Disarmament and arms control have been on the UN’s agenda since its inception. Its first resolution in 1946 set up a commission to, among other things, make specific proposals for the elimination of nuclear weapons and other weapons of mass destruction. The UN Charter itself calls for the lowest level of military expenditure and redirection of human and economic resources. The first of the General Assembly’s specialized committees deals with disarmament and international security. And as UN Secretary-General Ban Ki-moon said in his opening remarks to the arms trade treaty (ATT) conference on Tuesday, 3 July, disarmament and arms control have implications for every other issue the UN covers. “Poorly regulated trade in weaponry,” he argued, “is a major obstacle to everything we do.”

Yet over the last decade or more, UN member states have not been able to deal effectively with disarmament or arms control issues inside this august body. There has been a trend, across all UN fora addressing weapons, of not being able to agree on substance or procedure. This downward spiral seemed to continue this week, with some governments preventing the very opening of the ATT negotiating conference for two days. And while the issues cited for holding up progress in UN fora are often legitimate concerns that need to be addressed, the underlying impetus for the blockages can often be the simple fact that some governments and other actors benefit from the stalemates.

In the context of the ATT, some governments are concerned that the treaty will be used politically against them, preventing them from importing arms. But an even bigger obstacle to progress is that some governments and other powerful domestic constituencies and interests benefit politically or economically from the manufacture, sale, and/or use of weapons. They fear that a robust ATT will have an impact on their profit margins and their political power. Indeed, a strong treaty with the protection of human rights at its core should affect the arms industry—as even arms manufactured in liberal democracies find themselves used as instruments of repression—and the nature of international security as a whole.

In his opening remarks, the Chair of the conference, Ambassador Moritán of Argentina, argued that international security is built on a succession of multilateral actions. The historic lack of action on regulating the international trade in arms is, as the UN Secretary-General said, a disgrace. Ban noted rising military expenditure, armed conflict, and human rights violations as requiring concerted, collective action on this issue. The Norwegian Minister of International Development described the unregulated arms trade as contributing to “conflict, displacement, crime and terrorism, thereby also undermining peace, reconciliation, safety and stability.” The Norwegian and Australian delegations also highlighted the specific effects of the arms trade on women, with Minister Holmás of Norway recalling the systematic rape of women during conflict.

With such overwhelmingly negative effects of the unregulated arms trade in mind, the diplomats at the ATT negotiating conference must buck the trend of failing to agree to strong, legally-binding provisions that, as Norway’s delegation said, make a difference and give added value. To do this, those working for an effective treaty will need to expose and resist the economic and political interests of those that benefit from the perpetuation of the excessive manufacture and sale of weapons. They must refuse to compromise the achievement of a strong treaty as this would only satisfy the industrial and political interests of those that seek a weak treaty or none at all.

A strong, robust, transparent, and effective arms trade treaty will be an essential piece of what Ambassador Moritán described as the fabric of collective commitments aimed at strengthening international peace and security. Achieving this treaty will require not just good faith by all participants but uncompromising dedication to alleviating human suffering above other interests, activities, and priorities that undermine collective human security.
News in Brief
Katherine Prizeman | Global Action to Prevent War

The News in Brief highlights new and interesting points from statements to the conference. It is not a comprehensive record or summary of the meetings. Statements are online at www.reachingcriticalwill.org.

Principles and objectives
- UN Secretary-General (UNSG) Ban Ki-moon noted that an ATT and national legislation can help promote socioeconomic development, promote peace-building, monitor sanctions and arms embargoes, promote women’s empowerment, and foster the rule of law.
- Norway stated that the overall objective of an ATT should be to prevent irresponsible trade that causes suffering and armed violence and that negotiations have a humanitarian objective.
- Australia called for an ATT that would promote accountability and transparency in the global arms trade.

Scope
- Australia’s delegation called for an ATT with a comprehensive scope covering all types of conventional weapons, including small arms and light weapons (SALW) and their ammunition.
- Japan argued that the Treaty should have the broadest possible scope of arms, including the seven categories in the UN Register for Conventional Arms, SALWs, and ammunition, and that the inclusion of parts, components, technology, and equipment should be explored.
- Japan also stated that activities to be covered should include export, import, transit, transshipment, and brokering.
- The UNSG stated that the Treaty must cover a broad scope of weapons and leave no room for loopholes.
- Norway considers it vital to include all conventional arms whether they are labeled military or non-military.
- Norway called for inclusion of SALW and ammunition, arguing that if the ATT does not cover ammunition then it will not be as strong as it should be.

