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Submitted by France and Mexico

WORKING PAPER PRESENTED BY FRANCE AND MEXICO TO THE CONFERENCE OF STATE PARTIES TO THE ARMS TRADE TREATY: DIVERSION

This proposal of a catalogue of good practices may be seen as a reference for interested States in capitalizing on such an expertise.

1. Recommended measures to encourage further information sharing during Working Group meetings and CSP 2019

Preventing and addressing diversion is a shared responsibility that requires the cooperation of all States Parties (exporters, importers, transit States). It is therefore particularly relevant to foster exchanges between States on these issues, as provided for by the Treaty itself in Articles 11.5, 15.4 and 15.71.

This working paper should be considered as a follow up to the paper by ten countries: "Preventing and fighting the diversion of legally transferred weapons". ATT/CSP4.WGETI/2018/GROUP/257/M1.GROUP.Div. Submitted by: Argentina, Belgium, Colombia, Finland, France, Germany, Netherlands, Mexico, Republic of Korea, and Sweden on 06 March 2018.

a. Lessons learned document

Although CSP 2018 adopted practical measures to support Article 11 implementation, the Article 11 sub-group of WGETI could promote the development of a catalogue of good practices in the form of a lessons learned document. This document would provide case studies put forth by States Parties that contain both successes and crucial lessons learned.

Additionally, the sub-group could encourage the implementation of assistance programs aimed at strengthening the ability of States sharing and implementing good practices and lessons learned in the fight against the diversion of weapons.

b. Seek complementarity with existing initiatives, in particular to take stock of measures implemented and/or good practices they adopted to prevent and combat diversion

The WGETI can strengthen international cooperation in this field and generate synergies among multilateral instruments, such as the Protocol against the Illicit Manufacturing and Trafficking in Firearms, Their Parts and Components and Ammunition (UNPoA), and regional instruments, among others, the Inter-American Convention against the Illicit Trafficking of Firearms, Ammunition, Explosives and Related Materials of the Organization of American States (CIFTA).

The advantages of identifying synergies have been recognized in the UNPoA and CIFTA processes. The convenience of further build synergies will allow international community to develop strategic and efficient approaches to implement coherent actions in line with the Agenda 2030.

In this regard, Mexico has promoted and led different actions in order to strengthen these synergies. Last April, it organized the first informal meeting of presidents, governing bodies and secretariats of international instruments and mechanisms related to small arms and light weapons entitled "Building synergies to prevent and combat illicit trafficking: Reaching SDG 16.4".

Similar meetings could capture practices that may assist States Parties to the ATT in addressing and preventing diversion.

The WGETI can strengthen international cooperation in this field and generate synergies among multilateral instruments, such as the United Nations Programme of action on Small Arms and Light Weapons, the Protocol against the Illicit Manufacturing and Trafficking in Firearms, Their Parts and Components and Ammunition (UNPoA), and regional instruments, among others, the Inter-American Convention against the Illicit Trafficking of Firearms, Ammunition, Explosives and Related Materials of the Organization of American States (CIFTA).

The outcome document of the 3rd RevCon of the UN Programme of action, under the presidency of France, underlined the advantages of identifying synergies by encouraging a coordinated implementation of the relevant instruments at the global, regional and national level. These advantages have also been recognized in the UNPoA and CIFTA processes. The convenience of further build synergies will allow international community to develop strategic and efficient approaches to implement coherent actions in line with the Agenda 2030.

- c. Explore new fora, in addition to working group meetings, through which States Parties can meet and share information.*

An initial step towards public transparency in sharing case studies, lessons learned, or success in preventing and addressing diversion, States can explore different fora in which this information is only shared among relevant experts from States Parties to the ATT. These discussions can also happen outside of pre-determined working group meetings, including possible national or regional gatherings.

2. Developing a strategy for progress during CSP 2019

- a. Presentations by relevant stakeholders (including States Parties, regional bodies, international organizations, research/academics, civil society, industry)*

Possible presentations include:

- Presentations on post-delivery verification from States that have specific experience in this field.
- EU presentation on its denial notifications system.
- States Parties presentations on specific cases and experiences, including general information on the way in which licenses were granted or denied.
- Presentations from importing States Parties.

- b. Develop a multi-year plan for the Article 11 subgroup of the WGETI*

In order to fully address the multifaceted nature of diversion, a multi-year plan could be put in place to extend the Article 11 subgroup of the WGETI's effectiveness, as well as maximize its resources. Specific challenges could be chosen each year to give each subject area its proper consideration. It also introduces a longer-term perspective on various topics.

- c. Incorporate contributions of experts*

The working group discussions should continue to be open to receiving inputs, being thematic studies or proposals to combat diversion, from civil society representatives and research/academic centres. Similarly, exchanges with private sector representatives (banks, arms manufacturers, transport companies, shippers, brokers, insurance companies) are also suggested in order to benefit from their expertise and also discuss measures taken and best practices.

Technical expertise, such as those of export officials, customs agents, etc., should also be incorporated into working group discussions and in possible separate expert meetings. Some governments have relevant experts that can be brought to these meetings.

d. Develop technical guidance on root causes of diversion and the different actors involved

Using input from relevant experts, the Article 11 sub-group of the WGETI could further develop technical guidance which explicitly includes information on the root causes of diversion as well as all actors involved. This would help States Parties in identifying diversion risks.

Within the ATT regime, promoting cooperation and joint work with the Working Group on Transparency and Reporting, which has a mandate regarding exchanging information on diversion and anti-diversion measures. In addition, the WGTR three-tier approach places emphasis on policy-level exchanges, intersessional exchange of policy related and operational information exchanges and informal meetings.

e. Foster the implementation of assistance programs aimed at strengthening the ability of States to prevent and combat diversion of legally transferred weapons
