EDITORIAL: A CONTEXT OF PEACE AND PREVENTION FOR THE ATT

by the end of the day on Thursday, the first Conference of States Parties (CSP1) of the Arms Trade Treaty (ATT) had taken decisions on all of the issues before it, including the location and head of the secretariat; management committee and budget issues; reporting templates; a programme of work for the intersessional period; and the bureau for CSP2. While most of these items are infrastructural and procedural, they do have implications for how effectively the Treaty might be implemented moving forward. On the question of transparency, unfortunately, states parties failed to meet real life needs.

After many consultations on the draft reporting templates, of which four drafts were produced before CSP1, the facilitator of the working group recommended that the final draft be considered provisional until the next CSP. States parties took note of these provisional reports, which they may use over the next year. In the meantime, a working group will undertake to develop improved reports based on states’ experiences with these drafts as well as with other initiatives such as the Baseline Assessment Project.

While it is a relief that states did not adopt the reporting templates as final products, the provisional templates are concerning. States that want to improve transparency around the international arms trade, and most civil society groups, are very concerned that the provisional templates are woefully inadequate and too closely tied to the voluntary and incoherent reporting practices of the UN Register on Conventional Arms.

States can choose not to report on arms transfers because of concerns related to “commercial sensitivity” and “national security”. They do not even have to indicate whether they have withheld this information. States do not have to include information on both authorizations and actual arms transfers, nor do they have to share both value and volume of the transfer. They are not required to release their reports publicly, meaning civil society and international and regional organisations will not have access to the information that is crucial for determining trends, challenges, or achievements in treaty implementation or in the arms trade in general. Of course, civil society and others will continue to glean information from public resources, and technology is moving towards a situation where it will be more difficult for states to keep transfers secret. But public reporting would help develop a culture and permanent architecture for transparency.

Many states parties have indicated their support for public reporting—both in the conference room and outside of it, through a public action led by Control Arms. The failure of CSP1 to adopt robust, comprehensive reporting templates that meet the needs of effective Treaty implementation is disappointing and must be corrected at CSP2, which is to be held in Geneva in 2016. The working group process leading up to CSP2 must be more transparent and inclusive with regards to civil society participation than the process that lead to the provisional reporting templates.

CSP1 is over, but implementation of the Treaty is just beginning. Arms transfers are still continuing—transfers that states know will contribute to death, injury, rape, displacement, and other forms of violence against human beings and our shared environment. As we conduct intersessional work and turn our focus to ATT implementation, we must all act upon the ATT not as a stand-alone instrument but as a piece of a much bigger whole. ATT implementation must be firmly situated in wider considerations of conflict prevention, resolution, and peace-building. The ATT could help prevent atrocities, protect human rights and dignity, reduce suffering, and save lives. But to do so effectively, states parties need to implement it with these goals in mind. Each and every transfer must be measured in the strictest way against the risks. Every state must think of the Treaty in the context of peace, justice, and human rights, not profits and political manipulation. If they were to do so, the arms trade would look substantially different than it does today. It most likely would not exist at all. •
NEWS IN BRIEF  
Sofia Tuvestad | WILPF Sweden

- Informal sessions were held in the morning on the provisional reporting templates as well as on budget and other remaining matters.
- Geoffrey L. Duke, representing the South Sudan Action Network on Small Arms (SSANSA) and Control Arms, spoke to the Conference. He highlighted the critical need to stop arms flows into South Sudan as a key factor for promoting a peaceful development following the recently adopted peace agreement.

