

**Summary Analysis of CSP 2018 Working Group Meetings
Geneva, Switzerland
06 – 09 March 2018**

SUMMARY

The first set of Working Group meetings for CSP 2018 saw a relatively good level of discussion from attending states compared to previous sessions, benefitting from engaged facilitators who had prepared questions and discussion topics, plus a number of papers presented.

Some positive progress was made in discussing the effective implementation of the ATT as well as measures to improve transparency and reporting at the first set of Working Groups on Effective Treaty Implementation (WGETI), Transparency and Reporting (WGTR) and Treaty Universalization (WGTU).

The Chair of the Working Group on Effective Treaty Implementatin, Amb Dallifor of Switzerland has appointed three facilitors to lead discussions on sub-topics. These are the implementation of:

- Article 5 (General Implementation) – Leo Tettey, Ghana
- Articles 6 (Prohibitions) and 7 (Risk Assessment) Daniel Nord, Sweden
- Article 11 (Diversion) Damien Chifley, Australia

These ensured slightly more meaningful exchanges of information, challenges and lessons learned among States than has been seen in previous Working Group meetings. Discussions around the implementation of Articles 5, 6 and 7 highlighted that States Parties are at different baselines, both in terms engagement with in the arms trade (as exporters, importers, transit or transhipment, or no engagement at all) as well as in terms of experience in developing necessary structures and mandates to implement these obligations (long established systems and norms vs. states currently developing those systems).

The Working Group on Transparency and Reporting (Chaired by Mexico and Belgium) discussed challenges to reporting and agreed to work towards establishing more practical guidelines to ease and facilitate reporting obligations. The Working Group on Universalisation (Chaired by Finland and Japan) heard updates from a number of States on their ratification processes, and a detailed update from new States Party Kazakstan. The meeting of the Voluntary Trust Fund reviewed the changes – mostly linguistic - made to its [Terms of Reference](#). The only noteworthy changes are:

1. That additional funding provided from VTF contributions will support the administration of the VTF by the ATT Secretariat
2. the VTF Selection Committee will now consits of up to 15 seats and will include both donors and non-donors to the Fund

The importance of information sharing was a recurring theme during all the discussions. A proposal that received wide support was the development of a welcome pack for new States Parties on how to implement the Treaty's provisions, including links to existing guidelines, model legislations, and other toolkits.

The **first Informal Preparatory Meeting (PrepCom)** for CSP 2018, held on 09 March, offered a report-back by the Co-Chairs of the three Working Groups and a cursory discussion of the [agenda for CSP 2018](#). Japan took this opportunity to pledge a \$3 million contribution to the Voluntary Trust Fund, part of which will be earmarked towards universalization efforts in Asia-Pacific.

Yet again, Control Arms was the only attendee to make reference to specific problematic arms transfers and the arms-fueled crisis in Yemen, highlighting both the recent positive policy changes by some European exporters (Walloon region of Belgium, Germany and Norway) and the continued call for others to stop arms transfers to the Saudi Coalition (Canada, France, UK, US).

Attendance was relatively diverse from governments with representatives from Africa, Asia, Latin America and Pacific all taking the floor in addition to WEOG (Western Europe and Others Group). Due to funding challenges, Control Arms had a much smaller delegation than usual (no sponsorship funds yet), whom made substantive contributions to all agenda items of the Working Groups and PrepComs. See [here](#) for Control Arms interventions.

Working Group on Effective Arms Trade Treaty Implementation (WGETI) 06 - 07 March 2018

Seeking to produce more concrete outcomes, this year WGETI was divided into three sub-groups, each of which explored in detail the implementation of core ATT Articles 5, 6, 7 and 11. The discussions focused on the exchange of information and knowledge, challenges and good practices on issues related to the national implementation of those Articles and sought to identify ways for information exchanges and cooperation.

Article 11 (Diversion)

Facilitated by Mr. Damien Chifley of Australia, the discussions around diversion explored States Parties' views on the scope of Article 11, particularly whether States consider both prevention of diversion during the transfer process, and the diversion of conventional arms once transfer has already taken place. Switzerland's [Food for thought Paper on practical measures to conduct likelihood assessments under Articles 6 and 7 of the Arms Trade Treaty](#) identified five possible points of diversion throughout the lifecycle of the arm three of them occurring along the transfer chain while two of them occur after the arms have reached their authorized destination. A

number of states including UK, Finland, Bulgaria, Romania and Spain have noted that while they do not distinguish between pre- and post the transfer diversion, they take into account the risks of diversion at all points.

