

STATE OF THE ARMS TRADE TREATY: A YEAR IN REVIEW JUNE 2019-MAY 2020

This review covers the period between 1 June 2019 and 31 May 2020, up to and including the deadline for submission of the Arms Trade Treaty (ATT) annual reports.¹ It explores some of the key events and milestones during the past year and assesses their impact on the overall performance of States Parties to the Treaty regarding universalization and compliance.

This review takes stock of an unusual year for all multilateral diplomacy processes, all of which have been affected by the COVID-19 pandemic, including the ATT. With this impact in mind, this section first takes stock of ATT universalization and implementation efforts around the world during the above-mentioned period. It then considers the decisions and outputs of the Working Group on Treaty Universalization (WGTU), the Working Group on Transparency and Reporting (WGTR) and the Working Group on Effective Treaty Implementation (WGETI), which includes three sub-working groups on Articles 6 and 7, diversion and transit and trans-shipment, the latter of which is newly established this year to replace the sub-working group on general implementation. Finally, the review looks at compliance with the ATT's core provisions and assesses whether the cumulative actions of ATT stakeholders contributed to the Treaty's objective of reducing human suffering.

ATT COMPLIANCE AND COVID-19

Preliminary analysis of ATT reports submitted between June 2019 and May 2020 show that challenges raised by COVID-19 may have affected some States Parties' ability to submit reports on time this year.

However, the geographic and systemic diversity of those that were able to report by the deadline demonstrates that lack of political will likely remains the largest impediment to ATT reporting. Ongoing analysis of reporting trends, including the worrying increase in reports not being made public, will need to be further examined in a non-COVID year to determine if there is in fact a continued trend towards less transparency in this regard.

Similarly, the work cycle of the Sixth Conference of States Parties (CSP6) proceeded differently than those in previous years. In March 2020, Ambassador Carlos Foradori of Argentina,

President of CSP6, announced the cancellation of the second ATT Working Group and Informal Preparatory meetings. Analysis and summaries presented below account for the changes in this year's cycle, which will need to be considered when conducting analysis over time.

UNIVERSALIZATION AND IMPLEMENTATION

As of 31 May 2020, 106 countries were listed as States Parties by the ATT Secretariat, accounting for more than half (55 per cent) of all United Nations (UN) member states. A further 32 were Signatories.

Four countries became States Parties to the ATT between 1 June 2019 and 31 May 2020. Botswana, Canada and the Maldives acceded, and Namibia ratified the Treaty. This marks a 43 per cent drop in new membership when compared to last year² and closely matches the universalization rate of 2017-2018.³

The pace of new membership to any treaty will eventually slow over time. However, this year's analysis shows a notable decrease in universalization progress and a return to the downward trend reported by the ATT Monitor prior to the sharp increase in States Parties recorded in last year's analysis.

Even with new members, the geographic spread of States Parties remains uneven (see map). As of 31 May 2020, the regions with the lowest number of ATT States Parties were Africa (27 of 54 countries), Asia (eight of 14) and Oceania (five of 14). Europe (39 of 43 countries) and the Americas (26 of 35) have greater regional proportionality of States Parties.⁴

The ATT continues to enjoy particularly strong support among certain sub-regional blocs, such as:

- The European Union (EU), all of whose members are States Parties.
- The Economic Community of West African States (ECOWAS), with 14 of 15 members (93 per cent) being States Parties.
- The Caribbean Community (CARICOM), with 12 of 15 members (80 per cent) being States Parties.⁵

1 States Parties are granted a seven-day grace period by the ATT Secretariat to submit their reports, creating a de facto deadline of 7 June each year.

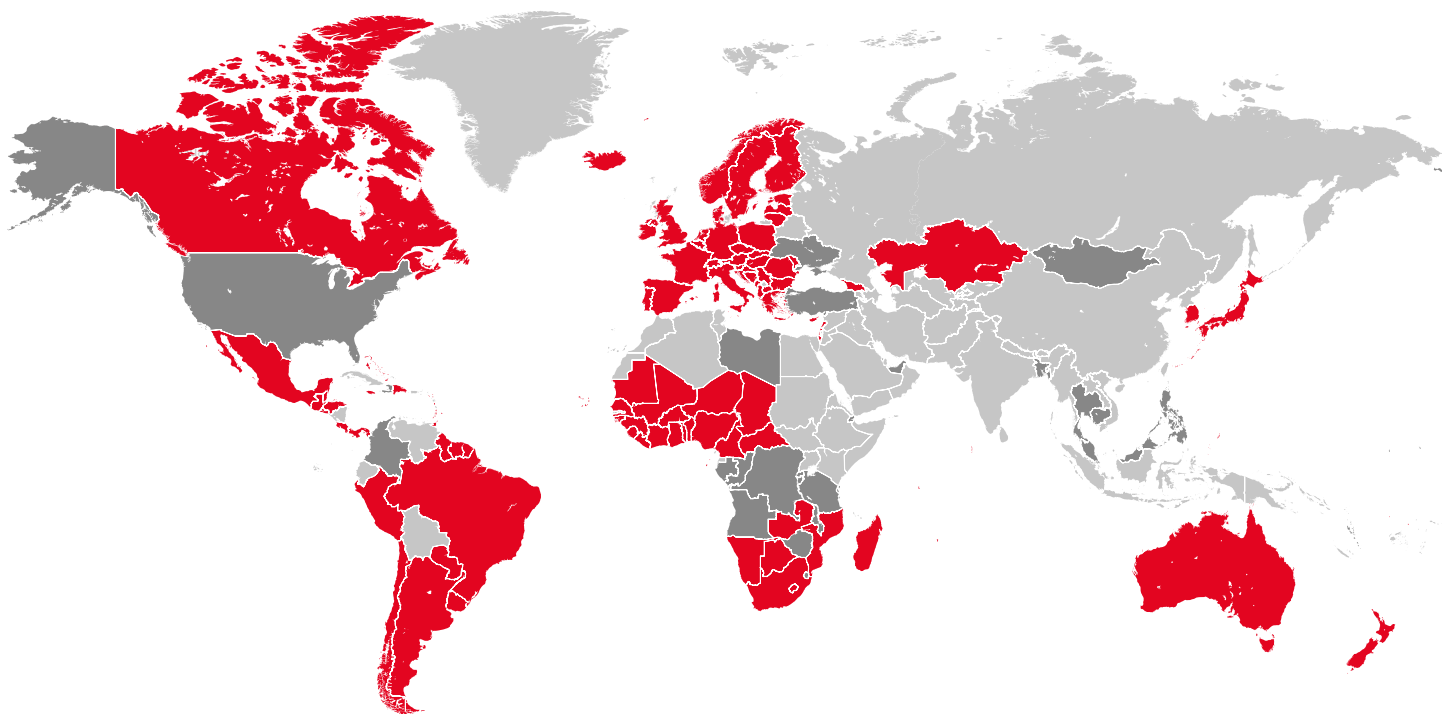
2 Between 7 June 2018 and 31 May 2019, seven countries ratified the ATT. See Control Arms Secretariat (2019). 'ATT Monitor 2019'. 26 August 2019. <https://attmonitor.org/en/the-2019-report/>, p. 9.

