

## STATE OF THE ARMS TRADE TREATY: A YEAR IN REVIEW (JUNE 2020 – MAY 2021)

This review covers the period between 1 June 2020 and 31 May 2021, up to and including the deadline for submission of the Arms Trade Treaty (ATT) annual reports. It explores some of the key events and milestones during the past year, and it assesses their impacts on the overall performance of States Parties to the Treaty regarding universalization and compliance.

This review takes stock of what has been another unusual year for all multilateral diplomacy processes, including the ATT, which have been affected by the COVID-19 pandemic. Considering these impacts, this section first takes stock of ATT universalization and implementation efforts around the world during the abovementioned 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 risk assessment (Articles 6 and 7), diversion (Article 11) and transit and trans-shipment (Article 9). Finally, the review looks at compliance with the ATT's core provisions and assesses whether the cumulative actions of ATT stakeholders have contributed to the Treaty's objective of reducing human suffering.

### ATT COMPLIANCE AND COVID-19

Preliminary analysis of ATT initial and annual reports submitted between 1 June 2020 and 31 May 2021 shows that ATT reporting this year was likely impacted again by the COVID-19 pandemic. The pandemic has disrupted work dynamics, delayed scheduling and hampered the reporting capacities of many States Parties, particularly those that had no standard or systematic process for reporting to the ATT already in place. Though the on-time reporting rate for 2020 annual reports submitted this year marked a notable increase in compliance from the previous year, the COVID-19 pandemic is likely one of several factors contributing to low and uneven compliance rates in ATT reporting overall.

Similarly, the work cycle of the Seventh Conference of States Parties (CSP7) has proceeded differently than in previous years. Due to the COVID-19 pandemic, ATT stakeholders were required to adjust to a written procedure for CSP6 and then a virtual meeting format, both of which invited limited engagement from ATT States Parties. Following an intersessional silence procedure in early 2021, States Parties took the decision to hold a single virtual session

of the ATT Working Groups meetings and of the CSP7 Informal Preparatory Committee (PrepCom) meetings in April 2021, followed by virtual intersessional consultations in June to finalize documentation for submission to CSP7 for consideration and possible adoption.<sup>1</sup> The analysis and summaries presented below take into account the extraordinary changes in this year's cycle due to COVID-19 pandemic restrictions, which will also require consideration when conducting analysis over time.

### UNIVERSALIZATION

As of 31 May 2021, the ATT Secretariat listed 110 countries as States Parties, accounting for 57 per cent of all United Nations (UN) member states. It listed a further 31 countries as Signatories.

Four countries became States Parties to the ATT between 1 June 2020 and 31 May 2021. Afghanistan, China and Niue acceded, and São Tomé and Príncipe ratified the Treaty. This nearly matches the universalization rate of the previous year, which also saw the addition of four new States Parties.

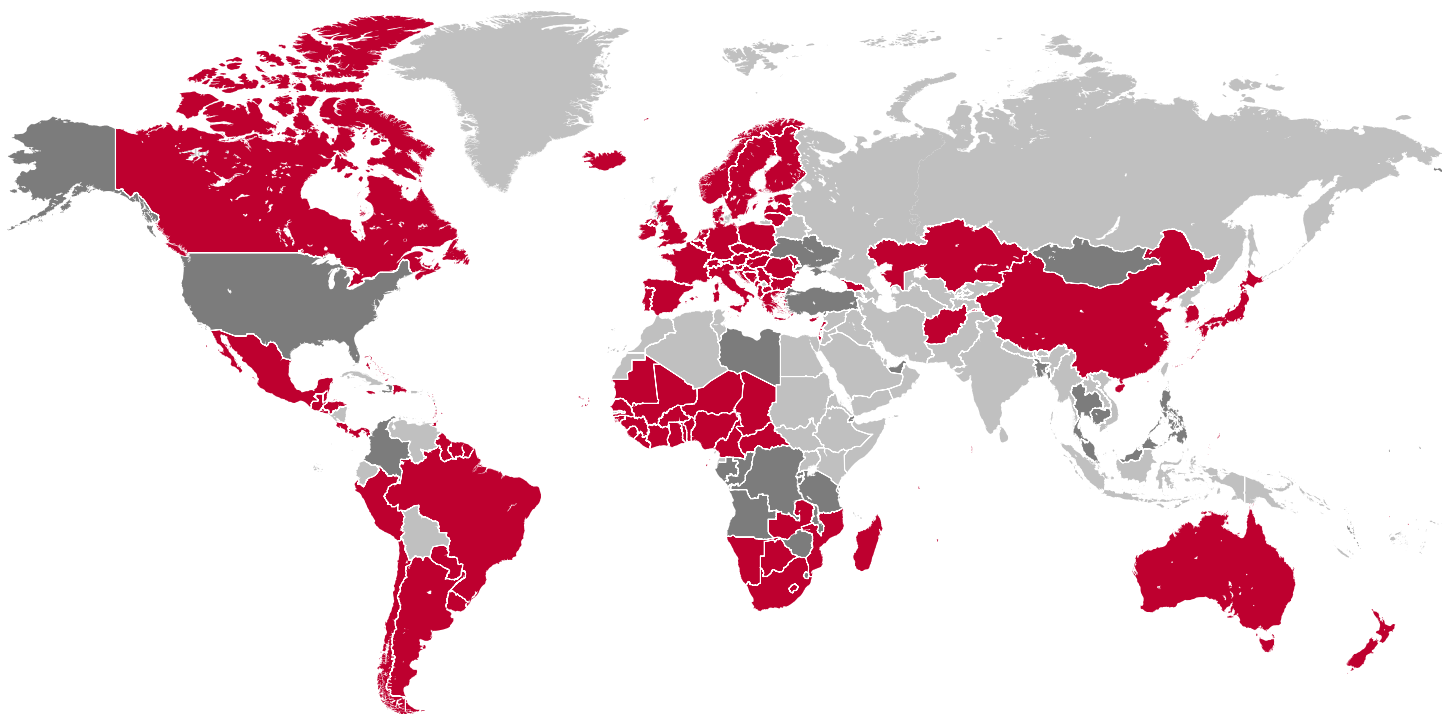
Table 1 shows numbers of new States Parties between 2015 and 2021. With the exception of 2018–2019, when seven countries ratified the Treaty, universalization progress has remained relatively consistent. While the pace of new membership to any treaty generally slows over time, a pattern is emerging in which progress in ATT universalization remains slow.

