

Fourth Conference of States Parties to the Arms Trade Treaty Tokyo, Japan, 20 - 24 August 2018

Overview

The fourth Conference of States Parties to the Arms Trade Treaty (CSP 2018) included more substantive discussions around the Treaty's implementation compared to previous years when the focus was entirely on procedure, in particular on the area of diversion. However, States Parties once again failed to specifically discuss problematic arms transfers and violations of the Treaty.

The thematic focus of the CSP this year was on diversion, and Control Arms campaigners around Tokyo drew attention to the need for action, [displaying "Missing" posters](#) illustrating real-life cases of weapons that have been diverted into the illicit trade. The plenary session on diversion provided some of the most substantive discussions of the week, with States sharing case studies of diversion, as well as practical measures and best practices in tackling diversion.

On reporting, ATT States Parties, international organizations as well as Control Arms expressed concern about the declining rates of reporting and provided constructive recommendations to address challenges in this area. Control Arms, based on evidence provided in the [ATT Monitor 2018 Report](#), highlighted large discrepancies found in annual reports which hide useful information and do not contribute to meaningful transparency in reporting.

As ATT States Parties were entering their fourth day of the CSP 2018, [30 people, including 22 children](#), were killed in Yemen following a Saudi- and Emirati- led coalition airstrike. Yet there was little discussion about compliance with the Treaty obligations, particularly as it relates to arms transfers to the warring parties in Yemen.

The most contentious issue of the CSP was the administration of the ATT Sponsorship Programme, with heated debate around its recommended transfer from UNDP to the ATT Secretariat taking up much of the final day's proceedings.

Ambassador Jānis Kārkliņš of Latvia will be the President of Fifth Conference of States Parties to be held in Geneva, on 26 - 30 August 2019.

Detailed Overall Report

High Level Segment and General Debate

CSP 2018 was [attended](#) by representatives from a total of 77 ATT States Parties, 22 Signatories, 8 Observer states, 7 international organisations, and 26 observer delegations. Control Arms' delegation had 44 participants from 34 organisations from across all world regions.

CSP 2018 was opened by President Ambassador Nobushige Takamizawa and the Opening Panel heard statements from the Foreign Minister of Japan, Mr Fumio Kishida, Under Secretary-General and UN High Representative for Disarmament Affairs Ms Izumi Nakamitsu, Director of the Geneva Branch of the United Nations Office for Disarmament Affairs Ms Anja Kaspersen, Dr Helen Durham of ICRC, and Ms Shobha Pradhan Shrestha of Women for Peace and Democracy-Nepal representing Control Arms.

[Shobha Pradhan Shrestha](#) shared two powerful stories of survival, one from Nepal and one from Yemen reminded the conference that *"we owe it to (...) the millions of girls, boys, women and men that are*

suffering in Yemen, Nepal and many other countries around the world to stop this. We owe them more than our sympathy. We owe them our action.” Stressing the civil society’s commitment to reducing human suffering, Shrestha told the States Parties that *“will keep campaigning to stop arms transfers to all warring parties in Yemen. And we will keep campaigning for the ATT to be effectively implemented. We call on you as governments to stop the transfer of all weapons that fuel senseless suffering.”*

Similar concerns of continuing problematic arms transfers were raised by Dr. Helen Durham of ICRC who described the powerful story of a survivor from Papua New Guinea that lost his family to armed violence, illustrating the tragic consequences of the poorly regulated arms trade, she reminded delegates that *“the ATT can only stop weapons from falling in wrong hands if applied without bias or discrimination”*.

Over 71 delegates took to the floor during the general debate but only a few raised concerns regarding problematic arms transfers:

- [Palestine](#) warned that *“inadequate controls over transfers of conventional weapons and lack of respect for the provisions of the Treaty come at a high cost for human life and dignity”* and cautioned that states which violate IHL, including through states practices of occupation, should not be allowed to buy weapons or to profit from their exports
- [Costa Rica](#) urged States Parties to be mindful of the risks when transferring weapons to “a particular country from the region”, reminding them of their responsibilities under Articles 6 and 7 of the ATT.

