

Sixth Conference of States Parties to the Arms Trade Treaty 17 - 21 August 2020

This year, the Sixth Conference of States Parties to the Arms Trade Treaty (CSP6) was [held](#) “virtually” using a written procedure, which allowed ATT States Parties and other stakeholders to submit written statements in advance of CSP6. With regard to decisions taken, draft decisions were circulated and adopted by “silence procedure.” If, within 20 days, States Parties agree to each draft decision as written, no action needs to be taken and the draft decision will be adopted. If any State Party objects to a draft decision as written, such objection must be asserted within the 20 day period, and that draft decision will be postponed until CSP7¹.

While these extraordinary measures were adopted as a way to ensure continuity in the ATT process, they did not allow for significant progress towards the Treaty’s effective implementation. These measures also did not allow for open deliberations on the key decisions put forward for adoption this year, thereby weakening transparency, a key purpose of the ATT.

Below please find a brief summary analysis which looks at the key issues covered in the statements submitted to the CSP6 this year by ATT States Parties, signatories, international organizations and civil society. These include ATT implementation, arms transfers of concern, gender-based violence, transparency and reporting and universalization. Following is a brief analysis of the outcomes of the silence procedure, with a focus on the draft decisions postponed until next year.

General Statements

Of the 110 ATT States Parties², only 40 submitted statements this year (36 per cent), along with 6 signatory states, five international organizations and seven civil society organizations and industry.

ATT Implementation. Despite the limited progress towards the Treaty’s implementation in the ATT Working Group on Effective Treaty Implementation (WGETI) this year due to the suspension of the second ATT Working Group Meetings, a number of States used their statements at CSP6 to provide recommendations and highlight good practice in this regard. The [Netherlands](#), for instance, urged States Parties to move away from institutional and procedural matters, and focus instead on “the proper interpretation and functioning of the Treaty in practice (,) preferably based on concrete case studies.” This sentiment was echoed by [Costa Rica](#). The Netherlands also added that “[t]hough no arms export control system – including our own – is

¹ See [Announcement on the Format of the Sixth Conference of States Parties](#) (13 July 2020)

² While 110 States ratified or acceded to the ATT by 17 August 2020, the Treaty was officially in force for 106 States Parties (for China, Sao Tome and Principe, Afghanistan and Niue the Treaty will enter into force in October and November 2020).

infallible, we must identify our failings and challenges and find ways to cooperatively address them.”

Also recognizing the importance of cooperation, [Germany](#) urged States Parties to complement end-user certification measures with post-shipment verifications as a way to allow for “continuous dialogue and deepened trust between exporting and importing countries”, while [Mexico](#) noted that “international cooperation, mutual legal assistance and the principle of shared responsibility are needed to face the challenges posed by illicit transfers, diversion and illicit firearms trafficking”. Offering a practical recommendation, [South Africa](#) proposed the establishment of a subsidiary body that could serve as a “platform for exchanging information, building partnerships and facilitating interaction between States Parties seeking assistance and those in a position to provide such assistance, including, but not limited to information exchange on best practices, as well as practical and concrete support.”

Arms Transfers of Concern. One of the first countries ever to explicitly address arms transfers of concern in their CSP statement, the [Netherlands](#) drew attention to the fact that “diversion of arms shipments in violation of UN arms embargoes, such as in Yemen and Libya, continue to occur.” Echoing many statements made by civil society in the past, the Netherlands noted that Yemen is “a painful reminder of the importance of arms export control” and expressed support for the report by the UN Group of Eminent International and Regional Experts on Yemen of September 2019, which “directly questioned the legality of the authorization of arms transfers in view of the Arms Trade Treaty.” Noting that it has implemented a strict national approach to arms exports to countries involved in the Yemen conflict and that details on this and other national policies were included in its annual ATT report, the [Netherlands](#) reminded States that “we can all do better” and lamented the lack of open dialogue on this issue. In the same vein, [Libya](#), a signatory to the ATT, reminded states that without swift action to halt illicit trafficking and violations of arms embargoes, “it is not just Libya that will be left behind by 2030, the whole region’s security and stability will be affected.”