**Table 1: New membership to the ATT by 31 May of each year**

Year	Accessions	Ratifications	Total Number of States Parties
2020–2021	3	1	110
2019–2020	3	1	106
2018–2019	0	7	102
2017–2018	2	1	95
2016–2017	1	6	92
2015–2016	2	14	82

1 CSP7 President (2021). 'Announcement: Confirmation of the Format of the Preparatory Meeting for the Seventh Conference of States Parties'. [www.bit.ly/3zMonr7](http://www.bit.ly/3zMonr7).

## MAP OF STATUS OF RATIFICATIONS AND STATES PARTIES (AS OF 31 MAY 2021)



● 110

**RATIFIED/ACCEDED:** Afghanistan, 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, China, 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, Niue, 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, São Tomé and Príncipe, Senegal, Serbia, Seychelles, Sierra Leone, Slovakia, Slovenia, South Africa, Spain, Suriname, Sweden, Switzerland, Togo, Trinidad and Tobago, Tuvalu, United Kingdom, Uruguay, Zambia.

● 31

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

● 54

**NOT YET JOINED:** Algeria, Armenia, Azerbaijan, Belarus, Bhutan, Bolivia, Brunei Darussalam, 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.

The geographic spread of States Parties remains uneven (see map). As of 31 May 2021, the regions with the lowest proportion of ATT States Parties were Oceania at 43 per cent (six of 14 countries) and Africa at 52 per cent (28 of 54 countries).

Europe at 91 per cent (39 of 43 countries), the Americas at 74 per cent (26 of 35 countries) and, for the first time this year, Asia at 71 per cent (10 of 14 countries) have higher regional proportionality of States Parties.

Positively, all four new States Parties are from regions with the lowest ATT participation.

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

- The European Union (EU), with all 27 members being States Parties
- The Economic Community of West African States (ECOWAS), with 14 of its 15 members (93 per cent) being States Parties
- The Caribbean Community (CARICOM), with 12 of 15 members (80 per cent) being States Parties<sup>3</sup>

## UNIVERSALIZATION AND IMPLEMENTATION ACTIVITIES

This year saw the fourth 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 date of the virtual PrepCom meeting of CSP7 in April 2021, 28 States Parties<sup>4</sup> had made voluntary contributions totalling US\$9.9 million over the course of the fund's lifespan. Three States Parties (Canada,

Costa Rica and Montenegro) made voluntary contributions for the first time this year, increasing the total VTF budget by approximately US\$1 million compared to the previous year. An additional US\$70,231.51 has been contributed to the VTF Outreach Programme.<sup>5</sup>

The ATT Secretariat received 26 applications from 20 States Parties for 2020 VTF-funded projects.<sup>6</sup> The VTF Selection Committee approved funding for 12 projects to be implemented in 12 countries in 2020,<sup>7</sup> with a total budget of US\$1.2 million.<sup>8</sup> This marks a decrease from the 20 projects approved with a total budget of US\$2 million for 2019 VTF funding, despite the increase in the VTF's disbursement budget.<sup>9</sup> Many of these projects were organized with civil society organizations (CSOs) as implementing partners, reinforcing the vital role partnerships play in meaningfully advancing universalization and implementation efforts.

Table 2 shows the number of applications, the number of approved projects and the total budgets for projects approved by the VTF Selection Committee since its first year of operation.

**Table 2: Approved VTF projects and committed funding per year<sup>10</sup>**

Year	Number of Applications	Number of Projects Approved	Total Budget for Approved Projects
2020	26	12	US\$1.2 million
2019	39	20	US\$2 million
2018	23	10	US\$834,803
2017	21	17	US\$1.3 million

2 Analysis based on UN Statistics Division regional groupings. <https://unstats.un.org/unsd/methodology/m49/>. For more information on Treaty membership, see the ATT Secretariat website: <https://thearmstradetreaty.org/treaty-status.html?templateId=209883#>.

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

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

5 ATT Secretariat (2020). 'Report on the Work of the ATT Voluntary Trust Fund (VTF) for the Period August 2019 to August 2020'. 17 July 2020. ATT/VTF/2020/CHAIR/614/Conf.Rep. <https://bit.ly/3779ceU>, p. 3.

