

Summary Analysis Report

ATT Working Group and Informal Preparatory Meetings for the Seventh Conference of States Parties to the Arms Trade Treaty

26 - 30 April

Discussion on the CSP7 President's Paper

26 April 2021

Key points from the discussions:

- The majority of delegations acknowledged the devastating impacts of illicit transfers and diversion of SALW. Delegations welcomed the focus on strengthening stockpile management as a key tool to preventing diversion.
- Delegations emphasised the need for coordination and building synergies with other relevant instruments such as the UNPoA. Although, some delegations expressed caution on the possible duplication of efforts.
- Support was expressed for the recommendation to formalise discussions on post-delivery cooperation experiences.
- Delegations emphasised the link between gender and SALW and the need to include gender perspectives in the President's paper.

The ATT Working Group Meetings began with a discussion of the thematic focus of the Presidency of the Conference of States Parties (CSP7), Ambassador Lansana Gberie of Sierra Leone, as outlined in the Working Paper titled "[Strengthening efforts to eradicate the illicit trade in small arms and light weapons and ensure efficient stockpile management](#)".

Building on Articles 11, 15, and 16 of the ATT, Ambassador Gberie encouraged ATT States Parties to work together to develop measures and strategies to prevent the illicit trafficking diversion of SALW throughout the transfer cycle, including recommending:

- States to share effective and innovative stockpile management programs and practices to prevent diversion post-delivery.
- States Parties and stakeholders to undertake a mapping of measures and tools developed under other relevant international and regional instruments, including the African Union's 'Silencing the Guns' initiative.
- The Working Group on Effective Treaty Implementation (WGETI) considers identifying and compiling a list of relevant assistance programs to identify gaps in diversion prevention efforts that could be addressed through the Voluntary Trust Fund (VTF).

- Stakeholders to formalize discussions concerning post-delivery cooperation experiences from both importer and exporter perspectives and consider developing guidelines on cooperation and assistance to ensure compliance with export documentation.

The President's Working paper received strong support from states across different regions. **Burkina Faso and Nigeria** welcomed the paper and emphasised the importance of these issues in Africa. The Working Paper prompted a discussion on the intersection between the illicit trafficking in small arms and light weapons (SALW) and conflict, violence, and organized crime. For instance, **Burkina Faso** recalled how SALW proliferation has facilitated terrorism within its borders, while **Mexico** noted 75% of homicides in its region were committed with SALW. **Argentina, Ireland, Mexico, Panama, Peru, Uruguay, and the EU** urged the President to refer to the impact of diversion and illicit trafficking of SALW on gender-based violence and violence against women and girls. **Burkina Faso, Panama, UK, and Uruguay** noted the negative impact of illicit trafficking and diversion of SALW on sustainable development, emphasizing that these efforts are critical in accomplishing the UN's Sustainable Development Goals.

Canada, China, France, Georgia, Ireland, Mexico, Panama, Peru, Switzerland, the EU, and [Control Arms](#) stressed the importance of considering other international and regional instruments that were not addressed: including the Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials (CIFTA), the Organisation for Security and Cooperation in Europe (OSCE) which includes best practice on SALW and conventional arms management, and the UN Secretary General's Agenda for Disarmament. **Ireland** urged States to consider linkages with the work undertaken by the UN Human Rights Council on arms transfers and their impacts on women and girls. Other states, including **Japan and the UK**, cautioned against duplicating efforts and building "unnecessary burdens" on states.

Georgia and Ireland highlighted the meaningful contribution made by civil society to strengthen stockpile management and prevent diversion **Georgia** noted that civil society has long recognised the direct link between effective control in arms transfers, socio-economic progress and humanitarian objectives. **Argentina** suggested creating an ad-hoc working group to define the objectives and common criteria for exports in line with Articles 6 and 7 and for these to be assessed on a case-by-case basis.

Working Group on Effective Treaty Implementation
26 - 27 April 2021

The Working Group on Effective Treaty Implementation (WGETI) was chaired by Ambassador Sang-beom Lim of the Republic of Korea. WGETI's work is undertaken by three sub-working groups on the following topics: Articles 6 and 7 (prohibitions, export and export assessment), Article 9 (transit and transshipment) and Article 11 (diversion).

1. ATT Sub-Working Group on Articles 6 and 7

Key points from the discussions:

- There were differing views as to whether the “unpacking” of how States Parties interpret Articles 6 and 7 had sufficient inputs from States Parties to deduce what are good practices in this area. Although the Facilitator believed that participation had been satisfactory, other delegations expressed serious concern regarding the low level of participation.
- It was stressed that the “unpacking exercise” must not call into question already well-established terms of international law.

