

## PROJECT FINDINGS

The following findings reflect the regional outputs and recommendations of the seven regional seminars of the project held between November 2010 and April 2012 that relate to the July 2012 ATT Conference and the possible scope, parameters and implementation of the future Treaty. Other findings that resulted from the seminars but were relevant for the process up to July are not included here. The full set of findings for each regional seminar is contained in the summary report of the events, available at [www.unidir.org/ATT](http://www.unidir.org/ATT).

These conclusions and recommendations are those of the project, not the participants of the regional seminars, the governments they represent, the sponsors of the project or the United Nations.

---

## CONTENTS

### **Supporting the Arms Trade Treaty Negotiations through Regional Discussions and Expertise Sharing**

### **Goals and Objectives of the Arms Trade Treaty**

### **Scope for the Arms Trade Treaty**

### **Transfer Criteria for the Arms Trade Treaty**

### **Implementation of the Arms Trade Treaty**

### **Regional Findings**

## SUPPORTING THE ARMS TRADE TREATY NEGOTIATIONS THROUGH REGIONAL DISCUSSIONS AND EXPERTISE SHARING

# Supporting the Arms Trade Treaty Negotiations

In 2009 the Member States of the United Nations decided to convene a Conference on the Arms Trade Treaty in 2012 “to elaborate a legally binding instrument on the highest possible common international standards for the transfer of conventional arms”.

That same year, recognizing the importance of encouraging inclusive and in-depth discussion on an Arms Trade Treaty (ATT), the European Union conferred UNIDIR with responsibility for implementation of a two-year project to promote regional discussions such an instrument.<sup>1</sup> At the conclusion of the project, it was clear that continued, comprehensive dialogue about the different aspects and concrete elements of the proposed treaty as well as its implementation was critical. More regional-level engagement in the ATT process was needed to ensure that the eventual Treaty would be relevant and beneficial to all States. In addition, further policy-relevant research and analysis on the arms trade was needed in the lead-up to the 2012 negotiations.

Therefore, building on this successful project, in June 2010 the European Union once again conferred UNIDIR with responsibility for implementation of a two-year project to support the negotiations of an ATT.<sup>2</sup>

### Objectives

The objectives of the project were to:

- support the preparatory process leading up to the United Nations Conference on the ATT to ensure that it would be as inclusive as possible and able to make concrete recommendations on the elements of the future ATT; and
- support United Nations Member States in developing and improving national and regional expertise to implement effective arms transfer controls, in order to ensure that the future ATT will be as effective as possible.

### Activities

The focus of the project was at the regional level and thus emphasis was placed on crafting seven regional seminars to facilitate both political and technical discussion. The three-day seminars were divided into two parts. The first part concentrated on the ATT negotiations, with an overview of the process and the potential elements of the future Treaty. In a small group setting to foster frank discussion, participants had the chance to share their national views on an ATT and its possible implementation system, as well as to hear the perspectives of other countries, regional organizations and independent experts. The second half of the seminar targeted technical and practical matters, and focused on concrete arms transfer controls, challenges in the implementation of national and regional systems, and possibilities to improve current practices through coordinated measures and transparency.

<sup>1</sup> See the Council of the European Union’s decision “Support for EU activities in order to promote among third countries the process leading towards an Arms Trade Treaty, in the framework of the European Security Strategy” (2009/42/CFSP), adopted on 19 January 2009.

<sup>2</sup> See the Council of the European Union’s decision “EU activities in support of the Arms Trade Treaty, in the framework of the European Security Strategy” (2010/336/CFSP), adopted on 14 June 2010.

The seminars brought together a wide range of participants, representing ministries of foreign affairs, interior, defence and the armed forces. In addition, select international experts, high-level representatives from the United Nations, EU and regional organizations, as well as civil society and defence industry representatives, actively participated in the discussions. The events also encouraged uptake of the issue by the media in each region, with the objective of raising awareness among the general population of the ATT process.