Secretariat
- The President informed the Plenary he had met with all regional groups about appointing a Head of the Secretariat for the ATT. The President introduced Simeon Dumisani Dladla of South Africa as the agreed upon candidate to head the ATT Secretariat for the following mandate period up until CSP2, at which a permanent Head of Secretariat will be appointed. The President’s proposal was adopted by the Conference.
- The President addressed the composition of the Management Committee. Due to lack of time, it had not been possible to decide which of the five suggested members—Jamaica, Japan, France, Côte d’Ivoire, and the Czech Republic—would serve for two years and which would serve for one year. The President suggested the Conference appoint these members and leave it to the head of the Secretariat to decide length of their terms. The Conference decided to appoint the proposed members accordingly.
- The plenary received a presentation by the provisional secretariat of draft provisional budgets for financial year 2016 in WP.6/Rev.1. Given that the Secretariat is not fully operational and that the members of the Management Committee have not yet been appointed, the provisional Secretariat had, on the basis of the Financial Rules WP.3/Rev.1, prepared draft provisional budgets for the 2016 financial year for the Secretariat and the Conference costs, as well as made provisions for potential expenditures foreseen in 2015.
- As outlined in WP.6/Rev.1., the President suggested that states parties consider holding an extraordinary meeting to review and consider for adoption a draft proposal on the administrative arrangements of the Secretariat and subsequent to this, a revision of the provisional budgets. The President then suggested that states parties consider, also as outlined in WP.6/Rev.1., as an interim arrangement, to entrust the Management Committee with the support of UNDP Geneva to assist with the administrative tasks in support of the work of the Conference while developing and negotiating the institutional arrangements for the Secretariat.
- The Conference accepted the President’s suggestions contained in WP.6/Rev.1.
- The President moved to matters pertaining to the next CSP. The President had not received any offers from any state party to host next CSP, which means that CSP2 will take place in 2016 in Geneva, as the location for the ATT Secretariat, according to the Rules of Procedure.
- The President informed the Conference that he had received one nomination for President of the next CSP: Ambassador Imohe of Nigeria. He was elected by the Conference by acclamation.
- The President informed the Conference that he had received four nominations for vice-Presidents at the next CSP: Costa Rica, New Zealand, Montenegro, and Finland. These were elected by the Conference by acclamation.

Transparency
- The provisional secretariat circulated final revised draft on provisional reporting templates WP.4/Rev.2 as amended on the basis of WP.4/Rev.1 and informal consultations on Thursday.
NEWS IN BRIEF, continued

- The Facilitator introduced WP.4/Rev.2 and highlighted three things: First, the conclusion that a first full round of reporting is needed to get the experience to develop more permanent templates and that States Parties are encouraged to use the templates as drafted in provisional reporting templates WP.4/Rev.2 for their first round of reporting. Secondly, the Facilitator presented the conclusions from the informal session discussions on Section B in the draft on non-binding provisions in the treaty in relation to article 13.1. Third, an amendment had been made in the annual report section under “Scope of report” where it had been made clear that it is voluntary to provide this information, because some states were uncomfortable with having it be an obligatory measure to do so.
- The Facilitator proposed the Conference be invited to take note of the fact that it is encouraging all states parties to use the provisional reporting templates for the first round of reporting. The Conference took note of the provisional reporting templates WP.4/Rev.2.
- Sweden proposed that the Conference decide to establish a working group under the ATT to gather experiences and lessons learned from the first round of reporting, and, on the basis of this, consider if changes should be made to the reporting templates. The Conference decided to accept the proposal by Sweden on a working group.

Report
- The Conference went on to discuss the Draft Final Report (the Conference report), ATT/CSP1/2015/12.
- Portugal asked for clarification on how the extraordinary meeting as proposed in the budget draft would be financed. The President acknowledged that more language should be incorporated here.
- A number of states made interventions relating to technical changes that needed to be made in the Conference report. The President suggested the Conference adopt the Conference report as orally revised on the basis of these interventions, and the Conference report was adopted.

EVENT: SAVE LIVES, CONTROL ARMS: A FOCUS ON AFRICA’S PEACE & SECURITY

**Martin Butcher | Oxfam International**

Oxfam, Control Arms, and the government of Nigeria co-sponsored this event on the conflicts that make the ATT so necessary in Africa and the support available to make the ATT to be effective there.

Omayma Gutbi, Oxfam’s ATT Africa Campaign Manager, discussed how conflicts and armed violence fuelled by unregulated arms flows cost Africa billions of dollars and millions of lives. She highlighted the fact that the indirect costs of conflict in Africa are fourteen times the direct costs, and that these wider costs include illiteracy, hunger, under-development, and poor health outcomes. Omayma described Oxfam’s new campaign for the ATT in Africa, aimed at promoting ratification of the Treaty—and at helping to ensure effective treaty implementation.

Geoffrey Duke, Head of Secretariat of the South Sudan Action Network on Small Arms, spoke about the specific case of his country, torn apart by violence since the current crisis erupted in 2013. Geoffrey described the suffering of the South Sudanese people in the conflict, and how major arms transfers have fuelled that conflict and cost the country huge amounts of money. He emphasised that had the ATT been in place in past years, almost all transfers to South Sudan would have been stopped as they would have failed any risk assessment under the Treaty’s provisions. If they had gone ahead, they would have been illegal.

