

# DIVERSION, TRANSPARENCY AND INFORMATION SHARING IN THE ARMS TRADE TREATY

Diversion occurs from the legal to the illicit market, for unauthorized end-use, and to unauthorized end-users, and can happen across the four stages in the transfer chain - all of which provide different opportunities for states to take measures to address it. Article 11 of the ATT addresses the responsibilities of States Parties in taking steps and implementing measures to prevent and address diversion. Those provisions specific to information sharing and cooperation in identifying risks and responding to cases of diversion are key to the Treaty's effectiveness in this area.

## 1. TRANSPARENCY

Transparency is central to the effective implementation of the ATT's operative articles and can be seen as directly linked to a government's willingness to commit to monitoring, oversight and accountability. In the context of the ATT, States Parties have numerous opportunities to express commitments to transparency, including in reporting and information sharing more generally.



**TRANSPARENCY IS CENTRAL TO THE EFFECTIVE IMPLEMENTATION OF THE ATT'S OPERATIVE ARTICLES AND CAN BE SEEN AS DIRECTLY LINKED TO A GOVERNMENT'S WILLINGNESS TO COMMIT TO MONITORING, OVERSIGHT AND ACCOUNTABILITY.**

## Transparency Provisions in the ATT



### ARTICLE 5: GENERAL IMPLEMENTATION

- 5.5** Each State Party shall take measures necessary to implement the provisions of this Treaty and shall designate competent national authorities in order to have an **effective and transparent** national control system regulating the transfer of conventional arms covered under Article 2 (1) and of items covered under Article 3 and Article 4.



### ARTICLE 1: OBJECT AND PURPOSE

Promoting cooperation, **transparency** and responsible action by States Parties in the international trade in conventional arms, thereby building confidence among States Parties.

**2. INFORMATION SHARING**

In addition to Article 11, the ATT also has numerous requirements for information sharing and provisions for interaction among States Parties. Information sharing can take place among or between states, as well as more broadly, including with national legislatures and other relevant stakeholders. It can also involve information exchanges concerning good practices, lessons learned and ways to help encourage and promote effective Treaty implementation, all of which provide opportunities to address diversion.

Information sharing can be conducted privately or publicly, and only when made public can information sharing also support transparency.

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**INFORMATION SHARING CAN BE CONDUCTED PRIVATELY OR PUBLICLY, AND ONLY WHEN MADE PUBLIC CAN INFORMATION SHARING ALSO SUPPORT TRANSPARENCY.**

**Information Sharing Provisions in the ATT**



**ARTICLE 5: GENERAL IMPLEMENTATION**

**5.6** Each State Party shall designate one or more national points of contact to **exchange information** on matters related to the implementation of this Treaty.



**ARTICLE 15: INTERNATIONAL COOPERATION**

- 15.2** States Parties are encouraged to facilitate international cooperation, including **exchanging information** [...]
- 15.7** States Parties are encouraged to **exchange experience and information on lessons learned** in relation to any aspect of this Treaty.



**AUSTRALIAN ARMY PERSONNEL LOAD EQUIPMENT ONTO THE HMAS CANBERRA DURING A TRAINING EXERCISE.**

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### 3. COOPERATION AND MUTUAL ASSISTANCE

Mutual assistance between States Parties and other stakeholders ensures effective implementation of ATT commitments, including those relating to diversion. States Parties can seek assistance in the form of legal, institutional, technical, material or financial assistance and capacity building, and every State Party that is in a position to do so should provide assistance to others seeking to prevent or mitigate diversion. State Parties can also request assistance from other stakeholders.

### CONCLUSION

ATT States Parties must cooperate and share information with all relevant stakeholders on the risks of diversion that exist at different stages of the transfer chain, as well as seek and receive mutual assistance in addressing diversion. This would enhance possibilities for identifying potential points of diversion as well as those actors involved, and to develop effective diversion-prevention measures.



**ATT STATES PARTIES MUST COOPERATE AND SHARE INFORMATION WITH ALL RELEVANT STAKEHOLDERS ON THE RISKS OF DIVERSION THAT EXIST AT DIFFERENT STAGES OF THE TRANSFER CHAIN, AS WELL AS SEEK AND RECEIVE MUTUAL ASSISTANCE IN ADDRESSING DIVERSION. THIS WOULD ENHANCE POSSIBILITIES FOR IDENTIFYING POTENTIAL POINTS OF DIVERSION AS WELL AS THOSE ACTORS INVOLVED, AND TO DEVELOP EFFECTIVE DIVERSION-PREVENTION MEASURES.**

## DIVERSION, TRANSPARENCY AND INFORMATION SHARING IN THE ARMS TRADE TREATY

### Cooperation and Mutual Assistance Provisions in the ATT



#### ARTICLE 15: INTERNATIONAL COOPERATION

- 15.4** States Parties are encouraged to **cooperate**, pursuant to their national laws, in order to assist national implementation of the provisions of this Treaty, including through **sharing information** regarding illicit activities and actors and in order to prevent and eradicate diversion of conventional arms [...]



#### ARTICLE 16: INTERNATIONAL ASSISTANCE

- 16.1** In implementing this Treaty, each State Party may **seek assistance** including legal or legislative assistance, institutional capacity-building, and technical, material or financial assistance. Such assistance may include stockpile management, disarmament, demobilization and reintegration programmes, model legislation, and effective practices for implementation. Each State Party in a position to do so shall **provide such assistance**, upon request.
- 16.2** Each State Party **may request, offer or receive assistance** through, inter alia, the United Nations, international, regional, subregional or national organizations, non-governmental organizations, or on a bilateral basis.
- 16.3** A voluntary trust fund shall be established by States Parties to **assist requesting States Parties requiring international assistance** to implement this Treaty. Each State Party is encouraged to contribute resources to the fund.