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Daily Summary Analysis Report

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GENERAL DEBATE



In the morning session, States Parties continued providing general statements to the plenary. A number of states - including **Paraguay, Brazil, Mali, Panama, Costa Rica and Niger** - stressed the importance of tackling the issue of SALW diversion to criminal groups and transnational organized criminal actors, underlining the significant impact this has on their national and regional security. Significantly, many States - including **Paraguay, Liberia, Zambia, Mali, Nigeria and Brazil** - also pointed to specific legislative and regulatory processes they have undertaken to better comply with ATT provisions, whilst in some cases also pointing to the support from the ATT Secretariat and VTF funding as crucial to them making these improvements.

There were multiple references to Russia's invasion of Ukraine - including by **Montenegro, Poland, Austria, the Republic of Korea and the Netherlands** - with States Parties calling on others to respect their commitments under the ATT by refraining from exporting weapons to Russia. The Netherlands explained that its arms exports to Ukraine were justified and in full compliance with ATT Articles 6 & 7. **Control Arms** welcomed states who made references to their military assistance to Ukraine and encouraged them to share information regarding the steps taken to apply the ATT risk assessment to this and other contexts. A substantive conversation around arms transfers to states in conflict and areas affected by armed violence could illuminate how the ATT criteria is applied and provide a much needed window into the risk assessment process.

China on the other hand, referenced the irresponsible and escalatory nature of arms transfers to conflict zones and stressed the importance of dialogue and diplomacy. China also introduced their new Global Security Initiative which is founded on sustainable and common security concepts.

GENERAL DEBATE

Compliance with reporting obligations was also frequently raised including by **the Netherlands, Poland, Argentina and Luxembourg**, with States Parties stressing the key role reporting has to play in general compliance and urging all States Parties to focus on reporting in order to become fully compliant.

Other key themes on Day 2 of General Statements were:

- Widespread congratulation to the Philippines for their successful accession
- Numerous calls, particularly from VTF selection committee members including the United Kingdom, the Netherlands and the Republic of Korea, for States Parties to meet their financial obligations under the Treaty if they have not done so already
- The United Kingdom also put forward a proposal to shorten the annual ATT calendar by cutting one of the two Working Group meetings in order to limit the financial burden.
- Most States Parties also stressed the importance of cooperation and coordination, both between States Parties and within States, as critical to achieving the ATT's objectives
- Panama and Costa Rica raised the importance of GBV as a cross-cutting issue that needs to be considered in all aspects of ATT implementation.
- Mauritania proposed an amendment in the ATT to include artisanal weapons manufacturing and proliferation as it is becoming a key issue in the region.

TREATY UNIVERSALISATION

This session was opened by **Dumisani Dladla** of the **ATT Secretariat**, who provided an overview of the current status of participation to the ATT, which now has 111 States Parties. Special focus was given to the regional distribution of ATT States Parties, and the importance of targeting regions where there are opportunities for increased engagement with the ATT such as the Asia-Pacific region. The need to tackle the downward trend in accession to the treaty since it first came into force was also highlighted as it was emphasised that widespread ratification is needed for the ATT to be sufficiently effective.

This was followed by a presentation from **Ambassador Thomas Göbel** of Germany, President of the Eighth Conference of States Parties and co-chair of the Working Group on Treaty Universalisation (WGTU), who provided an overview of the **co-chairs' Draft Report to CSP8** and the efforts of the working group to bolster steps towards ATT universalisation. Some of the opportunities for greater universalisation to be pursued in the next cycle of CSP9 were highlighted, including a recommendation to establish a medium to long term work plan for ATT ratification in order to ensure continuity between each CSP cycle in working towards treaty universalisation. The importance of relying on regional champions and of regular exchange and information sharing related to universalisation were also key points of emphasis.

TREATY UNIVERSALISATION

Both Argentina and France highlighted that universalisation of the treaty is critical to ensure its effective implementation. The additional importance of accompanying universalisation with full and effective implementation of all ATT provisions was similarly emphasised by states including Ireland and the State of Palestine.

