

CHAPTER 4: ATT MONITOR RISK WATCH – IDENTIFYING CONTEXTS OF CONCERN

Risk Watch is a tool developed by the ATT Monitor that seeks to promote well-informed decisions about arms transfers through the gathering and synthesizing of information on risks identified in the Arms Trade Treaty (ATT). The methodology for this tool was outlined in the ATT Monitor Annual Report 2016 (See Box 8).¹ The ATT Monitor project team continues to invite feedback and input into how to develop this methodology further.

BOX 8: THE RISK WATCH METHODOLOGY IN BRIEF

The ATT Monitor *Risk Watch* tool will carry out in-depth information gathering relating to risks identified in the ATT. This will involve a systematic review of a wide range of public-domain sources including those produced by the United Nations (UN), the International Committee of the Red Cross (ICRC) and CSOs such as Amnesty International and Human Rights Watch. The data will be used to create risk profiles, which will be made available online. Initially focused on a limited number of contexts, the Risk Watch tool is expected to increase its global spread over the coming years in order to better inform decisions about transfer decision-making and analysis of licensing practices.

As stated in last year's report, the Risk Watch tool will initially focus its detailed information gathering on a limited number of contexts. In 2016 the ATT Monitor project team held consultations with experts from state institutions and civil society in order to develop the methodology further. One key recommendation from these discussions was that the selection of initial case studies should not be made on a subjective basis. Risk Watch should seek to balance the identification of particularly urgent contexts with the added value to licensing officials of highlighting less high-profile cases. It was recommended that the ATT Monitor project team should develop a typology of contexts in which the ATT would be relevant, and that this be used as the basis for selection of contexts for more in-depth research.

The ATT seeks to reduce human suffering caused by the proliferation and misuse of conventional weapons. It specifies a range of contexts in which arms transfers are prohibited, including genocide, crimes against humanity and war crimes (Article 6: Prohibitions). The Treaty also identifies a set of risk-assessment criteria that States Parties should take into account when considering a prospective export (Article 7: Export and Export Assessment and Article 11: Diversion). These are:

- International humanitarian law violations
- International human rights law violations
- Terrorism
- Transnational organized crime
- Gender-based violence
- Diversion.

These acts can be perpetrated in a wide range of contexts and the ATT is therefore concerned with regulating arms transfers that could be used to fuel a broad continuum of acts, from domestic violence to full-scale armed conflict.²

The ATT Monitor project team has developed a typology of contexts that seeks to reflect the many ways in which arms and ammunition could be misused as envisaged by the Treaty. This typology will inform the selection of cases that will be the focus of the more detailed information gathering on ATT-related risks as part of the Risk Watch tool. It does not represent a recommendation of practice that ATT States Parties should follow when conducting a thorough risk assessment.

TYOLOGY

The typology that has been developed by the ATT Monitor is drawn from conceptual work produced by the Small Arms Survey, the World Health Organization (WHO), the ICRC, the World Bank and the Organization for Economic Co-operation and Development (OECD), among others, to develop categorizations of armed conflict and armed violence.³

1 Control Arms Secretariat (2016). 'ATT Monitor 2016'. New York. 22 August 2016. Chapter 2.2. pp. 52–63.

2 Amnesty International and International Action Network on Small Arms (2011). 'How an Arms Trade Treaty can help prevent Armed Violence'. London: Amnesty International and International Action Network on Small Arms. www.iansa.org/system/files/ArmsTradeTreaty-Web.pdf

3 Armed violence being 'the use or threatened use of weapons to inflict injury, death or psychosocial harm, which undermines development'. Organization for Economic Co-operation and Development (OECD) (2009). 'Armed Violence Reduction: Enabling Development'. Paris: OECD. p.21. Key sources that informed this work include the following. Vite, S. (2009). 'Typology of armed conflicts in international humanitarian law: legal concepts and actual situations'. International Review of the Red Cross, 91(873). March 2009. Krause, K. and Muggah, R. (N.D.). 'Background Note 1: Measuring the Scale and Distribution of Armed Violence'. Geneva: Small Arms Survey. www.genevadeclaration.org/fileadmin/docs/regional-publications/Measuring-the-Scale-and-Distribution-of-Armed-Violence.pdf; World Bank (2005). 'Conflict Analysis Framework (CAF)'. Draft, 11 April 2005. World Health Organization (WHO) (2002). 'World Report on Violence and Health'. Geneva: WHO. www.who.int/violence_injury_prevention/violence/world_report/en/