3 Between 7 June 2017 and 31 May 2018, one country ratified and two acceded to the ATT. See ATT Secretariat (2019). 'Treaty Status'. <https://thearmstradetreaty.org/treaty-status.html?templateId=209883>.

4 Analysis is based on UN Statistics Division regional groupings. <https://unstats.un.org/unsd/methodology/m49/>.

5 CARICOM (N.D.). 'Membership'. <http://caricom.org/membership>. One of the members of CARICOM, Montserrat, is not a UN member state and so is not a State Party to the ATT.

MAP OF STATUS OF RATIFICATIONS AND STATES PARTIES (AS OF 31 MAY 2020)



● 106

RATIFIED/ACCEDED: Albania, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Barbados, Belgium, Belize, Bosnia and Herzegovina, Botswana*, Brazil, Benin, Bulgaria, Burkina Faso, Cameroon, Canada*, Cape Verde, Central African Republic, Chad, Chile, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Dominica, Dominican Republic, El Salvador, Estonia, Finland, France, Germany, Georgia, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Honduras, Hungary, Iceland, Ireland, Italy, Jamaica, Japan, Kazakhstan, Latvia, Lebanon, Lesotho, Liberia, Liechtenstein, Lithuania, Luxembourg, Macedonia, Madagascar, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Moldova, Monaco, Montenegro, Mozambique, Namibia, Netherlands, New Zealand, Niger, Nigeria, Norway, Palau, State of Palestine, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Romania, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Senegal, Serbia, Seychelles, Sierra Leone, Slovakia, Slovenia, South Africa, Spain, Suriname, Sweden, Switzerland, Togo, Trinidad and Tobago, Tuvalu, United Kingdom, Uruguay, Zambia.

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SIGNED: Andorra, Angola, Bahrain, Bangladesh, Burundi, Cambodia, Colombia, Comoros, Congo (Republic of), Djibouti, Gabon, Haiti, Israel, Kiribati, Libya, Malawi, Malaysia, Mongolia, Nauru, Philippines, Rwanda, Sao Tome and Principe, Singapore, Swaziland, Tanzania, Thailand, Turkey, Ukraine, United Arab Emirates, United States of America, Vanuatu, Zimbabwe.

● 56

NOT YET JOINED: Afghanistan, Algeria, Armenia, Azerbaijan, Belarus, Bhutan, Bolivia, Brunei Darussalam, China, Cuba, DR Congo, Ecuador, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gambia, India, Indonesia, Iran, Iraq, Jordan, Kenya, Kuwait, Kyrgyzstan, Laos, Marshall Islands, Micronesia, Morocco, Myanmar, Nepal, Nicaragua, North Korea, Oman, Pakistan, Papua New Guinea, Qatar, Russia, Saudi Arabia, Solomon Islands, Somalia, South Sudan, Sri Lanka, Sudan, Syria, Tajikistan, Timor-Leste, Tonga, Tunisia, Turkmenistan, Uganda, Uzbekistan, Venezuela, Vietnam, Yemen.

* Botswana and Canada acceded to the ATT prior to CSP 2019 but were not included in analysis presented in the ATT Monitor 2019 Annual Report, as the Treaty had not yet entered into force for either State.

National and regional training workshops around the world brought together civil society organizations (CSOs) and government representatives to explore technical challenges and legal requirements of ATT membership and support national capacity-building efforts toward effective implementation of the ATT. For example:

- In Kazakhstan (3-4 July 2019), more than 30 government officials attended the workshop 'ATT Universalization and Implementation Workshop for Central Asia and Mongolia', hosted by Kazakhstan and the UN Regional Centre for Peace and Disarmament in Asia and the Pacific (UNRCPD). Participants discussed the elements needed to build national-level institutional capacities to implement the ATT.⁶
- In Namibia (9-12 December 2019), 35 government officials and CSO representatives from nine countries⁷ attended the first in-person session of the Control Arms' ATT Academy in Southern Africa, which provided participants information to support their work on implementing the ATT. Hosted by Namibia in partnership with Control Arms, this training programme covered the scope and general implementation of the ATT, key aspects of Articles 8 and 9, and ways in which the ATT can address wildlife poaching and gender-based violence (GBV), both issues of regional significance.⁸
- In Ireland (22-23 January 2020), 39 participants attended the Eighth Meeting of the Expert Group on ATT Implementation (EGAI), hosted by Germany, Ireland and Saferworld. Participants shared their experiences with reporting under the ATT, explored way to operationalize the provisions of Article 7 relating to peace and security, terrorism and transnational organized crime, and discussed the roles and responsibilities of transit states in assessing, preventing and mitigating diversion.
- In Geneva (3 February 2020), 38 government officials and CSO representatives attended the practical workshop on 'Harnessing Information Sharing and Transparency to

Prevent and Respond to Diversion', hosted by Argentina, Canada and Control Arms. Participants discussed a wide range of topics in support of the thematic focus of CSP6.⁹

Activities in support of universalization efforts have also continued this past year. Mechanisms like the United Nations Trust Facility Supporting Cooperation on Arms Regulation (UNSCAR), the EU ATT Outreach Project and bilateral assistance initiatives continued to provide resources to channel technical, material and financial assistance to States Parties and countries in the process of ratifying or acceding to the Treaty.