Launch event, New York, 15 July 2010 Regional seminar for countries in South and Central Asia, Kathmandu, Nepal, 10–12 November 2010

Regional seminar for countries in Central, West and Northern Africa, Casablanca, Morocco, 2–4 February 2011

Side event at the meeting of the ATT Preparatory Committee, New York, 1 March 2011

Regional seminar for countries in the Americas, Montevideo, Uruguay, 27–29 April 2011

Regional seminar for countries in East Asia and the Pacific, Bali, Indonesia, 6–8 June 2011

Side event at the meeting of the ATT Preparatory Committee, New York, 15 July 2011

Side event at the United Nations General Assembly's First Committee, New York, 17 October 2011

Regional seminar for countries in Eastern and Southern Africa, Nairobi, Kenya, 29 February–2 March 2012

Regional seminar for countries in the Middle East, Beirut, Lebanon, 27–29 March 2012

Regional seminar for countries in Wider Europe, Belgrade, Serbia, 18–20 April 2012

Concluding event, New York, 17 July 2012

To complement the regional discussions and to ensure well-informed, substantive and timely input into the United Nations process, UNIDIR commissioned a series of research papers by international experts and institutions to focus on key aspects of the ATT process, including considerations regarding the future Treaty's scope, parameters and implementation.

The seven seminar reports, expert presentations, audio files and background papers were widely disseminated and are available on UNIDIR's website at [www.unidir.org/ATT](http://www.unidir.org/ATT).

## Results

The project supported the Arms Trade Treaty process in several concrete ways:

- it **encouraged more active involvement** of all United Nations Member States and regional organizations in the Preparatory Committee process;
- it **increased awareness** of States, regional actors, civil society and the defence industry of the proposed Treaty and its possible different elements;
- it **fostered debate and understanding** among stakeholders, both on political positions as well as in regard to the practical implementation of arms transfer control systems;
- it **facilitated dialogue** within regions, enabling a better understanding of regional priorities and differences as well as commonalities; and
- it offered **an opportunity for networking** among different stakeholders.

This project is carried out with funding by the European Union



## GOALS AND OBJECTIVES OF THE ARMS TRADE TREATY

### Supporting the Arms Trade Treaty Negotiations

All States need to be clear on the goals and objectives of the future Treaty in order to agree on its scope, parameters and implementation, as all these aspects are intricately connected. A wide range of regional and national priorities about the proposed goals and objectives of the Treaty has been expressed and consensus has yet to be forged.

The following recommendations have been drawn from the project's two years of active interaction with a wide range of stakeholders from more than 120 countries, as well as expert consultation and analysis. Thus, these conclusions and recommendations are those of the project, not the participants of the regional seminars, the governments they represent, the sponsors of the project or the United Nations.

---

In practical terms, the **general purpose and rationale** behind the ATT should be portrayed in the Treaty's preamble section, currently reflected in elements I and II of the Chairman's draft paper of 11 July 2011, while the **more specific goals and objectives** of the Treaty would form its first operative section.

**A strong link between must be maintained** between the Treaty's goals and objectives and its other operative parts to ensure that the Treaty will be effective and implementable, respond to the needs for which it was designed, and enhance States' commitments to their existing international obligations.

The Treaty is being designed to improve regulations over the legal trade in conventional arms. At the same time, by enhancing controls over the legitimate international trade, the treaty will also serve to **combat illicit trade and diversion**.

By its nature, the Treaty should be **universal** in its application and be **relevant to all States**, whether mainly involved in the export or import of conventional arms or affected by this trade as transit points. In this way it could become an umbrella agreement to help harmonize already existing regional and subregional control systems.

Increasing **transparency and accountability** in conventional arms trade should be one of the central goals of the ATT, keeping in mind the specific nature of weapons transfers and determining the necessary balance between openness and strategic secrecy.

In addition to promoting the goals and objectives of the United Nations Charter, the Treaty should refer to **a range of more specific goals and objectives** such as preventing transfers that would: fuel or prolong armed conflict; contribute to international organized crime and terrorism; violate international humanitarian law or human rights; or be contrary to resolutions of the United Nations Security Council.

This project is carried out with funding by the European Union



## SCOPE FOR THE ARMS TRADE TREATY

One of the most crucial but also the most challenging aspects in the development of an ATT is the need to determine what the Treaty would cover: which weapons would be regulated, and to which activities the Treaty would apply. States will also have to determine the exact way and the level of detail in which the elements that will form the ATT's scope will be reflected in the Treaty text.