Much of the existing definitional work seeks to categorize the different drivers of armed violence. However, the demarcation between different root motivations for violence may be conceptually clear but is often less so in reality. For example, an armed group engaged in criminal and trafficking activities may be economically motivated, but its profits can also fuel activities intended to further a political goal based around a group identity. The Risk Watch typology focuses on capturing a broad range of contexts in which weapons may be misused, and the armed actors that may be responsible for such misuse.⁴ The four categories used to select contexts for further investigation are:

- **Individual:** Violence that is not intended to further the aims of any formally defined group or cause. Largely perpetrated by individuals and not organized, it may take place between family members and intimate partners, between acquaintances or strangers at a community level, and/or may be economic in motivation.⁵
- **Group:** Collective violence, defined as 'the instrumental use of violence by people who identify themselves as members of a group – whether this group is transitory or has a more permanent identity – against another group or set of individuals, in order to achieve political, economic or social objectives.'⁶
- **Institutional:** State-led violence, including 'unlawful or disproportionately violent law enforcement, elimination of political rivals and supporters, torture and support to human-rights-abusing 'civilian defence' militias.'⁷ More broadly, institutional violence covers state-led or state-supported perpetration of human-rights abuses or the repression of civil liberties.
- **Conflict:** Ongoing state of armed conflict, which can be international or internal. Armed conflict has been defined as 'whenever there is a resort to armed force between States or protracted armed violence between governmental authorities and organized armed groups or between such groups within a State.'⁸



OSCE SPECIAL MONITORING
MISSION MONITORING THE
MOVEMENT OF HEAVY WEAPONRY
IN EASTERN UKRAINE.

CREDIT: © CC BY 2.0 OSCE

4 The ATT Monitor will carry out detailed information gathering on all ATT risks for selected contexts, addressing all armed actors as potential recipients of arms. Information gathering will not be limited to the specific violence type for which they were highlighted through this process as being of concern.

5 Definition developed from WHO (2004). 'The economic dimensions of interpersonal violence.' Geneva: WHO. p. 4. <http://apps.who.int/iris/bitstream/10665/42944/1/9241591609.pdf>; and Chaudhary, T. W. and Suhrke, A. (2008). 'Postwar Violence.' Geneva: Small Arms Survey. Cited in OECD (2009). 'Armed Violence Reduction: Enabling Development'. p. 41.

6 WHO (2002). 'World Report on Violence and Health.' Geneva: WHO. Chapter 8: 'Collective Violence'. p. 215. www.who.int/violence_injury_prevention/violence/global_campaign/en/chap8.pdf

7 Chaudhary, T. W. and Suhrke, A. (2008). 'Postwar Violence.' Geneva: Small Arms Survey. Cited in OECD (2009). 'Armed Violence Reduction: Enabling Development'. p. 41.

8 International Criminal Tribunal for the Former Yugoslavia, Prosecutor v Dusko Tadic, cited in Bellal, A. (ed.) (2015). 'The War Report: Armed Conflict in 2014'. Geneva Academy and Oxford University Press. p. 9.

BOX 9: INDIVIDUAL VIOLENCE

Individual violence refers to violence largely perpetrated by individual actors that is not intended to further the aims of any formally defined group or cause. The following are examples of some of the sources used to highlight contexts of concern for individual violence.⁹

Intentional homicide is one the most impactful forms of individual violence, and is often linked to criminal activities or interpersonal violence. It is defined as the 'unlawful death purposefully inflicted on a person by another person.'¹⁰ The Small Arms Survey Database on Violent Deaths tracks homicide rates around the world, within and outside of armed conflict. The primary sources for this is data provided by the UN Office of Drugs and Crime (UNODC) as well as the WHO, and regional or national authorities. Data collection in some regions is inconsistent and intentional homicide rates may therefore be underrepresented for these; for example, for sub-Saharan Africa.