Several states stressed the **importance of implementation** sharing information about new legislation or policies that they had recently adopted as well as workshops and regional meetings on this topic (including New Zealand, Panama, El Salvador, Zambia, Senegal, Samoa, Honduras, Chile, Peru, Brazil, Cameroon). Many states stressed the important role the Treaty’s can play in addressing **diversion** (including France, Sweden, the UK, Finland, Romania, South Korea, Slovenia, Australia, Mexico, Panama, Costa Rica, and Peru). Other key priorities for states included: the need to focus more on preventing **gender-based violence** (European Union, African Group, Austria, Ireland, Sweden, Montenegro, Uruguay, Slovenia, Norway), the importance of **public reporting** (the European Union, Peru, Italy, Slovenia, the Netherlands, Bulgaria, Montenegro, Luxemburg, Czech republic, Senegal, Guatemala, Poland, Romania, Republic of Korea), and of **international assistance**, particularly the VTF (Costa Rica, Argentina, Australia, New Zealand, Peru, Austria, Bulgaria, Macedonia, Luxemburg, El Salvador, Zambia, Czech Republic, Senegal, Samoa, Peru, Liberia, Cameroon, the Netherlands).

The General Debate over ran its time and was cut off abruptly with 4 civil society organisations remaining to give their interventions.

A more detailed report of the general debate can be found [here](#).

Treaty Implementation

Discussions in this session focused on the [WGETI Report](#) presented by Switzerland as the Chair of the Working Group on Effective Treaty Implementation as well as the three sub-groups on Article 5 on General Implementation, Articles 6 and 7, and Article 11 on Diversion. The facilitators also gave an overview of the documents that were put forward for consideration at CSP 2018:

- Article 5:
 - Elements of a “Welcome Pack” for New States Parties ([Annex F](#))

- List of possible reference documents to be considered by States Parties in Article 5 implementation ([Annex A](#))
- Elements of reference documents to establish a national control system ([Annex G](#))
- Articles 6 & 7:
 - List of possible reference documents to be considered by States Parties in conducting risk assessment under article 7 ([Annex B](#))
 - Possible voluntary and supporting elements in implementing under Article 6(1) ([Annex E](#))
- Article 11:
 - List of possible reference documents to be considered by States Parties to prevent and address diversion ([Annex C](#))
 - Possible Measures to Prevent and Address Diversion ([Annex D](#))

The majority of states expressed satisfaction with the progress made by the Working Group and their support to the documents put forward for consideration by the three sub-working groups. Mexico stressed the need for further clarification and strategies on how states need to implement these guidelines while the Republic of Korea expressed interest in hearing from States Parties about the practical application of these documents in their risk assessments.

Noting that “recognition is insufficient without action”, Ireland stressed that successful implementation of the gender based violence provisions should be a priority, which was also noted by Switzerland and Mexico.

States Parties missed another key opportunity to discuss arms transfers that are in violation of International Humanitarian and Human Rights Law. None of the 19 states which took the floor during the session on implementation raised concerns about compliance with States Parties’ obligations under Articles 6 and 7 of the ATT.

Ali Jameel of Mwatana Organization for Human Rights [delivered a statement](#) on behalf of Control Arms, calling on ATT States Parties to rigorously apply the criteria in Articles 6 and 7 and prevent arms transfers that are in violation of international humanitarian and human rights law. Jameel noted that *“it is of great concern that, since the ATT entered into force, States Parties and Signatories have transferred arms to countries committing grave violations of human rights. This raises concerns around Treaty adherence.”* Similar concerns were raised by ICRC which stressed that *“strict implementation is critical to building legitimacy of the Treaty.”*

Thematic Discussion on Diversion

This was the second thematic debate at a Conference of States Parties, following last year’s focus on the links between the ATT and the Sustainable Development Goals. The panel was chaired by Mr. Yann Hwang, France and featured remarks from Ambassador Miguel Ruiz Cabañas of Mexico, Mr. Jonah Leff of Conflict Armament Research, Mr. Paul Holtom of Small Arms Survey, BG Hery Emma Rene Randriamiaramanana of Madagascar and Ms. Lyndal Nixon from the Australian Export Control Office.