The following recommendations have been drawn from the project's two years of active interaction with a wide range of stakeholders from more than 120 countries, as well as expert consultation and analysis. Thus, these conclusions and recommendations are those of the project, not the participants of the regional seminars, the governments they represent, the sponsors of the project or the United Nations.

---

At this stage in the process the most feasible for the ATT's scope would be to build, at the minimum, on the **expanded categories of the United Nations Register of Conventional Arms with the addition of small arms and light weapons (SALW)**. The Register categories should be revised and enlarged to ensure that all relevant weapons are included and that the Treaty's scope will be both **comprehensive and implementable**. SALW are weapons of primary importance and concern in many regions and should therefore be addressed in the ATT as a specific category. It should be noted, however, that many still favour moving completely away from the Register categories and bringing in as wide a range of conventional arms as possible.

Support for inclusion of ammunition, parts and components remains divided. Throughout the process, views on **ammunition** have been more divided than on weapons: some States are absolutely in favour of their inclusion and have insisted that without covering ammunition the ATT would fail to meet its goals and objectives. Others have expressed strong concerns about both the feasibility and desirability of including ammunition. Some States have expressed unease regarding reporting on ammunition, claiming that exchanging information on ammunition transfers would pose a threat to national security and reveal too much sensitive military information. Similar discussions and differences of view were seen also with regard to the possible inclusion of **parts and components**.

In order for both ammunition and parts and components to be feasibly included in the scope of the Treaty, solutions based upon more limited reporting than in other categories should be explored. **Different levels of transparency** might prove a solution to the scope dilemma.

At a minimum, the ATT should cover the **activities of export, import and transit of weapons**. The Treaty should also detail the necessary level of specificity according to the nature of the activities and the resulting possibilities and limitations for controls. For example, based on the regional discussions it seems that specifics on exports should differ from the details required for import controls.

Other categories of activity to be included, especially brokering, have gained enthusiastic support. However, divisions remain: some call for as wide coverage as possible, while others caution against broadening the Treaty too much. The categories of gifts, loans and donations, temporary exports and financing were taken up as potentially problematic or less relevant categories for an ATT.

The most feasible manner in which the various categories of weapons and activities could be covered in an ATT would be to have **general categories instead of detailed lists or categories**. Such a Treaty would have to be implemented by each State in good faith, through national legislation and regulations. The suggestion has been made that detailed definitions could be included in a technical annex, which would make it easier to keep the categories up-to-date and relevant. Indeed, many stressed that the Treaty's scope should be formulated so that it remains flexible for **future developments** in weapons technology. As a compromise solution to the issue of general versus list approach, under the ATT States could be requested or encouraged to **publish those national control lists** that they consider falling under the scope of the Treaty.

Regardless of the level of detail of the ATT's scope, it will have to be clear for all States Parties. While respecting the commitments and minimum requirements embodied in the Treaty, it should also leave room for **national interpretation** and allow for States to apply their own system both to licence applications and to the definition of activities.

Including **technology transfers**—tangible or intangible—in an ATT would require a control system of a different nature than the one that could be set up for transfers of conventional equipment and weapons. Also, consensus would have to be reached on a commonly shared definition of what transfers of technology are, and the different forms they can take. There would be some value, for instance, in controlling the transfers of production capabilities that do not always lead to transfers of technology per se but could have a destabilizing effect nonetheless. Once a Treaty is established, another possible option would be the establishment of expert working groups, for example to consider, inter alia, ways of realistically including transfers of technology.



## TRANSFER CRITERIA FOR THE ARMS TRADE TREATY

For an ATT to be effective and implementable, it should contain commonly agreed upon parameters that all States Parties would follow when making their national arms transfer decisions. During the ATT process, different opinions have been expressed with regard to the specific possible criteria that could be used to form an ATT's parameters, i.e. factors that States should consider when deciding whether or not to authorize arms transfers.

