar Jaramillo of Project Ploughshares and Brian Wood of Amnesty International. Cesar highlighted the research by Control Arms on arms transfers to Saudi Arabia which showed transfers and authorisations by 19 States Parties and three Signatories. Brian Wood focused on the need to establish effective procedures for the implementation of Articles 6 & 7 of the ATT and informed States that the Treaty does not require a 'balance' of export risks, but rather demands a thorough assessment to weigh up all of the risks of an export's possible 'negative consequences'. Other civil society speakers in this session included ASER, [WILPF](#), [CAAT](#) and the ICRC, who called for States to start sharing their decision-making experiences under Article 6 (Prohibitions) and Article 7 (Export and Export Assessment).

Of the other speakers on this topic, some State Parties shared their recent experiences of implementing the Treaty (El Salvador, Dominican Republic, New Zealand, Switzerland). Most focused their remarks on a [discussion paper proposed by Costa Rica and Finland](#), and the establishment of a public [Working](#)

[Group](#) that could focus on implementation matters, and involve the participation of experts. A proposal for such a group had originally been put forward by the [UK](#) and was endorsed by several States Parties (Belgium, Czech Republic, France, Italy, Mexico, Panama, Sweden, Switzerland).

On 29 February 2016, Control Arms attempted to present an ATT Monitor case study, "[Dealing in Double Standards: How Arms Sales to Saudi Arabia are Causing Human Suffering in Yemen](#)" at the Extraordinary Meeting of States Parties. The President advised the report be presented at the CSP as the 'appropriate venue' for such a study. Control Arms therefore submitted both this case study, and an update to it, as "views in writing" under 5.1 of the Rules of Procedure. Throughout the week, attempts were made to dissuade Control Arms from submitting the papers, with requests that we "make a statement instead" and contradictory instructions to remove all branding, then to reinstate branding, and finally a suggestion that we had "missed the deadline for submission" (no such deadline exists in the Rules of Procedure). Finally, the papers were accepted under Rule 5.1 and placed in a designated section on the website. [Download the papers here](#). The US attempted to block reference to the papers in the final Conference report, but this was overruled by the President.

The government of Peru, with the support of some Latin American states, requested that the CSP's Final Report include a paragraph encouraging States Parties to, in their initial and annual reports, incorporate information about what elements were used to make a human rights risk assessment. The paragraph sparked debate in the final hour of the CSP, as other States Parties – mostly large arms exporters - pushed back and said that this had not been debated or discussed enough in plenary to be present in the Final Report. Peru argued for its inclusion, explaining that it had been presented earlier in the week, but Amb. Imohe ultimately proposed to remove the paragraph, which was agreed by consensus.

### **Universalization**

A total of 19 speakers took the floor in this session. States discussed the [working paper](#) that had been presented the previous day by the President of CSP, which contained a range of proposals for advancing universalization. They also discussed a joint proposal made by Italy and France which would establish a '[Troika](#)' made up of the previous, current, and upcoming Presidents of CSP, who would lead universalization efforts.

The most discussed themes among States in this session were:

- Support for the critical role of civil society in this effort and the need for greater partnerships (France, Switzerland, Philippines, Mexico, Sierra Leone, Germany, UK)

- The need for the President of CSP to play a greater leadership role (France, Switzerland, Germany)
- The importance of working through regional approaches/agencies and rotating regionally the focus of universalization efforts (Philippines, ECOWAS, UK, Mauritius, Argentina)
- Endorsing the proposal for a Working Group on Universalization (Switzerland, Mexico, Sweden, Haiti, Germany, Argentina)
- Translating official Conference documents into multiple languages (Switzerland, Argentina)
- Support for the 'Troika' system (Brazil, UK, Germany, Mauritius, Argentina, Sweden)

Linnet Ngayu, from the African Council of Religious Leaders based in Kenya, delivered a statement on behalf of Control Arms highlighting the presence of civil society from countries who have not yet ratified or acceded to the Treaty, and the work of these NGOs to advance ATT universalization.

A Working Group on Universalization was established at the end of the CSP, open to civil society, to continue to focus on this work between conferences.

### **The ATT Secretariat and third CSP**

The fourth day of the CSP covered practical matters relating to the ATT Secretariat, and planning ahead for the third CSP.

