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

Working Group on Treaty Universalization (WGTU)

Daily Summary Analysis

Thursday, 28 April 2022

The Working Group on Treaty Universalization session included an update on the status of ratifications and accessions, an update on the work of CSP8 Presidency and of WGTU Co-Chairs to promote the universalization of the ATT, and an overview of efforts made by States to promote universalization of the ATT. These were interspersed with and followed by interventions from states and civil society outlining their efforts and progress towards ATT universalization.

Key points from the discussions included the following:

- A crucial issue that emerged, and that was stressed by a number of State Parties (Palestine, Ireland, and Panama), is the need to encourage new ways of promoting universalization, including using the media.
- Several State Parties (Argentina, Ireland, Japan, Peru, Mexico, China, Panama, and Malaysia) as well as Control Arms welcomed the Philippines as the first ASEAN State to join ATT. The Treaty will enter into force in the Philippines in June this year.
- The Gambia reiterated their commitment to complete remaining items for full accession and membership to the ATT.
- Malawi has started the process of ratifying ATT and is likely to complete it in the near future.
- Malaysia expressed their commitment to ratifying the ATT and to intensifying efforts towards ratification.
- A number of State Parties (including China and Palestine) urged States, including major exporters and importers, to accede and/or ratify the ATT.
- Individual State Parties (Japan and Peru) and the civil society (Control Arms) continue to be engaged in promoting universalization both on the regional and international level.

Mr Dumisani Dladla, Head of the ATT Secretariat, gave an update on the status of ratifications and accessions, and presented on regional disparities in ATT signatories and State Parties. The Philippines’ accession was welcomed. Ambassador Göbel highlighted that discussions were held with a number of states who have not yet joined the Treaty, and shared that the Presidency is now working to follow up with regard to States that might be close to accession. The positive
example of the Philippines, it was stressed, will be able to foster momentum towards further ATT accession; nonetheless, the Philippines’ example also shows that accession and ratification processes that take a significant amount of time, which goes well beyond each ATT Presidency. Discussions on how to ensure continued support beyond the Presidency are ongoing.

**Malawi** intervened to state that they have started the process of ratifying the ATT. The delegation also stressed that combating illicit trade can only be effective if all State Parties join together in observing the spirit and the letter of the Treaty. **Sierra Leone** acknowledged the important work undertaken by WGTU. It was pointed out that illicit transfers and diversion from official stockpiles play a major role in the issue of conventional arms regulation, in Africa and other regions. In this regard, universalization can positively contribute to promote transparency and accountability in arms transfers. Sierra Leone also called on all implementing partners including the Voluntary Trust Fund (VTF) to provide technical expertise to ensure timely accession. The **Gambia**, who announced their willingness to join the ATT during CSP7, reiterated their commitment to complete remaining items for full accession and membership. **Mauritania** brought forward the issue of ‘phantom weapons’ and suggested that this theme could be analysed, reviewed, and updated in the context of Treaty activities.

The **Philippines** took the floor to highlight that the process of ratification and accession is indeed long and arduous, and they look forward to sharing experience with other States that are in the process of ratifying the ATT. **Japan** welcomed the Philippines as the first ASEAN State to join the ATT and encouraged non-State Parties to engage in bilateral dialogue. It was also underlined that a Roundtable on Universalization in the Asia-Pacific Region was held in partnership with Control Arms to outline challenges and benefits for States in the region of joining the Treaty.

**Peru** intervened to stress that they had bilateral contacts with neighbouring States in Latin America and encouraged them to join the Treaty. **Mexico** encouraged further synergies and cooperation between different regimes in the area of arms control and expressed support to the participation of civil society and academia in meeting SDG 16.4.

**Palestine**, echoed by **Ireland** and **Panama**, encouraged new ways of promoting universalization, for instance through the media, as well as parliamentarians. Education can be instrumental to promoting universalization, too. Palestine also recalled the concern that a number of major arms exporters and importers are not yet State Parties; in this regard, it was stressed that even when a State is not Party to the ATT, transfers do not take place in legal vacuum and, at a minimum, respect for international humanitarian law (IHL) must be ensured in all circumstances. Panama stressed that they are also working with other States to ratify the Treaty, including Somalia. Consultations are also ongoing with Venezuela and Timor-Leste.