The [State of Palestine](#), [Costa Rica](#), [Control Arms](#) and [WILPF](#) raised concerns about continued arms transfers in light of the COVID-19 pandemic, particularly to countries where conflict and armed violence pose an additional strain on an already struggling healthcare system, including Yemen and Libya. [WILPF](#) also noted the alarming rise in gender-based violence at the global level in the context of the global health crisis and associated restrictions. A number of countries (the [Bahamas](#), [Costa Rica](#) and [Luxemburg](#), [Mexico](#), [Peru](#)) also underscored the links between the proliferation of arms and gender-based violence and the disproportionate effects of conflict and armed violence on women and children. In a separate statement, [Peru](#) also referenced the UN Office of the High Commissioner for Human Rights (OHCHR) [Report on the gendered impact of illicit or diverted arms on the human rights on women and girls](#) which not only highlights the importance of the work carried out in the lead up and at CSP5 but also “clarifies a number of practices that should be considered when seeking to address diversion and illicit or unregulated arms transfers.” Similarly, other countries ([Australia](#), [South Africa](#) and [Norway](#)) recognized the important role played by women in the prevention of conflict and peacebuilding,

with the [African Union](#) and [South Africa](#) stressing the importance of gender equality and women's empowerment in achieving the African Union's 2020 initiative on "Silencing the Guns: Creating Conducive Conditions for Africa's Development."

Export Risk Assessment: Gender-based Violence Criteria. On the implementation of the GBV criteria, [Australia](#) noted that effective implementation of the ATT also means recognising that different groups of people, including men, women, and children, experience armed conflict differently. [Canada](#), [Mexico](#), [South Africa](#), and [Sweden](#) expressed hope that progress will continue toward the implementation of the GBV criteria, while [WILPF](#) and [Control Arms](#) urged States to incorporate discussions on the CSP5 commitments on gender and GBV into the upcoming meetings of the ATT Working Groups. Positively, [Canada](#) shared that, in accordance with the amendments made to its Export and Import Permits Act, the GBV criterion as set out in Article 7.4 of the ATT has the same importance as those set in Article 7.1, while [Peru](#) noted that it requires the denial of licenses to carry and possess weapons where the applicant has a criminal record of violence against women or domestic violence.

ATT Progress on the National Level. A number of states used this opportunity to highlight progress towards ATT implementation at the national level, such as [Canada](#), which noted that "overriding risk" has been incorporated into its legislation as "substantial risk." This legislation therefore requires the Minister of Foreign Affairs to deny permit applications where there is a substantial risk of any of the negative consequences listed in article 7(1) and 7(4). Similarly, [Spain](#) reported that it has reformed its national legislation to strengthen its national control system to offer a "high degree of transparency and reliability." Spain also noted that its legislation now requires post-shipment verifications and close cooperation with the importing countries in order to facilitate monitoring and ensure compliance. [Montenegro](#) announced the development of a new electronic system for issuing licenses, which is expected to create more efficiency and facilitate transparency,

Several states referred to progress made towards the implementation of Article 5, including [Zambia](#), which reported that a national control list is awaiting approval, while Peru noted the establishment of a new Inter-Ministerial committee responsible for the implementation of its national control system and national control list.

The Importance of Transparency and Reporting. A majority of states and civil society organizations ([Belgium](#), [France](#), [Germany](#), [Ireland](#), [Luxembourg](#), [Mexico](#), [Netherlands](#), [Norway](#), [Palestine](#), [Republic of Korea](#), [Serbia](#), the [UK](#), [Argentina](#), [ICRC](#), the [EU](#), [Control Arms](#), [Saferworld](#), [WILPF](#)) stressed the importance of transparency and reporting in their statements this year. [Chile](#), which has an excellent ATT reporting record to date, attributed this accomplishment to two institutional changes: 1) the establishment of the Non-Proliferation and Arms Control Unit in the International Security Directorate of the Ministry of Foreign Affairs and 2) the establishment of an Interministerial Bureau on Arms Trafficking, chaired by the Ministry of Foreign Affairs, to reinforce collaboration in the implementation of Chile's commitments and obligations in the area of arms and ammunition trafficking. Other states noted challenges with

meeting reporting deadlines this year, with the [Bahamas](#) welcoming assistance in this regard, and the Netherlands explaining a slight delay in its submission of the annual report due to COVID-19. The [Netherlands](#) reaffirmed its commitment to transparency by revealing that it has “taken steps to improve the English information on our websites, such as including an overview of all denied license applications and an English translation of our national report.”

