Arms Trade Treaty
Control Arms

Background
Three years on from its entry into force, the Arms Trade Treaty (ATT) has 92 states parties and a further 41 signatories. The ATT is the first treaty aimed at reducing human suffering by bringing the conventional arms trade under control. If implemented effectively, it will prevent the transfers of arms where there is a risk of arms being used in violation of international human rights and humanitarian law.

Yet more than two years after becoming international law, these aspirations for the ATT remain unfulfilled. From Yemen to South Sudan to the Philippines, armed violence and human rights abuses throughout the world continue to be fuelled by irresponsible arms transfers, including those supplied by ATT states parties and signatories. Thousands of civilians have been killed and injured, and many millions forced to flee their homes, fuelling a global displacement crisis. Continuing conflict has led to widespread famine and disease, and decimated development efforts.

Current context
The intersessional period between ATT conferences of states parties (CSPs) has been active. In 2016, the Second Conference of States Parties to the ATT (CSP2) established three working groups, on Effective Treaty Implementation (WGETI), Transparency and Reporting (WGTR), and Treaty Universalization (WGTU. These working groups convened for multiple meetings over the past year, with the objective of moving the ATT process forward in between CSPs.

During WGETI meetings, states parties reported progress made on the Treaty’s implementation and shared national challenges and perspectives. The working group has agreed its priority areas for its work after the third CSP:

- Article 5 obligations (national control system, national control lists, legislative framework, national competent authorities, and national points of contact);
- Article 6 and 7 obligations;
- Interagency cooperation or communication;
- Transit and transshipment;
- Diversion; and
- Record keeping.

Civil society and UN initiatives such as the ATT Academy and have continued to help foster capacity for more effective implementation over the last year. Many of these are mapped out in an ATT database maintained by the Stockholm International Peace Research Institute (SIPRI) that focuses on assistance and cooperation activities.

Over three meetings held in 2017, the WGTR developed three documents aimed at assisting states to meet their reporting obligations.
The overall progress on reporting under the ATT has been disappointing over the past year, both in terms of the quantity and the quality of reports submitted.

• By 31 May 2017, only 59 (70%) of the 82 initial reports due to be submitted had been received. Five reports have been kept confidential (Burkina Faso, Mauritius, Nigeria, Senegal, and Togo).
• Fewer than half (32 of the 75) of the annual reports for imports and exports in 2016 were submitted by 31 May 2017, a significant reduction from last year’s rate, when 75 per cent of countries submitted their reports by the legal deadline. More have since been received (43 as of July 2017), but many are still outstanding. Panama and Senegal have made their reports private.
• 13 states parties still have not submitted a report for their 2015 arms exports and imports, more than a year after that deadline had passed.¹

CSP3 took place on 11–15 September 2017 in Geneva. It had a disappointingly heavy emphasis on procedural matters and no acknowledgement at all about arms transfers that are in violation of Treaty provisions. ATT states parties had the opportunity during this implementation session to directly address arms sales to users that may violate human rights and international laws, but mostly failed to so, with the notable exception of 13 states in the Americas that called for a cessation of arms transfers to Venezuela. Significant time was put into discussing administrative and budgetary matters pertaining to underspending but also potential liquidity risks; the priorities and capacity of the ATT Secretariat; and treaty universalisation patterns by region. The terms of reference for each of the working groups were harmonized. Japan was announced as the president-designate for the next CSP and intends to host the meeting in Japan.

Concern was expressed at CSP3 that some states are not meeting their legal reporting obligations; it was agreed that future CSPs would review reporting compliance as a standing agenda item. The conference “recommended” a guide to streamlining national reporting practices and endorsed a Q&A document on annual reports that tries to clarify technical questions. CSP3 was the first ATT conference to include a special thematic debate, focused on the links between the ATT and the 2030 Sustainable Development Goals (SDGs).

The WGTU provided information about the outreach trips conducted by Ambassador Korhonen of Finland, CSP3 President, and updates on progress made on the Treaty’s universalisation from each region of the world. The WGTU also discussed the Co-chairs’ Draft Discussion Paper and the working paper Promotion of Arms Trade Treaty Universalization. Madagascar, Cape Verde, Benin, Republic of Korea, and Honduras have become states parties since the last First Committee. Outreach in the Asia-Pacific region continues to be a universalisation priority for many.

Three Preparatory Committees were also held this year to draft the CSP3 agenda and programme of work, and to provide updates on several on-going programmes and processes. Noteworthy among these was the selection of 19 ATT implementation project proposals from all regions, to be funded through the Voluntary Trust Fund.
In the meantime, initiatives outside of the ATT process are underway to challenge transfers that cause human suffering. Several ATT states parties are in direct violation of legally binding obligations by continuing to supply arms to Saudi Arabia in the context of the conflict in Yemen, for example. The UK High Court has been examining the UK government’s decisions to sell weapons to Saudi Arabia for use in Yemen despite the clear and overriding risk that they will be used in further violations of international humanitarian and human rights law. In July 2017, the Court ruled against campaigners and upheld the government’s argument that its process is not open to challenge. This was a deeply disappointing decision. Campaign Against the Arms Trade, who brought the original case, will appeal the ruling.

**Recommendations**

**During First Committee, delegations should:**
- Highlight and challenge arms transfers that appear to be in violation of the Treaty;
- Encourage continued universalisation of the Arms Trade Treaty;
- Participate in and contribute to the substantive discussions taking place in side events and elsewhere in order to share expertise and strengthen capacity for the robust implementation of the ATT; and
- Support an ATT resolution that calls for strong and effective Treaty implementation.

**Beyond First Committee, states should:**
- Implement the ATT robustly and in a transparent manner—including by immediately ceasing arms transfers that fuel conflict, poverty, and human rights abuses;
- Commit to timely, comprehensive, and public reporting;
- Engage in the ATT process by actively participating in the Working Groups and Preparatory Committees as well as in the CSPs;
- Share best practices and provide implementation support, through information exchange and resources;
- Support the newly established Voluntary Trust Fund; and
- Identify concrete measures to link implementation of the ATT to their efforts to meet the 2030 Sustainable Development Goals and the 2001 Programme of Action on small arms and light weapons.

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1 Antigua and Barbuda, Bahamas, Burkina Faso, Grenada, Guinea, Guyana, Iceland, Malta, Nigeria, St Kitts and Nevis, St Lucia, St Vincent and the Grenadines, Trinidad and Tobago.