6 Ibid.

7 Projects were approved for: Antigua and Barbuda, Botswana, Côte d'Ivoire, Ghana, Kenya, Madagascar, Nigeria, Philippines, Sierra Leone, South Sudan, Togo and Zambia.

8 For a complete list of projects, see ATT Secretariat (2020). 'Report on the Work of the ATT Voluntary Trust Fund (VTF) for the Period August 2019 to August 2020'. 17 July 2020. ATT/VTF/2020/CHAIR/614/Conf.Rep. <https://bit.ly/3779ceU>, p. 24.

9 For more information, see Control Arms Secretariat (2020). 'ATT Monitor Annual Report 2020'. [https://attmonitor.org/wp-content/uploads/2020/11/EN\\_ATT\\_Monitor-Report-2020\\_Online.pdf](https://attmonitor.org/wp-content/uploads/2020/11/EN_ATT_Monitor-Report-2020_Online.pdf), p. 11.

10 This table shows projects and funding that were approved by the VTF Selection Committee and does not take into consideration cases where a project was withdrawn or otherwise not completed.

The COVID-19 pandemic had a significant impact on the implementation and completion of 2020 VTF-funded projects as well as on the number of projects approved in 2020 that decreased from the previous year. As the deadline to apply for VTF funding was in January 2020, the applications for 2020 projects could not account for the potential impact of the COVID-19 pandemic. The VTF Selection Committee thus requested all applicants submit a COVID-19 risk-mitigation strategy outlining measures to be taken in order to ensure that projects meet government and/or the World Health Organization (WHO) health and safety guidelines associated with the pandemic. Given the various national lockdowns, the disbursement for all 2020 VTF-funded projects was delayed to January 2021, with exceptions for cases where grantees demonstrated the ability to move ahead in 2020 with funded projects in accordance with pandemic restrictions.

Other activities in support of universalization and implementation efforts have also continued this 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 commit resources to channel technical, material and financial assistance to States Parties and to countries in the process of ratifying or acceding to the Treaty.

UNSCAR grants were approved for the eighth year to a range of UN agencies, international and regional organizations, CSOs and research institutes. These include the Centre for Armed Violence Reduction (CAVR), the Sierra Leone Action Network on Small Arms (SLANSA) and the UN Regional Centre for Peace and Disarmament in Asia and the Pacific (UNRCPD).<sup>11</sup>

National and regional training workshops around the world again brought together CSOs and government representatives to support universalization and implementation of the ATT by exploring technical challenges, legal requirements of membership to the ATT and resources available to support national capacity-building efforts to implement ATT provisions. However, these workshops and trainings were held less frequently and in a virtual format this year as a result of ongoing challenges related to the COVID-19 pandemic.

Examples include:

- On 28–29 November 2020, participants attended a workshop in Costa Rica on 'Reducing illicit arms and ammunition trafficking: moving towards a safer Latin America without fear of armed violence'. Participants from Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, Panama and Peru shared information on national experiences with armed violence, arms and ammunition controls, and illicit arms trafficking. The workshop was implemented by the Arias Foundation and the United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean (UNLIREC) with support from Germany.<sup>12</sup>
- On 3–15 December 2020, the EU ATT Outreach Project organized a virtual activity for Chile that focused on instruments, including the ATT, to prevent, detect and address diversion and the illicit trafficking of conventional weapons. A total of 243 Chilean government officials participated in discussions and presentations on issues such as operational interagency exchange and regional and international platforms.<sup>13</sup>
- On 14–16 April 2021, the Geneva Centre for Security Policy (GCSP) organized a virtual ATT course titled 'Virtual Learning Journey: Building Capacities for Effective Implementation of the ATT'. A total of 80 participants from 45 countries attended, including government officials, civil society members and representatives from international organizations. The course was made available with support from Australia and Canada.
- On 11–14 May 2021, the GCSP organized a virtual Spanish-language ATT course titled 'Curso virtual: Creación de capacidades para una implementación eficaz del Tratado sobre el Comercio de Armas'. A total of 50 participants from 12 Latin American countries attended, including government officials, civil society members and industry representatives. The course was made available with support from UNLIREC and Spain.

11 United National Office for Disarmament Affairs (UNODA) (2021). 'UNSCAR 2020 Call for Proposals – selected applications'. 14 January 2021. <https://documents.unoda.org/wp-content/uploads/2021/02/UNSCAR-2021-Call-for-Proposal-Selected-Applications-Indicative.pdf>.

12 Stockholm International Peace Research Institute (SIPRI) (2021). 'Reducing Illicit Arms and Ammunition Trafficking: Moving Towards a Safer Latin America Without the Fear of Armed Violence'. ATT Assistance Database. <https://att-assistance.org/index.php/activity/reducing-illicit-arms-and-ammunition-trafficking-moving-towards-safer-latin-america>.

13 SIPRI (2021). 'EU ATT Outreach Project II – Online Activity for Chile'. ATT Assistance Database. <https://att-assistance.org/index.php/activity/eu-att-outreach-project-ii-online-activity-chile>.

## REPORTING ON IMPLEMENTATION AND COMPLIANCE

### ANNUAL REPORTS

ATT annual reports are due by 31 May each year, detailing arms exports and imports from the previous calendar year.<sup>14</sup> However, 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.