Ms. Maya Brehm, ICRC, spoke on the term “*serious violations of International humanitarian law*” which is central to the implementation of **Article 7**. Violations of IHL are considered serious if they endanger civilians or civilian objects or otherwise breach important values. These include grave breaches of the Geneva Conventions, Rome Statute, and war crimes under customary IHL. Brehm explained that serious violations can involve both acts (actual harm, including death or destruction of property) and omissions (violation without injury, such as the threat of harm or breaches of important values, such as in the case of despoiling dead bodies).

Brehm then discussed the importance of the term “serious violation of IHL” for the ATT, in particular the application of the risk assessment criteria contained in Article 7. She noted that in developing their risk assessment criteria, states should refer to other legal sources. For example, [Rule 156 of the ICRC's Customary IHL Database](#) provides guidance on which serious violations of international humanitarian law constitute war crimes. Brehm encouraged exporting states to refer to the indicators proposed by ICRC for risk assessment, including the recipient country's record of respect for IHL. In the absence of such a record (for example, when the recipient has not been involved in armed conflict), a pattern of international human rights violations can indicate a risk of IHL violations. Given that the purpose of the ATT is to prevent violations, Brehm said that it would be inappropriate to apply the high standard of “beyond a reasonable doubt” when assessing a recipient's past record of respect for IHL. Similarly, when making the assessment, proof of intent is not needed.

Professor Andrew Clapham, speaking on *serious violations of international human rights law*, emphasized that it is essential to consider the type, nature, and extent of a violation to best

interpret what constitutes a serious violation. He also noted that the regular rules of treaty interpretation must be applied to what constitutes “serious violations” of international human rights law. “Serious” can refer to both the type of human rights being violated and to the gravity and scope of the violation. The violations of certain rights are inherently serious. For example, this would include violations of the right to life, prohibition on torture, or jus cogens violations. Violations of other rights, such as the right to freedom of expression or the right to housing, may be serious if they are persistent, form part of a pattern of violations, or occur on a widespread or systematic basis. However, violations of rights need not be “widespread” or “systematic” to qualify as being “serious”.

Clapham outlined two broad categories of serious violations of international human rights law: (1) violations that, by nature of the right or norm they violate, are inherently serious; and (2) violations that, under certain conditions - relating to the scope of the violation, gravity of harm caused - can qualify as serious. Single acts that violate international human rights law must be taken into account and not only patterns of acts or repeated acts.

The Facilitator, Ambassador Ignacio Sánchez De Lerín of Spain, presented the [Summary Report on Approaches To Key concepts in Articles 6 and 7 of the Arms Trade Treaty](#). The report was based on input received from 20 states, which submitted their national interpretations of key treaty terms in Articles 6 and 7, including “facilitate”, “overriding risk”, and “knowledge at the time of authorization”. Although the Facilitator and several States Parties noted that this was a sufficiently representative sample, others expressed concern that only 18% of States Parties (20 out of 110 ATT States Parties) submitted their views in the one year allotted to the completion of the unpacking exercise.

As close to half of the states which participated in this exercise referred to the [EU Council Common Position 2008/944/CFSP](#), [Control Arms](#) and [WILPF](#) encouraged a more representative range of States Parties to contribute to the unpacking exercise. The Facilitator explained that the EU Common Position was developed with a vision towards global applicability. Therefore, the underrepresentation of other regions does not pose a problem. In response, China stated that the EU Common Position is not international law and is not universally applicable.

Belgium, Japan, Switzerland, EU, [Control Arms](#) and [WILPF](#) welcomed efforts to develop a common understanding of the key terms in Articles 6 and 7, but raised concerns that this could call into question existing international legal definitions. **France** cautioned against the terms in Articles 6 and 7 having a single definition and said there was a need for a case-by-case assessment based on each country’s interministerial processes when conducting the export risk assessment. **Palestine** emphasised the need to interpret and implement the ATT in line with the Vienna Convention on the Law of Treaties and legal obligations under human rights and international humanitarian law, rather than taking political approaches. **Nonviolence International South-East Asia** emphasized the importance of regional and sub-regional cooperation to encourage states to standardise the risk assessment process. **Canada and the Republic of Korea** spoke on the importance of identifying good practices as a tool to aid in the

implementation of the ATT. **Ireland** urged all States Parties to contribute to the good practices exercise.

China stated that it has adopted a rigorous approach to the trade in arms. For example, it has implemented the Law of Firearms and Military Products and adopted an Export Controls List. China's export controls policy is grounded on the following three key principles: 1) respect for the legitimate self-defense capability of the recipient country; 2) commitment to peace, security and stability of the region and around the world; 3) non-interference in the internal affairs of the recipient country. China stressed that the policy prohibits the sale of arms to non-state actors, which can seriously reduce violence and instability and called on all ATT States Parties to do the same.