For the seventh year, UNSCAR disbursed grants to a range of UN agencies, international and regional organizations, CSOs and research institutes. These include the Stimson Center, Control Arms/Nonviolence International and the UN Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean (UNLIREC).¹⁰

This year saw the third funding cycle of the ATT Voluntary Trust Fund (VTF), which is intended to support national implementation of the Treaty and relies on voluntary contributions to make up its entire disbursement budget. The ATT encourages each State Party to contribute resources to the VTF. As of the first Informal Preparatory Committee (PrepCom) meeting of the Conference of States Parties 2020, 25 States Parties had made voluntary contributions totalling US\$8.9million.¹¹ An additional US\$70,231.51 was contributed to the VTF Outreach Programme.¹²

The ATT Secretariat received 39 applications from 30 applicant States Parties for 2019 VTF-funded projects.¹³ It approved funding for 20 projects to be implemented in 19 countries in 2019,¹⁴ with a combined budget of US\$2million.¹⁵ By comparison, 10 projects were approved for VTF funding in 2018 and 17 in 2017.¹⁶ Many of these projects were organized with CSOs as implementing partners, reinforcing the vital role partnerships play in meaningfully advancing ATT universalization and implementation efforts.

6 United Nations (2019). 'Kazakhstan Hosts Workshop to Promote Universalization of the ATT, 3-4 July'. 15 July 2019.

<https://www.un.org/disarmament/update/kazakhstan-hosts-workshop-to-promote-universalization-of-the-arms-trade-treaty-3-4-july/>.

7 The countries that participated in the Control Arms' ATT Academy in Southern Africa are: Botswana, Democratic Republic of Congo, Eswatini, Lesotho, Madagascar, Malawi, Mozambique, Namibia and Zambia.

8 Control Arms Secretariat (2019). 'ATT Academy in Southern Africa takes place in Namibia'. 13 December 2019. <https://controlarms.org/blog/att-academy-in-southern-africa/>.

9 Control Arms Secretariat (2020). 'Interactive Diversion Workshop held in Geneva, Switzerland'. 10 February 2020. <https://controlarms.org/blog/interactive-diversion-workshop-held-in-geneva-switzerland/>.

10 United Nations Office for Disarmament Affairs (UNODA) (2019). 'UNSCAR 2019 Call for Proposals - selected applications'. 11 November 2019. <https://www.un.org/disarmament/wp-content/uploads/2019/11/2019-UNSCAR-Call-for-Proposals-Selected-Applications.pdf>.

11 The States Parties that made voluntary contributions to the VTF are: Argentina, Australia, Austria, Bulgaria, Cyprus, the Czech Republic, Finland, the Government of Flanders - Belgium, France, Germany, Ireland, Japan, Mexico, the Netherlands, New Zealand, Norway, the Philippines, Poland, Portugal, the Republic of Korea, Slovenia, Spain, Sweden, Switzerland and the United Kingdom. Germany and New Zealand also contributed to the VTF outreach programme.

12 ATT Secretariat (2020). 'Arms Trade Treaty: Status of VTF Finances'. 7 February 2020.

<https://thearmstradetreaty.org/hyper-images/file/200207-ATT-Secretariat-Status-of-VTF.pdf>.

13 ATT Secretariat (2019). 'Arms Trade Treaty: Status of VTF Finances'. 5 April 2019. <https://thearmstradetreaty.org/hyper-images/file/190405-ATT-Secretariat-VTF.pdf>.

14 Project funding was approved for: Antigua and Barbuda, Burkina Faso, Chile, Côte d'Ivoire, Fiji, Kazakhstan, Lebanon, Madagascar, Mali, Mozambique, Namibia, Palau, Serbia, Sierra Leone, South Sudan, Togo, Tuvalu, Vanuatu and Zambia.

15 For a complete list of projects, see ATT Secretariat (2019). '3rd VTF Cycle (2019): Overview of projects approved for ATT VTF funding'. <https://thearmstradetreaty.org/hyper-images/file/3RD-VOLUNTARY-TRUST-FUND-CYCLE-list-of-projects-2019.pdf>.

16 Control Arms (2019). 'ATT Monitor 2019'. 26 August 2019. <https://attmonitor.org/en/the-2018-report/>, p. 11.

REPORTING ON IMPLEMENTATION AND COMPLIANCE

INITIAL REPORTS

As of 31 May 2020, 100 of 106 States Parties were required by Article 13.1 of the ATT to submit their initial reports on implementation.¹⁷ Of these 100, 75 had done so as of June 2020 (a compliance rate of 75 per cent).

In the time since the ATT Monitor 2019 Annual Report, five States Parties (Antigua and Barbuda, Belize, Chile, Suriname and Zambia) submitted initial reports to the ATT Secretariat. One State Party (Chile) elected to keep its report private on the ATT Secretariat's website.

Though only required to complete an initial report once within the first year of the entry into force, Article 13.1 also requires States Parties to provide the ATT Secretariat with relevant updates or changes to their national arms-transfer control systems. Two States Parties submitted updated reports since the previous edition of the ATT Monitor Annual Report (New Zealand and Slovenia), joining Japan and Sweden as the only four States Parties to provide these updates to the ATT Secretariat.

An in-depth analysis of the contents of these reports can be found in Chapter 3.2.

ANNUAL REPORTS

Ninety-seven States Parties were required by Article 13.3 of the ATT to submit their 2019 annual reports by 31 May 2020.¹⁸ Of these, only 35 submitted their annual reports on time (a compliance rate of 36 per cent). Maldives also submitted a 2019 annual report, though it was not required to do so, bringing the total number of submitted reports to 36. Six States Parties (Albania, Georgia, Lithuania, Maldives, Mauritius and the State of Palestine) opted to keep their reports confidential, representing 17 per cent of reports submitted.

While the COVID-19 pandemic likely impacted States Parties' ability to meet their reporting obligations, this percentage marks the lowest on-time reporting rate of any year, after a slight increase in the previous year. This shift in compliance rates means ongoing reporting analysis will have to take into account challenges presented by COVID-19 when identifying reporting patterns over time, which may make this year an outlier when assessing ATT reporting trends.

A preliminary analysis of the contents of these reports can be found in Chapter 3.1.