In 2015, the most recent year for which data is available, the countries with the highest rate of violent deaths outside of armed conflict were (in alphabetical order): Belize, El Salvador, Guatemala, Honduras, Jamaica, Lesotho, Saint Kitts and Nevis, South Africa, Swaziland and Venezuela.¹¹

Intimate partner violence refers to physical, psychological and sexual violence within an intimate relationship.¹² Although it does not always involve the use of arms, it is a core component of gender-based violence.¹³ As part of its minimum set of gender statistics, the UN Statistics Division provides snapshots of intimate partner violence around the world, based on reporting by the WHO and national health authorities.

Bangladesh, Cameroon, Equatorial Guinea, Gabon, Rwanda, Tanzania, Timor-Leste and Uganda (alphabetically) are among the countries in which more than 30 per cent of women aged 15–49 have been subjected to intimate partner violence in the year for which data was most recently available.¹⁴

Failure to provide effective rule of law can create a culture of impunity for perpetrators of violence, and so an inability to provide effective and impartial criminal justice can be seen as an indicator of vulnerability to future violence. The World Justice Project (WJP) assesses the **effectiveness of criminal justice systems** around the world. The countries highlighted as concerning by this methodology in 2016 are (in alphabetical order): Afghanistan, Bolivia, Guatemala, Honduras, Liberia, Mexico, Panama and Venezuela.¹⁵

9 The countries named in this chapter as being highlighted as of particular concern by any of the sources described here are not being indicated as case studies at this point. They are intended to be illustrative of how the sources used by Risk Watch will help inform the identification of suitable case studies.

10 United Nations Office of Drugs and Crime (UNODC) (2013). 'Global Study on Homicide'. Vienna: UNODC. p. 9 https://www.unodc.org/documents/gsh/pdfs/2014_GLOBAL_HOMICIDE_BOOK_web.pdf

11 Countries where there were 30 or more intentional homicides per 100,000 people (without an armed conflict between 2010 and 2015). Small Arms Survey (N.D.). 'Interactive Maps and Charts of Armed Violence Indicators'. Geneva: Small Arms Survey. www.smallarmssurvey.org/tools/interactive-map-charts-on-armed-violence.html.

12 WHO (2004). 'Handbook for the documentation of interpersonal violence prevention programmes'. Geneva: WHO. p. 6. <http://apps.who.int/iris/bitstream/10665/42856/1/9241546395.pdf>

13 See Women's International League for Peace & Freedom (2016). 'Preventing gender-based violence through arms control'. Webinar. wilpf.org/events/webinar-preventing-gender-based-violence-through-arms-control/

14 Countries for which the most recent data is within the last five available years. It remains challenging to gather comprehensive data on intimate-partner violence around the world, and the UN recognizes that, of its minimum set of gender indicators, there is particularly low data availability on this critical issue. Percentage of ever-partnered women (aged 15–49) subjected to physical and/or sexual violence by a current or former intimate partner in the last 12 months, 2010–14. UN Statistics Division (N.D.). 'Minimum set of gender indicators'. <https://genderstats.un.org/#/indicators>

15 Countries scoring less than 0.3 for 'Effectiveness of criminal justice systems'. The World Justice Project (WJP) gives countries a score between 1 (being the highest) and 0 (the lowest) for each criteria. WJP (2016). 'Rule of Law Index 2016'. p. 43. https://worldjusticeproject.org/sites/default/files/documents/RoLI_Final-Digital_0.pdf



CHILDREN STARE AT THE REMNANT OF A MORTAR PROJECTILE RECENTLY ABANDONED IN THE ALABASSI CAMP FOR INTERNALLY DISPLACED PEOPLE (IDP), IN MELLIT, NORTH DARFUR FOLLOWING CLASHES IN EARLY MARCH

CREDIT: © PHOTO BY ALBERT GONZALEZ FARRAN, UNAMID CC BY-NC-ND 2.0

Each violence category also captures different groups of armed actors (see Table 4.1).

These categories may be interdependent, overlapping or present simultaneously. Taken together, they cover a wide range of violent contexts. The ATT is additionally concerned with export risks stemming from diversion and this typology will be expanded following further consultations to include diversion risks, based on indicators such as membership of export-control regimes, implementation of firearms legislation, levels of corruption in security forces, stockpile management and security, transparency in the arms trade and proximity to countries under embargoes or fighting armed conflict.