2. ATT Sub-Working Group on Article 9

Key points from the discussions:

- For some states, transit includes transshipment. For other states, transshipment covers goods that are unloaded from one mode of transportation onto another. The distinction is based on whether goods touch the ground.
- The crucial issue is whether or not transactions are being effectively controlled or require a customs licence. Some states use-specific licensing for sensitive goods, while others require only general licences.

Discussion on national approaches to the terms 'transit' and 'transshipment'

Mr. Rob Wensley, South Africa, facilitated the Sub-Working Group on Article 9. The discussions began with a [presentation by Mr. Diederik Cops](#) from the Flemish Peace Institute, on transit controls of military goods in seven European countries. Cops gave a broad definition of transit, which allows countries to control a wide range of transactions. For example, Belgium and Spain national laws refer to EU customs law. Due to the broad definition of transit, transshipment is more narrowly defined. Regarding the legal definitions of these terms, Cops described how in Flanders, transshipment covers goods that are unloaded from one mode of transport onto another and then re-loaded. There is a distinction made based on whether goods touch the ground or not. In some systems, the concept of transit includes transshipment. Although the definitions of these terms are crucial to the proper implementation of the ATT, which transactions are being effectively controlled or require a customs licence is an equally important issue that differs significantly from country to country. All systems have provisions to forbid exports to certain countries or of certain goods. For example, Germany has a systematic license for war weapons groups, which are considered the most sensitive goods. The UK combines sensitivity of military goods and sensitivity of countries of destination. Not all countries require a license for each transaction and instead require general licenses. For example, the Netherlands has general licenses for friendly allied countries. From his research, Cops found a shared legal basis between the broad approach to "transit" and the use-specific licensing for sensitive goods, but there is a substantial difference in what they control. Given that these conclusions are based on neighbouring countries, Cops emphasized the difficulty that these

differences can pose for compliance, especially on a more global level. He called for increased transparency in this area, which could help to better understand arms flows and prevent smuggling.

During the discussions on unpacking the terms “transit” and “transshipment”, **France** said that it applies strict regulations for both transit and transshipment, noting that these are important steps in the transfer chain to control. France requires preliminary authorisation for the transit or transshipment of military equipment if the arms are being delivered to a non-EU state. **Switzerland** explained that transshipment is considered a part of transit in their legal definitions, thereby requiring the same license (a transit license for both land and airspace). Transits of arms must comply with the same criteria as an export. Similarly, **Georgia** said that it does not define the two terms separately, but instead includes transshipment within its definition of transit. **Belgium** explained that it differentiates between the two concepts. Transit applies to the transportation of goods exclusively brought into Belgium to be transported into another territory. In contrast, transshipment is when goods being transported are loaded from one mode of transport to another or from one and then reloaded onto the same mode of transport. **South Africa** also defines the two separately. Transit is the movement of goods not destined for South Africa, but transiting through the country to its final destination. Transshipment is the transportation of goods from a foreign vessel to another foreign vessel. The **Republic of Korea** explained that for them, transit means items from foreign countries going through domestic ports or airports. Transshipment applies when the destination of goods is a foreign country and it is unloaded in domestic ports or airports. In both these cases, permission from the Minister for Trade or a relevant agency is required. **China** explained that it had issued a new export controls law in December 2020, which regulates their transit and transshipment.

The **United Nations Office on Drugs and Crime (UNODC)** recommended that States Parties implement Article 9 in conjunction with the Firearms Protocol, which requires States Parties to verify that transit states have given notice in writing that they have no objection to the transit.

Control Arms emphasized that while there appears to be some flexibility as to how States Parties implement obligations of Article 9 with reference to the terms “necessary and feasible”. However, these terms cannot be read as relieving States Parties of their obligation to uphold the prohibitions contained in Article 6. Control Arms also encouraged transit and transshipment States to be open and proactive in sharing their experiences and lessons learnt.

Discussion on the phrases “under its jurisdiction” and “through its territory in accordance with international law”

Dr. Anna Petrig, University of Basel, [presented on how the UN Convention on the Law of the Sea \(UNCLOS\) and its provisions, especially those outlining jurisdiction and responsibility, are relevant to the understanding and implementation of Article 9](#). UNCLOS determined which states can carry out actions and where these actions can take place as follows:

Who are the actors?

- UNCLOS refers to two categories of states: port/coastal states and flag states. Every ship has to fly a flag, which determines the nationality of the ship and the applicable national laws.

What are the different areas established under UNCLOS, and what actions are allowed in these different areas?