As of the 7 June 2021 deadline, 105 States Parties were required by Article 13.3 of the ATT to submit their 2020 annual reports. Of these, 46 submitted their annual reports on time, representing a compliance rate of 44 per cent. This reflects a notable increase in on-time reporting compared to that for 2019 reports (37 per cent) when States Parties submitted reports in the early waves of the COVID-19 pandemic, but it is below the compliance rate for 2018 reports (49 per cent). This year's on-time reporting nevertheless underscores the persistent challenge with low compliance rates in ATT reporting overall.

Thirteen States Parties (Albania, Antigua and Barbuda, Barbados, Benin, El Salvador, Georgia, Greece, Kazakhstan, Lithuania, the Maldives, Mauritius, the Republic of North Macedonia and the State of Palestine) elected to make their 2020 reports private, representing approximately 28 per cent of on-time submissions. By comparison, 17 per cent of reports submitted on time last year were private, continuing the concerning trend towards increased private reporting.

A preliminary analysis of the contents of the 2020 annual reports can be found in Chapter 4.1.

The submission of 2019 annual reports – the focus of the analysis in Chapter 3.1 – marked five years of ATT annual reporting. The ATT Monitor finds that progress by States Parties in implementing reporting obligations and transparency commitments has been slow, and there is much work to be done to support full compliance with these Treaty provisions.


A full analysis of the first five years of ATT annual reporting can be found in Chapter 2.1.



**HMS SÖDERMANLAND  
SUBMARINE AT SHIPLIFT.**

CREDIT: © SAAB AB /  
GLENN PETTERSON

<sup>14</sup> 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>.



**105MM SHELLS FOR  
LIVE FIRING EXERCISE IN  
WALES, UNITED KINGDOM.**

CREDIT: © MOD CROWN

## INITIAL REPORTS

Article 13.1 of the ATT requires that each State Party submit an initial report on implementation within the first year after entry into force of the Treaty for that State Party.<sup>15</sup> As of 7 June 2021, 105 of 110 States Parties were required to submit an initial report, of which 81 had done so, representing a compliance rate of 77 per cent.

This year, five States Parties (Cameroon, Canada, the Maldives, Palau and Saint Vincent and the Grenadines) submitted their initial reports to the ATT Secretariat. Three States Parties (Cameroon, the Maldives and Saint Vincent and the Grenadines) elected to keep their initial reports private, continuing the concerning trend towards increased private reporting.

In addition to submitting initial reports, States Parties are required under Article 13.1 to provide the ATT Secretariat with relevant updates or changes to their national arms-transfer control systems. One State Party (Hungary) submitted an updated report this year, joining Japan, New Zealand, Slovenia and Sweden as the only States Parties to have provided these updates to the Secretariat.

An in-depth analysis of the contents of newly submitted initial reports and updates can be found in Chapter 4.2.

The ATT Monitor also evaluated the first five years of ATT initial reporting. This analysis shows that States Parties' reporting compliance is not living up to the promise or requirements of the ATT, as many States Parties remain non-compliant, and the number of confidential reports is increasing.

A full analysis of the first five years of ATT initial reporting can be found in Chapter 2.2.

## SYSTEMS AND PROCEDURES

### SIXTH CONFERENCE OF STATES PARTIES

The Sixth Conference of States Parties (CSP6) was conducted through a written procedure on 17–21 August 2020. Representatives from 102 countries, including 89 States Parties, one state that acceded to the Treaty but for which it had not yet entered into force, and 12 Signatories registered to attend the conference.<sup>16</sup> Other stakeholders also registered to attend, including representatives of nine international and regional organizations, including UN agencies, and 28 CSOs, research institutes and associations representing industry.<sup>17</sup>

<sup>15</sup> 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>.

<sup>16</sup> The ATT Monitor captures attendance at CSPs as indicated by the CSP Final Report each year. This year, attendance refers to States Parties that registered to attend CSP6 but may or may not have participated by written procedure.

<sup>17</sup> ATT Secretariat (2020). 'Final Report'. ATT/CSP6/2020/SEC/635/Conf.FinRep.Rev1. <https://bit.ly/2EkDHTJ>, p. 3.

Ambassador Federico Villegas of Argentina was elected President of the conference during CSP6, succeeding Ambassador Carlos Foradori following his departure from Geneva. Decisions adopted via silence procedure included the following:

- Establishment of the Diversion Information Exchange Forum (DIEF), mandating the CSP7 President to organize the first meeting of the DIEF within the timeframe of ATT meetings in 2021, and deciding to review the usefulness of the DIEF at CSP8
- Endorsement of the standing agenda items and the recurring and specific tasks for the WGTR in the period between CSP6 and CSP7
- Election of Ambassador Lansana Gberie of Sierra Leone as President of CSP7
- Election of Cyprus, Germany, Latvia and Peru as Vice Presidents of CSP7
- Scheduling of CSP7 for 30 August–3 September 2021<sup>18</sup>

Several draft decisions were not adopted via silence procedure. Some of these were taken forward intersessionally during the CSP7 cycle while others await final endorsement during the CSP7 annual meeting. These decisions included the multi-year work plans for all three sub-working groups of the WGETI, as well as the CSP6 President's working paper on enhancing transparency and information sharing to address diversion.<sup>19</sup>

Overall, the impact of the COVID-19 pandemic disrupted the CSP6 process. Active engagement by ATT stakeholders, which was permitted only in written form, was down from previous CSPs. In order to safeguard the continuity of the ATT process and the work of the ATT Secretariat during COVID-19, the agenda and a majority of the proposed decisions remained procedural in nature, resulting in limited progress towards the universalization and effective implementation of the Treaty. Two decisions containing substantive elements were adopted by silence procedure without open discussion: one on the mandate and priority areas of work of the WGTR and the other establishing the DIEF.

