Executive Summary

There was overall a good level of engagement and substantive contributions which facilitated progress in the efforts of Working Groups to support Treaty implementation, universalization and transparency and reporting at the first set of CSP 2019 meetings. Of particular note was the lengthy and positive discussions on the theme of gender and gender-based violence.

The Working Group on Effective Treaty Implementation facilitators focused on Article 5 on general implementation, Articles 6 and 7, and Article 11 on diversion. In the Article 5 discussions, Saferworld presented a case study on analysing existing arms trade legislation nationally to identify any gaps and weakness within it. To share practical examples, Benin and Liberia gave presentations on their experiences in establishing these authorities in the context of their control systems. Article 6 and 7 discussions included a presentation on working methods to implement Article 6 and 7 by the Serbian export control authority, and a panel presentation and discussion on Gender Based Violence by Ireland and Control Arms. 16 governments provided comments, most of which were positive and welcoming of discussion on technical questions of addressing GBV. Article 11 discussion included the introduction of multi-year work plan, a presentation from UNIDIR on end-user certification, and a presentation by Bulgaria on experience in managing import documentation.

The co-chairs of the Working Group on Treaty Universalization, Japan and Latvia, introduced the new Universalization Toolkit and Welcome Pack, and introduced a panel presentation from two Control Arms Coalitions members who share civil society’s efforts toward treaty universalisation. There was also a special panel to recognise and celebrate reaching the milestone of 100 States Parties, following the recent ratification of Mozambique.

In the Working Group on Transparency and Reporting, Serbia gave a presentation on how it reports on arms exports, and discussed concerns with current reporting templates. The WGTR decided to delay an informal meeting to discuss diversion until the details are discussed in the April meetings, but decided to move forward with efforts to contribute to an amendment to the World Customs Organization harmonized system that gives codes for conventional weapons in the scope of the ATT.

The first CSP 2019 Preparatory Meeting began with a panel to introduce gender and gender-based violence as the theme of the Latvian Presidency. The panel included Ireland, UNODA and Control Arms. In the nearly two-hour long discussion that followed, 15 governments, one civil society organization, and two international organizations made contributions, overwhelmingly welcoming the theme.

In addition to the reports back from the three working groups, Germany reported on the status of the Voluntary Trust Fund, including a call for voluntary contributions to grow the fund. The Management Committee then introduced discussions of the administration of the sponsorship programme. In discussions on ATT finances, the President highlighted rule 8.1(d), and explained that there would be suspension of voting rights for States Parties whose contributions are not paid. The meeting concluded with an unresolved discussion on the possible expansion of the membership of the Management Committee.

Introduction of theme for the Latvian Presidency

Ambassador Jānis Kārklīns of Latvia, President to CSP 2019, opened the First Informal Preparatory Meeting in advance of the fifth CSP with a panel to introduce gender and gender-based violence as the theme of the Latvian Presidency. Ambassador Kārklīns began by introducing the President’s paper on Gender and arms-related gender based violence. This covered three areas: the issue of gender balance
in representation, the wider area of the gendered impact of armed violence and conflict, and gender-based violence and risk assessment under Articles 6 and 7 of the ATT.

Also recognizing the leadership of the Gender Champions Disarmament Impact Group, Ambassador Kārķliņš also made clear that he wants this CSP “to produce ideas for concrete, practical change,” that may come from a series of recommendations the CSP can support, or a list of tips for practical action. The panel included Anja Kaspersen of Director, UNODA in Geneva, Ambassador Michael Gaffey of Ireland, and Anna Macdonald of Control Arms, all of whom commended Latvia and the ATT President for their commitment and leadership on these issues.

UNODA made clear that a call for equal representation and full parity should not solely be a quantitative analysis of the number of women in the room. Rather is should become a mindset that considers the gender dimension of all issues and how women can shape these discussions. She reminded delegates that the UN Secretary General’s Agenda for Disarmament also encouraged Member States to consider how gender roles shape disarmament policies and practices. Ambassador Michael Gaffey discussed the Gender Champion’s work on representation, underlining the reasons why it is needed: “We’re dealing with some of the biggest problems and issues in the world when talking about gender and arms control. We shouldn’t have to ask why the people working on this should reflect the world that’s dealing with these problems. Having only half the population represented sure isn’t a recipe for success.” He suggested possible actions that can be take to move forward in this regard, including the mandate of the ATT Secretariat to analyse and make available overall data trends on diversity at all ATT Meetings, guidelines for the sponsorship programme that include gender as a selection criteria, and others that are outlined in the President’s paper.