**Malaysia** looks forward to learning from experiences on the implementation of the ATT. They are committed to ratifying the Treaty and are working with all national stakeholders to achieve this. It was also stressed that training and workshops organized by civil society as well as by the EU ATT-Outreach Programme have been instrumental in sharing information on ATT implementation.
**China** stressed that they have always supported the Treaty’s universalization. Noting that major arms trading countries have not joined the Treaty yet, the Delegation called on States to accede to the Treaty and urged capable countries to strengthen international cooperation and assistance for capacity building, financial, and technological support.

**Control Arms** expressed the hope that the Philippines’ ratification can serve as good example for other ASEAN members who have signed but not yet ratified the ATT, including Cambodia, Malaysia, Singapore, and Taiwan. Control Arms stressed that consultations were undertaken with members in the Asia-Pacific region, as well as Latin America and the Caribbean, on promoting universalization, and that these helped better understand political and practical challenges faced by non-State Parties. Control Arms also hosted an online discussion with both governmental officials and civil society organizations from the MENA region, which has the lowest universalisation rates. Control Arms, with support from Germany, is also undertaking a Mapping Study on Regional Actors, which aims to identify, among other things, concrete ways in which existing regional organizations and programmes can promote universalisation of the ATT.

The **Global Coalition for Limitation of Armaments** highlighted the role of the VTF, which can help push for broader ratification, and of civil society organizations, which can act as implementing partners. The Coalition also expressed support to Control Arms with a view to adopting tailored and targeted focus on sub-regions that still have low participation rates. It was also noted that linguistic barriers may influence universalization efforts; for this reason, the Coalition supports the proposal to translate the ATT into local languages, brought forward by South Korea.

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**Working Group on Transparency and Reporting (WGTR)**

28 April 2022

The discussions were led by the Co-Chairs of the WGTR, Ms. **Grisselle del Carmen Rodriguez Ramirez** of Panama and Ms. **Sabine Visser** of the Netherlands. The session included presentations and exchanges on the state of compliance with reporting obligations, challenges concerning reporting, and reporting and transparency issues. Additional agenda items included organizational means for information exchange, functionalities of the IT platform, and WGTR mandate in the period between CSP8 and CSP9.

Key points from the discussions included the following:

- Despite the continued trend towards private reporting, a number of State Parties have recently submitted their reports from past years.
- Presentations from the civil society (**Stimson** and the **ATT Monitor**) highlighted the need to focus on increasing not only reporting rates but also the quality of reports. Civil society
presentations and interventions (UNIDIR and Control Arms) also highlighted the importance of data disaggregation with a view to ensuring full transparency.

- A crucial issue that emerged was the importance of transparency in countering diversion (Barbados).
- **South Africa** stressed that information on National Points of Contact (PoC) should be made publicly available.
- One Delegation (**Spain**) recommended the establishment of a “Group of Friends’ to the Chair or the organization of a workshop to provide support on completion of reports.

State of play of compliance with reporting obligations

**Ms. Sarah Parker** from the ATT Secretariat delivered a presentation on the status of reporting, focusing particularly on progress made on reporting since February 2022.

- **Initial reports:**
  - 86 State Parties have submitted an initial report, so far. Two additional reports were received since February, whilst 24 remain outstanding.
  - Overall, 21 States have submitted private reports, which are available to State Parties on the restricted area of the website.
  - To date, 42 initial reports were received on time, and 73 have made use of the reporting template for their submissions.

- **Annual reporting:**
  - An overall decline in the rate of reporting was noted. Since February, additional reports have been received, including one for 2016 and 2017, two for 2018, four for 2019, and two 2020.
  - It was also noted that a trend towards restricted reporting is set to continue. For instance, 5 out of 6 reports received for 2021 are not publicly available.
  - In total, 61 State Parties have fulfilled their annual reporting obligations in full. 30 State Parties due to submit their annual reports have not done so, yet.