Transparency – one of the Treaty's key purposes alongside reducing human suffering and contributing to peace, security and stability – was at the centre of many of the discussions at CSP6. While extraordinary working methods were adopted as a way to ensure continuity in the ATT process during the COVID-19 pandemic, these did not allow for significant progress towards the Treaty's effective implementation.

## SEVENTH CONFERENCE OF STATES PARTIES INTERSESSIONAL PERIOD

Preparations for CSP7 included meetings of the ATT Working Groups and the PrepCom on 26–30 April 2021, followed by virtual informal consultations on 28–30 June 2021. This format was adopted in place of the two in-person sets of meeting that traditionally move forward intersessional work due to challenges related to the COVID-19 pandemic. The remote consultations were scheduled to prepare and finalize the documentation from the April meetings to be submitted to CSP7. At the time of writing, the consultations had yet to take place and its outcomes had yet to be shared with ATT stakeholders. The summaries that follow cover work completed up to this consultation period.

The multi-year work plans of the WGETI sub-working groups were adopted by States Parties in March 2021, prior to the Working Group meetings. During these meetings, the WGETI, chaired by Ambassador Sang Beom Lim 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), Article 11 (diversion) and Article 9 (transit and trans-shipment). Three appointed facilitators led the discussions.

The WGETI sub-working group on Articles 6 and 7, facilitated by Ambassador Ignacio Sánchez de Lerin of Spain, discussed the outcome of States Parties' responses to the sub-working group's methodology template to help facilitate the unpacking of key concepts in Articles 6 and 7. After CSP6, the facilitator collated and reviewed the small number of inputs received on the methodology template and prepared a summary report of the responses. ATT stakeholders discussed this report as well as general feedback on the methodology for this exercise during the meeting of the sub-working group.<sup>20</sup>

The WGETI sub-working group on Article 11, facilitated by Ms. Stela Petrović of Serbia, discussed two topics: a discussion paper outlining elements of a process for assessing the risk of diversion, which may be put forward for possible adoption at CSP7, and the practicalities associated with assessing the risk of diversion of an export and the possible establishment of mitigation measures. The sub-working group also further examined the role of information exchange in conducting risk assessment and sought to identify the types of information that are relevant and necessary in exchanges on diversion.<sup>21</sup>

<sup>18</sup> Ibid., pp. 6–7.

<sup>19</sup> Ibid., p. 7.

<sup>20</sup> ATT WGETI (2021). 'Chair Letter and Sub-Workgroups Documents for 26–28 April 2021'. 31 March 2021. ATT/CSP7/WGETI/2021/CHAIR/655/M. LetterWorkPlans. <https://bit.ly/3BJ5hD8>, p. 8.

<sup>21</sup> Ibid., p. 15.

The WGETI sub-working group on Article 9, facilitated by Mr. Rob Wensley of South Africa, also discussed two topics: exploring national approaches to the terms 'transit' and 'trans-shipment', including how States Parties distinguish between the two and what this means in practice, and a discussion on the phrases 'under its jurisdiction' and 'through its territory in accordance with international law'. States Parties were encouraged to share information on national practices in these areas.<sup>22</sup>

The WGTR, co-chaired by Mr. Alejandro Alba Fernández of Mexico and Ms. Iulia Vlădescu of Romania, continued to pursue an agenda including substantive work to support reporting by States Parties in the CSP7 preparatory meetings. Along with an update on the state of play of compliance with reporting obligations and a discussion of challenges concerning reporting and related substantive reporting and transparency issues, the WGTR continued its discussion on amending the annual and initial reporting templates. The WGTR co-chairs prepared explanatory documents for each reporting template. These changes will be discussed in virtual consultations in June 2021 and will be put forward for adoption by CSP7.<sup>23</sup>

The WGTU, co-facilitated by Ambassadors Federico Villegas of Argentina and Lansana Gberie of Sierra Leone, discussed the activities of Sierra Leone's CSP Presidency to promote universalization of the ATT, updates on efforts by the WGTU co-chairs and States Parties to promote universalization, the status of ratifications and accessions to the Treaty, and efforts of civil society and industry to promote universalization.<sup>24</sup>

The PrepCom meeting for CSP7 was held on 30 April 2021. Ambassador Gberie introduced the priority theme for Sierra Leone's CSP Presidency earlier in the week and discussed the draft working paper on 'Strengthening efforts to eradicate the illicit trade in small arms and light weapons and ensure efficient stockpile management'.<sup>25</sup> During the PrepCom meeting, the ATT Secretariat provided an overview of the status of implementation of the decisions taken at CSP6, reported on the status of operation of the VTF and financial contributions. The Management Committee presented proposed draft guidelines regarding financial arrangements between States Parties and the ATT Secretariat.<sup>26</sup>

Overall, the Working Groups and PrepCom meetings of CSP7 did not pursue ambitious agendas for continuing work on effective ATT implementation and saw limited participation by ATT stakeholders. The WGTR maintained the most ambitious agenda, which included concrete efforts to continue reviewing the effectiveness of ATT reporting templates to increase transparency in the arms trade. The other Working Groups, however, set expectations low in their agendas for intersessional work.