The following recommendations have been drawn from the project's two years of active interaction with a wide range of stakeholders from more than 120 countries, as well as expert consultation and analysis. Thus, these conclusions and recommendations are those of the project, not the participants of the regional seminars, the governments they represent, the sponsors of the project or the United Nations.

---

The Treaty's transfer criteria should be **clear, focused, feasible and objective**. This is one of the central added values of an ATT: by creating universal norms for conventional arms transfers, the Treaty will harmonize current practices and make transfer decisions more predictable, reliable and consistent. Regardless of which specific issues are covered, criteria should be unambiguous to avoid different interpretations.

One possibility under consideration is a **hierarchy of parameters**. This would mean that some criteria would result in the absolute prohibition of a transfer, whereas others could be classified as cases where, for example, "serious or careful consideration" should be exercised when making the transfer decision. Wording to this effect in an ATT could include reference to, for example, "thorough and meaningful assessment", "serious consideration" or certain risks that should be "taken into account".

The least controversial parameters to be included are those that would reconfirm States' already existing United Nations obligations, such as those under **the United Nations Charter and relevant Security Council resolutions**, in particular arms embargoes, as well as States' **other relevant international obligations**. Transfers contrary to these obligations should result in automatic denial of a transfer request (a "shall not transfer" formulation).

States hold differing views on a range of other criteria that might be considered for inclusion. In the project's regional seminars, the most frequently called for criteria included prohibiting transfers which could result in **serious violations of international human rights and humanitarian law, or prolongation of a conflict**. However, concerns were also expressed that the inclusion of such criteria could be politically abused or used to "unjustifiably" prevent arms transfers to certain recipients.

In some regions there were strong calls to include criteria to prevent transfers of arms where they would **risk being diverted into illicit markets** or seriously impair **poverty reduction and development** efforts, especially as these were noted to be of direct concern to **human security**.

Also **corruption** in the arms trade was often noted as a concern, which many participants hoped the ATT could address.

A **robust national control system** will be necessary in all ATT States Parties. As decisions about whether to approve, refuse, suspend or revoke authorizations for the export of items should remain the sovereign right of every State under the future Treaty, a **national risk-assessment process** will be the most important part of the transfer control system. States will have to apply the Treaty's criteria consistently, taking into account all relevant information, including the nature and potential use of the weapons or equipment to be transferred and record of the end-user. As part of the assessment, States should evaluate whether there is a substantial or serious risk that the transfer would violate the criteria set out in the Treaty, and act under a presumption against authorization unless appropriate precautionary or preventive action is taken to mitigate or remove the risk.

This project is carried out with funding by the European Union



## IMPLEMENTATION OF THE ARMS TRADE TREATY

Once adopted, the ATT will embody common high international standards for the transfer of conventional arms. All States Parties will have to effectively implement these for the Treaty to make a difference on the ground and to meet its goals and objectives. Indeed, negotiating the Treaty is not an end in itself: rather it should be seen as the beginning of a process. While the main responsibility to implement the ATT will lie with States, several mechanisms have been suggested to be put in place at the regional and international levels to support national efforts.

The following recommendations have been drawn from the project's two years of active interaction with a wide range of stakeholders from more than 120 countries, as well as expert consultation and analysis. Thus, these conclusions and recommendations are those of the project, not the participants of the regional seminars, the governments they represent, the sponsors of the project or the United Nations.

---

States will have the primary responsibility to implement the future Treaty and their right to **sovereign decision-making should in no instance be compromised**.

**The Treaty should determine the necessary elements for effective controls** and other critical factors that are of relevance to the Treaty and its implementation. It should not prescribe how each State should develop these elements, but leave it as an internal issue subject to each State's national legislation, regulations and needs.

To successfully implement the ATT, each **State should establish an effective, predictable and transparent licensing system** that fully takes into account the elements required by the ATT. There can be no "one-size-fits-all" system; rather each national system should be tailored to the needs of each individual State.

States should maintain **national control lists** detailing items and transactions that require authorization under an ATT and ensure effective criminal, civil and administrative penalties for violations of established rules and regulations.

Effective arms transfer controls by nature require the involvement of—and information from—several national ministries and agencies. The national system should provide for **effective coordination and collaboration** between all relevant governmental agencies, as well as external actors such as industry, to ensure a robust system. In this regard, the establishment of national working groups or commissions should be considered.