Pierre-Arnaud Lutton, Chair of the EU Council Working Group on Arms Exports (COARM), spoke about the assistance outreach programme that the EU has put in place to support Treaty implementation, and how this can help African nations comply with their new obligations. He said that the EU can provide legal, regulatory, technical, and other assistance to African states on their request. These programmes are developed in partnership and are tailored to meet the individual needs of the recipient state. He encouraged African states to apply to the programme.

Anna MacDonald, Director of the Control Arms coalition, spoke about Control Arms’ efforts to promote the ATT in Africa. She reminded the audience that Control Arms was born in Africa, at a Nairobi meeting that launched the campaign for an ATT. She discussed the vital need to engage parliamentarians in adoption and implementation of the Treaty, and the assistance that the ATT Legal group can give.

The meeting was closed by Ambassador Ochieng Adala, who had chaired ably, and who summarised the need in Africa for a robustly implemented Arms Trade Treaty.
EVENT: LESSONS LEARNED FROM THE ATT-BASELINE ASSESSMENT PROJECT
Laura Spano | Pacific Small Arms Action Group (PSAAG)

The ATT-Baseline Assessment Survey Project team, headed by Ms. Rachel Stohl from the Stimson Centre and Dr. Paul Holtom from Coventry University, launched two reports on Thursday at a side event during the first Conference of State Parties (CSP1) of the Arms Trade Treaty (ATT).

The first report, “Identifying Good Practice and Implementation Measures,” features examples of good practices that can be used to guide states as they develop their own national control systems. The second report, “International Cooperation and Assistance: Capacity, Experience, and Practice,” highlights several examples of existing cooperation practices and assistance needs, and areas in which states are willing to offer assistance to help other states fulfill their ATT obligations.

Chaired by Ms. Stohl, the launch of these reports included presentations by representatives from Australia, the United Kingdom, and Costa Rica, all of whom praised the Survey and outlined the value of this tool for their respective countries in assessing their current compliance with the Treaty and identifying gaps in national systems that need to be filled.

Ms. Anne Giles, representing the Australian Ministry of Foreign Affairs, which is also sponsoring the Survey, expressed the value of the assessment in gaining a better understanding of not only how compliant Australia is with the Treaty, but additionally what exactly the Treaty requires them to do going forward. It has so far been used effectively to bring together other agencies that play a role in Treaty implementation. Ms. Giles emphasized the value of the Survey in regard to Australia’s diplomatic outreach, particularly in having conversations with near neighbors. She acknowledged the use of the Survey by civil society groups, such as the Pacific Small Arms Action Group, in their engagement with states.

In addition to facilitating areas of further development and where assistance may be required, the representative from the UK, Jessica Hand, highlighted that filling out the Survey assists in sharing national understandings of definitions used to implement the Treaty. Furthermore, the Survey is useful to share good practices for regulating transfers and combating diversion and would help states that are reviewing, revising, and drafting legislation.

Ms. Martiza Chan from Costa Rica outlined the lessons learned by her country in filling out the Survey. Similar to the experience expressed by Ms. Giles, she indicated that the Survey promoted institutional dialogue and highlighted gaps while additionally creating institutional synergies where they were not before. Ms. Chan, in one sentence, outlined the value of the Survey to her country and others who fill it out: “Because of this survey … we will be able to fully comply with the obligations [of the Treaty] and do it right.”

Ms. Stohl and Mr. Holtom wrapped up the event by providing a summary of key findings from the Surveys already received by 61 states (49 state parties, 10 signatories, and 2 non-signatories) on both good practices and international cooperation and assistance. They highlighted examples of practices on national control lists, prohibitions of arms transfers, diversions, record keeping, and annual reports.

The role these reports will play in advancing the implementation of the Treaty as well as facilitating international cooperation was well noted by all who spoke. States were encouraged to fill out the Surveys at http://www.armstrade.info/the-survey/. The reports are also available online at http://www.armstrade.info and found on Twitter @ATTBAP.
The final day of the CSP opened with informal consultations to resolve outstanding issues on reporting, the budget and secretariat issues.

First up was a short session on the reporting templates, during which the Facilitator explained that it was passed time for drafting amendments, and that he was only looking for substantive points, which he would try to accommodate if appropriate. He drew attention to having made another attempt to clarify that states parties are obliged to report on all measures they undertake to implement the Treaty, regardless of whether those measures are themselves obligatory or voluntary. Further comments were received on these changes, which he promised to take into account in a final draft.