Mexico emphasized that all stakeholders share the responsibility of preventing diversion, noting that diversion occurs when there is a break in the legal chain of transport, when buyer states do not abide by their contract or when goods are stolen. Conflict Armament Research provided an overview of the iTrace database and its potential contribution to addressing diversion while Small Arms Survey shared infographics on diversion and emphasize potential preventive measures before shipment. Costa Rica

shared its experience with a case of diversion in 2016 and information regarding measures taken to address it while Madagascar shared information about its existing legal framework and government programs which seek to address and mitigate the risk of diversion of arms to organized crime. Australia shared a list of elements that governments and industry can work together on to prevent diversion, including end user certificates, route security plans, delivery verification, maintenance contracts, post-shipment verification and awareness raising.

Other states (the UK, Austria, Japan, the Netherlands) as well as the EU, ICRC and Control Arms also took the floor to share best practices and recommendations that can assist States in mitigating diversion risks. Control Arms [stressed](#) the importance of detailed information-sharing on real-world risk-assessments and experiences of diversion, and on lessons learned for prevention or mitigation measures. Control Arms also [made practical recommendations](#), including voluntary peer reviews of national systems for risk assessment and risk mitigation to prevent diversion, pooling resources to increase information available for selected aspects of risk assessments, as well as updated ATT initial reports describing recent measures taken to prevent diversion.

A more detailed report about the session on implementation and of the thematic debate on diversion can be found in the [Daily Summary for Day Two](#).

Transparency and Reporting

Of the 92 States Parties due to submit an **initial report**, 67 have submitted (73 per cent). Ten reports were kept confidential. There are 11 outstanding reports from States Parties in Africa, 11 from the Americas, four from Europe, and one from Oceania.

Of the 89 States Parties due to submit an **annual report**, 48 have submitted (54 per cent). Three reports were kept confidential. Regionally, 24 per cent of reports were submitted in Africa, 18 per cent in the Americas, 67 per cent in Asia, 90 per cent in Europe, and 50 per cent in Oceania. This represents a decline in reporting in all regions from previous years.

Fifteen States as well as the European Union, ECOWAS, the International Committee for the Red Cross, Control Arms, and the Centre for Armed Violence Reduction, took the floor during the transparency and reporting session.

Mexico and Belgium, as Co-Chairs of the Working Group on Transparency and Reporting (WGTR), recommended the adoption of the '[Outreach Strategy on Reporting](#)' ([Annex A](#)) which welcomes the development of an the information exchange portal on the ATT IT platform, adopts a three-tiered approach to transparency in addressing diversion (including informal, closed meetings for States Parties to discuss real-life examples), and the proposed mandate for work to be done before CSP 2019. This mandate includes a review of templates for initial and annual reports.

Four states (Australia, Switzerland, Argentina and Netherlands) and the European Union noted the worrying trend of States Parties not complying with reporting obligations. Other highlights from these discussions were: the inclusion of an informational exchange portal (Australia, South Africa, Switzerland, Mexico and Japan and the European Union), the "sensitive" nature of reporting (the UK and Republic of Korea). Sweden and New Zealand pledged to provide an update to their initial reports.

Control Arms [drew attention to](#) the large discrepancies found in annual reports which hide useful information and do not contribute to meaningful transparency in reporting. The Centre for Armed Violence Reduction [highlighted](#) its database work as a 'low-cost database solution' for States Parties that do not have an internal database.