To effectively implement the ATT, **regular meetings of States Parties** should oversee the Treaty's functioning, its status and operation, and take into consideration further developments.

One of the most important functions an ATT can serve is to encourage transparency. **Submission of national reports** will be a key element to achieve this aim. Under an ATT, States should be asked to provide information on their national implementation efforts as well as statistical information about granted licenses and/or transfers. While the implementation efforts could be submitted

on a one-off basis, statistical information about trade should be submitted annually, according to a commonly agreed system and deadlines. **All States should ensure that appropriate and sufficiently detailed records are kept** of licensing decisions and transfers to enable reporting.

Some kind of **international support structure** will be necessary to assist States in their efforts and to support implementation. A small and effective Implementation Support Unit (ISU) could, *inter alia*, receive national reports, provide administrative support for Treaty implementation, help channel assistance requests, and coordinate efforts among regional organizations and arrangements. The exact size and structure of an ISU as well as its cost will largely depend on the tasks it is requested to undertake. Once established by the Treaty, the activities of an ISU could be further refined and specified at the Meetings of States Parties.

It is foreseen that the ATT will help **intensify dialogue** on conventional arms transfers, both between its signatories and within the international community more widely. A variety of mechanisms have been suggested for dialogue or consultation among States Parties: from a voluntary, informal and multilateral setting to more firmly established and rigid systems. Any dialogue or consultation mechanism should be **practical, promote well-informed decisions** and **encourage networking** with colleagues both domestically and abroad.

Implementing the ATT will require strong, national-level authorities, centralized decision-making and coordination mechanisms. Some kind of **capacity-building and assistance activities** will be needed to ensure that all States Parties have the competence and expertise to implement the Treaty's provisions. Assistance should be voluntary, and address all aspects of arms transfer controls, including: national control systems and legislation; administrative regulations and procedures; licensing procedures; enforcement; Disarmament, Demobilization and Reintegration; education; marking and tracing; record-keeping; stockpile management; information technology; reporting and information-sharing; and practical training.

**Regional-level action will be crucial** in developing and enhancing arms transfer controls. The ATT should take into account and build on the action already taken and initiatives underway at the regional level. Regional organizations could assist in monitoring or observing arms transfers, and treaty compliance more generally. Regional consultations and seminars should be encouraged as additional fora for further discussions. This would also facilitate consideration of regional specificities and priorities.



## REGIONAL FINDINGS

The following findings reflect the regional outputs and recommendations of the seven regional seminars of the project held between November 2010 and April 2012 that relate to the July 2012 ATT Conference and the possible scope, parameters and implementation of the future Treaty. Other findings that resulted from the seminars but were relevant for the process up to July are not included here. The full set of findings for each regional seminar is contained in the summary report of the events, available at [www.unidir.org/ATT](http://www.unidir.org/ATT).

These conclusions and recommendations are those of the project, not the participants of the regional seminars, the governments they represent, the sponsors of the project or the United Nations.

---

### **Central and South Asia Kathmandu, Nepal, 10–12 November 2010**

#### **The detailed scope of the future Treaty could be addressed in an annex**

Most participants favoured taking the categories of the Register of Conventional Arms as the starting point, and also including small arms and light weapons (SALW). On activities, there was wide support for the inclusion—at a minimum—of exports, imports, transfers and transit of weapons. Participants were divided over the inclusion of other categories. Many called for clear definitions of types of weapons and activities, which could be done by including a detailed list as a technical annex.

#### **Hierarchy of transfer criteria should be considered**

Many participants urged consideration of ranking the parameters for transfer into a hierarchy. This would mean that some criteria would result in the absolute prohibition of a transfer, whereas others could be classified as cases where, for example, “serious or careful consideration” should be exercised when making the transfer decision.

#### **National-level action and assistance are priorities but also regional-level action is important and needs to be strengthened**

The importance of each State Party having a strong national-level authority and centralized decision-making and coordination was underlined. Discussions also clearly revealed that regional-level discussions and action are crucial in developing and enhancing arms transfer controls. Further interaction and support among national, regional and international processes was called for, as was more active involvement of regional organizations in Asia and the Pacific.