- Internal waters, including the ports, are part of a state's territory where it can exercise jurisdiction. Foreign ships do not have a right to access ports as this is under the sovereignty of the port state, which in turn means that the port state can set the conditions for port entry. However, the jurisdiction of the port state is limited by not applying any measures in a discriminatory manner and
- The territorial sea extends 12 nautical miles seawards from baseline. However, foreign ships have the right of "innocent passage" through territorial seas, which means that they can pass through the territorial waters of another state as long as they observe certain restrictions such as not prejudicing the peace, good order or security of the coastal State. These restrictions can include the unloading of commodities in contravention of customs law. What matters is not the content of the cargo but rather the behaviour of the ship. The mere fact of having arms onboard does not mean that a ship violates its right to innocent passage.
- The Exclusive Economic Zone (EEZ) is the area 200nm from the baseline, which must be claimed by the state. The EEZ does not form part of the state's territory. Instead a state has "functional jurisdiction" over the resources within the EEZ.
- The high seas are defined as the seas beyond the territorial seas and EEZ, and there, no state has jurisdiction.

What does this mean for the ATT? For Article 9 of the Treaty, "territory" includes internal waters, where states can set conditions for the entry of ships. Beyond the internal waters, states can only act in their territorial sea and only in limited circumstances.

3. ATT Sub-Working Group on Article 11

Key points from the discussion:

- States are employing a range of tools to prevent diversion. These include: end-user certificates (EUCs); raising awareness; information exchanges in multilateral, regional and bilateral fora; maintaining a national register of domestic companies which can apply for licenses to export arms; and open lines of communication with civil society.
- There was constructive support for the draft Working Paper outlining a process for assessing the risk of diversion. Strong emphasis was placed on the role of EUCs.

Ms. Stela Petrovic, Serbia, facilitated the WGETI Sub-Working Group on Article 11. Petrovic stated that end-user certificates were an important tool for preventing diversion. However, these should not be the only mechanism states relied on, especially as there can be issues concerning authenticity and challenges with verification. One option for the voluntary

exchange certificate templates could be to utilise the ATT online platform. She also noted that although international cooperation on information sharing among states is important, the varied level of access to certain databases, such as the Wassenaar Arrangement denial database, poses a challenge to collaboration.

Petrovic addressed the need to raise awareness of diversion in countries with weak export controls. Actions that states can carry out to better regulate their exports include keeping a national register of domestic companies which can apply for an arms export license. The importance of raising awareness within the private sector on the risks of diversion were also highlighted. Lastly, she stressed that states need to have open lines of communication with civil society as, for example, NGO tracing databases are often reliable sources of information.

Discussion of the draft paper outlining elements of a process for assessing the risk of diversion

A number of states expressed support for the work undertaken by the sub-working group on Article 11. For example, **Mexico** noted the importance of studying practical cases of diversion to better understand how to better prevent diversion and emphasised the importance of exchanging information on national experiences and measures taken to avoid diversion. Switzerland proposed addressing import documentation, particularly when an arms export is destined for a private recipient and increasing standardization of documents such as end-user certificates. The **UK** welcomed the focus on risk assessment. The **UK Government** published the Compliance Code of Practice to guide the private sector in its legal duties. They apply a risk assessment framework that draws on a range of sources, including diplomatic and civil society sources. The **Republic of Korea** stated that it would be beneficial if the main parties shared EUCs on the ATT information exchange platform. **France** insisted on the implementation of the following three measures:

- Exporters should be encouraged to require specific information to assess the risk of diversion when requesting an exporting license.
- States should be allowed to undertake an oriented assessment.
- National databases that record entities involved in trafficking should continue to be updated.

In addition to prioritizing export controls, **Finland** said that the root causes, such as corruption, must be dealt with. **Canada** spoke in support of EUCs and noted their intent to conduct informal consultations with State Parties in order to draft a working paper on this topic. **Belgium** stressed the importance of the private sector's role in addressing diversion. However, Belgium expressed concern that the Working Paper to be adopted at CSP7 included impractical elements.

Practical discussion on assessing the risks of diversion

Japan noted its outreach activities including providing support to advisers and briefing sessions aimed at strengthening national systems to prevent diversion. **Switzerland** stated that exporting arms via a third country is an added risk and requires additional attention then requesting a written agreement on post-shipment verification and a no re-export clause. **Switzerland**

explained that if an EUC is missing, it is important to revert to inspecting import documentation. Switzerland requires all exporters who have an initial license to request an export license. **Ireland** welcomed the progress being made on the multi-year work plan. **China** has adopted measures to combat diversion, such as a qualification system for military items to prevent non-licensed companies from exporting them. From contract execution to shipping, Every step of the exporting process must be approved by the government, and China only trades with state actors. Additionally, they require EUCs and the end-users to undertake not to re-export without the Chinese Government's approval.

Working Group on Treaty Universalization

27 April 2021

The Working Group on Treaty Universalization was co-chaired by **Ambassador Villegas of Argentina** and **Amb. Lansana Gberie of Sierra Leone**, as former and current CSP7 Presidents. States extended their support to the CSP7 President in his universalization efforts, particularly the tabling of the UNGA ATT Resolution and hand-delivery of personalized letters to non-States Parties.