SYSTEMS AND PROCEDURES

FIFTH CONFERENCE OF STATES PARTIES

The Fifth Conference of States Parties (CSP5) was attended by representatives from 86 countries, including 66 States Parties, two states that acceded to the Treaty but for whom it had not yet entered into force, 15 Signatories and three observer states.¹⁹

Also attending the CSP were representatives of eight international and regional organizations, including UN agencies, and 39 CSOs, research institutes and associations representing industry.²⁰

Ambassador Jānis Kārkliņš of Latvia served as the President of the Conference. Procedural decisions adopted included:

- Endorsement of the WGETI Chair's recommendation to initiate work on Article 9 (transit and trans-shipment) in place of Article 5 (general implementation), continue work on Articles 6 and 7, including voluntary sharing of experience on key aspects of the Articles, and conduct further work on Article 11 (diversion).
- Welcoming the thematic discussion on gender and gender-based violence and endorsement of a set of recommendations aimed at assisting States Parties in articulating these issues in the context of the ATT.

17 Each ATT State Party must submit its initial report within the first year after entry into force of the ATT for that State Party. Arms Trade Treaty, Article 13.1 (adopted 2 April 2013, entered into force 24 December 2014)_UNTS_(ATT) Art 13.1. <https://unoda-web.s3-accelerate.amazonaws.com/wp-content/uploads/2013/06/English7.pdf>.

18 Arms Trade Treaty, Article 13.3. (adopted 2 April 2013, entered into force 24 December 2014)_UNTS_(ATT Art 13.3. <https://unoda-web.s3.amazonaws.com/wp-content/uploads/2013/06/English7.pdf>.

19 ATT Secretariat (2019). 'Final Report'. ATT/CSP5/2019/SEC/536/Conf.FinRep.Rev1. [https://thearmstradetreaty.org/hyper-images/file/CSP5 Final Report \(ATT.CSP5.2019.SEC.536.Con.FinRep.Rev1\) - 30 August 2019 \(final\)/CSP5 Final Report \(ATT.CSP5.2019.SEC.536.Con.FinRep.Rev1\) - 30 August 2019 \(final\).pdf](https://thearmstradetreaty.org/hyper-images/file/CSP5%20Final%20Report%20(ATT.CSP5.2019.SEC.536.Con.FinRep.Rev1)-30%20August%202019%20(final).pdf), p. 3.

20 Ibid. See also ATT Secretariat (2019). 'List of Participants'. ATT/CSP5/2019/SEC/535/Conf.PartList. [https://thearmstradetreaty.org/hyper-images/file/ATT_CSP5_List of Participants \(final\)/ATT_CSP5_List of Participants \(final\).pdf](https://thearmstradetreaty.org/hyper-images/file/ATT_CSP5_List%20of%20Participants%20(final)/ATT_CSP5_List%20of%20Participants%20(final).pdf).

- Requesting that the Management Committee continue monitoring the status of finances of the Treaty and to review the effectiveness of current financial measures and report on them for consideration at CSP7.
- Agreeing to establish a reserve fund, sourced from voluntary contributions.
- Appointment of Costa Rica, Estonia, Germany, Japan and South Africa as members of the Management Committee for two years, from CSP6 to CSP7.
- Election of Ambassador Carlos Foradori of Argentina as President of CSP6.
- Election of Kazakhstan, Latvia, Nigeria and Switzerland as Vice Presidents of CSP6.
- Setting the dates for CSP6 as 17–21 August 2020.²¹

SIXTH CONFERENCE OF STATES PARTIES INTERSESSIONAL PERIOD

Preparations for CSP6 included two series of meetings of the ATT Working Groups and Informal Preparatory (PrepCom) meetings. The first series of meetings took place in February 2020. The President of the CSP cancelled the second set of meetings scheduled for April 2020 due to the onset of the COVID-19 pandemic.²² In place of the cancelled meetings, the CSP President put forward a work plan that allowed the Working Groups and ATT Secretariat to consult with ATT stakeholders remotely, through written submissions, to prepare and finalize the documents to be submitted to CSP6.²³ At the time of analysis, the outcomes of this consultation had yet to be shared with ATT stakeholders and the summaries that follow include work completed up to and during this consultation period.

ATT Working Groups

The WGETI, chaired by Ambassador Jang-Keun Lee of the Republic of Korea, continued to address the implementation of specific ATT articles in dedicated sub-working groups on Articles 6 and 7 (prohibitions and export assessment) and Article 11 (diversion). It began addressing implementation of Article 9 (transit and trans-shipment) after the decision at CSP5 to establish the sub-working group in place of continuing discussion of Article 5 (general implementation). Discussions were led by three appointed facilitators.

The WGETI sub-working group on Articles 6 and 7, facilitated by Ambassador Ignacio Sánchez de Lerín of Spain, discussed three documents at the February meetings: a draft multi-year work plan pertaining to the work of the sub-working group, a methodology template for unpacking key concepts and a draft outline of a voluntary guide to be developed by the sub-working group during the course of its work, titled 'Elements of a voluntary guide to implementing Articles 6 and 7 of the Arms Trade Treaty'.²⁴ The WGETI sub-working group on Articles 6 and 7 decided that States Parties' responses provided through the template for unpacking key concepts would be collated and presented during the CSP7 cycle, and provided revised drafts of the multi-year work plan and voluntary guide in line with the revised working methods for the April Working Group meetings.²⁵

The WGETI sub-working group on Article 11, facilitated by Ms. Stela Petrović of Serbia, postponed its discussion on the first of three parts of the multi-year work plan that was welcomed at CSP5.²⁶ The multi-year plan was subsequently revised, and the facilitator welcomed input from ATT stakeholders on possible revisions to the plan to account for interruptions resulting from the COVID-19 pandemic.²⁷

²¹ Ibid., p. 10.

²² CSP6 President (2020). 'Announcement: Cancellation of the Working Group Meetings and 2nd CSP6 Informal Preparatory Meeting: 14-17 April 2020'. 18 March 2020. [https://thearmstradetreaty.org/hyper-images/file/Announcement by the CSP6 President - Cancellation of WGs and 2nd CSP6 Informal Preparatory Meeting \(signed\).pdf?templated=1315246](https://thearmstradetreaty.org/hyper-images/file/Announcement%20by%20the%20CSP6%20President%20-%20Cancellation%20of%20WGs%20and%202nd%20CSP6%20Informal%20Preparatory%20Meeting%20(signed).pdf?templated=1315246).