**Central, West and Northern Africa  
Casablanca, Morocco, 2–4 February 2011**

## **Strong regional-level involvement in the ATT negotiations and Treaty implementation**

Many participants underlined the importance of regional-level action in conventional arms transfer controls, and called for the future ATT to take into account and build on the action already taken and initiatives underway at the regional level. It was suggested that regional bodies could assist in monitoring or observing arms transfers, and Treaty compliance more generally, to complement efforts at the international level.

## **Calls for a comprehensive scope**

Most participants seemed to favour bringing in as wide a range of conventional arms as possible, going beyond the categories of the United Nations Register of Conventional Arms. Many were specifically advocating the inclusion of SALW and ammunition. On the activities to be covered, there was wide support for a comprehensive scope with the inclusion not only of export, import, transfer and transit of weapons, but also of, for example, brokering activities. Categories where some reservations were expressed included loans, gifts and temporary exports.

## **Emphasis on effective end-use assurances**

A question was raised about how the use of weapons by non-state actors (NSAs) could be addressed in an ATT. The representative view was that addressing the question of NSAs explicitly in an ATT would prove politically and practically very challenging. A suggestion was put forward that the future ATT should contain specific and clear clauses on the need to establish robust and implementable end-user controls at the national level, as this would indirectly contribute to solving the problem of unauthorized acquisition of weapons by NSAs.

## **Need to include language on cooperation and assistance**

Cooperation and assistance were mentioned as very important aspects to be included in the future Treaty, to ensure that it will be implementable and effective in all countries and not only those that already have well-developed and sophisticated control systems. On the other hand, the need to keep the possible system of assistance voluntary was underlined.

## **Priority on coordinated national-level implementation**

When discussing the implementation priorities of the future ATT, it was stressed that the main responsibility will lie with States and that all States should put in place effective and robust national systems based on their specific situations and needs.

## **Implementation Support Unit to assist with treaty implementation**

Most participants favoured establishing some kind of international body to support the implementation of the future Treaty and to assist in measuring its impact and monitoring arms transfers.

## **The Americas and the Caribbean Montevideo, Uruguay, 27–29 April 2011**

### **Comprehensive and well-defined scope**

The majority of States' representatives in the seminar were advocating a comprehensive scope that would go beyond the seven categories of the United Nations Register of Conventional Arms plus SALW and ammunition. It was noted that the inclusion of parts and components, as well as technology and equipment, should be further analysed. In terms of concrete control lists for the future Treaty, the possibility of having different specifications and detail for import and export lists was suggested.

### **Human security considerations and wider impacts of transfer criteria to be considered**

Special focus was placed on human security considerations, which in many ways were the leading reasons for starting the ATT process. Many participants called for an ATT to establish transfer criteria that would help improve human security. Corruption and diversion were also noted as acute problems in the region and something that an ATT should seek to address.

### **Primary responsibility of States to implement the future ATT**

The primary role of national-level action was underlined by many, noting that sovereign decision-making should in no instance be sacrificed under the future Treaty. Many echoed the necessity to put in place the essential legal, administrative and organizational structures at the national level. Some called for international cooperation and assistance to support States. Coordination among different national actors as well as outreach to external partners were mentioned as keys to effective arms transfer controls.

### **International system to support implementation**

Almost all supported the idea of having some kind of institutional follow-up system as part of the future Treaty, as this would help evaluate the effectiveness of the future Treaty, assist all parties, increase transparency, and help develop shared understandings about the standards of acceptable practice. The possibility of having an international support body gathered wide support, as did Meetings of States Parties and Review Conferences.

### **National reporting and other transparency measures**

The importance of regular national reporting as a means to increase transparency in conventional arms transfers was stressed as crucial. Participants also mentioned the possibility of holding bilateral consultations regarding arms transfer decisions to coordinate and network with colleagues both domestically and abroad. This type of information exchange could be done more in real-time than national reporting, which would likely be conducted at set intervals.