There is still progress to be made in working towards effective implementation of all Treaty provisions. Nearly seven years after the Treaty entered into force, States Parties remain reluctant to discuss compliance with, and possible violations of, the ATT in terms of transfer decisions. Notably, there are still no mechanisms for such discussion in place, and ATT stakeholders appear unlikely to provide space to address these matters in general exchanges.

## TAKING STOCK – ARE STATES PARTIES MEETING THEIR OBLIGATIONS?

In joining the ATT, States Parties committed to its object and purpose of reducing human suffering while promoting a responsible trade in conventional arms. Robust application of specific provisions in Article 6 (prohibitions) and Article 7 (export and export assessment) is at the heart of ensuring this humanitarian imperative is honoured. Article 6.3, for example, explicitly prohibits arms transfers that could be used to commit genocide, crimes against humanity or certain war crimes. Article 7 states the criteria under which States Parties must conduct a risk assessment prior to authorizing a licence to assess the potential that transferred items could be used to commit or facilitate serious violations of international humanitarian law (IHL) and international human rights law (IHRL).

States Parties' commitments to the humanitarian objectives of the ATT have been tested in the conflict in Yemen as problematic arms transfers to the Saudi-led coalition are ongoing.<sup>27</sup> Specifically, many States Parties and Signatories had been exporting weapons and ammunition to Saudi Arabia prior to 2014 when fighting in Yemen began.<sup>28</sup> In fact, Saudi Arabia has been the world's largest arms importer since 2014 and

22 Ibid., p. 12.

23 ATT WGTR (2021). 'Co-Chairs Report of 28–29 April 2021 Meeting'. 4 June 2021. ATT/CSP7/WGTR/2021/CHAIR/711/M.Rep. <https://bit.ly/3xdURb8>.

24 ATT WGTU (2021). 'Draft Agenda for CSP7 Preparatory Meeting: 27 April 2021'. 31 March 2021. ATT/CSP7/WGTU/2021/CHAIR/658/M.Agenda. <https://bit.ly/3zltjMQ>.

25 For more information, see CSP7 President (2021). 'Draft Working Paper Presented by the President of the Seventh Conference of States Parties to the ATT'. 9 April 2021. ATT/CSP7/2021/PRES/659/Conf.SALWPSSM. <https://bit.ly/3j2oLax>.

26 ATT Secretariat (2021). 'Draft Annotated Agenda CSP7 Information Preparatory Meeting'. 16 March 2021. <https://bit.ly/3rDeUyw>.

27 The Saudi-led coalition consisted originally of Bahrain, Egypt, Jordan, Kuwait, Morocco, Qatar, Saudi Arabia, Sudan and the United Arab Emirates. Other countries also provided support. See United Nations Human Rights Council (2015). 'Situation of human rights in Yemen'. 7 September 2015. [http://reliefweb.int/sites/reliefweb.int/files/resources/A\\_HRC\\_30\\_31\\_AEV.pdf](http://reliefweb.int/sites/reliefweb.int/files/resources/A_HRC_30_31_AEV.pdf).

28 For previous analysis of arms exports to Saudi Arabia, see Control Arms Secretariat (2016). 'Dealing in Double Standards. How Arms Sales to Saudi Arabia are Causing Human Suffering in Yemen'. Case Study 2. <https://attmonitor.org/wp-content/uploads/2020/07/ATT-Monitor-Case-Study-2-Saudi-Arabia-.pdf>.

was among the top five in previous years.<sup>29</sup> However, its arms procurement was placed into the spotlight of the international community when it launched its military campaign to support the Yemeni government against Houthi rebels in March 2015. The humanitarian crisis that subsequently unfolded has caused an international outcry, especially as the Saudi-led coalition carried out an aerial campaign that resulted in the deaths of thousands of civilians over several years.

The UN Office for the Coordination of Humanitarian Affairs (OCHA) has estimated that 233,000 people have died since the war began, over half of them from indirect causes such as lack of food, health services and infrastructure.<sup>30</sup> More than 20 million Yemenis (80 per cent of the population) are in need of humanitarian assistance, and the war has already displaced four million people.<sup>31</sup>

Since the launch of the Saudi-led coalition's military campaign in 2015, 23,093 air raids and more than 60,000 individual strikes have been documented. Of the air raids, 7,502 (32 per cent) have hit military targets, 6,683 (29 per cent) non-military sites and 8,908 (39 per cent) unknown sites.<sup>32</sup> Air raids on non-military targets have hit residential areas, transport, farms, markets, government compounds and schools, among others. Attacks by all the warring parties have caused more than 100,000 casualties, including between 12,000 and 18,000 civilians, according to the most recent report from

the UN Group of Eminent Experts on Yemen (GEE).<sup>33</sup> It is also estimated that between 2018 and 2020 more than a quarter of civilian casualties were children, yet the numbers could be higher.<sup>34</sup>

Gender-based violence (GBV) continues to be prevalent in Yemen and the GEE has made clear that all parties to the conflict continue to commit acts of GBV, including sexual violence, in contravention of IHL and IHRL.<sup>35</sup> Article 7.4 of the ATT requires an exporting State Party to take into account the risk of conventional arms covered under Article 2.1 or of items covered under Article 3 or Article 4 being used to commit or facilitate serious acts of GBV or serious acts of violence against women and children. The conflict in Yemen shows how States Parties that continue to export weapons to members of the Saudi-led coalition are not fulfilling their obligations in this regard.