Treaty Universalization

At this year's CSP, the ATT has 97 States Parties and a further 38 Signatories, meaning that fifty-nine UN member states remain outside of the ATT process. Regionally, 42% of states in Africa are members of the ATT, 72% in the Americas, 12% in Asia, 91% in Europe, and 28% in Oceania. Since CSP 2017, only five new States have ratified or acceded to the ATT: Kazakhstan and the State of Palestine in December 2017 and Chile, Cameroon and Brazil in 2018.

The ATT Secretariat also provided an update on the new ATT website which is planned to make information more accessible, include infographics, and feature an interactive version of the reporting page.

Japan, as the CSP 2018 President, and Finland, as the CSP 2017 President, Chaired the Working Group on Treaty Universalization this year. Finland outlined [recommendations](#) for new WGTU priorities, including a focus on Asia and Africa as regions with low ratification rates, utilizing Co-Chairs states-of-origin to mobilize partners, engaging with Parliamentarians, organization of regional events, and outreach done by the CSP Presidents. The continued engagement of civil society was also emphasized as important, with Control Arms' Sprint to 100 campaign noted.

A more detailed report from the sessions on Transparency and Reporting and Treaty Universalization can be found in the [here](#).

International Assistance

The session on International Assistance focused primarily on the Voluntary Trust Fund, which is currently on its second funding cycle. The VTF received contributions worth \$6.5 million from 14 States (Argentina, Australia, the Czech Republic, Finland, France, Germany, Ireland, Japan, the Netherlands, New Zealand, Spain, Sweden, Switzerland and the United Kingdom). Germany, as Chair of the VTF Committee and the ATT Secretariat presented an overview of the [current status of the VTF](#) and the activities carried out by the VTF committee. CSP 2018 adopted the amendments made to the [VTF Terms of Reference](#) and took note of the [Guidance for the Selection of Project Proposals](#). It also welcomed the plan for the VTF to conduct further work to improve its process through the development of 'Guidance for VTF Project Evaluation' and further guidance material for potential VTF applicants.

Nineteen governments, the EU and ECOWAS and three NGOs took the floor during this session and commended the VTF on its excellent work. Positively, some states also raised the importance of cooperating with civil society. A few statements, including the intervention made by Control Arms, stressed the importance of avoiding any duplication of work between the VTF, UNSCAR and the EU ATT Outreach Project. Control Arms [called](#) on donor states to make additional funds available for ATT implementation directly to civil society organizations as they are not able to apply to the VTF directly, and reported on its Sponsorship Fund which has enabled the attendance of during 2018 .

UNDP gave a [provided](#) an overview of the status of the ATT Sponsorship Programme, which received funding from 13 states. The Sponsorship Programme enabled the participation of 109 representatives,

including 8 from civil society this year. UNDP developed a list of lessons learned which is included in the year's Report to CSP 2018.

Matters Pertaining to the ATT Secretariat

Dumisani Dladla as Head of the ATT Secretariat presented the [Report on the Secretariat's Activities for the Period of 2017/2018](#), which includes an overview of the functions and activities carried out by the ATT Secretariat. Panama presented the [Report of the Management Committee](#), which oversaw preparation of invoices, the procurement process for IT system, the development of detailed proposal for review of arrangements for sponsorship programme, conducted regular oversight of finances in terms of income and expenditure, oversaw the calculation and allocation of uncommitted funds according to the decision of CSP 2017, developed proposal on possible measures to address the problem of unpaid financial contributions.

Sweden's mandate on the Management Committee ended with the CSP 2018 and was replaced by the Netherlands.

The Czech Republic presented the [Management Committee Report on the ATT Sponsorship Program](#) which includes a review of the Sponsorship Program and a proposal that the administrative responsibility of the Sponsorship Programme be transferred from the UNDP to the ATT Secretariat.

Six countries (Costa Rica, Switzerland, Latvia, Japan, South Africa, New Zealand) as well as Control Arms supported the proposal while Mexico and Guatemala disputed it, expressing concern over the burden this additional workload would place on the ATT Secretariat. These discussions carried on into the session dedicated to the adoption of the CSP 2018 Report.