**East Asia and the Pacific  
Bali, Indonesia, 6–8 June 2011**

## **Calls for strong national mechanisms with voluntary capacity-building and assistance**

The primary role of States was again underlined. In addition, many participants stressed that an ATT should be relevant to both importer and exporter States, take the equal rights and responsibilities of States into account and be universally applied. Representatives of small island States of the Pacific in particular referred to their limited capacities and their need to develop sophisticated transfer control systems, and it was concluded that the future ATT should not try to establish a “one-size-fits all” solution but rather set a “floor” for controls. No matter what the details of the future Treaty will be, equal rights and responsibilities of all States have to be accounted for.

## **Need for a system for dialogue and consultations**

The possibility of having some kind of mechanism for dialogue or consultation between importer and exporter States got wide support, as many saw the possibility of thus increasing transparency and dialogue through an ATT as one of its most prominent aspects. A pre-authorization/delivery dialogue would be more efficient and politically sustainable than establishing a formalized platform of post-transfer consultations. The possibility of establishing a forum in which to discuss transfer denials under the future ATT was also addressed, with some supporting voices and other remarks of caution.

## **Implementation Support Unit to help implementation**

All participants that took part in the implementation discussion called for a practical, effective and implementable ATT. To ensure this, most were in favour of having some kind of institutional follow-up system as part of the future Treaty in addition to a system of dialogue. They called for such a body, if established, to be strong, independent and efficient.

## **Increasing transparency in the conventional arms trade through an ATT**

Participants discussed both reporting on implementation of the future Treaty and statistical reporting about transfers of arms themselves that would fall under the scope of the future Treaty. Most seemed to favour some kind of national reporting on both these aspects, even though views varied as to the type of information exchanged and the frequency of information-exchange. It was stressed by many that national reporting should be tailored to States’ needs and capacities and, as in many other instruments, reporting fatigue resulting from too frequent, detailed and technical reporting should be avoided.

**Eastern and Southern Africa**

**Nairobi, Kenya, 29 February–2 March 2012**

## **Support for the goals and objectives of the Chairman's non-paper**

There was general support for the goals and objectives of the future ATT as outlined in the Chairman's non-paper of 13 July 2011. It was noted that the most important goal for the future Treaty will be to achieve universality, because only a global agreement can address the challenges and problems currently posed by uncontrolled trade in conventional arms. Some noted that in addition to writing down the goals of an ATT in the text itself, the negotiators should be committed to widely communicating them to their own citizens and other governments, especially as the implementation phase begins.

## **Inclusion of SALW and ammunition a priority—some concerns expressed about proposed criteria**

Many participants spoke strongly for the need to include SALW and ammunition in the future ATT. In addition to stressing the importance of the inclusion of these weapon types, participants seemed to generally favour a comprehensive approach to the scope that should include all conventional arms, ammunition, plus parts and components, and a wide variety of activities from export and import of weapons to brokering, transit and re-transfer. In terms of transfer criteria, many called especially for the inclusion of human rights law and international humanitarian law. A few participants expressed concern about the inclusion of these criteria, concerned that these could be used for purposes of political abuse.

## **Need for international cooperation and assistance to support national efforts**

International cooperation and assistance were mentioned by the majority of participants as a critical part of the future ATT. As States' capacities, as well as their level of expertise and sophistication of transfer control systems, vary widely, many will need assistance and capacity-building in ensuring effective implementation of a Treaty. Some expressed concern about how to ensure that support reaches the right States, and considered how best to avoid mistakes made in previous processes and instruments.

## **Call for active involvement from Africa**

Throughout the discussions, emphasis was placed on regional arms control efforts and instruments already adopted and in process within, for example, the Nairobi Protocol and the African Union. It was noted that despite some clear and natural differences in arms transfer control situations in different African States, most of them are primarily importing States and concerned thereby especially about imports, obligation of transit States and end-user modalities. Many delegates stressed the need of Africa to actively engage in the future ATT. There was also discussion about the specific elements that African States should push for in the future Treaty. Specifically, it was suggested that African States could provide more details on import and transit controls in the drafting exercise. In thinking about the implementation of an ATT, it was noted that in the future, more regular meetings should be held within Africa.