A number of states, including **Mexico, France, New Zealand, Japan, Ireland, Korea**, as well as **Control Arms**, agreed with the recommendation of the Draft Report to take a more coordinated medium to long term approach to treaty universalisation as it was acknowledged that accession can be a lengthy process that goes beyond the standard 2 year mandate of the WGTU. It was therefore felt that the establishment of a long-term work plan to ensure continuity would be beneficial.

Several states - including **Ireland, Peru, the State of Palestine, China** - as well as the European Union specifically called on major exporting and importing states who are not yet States Parties to accede to the ATT without delay.

The role of civil society, regional and international organisations in promoting and increasing awareness of the ATT and enhancing its universalisation was emphasised by several states, including **Mexico, Ireland** and **Malawi**.

Argentina highlighted the importance of promoting the ATT in other multilateral fora, including regional fora. This was echoed by New Zealand who encouraged the WGTU to use existing international fora including the ASEAN, African Union and Pacific Island Forum in universalisation and outreach efforts.

The importance of a targeted or tailored approach focusing on signatory states and those likely to accede in the near future was equally emphasised by both **New Zealand** and **Ireland**. Control Arms similarly emphasised the need for the WGTU to reach a deeper understanding of each non-State Party's position on the ATT to tailor outreach, and highlighted the ATT Monitor 2022 Report which provides a comprehensive examination of three non-States Parties and the unique challenges they face with regard to the ATT, which it is hoped will help future universalisation efforts.

The European Union outlined its efforts to increase universalisation through outreach programmes and provided an update on the third phase of its ATT outreach project, which specifically focuses on states not party to the ATT. France emphasised the importance of this project and the support it provides to the EU in mobilising national experts for workshops and seminar under this programme.

The Philippines as the newest State Party of the ATT, and the first ASEAN country to have ratified the Treaty, was welcomed by States Parties. It emphasised the importance of accession and highlighted how it would continue to encourage other states in the region to also accede to the Treaty.

TREATY UNIVERSALISATION

Peru highlighted that the best way to promote universalisation of the ATT is to demonstrate its efficiency in regulating and controlling the transfer of arms, reducing armed violence and preventing human suffering. **The State of Palestine** similarly emphasised that faithful implementation of the ATT would be the most compelling testament to its effectiveness and be critical in encouraging other states to join.



Control Arms highlighted its work to support treaty universalisation both through engagement with non-States Parties in Geneva and through in-country stakeholder meetings, and outlined its plans for future engagement with non-States Parties from Latin American and Middle East and North African regions, emphasising the importance of regional champions for promoting the ATT in all regions.

Other key themes of statements given during the session on treaty universalisation were:

- **Malawi** outlined that it is in the final stage of its ratification process and expressed its gratitude to the ATT Secretariat and Control Arms for their support in the initial stages of the ratification process.
- The **ICRC** highlighted its contribution to ATT ratification, including the technical assistance offered by its advisory services on IHL and delegations in the adoption and implementation of the ATT.
- **MAAT for Peace** emphasised the importance of bridging geographical gaps in ATT ratification, and the role of civil society and other organisations in encouraging accession.
- **Türkiye** commended the achievements of the ATT and outlined how it continues to observe the principles and objectives of the treaty and share best practice as it works towards treaty ratification.
- The **European Union** conveyed hopes that the universalisation toolkit will help to strengthen universalisation activities, and stressed the importance of its publication in all UN languages.
- **Japan** praised the universalisation roundtable for the Asia Pacific region, organised by Control Arms and others, in bringing together delegations from the region and providing an opportunity for participants to share their hopes to join the ATT.

TREATY IMPLEMENTATION

The session began with a presentation prepared by Ambassador Sang-beom Lim of the Republic of Korea, Chair of the Working Group on Effective Implementation (WGETI), which provided an overview of the progress in the work of all three sub-working groups of the WGETI as summarised in the Chair's Draft Report to CSP8. It was delivered on Ambassador Lim's behalf by Ambassador Ignacio Sánchez de Lerín of Spain, facilitator of the Sub-working Group on Articles 6 and 7.

First, with respect to the Sub-working Group on Articles 6 and 7, it was announced that Draft Chapter 1 of the Proposed Voluntary Guide on 'Key Concepts' had been completed. Nevertheless, it was reiterated that this draft chapter does not attempt to reinterpret concepts that have established interpretations under International Law and that the comments in the document are indicative and do not represent the common understanding of all States Parties.