Matters Pertaining to Financial Contributions

Sweden presented the [Management Committee's Draft Proposal on Unpaid Contributions](#) which recommends tasking the ATT Secretariat and the Management Committee with the implementation of the administrative measures to address some of the causes of delay and non-payment of contributions; explore the feasibility of establishing a reserve fund during the CSP 2019 and mandate the Management Committee to undertake further work and prepare a detailed proposal to address the problem of financial contributions including possible sanctions for delay and non-payment to be addressed at CSP 2019.

Fifteen governments as well as the European Union took the floor to express their concern about the fact that a significant number of States Parties have not met their financial obligations. The UK noted that it cannot support the proposal for a reserve fund as it might create a disincentive for states to pay. France, Switzerland were in favor of applying sanctions in those states that have not made their financial contributions while South Africa, Guatemala, Brazil and Mexico oppose the sanctions proposal.

Matters Pertaining to the Fifth Conference of States Parties

Under this agenda item it was agreed that the CSP 2019 will be held on 26 - 30 August, at the International Conference Centre Geneva (CICG) in Geneva. Ambassador Jānis Kārklīns of Latvia was appointed as the President of the CSP 2019 and Benin, Chile, Ireland and the Republic of Korea were selected as Vice-Presidents.

CSP 2018 also appointed Australia, Chile, Finland, Germany, Japan, Madagascar, Mauritius, Mexico, New Zealand, Norway, South Africa, Sweden, Switzerland, the Netherlands and the United Kingdom to serve on the VTF Selection Committee.

Any Other Business

Under this agenda item, the President raised the issue of regional representation. There has not been consensus reached during the informal consultations on this matter and thus proposed that a decision on this issue should be deferred until the next CSP so further discussions can be carried during the intersessional period. No countries objected to the President's proposal.

Consideration and adoption of the final report of the Fourth Conference of States Parties

In a surprising turn of events, considerable debate was generated around Paragraph 35 which details the Management Committee proposal that the administration of the ATT Sponsorship Fund should be moved from UNDP to the ATT Secretariat to create a "one stop shop" for state delegates. Mexico, supported by Guatemala, Colombia, Costa Rica and Honduras argued that this could create too much administrative work for the ATT Secretariat and detract from its work to support States Parties with their ATT implementation efforts. South Africa, Ghana, New Zealand, Zambia and Latvia saw the issue as one of confidence in the ATT Secretariat and refused to accept Mexico's proposal to postpone the transfer of the sponsorship fund from UNDP to the ATT Secretariat for another year. Switzerland shared the concerns raised by the Latin American governments, but clarified that it would support the proposal if capacity concerns are clearly clarified in writing. Several rounds of informal consultations saw clustered regional groups, with an emerging Africa versus Latin America split. Finally, agreement was reached and a slightly amended paragraph was included in the final report, which transferred administration of the sponsorship programme to the ATT Secretariat.

Paragraph 37 which lists recommendations to address the problem of unpaid financial contributions also generated some debate. The discussions focused in particular on the third recommendation which mandates "the Management Committee to undertake further work and prepare a detailed proposal to address the problem of financial contributions to be considered at the Fifth Conference of States Parties". During deliberations, the Netherlands, the UK, Switzerland, and France proposed amending the text to include "to address the problem of financial contribution on basis of financial rules to be adopted at CSP 5" while Guatemala, South Africa, Mexico, Brazil, Namibia expressed concern over the use of the word "adopted" and recommended instead "to be considered". The final language agreed upon for paragraph 37.c) was "...in accordance with the Financial Rules, to be put forward for consideration at CSP5". The European Union, with support from the UK and Switzerland also proposed adding in paragraph 37 "to include" financial issues on the agenda during the intersessional process between CSP4 and CSP5" which was adopted without contention.