²³ CSP6 President (2020). 'Announcement: Plan of work for the CSP6 Documentation during the Intersessional Period Following Cancellation of the Working Group Meetings and 2nd CSP6 Information Preparatory Meeting: 14-17 April 2020'. 1 April 2020. [https://thearmstradetreaty.org/hyper-images/file/Announcement by the CSP6 President - Notification regarding CSP6 intersessional work \(for circulation\)/Announcement by the CSP6 President - Notification regarding CSP6 intersessional work \(for circulation\).pdf?templated=1316334](https://thearmstradetreaty.org/hyper-images/file/Announcement%20by%20the%20CSP6%20President%20-%20Notification%20regarding%20CSP6%20intersessional%20work%20(for%20circulation)/Announcement%20by%20the%20CSP6%20President%20-%20Notification%20regarding%20CSP6%20intersessional%20work%20(for%20circulation).pdf?templated=1316334).

²⁴ These documents can be found in the Annexes of ATT Working Group on Effective Treaty Implementation (WGETI) (2020). 'Chair Letter and Sub-Working Group documents for CSP6 (April 2020)'. 7 April 2020. ATT/CSP6.WGETI/2020/CHAIR/596/M2. [https://thearmstradetreaty.org/hyper-images/file/ATT WGETI - Chair Letter and Sub-Workgroups Documents for CSP6 \(April 2020\)_EN/ATT WGETI - Chair Letter and Sub-Workgroups Documents for CSP6 \(April 2020\)_EN.pdf](https://thearmstradetreaty.org/hyper-images/file/ATT%20WGETI%20-%20Chair%20Letter%20and%20Sub-Workgroups%20Documents%20for%20CSP6%20(April%202020)_EN/ATT%20WGETI%20-%20Chair%20Letter%20and%20Sub-Workgroups%20Documents%20for%20CSP6%20(April%202020)_EN.pdf).

²⁵ Ibid., p. 2.

²⁶ For the original work plan, see Annex C of ATT WGETI (2019). 'ATT WGETI Co-Chairs' Draft Report to CSP5'. 26 July 2019. ATT/CSP5.WGETI/2019/CHAIR/529/Conf.Rep. [https://thearmstradetreaty.org/hyper-images/file/ATT_CSP5.WGETI Draft Report_EN/ATT_CSP5.WGETI Draft Report_EN.pdf](https://thearmstradetreaty.org/hyper-images/file/ATT_CSP5_WGETI_Draft_Report_EN/ATT_CSP5_WGETI_Draft_Report_EN.pdf), p. 52.

²⁷ ATT WGETI (2020). 'Chair Letter and Sub-Working Group documents for CSP6 (April 2020)'. 7 April 2020. ATT/CSP6.WGETI/2020/CHAIR/596/M2. [https://thearmstradetreaty.org/hyper-images/file/ATT WGETI - Chair Letter and Sub-Workgroups Documents for CSP6 \(April 2020\)_EN/ATT WGETI - Chair Letter and Sub-Workgroups Documents for CSP6 \(April 2020\)_EN.pdf](https://thearmstradetreaty.org/hyper-images/file/ATT%20WGETI%20-%20Chair%20Letter%20and%20Sub-Workgroups%20Documents%20for%20CSP6%20(April%202020)_EN/ATT%20WGETI%20-%20Chair%20Letter%20and%20Sub-Workgroups%20Documents%20for%20CSP6%20(April%202020)_EN.pdf), p. 3.

The WGETI sub-working group on Article 9, facilitated by Mr. Rob Wensley of South Africa, discussed the scope and nature of transit and trans-shipment provisions in Article 9 at the February 2020 meetings. The facilitator then drafted a multi-year work plan to guide the work of the sub-working group in the following CSP cycles and welcomed input from ATT stakeholders on the draft in line with the revised working methods for the April Working Group meetings.²⁸

The WGTR, co-chaired by Mexico and Belgium, pursued an ambitious agenda in the CSP6 intersessional meetings. During the February meetings, the ATT Secretariat provided an update on the state of play concerning compliance with reporting obligations, and the WGTR co-chairs facilitated discussion of States Parties' challenges with reporting and substantive reporting and transparency issues. To address these challenges and substantive issues, the co-chairs implemented, with support from the ATT Secretariat, a peer-to-peer system of voluntary bilateral and regional assistance to

facilitate information sharing by States Parties that convened for the first time during the February meetings.²⁹ On 5 February 2020, States Parties and Signatories participated in an informal meeting to discuss concrete cases of detected or suspected diversion. This was the second informal meeting, as the first occurred at CSP5.³⁰ The WGTR also considered adjustments to the ATT reporting templates that address uncertainties and inconsistencies in reported data. ATT Stakeholders were invited to submit written input on the proposed adjustments in line with the revised working methods for the April Working Group meetings.³¹

The WGTU, co-facilitated by Ambassador Jānis Kārklīš of Latvia and Ambassador Carlos Foradori of Argentina, discussed the activities of Argentina's CSP Presidency and of ATT Vice Presidents to promote universalization, the status of ratifications and accessions to the Treaty, efforts of civil society and industry to promote universalization, and renewed efforts to reach the goal of 150 States Parties.³²



**CONTROL ARMS' ATT ACADEMY
IN SOUTHERN AFRICA, WHICH
TOOK PLACE IN NAMIBIA
IN DECEMBER 2019.**

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RALUCA MURESAN

²⁸ Ibid., p. 11.

²⁹ ATT Working Group on Transparency and Reporting (WGTR) (2020). 'WGTR Draft Annotated Agenda for Meeting of 6 February 2020'. 10 January 2020. ATT/CSP6.WGTR/2020/CHAIR/577/M1.AnnAgenda. https://thearmstradetreaty.org/hyper-images/file/ATT_WGTR_-_Draft_annotated_agenda_for_06_February_2020/ATT_WGTR_-_Draft_annotated_agenda_for_06_February_2020.pdf, p. 1.

³⁰ ATT WGTR (2020). 'WGTR Co-Chair Report of 06 February 2020 Meeting'. 3 April 2020. ATT/CSP6.WGTR/2020/CHAIR/593/M1.Rep. https://thearmstradetreaty.org/hyper-images/file/ATT_CSP6_WGTR_Co-chair_Report_of_06_Feb_2020_meeting_EN/ATT_CSP6_WGTR_Co-chair_Report_of_06_Feb_2020_meeting_EN.pdf, pp. 7-8.

³¹ ATT WGTR (2020). 'Annex B to the WGTR Co-Chairs' Report to CSP6: Proposed Mandate for the WGTR for the Period September 2020 – August 2021'. 7 April 2020. ATT/CSP6.WGTR/2020/CHAIR/594/M2.PropMandtoCSP7. https://thearmstradetreaty.org/hyper-images/file/ATT_CSP6_WGTR_Co-chair_Report_to_CSP6_Annex_Proposed_mandate_EN/ATT_CSP6_WGTR_Co-chair_Report_to_CSP6_Annex_Proposed_mandate_EN.pdf.