Mexico echoed by Japan stressed the importance of considering the diversion risks at multiple stages on the transfer chain in order to develop adequate preventive measures as well as to assist States involved in the arms transfer to address challenges. Togo shared information about the mechanism developed by ECOWAS states in order to prevent diversion. As such, all ECOWAS member states are involved in the diversion risk assessment before a country is permitted to import arms, have put in place mitigation measures to minimize the risk of diversion during the transfer. Some states in the region, including Togo and Cote d'Ivoire have also developed early warning systems to detect and report diversion after the transfer was completed.

France introduced a paper on [Preventing and fighting the diversion of legally transferred weapons](#) which aims to provide concrete and practical proposals to structure discussions on preventing and combating diversion in the framework of the Arms Trade Treaty including systematically include the issue of diversion on the agenda of the WGETI, foster thematic exchanges and facilitate participation of National Points of Contact and specialized governmental experts, draw on the expertise of private sector actors and civil society, seek complementarity with existing initiatives. The paper also proposes the development of a set of measures to prevent and combat the risk of diversion of legally transferred weapons as well as ways to foster the implementation of assistance programs aimed at strengthening the ability of States to prevent and combat diversion of legally transferred weapons.

Argentina, Belgium, France, Italy, Japan, Switzerland, Sweden, Netherlands, Romania shared practical measures adopted to prevent diversion, including end-user certificates, delivery verification certificates or physical verification of goods, no re-export clauses. These states also noted the importance of using diplomatic and intelligence channels, ATT points of contact and regional/international forums such as MERCOSUR, ECOWAS or EU COARM to verify and exchange information on transfers and share information on denials for diversion. Mexico stressed the importance of improving inter-agency cooperation and synergies with other regional and international instruments (e.g CIFTA and OAS Transparency instrument) to address diversion. Switzerland noted that although Article 11 of the ATT does not explicitly cover ammunition and parts and components for diversion, the diversion provisions should be extended to cover these items.

The importance of information sharing was stressed by almost every delegate which took the floor. The EU, France, Belgium shared existing guidance documents such as the EU User's Guide, which deals with diversion and is relevant for ATT, the Wassenaar Agreement, OSCE as well as civil society resources and stressed the need to avoid duplication of work. Belgium proposed that one of the outcomes of this sub-working group could be a list of existing documents and guidance that will enable states to address diversion.

Articles 6 (Prohibitions) and 7 (Export and Export Assessment)

The discussions on the implementation of Articles 6 and 7 opened with [presentation](#) by the Swedish Inspectorate of Strategic Products (ISP) an independent Administrative Authority which controls the exports of military equipment and dual-use products. The presentations lead to an engaging exchange of experiences and challenges with national export control systems - including lack of inter-agency cooperation, lack of integrated databases for imports and exports, processing time of licensing requests, sharing information with transit states. Control Arms stressed the importance of building strong national control systems and encouraged states to exchange information of their risk assessments, particularly Germany, Norway, and the Walloon region of Belgium all of whom have recently announced stopping arms transfers to the Saudi-led coalition in relation to the Yemen conflict. Control Arms also reiterated its call for all States Parties - particularly France and the UK as well as the US as a signatory to live up to their ATT obligations and cease arms exports to the warring parties involved in the conflict in Yemen. Switzerland introduced its [Food for thought Paper on practical measures to conduct likelihood assessments under Articles 6 and 7 of the Arms Trade Treaty](#) which provided a list of indicative questions meant to further exchange and discussion on practices followed by States Parties in their implementation of Articles 6 and 7.

Discussing types of frameworks needed to ensure UN arms embargoes are being respected, the Republic of Korea stressed that the implementation of UN Security Council resolutions should go hand-in-hand with the implementation of the Treaty's provisions while Belgium noted that UN embargoes are usually also accompanied by EU sanctions, providing a strong legal basis to impose restrictive arms export measures. Belgium, Switzerland, Finland, France shared information about their national legislations which provide criminal sanction for embargo violations.