The co-Facilitators stressed that reporting obligations represent the core of States’ commitment, and that reporting fosters transparency and capacity building. Presentations were delivered by **Ms Rachel Stohl** from the Stimson Centre and by **Ms Carina Solmirano** from the ATT Monitor on perspectives on current trends in reporting.

Ms Stohl gave a presentation on ‘**Taking stock of ATT reporting and identifying opportunities to enhance future reporting efforts**’, providing an overview of transparency issues, information challenges, challenges faced by States in preparing reports, and steps to be taken to improve reporting. Among the most significant obstacles to Treaty implementation, Ms Stohl noted, is the overall lack of compliance with reporting requirements for initial and annual reporting. The marked increase in private reports was highlighted as a source of concern. In this regard, it was stressed that private reporting is not a phenomenon that involves only first-time reporters; indeed, a significant number of States have shifted from public to private reporting over the years. It was estimated that two thirds of State Parties surveyed by Stimson and
SIPRI face challenges in preparing reports, which are due to a lack of awareness and understanding of ATT obligations, capacity and resource constraints, internal bureaucratic challenges such as poor coordination across government offices and agencies, and political and security challenges such as competing priorities at the domestic level.

Ms Solmirano presented on ‘ATT annual reporting trends’. It was noted that there has been an overall decline in compliance rates for annual reports since 2015, and an increase in submission of private reports. Moreover, slow progress was noted in terms of quality of information. Regional trends in aggregation and disaggregation were also presented. While only 8 State Parties included descriptions of all transfers in 2020, some states’ reports have gone beyond what ATT requires, which is a positive trend. Disaggregation is critical for transparency and although it is not mandatory, it is vital to achieving ATT aims and objectives. Examples of good practice are emerging in this regard.

Challenges related to reporting

States Parties that have not yet complied with all their reporting obligations were urged by the Co-Chairs to share the obstacles that have kept them from reporting.

**Japan** stressed that National Points of Contact are key to help State Parties better implement Treaty obligations, including on reporting. Japan also clarified that they submitted their annual report and called on all State Parties to submit initial and annual reports to help promote transparency in international transfers.

Substantive reporting and transparency issues

A presentation was delivered by **Dr. Paul Holtom**, Head of the Conventional Arms Division at UNIDIR, on the ‘Aggregation of Data in Annual Reports’. Examples of aggregation, which is primarily related to SALW, were provided. These included, for instance, classifying the number of items exported, typically for national security purposes; and using the category of SALW and providing the value by each importing country, but not providing the sub-categories used in the reporting framework. It was noted that there are reports where a mixed approach is used, for instance including limited information on some values and a detailed description for other categories. Generally, more transparent information is provided when items are imported for use by armed forces.

**Control Arms** intervened on data aggregation, providing some statistics on disaggregated reporting. It was noted that the increase in private reporting, the declining rates of compliance with ATT reporting obligations, and the enduring issue of data aggregation in annual reports, are reducing the overall share of reports submitted each year that contribute positively to the transparency aims and objectives of the Treaty. While State Parties have shown commitment to meaningful, transparent and disaggregated reporting, State Parties were called to share information on best practices in this area.

**Argentina** took the floor to stress that the country is working on a survey to identify several categories related to gender and may also pave the way to consider in the future the possibility
of further including gender and GBV in initial and annual reports. Barbados highlighted that end-use certificates as well as firearms tracing were critical in efforts to ensure transparency and in prevention of diversion. In this regard, reporting of firearm tracing could be included in the annual template. Also, consideration should be given to reporting on ammunition imports and exports.