Criteria
- Australia called for “strong criteria to assess arms exports and clear implementable provisions for national control systems.”
- Japan argued that the ATT should establish standards such that a state shall not authorize a transfer of conventional arms that goes against any international legal obligation.
- Norway supported clear criteria that require that states parties should not authorize transfers if arms will be used to undermine peace, stability, international humanitarian law, and international human rights law.
- Norway emphasized UN Security Council resolution 1325 and the use of armed violence against women, arguing that a gender perspective should be reflected in the ATT.

Implementation
- Australia underscored that implementation challenges for some member states must not present an obstacle for a strong outcome. The government announced that it will provide $1 million for a multilateral assistance fund for implementation of the Treaty’s provisions, in particular assisting in legislation implementation, establishing export control agencies, and building expertise to assess and enforce arms transfer decisions.
Wandering eye
Dr. Robert Zuber | Global Action to Prevent War

The long pause in the opening of the first session of the ATT negotiating conference was a stark reminder of several things. First, that any consensus-driven process is vulnerable to diplomatic spasms whether in the form of new wrinkles on national interest or in the form of unresolved geopolitical issues for which the current forum provides a context for new leverage.

For civil society organizations, especially those espousing or practicing a singular focus, these spasms can be un-nerving. But for others, they represent a somewhat predictable and clearly manageable part of diplomacy. Everyone who gathered in the GA Hall and Conference Room 1 has had some experience, painful and not, of people attempting to change the topic—by-passing what appears to be the issue at hand to address some other issue that may seem immaterial to some but that also carries great emotional weight. In personal matters, it is often a great challenge to keep the subjects at hand from wandering towards the subjects of interest. People, organizations, governments—all of us have become much too adept at diverting the course of discussions from what we agreed to talk about to what we need to talk about.

At the UN, where there are so many security-related issues on the menu of diplomats and where so many challenging global problems remain unresolved, there will always be temptation to blend issues in ways that dilute their individual impact. With full understanding that what happens in the ATT is closely bound up with what happens in processes related to the UN Programme of Action on small arms and light weapons, the protection of civilians, the nuclear Non-Proliferation Treaty, and even in the Middle East (Ambassador Moritán referred to a ‘fabric of collective commitments’), the temptation to divert these ATT conversations must be navigated very carefully. We know how dangerous diverted arms transfers can be. Diverted discourse about arms transfers carries its own serious risks.

There is no getting around it. Avoiding excessive diversion in these negotiations is essential to the success of efforts to avoid diversion in another, more dangerous realm. •
Assessment of the changes in the Chair’s paper
Ray Acheson | Reaching Critical Will of WILPF

On Tuesday, 3 July, the Chair released a new version of his discussion paper. He emphasized that the paper in no way prejudices negotiations but is intended to inject some “spice” into the discussions. This assessment only notes the changes between the 14 July 2011 version and the 3 July 2012 version of the Chair’s paper.

Preamble
• The new version adds a paragraph on victims’ assistance, which says states parties are “Resolved to do their utmost to provide assistance to the victims of armed conflict, including through appropriate medical care, rehabilitation, and social and economic reintegration.” [Note: the section on victims’ assistance in the body of the text has been eliminated.]

Principles
• The new version does not include the reaffirmation of the self-determination of peoples, etc. that was in the original.
• The paragraph acknowledging the right of states to acquire conventional arms has been shortened and no longer notes that the right to acquire arms does not create an obligation to do so.
• The new version no longer reiterates the general prohibition against the use or threat of force or the principles of peaceful settlement of disputes and non-interference in internal affairs of states.
• It no longer recalls the obligations of states to comply with UN Security Council decisions.
• It no longer recognizes that disarmament, non-proliferation, and arms control are essential for the maintenance of international peace and security.