The progress of the Sub-working Group on Article 9 was also outlined, who in the forthcoming CSP cycle will begin work on a voluntary guide based on views expressed in discussions during the February and April preparatory meetings on regulating transit and transshipment of arms by land, air and sea. States Parties were encouraged to provide written contributions to support this process.

Lastly, while the Sub-working Group on Article 11 has come to the end of its multi-year work plan, it has recommended to extend its work for a further year in order to continue discussion on diversion-related issues, and specifically to focus on post-delivery cooperation.

The value and importance of the Voluntary Guide on Article 6 and 7 was recognised by a number of states. The **Republic of Korea** saw the paper as a useful reference document, **Switzerland** recognised that it is an opportunity to enable the further exchange of views in CSP9, and **Mexico** encouraged further discussion on mechanisms to facilitate and supervise the implementation of the Voluntary Guide by States Parties.

The **ICRC** and **Control Arms** emphasised the importance of making the Voluntary Guide a living document so that new insights can be added at a later stage and on an open ended basis. Control Arms particularly stressed that this must remain a 'work in progress' document and the need to harmonise the language throughout the document to reflect this.

Several states - including Switzerland, Sierra Leone, Mexico, the Republic of Korea and Brazil - supported the recommendation to extend the work plan of the Sub-working Group on Article 11 for a further year to focus on post-delivery cooperation. Mexico also suggested that it would be important to broaden discussions in the proposed additional year, including to discuss the link between Article 11 and other ATT provisions, and suggested that it might be beneficial to agree on a multi-year plan longer than the currently proposed additional one year period.

TREATY IMPLEMENTATION



France highlighted that ATT implementation should not be approached in isolation and emphasised the complementary and reinforcing nature of the work of the three Sub-working Groups. It stated that it is essential that the Treaty allows for exchange of best practice between importer, exporter and transit states. It is for this reason that it will be presenting a case of diversion at the first meeting of the Diversion Information Exchange Forum (DIEF) taking place in the afternoon session of Wednesday 25th August.

In this respect, **Control Arms** encouraged further efforts to ensure that conversations that take place in the DIEF are leveraged and shared with the Sub-working Group on Article 11 to maximise their value for officials and states not present in the closed discussions.

The link between arms transfers and gender-based violence and the importance of factoring gender-based violence into export risk assessments was addressed by states including the **Philippines, Argentina, Austria** as well as the **European Union**.

In particular, **Argentina** stated that it has submitted an informal document to the ATT on generating best practice in the prevention of gender-based violence and will present this in the next CSP cycle. It recommended the establishment of a specialised sub-group on gender-related treaties and of a questionnaire to collect and analyse information and design good practice.

Additionally, **Austria** raised attention to the importance of gender balance in export control issues and disarmament processes, and expressed concern on the lack of gender balance in the panel on post-shipment control that took place in the morning session of Monday 22 August. The importance of increased focus and discussion on LGBTQ+ rights by the ATT community was also emphasised.

TREATY IMPLEMENTATION

Niger provided an overview of its commitment towards effective treaty implementation, including the strengthening of import control measures, establishment of a national arms control authority, the submission of the required reports to the ATT Secretariat and the marking of arms. Peru also provided an overview of its national control system with a specific focus on its commitment to the control of firearms through international coordination and cooperation.

As a new State Party, the **Philippines** outlined its efforts towards treaty implementation and the steps it has taken to harmonise domestic regulations and ensure its national legislation complies with its international obligations. **Liberia** also shared the progress it has made in the prevention of diversion including in improving inspections of state armouries and highlighted the benefits of regional training it has received under a programme supported by Germany and as part of the Silencing the Guns initiative.

The need for ongoing information exchange was highlighted by several states in order to identify and address common challenges in treaty implementation, including the **Philippines, Argentina**, as well as the **ICRC** and **Control Arms**.

The **ICRC** raised attention to the obligations on all states, to respect and ensure respect for IHL by parties to an armed conflict, namely the unique position of arms supplying states to influence the behaviour of the recipient forces and reduce the negative consequences of the use of these arms.