Anna Macdonald discussed the gendered impact of armed violence and conflict, particularly in urban warfare, citing displacement, sexual violence, and indirect effects on health as examples of gendered impacts of women. She also gave an overview of practical resources and trainings modules on GBV, including, Control Arms' Practical Guide for Risk Assessment, and planned training in Central and Eastern Europe joint work with the International Human Rights Clinic at Harvard Law School. Anna Macdonald also provided an overview of civil society efforts to ensure gender balance at all levels of participation, including making gender balance a criteria for civil society sponsorship programme, and small grant awards, and considering gender balance early on in the planning of delegations, training teams and panels.

Both the President’s Paper and this substantive panel discussion gave way to significant interest and excitement from the governments present in the room. In contrast to last year’s discussions on GBV in the WGETI when almost not states made interventions, this high level of engagement pushed this meeting to be extended by another hour. 15 governments from all regions as well as other stakeholders shared national perspectives, recommendations and provided information about their own efforts to advance gender and GBV preventive measures. South Africa and Lebanon attested to the importance of including women in efforts to secure and maintain peace. Mexico, located in a region affected by high levels of armed violence, including femicide, noted that disaggregated data by gender can provide more information about the drivers of violence against and its impact on women and girls. Mexico also stressed that to be effective, efforts to prevent GBV “must be accompanied by efforts to reduce violence and build peace”.

The importance of establishing complementarity between instruments and efforts was a recurring theme in many of these statements. Germany, for example, noted that as Co-Chair of the UN Security Council (UNSC) Working group on Women Peace and Security (WPS), it will seek to strengthen the linkages between the WPS Agenda and the Sustainable Development Goal (SGDs) 16 on peaceful and inclusive societies in order to strengthen the role of women in combatting the flow of small arms and light weapons (SALW). As part of these efforts, Germany’s UNSC Presidency this April will include a particular focus on combating and preventing sexual violence in conflict. The importance of establishing complementarities between the ATT GBV provisions and the WPS Agenda was also stressed by the EU, South Africa,
Namibia and Peru. The EU noted that a new EU Council decision will allocate EUR4.4 million to systematically mainstream gender considerations in the fight against armed violence, focusing in particular on SALW controls.

A number of states, including the Netherlands, Germany, ICRC, the EU and Trinidad and Tobago, stressed the importance of preventing GBV through a comprehensive export control risk assessment. The Netherlands stated that if they have any licenses are denied on the basis of GBV the reason for denial will be specifically mentioned and will be made publicly available. Both Germany and ICRC urged states to share information and case studies regarding the implementation and application of the ATT GBV criteria in order to identify good practices and develop guiding documents. The United Kingdom was the only dissenting voice, stating that it believes GBV is not itself grounds for denial of a transfer license, and that international humanitarian law is the core tool for managing conflict and ensuring that all civilians are protected.

Many governments also shared their plans to develop trainings, workshops and regional meetings on these topics. El Salvador, for example, detailed an initiative undertaken with Canada on “women, proliferation and arms control” in the context of the ATT and noted that it is striving to improve the capacity of its export officials to implement the ATT GBV criteria. Similarly, Mexico and Costa Rica noted their plans for educational programs for civil servants in the application of the Treaty provision. Samoa highlighted ICRC’s efforts in the Pacific region to advance the implementation of international humanitarian law, particularly as it relates to women. Namibia, who will host the third meeting as the focal point of UNSC Resolution 1325 this April, promised to share outcomes from this meeting later this year.

Almost all governments spoke positively about the three areas of focus outlined in the President’s paper. From civil society, WILPF welcomed Latvia’s decision to focus CSP 2019 on gender, and stressed that the proliferation of arms has a negative impact on women’s equality in the household, political participation, and economic empowerment, all of which qualifies as GBV. Likewise, both the EU and the ICRC commended Latvia’s thematic choice, and ICRC thanked Ireland and Control Arms for work on GBV. Japan, though supportive of the call for more participation of women in delegations, felt the target of 50 percent female representation at ATT meetings was ‘interesting’, as the ATT “is highly technical and specialized, and female participants cannot participate simply because they are women”. Countering this idea that most experts in this field are men, in her concluding comments Anja Kaspersen of UNODA, explained that while women are often thought of as “victims and disadvantages”, there are also many opportunities for women’s leadership. She also stressed that men have to “step up and mentor women”, a sentiment that was echoed by Anna Macdonald of Control Arms and Ireland who reminded delegates that “gender equality is not a gift given by men to women, but a call on all of us to ensure it becomes a reality”.