Goals and objectives
• This section has solidified to three points: it now seeks the highest possible international standards on the arms trade in order to reduce unnecessary human suffering; inhibit the diversion into the illicit market; and promote transparency, accountability, and the responsibility of states.

Scope: weapons
• Largely the same, except that it no longer includes technology and equipment designed and used to develop, manufacture, or maintain weapons.
• This section now indicates that states parties “shall establish, maintain, and publish a control list of the conventional arms they consider falls within the scope of this Treaty.”

Scope: activities
• This section has been significantly expanded. Rather than simply listing the activities to be covered, it clarifies and defines each.
• It also specifies that a transfer does not include the supply of conventional arms and related items by a state to its forces stationed abroad or to support UN peacekeeping operations.
• It also now specifies that states parties shall establish national legislation, regulations, and administrative procedures for transfers, including at a minimum for import, export, control of brokers, transit and transshipment.
• It includes a new paragraph on preventing circumvention of the treaty.

Prohibition of transfers
• The new paper includes a new section on prohibition of transfers, specifying that a state party shall prohibit any transfer if it would violate any measure adopted by the UN Security Council acting under Chapter VII of the Charter; if it violates any relevant international obligations; if it will be used to support, encourage, or perpetrate terrorist acts; or if it will be used to commit grave breaches of international humanitarian law (IHL).

Criteria
• This section has been rearranged so that the two categories of criteria are now “potential violations of international law” and “potential consequences of export,” rather than “international, regional, and subregional obligations of states” and “potential consequences of arms transfer on peace and security”.
• The first category calls for assessment of serious violations of international human rights law, IHL, international criminal law, genocide, crimes against humanity, war crimes, or the risk of diversion for use in any of the above.
• This category also suggests that in circumstances when a transfer is granted despite a substantial risk, a state party “shall take appropriate precautionary and preventative measures to mitigate such risk,” including by “working with the recipient country, suspending or delaying authorisation, seeking further information or clarification regarding the transfer or attaching conditions to the transfer.”
• The second category calls for assessment of substantial risk that the transfer will be used in a manner that would seriously undermine peace and security or facilitate acts of aggression, etc’ that it will be used to commit acts of transnational organised crime, be diverted to unauthorised end-users, be subject to corrupt practices, or have severely adverse economic impacts within the recipient state “that would significantly outweigh the security benefit of the export”.
• For both categories, the paper indicates that where a substantial risk exists “there shall be a strong presumption against authorisation.”

Implementation
• The new version emphasizes the implementation will happen at the national level.
• It no longer states that the treaty “shall be implemented in a manner that would avoid hampering the right of self-defense of any State party” or that states parties should “assign the highest priority” to ensuring that implementation of the treaty “is not discriminatory, subjective in nature” nor could represent political abuse.

National authority and systems
• The authorization systems section has been simplified; it no longer lists the responsibilities of national authorities but indicates they will have “defined duties”.
• It no longer specifies the registration of brokers or prevention of diversion.
• The notification systems section is simplified but largely remains the same.

Record keeping, reporting, and transparency
• The new version specifies records shall be kept for a minimum of 20 years, as opposed to 10 in the original draft.
• It no longer specifies that records shall be kept for denials.
• It indicates that state parties must submit their annual reports not just to the Implementation Support Unit but also to the UN Register of Conventional Arms.

Enforcement
• The new version adds the requirement for states parties to adopt measures to inspect and seize shipments.

Implementation Support Unit
• No longer specifies that it will act as repository for transfer denials.

International cooperation and assistance
• The first paragraph specifies that exchange of information is voluntary.
• The section on assistance is significantly simplified, only specifying that states parties may offer or receive assistance through various channels.

Victims’ assistance
• The two paragraphs on provision of victims’ assistance have been eliminated.