The **ICRC**, as well as **Control Arms**, also commended states on openly sharing arms transfer practices in the open forum and encouraged the sharing of practical challenges in treaty implementation through decontextualised case studies based on real world experiences. Control Arms also highlighted its concern on potential diversion risks associated with the large-scale transfer of weapons to Ukraine and encouraged States to share the steps being taken to monitor and mitigate diversion risks.

The State of Palestine made some suggestions for amendments to the Voluntary Guide, including incorporating the constructive knowledge standard, including a general rule on treaty interpretation under Article 31 VCLT and removing aspects that do not reflect the common understanding of States Parties. Other key themes addressed in statements during this session included the important role of civil society in raising awareness of the importance of ATT implementation (Argentina), the importance of data collection to facilitate the identification and tracking of seized arms and ammunition (Brazil), and the links between arms transfers and corruption and the importance of factoring corruption considerations into arms transfers decisions under the ATT (Transparency International - Defence and Security)

TAKING STOCK OF THE ARMS TRADE TREATY

The discussion was introduced by the German Presidency, who gave a summary brief of the Taking Stock project. Germany had announced three main priorities for its Presidency during the ATT CSP8 cycle: one of those relates to stock-taking of what has been achieved and what remains to be done in the process of implementation of the ATT, with a special focus on States Parties' reporting. In this regard, Germany sponsored projects of three think tanks and civil society organizations – Control Arms, the Stockholm International Peace research Institute (SIPRI), and The Stimson Center. The key findings of the projects, their analyses and results, including recommendations for the States Parties of the ATT were presented during the event.

Dr. Andrea Edoardo Varisco, Director of the Arms Transfers Programme, and **Ms. Giovanna Maletta**, Researcher in the Dual-Use and Arms Trade Control Programme (SIPRI) presented on SIPRI's project 'The First Six Years – Taking Stock of the Arms Trade Treaty' focussed on five aspects of the ATT: scope, prohibitions and risk-assessment criteria, processes and forums, universalization, and implementation assistance. For each of those, main challenges were identified, including: alignment of the minimum categories of conventional arms covered by the ATT with the categories used in the United Nations Register of Conventional Arms (UNROCA) at the time of the treaty's entry into force; language ambiguities and difficulties in interpreting and applying key terms; the lack of political will and of relevant capacity to implement the ATT; and the lack of coordination of efforts. Targeted policy solutions were presented for each of these challenges.

Ms. Carina Solmirano (ATT Monitor) presented findings from its project *'The Arms Trade Treaty - Looking back to Move Ahead'* and research conducted on reports that were submitted between 2015 and 2019. Analysis was presented for each of the different categories the Monitor had looked at.

In the first five years of analysis, only 8 State Parties have fulfilled all the three categories: compliance with Art 13.3 on reporting obligations, compliance with the transparency aims and objectives of the ATT, and inclusion of additional information, which contributes to achieving a higher standard of transparency. The analysis presented a series of worrying trends, including declining rates of compliance with ATT reporting obligations and increasing rates of private reporting. The Monitor also presented on the main gaps that were identified in reported arms transfers: different interpretations of the scope of weapons covered by ATT; exclusion of arms transfers information based on national security or commercial sensitivity reasons; omission of arms transfers descriptions; an exclusion of certain arms transfers in publicly available ATT annual reports.

TAKING STOCK OF THE ARMS TRADE TREATY

Mr. Ryan Fletcher (Stimson Centre) presented its project: 'Taking Stock of ATT Reporting'. In taking stock of the first six years of ATT initial and annual reporting, three main transparency issues were presented: the lack of universal compliance with the treaty's initial and annual reporting requirements, the marked increase in the submission of private initial and annual reports, and the fact that insights provided by initial and annual reports are limited by information that is outdated, withheld or otherwise omitted, or aggregated. In a survey conducted by Stimson and SIPRI, nearly two-thirds of the 34 responding States Parties said they have faced challenges in preparing their ATT reports.

The survey also identified four types of challenges. First is a lack of awareness and understanding of ATT obligations; second are capacity and resource challenges; third are internal and bureaucratic challenges, and fourth are political and national security challenges. Steps proposed to overcome barriers to reporting include, among others, the employment of robust record-keeping and database management systems and practices for streamlined information sharing. Recommendations were also developed for WGTR, the ATT Secretariat, and other stakeholders, who were encouraged to undertake coordinated outreach and support a peer review processes as well as a comprehensive, public, and searchable database of report responses.