Referring to some of the key areas of work in the Working Group on Transparency and Reporting, Australia called for the harmonisation of the ATT annual reports with the UNROCA to prevent “duplication of effort” and potentially increase compliance with reporting under both. [Mexico](#), [Control Arms](#) and [WILPF](#) welcomed efforts to update the reporting templates, with [Mexico](#) noting that it also supports the use of technological tools to allow the submission of reports online, the possibility of providing disaggregated data in the reports, as well as the initiatives of cooperation and technical assistance on reporting.

A majority of statements also included references to the Diversion Information Exchange Forum (DIEF), which originated in the three-tier approach to diversion (information exchange platform, informal discussion meetings, WGETI discussions) proposed by the Working Group on Transparency and Reporting. The DIEF is a closed forum for States Parties and Signatories to discuss concrete issues on diversion, including actual cases of diversion. [Bulgaria](#), [Canada](#), [France](#), [Germany](#), [Japan](#), [Netherlands](#), [Mexico](#), [Poland](#), [Republic of Korea](#), [Sweden](#), [Honduras](#), [Slovenia](#), the [UK](#), and the [EU](#) welcomed the establishment of the DIEF, while [Control Arms](#), [Saferworld](#) and WILPF raised concerns regarding the DIEF establishment process and the closed nature of its work, and recommended the postponement of any decision on the matter until CSP7. Positively, [Austria](#) reminded States Parties that according to the Rules of Procedure, non-state stakeholders can take part in ATT deliberations, including international coalitions of NGOs and associations representing industry, civil society, including NGOs, and industry. And yet, as [Austria](#) highlighted, the Terms of Reference³ for the DIEF require a two-level agreement process for these groups to participate in this particular forum of the ATT. Austria recommended that, in the lead up to CSP8, “not only the usefulness of the Forum but also its operationalization, the Terms of Reference and their practicability towards the objectives of the forum should be carefully assessed”.

Universalization. Between CSP5 and CSP6, six countries joined the ATT (Maldives, Namibia, China, Sao Tome and Principe, Afghanistan and Niue⁴) bringing the total number of States parties to 110. This progress was acknowledged and welcomed by almost all statements. A number also reaffirmed their commitment to promoting the Treaty’s universalization, including Argentina, Canada, Kazakhstan, Japan, New Zealand, the Republic of Korea. New Zealand reminded stakeholders of the ATT [model legislation](#) for new States Parties while Zambia, ICRC and Germany offered assistance to states looking to join the ATT. The Republic of Korea

³ The Terms of References have been made available to States Parties and Signatories only -- observers, civil society and industry have no access to the organizational papers of the proposed DIEF.

⁴See ATT Secretariat. [States Parties to the ATT \(in order of deposit of instrument of ratification, approval, acceptance, or accession\)](#) (7 August 2020)

announced that it has now translated the Treaty Universalisation Toolkit and the “Welcome Pack” into ten different Asian languages. The [Inter-Parliamentary Union \(IPU\)](#) proposed a project to be implemented jointly with the ATT Secretariat with the aim to identify barriers, limitations, benefits and opportunities for States to fully join the ATT. [Thailand](#) and the [Philippines](#) reaffirmed their commitment to joining the ATT following the completion of their national processes, while [Malaysia](#) and [Israel](#), both signatory states, noted that they have in place robust legislation and policies for effective controls of arms.

Peru aptly noted that the best way to promote universalization is by demonstrating that the Treaty offers concrete results in the prevention of armed violence and the reduction of human suffering.