³² ATT Working Group on Treaty Universalization (WGTU) (2020). 'WGTU Work Plan for the CSP6 Preparatory Meetings'. 17 January 2020. ATT/CSP6.WGTU/2020/CHAIR/581/M1.WorkPlan. https://www.thearmstradetreaty.org/hyper-images/file/ATT_WGTU_-_Work_Plan_for_the_CSP6_Preparatory_Meetings/ATT_WGTU_-_Work_Plan_for_the_CSP6_Preparatory_Meetings.pdf.

Informal Preparatory (PrepCom) Meetings

The first Informal PrepCom meeting for CSP6 was held on 7 February 2020. Ambassador Carlos Foradori of Argentina opened the meeting by highlighting efforts to encourage universalization and implementation of the ATT and introducing the priority theme for Argentina's CSP Presidency, 'Transparency and Information Exchange: Its Role in the Prevention of Diversion'.³³ Argentina introduced its draft working paper of the same title for consideration and input by ATT stakeholders as part of the remote work plan set forth after the cancellation of the second Informal PrepCom meeting in April 2020.³⁴ At the first PrepCom, participants also discussed procedural matters, including the status of the operation of the VTF and ATT finances. In response to extensive discussion at CSP5 about the increasing problem of financial liquidity due to unpaid contributions, the Management Committee presented draft guidelines for States Parties to follow in making financial arrangements with the ATT Secretariat.³⁵ The Management committee introduced a revised draft for consideration and input by ATT stakeholders as part of the remote work plan set forth after the cancellation of the second Informal PrepCom meeting in April 2020.³⁶

Overall, the progress made during the Working Group and PrepCom meetings of CSP6 may have been curtailed due to the cancellation of the second group of meetings in April 2020. Notably, the WGTR maintained an ambitious agenda despite challenging circumstances. The WGTR co-chairs and the ATT Secretariat assisted States Parties in fulfilling reporting obligations, participated in information-exchange platforms to help support the implementation of diversion provisions in the ATT and reviewed the effectiveness of ATT reporting templates to increase transparency in the arms

trade. Other Working Groups also made positive steps towards supporting the implementation of Treaty obligations, such as the efforts by the WGETI sub-working group on Articles 6 and 7 to develop a means through which States Parties can unpack key terminology to encourage greater cooperation and understanding in implementing risk-assessment obligations. However, there is still work to be done, as States Parties remained reluctant to discuss compliance with, and possible violations of, the ATT in terms of transfer decisions.

TAKING STOCK – ARE STATES PARTIES MEETING THEIR OBLIGATIONS?

Ongoing humanitarian crises in conflict areas such as the Central African Republic, Libya, South Sudan, Syria and Yemen are fuelled and exacerbated by past and present arms transfers to parties to these conflicts that contribute to violations of international humanitarian law (IHL) and international human rights law (IHRL).

For States Parties implementing ATT provisions in accordance with its object and purpose of reducing human suffering and contributing to international peace and security, these irresponsible transfers pose important questions regarding commitments to Treaty obligations and principles, including obligations to deny transfers if they would violate arms embargoes (Article 6.1), if there is an 'overriding risk' that arms to be transferred could be used to 'commit or facilitate' a serious violation of IHL or IHRL (Article 7.3), or if the arms to be transferred could "be used in the commission of genocide, crimes against humanity, grave breaches of the Geneva Conventions of 1949, attacks directed against civilian objects or civilians protected as such, or other war crimes" (Article 6.3).³⁷

33 ATT Secretariat (2020). 'Draft Annotated Agenda: First CSP6 Informal Preparatory Meeting'. 20 January 2020. ATT/CSP6/2020SEC/582/PM1. AnnAgenda. https://thearmstradetreaty.org/hyper-images/file/ATT_First_CSP6_Inf_Prep_Meeting_-_Annotated_Agenda.pdf.

34 See CSP6 President (2020). 'Transparency and Exchange of Information: Its Role in the Prevention of Diversion'. 21 April 2020. ATT/CSP6/2020/PRES/597/M2.Transplnfxch. https://thearmstradetreaty.org/hyper-images/file/ATT_CSP6_DOCUMENTO_Presidencia_Argentina_-_EN/ATT_CSP6_DOCUMENTO_Presidencia_Argentina_-_EN.pdf.

35 ATT Secretariat (2020). 'Draft Annotated Agenda: First CSP6 Informal Preparatory Meeting'. 20 January 2020. ATT/CSP6/2020SEC/582/PM1. AnnAgenda. https://thearmstradetreaty.org/hyper-images/file/ATT_First_CSP6_Inf_Prep_Meeting_-_Annotated_Agenda.pdf.

36 ATT Management Committee (2020). 'Draft Elements for a Secretariat's Procedure Regarding Rule 8(1)D (Reference Paper)'. 06 April 2020. ATT/CSP6/2020/MC/595/PM2.PropArr. [https://thearmstradetreaty.org/hyper-images/file/ATT_MC_-_Draft_elements_Rule_8.1.d_\(06.04.2020\)/ATT_MC_-_Draft_elements_Rule_8.1.d_\(06.04.2020\).pdf](https://thearmstradetreaty.org/hyper-images/file/ATT_MC_-_Draft_elements_Rule_8.1.d_(06.04.2020)/ATT_MC_-_Draft_elements_Rule_8.1.d_(06.04.2020).pdf).

37 Arms Trade Treaty, Article 6.3. (adopted 2 April 2013, entered into force 24 December 2014)_UNTS_(ATT) Art 6(3). <https://unoda-web.s3.amazonaws.com/wp-content/uploads/2013/06/English7.pdf>.