The President explained that based on his discussions with non-States Parties, the reasons for not joining the ATT included security concerns caused by bordering countries that were not States Parties, the perception that joining the Treaty would impair states' ability to acquire arms for national defence purposes and bureaucratic obstacles. A common theme was the need for cooperation and assistance to implement the ATT's obligations, especially through the VTF.

In providing an update on universalization, the ATT Secretariat said that there are 110 States Parties, five of which acceded in the past year: Afghanistan, China, Namibia, Niue, and Sao Tome and Principe. The rate of universalization has been decreasing, with fewer States joining the Treaty each year. Asia has the most non-States Parties of any region.

Key points from the discussions were:

- **The EU** highlighted the important role played by civil society in ATT outreach activities. The EU announced that it will fund the publication of the ATT Universalization Toolkit. The Toolkit will be published in a brochure in advance of CSP7.
- **China** and **Mexico** said it was important to provide assistance to those facing challenges concerning capacity and implementation. **Mexico** believed that universalization activities needed to be supported by political authorities, parliamentarians and civil society. **Panama** encouraged states such as Libya, Myanmar and Nepal to join the ATT as part of the Universal Periodic Review.
- **Germany** proposed holding informal meetings in advance of CSP7, to facilitate enhanced coordination and collaboration among ATT officeholders, States Parties and stakeholders on universalization.

- **China** said that it remains a challenge that major arms exporters remain outside the ATT. It was regrettable that the world's largest arms exporter, the US, had not only failed to join the Treaty, but took a backward step by withdrawing its signature.
- **Argentina** said it was essential to explore synergies and complementarity with other mechanisms dealing with the arms trade, including the Group of Governmental Experts on Ammunition and the UN Programme of Action. Both **Argentina** and **Sierra Leone** had met with a representative of a country that was significant to the global arms trade and expressed hope that they would have positive news in time for CSP7.
- The **Republic of Korea** reminded participants that in 2020 it had earmarked funds to translate the 'ATT Universalization toolkit' and the 'Welcome Pack' into several Asian languages. **Japan** expressed its gratitude for this work and noted the importance of increasing outreach to the Asia-Pacific region. The **Philippines** reaffirmed its commitment to joining the ATT as soon as possible. It also encouraged greater outreach to the Asian region.
- [Control Arms](#) presented its efforts to promote ATT universalization in the Asia Pacific, the Middle East, North of Africa and Sub-Saharan Africa.

Working Group on Transparency and Reporting

28-29 April

Key points from the discussion:

- Concern was expressed at the decrease in the submission of initial and annual reports, along with an increasing trend in submitting private reports. **China** and **Nigeria** announced that they are preparing their initial reports.
- Although there was support for amending the reporting templates to ensure that they were more user-friendly, caution was expressed by **Japan** and **South Africa**.

State of play of compliance with reporting obligations

The discussions were chaired by **Ms. Iulia Vladescu of Romania**, and **Mr. Alejandro Alba Fernández, of Mexico**.

Ms. Sarah Parker, ATT Secretariat, provided an update on the status of reporting. A concerning trend was the decrease in the submission of initial reports:

- 24% of States Parties, who were due to submit an initial report, had not done so. Of those initial reports that were submitted, 21% were not made public.
- A breakdown of the reporting trends by region showed that Africa and the Americas were the regions with the least initial reports submitted.
- Similarly, concerning trends were found in the submission of annual reports, which has consistently decreased over the past years. Only 60% of the annual reports due were submitted in 2019. Of those submitted, 12% were not made public, the largest proportion since the ATT's entry into force.

In opening the discussion, **Co-Chair, Ms Vladescu**, emphasized that the downward trend in reporting rates preceded the pandemic and is a threat to transparency in the global arms trade. Vladescu urged States Parties to submit timely reports.

France and [Control Arms' ATT Monitor](#) echoed the concerns over the decreasing reporting rate and increasing trend in submitting private reports. **Nigeria** explained that despite joining the ATT in 2013 and submitting an initial report in 2015, it has not submitted any annual reports. This was due to a poor understanding of the Treaty and relevant stakeholders. Through the VTF, Nigeria is initiating a project that will build capacity within the government to meet reporting requirements. **China** noted that work is underway on its initial report and annual report.

On the reporting templates, **China** cautioned that the changes proposed under Section 1.1 regarding the Wassenaar Arrangement and EU Common Position are not widely representative and should be deleted. China supported making reports publicly available with the consent of states. It noted that it would also consider submitting publicly available national reports.