Table 4.1: Categories of Violence and Relevant Actors

Category	Description	Actors typically involved
Individual	Domestic or community violence	Civilian
Group	Collective violence	Non-state armed groups
Institutional	State-perpetrated violence	State security forces
Conflict	Intense political violence	Military forces Non-state armed groups

The four categories also correlate broadly to different items of military equipment that might be at risk of misuse. For example, individual violence would more likely involve the use of guns and other small arms, as opposed to battle tanks or warships, and would therefore be linked most closely to Item 2(h) of the ATT's Scope (Small Arms and Light Weapons- SALW). Table 4.2 matches categories of violence, armed actors and primary relevant scope of the ATT. As most arms and ammunition could be used in any of these categories of violence, the ATT Monitor will look for information on patterns of violations relating to all weapon types.

Table 4.2: Categories of Violence and Relevant Military Items under Article 2.1 of the ATT

Category	Description	Actors typically involved
Individual	Civilian	H (Specifically Small Arms)
Group	Armed groups	B (Armoured combat vehicles) C (Large-calibre artillery systems) G (Missiles and missile launchers) H (SALW)
Institutional	Police & internal security forces	B (Armoured combat vehicles) H (Specifically Small Arms)
Conflict	Military forces, Armed groups	All

BOX 10: GROUP VIOLENCE

Group violence is carried out by people who carry out collective violence in order to further political, economic or social objectives. The following are examples of some of the sources used to highlight contexts of concern for group violence.

The Global Terrorism Index is one indicator of violence by armed groups. It documents the threatened or actual use of illegal force and violence by a non-state actor that is aimed at achieving a stated political, economic, religious or social goal through fear, coercion, or intimidation. Countries most highly impacted by such acts of **terrorism** in 2015 – the most recent year for which data is available at the time of writing – were (in alphabetical order): Afghanistan, Cameroon, Egypt, India, Iraq, Libya, Nigeria, Pakistan, Philippines, Somalia, Syria, Ukraine and Yemen.¹⁶

Another indicator of vulnerability to group violence is the existence of **group grievances**. This is where the state's ability to provide security is undermined by increasing tension and violence between groups, linked to pressures such as high discrimination and sense of powerlessness, and sectarian, ethnic, communal or religious violence. The Fragile States Index measures the existence and extent of 'group grievances'.¹⁷ In 2016, the countries with the highest level of group grievances were (in alphabetical order): Democratic Republic of Congo, Iraq, Israel, Myanmar, Pakistan, South Sudan, Sudan and Syria.¹⁸

The UN Office on Genocide Prevention and the Responsibility to Protect issues early-warning public statements when it has particular concerns about the possibility of **atrocities crimes**.¹⁹ In 2016 and the first five calendar months of 2017, the office issued statements relating to 11 contexts, including Burundi, Central African Republic, The Gambia, Iraq, Philippines and South Sudan.²⁰

CONTEXT SELECTION

In order to identify key emerging and ongoing contexts of concern, the ATT Monitor will assess the existence and likelihood of each category of violence. This will be done through reference to existing databases and regularly updated reporting mechanisms produced by the United Nations and civil society organizations (See Annex 3). This list of resources is not exhaustive and the ATT Monitor welcomes suggestions of additional sources.

These sources were selected to help identify key and emerging contexts of concern for further evidence gathering. They comprise expert public-domain authorities that ATT States Parties should consult as part of their own, more comprehensive risk assessments. *Risk Watch* uses only open-source material made freely available and in the public domain. However, in order to carry out a comprehensive risk assessment, States Parties will be expected to incorporate information from a greater range of sources, including paid-for sources that may provide additional guidance, such as political-risk analysis and specialized military publications, in addition to their own analytical, diplomatic and intelligence sources.

Contexts will be assessed across a wide range of expert sources. They will receive a score each time they are identified by a source as being of risk for a particular indicator. The term 'indicator' here refers to any characteristic that may be seen as illustrative of either the existence or likelihood of a particular violence category (for example, high rates of terrorism as an indicator of the existence of group violence, or weak legal frameworks regulating gang membership as an indicator of likelihood of individual violence).²¹ This process is intended to capture outliers of behaviour (for example, the 25 countries ranked in the highest category of concern in the Early Warning Project's risk assessments for genocide and mass atrocities).²² The sources used here are not weighted against each other. They are aggregated to identify contexts that have been flagged up across a range of resources.