Various efforts to encourage States Parties to implement provisions of the ATT in accordance with its object and purpose of reducing human suffering and to stop problematic arms transfers that fuel the Yemen conflict have had mixed results.<sup>36</sup> Analysis of ATT annual reports submitted by States Parties detailing exports and imports between 2015 and 2019 reveals a positive development in that the number of States Parties that exported weapons to Saudi Arabia fell in recent years from 13 to 7.



**VARIOUS EFFORTS TO ENCOURAGE STATES PARTIES TO IMPLEMENT PROVISIONS OF THE ATT IN ACCORDANCE WITH ITS OBJECT AND PURPOSE OF REDUCING HUMAN SUFFERING AND TO STOP PROBLEMATIC ARMS TRANSFERS THAT FUEL THE YEMEN CONFLICT HAVE HAD MIXED RESULTS.**

29 SIPRI (2019). 'Global arms trade: USA increases dominance; arms flows to the Middle East surge, says SIPRI'. 11 March 2019. <https://www.sipri.org/media/press-release/2019/global-arms-trade-usa-increases-dominance-arms-flows-middle-east-surge-says-sipri>.

30 UN News (2020). 'UN humanitarian office puts Yemen war dead at 233,000, mostly from "indirect causes"'. 1 December 2020. <https://news.un.org/en/story/2020/12/1078972>.

31 Relief Web (2021). WFP Yemen Situation Report #5. May 2021. <https://reliefweb.int/report/yemen/wfp-yemen-situation-report-5-may-2021>

32 See Yemen Data Project. <https://www.yemendataportproject.org/>.

33 UN Human Rights Council (2020). 'Situation of human rights in Yemen, including violations and abuses since September 2014. Report of the Group of Eminent International and Regional Experts on Yemen'. 28 September 2020. <https://www.ohchr.org/Documents/HRBodies/HRCouncil/GEE-Yemen/2020-09-09-report.pdf>.

34 Save the Children (2021). 'Yemen: A quarter of all civilian casualties are children'. 23 March 2021. <https://www.savethechildren.net/news/yemen-quarter-all-civilian-casualties-are-children>. Previous reports estimate that more than 7,500 children had been killed or wounded since the conflict began. See Lederer, E. (2019). 'UN report: 7,500 kids killed or wounded in Yemen since 2013'. The Associated Press, 29 June 2019. <https://apnews.com/article/25365d9670d0422d90ecce66c451fa0f>.

35 UN Human Rights Council (2020). 'Situation of human rights in Yemen, including violations and abuses since September 2014. Report of the Group of Eminent International and Regional Experts on Yemen'. 28 September 2020. <https://www.ohchr.org/Documents/HRBodies/HRCouncil/GEE-Yemen/2020-09-09-report.pdf>.

36 The European Parliament, for example, adopted two resolutions (in 2016 and 2017) calling for an arms embargo on Saudi Arabia and it again urged member states to impose an arms embargo in 2020. See Abramson, J. (2018). 'Europeans Cut Saudi Arms Sales'. Arms Control Association, March. <https://www.armscontrol.org/act/2018-03/news/europeans-cut-saudi-arms-sales>; Al Jazeera (2020). 'EU Parliament urges arms embargo on Saudi Arabia'. 17 September 2020. <https://www.aljazeera.com/news/2020/9/17/eu-parliament-urges-arms-embargo-on-saudi-arabia>.

Other positive developments include the implementation of bans on exporting arms to Saudi Arabia and other types of restrictive policies by some ATT States Parties, including Belgium,<sup>37</sup> Germany,<sup>38</sup> the Netherlands,<sup>39</sup> Norway,<sup>40</sup> Switzerland<sup>41</sup> and Italy.<sup>42</sup> In contrast, some States Parties that are large exporters of conventional weapons, such as France and the United Kingdom, have continued to supply weapons to Saudi Arabia throughout the war despite evidence that all parties have committed serious violations of IHL and IHRL.<sup>43</sup>

As the conflict in Yemen continues, States Parties and Signatories to the ATT that continue selling weapons to the Saudi-led coalition have yet to live up to the object and purpose of the Treaty to reduce human suffering.



**AS THE CONFLICT IN YEMEN CONTINUES, STATES PARTIES AND SIGNATORIES TO THE ATT THAT CONTINUE SELLING WEAPONS TO THE SAUDI-LED COALITION HAVE YET TO LIVE UP TO THE OBJECT AND PURPOSE OF THE TREATY TO REDUCE HUMAN SUFFERING.**

## THE 2021 ATT MONITOR REPORT

Chapter 1 takes an in-depth look at stockpile management as a key mechanism for addressing the illicit trade in small arms and light weapons (SALW) and highlights synergies between ATT provisions and other global arms control frameworks. It then explores the nature and dynamics of stockpile management practices in Sub-Saharan Africa as the region engages with past and present arms control norms. The chapter seeks to promote a nuanced understanding of gaps in stockpile management practices and policies that are illustrated in a case study that highlights challenges faced by Ghana in establishing and implementing these systems.