Spain proposed to explore creative solutions to tackle the issue of non-reporting and thus revert the downward trend. It was suggested that for instance a ‘Group of Friends’ to the Chair could be established or a workshop could be convened to explain how reports have to be filled in and how recommendations need to be applied in reports in practical terms. Belgium intervened to clarify on aggregation of data in annual reports, explaining that different methods of aggregation for SALW were used to accommodate concerns of a region that disaggregation would impose unnecessary administrative burden and would disclose commercially sensitive information.

The UK stressed the lack of effective mechanisms for information sharing and noted that it would welcome if the ATT Secretariat could work with UNODA in this regard. Sweden took the floor to reiterate that an annual report is an effective means to increase transparency and confidence building, and encouraged State Parties to make their reports publicly available. Sweden also suggested including an Annex, on a voluntary basis, to include information on exports divided by States and categories under the EU military list, plus three additional categories under national legislation, to increase transparency in ATT reporting without compromising commercial and national security interests.

**Additional agenda items**

In regard to the Diversion Information Exchange Forum (DIEF), the Chair expressed the intention to hold the first in-person meeting during the week of CSP8. The primary goal of DIEF was recalled, which is to share concrete operational information and experiences to help prevent diversion.

South Africa recalled that information on National Points of Contact (PoC) is available on the restricted part of the website and noted that as a general rule these contacts should be made publicly available. This would be helpful to non-governmental organizations or international organizations when organizing seminars, including for State Parties.

In relation to the WGTR mandate for CSP9, it was noted by the Co-Chairs that as the mandate has fewer required activities, the idea is to allow the work of the Sub-Working Group to be more flexible and responsive to challenges.

Organizers: Small Arms Survey and Switzerland

The Small Arms Survey event brought together expert speakers from Control Arms, WILPF, Switzerland’s Department of Foreign Affairs, and others. The meeting provided an opportunity to discuss the challenges to implementation of the GBV criteria in the ATT, with a view to increasing stakeholders' understanding of the challenges and clarifying on the steps that should be taken. It was stressed by several experts that the inclusion of a binding provision on GBV in the ATT was ground-breaking, and is largely due to efforts of civil society. However, implementation remains limited. The Survey’s Briefing Paper ‘At whose risk? Understanding State Parties’ Implementation of the Arms Trade Treaty Gender-based Violence Provisions’ provides an analysis of the implementation of Article 7.4 and attempts to set a clear path for stronger implementation. The Survey presented the main findings of the study which revealed that most ATT states parties interpret Article 7(4) in terms of the broader offences related to international humanitarian law and international human rights law listed under Article 7(1). Moreover, thus far no ATT State Party has yet denied an export exclusively on the basis of Art 7.4. It was also noted that data on GBV is scattered and unstandardized, making it hard for licensing officials to conduct assessments specifically focused on the use of weapons in the commission or facilitation of serious acts of GBV. In terms of recommendations, better defining GBV and its scope may encourage an increase in the availability of on-the-ground data. WILPF remarked that there are often different interpretations given by civil society and governments as to how the risk assessment on GBV should be undertaken. Control Arms stressed that GBV is often incorporated into international humanitarian law (IHL) and international human rights law (IHRL) risk assessment criteria for practical reasons. In this regard, it was noted that there is scope to further look at GBV in non-conflict situations.

Title: Diversion and the ATT: Measures for responding to weapon and ammunition diversion

Organizers: UNIDIR, Stimson, and Conflict Armament Research

The side event began with a presentation by UNIDIR on the Diversion Analysis Framework (DAF), a voluntary analysis tool designed to help States better address diversion. One of the main goals of DAF is to help states structure the narrative for sharing case studies with others. In this regard, two concrete case studies were presented. The framework can also serve to construct national databases for systematic analysis of patterns of diversion and, ultimately, to design effective counter-diversion strategies and build comparable evidence base across
different contexts. The Chair of the Diversion Information Exchange Forum (DIEF) highlighted the relevance of the side event and DAF to the work of DIEF, whose purpose is to present concrete cases and operational information related to preventing diversion. CAR explained that the DAF allows to identify diversion methods, including in relation to unauthorised transfers of grenades.