SIDE EVENTS

Launch of the Arms Trade Treaty National Point of Contact (NPC) Guidance Document

This side event was moderated by **Mr. Dumisani Dladla**, Head of the ATT Secretariat who helped contextualize the event by explaining that the **National Point of Contact (NPC) Guidance Document** was meant to help states and their NPC. Importantly, Article 5.6 of the Arms Trade Treaty calls for each state to provide a NPC yet the role of this individual is not always clear, so this document attempts to help bridge this gap. Finally the ATT Secretariat thanked the EU for funding this important project.

Mr. Michael Adamowicz of the EU stressed that aiding the ATT Secretariat is in line with the EU's policy to support multilateralism globally. Ms Elizabeth O'Brien, ATT Project Manager went into more detail about the content of the guidance document, stating that it was the first project conducted which was aimed at building capacity, increase knowledge and information for state parties regarding NPC. One major challenge that was uncovered through surveys with current NPCs was the high rate of staff turnovers related to NPCs and the lack of efficient knowledge transfer. Issues in the document are such as the NPC role and responsibilities, why the NPC was established, reporting requirements, record keeping and relation to national control systems and others.

Launch of the Arms Trade Treaty National Point of Contact (NPC) Guidance Document

Mr. Graham Hubands, the NPC of Barbados discussed his experience starting the position last year and being thrown into a role without clear guidance, showing why the guidance document is crucial. He agreed with the challenge of having the position of the NPC changed and explained the importance of new NPCs to be identified quickly and briefed correctly so the transition is smooth.

Mr Johnson Asante-Twum, the NPC of Ghana described a slightly different perspective, beginning from the start of the ATT process but explaining how implementation was completely different than the negotiation stages, and helpful material such as the guidance documents was crucial. The NPC is an individual that many different stakeholders will go to regarding arms trade, including high ranking politicians and generals, so these people need to be knowledgeable and effective in communicating the different aspects of the ATT. **Mr. Dumisani Dladla** conducted a short Q&A and concluded with three points:

- This document helps demystify of the understanding of this role and show practically what an NPC does
- This is part of a long term view in relation to implementation and stakeholders, not something that is done overnight but needs clearly set milestones.
- This is not one activity in a vacuum but part of other activities that the ATT Secretariat with its partners are currently working on which will come in the next months and years to support states in implementing the ATT.

Rounding out risk assessment under the ATT: Factoring in Corruption and Exploring Export Reassessment Practices

Paul Holton introduced the panel members and the object and purpose of the session.

Roy Isbister (Saferworld) introduced Saferworld and acknowledged funders. He then focused on the art. 7.7 ATT, how licenses can be reassessed post-facto if newly discovered facts or data emerge once the license has been formally granted.

This means that the responsibility of exporting states does not end with the licensing act, but rather extends afterwards. In this regard they conducted a study based on data from State Parties initial reports, expert meetings and pitching fictional scenarios to experts, with a view of evaluating reassessments in practice.

Rounding out risk assessment under the ATT: Factoring in Corruption and Exploring Export Reassessment Practices

Data showed that only 75% of the respondents had formal avenues to implement reassessments, while the rest did either not respond or not had them. From the respondents that gave positive responses, it emerged that there was a high degree of variety in their legal interpretations of art 7.7 ATT, which suggested the need for further work to achieve normative clarity. State practice was equally varied with assessments meaning in some cases suspensions, in other revocations, the decisions employing different sources of information, some states consulting importers, some some not doing so. These variations in practice merited further discussion.

Martin Krueger (Ministry for European and International Affairs, Austria) elaborated on the relevant legal framework of Austria, which was governed by the War Material Act and the Fine Trade Act (the later covering firearms not included in the former). Licences last only one year, which impacts reassessments in practice, since those naturally need to happen within that yearly lifecycle. Therefore, reassessments implies revocation, which can then in turn either be accepted, or re-applied for through a legal challenge that leads to a fully new assessment. The reassessment has happened in the past and there is a toolkit in place to do it, having been applied to some transit and exporting licenses.