When considering whether it is the direct effect or the indirect effect of an export of conventional arms that needs to be assessed, Netherlands and Belgium noted that under the EU Common Position EU member states are under the obligation to take into account indirect effect. Both Control Arms and ICRC urged States Parties to consider the broadest interpretation of Article 7 in order to prevent violations of International Humanitarian and Human Rights Law, gender based violence and to meet the object and purpose of the Treaty - to reduce human suffering. Control Arms also noted that while gender based violence is explicitly referred to in Article 7, states parties must also consider the risk of GVA in the context of Article 6.3 in the form of sexual violence. Bulgaria, Spain Sweden stressed that they conduct comprehensive risk assessments in order to prevent and reduce gender based violence.

Article 5 (General Implementation)

The discussions on the implementation of Article 5 opened with a presentation from the ATT Secretariat on the status of ATT implementation. According to the 61 ATT initial reports that were submitted to the ATT Secretariat, 59 States Parties have developed competent national

authorities and have appointed national points of contact, while 54 States Parties have adopted national control lists. The initial reports also indicate that States Parties are at different stages of the Treaty's implementation and that there is a variation in the structures adopted for their national authorities.

Finland, Bulgaria, Germany, Netherlands, UK, Romania shared detailed information about the development, structure and working methods of their competent national authorities. Ghana, El Salvador and Sierra Leone - currently in the process of designating competent national authorities - shared information about their legislative process and noted the importance of international assistance in this regard. Cautioning against manipulate existing the national systems to fit a generic international template, Control Arms urged States Parties to ensure that effective national arrangements are established in a way that is appropriate to the State's situation, structures and capacities. Control Arms also noted that it is *“critical for purposes of accountability that national responsibilities and authority are clear, legally established, set down in writing, are placed in the public domain and are readily available to all relevant stakeholders – from parliament, industry, the media, civil society, and international partners.”*

Similarly, States Parties shared views and experiences regarding the development of national control lists. A number of State Parties, including Costa Rica, Ghana, Belgium noted that they developed their national control lists based on pre-existing export control lists such as the Wassenaar Arrangement and the EU Military List.

The discussions on national legislations opened with a presentation from Control Arms' member Saferworld who urged States to ensure that they have transparent systems which operate under the effective rule of law, binding not only those directly involved in the transfer of arms, but also those who decide whether such transfers may or may not proceed in accordance with the provisions of the Treaty, as well as those who are ultimately accountable for such decisions. Saferworld also shared a list of legislations/regulations that should be assessed in order to ensure it is in line with the Treaty's provisions, including firearms legislation, import/export control/trade control legislation, customs legislation, armed forces legislation, legislation establishing relevant governmental structures e.g. National Commission on Small Arms, legislation to implement relevant obligations arising from membership of regional and international organisations, the criminal code.

States Parties, including Austria, South Africa, Germany, noted necessary changes undertook to bring their existing national legislation in line with the ATT. New Zealand stressed that for smaller states, the ATT's obligations may seem demanding and urged the VTF committee to consider to provide feedback from projects focused on national legal gap analyses in order to identify common challenges as well as good practices and useful resources.

A proposal to the development of a welcome pack for new States Parties on the implementation of the Treaty's provisions, including existing guidelines, model legislations, and other guidelines received wide support.

Working Group on Treaty Universalization (WGTU)

07 March 2018

Ambassador Takamizawa opened the meeting of the working group with an introduction on the [work plan](#) for the CSP 2018 preparatory meetings as well as the [non-paper](#) on Challenges to Treaty Universalization. He welcomed progress made by Brazil and Canada in towards ratification/accession and urged other states that have not done so, to join the ATT.

After a brief [overview on the status of ATT universalization](#) provided by the ATT Secretariat, Kazakhstan shared its export controls principles and system. It also noted that as a transit state located in the Eurasia region, Kazakhstan aims to strengthen its national security by joining the Wassenaar Agreement.

The EU, Georgia and Mexico shared information about upcoming ATT related regional/national workshops while Australia reminded governments about a report it supported - the [Broader Benefits of the Arms Trade Treaty](#) - published by the Center for Armed Violence Reduction. New Zealand provided an overview of the discussions at the Pacific Conference on Conventional Weapons Treaties attended by almost all Pacific island states as well as by delegates from Japan and Germany and civil society representatives from Control Arms, Saferworld and the Center for Armed Violence reduction. New Zealand also noted that Vanuatu who adopt recently submitted the ATT legislation to its Cabinet is expected to join the ATT by the end of the year. Similarly, Colombia and Brazil informed the meeting about progress made by their governments in ratifying the ATT.