Final provisions
• Entry into force is now specified to occur 30 days after the 65th ratification or accession or three years after the 30th ratification or accession, whichever happens first.
• The amendment provision has been expanded to specify that amendments will be considered at Amendment Conferences if a majority of states parties notify the ISU that they support further consideration of the proposed amendment no more than 90 days after its circulation.
• It also specifies that amendments shall be adopted by consensus of the states parties present at the Amendment Conference.
• The section on consultation no longer specifies that when considering a potential transfer denial, the parties involved are encouraged to consult with each other to allow the recipient country an opportunity to avoid the denial.
• A new paragraph indicates that states parties shall apply the treaty to all transfers including to those states not party to the treaty.
• It also specifies that states parties cannot enter other agreements that undermine the goals and objectives...
Forsaking the victims?
Nerina Cevra | Action on Armed Violence

The Chair of the ATT negotiations submitted a Discussion Paper on Tuesday, 3 July, as a reference for this month’s negotiations. Despite stating that the goal of the treaty is to “reduce unnecessary human suffering,” it is very disappointing to see that the only reference to that same human suffering in the entire paper is a preambular provision expressing states’ resolve to assist victims of armed conflict.

Over half a million people die each year from armed violence. Many more victims are left injured, with permanent disabilities and without family members; their lives and livelihoods unnecessarily destroyed. If this isn’t unnecessary suffering, what is? We strongly urge the states participating in the Diplomatic Conference on the Arms Trade Treaty not to turn their backs on the human suffering that triggered this process and the need for this treaty.

To truly help reduce unnecessary human suffering, not only of those potential victims, but of those millions of victims and survivors that have suffered and will suffer the consequences of armed violence every day, the ATT must include recognition of victims’ rights. It must call for greater cooperation in providing assistance to victims in recovery and toward inclusion in society as one of the treaty’s operative provisions.

To that end, states should:
• Recognize rights of victims of armed violence and states’ existing obligations to meet their needs in recovery and toward inclusion.
• Include a separate Victim Assistance section in the operative part of the treaty, recognizing existing obligations toward victims in their own jurisdiction and territory, and committing to international cooperation and assistance in helping states meet the needs and the rights of victims of armed violence.


For more information, contact Nerina Cevra, Victims’ Rights Coordinator at ncevra@aoav.org.uk.

Photo by Andrew Kelly. Campaigners from the Control Arms Coalition in front of the UN building for the opening of the diplomatic conference on the future ATT.
Parliamentarians for Global Action (PGA) kicked off the calendar of side events for the Arms Trade Treaty (ATT) negotiating conference with its workshop entitled “Making the Arms Trade Treaty a Reality—The Role of Legislators”. The workshop, featuring a keynote address by H.E. Angela Kane, United Nations High Representative for Disarmament Affairs, was hosted by the Permanent Mission of the Kingdom of the Netherlands to the UN. PGA representatives from 16 countries—Argentina, Barbados, Uruguay, the Dominican Republic, Ghana, India, Malaysia, New Zealand, Pakistan, Sierra Leone, Sri Lanka, Suriname, Sweden, Turkey, and the United Kingdom—participated in the discussion. Ambassador Herman Schaper, Permanent Representative of the Kingdom of The Netherlands to the United Nations opened the event and discussed his experience working on the contentious arms export debate within his own country.

H.V. Ross Robertson MP, President, PGA welcomed the group in the traditional New Zealand Maori manner and spoke about the importance of including parliamentarians in these kinds of processes early, as they play a key role in advocating for ratification. He also spoke about the achievement of over 2,000 legislators from more than 90 countries signing the Global Declaration on the Arms Trade Treaty. This was presented to the UN Secretary-General on Tuesday, 3 July 2012.

In her keynote address, Ms. Kane couched her analysis in terms of trade, underscoring that all key sectors of world trade are covered by internationally agreed rules that bind countries in agreed conduct. Currently there is an “eclectic mix” of national and regional control measures for arms. She made a case for a treaty that would set the highest common standards for the transfer of conventional weapons, including small arms and light weapons and ammunition.

Ms. Shazia Z. Rafi, Secretary General, PGA, then chaired a discussion on perspectives from Africa, Asia Pacific, Latin America and the Caribbean, and Europe. While the effect of the arms trade varies for all countries, a key theme discussed was the support by governments and citizens for a strong ATT. The fact that so many of the world’s legislators have signed the Global Declaration on the Arms Trade Treaty sends a clear message to those negotiating that the world is ready for the regulation of the arms trade. All of the MPs spoke about their countries current situation; for example, representatives from Sierra Leone, Sri Lanka, the Dominican Republic, and Pakistan spoke about the negative effect weapons have on the human security of the community, providing insight into the destructive nature weapons have on development. In addition, representatives from Malaysia and Ghana spoke about the flow on effect of trafficking in their countries, through increased organized crime and increased insecurity in their regions.