Challenges concerning reporting - challenges to submitting timely and accurate initial and annual reports

The **EU** regretted the decline in the rate of national reporting and stressed its readiness to support states on reporting, including through its EU ATT-Outreach Programme. The EU referred to its 2020 EU Annual Report on the exports of military technology and equipment as a positive example of transparent reporting. **Switzerland** encouraged States Parties to submit national reports and make them publicly available. It also underscored that reports should include a similar level of information as those submitted to the UNROCA. The disaggregation of data is crucial to allow for meaningful assessments of data contained therein. **Mexico** stated that transparency and cooperation cannot occur without sufficient information. Therefore it would be helpful if States Parties could report annually with disaggregated data and share best practices. Mexico also welcomed the opportunity to work with Control Arms to prepare and present the Spanish version of the [ATT Monitor 2020 Report](#). **Belgium** announced that the ATT Webinar Series organized in 2020, including on reporting, were now available on YouTube. In expressing concern about the declining rate of national reporting, the **Republic of Korea** said that the peer-to-peer assistance provided in different languages during the 2020 WGTR meeting was useful. It suggested that having such an event online could be just as effective. **South Africa** noted that it is already a challenge for some States Parties to submit timely reports, and cautioned against imposing further obligations.

Challenges concerning reporting - discussion on the possible update of the reporting templates

The Co-Chairs explained the proposed changes to the reporting templates. **Japan** welcomed the explanation provided and said that while it understands the importance of updating the templates to be more user-friendly, it is concerned that this will make chronological analysis difficult. As adapting to amended reporting templates takes time, the changes need to be used on a long term basis. In contrast, **Mexico** noted that the proposed changes will solve the gaps and add elements needed in the template. Similarly, **WILPF** said that the changes could help to address some of the transparency and reporting challenges faced by the ATT States Parties. In particular, WILPF welcomed the changes to add greater specificity and details of the Article 6 prohibitions; changes to Section 3E to improve the capacity to implement Article 7.4 on gender-based violence prevention; and encouragement to update initial reports. **Control Arms** expressed support for changes to the reporting templates but noted that more work would be needed to address all reporting challenges., particularly as they relate to the aggregation of data. **Ireland** expressed concern about the overall state of reporting and hoped the changes to the reporting template would facilitate timely responses and reverse the trend of private reporting. **Argentina** stressed the importance of keeping the list of national contact points updated and developing common language on the exchange of controlled goods. It highlighted that in specific cases of diversion, states have a right not to make their information public. In commending the WGTR's work, **South Africa** cautioned against imposing additional burdens on states. The mandate for the changes was to focus on user-friendliness and address the quality of reporting. **Australia** supported the proposed changes.

Substantive reporting and transparency issues

In a discussion on why states choose to keep their reports private, **Greece** explained that ATT reports only pertain to military transactions. Information on the issuance of export licences for commercial goods are collated and submitted in annual national reports based on obligations of the EU Common Position and the OSCE.

A presentation by **Mr. Himayu Shiotani, UNIDIR**, focused on the aggregation of data in ATT annual reports. A common challenge concerns national recordkeeping and information management systems. He noted that useful points to consider in the future are:

- What hinders data collection at the domestic level?
- How is data used domestically?
- What are the challenges to desensitising information?
- How are the categories of SALW disaggregated?
- How is data collection and access facilitated within industry and other actors?

WILPF welcomed the discussion on public/private reporting and noted that it has used the ATT reports for research purposes, public engagement, submissions to human rights mechanisms such as the Universal Periodic Review, and national parliamentary oversight activities. **NISEA** agreed that the data disaggregation into more specific categories of items would be beneficial for comparative analyses and improving transparency. If this is to happen, the states must gather information during all stages of the weapons life cycle. For some countries, this will require international assistance.

Organisational means for information exchange

The **Chairperson of the Diversion Information Exchange Forum (DIEF), Mr. Tom Nijs, Belgium**, provided an overview of developments related to the DIEF, including the publication of a designated webpage on the ATT Secretariat's website. He also announced that the DIEF's first meeting has been postponed, noting that the sensitivity of the information to be exchanged and discussed makes a virtual meeting impossible. If the first meeting of the DIEF is not held before CSP7, then the decision to review its usefulness will be postponed until CSP9. On civil society participation, Nijs hoped that organisations that work with states to investigate diversion cases will share information in DIEF meetings. He clarified that the DIEF is not a forum for conducting policy discussions. Australia provided capacity-building through online training courses and supported such a course convened by Canada and GCSP. Canada expressed support for the DIEF.

Information Exchange Platform

The session ended with a brief discussion on the Information Exchange Platform, which would enable States to share information more easily. Although there was support for such a tool, the **Republic of Korea and South Africa** were hesitant. They noted that cost-benefit analysis and assessment of the specs of this technology would be necessary before moving forward.

CSP7 Informal Preparatory Meeting

30 April 2021**Overview of the implementation of the CSP6 decisions**ATT Secretariat's update on the status of the implementation of the CSP6 decisions

During the CSP6 process, 17 decisions were submitted for consideration by the States Parties. Of these, 14 were adopted, and 6 were not.