Two excellent presentations from Ambassador Anda Filip of the Inter-Parliamentary Union and Karin Olofsson from the Parliamentary Forum on Small Arms and Light Weapons who stressed the importance of informing and engaging parliamentarians in the efforts to support the Treaty's universalization. Ambassador Filip noted parliamentarians contributions to the development of the 2030 Agenda on Sustainable Development and provided example of cases in which parliamentarians were instrumental in creating the space towards more substantive discussions on arms control and disarmament. Karin Olofsson shared information about the Parliamentary Forum's efforts in support of the Treaty's universalization and implementation and noted that parliamentary engagement can pave the ways towards peace, security and sustainable development.

Control Arms [shared](#) potential solutions to some of the challenges outlined in the Chair's non-paper and provided examples of how civil society engagement has contributed the the Treaty's universalization.

Working Group on Transparency and Reporting (WGTR)

08 March 2018

At the outset of the meeting, the ATT Secretariat provided a presentation on the status of ATT reporting, which indicated that:

- Out of the 91 States Parties due to provide Initial Reports - only 67% have done so. 30 States Parties have not yet submitted their Initial reports
- 6 States Parties chose not to make their Initial Reports public
- Of the 61 Initial Reports submitted to the ATT Secretariat - 9 were received from Africa, 11 from the Americas, 3 from Asia, 35 from Europe, and 3 from Oceania.
- 79% of States Parties have submitted their Annual Reports for 2015 and only 65% of States Parties have submitted their Annual Reports for 2016. 13 States Parties have not yet submitted their annual reports for 2015 and 26 States Parties have not done so for 2016
- 1 States Parties chose not to make its Annual Reports public in 2015 and 3 have done so in 2016

Following the presentation, States shared national experiences and challenges with reporting. Rotation of personnel or lack of capacity was one of the most frequent challenges cited by states, with the Republic of Korea explaining that this is the reason behind its own delay in submitting the initial report. Both Mexico and Netherlands highlighted data gathering as one of the challenges in preparing the annual reports and noted the need to improve their database systems.

A clear list of personnel involved in the reporting process as well as a clear timeline for meeting reporting obligations were practical solutions proposed by the Netherlands and Japan, while Costa Rica and Spain noted the importance of international assistance and cooperation. Japan and Hungary also urged the ATT Secretariat to send timely reminders to States Parties in advance of reporting deadlines.

After sharing findings from its ATT Monitor 2017 Annual Report, Control Arms highlighted the levels of inconsistency and discrepancies in annual reports over the past few years as well as the growing number of States Parties who are opting to keep their reports secret. Control Arms also stressed the importance of developing practical partnerships between those with knowledge on how to report and those facing challenges in this regard in order to ensure that all States in the reporting process in a meaningful way.

While discussing ways to facilitate information exchanges through organizational means, a number of states, including the UK, France, US, Spain, Netherlands cautioned against introducing new reporting templates such as the one proposed by Argentina for reporting on diversion. Alternatives were provided by France, who reiterated its proposal outlined its paper on [Preventing and fighting the diversion of legally transferred weapons](#) to hold meeting with experts on diversion in order to strengthen expertise instead as well as by Japan who suggested an information exchange portal to be used by ATT points of contacts and offered.

On the issue of harnessing information generated by mandatory reporting in order to support States Parties in the implementation of the Treaty, Mexico noted that an analysis of annual reports will provide information about arms transfer trends and reporting challenges and will play

a crucial role in incentivizing States to continue to meet their reporting obligations. The Netherlands, US, Australia stressed the importance of a developing a database that includes a search capability and allows for information to be extracted from the annual reports. Both the Chair of the WGTR and Australia commended the work done so far by civil society in monitoring and analyzing annual reports, in particular the Control Arms ATT Monitor, the Small Arms Survey Transparency Barometer and ATT-BAP.

The meeting concluded with an update from the ATT Secretariat on the development of the IT system which aims to include critical elements such as IT infrastructure and security, information database / storage system (i.e. for annual reports, initial reports, points of contact, other information provided by states), information processing and analysis (e.g over 22 pieces of information will be generated from the annual reports), communication system, enhanced website, conference services support and web-based reporting capability. Due to fast approaching deadline for the 2017 annual reports, the working group agreed that the new IT system will not be used in this reporting cycle. Rather, once completed, a small number of States will volunteer to test the functionality of the IT system before its official launch.