CSP6 Decisions and Final Report

As the key decision-making function of its written procedure, CSP6 used a “silence procedure”⁵ to make decisions on each of the 17 draft decisions⁶ put forward for consideration by ATT States Parties this year. Eleven of the seventeen draft decisions were [adopted](#) this year, a majority of which are procedural in nature (e.g selection of CSP7 President and Vice-Presidents, adoption of the budget for CSP7, CSP7 venue and dates, or the renewal of the contact of the Head of the ATT Secretariat). Two decisions adopted are substantive in nature:

- Decision 12 - Adopted the mandate and priority areas of work for the Working Group on Transparency and Reporting
- Decision 13 - Established formally the Diversion Information Exchange Forum

Six of the 17 draft decisions were not adopted his year:

Draft Decisions 9 - 11 - Included the multi-year work plans for the Working Group on Effective Treaty Implementation (WGETI) on Articles 6, 7, 9 and 11.

- France and the United Kingdom (UK) [objected](#) jointly to the three draft decisions on the basis that these decisions are substantive in nature and thus “requiring discussion and consultation”. While the two States propose in their objection that Working Group on Effective Treaty Implementation Chair’s Draft Report to CSP6 which contains the three multi-year plans be recognized as “a living document of a voluntary nature to be reviewed and updated regularly by the Working Group”, this was not reflected in the CSP6 Final Report.

⁵ On 29 July 2020, the ATT Secretariat published on its website a set of 17 draft decisions for consideration. Each State Party has 20 days to review these draft decisions. If there are no objections within the 20-day period, which closes on 17 August 2020, the draft decisions were to be adopted and reflected as drafted in the CSP6 Final Report on 21 August 2020. If a State Party objected to all or part of a draft decision within the 20-day period, the silence procedure on that decision was deemed broken and the decision was deferred for consideration at CSP7 in 2021.

⁶ See Control Arms Briefing Guide for details on each Draft Decision:
<https://controlarms.org/wp-content/uploads/2020/08/CSP6-Policy-Brief.pdf>

Draft Decisions 15 - 16 - Included financial decisions intended to address the issue of unpaid assessed contributions by States. Draft Decision 15 intended to adopt a process for making financial arrangements for States that have not met their financial obligations to the ATT, while Draft Decision 16 intended not to limit States who has not yet paid their assessed contributions from applying for support from the ATT Voluntary Trust Fund or the ATT Sponsorship Programme until CSP7.

- Canada, the Netherlands, France and the UK jointly [objected](#) to the two Draft Decisions, arguing for a more clear and stringent process to be adopted for any financial arrangement between states who have not yet met their assessed contributions and the ATT Secretariat. Conversely, [Guatemala](#), [Panama](#) and [Costa Rica](#) objected to Draft Decision 16, asking for a deferral to CSP7 which will allow for further consultations on this matter. Panama and Costa Rica questioned the legality of draft decision 16 noting that Rule 8 (1) d does not contain restrictions to the Sponsorship Fund or the Voluntary Trust Fund.

Draft Decision 17 - Included the President's Working Paper.

- France and the UK also [objected](#) to Draft Decision 17 arguing that it “ includes a number of substantive points, including recommendations for the CSP, which go beyond matters of procedure” and recommended that this decision should serve as the basis for further discussion on this issue.

While France and the United Kingdom [objected](#) to draft decisions 9-11 and 17 on the basis that they were substantive in nature and thus require “discussion and consultation between States Parties”, the two States did not apply the same interpretation of the silence procedure to Decisions 12 and 13, which were also substantive in nature. Control Arms along with a number of states and other civil society organizations raised concerns about Draft Decision 13 in particular, as its adoption formally established the Division Information Exchange Forum, a closed process which will allow only ATT States Parties and Signatory states to engage in discussions about actual cases of diversion.

According to the [Final Report](#), the Conference decided that the Seventh Conference of States Parties (CSP7) will take place, in Geneva, Switzerland on 30 August – 03 September 2021, at the Centre International de Conférences Genève (CICG) and elected the Permanent Representative of Sierra Leone to the United Nations Office and Ambassador to Switzerland, [Mr. Lansana GBERIE](#) as its President, while Cyprus, Germany, Latvia and Peru will serve as the Vice-Presidents for the CSP7.