- On the Working Groups, the agenda for the WGTR was approved, but not the WGETI.
- The DIEF was established. Under the Chair, Mr. Toms Njis of Belgium, the DIEF was to have its first meeting at CSP7. However, progress on this issue had not been possible due to COVID-19.
- The report of the Management Committee was endorsed along with the recommendations on the administration of the Sponsorship Programme. Due to COVID-19, the Sponsorship Programme has been unable to work.
- From May to June 2021, there would be remote consultations to review the documents from the Working Group meetings.
- **CSP7** is scheduled to take place from **30 August to 3 September 2021**. No decision has yet been taken on the format.
- From the decisions that were unresolved at CSP6, the following updates were provided:
 - Decisions 9 to 11 were the subject of a consultative process by the President and eventually adopted.
 - On draft decision 17, Argentina held consultations and has put forward a revised Working Paper.
 - Draft decisions 15 and 16 proposed extension of the Management Committee's mandate; these documents have been revised and will be put forward for adoption at CSP7. A decision was taken that while the Management Committee works on the new guidelines on applying Rule 8(1)(d), no state will be subjected to this rule.

Progress reports of ATT subsidiary bodies

The **VTF Chair, Dell Higginson of New Zealand**, reported that since the first call for contributions, more than US\$ 9million had been contributed by 28 states. New Zealand contributed a further NZ\$ 100,000 for projects in the Pacific Islands region. As last year's proposals were submitted before COVID-19, the ATT Secretariat has reached out to participants to ensure that these can proceed as planned. COVID-19 also impacted the New Zealand delegation's ability to hold in-person outreach events. These included the UNGA side event and the practical workshop on the VTF application process. However, this last approach was adjusted and instead, 3 short videos were created on the process of applying to the VTF. These were now available on the VTF website.

In the current VTF cycle, 21 applications have been received. A virtual meeting of the VTF Committee will be convened on 27 May 2021 to consider the applications.

On the financing of the VTF, *the ATT Secretariat* reported that recently Germany and New Zealand provided funding for VTF outreach. Overall the VTF has spent \$5,247,353 on 53 projects around the world. In 2021, 21 applications were submitted, and these would cost approximately US\$1,965,565USD. From these projects, 50% were in Africa, 10% Asia, 30% Americas, 10% Europe and Oceania.

The following delegations spoke on the VTF:

- **Mexico** stressed the need to share conclusions, best practices and lessons learnt from the projects funded by the VTF, which needed to be facilitated by the ATT Secretariat.
- **Chile** announced that in partnership with Colombia, it would be submitting a new project to the VTF that focuses on strengthening competent national institutions mandated to inspect weapons etc. This project is designed to support Colombia's joining the ATT.
- **Colombia** also noted that it was working with Chile and the Small Arms Survey on a project to address the diversion of small arms. Colombia remained committed to joining and implementing the ATT and was also working on a project with Germany.

The Chair of the WGETI, Ambassador Lim of the Republic of Korea, reported on the Group's work:

- Articles 6 and 7: The discussions on interpreting key phrases from Articles 6 and 7 were an exercise in collecting good practices. It was not intended that this would result in an agreement on definitions or create new understandings. The Facilitator will begin working on the voluntary guide on Articles 6 and 7. This work will be presented in 2022.
- Article 9: It was important to share national practices on the interpretation and implementation of Article 9. The presentation on UNCLOS emphasised the need to operationalise Article 9. Three states shared their practices on Article 9. Future work in this area might focus on developing a compendium of national practices or a voluntary guide. Future work on Article 9 will focus on transit across the land.
- Article 11: It was noted that delegations had been welcoming of the Facilitator's paper, which provides a comprehensive summary of the discussions to date. In preventing diversion, industry and civil society have an important role. National points of contact were important for the risk assessment process. Documentation sharing and end-use documentation were areas for potential discussion. A paper will be prepared to outline the process of risk assessment on Article 11.

Speaking on the work of the WGETI, **the Regional Centre on Small Arms in the Great Lakes Region, the Horn of Africa and Bordering States (RECSA)** emphasised the need to ensure that weapons were delivered to the intended end-user. In this context, import and export documentation is important. ATT States Parties should be careful not to neglect the role of regional organisations. More work is needed on ensuring uniformity on the implementation of the ATT. RECSA strongly supports the work to incorporate gender into all aspects of the ATT's work. A platform should be created to share best practices and cases on implementing the ATT.

The **Co-Chair of the Working Group on Transparency and Reporting (WGTR), Ms. Iulia Vladescu, Romania**, noted that submitting reports that are not publicly available is a cause for concern and undermines the ATT's objectives. The co-Chairs also noted the concern that a number of initial reports had not been updated. Different initiatives were underway to support national reporting, including a call for the CSP President to meet with those State Parties which were lagging behind on reporting. In discussing the proposed adjustments to the national reporting templates, it was stressed that these would facilitate reporting.