16 Countries scoring above 7 out of 10 for impact of terrorism in 2015. Countries are scored for the impact of terrorism from 0 to 10, with 10 being highest impact of terrorism. Institute for Economics & Peace (2016). 'Global Terrorism Index 2016'. <http://economicsandpeace.org/wp-content/uploads/2016/11/Global-Terrorism-Index-2016.2.pdf>

17 Fund for Peace (N.D.). 'The Fragile States Index: The Indicators'. <http://fsi.fundforpeace.org>

18 Countries scoring more than 9.5 out of 10. Countries are scored between 0 and 10, with 10 being the highest score.

19 Genocide, war crimes, ethnic cleansing and crimes against humanity, as well as their incitement. These acts may be committed by state forces as well as non-state armed groups.

20 United Nations Office on Genocide Prevention and the Responsibility to Protect (N.D.). 'Public Statements: 2016'. www.un.org/en/genocideprevention/2016.html

21 It can be noted here that there is significant overlap with the global Sustainable Development Goal indicators that were agreed in March 2017. See, for example, indicator 16.1.1 (Number of victims of international homicide per 100,000 population, by sex and age), or indicator 16.1.3 (Proportion of population subjected to physical, psychological or sexual violence in the previous 12 months). 'Report of the Inter-Agency and Expert Group on Sustainable Development Goal Indicators (E/CN.3/2017/2)'. March 2017. <https://unstats.un.org/sdgs/indicators/indicators-list/>

22 Not all data sources cover all countries and so aggregate scores are based on available data only. In order to facilitate comparisons, all selected sources have a global mandate and do not solely gather data on a regional or national basis.

The ATT Monitor project team will review shortlisted contexts and seek to balance identification of case studies across several factors, including their geographical location, their relevance to the ATT and the arms trade, and whether the context is under UN or multilateral arms embargo. Membership and effective implementation of relevant international instruments will also be considered.²³ Selection will also attempt to be forward-looking, reflecting the trajectory of armed violence in any given context. When conducting a thorough risk assessment, it is critical that States Parties are forward-looking in their approach and consider the possibility of negative consequences from any transfer that may arise in

the foreseeable future, particularly considering the longevity and proliferation patterns of arms and ammunition.²⁴

Risk Watch is not intended to represent a 'blacklist' of specific contexts or a ranking of risk profiles, but will be a dynamic reflection of urgent and emerging risks around the world. It should not necessarily be assumed that a context not being selected signifies any lesser degree of risk present among end-users there. Nor should those contexts that are selected through this initial process be regarded as definitively the 'worst'. Rather, they are intended to represent a cross-section of different ATT-related risks. Resources permitting, this tool will be progressively scaled-up to include more contexts.

BOX 11: INSTITUTIONAL VIOLENCE

Institutional violence refers to human-rights abuses perpetrated or sanctioned by the state and criminal behaviour by armed forces acting on behalf of the government. Many civil society organizations monitor and assess different aspects of institutional violence.

The Political Terror Scale (PTS) assesses state-led **human rights abuses** documented by Amnesty International, Human Rights Watch and the US State Department.²⁵ The PTS focuses on capturing reports of state-perpetrated violence, but recognizes that many places of high concern will also see widespread violations of human rights by non-state actors. Each country is given a score of one to five for each of the three data sources, with a score of five meaning that 'Terror has expanded to the whole population. The leaders of these societies place no limits on the means or thoroughness with which they pursue personal or ideological goals'. The countries given the highest cumulative scores by the PTS in 2015 were (in alphabetical order): Afghanistan, Eritrea, Iraq, North Korea, South Sudan, Sudan, Syria and Yemen.²⁶

Reporters Without Borders produces an annual index of global press freedoms. Within that it tallies abuses and **violence against journalists** and media outlets in each country, questioning the extent to which journalists face torture, corporal punishment, imprisonment or the death penalty in their work, and if national authorities effectively punish those guilty of attacks against them.²⁷ Freedom of the press is an important indicator of a governing authority's attitude towards protection of fundamental freedoms, and thus, of their propensity to commit serious human rights abuses, including with arms.²⁸ The countries highlighted by this index in 2017 were (in alphabetical order): Afghanistan, China, Egypt, Eritrea, Iran, Iraq, Mexico, Syria, Turkey and Vietnam.²⁹

