

**Seventh Conference of States Parties to the Arms Trade Treaty**

**Working Group on Transparency and Reporting**

**29 April 2021**

**CONTROL ARMS GENERAL STATEMENT**

**Delivered by: Ms. Bianca Pabotoy, Center for Peace Education - Miriam College**

Thank you for giving me the floor, Mr. Facilitator.

Control Arms welcomes the constructive engagement by all ATT stakeholders in this sub-working group on Transparency and Reporting. We also welcome the informative presentation by Mr Tom Nijs, Chair of the newly-formed Diversion Information and Exchange Forum, or DIEF, and the recent publication of the Terms of Reference for this Forum, now available on the ATT Secretariat website.

As we have noted on several occasions over the past 15 months, Control Arms is concerned about the growing interest in closed processes that exclude the voices of key ATT stakeholders. As a result of decisions taken by silence procedure during CSP6, and without disclosure of key organizational documents such as the DIEF Terms of Reference, States Parties established two channels of closed communications: one is a restricted area of the ATT Secretariat website for information exchange between States Parties; and the other is the formal establishment of the DIEF, where participation is limited to ATT States Parties and Signatories.

As is now clear from the DIEF Terms of Reference, according to Rule 8, there is a very narrow exception to this rule. Certain non-State representatives may be invited to participate in the DIEF, but only in very limited circumstances. First, Signatories and States Parties must submit a written proposal to invite a “non-state expert” to participate in the DIEF **only** for the purposes of presenting a concrete diversion case and taking part in the ensuing debate.

Then, the proposed “non-State expert” must be approved by all States Parties without objection after a 5 day silence procedure. Furthermore, to even qualify for consideration as a “non-state expert”, the selected non-State participant must have “expertise in investigating, establishing, identifying and/or addressing cases of diversion.” This requirement alone could effectively exclude all but a handful of civil society organizations, which have made and continue to make critical contributions to the advancement of this Treaty in all areas, including to prevent and detect diversion.

Observer states, UN agencies, international organisations, civil society, and industry play a critical role in the Treaty’s universalization and implementation and in holding States Parties accountable to their commitments. Civil society organizations from all backgrounds provide substantive input into ATT working groups, contribute to national and regional capacity-building worldwide, and develop independent research and analysis to support states in their efforts to join and implement the Treaty. Without the ability to provide independent input into the discussion and debate inside the DIEF and in other important contexts, civil society’s role and

contribution - which has been welcomed by so many delegations this week - will be diminished. Now that we have more visibility into the operation of the Dief by means of the ToR, we look forward to the opportunity to discuss with States Parties the contents of the Dief Terms of Reference with more clarity in anticipation of their planned review during the CSP8 cycle.

Of additional concern, the restriction on civil society engagement set out in Rule 8 of the Dief Terms of Reference is also incorporated into the proposed revision of the [CSP6 Presidents Paper](#), which was presented earlier this week by Ambassador Villegas of Argentina for endorsement by CSP7. **\*\*This apparent attempt to extend these restrictions on the involvement of civil society and other stakeholders beyond the Dief -- and into other efforts to detect cases of diversion under the Arms Trade Treaty -- runs contrary to the established ATT CSP Rules of Procedure; and it undermines a key purpose of the ATT, which is to promote transparency.\*\***

Control Arms urges States Parties to revisit Paragraph 7 of the section: 'Possible Recommendations for Approval' in the draft CSP6 President's Paper Revised version 2, and to take measures to safeguard the participation of civil society in the ATT process.

Thank you very much for your attention.