Progress Reports of ATT Subsidiary Bodies

Ambassador Beerwerth of Germany, Chair of the VTF Selection Committee, and the ATT Secretariat reported on the status of operation of the VTF, including an update on funded Treaty implementation projects and applications for the 2019 project cycle. Germany noted that the financial situation of the VTF is very sound, with approximately 5.4 million USD currently available in the fund. Germany reported that for the third funding cycle of projects in 2019, the fund received 39 applications, substantially more than were received in the previous two cycles. CSP 2018 adopted an outreach strategy that was drawn on in VTF activities ahead of CSP 2019, including eight events held during the reporting period, and further activities planned for the future. Japan emphasized the need to do more outreach as well as to receive feedback from non-States Parties in order to see what kind of workshops and projects they are interested in attending, using the Central Asian universalization workshop as an example. Germany concluded with a call to increase VTF funding to continue carrying out this important work in support of the Treaty’s implementation.
Working Group on Effective Treaty Implementation
Switzerland, the Chair of WGETI, reported on the status of discussions and exchange of views during the sessions of the three WGETI sub-working groups. The WGETI took important steps toward establishing longer term agendas for the road ahead, making clear that efforts should continue to take a concrete form with a view to achieving tangible results.

The sub-working group on Article 5 (general implementation) discussed drafting a basic guide to establishing national control systems and heard from Saferworld on its gap analysis work. The sub-group also heard national presentations from Ghana and Liberia, which facilitated a real understanding of some of the practical challenges faced by states in implementing their commitments under Article 5. Concrete suggestions were made for enhancing the basic guide, including adding reference documents, and making national control lists public. This is a living document and suggestions will be reflected as it is improved upon.

The sub-working group on Articles 6 and 7 began with a presentation by Serbia on its export control system, including its legal framework for licensing, post-licensing, record keeping, transport and transit, and outreach to industry, plus best practices and challenges. This gave rise to questions on transparency and information on enforcement and sanction in outreach activities. The second half of discussion, which focused on Article 7.4 and GBV, began with a panel presentation that included Ireland, who spoke on GBV from a broader perspective, and Control Arms, who presented its How to use the Arms Trade Treaty to address Gender-Based Violence: A Practical Guide for Risk Assessment. A lively discussion followed which included issues such as the challenge of collecting data for risk assessment, possibility of regional approaches to GBV implementation, mitigation measures and Article 7.4, links between Articles 7.4, 7.1 and 6.3, the definition of GBV, relevant expertise and training, States Parties’ experiences with license denial, and sources for GBV risk assessments. Many States Parties saw the practical implementation of Article 7.4 as an ongoing issue that needs further clarification.

The sub-working group on Article 11 (diversion) began with a presentation by UNIDIR on research on end-user documentation, followed by a comprehensive presentation by Bulgaria on Article 11 implementation. In States Parties’ responses, ideas for addressing diversion included sharing templates for these issues. Unfortunately, there was not sufficient time to exchange views and national experiences in the context of import documentation, as time ran out after discussion of the presentations given by UNIDIR and Bulgaria. The facilitators recognized the submission of a working paper from France and Mexico, which aims to support the work of the sub-group. They made clear their intentions to consider the paper’s proposals and other suggestions made from the floor. In terms of next steps, it was decided to prepare a short report from the meeting covering its core elements and highlighting main points where there is enough agreement to elaborate discussion, or where inputs may be useful going forward. This report will be circulated to ATT stakeholders and the facilitators will invite comments and suggestions.

Working Group on Transparency and Reporting
Tom Nils of Belgium, Co-Chair of WGTR, reported on the status of discussions and exchanges of views during the sessions of the WGTR session. He noted that the ATT Secretariat’s presentation on the status of reporting highlighted the decline in reporting rates, and called on States Parties to submit their ATT annual reports. He also urged other stakeholders to do what they can to support those states. There were positive inputs from Serbia, Costa Rica, and Peru, who talked about the challenges they overcame concerning reporting. The lack of engagement by States Parties on the topic of reporting templates and their review has pushed these discussions to April 2019. The facilitators invited those who wish to submit comments on the template to do so by email in the coming weeks.