Ara Marcel Narval (TI - DS) discussed the definition of corruption employed by TI-DS and elaborate on the role of kickbacks and price increases on arms sales, as well as on the role of corruption in the forging of end-user certificates or the procurement or unnecessary/unfit military equipment or revolving door issues. Corruption could manifest either as a supply-side phenomena, due to poor governance and resilience, requiring increased regulations around issues such as offsets and beneficial ownership, both requiring higher due diligence. On the recipient side, key issues include the lack of information on arms procurement due to national security interest considerations, along with patronage in domestic military procurement. In both issues lack of information on military expenditure is fundamental.

Maj. Laurentius Wedeniwski (German Armed Forces Verification Center) recalled his approach to verification which leans towards documentary and record keeping analysis as ways to complement and obtain sometimes more relevant data than via on-site inspections only. He discussed how in practice systems of checks and balances to control stocks are not very onerous for States to implement.

SIDE EVENTS

Operational systems and procedures are fundamental to combat corruption, and they must be designed from the ground up with this feature in mind. Although corruption cannot be entirely avoided, it can be mitigated through these measures which are key. A debate was conducted on how to communicate denials as the result of a reassessment. Similarly, the actual implementation of reassessments in the context of the war in Ukraine and the Arab Spring and the high corruption risks associated with high-volume MCW programmes were discussed. There was also debate surrounding the methodologies employed by TI to create their indexes, and how it is evaluated whether the procured equipment by an importing state matches their needs and capabilities or not. Additional measures arising as a result of a reassessment besides suspension or revocation were also discussed.

Addressing the increasing links between arms trafficking and other forms of organized crime



The event was organized by Mexico and Global Initiative Against Transnational Organized Crime. The event discussed how Illicit arms trafficking facilitates conflict, crime and violence and also contributes to a range of other security issues including drug trafficking, kidnapping, oil theft, and other criminal activities. Then **Global Initiative Against Transnational Organized Crime** presented compelling research which indicates that firearms are present in over 54% of homicides committed worldwide. When linked with drug trafficking, it was found that profits from the drug trade finance the illicit arms trade and enable an “arms race” between rival criminal groups.

When looking at assassinations, 71% of all assassinations which took place worldwide were committed with firearms. This type of violence is most prevalent in Latin American (37% of all assassinations) and Asia (33%).

SIDE EVENTS

Ms. Simonetta Grassi (UNODC) addressed the increasing links between arms trafficking and other forms of organized crime. Ms. Grassi, reaffirming the findings presented by the Global Initiative, mentioned that a study conducted with UNIDIR found that in the GRULAC region more than half of homicides are performed with firearms. She also outlined practical solutions including:

- The improvement of weapons registration and license of users
- enhancement stockpile management to avoid leaks to the illicit market;
- promotion of a global arms registry using blockchain or another indelible unique recording system for all guns;
- enhancing accountability to all countries involved in gun trafficking rings; and
- generating granular knowledge of illicit firearms and other criminal markets among law enforcement and state actors.

The panel ended with a presentation by **Florence Foster**, Representative for Peace and Disarmament, Quaker United Nations Office who stressed the responsibility of industry actors involved in the arms trade to ensure that the arms they produce do not end up in the hands of criminal groups. She clarified that this has to go beyond manufacturers and include all actors involved in the transfer chain. In this regard she referred to the principles of business and human rights which note that even in cases where States do not fulfil their obligations, business enterprises are expected to respect human rights.

Lastly, **Florence Foster** also noted that states and industry need to go beyond what is legally required in national, international and regional frameworks and must apply the principles of due diligence to all transfers.

Out of the Shadows: Addressing the Gendered Impacts of Urban Violence Through the Arms Trade Treaty

Organized by UNIDIR, Pathfinders, GENSAC, Canada, Panama, Mexico and the Geneva Cities Hub and held virtually, this event addressed how the ATT provisions related to gender and gender-based (GBV) violence applies to non-conflict settings. In particular, it discussed how the ATT and other conventional arms control instruments and frameworks could be leveraged to tackle this problem in urban violence settings. Topics such as the gendered impacts of armed violence in urban settings, as well as responses at multilateral, national and local levels to tackle GBV in urban contexts and good practices among states at national and local levels to address GBV through arms control policies were discussed.