Chapter 2.1 evaluates five years of ATT annual reporting data, looking at the degree to which annual reporting by States Parties is meaningfully transparent and whether it has contributed to transparency in line with the Treaty's object and purpose. This chapter examines two different aspects of reporting. First, it assesses whether States Parties have met the requirement set out in Article 13.3 to submit timely ATT annual reports. Second, it assesses the degree to which the information provided in those reports contributes positively to meaningful transparency in the global arms trade.

37 European Studies Unit (2021). 'Belgian Council of State suspends export licences for arms to Saudi Arabia'. 9 March 2021. <https://www.esu.ulg.ac.be/belgian-council-of-state-suspends-export-licences-for-arms-to-saudi-arabia/>; Arabian Business (2020). 'Belgian region halts arms sales to Saudi Arabia'. 6 February 2020. <https://www.arabianbusiness.com/politics-economics/439541-belgian-region-halts-arms-sales-to-saudi-arabia>; RTBF (2018). 'Borsus: "Les armes wallonnes pour l'Arabie saoudite ne sont plus destinées à des opérations militaires hors du pays"'. 19 January 2018. [https://www.rtbef.be/info/belgique/detail\\_borsus-les-armes-wallonnes-pour-l-arabie-saoudite-ne-sont-plus-destinees-a-des-operations-militaires-hors-du-pays?id=9815845](https://www.rtbef.be/info/belgique/detail_borsus-les-armes-wallonnes-pour-l-arabie-saoudite-ne-sont-plus-destinees-a-des-operations-militaires-hors-du-pays?id=9815845).

38 Stone, J. (2018). 'Germany, Denmark, Netherlands and Finland stop weapons sales to Saudi Arabia in response to Yemen famine'. Independent. 23 November 2018. <https://www.independent.co.uk/news/world/europe/saudi-arabia-arms-embargo-weapons-europe-germany-denmark-uk-yemen-war-famine-a8648611.html>. See also, 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>.

39 The Netherlands, in particular, applies a denial policy on arms exports by which export licenses 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>.

40 Reuters (2018). 'Norway suspends arms exports licenses to Saudi Arabia'. 9 November 2018. <https://www.reuters.com/article/us-norway-saudi-idUSKCN1NE22E>. Earlier in 2018, Norway had also decided to suspend arms exports to the United Arab Emirates. See Al Jazeera (2018). 'Norway suspends arms exports to UAE over war in Yemen'. 3 January 2018. <https://www.aljazeera.com/news/2018/1/3/norway-suspends-arms-exports-to-uae-over-war-in-yemen>.

41 The New Arab (2018). 'Switzerland halts Saudi arms parts trade over Khashoggi murder scandal'. 31 October 2018. <https://english.alaraby.co.uk/news/switzerland-halts-saudi-arms-parts-trade-over-khashoggi-scandal>.

42 Al Jazeera (2021). 'Italy permanently halts arms sales to Saudi Arabia, UAE'. 29 January 2021. <https://www.aljazeera.com/news/2021/1/29/italy-makes-permanent-arms-sale-freeze-to-saudi-arabia>.

43 UN Human Rights Council (2020). 'Situation of human rights in Yemen, including violations and abuses since September 2014'. Report of the Group of Eminent International and Regional Experts on Yemen. 28 September 2020. <https://www.ohchr.org/Documents/HRBodies/HRCouncil/GEE-Yemen/2020-09-09-report.pdf>.

Chapter 2.2 offers reflections on five years of ATT initial reporting. It examines trends in reporting compliance and provides a snapshot of progress made towards Treaty implementation based on publicly available information as provided by States Parties in their initial report. The chapter concludes by looking at enduring challenges to ATT reporting and considerations of how such challenges impact treaty implementation.

Chapter 3.1 takes an in-depth look at 2019 ATT annual reports. It includes an overall analysis of reporting practices, comparing 2018 and 2019 ATT annual reports. This identifies changes in reporting practices and assesses whether inconsistencies and gaps identified in the ATT Monitor analysis of 2018 annual reports were resolved in 2019 reports.

Chapter 3.2 includes country profiles for each State Party obliged to submit a 2019 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 areas of good reporting practice 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.

Chapter 4.1 includes a summary assessment of 2020 annual reports submitted within one week of the 2021. It is anticipated that more States Parties will submit their report in the window between the legal deadline of 31 May and the beginning of CSP7. As such, this analysis will be expanded in next year's ATT Monitor report.

Chapter 4.2 includes a summary assessment of initial reports and updates to them submitted by States Parties as of 7 June 2021. 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.



**TWO BOEING T-X RED  
HAWK JETS.**

CREDIT: © SAAB AB /  
JOHN D PARKER



UN INTERIM SECURITY FORCE  
FOR ABYEI (UNISFA) WEAPONS  
AND AMMUNITION DESTRUCTION  
ACTIVITY IN ABYEI.

CREDIT: © UNMAS / UNISFA