On the comparability of data in annual reports, the WGTR should consider a specific set of data reported by all States Parties (such as reporting deliveries versus authorizations), even though the Treaty allows for flexibility. On substantive reporting issues, the WGTR continued discussion on the development of specific custom codes within the WCO harmonized system to match up with items listed in Article 2 of the Treaty. In general, there was a lot of support for the work of the WGTR. Proposals for a meeting to
discuss concrete cases of suspected or detected diversion will be discussed in April. Discussion on the IT platform will also continue in April, along with presentations on its functionality to be given by the ATT Secretariat.

**Working Group on Treaty Universalisation**

Japan, the Co-Chair of WGTU, reported on the status of discussions and exchanges of views during the WGTU session. He noted the ‘festive’ mood of the meeting as participants celebrated reaching the milestone of 100 States Parties. The WGTU strategized on universalization efforts after CSP 2018, and decided to prioritize non-States Parties as targets for universalization. The ATT Secretariat then reported on the status of ATT ratifications, accessions, and signatures. As Lebanon is close to ratifying the Treaty, Japan noted that it was looking forward to welcoming them in April. Japan also presented the toolkit and welcome pack, to be used by new States Parties. The ATT Secretariat will update these draft documents in advance of the April WGTU meeting, based on the comments given in this session. A panel presentation from Stephen Singo of Security Research and Information Centre and María Belén Gallardo Rivas of SEHLAC, both members of the Control Arms delegation provided information of universalization efforts across regions and contributed ideas towards the development of future universalization strategies. More than 10 States Parties shared their universalization experiences. The WGTU concluded with a panel to celebrate the achievement of 100 States parties, following the ratification of Mozambique.

**Management Committee**

The rest of the Preparatory Meeting was focussed on procedural issues. Latvia moved the meeting swiftly through the Agenda items, deferring issues where there was not agreement, and broadly keeping the Agenda to time.

**i. Sponsorship Programme**

Following the unexpected controversy over the management of the sponsorship programme (the Management Committee proposal to move administration of the program from UNDP to the ATT Secretariat, and subsequent several hours of heated discussion on this at the final day of CSP4), there is still not harmony amongst states parties on this topic.

The Management Committee and the ATT Secretariat reported on the operationalization of sponsorship program since CSP 2018 and presented to the meeting the elaborated draft protocols (administrative guidelines) to govern the administration of the sponsorship program, including a protocol to guide the selection process.

**ii. Evaluation of the ATT Secretariat’s performance regarding the administration of the sponsorship programme.**

The Management Committee introduced a draft matrix reflecting elements to be considered in the evaluation of the ATT Secretariat’s performance in its administration of the sponsorship programme. It was agreed that an evaluation of the ATT Secretariat’s performance will be conducted by the Management Committee. A few states, including Mexico, expressed concern that although the decisions are administrative, they were not able to participate in the discussion of them as non-MC members.

**iii. Options to address financial liquidity**

The Netherlands on behalf of the MC stressed that the risk of financial liquidity problems is increasing. This view was echoed by United Kingdom and Switzerland, who said that unpaid contributions were a significant problem. A reserve fund with voluntary contributions was presented as a potential solution, a recommendation that was supported by Japan and Brazil.

**iv. Proposal to address the problem of payment of assessed financial contributions**
The ATT Secretariat presented the status of ATT finances. This revealed that there is a total deficit of over US$1 million, which is unsustainable. The Management Committee presented a draft proposal on how to implement the provisions related to the payment of assessed contributions from the ATT financial rules. The President highlighted rule 8.1(d) of the financial rules, that suspends voting rights for States Parties whose contributions are not paid. Ghana and South Africa expressed concerns about the signal this measure would send to countries who are currently in the process of joining the ATT.

**Possible expansion of Management Committee membership**

The Netherlands presented a proposal on the possible expansion of the membership of the Management Committee, suggesting that the composition of the committee increase from five to ten members, with old members cycling out at regular intervals to maintain a level of expertise and institutional knowledge within the Committee. This proposal was supported by Sweden, the European Union, Belgium, Japan, and the United Kingdom. It was not supported by Namibia, South Africa, Costa Rica, Mexico, Ghana, and Peru. As there was no consensus, it was decided to move to the next agenda item.

**Consideration of the CSP5 draft agenda**

The President outlined the proposed Draft Agenda for CSP 2019, which was provisionally approved. Notably, this includes a thematic discussion on Gender and Gender Based Violence on the first day of the CSP.

The meeting concluded a few minutes ahead of schedule.