Side Events

17 August: The Arms Trade Treaty & Diversion: Assessing Risks and Impacts

Organizers: Conflict Armament Research, Small Arms Survey, Stimson Center and the UN Institute for Disarmament Research

The event was held within the context of the research titled “Strengthening shared understanding on the impact of the ATT in addressing risks of diversion in arms transfers”, launched in 2020 by Conflict Armament Research, the Small Arms Survey, the Stimson Center and the United Nations Institute for Disarmament Research. The research aims to enhance knowledge and facilitate dialogue to strengthen shared understanding on the impact of the ATT in addressing risks of diversion in arms transfers, and to identify options and avenues to further promote effective policies and practices under the Treaty moving forward.

A video recording of the event is available [here](#).

18 August: [A virtual debate: The Arms Trade Treaty and Silencing the Guns](#)

Organizers: IM Swedish Development Partner and the International Network on Small Arms (IANSA)

This side event explored the relationship between the Arms Trade Treaty and African Union ‘Silencing the guns by 2020’ initiative. Panelists also discussed concrete and tangible recommendations in support of the successful implementation and relevance of gendered approaches and gender equality in both frameworks.

18 August: [The gendered impact of diversion of arms and unregulated transfer on women and girls](#)

Organizers: Permanent Mission of Peru and Panama, the Office of the United Nations Commissioner for Human Rights (OHCHR) and the Women's International League for Peace and Freedom (WILPF)

This side event discussed the findings and recommendations of the latest report of the OHCHR (A/HRC/44/29): “Impact of arms transfers on human rights” in the framework of the CSP6-ATT, with a view to continue raising awareness of the synergies between the work of the Human Rights Council, the OHCHR and the ATT bodies and mechanisms in the field of arms transfers and human rights, as well as the 2030 Agenda for Sustainable Development, in particular Goals 5.2 and 16.4, and the Secretary General’s Agenda for Disarmament

A video recording of the event is available [here](#).

19 August: Status of judicial recourse relating to arms transfers to the countries of the Saudi Arabia-led coalition, the United Arab Emirates militarily involved in Yemen.

Organizers: Action Sécurité Ethique Républicaines (ASER)

19 August: [Launch of the ATT Monitor 2020 Annual Report](#)

Organizers: Control Arms

This side event launched the most recent edition of the Control Arms ATT Monitor during a virtual side event. The side event discussed key findings from the ATT Monitor 2020 Annual Report, including the concerning trend towards private reporting, which serves as a significant hindrance to transparency in the international arms trade

A video recording of the event is available [here](#).

20 August: [Cooperation and Engagement in the time of COVID-19: Strategies to Protect, Maintain, and Enhance Transparency in the ATT](#)

Organizers: Control Arms

This side event discussed the importance of transparency in the ATT process, highlighting its critical role in the substantive application of the Treaty and in its procedural aspects. Panellists also explored recent challenges to transparency in a variety of multilateral treaties, including the ATT, provided recommendations to protect, maintain, and enhance transparency in the ATT in the time of COVID-19.

A video recording of the event is available [here](#).

20 August: A region for peace: Reflections on the Arms Trade Treaty, progress and challenges for the people and states of Central America

Organizers: Foundation of Studies for the Application of Law, FESPAD; Foundation Network for Survivors and People with Disabilities; IM Swedish Development Partner

Through the Humanium Metal Project, IM Swedish Development Partner, FESPAD and the Red Survivors and People with Disabilities Foundation promote actions that promote the implementation of Sustainable Development Goal SDG 16 "Peace, Justice and Strong Institutions", which seeks to promote peaceful and inclusive societies for the sustainable development, facilitate access to justice for all and create effective, responsible and inclusive institutions at all levels. This side event aimed to promote analysis and exchange of experiences among countries of the Central American region on the situation, progress and limitations of compliance with the Arms Trade Treaty. By making the impact that armed violence has on the lives of people and society visible, the event also highlighted key policies and actions aimed at reducing the circulation of firearms and preventing armed violence.