In her closing remarks, Ms. Kane stressed that the ATT is not a disarmament treaty, but rather a treaty to regulate the transfer of weapons to third parties. She claimed that in this treaty the issues of stockpiling, corruption, and victim support should not be actively advocated for, as they are outside of the scope. While she welcomed the presence of the parliamentarians to help push the negotiations, she emphasized the need to drill down on the detail of regulation, employing the example of spare parts to illustrate the need for detailed technical considerations. The session showed, as Ms. Kane said, “the status quo is simply intolerable”.

ARMS TRADE TREATY MONITOR: THE BLOG
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From the team that brings you the ATT Monitor in PDF and print daily comes a blog full of timely and informative analysis and information about the ATT negotiations and related issues. View it online and/or subscribe to receive updates by email!

Reaching Critical Will of the Women’s International League for Peace and Freedom • Global Action to Prevent War International Action Network on Small Arms • World Council of Churches
Side event report: An alternative to the body-bag approach

Lily Gardener | Reaching Critical Will of WILPF

R
tired Brigadier-General Mujahid Alam, the Secretary General of Amnesty International, Salil Shetty, and Ambassador for Disarmament and Permanent Representative of New Zealand to the UN in Geneva, Dell Higgie, spoke on approaches to the Arms Trade Treaty (ATT) at Tuesday’s side event sponsored by the UN permanent missions of Australia, Norway, and Uruguay.

The welcoming remarks from the Uruguayan chair expressed the need to develop a comprehensive and robust treaty, and emphasized that it is vital that it include the seven UN categories of weapons. The chair also argued that it is essential that the treaty include elements that strengthen technical assistance and that it incorporate international human rights and humanitarian law.

Mr. Shetty spoke about the historical significance of the current negotiations, which should “not be squandered”. Amnesty International is calling for what it terms the ‘golden rule’: that any future arms transfer needs to assess if there is substantial risk that the transfer of weapons will lead to human rights violations. Mr. Shetty questioned how the world cannot have any international regulations when there are half a million deaths per year associated with the illicit transfer of weapons, as well as countless other side effects. He asserted that while nobody is questioning states rights to arm themselves, the human cost of reckless non-regulation needs to be fixed. Mr. Shetty stated that an ATT needs to have strong rules that protect human rights, by preventing arms from being sent to those who would most likely use them to seriously violate these rights; a control list that includes all types of weapons, munitions, and other arms; and clear rules to apply and monitor the Treaty with reporting to ensure they are enforced. Mr. Shetty concluded with the argument that the world cannot continue the current “body bag approach,” where thousands of lives are lost before the UN Security Council can intervene with an arms embargo.

Ambassador Higgie spoke about the idea of labels. She argued that regardless of how you label the treaty, a regulation or disarmament treaty, the ATT would set global standards and encourage transparency. In turn, states would be more conscious of importing and exporting and thus become more accountable for the humanitarian aspects currently associated with the transfer of weapons. Labeling aside, Ambassador Higgie claimed that the ATT will be a success on all fronts—for trade, disarmament, and humanitarian outcomes.

General Alam used his personal experience working in Africa and the Balkans to explain the consequences of illicit weapons transfers and trade, and their associated activities. He argued that such transfers directly contribute to intra- and inter-state conflict, which results in humanitarian crises and unspeakable suffering. He described the arms trade and the nexus of human suffering, noting that there have been five million war related deaths in the Democratic Republic of Congo since 1998, the most deadly war since World War II. He argued that these kinds of conflicts brutalize entire societies; whole regions are thrown into chaos. General Alam explained that while there are a number of historical reasons for these conflicts, the unabated flow of illicit weapons is what fuels them. General Alam recommended that pending a global effective ATT, a piloted programme be undertaken in the African Great Lakes region that is supported and fully funded by the UN Security Council. He also called for efforts to be made to reduce the significant demand for arms.