Ambassador Imohe informed delegates of the recruitment process to appoint a Permanent Head of the Secretariat. In an open recruitment process, the Management Committee had received 92 applications, of which 16 were pre-selected and five were shortlisted. Dumisani Dladla was recommended to the Conference to be appointed as the new Permanent Head. No objections were raised, several States spoke in favour of Dladla's appointment (Sweden, Ghana, South Africa, USA, Switzerland, Mexico, Zambia), and he was confirmed as the new Permanent Head of the ATT Secretariat, starting on 1 December 2016.

For the last year, Dumisani Dladla served as the Interim Head of the ATT Secretariat. He presented a [report](#) that outlined steps toward the recruitment the other staff and the status of financial support for the sponsorship programme. In the session on the ATT Secretariat, France presented a report from the [Management Committee](#).

In its [statement](#) on the topic, Control Arms, represented by Shobha Shresthra, stressed the importance of the ATT Secretariat being fully staffed as soon as possible, so that the Secretariat could expand from its current administrative focus to include its substantive mandate, such as providing technical advice on implementation.

States reached several key decisions about the next CSP, including its location at the CICG Conference Centre in Geneva from 11- 15 September. Finland was confirmed as the President of the third CSP, with Australia, Guatemala, Bulgaria, and Sierra Leone as the new Vice Presidents. As the ATT will not enter into force for Guatemala until 10 October, Costa Rica agreed to continue serving as Vice President until 9 October.

### **Civil society participation**

The Control Arms Secretariat coordinated the [participation](#) of 58 civil society representatives, from 24 countries. More than 50 civil society colleagues attended an NGO day on Sunday 21 August, which also included a question and answer session with Ambassador Imohe as CSP President, and Ambassador Korhonen of Finland, the next CSP President.

Control Arms achieved significant media coverage, with messages focussed on the need to address arms transfers in violation of the ATT (see, for example, [Reuters](#), [The Guardian](#), [BBC](#), [Folha de S.Paulo](#), [El Badil](#), [Channel 4](#), [Deutsche Welle](#), [Swiss Info](#), [Le Temps](#), [TV5 Monde](#), and [France 24](#)) and on the importance of transparency and public reporting. Campaigners handed out copies of a 'Top Secret' file as delegates arrived at the conference, containing key reasons why transparency is urgently needed in the arms trade. See all

Control Arms held a press briefing with the CSP President at the start of the CSP, briefing journalists about the expectations for the conference and how arms transfers to Saudi Arabia are causing human suffering in Yemen.

There were a total of 12 side events during the week, which were all well attended and enabled discussions with greater depth and detail about the ATT and its impact. These were (organizers in brackets):

- Towards a globalized ATT: understanding barriers and obstacles (RAND Europe)
- Launch of the [ATT Monitor Report 2016](#) (Control Arms, Australia, Ireland, Netherlands)
- Assessing national compliance with the ATT: Liberia, a case study (Saferworld, Liberia)
- Launch of The Arms Trade Treaty: A Practical Guide to Implementation (ATT Network, GCSP, Small Arms Survey, UNIDIR)
- Yemen: How arms transfers are furthering human suffering (Control Arms, Oxfam, Pax)
- Shadow World: A documentary film screening (Control Arms, Corruption Watch)
- Launch of The Arms Trade Treaty: A Commentary (Switzerland)





- Implementation of Article 7 of the Arms Trade Treaty (WILPF)
- ATT Reporting and Transparency: Impressions and Lessons Learned (ATT-BAP, Control Arms)
- Roundtable side-event on enhancing cooperation and preventing diversion: strengthening end use/r control systems (Amnesty International and UNIDIR)
- The African perspective: challenges and opportunities to implementing the ATT (African Union, Control Arms, New Zealand, Small Arms Survey)
- Arms Transfer and SALW controls in Latin America and the Caribbean: Recent developments and lessons learned (SIPRI, Sweden, and UNLIREC).

Visit the [Control Arms CSP page](#) for statements, media releases and daily summaries.

Visit the [ATT Secretariat's](#) page for government statements and conference documents.

Visit [Reaching Critical Will](#) for a range of government and civil society statements.