This was followed by informal consultations on the budget, which is divided into two parts: one for the ATT Secretariat and one for the CSPs. As it is still unclear what the tasks of the Secretariat will be in its first year; no decisions could be taken and the discussion therefore revolved largely around what sort of budget flexibility the ATT Secretariat would have. Issues included the number and seniority of staff to be included in the budget, and if the Provisional Head of the Secretariat should be able to establish the timing for the recruitment of this staff, and not be bound by the budget to hire two people at one time. Other points of discussion included the extent of staff travel and how the transition from UNDP to operational independence would happen, as it was agreed that UNDP would provide initial administrative and fiscal support. There was also a discussion on the status of the extraordinary meeting suggested for January 2016, at which it was proposed the 2016 budget would be adopted. The Chair clarified that this would technically be part of the second CSP, last only a half-day or one day, and not be open to other issues than those announced beforehand.

The meeting was followed by a short informal meeting on the programme of work in the period up to the second CSP. Discussion, which did not go into great deal, consisted primarily of a reaction to ideas put forward in a non-paper prepared by the President. The establishment of a working group on reporting templates was suggested, as was clarifying who will be responsible for the activities suggested.

On conclusion of the consultations the plenary opened, beginning with a short intervention from Geoffrey Duke, Head of Secretariat of the South Sudan Action Network on Small Arms (SSANS) to note the signing of a peace deal on Tuesday to end the conflict in South Sudan. Arms flows there have fuelled the fighting and atrocities, a reminder to all of why the ATT was negotiated.

President Ambassador Lomonaco moved to appoint the Provisional Head of the ATT Secretariat. This will

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be a short-term post beginning 1 December 2015 through the second CSP, with support from UNDP. A full-scale merit based recruitment process will be launched at a later stage. The President proposed the appointment of Dumisani Dladla, based on regional consultations held at this meeting. The two other candidates withdrew at this point, and the conference confirmed Mr. Dladla in this role, who accepted with thanks and reaffirmed his commitment to the position. Nigeria, speaking on behalf of the Africa Group, expressed its support for this decision.

When the plenary resumed following the lunch break, Ambassador Lomonaco led the Conference through the outstanding agenda items on national reporting; matters related to Article 17 of the Treaty; the programme of work up to the next Conference; matters pertaining to the preparation for the next Conference and the adoption of the report of the Conference.

Ambassador Paul Beijer was invited to report back on the morning’s consultations on reporting. He described the three areas where changes to the templates were discussed, and proposed that the Conference “take note” of the templates on a provisional basis and establish a working group with the purpose of refining them during the intersessional period. This approach, which falls short of adoption of or even a recommendation to use the templates, was accepted by the Conference. It’s helpful that there is the possibility to improve the templates via the working group, but disappointing that such group is needed and that a clear and detailed report template could not be concluded, particularly as initial reports are due at the end of 2015.

Guillaume Michel of Mexico reported back on the discussions he had been leading informally over the last day on budgetary matters and the programme of work leading up to the second CSP. States parties were largely in agreement on most items in the draft budgets but a few details require refining. As such, it was proposed that the Conference adopt a provisional budget for the Secretariat and relevant expenditure during the financial period up until the next CSP, as well as for the second CSP. This proposal was accepted by the Conference. The non-paper that outlined a potential programme of work between CSPs was not put forward for adoption, but just as a basis to consider the different actions that this could include.

Regarding the other agenda items, the following decisions were made:

- A Management Committee has been established that includes the Czech Republic, Côte d’Ivoire, France, Jamaica, and Japan as members.
- Ambassador Emmanuel E. Imohe of Nigeria was confirmed as the President-Designate for the second CSP.
- Costa Rica, Finland, Montenegro, and New Zealand will be Vice Presidents.
- An Extraordinary Meeting will be convened in January 2016 to review and consider for adoption the draft proposal concerning the administrative arrangements of the Secretariat and the provisional budgets.

Following the adoption of the President’s Report, several delegations took the floor to express their appreciation to Mexico as the Provisional Secretariat. Many noted the highly collaborative spirit of the first CSP and that they look forward to moving into a new phase in which the real work of implementing the ATT can begin. The President offered his thanks to all those who contributed and supported the work of the Provisional Secretariat over the last year. The first CSP was then adjourned.