In a video message, Nobel Peace Prize Laureate Tawakul Karman called for the flow of weapons to be regulated to reduce poverty and deal with sources of conflict. Increasing tensions in regions causes destabilization and challenges the right to life and dignity. Ms. Karman called for all types of weapons and their usages to be included in the treaty, as well as the inclusion of international human rights and humanitarian law. She called for the protection of victims and commented on the negative effect of the weapons trade, especially the elderly, women, and children.

In the Q&A the audience brought up the types of loopholes that could undermine success and risk assessment. General Alam called for close and careful analysis of situations in each country, which requires looking at government structures and systems, either implemented or on paper. Risk assessments need to look at all the incidents of theft and losses that have been reported and not reported, and what measures have been taken. In responding to the loopholes question, Ambassador Higgie stated that scope must be comprehensive and the parameters need to be cast. There needs to be “no cunning ambiguity,” gifts being a prime example of needing inclusion in the treaty. Clear definitions are required so everyone knows what is included, and their responsibilities. •
Handover ceremony

Gabriella Irsten | Reaching Critical Will of WILPF

While the actual diplomatic conference only just begun, civil society has for years worked for an arms trade treaty (ATT). As symbolic representation of the efforts and attention from civil society, members from civil society and representatives of NGOs handed over more than 620,000 petition signatures to UN Secretary General Ban Ki-moon in support of the ATT. These petitions included the Parliamentarian Declaration, the Interfaith Declaration, and the Medical Alert Declaration, illustrating the global will and engagement for a robust ATT.

In the opening statement, Mr. Salil Shetty from Amnesty International restated the importance of a strong and robust ATT and outlined how it can be complimentary to international humanitarian law (IHL) and human rights law and also a key element in prevent human suffering. He also emphasized the prevention possibility that an effective ATT could provide, instead of the currently used body-bag approach, where the international community only reacts after violation and killing has occurred. The fact that more than 600,000 signatures were collected in just three months illustrates people’s support for and the need of this treaty.

Civil society representatives from around the world delivered personal statements from their encounters with the proliferation of weapons. Mr. Julius Millionth from Kenya spoke on his work encouraging youth to give up their weapons. Jasmine Nario Galace from the International Action Network on Small Arms (IANSA) spoke about a variety areas that the current arms trade directly and indirectly effects, including fuelling conflict, gender-based violence, and keeping people in poverty. The International Physicians to Prevent Nuclear War (IPPNW) represented more than 1,700 doctors and medical professionals worldwide, who are on the front line of conflicts and who are the ones to sign the death certificates and console the grieving families. Ross Robertson from Parliamentarians for Global Action presented over 2,000 member of parliament signatories and Bishop Taban, from the South Sudan Anglical Presbytery Church, a former child soldier, handed over a petition signed by 375 faith leaders including 77 faith based groups.

Ban Ki-moon thanked the individuals and organizations for their work on leading the way towards a better world. He emphasized that these petitions and declarations show the urgency of the issue and continued in stating the importance of a global robust ATT.

ATT crossword

Puzzles by Lily Gardener | Reaching Critical Will

Across
1. Corruption in the arms trade contributes roughly what percentage of all corruption in global transactions
4. To pave the way for negotiations, the broad objective of the OEWG was to narrow differences on four areas of an ATT, one of which was ...
5. What item is subject to stricter global trade rules than conventional weapons?
6. Ambassador Moritan chaired the second session of which UN Working Group on an ATT?

Down
1. In 2001, a group of (3 words) circulated a Draft Framework Convention on International Arms Transfers.
2. True or false: the ATT will infringe on national gun ownership?
3. How often are 1,500 women, men and children killed by conflict or armed violence?
7. The Chair of the conference will be Ambassador ...
8. On 30 October 2009, UN member states voted in favour of creating an Arms Trade Treaty. How many counties abstained?
Calendar of events for Thursday, 5 July 2012

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<td>10:00–13:00</td>
<td>Plenary</td>
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<td>13:15–14:45</td>
<td>EU-UNIDIR Regional Seminars: Supporting the ATT negotiations</td>
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<td>13:15–14:45</td>
<td>Launch of an ATT negotiation toolkit for African states</td>
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<td>Institute for Security Studies</td>
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