TEXT BOX 1: THE EFFECTS OF IRRESPONSIBLE ARMS TRANSFERS AND COVID-19

The COVID-19 pandemic has changed the world within a few months. In a statement issued by the UN Office for Disarmament Affairs (UNODA), High Representative Izumi Nakamitsu said: "Humanity has faced no challenge greater than COVID-19 since the Second World War. As this rapidly developing global health emergency places unprecedented strain on our medical, economic and social systems, we must work hard to prevent new risks for instability, unrest and conflict."³⁸

The widespread, global impacts of the COVID-19 pandemic led the UN Secretary General Antonio Guterres, in March 2020, to call for a global ceasefire, emphasizing the need of countries affected by armed conflict, violence and instability to have greater access to humanitarian aid and health resources.³⁹ In Yemen, for example, airstrikes and shelling by parties to the conflict continue to cause damage and destruction of health facilities, making accessing medical services difficult or impossible for civilians.⁴⁰ According to

Physicians for Human Rights, "These attacks have contributed to the virtual collapse of Yemen's health system, an outcome that has had devastating impacts on the country's civilian population."⁴¹ The collapse of health infrastructure means that in the context of the COVID-19 pandemic, it will be even more difficult for Yemenis to access proper care while only half of the country's health facilities are fully functioning.⁴²

Ending armed conflict could allow the delivery of much-needed humanitarian aid, including health workers and medical supplies, and ensure that health infrastructure remains intact as medical facilities face an overwhelming demand for services.⁴³ To further strengthen the international COVID-19 pandemic response, CSOs have advocated for the cessation or reduction of arms transfers worldwide.⁴⁴

The challenges presented by COVID-19 in countries affected by armed violence serve as an important reminder for States Parties to maintain their commitment to the ATT's object and purpose of contributing to international and regional peace, security and stability and reducing human suffering.

The Yemen conflict, and its subsequent humanitarian crisis, remains one of the most concerning cases in which arms transfers continue to facilitate civilian casualties, widespread displacement and human suffering on a massive scale. The Group of International and Regional Eminent Experts on Yemen,

created by the UN Human Rights Council, released a statement in September 2019 urging states to "refrain from providing arms that could be used in the conflict," and reminded them of their obligation "to take all reasonable measures to ensure respect for international humanitarian law by all parties to the conflict."⁴⁵

38 UNODA (2020). 'A Message from High Representative Izumi Nakamitsu'. 3 April 2020.

<https://www.un.org/disarmament/how-the-covid-19-pandemic-is-affecting-the-work-of-disarmament/>.

39 UN News (2020). 'COVID-19: UN chief calls for global ceasefire to focus on 'the true fight of our lives'. 23 March 2020.

<https://news.un.org/en/story/2020/03/1059972>. Relief Web (2020). 'UN Security Council Fails to Support Global Cease Fire, Shows no Response to COVID-19'. 19 May 2020. <https://reliefweb.int/report/world/un-security-council-fails-support-global-ceasefire-shows-no-response-covid-19>.

40 Physicians for Human Rights (PHR) and Mwatana for Human Rights (2020). 'I ripped the IV out of my arm and started running': Attacks on Health Care in Yemen'. March 2020. <https://phr.org/our-work/resources/i-ripped-the-iv-out-of-my-arm-and-started-running-attacks-on-health-care-in-yemen/>.

41 Ibid., p. 10.

42 International Federation of Red Cross and Red Crescent Societies (IFRC) (2019). 'Yemen's healthcare system on the brink of collapse'. 15 October 2019. <https://media.ifrc.org/ifrc/2019/10/15/yemens-healthcare-system-brink-collapse/>. See also UN News (2020). 'Yemen: Coronavirus transmission likely widespread, decimating 'collapsed' health system, UN warns'. 22 May 2020. <https://news.un.org/en/story/2020/05/1064742>.

43 Women's International League for Peace and Freedom (WILPF) (2020). 'COVID-19: From Ceasefire to Divestment and Disarmament'. 26 March 2020. <https://www.wilpf.org/from-ceasefire-to-divestment-and-disarmament/>.

44 See Acheson, R. (2020). 'COVID-19: A Sustainable Ceasefire Means No More "Business as Usual"'. 17 April 2020.

<https://www.wilpf.org/covid-19-a-sustainable-ceasefire-means-no-more-business-as-usual/>; Oxfam (2020). 'Arms trade continues despite call for global ceasefire amid Covid-19'. 12 May 2020. <http://oxfamapps.org/media/m3hre>.

45 UN Human Rights Officer of the High Commissioner (2019). 'Yemen: Collective failure, collective responsibility – UN expert report'. Press Release. 3 September 2019. <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24937&LangID=E>. The Group of Experts' report extensively lists a series of violations of human rights and violations of international humanitarian law as the basis for these recommendations.

The Group of Experts further reported in December 2019 that the parties to the conflict continued to contribute to serious violations of IHL and IHRL,⁴⁶ citing the use of indiscriminate airstrikes against civilians and the use of indirect-fire weapons and small arms as aggravating factors.⁴⁷ The use of airstrikes in Yemen by the coalition led by Saudi Arabia and the United Arab Emirates is extensively documented by the UN, international and research organizations and CSOs,⁴⁸ as well as the indiscriminate use of explosive ordnance by Houthi forces.⁴⁹

Analysis of the information provided by States Parties in 2018 ATT annual reports shows that the number of States Parties that reported authorized or actual arms exports to the Saudi-UAE-led coalition declined from the previous year.⁵⁰ This may be an encouraging sign that some States Parties are implementing and amending national policies that increase compliance with ATT obligations, and it could also indicate stronger commitments of some States Parties to the ATT.

There are positive examples of States Parties taking action at a national level that point towards more rigorous compliance with the ATT. In November 2018, the Netherlands extended its presumption of denial policy on arms exports⁵¹ "to all branches of the armed forces of

countries involved in the military coalition led by Saudi Arabia which is party to the conflict in Yemen."⁵² While this shift extended the presumption of denial to military departments in Egypt and the United Arab Emirates, Dutch exports may still go to the Saudi-UAE-led coalition if it can be proven that the exported arms would not be used in the Yemen conflict.⁵³ Similarly, Germany extended its ban on arms exports directly to Saudi Arabia in 2019 and then renewed it again until the end of 2020.⁵⁴

Yet, more efforts are needed to ensure that all States Parties authorize and/or deny transfers in compliance with ATT obligations. In December 2019, the European Center for Constitutional and Human Rights (ECCHR), along with partner CSOs,⁵⁵ submitted a communication to the International Criminal Court (ICC) requesting the investigation of European arms companies executives and government licensing officials in France, Germany, Italy, Spain and the United Kingdom for their role in authorizing arms transfers that have been used to commit or facilitate violations of IHL in Yemen that may amount to war crimes.⁵⁶ Such an investigation undertaken by the ICC would mark a significant step forward in addressing the lack of compliance with ATT Article 6 and 7 obligations.