The [CSP 2018 Report](#) was finally adopted 5 minutes before the Conference was scheduled to end. In his closing remarks Ambassador Jānis Kārklinš, President of CSP 2019, welcomed the support from the Eastern European group and said that his will be "a low cost but high intensity presidency". Ambassador Takamizawa, President of CSP 2018, thanked the conference for their cooperation and support.

Media and Social Media

In advance of CSP 2018, Control Arms organized two major social media campaigns:

- #Sprintto100 - launched on 12 May 2018, 100 days before the CSP2018, this campaign aimed to build momentum around the Treaty's universalization and encourage remaining state to join the ATT.

- 10 Day Countdown to CSP 2018 - highlighted [10 reasons to tackle diversion](#). As diversion was the theme of this year's CSP, this campaign aimed to encourage meaningful discussions around the Treaty's implementation, particularly as it pertains to diversion.

Japan and Control Arms also held a press conference at the start of the CSP. Control Arms highlighted expectations for the coming week and calling on States Parties to immediately cease all arms transfers that violate the ATT.

Delegates arriving at the CSP 2018 as well as morning commuters were met by Control Arms campaigners holding "Missing" posters which illustrated real-life cases of weapons that have been diverted into the illicit trade. They called on delegates attending CSP 2018 to take immediate action and stop the diversion of weapons, which are fueling poverty, conflict and human rights abuses worldwide, and being used by organised criminals and terrorists.

CSP 2018 received less media coverage compared to previous years. However the CSP 2018 drew some interest from the Japanese media, including [Japan Times](#), [Sankei](#) and [Minichi Japan](#).

Side Events

There were a total of 19 side events during the week, many organised or featuring civil society campaigners from the Control Arms Coalition. These panel discussions and report launches took delegates into the substantive issues surrounding the Treaty's implementation, including the impact of arms transfers on civilians around the world, tackling diversion and preventing gender based violence. These 19 events were (co-hosts in brackets):

Monday

- Launch of the ATT Monitor 2018 Annual Report (Control Arms, Australia, Netherlands)
- International assistance and the effective implementation of the ATT (Japan, Small Arms Survey and SIPRI)
- Taking stock of the Third Review Conference of the UN Programme of Action on small arms and light weapons in the framework of the Arms Trade Treaty (France)
- Using the ATT to Prevent Diversion (Meiji University)

Tuesday

- Enabling the Adoption and Practical Implementation of the Arms Trade Treaty (Australia, Switzerland, CAVR)
- Advancing the Implementation of the Arms Trade Treaty: The Voluntary Trust Fund (VTF) (Germany and the ATT Secretariat)
- Preventing the diversion of legally transferred weapons (Control Arms, France, Mexico)
- Complementarity of the Arms Trade Treaty and the ECOWAS Convention: Ways Forward for ECOWAS Member States (ECOWAS Commission)

Wednesday

- Japan's Security Export Control System (Japan)
- The Humanitarian Impact of Arms Transfers to Middle East (Control Arms and Mwatana Organisation for Human Rights)
- EU assistance and cooperation on ATT implementation (EU/Expertise France & BAFA)
- Transparency and Reporting (Small Arms Survey, UNIDIR, BAP)

- Launch of: Assessing the risk of Gender Based Violence under the Arms Trade Treaty, a practical guide (Ireland and Control Arms)
- Tackling Diversion: Examining Options and Avenues for Strengthening End Use/r Controls in Conventional Arms Transfers (UNIDIR, Finland, UK, SIPRI)

Thursday

- The Arms Trade Treaty and Armed Drones: Transparency and Control (Pax, Stimson Center and UNIDIR)
- Opportunities and Challenges in Implementation of the ATT (Control Arms, Cameroon and Saferworld)
- Post-shipment verifications – a new instrument of weapons export control (Germany and Switzerland)
- Strengthening ATT implementation by better understanding diversion risks (Belgium, Flemish Peace Institute, CAR)
- Exploring Synergies between the Implementation of the Arms Trade Treaty and United Nations Arms Embargoes (UNIDIR, Argentina, Germany, Japan, Switzerland, CAR)