The World Internal Security and Police Index measures the ability of police and internal security forces to address internal security issues, including their legitimacy.³⁰ Countries highlighted as being of particular concern in the most recent set of data included (in alphabetical order): Bangladesh, Cameroon, Democratic Republic of Congo, Ethiopia, Honduras, Kenya, Mexico, Mozambique, Nigeria, Pakistan, Sierra Leone, Uganda and Venezuela.³¹

23 This would include legal and political arms-control initiatives such as the UN Programme of Action on Small Arms and Light Weapons, the UN Firearms Protocol, the Convention on Transnational Organized Crime or the Basic Principles on the Use of Force and Firearms by Law Enforcement Officers, as well as relevant human rights instruments. See Control Arms Secretariat (2016). 'ATT Monitor 2016'. New York, 22 August 2016. Chapter 2.2, pp. 52–63.

24 Saferworld (2016). 'Implementing the ATT: Essential elements of an effective arms transfer control system'. London: Saferworld, p.11. www.saferworld.org.uk/resources/view-resource/1081-implementing-the-att-essential-elements-of-an-effective-arms-transfer-control-system

25 The Political Terror Scale. www.politicalterroryscale.org/Data/Download.html

26 Scoring 15 or 14 overall, the highest available scores. The Political Terror Scale. www.politicalterroryscale.org/Data/Download.html

27 Reporters Without Borders (2017). 'Questionnaire in English'. <https://rsf.org/en/detailed-methodology>

28 See global indicators 16.10.1 and 16.10.2 for Target 16.10 of the Sustainable Development Goals, to 'Ensure public access to information and protect fundamental freedoms, in accordance with national and international agreements'. 'Report of the Inter-Agency and Expert Group on Sustainable Development Goal Indicators (E/CN.3/2017/2)'. March 2017. <https://unstats.un.org/sdgs/indicators/indicators-list/>

29 The ten countries with the highest score for abuse and violence against journalists. Countries are given scores between 0 and 100, with 100 being the worst. Reporters Without Borders (2017). 'World Press Freedom Index 2017'. <https://rsf.org/en/ranking/2017>

30 International Police Science Association and The Institute for Economics and Peace (N.D.). 'World Internal Security and Police Index'. <http://wispindex.org/#>

31 The World Internal Security and Police Index scores all countries between 0 and 1, with 0 being the worst score. Forty-four countries scored less than 0.5, but only 13 scored 0.4 or lower.

BOX 12: CONFLICT VIOLENCE

This category covers ongoing inter-state or intra-state armed conflicts.

Several authoritative civil society sources assess the existence and intensity of armed conflict, among them the Uppsala Conflict Data Programme,³² and the International Institute for Strategic Studies' Armed Conflict Database (ACD).

Among the 12 countries where **high-intensity armed conflict** was recorded in 2017 by the ACD, were (in alphabetical order): Afghanistan, Iraq, Libya, South Sudan, Syria and Yemen.³³

Each year, the UN secretary-general issues a report on **conflict-related sexual violence**. In the most recent report, in April 2017, 19 country situations were highlighted for which credible evidence was available. These included Central African Republic, Democratic Republic of Congo, Iraq, Myanmar, Syria, South Sudan and Yemen.³⁴

It is notable that there were no arms transfers reported by ATT States Parties in their Annual Reports for 2015 to several of the countries of concern for conflict violence highlighted here, including South Sudan, Myanmar, Somalia or Sudan. However, in several of the other aforementioned contexts States Parties have continued to provide arms and ammunition, in some cases violating the ATT's obligations in doing so.



**UN MISSION IN SOUTH
SUDAN ON PATROL IN
WEAPONS FREE ZONE.**

CREDIT: © UNMISS
(CC BY-NC-ND 2.0)

32 Uppsala Conflict Data Programme (N.D). <http://ucdp.uu.se/#/exploratory>

33 International Institute for Strategic Studies (N.D.). 'Armed Conflict Database' <https://acd.iiss.org/en/conflicts>

34 United Nations Security Council (2017). 'Report of the Secretary-General on conflict-related sexual violence'. 15 April 2017. www.un.org/ga/search/view_doc.asp?symbol=S/2017/249