46 UN Security Council (2020). 'Letter dated 27 January 2020 from the Panel of Experts on Yemen addressed to the President of the Security Council'. S/2020/70. <https://digitallibrary.un.org/record/3850088?ln=en>.

47 Ibid.

48 See, for example, Human Rights Watch (2020). 'Yemen: events of 2019', in World Report 2020. <https://www.hrw.org/world-report/2020/country-chapters/yemen>; UN News (2019). 'Deadly Yemen airstrikes that claim children's lives in capital Sana'a, strongly condemned by UN'. 17 May 2019. <https://news.un.org/en/story/2019/05/1038651>; BBC News (2019). 'Yemen war: More than 100 dead in Saudi-led strike, says Red Cross'. 1 September 2019. <https://www.bbc.com/news/world-middle-east-49544559>.

49 UN Security Council (2019). 'Letter dated 25 January 2019 from the Panel of Experts on Yemen addressed to the President of the Security Council'. 25 January 2019. S/2019/83. <http://undocs.org/en/S/2019/83>.

50 Members of the Saudi-led coalition include Bahrain, Egypt, Kuwait, Saudi Arabia and the United Arab Emirates.

51 This policy means that export licences for military goods are not granted unless "it can be incontrovertibly demonstrated that these goods will not be used in the conflict in Yemen." See Maletta, G. (2019). 'Legal challenges to EU member states' arms exports to Saudi Arabia: Current status and potential implications'. SIPRI Topical Backgrounder. 28 June 2019. <https://www.sipri.org/commentary/topical-backgrounder/2019/legal-challenges-eu-member-states-arms-exports-saudi-arabia-current-status-and-potential>.

52 Minister for Foreign Trade and Development Cooperation and Minister of Foreign Affairs on the export of military goods (2019). 'Dutch Arms Export Policy in 2018'. <https://www.government.nl/documents/reports/2019/07/01/dutch-arms-export-policy-in-2018>, p. 6.

53 Ibid., p. 7.

54 Bisaccio, D. (2020). 'Germany extends arms embargo on Saudi Arabia'. Defense and Security Monitor. 24 March 2020. <https://dsm.forecastinternational.com/wordpress/2020/03/24/germany-extends-arms-embargo-on-saudi-arabia/>. However, some reports also noted that during 2019 Germany sold over €1 billion worth of weapons to Egypt and the United Arab Emirates. See Deutsche Welle (2020). 'German arms sale approvals jump slightly in first quarter of 2020'. 9 April 2020. <https://www.dw.com/en/german-arms-sale-approvals-jump-slightly-in-first-quarter-of-2020/a-53080988>.

55 Partner CSOs include: Amnesty International, Campaign Against Arms Trade (CAAT), Centre Delàs, Mwatana for Human Rights and Rete Disarmo.

56 Amnesty International (2019). 'ICC must investigate arms company executives linked to Yemen war crimes allegations'. 12 December 2019. <https://www.amnesty.org/en/latest/news/2019/12/icc-investigate-arms-companies-yemen-war-crimes-allegations/>; CAAT (2019). 'Made in Europe, Bombed in Yemen. ICC must investigate the responsibility of European corporate and political actors for complicity in alleged war crimes in Yemen'. Press Release. 12 December 2019. <https://www.caat.org.uk/resources/countries/saudi-arabia/icc/2019-12-12.press-release.pdf>.

THE 2020 ATT MONITOR REPORT

Chapter 1 seeks to fill gaps in knowledge of key definitions and Treaty provisions related to transparency, information sharing and diversion. It illustrates the need for transparency and increased effective and cooperative action between ATT stakeholders to prevent and mitigate diversion and provides lessons learned and recommendations that may be helpful to States Parties in implementing Treaty provisions to such an end. To effectively illustrate these challenges and responses, this chapter includes discussions on transparency, information sharing and diversion in the ATT formal process and Treaty text, cooperative action on arms transfer control to tackle diversion, and diversion-prevention and mitigation measures. Because investigating, exploring and analysing cases of diversion can help demonstrate the importance of transparency and information sharing in addressing diversion, this chapter provides a number of illustrative case studies.

Chapter 2 provides an in-depth look at 2018 ATT annual reports. It includes an overall analysis of reporting practices, comparing 2017 and 2018 ATT annual reports. The analysis identifies changes in reporting practices and assesses whether inconsistencies and gaps identified in the ATT Monitor analysis of 2017 ATT annual reports were addressed and resolved in 2018 reports.

Chapter 2.2 includes country profiles for each State Party obliged to submit a 2018 ATT annual report. Each profile provides data on key reporting practice metrics (public reporting, timely reporting, withholding security information),

as well as a summary of good reporting practices and areas for improvement. The profiles also contain a summary of transfers reported by each State Party, focusing on basic comparable information such as number and status of export/import partners, and highlighting the largest transfers reported by that State Party in 2018.⁵⁷

Chapter 2.3 seeks to provide information presented by States Parties in a manner that allows for better comparison across ATT annual reports, including tables that show reporting practices by each State Party obliged to submit a 2018 annual report. By providing easily accessible and comparable information detailing decisions made by each State Party in regard to the way it reports exports and imports, it becomes easier to untangle the varied reporting practices and, in turn, provide more context and understanding of global arms transfers.

Chapter 3.1 includes a summary assessment of 2019 annual reports submitted on or before the reporting deadline.⁵⁸ It is anticipated that more States Parties will submit their report in the window between the legal deadline and the beginning of CSP6. As such, this analysis will be further expanded in next year's ATT Monitor report.

Chapter 3.2 includes a summary assessment of initial reports and updates to them submitted by States Parties as of June 2020. From this assessment comes an analysis of reporting non-compliance, highlighting challenges States Parties face in fulfilling reporting obligations and the efforts of the WGTR and ATT Secretariat to address them.

⁵⁷ In 2018 annual reports, States Parties reported authorized or actual exports and imports of conventional arms from 1 January 2018 to 31 December 2018.

⁵⁸ States Parties are granted a seven-day grace period by the ATT Secretariat to submit their reports, creating a de facto deadline of 7 June each year.



PEACEKEEPERS ASSISTING WITH
DISARMAMENT, DEMOBILIZATION,
AND REINTEGRATION (DDR) IN
THE DEMOCRATIC REPUBLIC
OF THE CONGO IN 2006.

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