Arms Trade Treaty
Control Arms

Background
On 24 December 2019, the Arms Trade Treaty (ATT) will celebrate its fifth anniversary since entry into force. Over the last year seven countries—Suriname, Guinea Bissau, Mozambique, Palau, Botswana, Lebanon, and Canada—joined the ATT, bringing the total number of states parties to 104. But their geographic spread remains uneven. Currently, the regions with the lowest membership are Africa (25 of 54 countries), Asia (seven of 14), and Oceania (five of 14), while Europe (39 of 43 countries) and the Americas (26 of 35) enjoy greater regional adherence.

Many of these governments have taken concrete steps towards implementing the ATT’s provisions, by strengthening their national control systems, adopting national control lists, and updating their national legislation, policies, and procedures to increase compliance with ATT obligations. However, states must ensure that the rigorous application of articles 6 and 7 in line with the ATT’s object and purpose ensure that concerns over human rights and humanitarian violations take precedence over all other considerations. Transfers that violate these articles have continued relatively unabated, perhaps most apparent in transfers made to the Saudi-led coalition for use in Yemen. Since the conflict in Yemen began four years ago, ATT states parties have failed to share information regarding their domestic risk assessment processes that led to the approval or the suspension/denial of arms transfers to members of the Saudi-led coalition for use in Yemen. This year at least, judicial reviews in a few states found certain arms transfers unlawful, instructing the government to suspend or cancel transfers, as in the case of Belgium, or to refrain from issuing new licences, as in the case of the United Kingdom and Italy.

Current context
Two informal preparatory meetings were convened in January and April 2019 to plan for the Fifth Conference of States Parties (CSP5). The CSP5 took place on 26-30 August in Geneva, Switzerland and was attended by delegates from 86 states parties, 17 signatories, and three observer states along with other stakeholders. Ambassador Jānis Kārkliņš of Latvia, President to CSP5, selected gender and gender-based violence (GBV) as the theme of his presidency. His non-paper on this subject approached the issue from three angles: gender balance in representation; the gendered impact of armed violence; and the GBV risk assessment contained in the ATT.

The Working Group on Effective Treaty Implementation (WGETI) continued to address the implementation of specific ATT articles in dedicated sub-working groups on article 5 (general implementation), articles 6 and 7 (prohibitions and export assessment), and
article 11 (diversion) with the aim of developing good practices in the establishment of national control systems. Discussions on article 5 led to the development and endorsement of a voluntary basic guide which seeks to assist states parties that wish to establish or strengthen their national control system. The sub-group on articles 6 and 7 incorporated discussion about article 7(4)’s provision regarding serious acts of GBV and agreed to advance this work through the development of a medium-term plan coupled with voluntary sharing of experiences on key aspects of these articles. The CSP5 also welcomed the multi-year work plan developed by the sub-group on article 11. The CSP5 agreed to replace the sub-working group on article 5 with one on article 9 (transit and transshipment). Another key matter discussed this year was the problem of financial liquidity due to an increasing number of states that have failed to pay their assessed contributions.

Public, comprehensive, and timely reporting on exports and imports by states parties can increase accountability and transparency in arms transfer decisions and lead to mutual security and confidence building. However, reporting rates have remained disappointing in 2019. As of 31 May, only 70 of 94 initial reports and 45 of 92 annual reports due had been received by the legal deadline. The Working Group on Transparency and Reporting (WGTR) discussed ways to address the decreasing reporting rates.

Ambassador Carlos Foradori of Argentina was elected President of CSP6, which will be held in Geneva from 17-21 August 2020. Argentina is expected to begin its presidency with the introduction of a new resolution on the ATT during the 2019 First Committee. The annual resolutions tend to welcome the ATT, encourage universalisation, and endorse decisions taken at CSPs.

Recommendations
During First Committee, delegations should:
- Highlight and challenge arms transfers that appear to violate the ATT;
- Encourage universalisation;
- Contribute to substantive discussions taking place in side events and elsewhere in order to share expertise and strengthen capacity for robust implementation of the ATT;
- Strive for gender balance in their delegations; and
- Support the resolution that calls for strong and effective ATT implementation.

Beyond First Committee, states should:
- Share information regarding their arms transfer decision processes, in particular around their article 6 and 7 risk assessment processes;
- Adopt the highest norms and establish rigorous structures to ensure effective implementation and compliance with the ATT;
- Robustly implement ATT obligations that seek to address diversion;
- Commit to timely, comprehensive, and public reporting; and
- Engage in the ATT process by actively participating in the working groups and preparatory meetings as well as in the CSPs.

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