The **Co-Chairs of the WGTU, Ambassador Villegas of Argentina and Gberie of Sierra Leone** reported on their joint efforts to promote ATT universalization. They took advantage of key events such as the UNGA First Committee in New York, noted that they continued with bilateral meetings in the interim period. In moving forward on universalization, the Co-Chairs announced that they are planning joint outreach initiatives in the lead up to CSP7. They also encouraged the ATT community to collaborate with the Co-Chairs in this collective effort.

Management Committee (MC). The Secretariat made a presentation on the financing of the ATT noting that currently, there is a total of \$5 million in outstanding financial contributions.

Germany presented the proposed guidelines on the issue of arrangements with the ATT Secretariat in relation to the discharge of its financial obligations' (reference Financial Rule 8.1.d) for consideration at CSP7. A key proposal is that for states with outstanding arrears and which have not entered into arrangements to make repayments, their access to the VTF will be limited. The following delegations spoke on this matter:

- **Sierra Leone** opposed linking the payment of the assessed contributions to the VTF, thereby limiting access to the VTF.
- **Mexico** remained concerned about the financial situation of the ATT. It is convinced that the instability in the financing of the ATT affects the confidence of states in the ATT and its administration and a general sense of "equity" among States Parties.
- The **United Kingdom** supports the initiative outlined by Germany, noting that it is essential to create a mechanism that allows states to meet their obligations. The UK believes it is necessary to clarify Articles 11 and 12 regarding non-compliance, and in this connection, they do not see a contradiction between Articles 10 and 12. Ultimately, prompt payment is the only way to ensure the viability of the ATT.
- **China** expressed its willingness to work with all other States Parties on the financial issues in preparation for CSP7. Adequate financial resources are vital. Noted the current financial challenges and expressed the hope that all States Parties will treat this matter as a priority.
- The **Republic of Korea** regards the German proposal as being more precise than the financial rules on the process for entering into financial arrangements with the Secretariat.
- The **European Union** supports the work of the Management Committee in defining a procedure for entering into financial arrangements with the Secretariat. The EU believes that the proposed process as drafted includes all elements necessary and can be

agreed upon at CSP7. It expressed regret at the dire financial situation, which places the ATT at risk.

- **Panama** favoured the proposal presented at CSP6. It has reservations about the changes to points 10 and 13. The current draft seems to imply that the measures would be triggered upon the first condition being met, not both, and Panama disagrees with this approach. Panama understands that once a State Party has reached an arrangement, this should temporarily suspend the measures in the financial rules
- **Switzerland** indicated that the mechanism proposed at CSP6 was solid and only needed a few adjustments. Supports the changes as these have improved the proposal's consistency and welcome the changes as a positive evolution. However, Switzerland preferred a simpler procedure for Articles 12 and 13. Switzerland expressed grave concern about the financial situation despite the efforts which have been made.
- **Ghana** regards the proposals as a first step for moving forward on this matter.
- **South Africa** was generally positive and called on all states to meet their financial obligations.

CSP7 Agenda

The following delegations spoke on the preparations for CSP7:

- WILPF encouraged the President to continue working in a consultative and transparent manner in the lead up to CSP7. It remains a concern for civil society that CSP6 was not held transparently, impacting methods and substance. Transparent ways of working are critical. This is an opportune moment to see how the meetings are contributing to the real-world impact of the ATT. There is a need to build in opportunities to assess outputs of past CSPs to see if they have generated improvements on the ground. The side effect of thematic focus is that we move on too quickly from problems and need to allocate time in CSPs to update on progress on all past CSPs.
- China expressed its commitments to firmly uphold the ATT's objectives and fulfil its obligations. Currently, as the pandemic continues, the CSP prep work is faced with uncertainty. China is ready to work beyond these difficulties to ensure a constructive dialogue. It hoped that due consideration will be given to the COVID situation now and in the future in the planning of CSP7.
- Japan said that it is undeniable that there are still great difficulties in carrying out the work of the ATT due to COVID. It is appropriate that these difficulties be taken into consideration when planning for CSP7 and requires states not to be too ambitious on substantial decisions.
- [Control Arms](#) proposed the inclusion of a special session in the CSP agenda during which ATT States Parties and stakeholders could take stock of the progress made toward commitments adopted at previous CSPs relating directly to the annual CSP Presidency Thematic Focus. For example, this could be the opportunity to build on the Action Plan on Gender, and Gender-Based Violence (GBV) endorsed by CSP5.
- Argentina supported WILPF's call to add an item to CSP7 and in the future, to discuss and review the proposals and actions of previous CSPs.