## **The Middle East**

**Beirut, Lebanon, 27–29 March 2012**

### **ATT should be comprehensive in order to curb illicit trade and to be beneficial to all**

One of the main goals of an ATT was noted to be the need to fight against illicit and uncontrolled proliferation of conventional arms and to fight diversion. Even though one of the main goals of an ATT is to improve controls over the legal international trade in weapons, it should not affect the ability of States to acquire the arms and equipment that are needed to maintain their legitimate defence capabilities and protect their sovereign rights. An ATT would contribute to more predictable and transparent system, where issues related to arms transfer decisions could be more easily taken up and explored.

### **Implementable scope that reflects current realities and priorities**

Many participants recommended that the future ATT should build on already existing instruments such as the United Nations Conventional Arms Register, and use those categories as the basis of formulating the coverage for the future Treaty, even if the categories of weapons covered by an ATT should be wider than the current register's coverage. Inclusion of categories such as ammunition, weapon technologies and SALW was met with some resistance. On the other hand, the same categories, especially SALW, were noted by some participants as being of primary importance. Some participants called for the inclusion of the production and stockpiling of conventional arms in the future Treaty as the first and important steps in the trade and transfer cycle. It was noted that while an ATT would primarily concentrate on trade, some links with production should also be made in the Treaty text, especially in order to combat diversion.

### **National implementation a priority—needs to be backed up by international action**

Participants underlined the primary responsibility of States to implement the future Treaty at the national level, according to their specific situations, but also to adhere to the goals and spirit of the future Treaty. States should ensure that when in force, the ATT requirements are translated into national law in all States Parties. Some suggested that under an ATT, a national control system should be established in all States to consider the parameters agreed in the Treaty for the purpose of making decisions on issuing transfer licences. However, it was also noted that some kind of regional and international implementation support structures could be set up to facilitate efforts at national level. It was suggested that annual meetings of Arab contact points should be held. Most seemed to favour the establishment of an Implementation Support Unit or another international support structure to assist in Treaty implementation and respond to possible enquiries and assistance requests.

### **Need to find a balance between transparency and strategic secrecy**

Transparency was noted to be a difficult but not an unsolvable issue, where States Parties should be encouraged to exchange as much information as possible without jeopardizing their national strategic interests and secrecy requirements. Participants recommended that examples from already existing information exchange systems be applied when developing a transparency mechanism for an ATT to avoid reporting fatigue and overlapping or contradictory information being circulated.

## **Wider Europe**

**Belgrade, Serbia, 18–20 April 2012**

### **ATT should aim at combating diversion, increasing transparency and promoting human security**

Most participants voiced their firm support to the ATT initiative and noted that they have been actively participating in the discussions since their inception. It was noted that an ATT should be a “floor”, not a “ceiling”, for transfer controls, and that it should be clear-cut and ambitious yet practical enough to provide States enough guidance to effectively develop their own systems and regulative frameworks. An ATT would be a good incentive for all States to strengthen their national systems, bring their regulations up-to-date and learn from each other. Many also mentioned the human security goals for the future ATT, and some went further to link the future Treaty’s goals also to combating corruption and promoting sustainable development.

### **Technical aspects and details of scope remain to be discussed**

Most often it was recommended that the future ATT should cover a comprehensive set of weapons and equipment, as well as a range of activities and transactions. Most—but not all—favoured the inclusion of SALW and ammunition. Many noted that the negotiations will have to clarify the approach that the future Treaty will take towards its scope. Some called for a clear list of weapons, while others called for more general categories that could be further specified at the national level. Regardless of how the future ATT’s scope is ultimately defined, it will have to leave room for national interpretation and allow for States to apply their own system to licence applications, while concurrently respecting the agreed rules and minimum requirements.

### **Strategies to effectively implement an ATT: national and regional action, cooperation and assistance**

As in the other seminars, the primary responsibility of States to ensure that the future ATT becomes functional was underlined by many. All States should ensure that they have the necessary legal system and legislative procedures in place under an ATT. Special emphasis should be placed on raising awareness of the defence industry. All States should ensure that the text of the future Treaty will be translated into national languages. It was suggested that templates should be established as soon as possible after the future Treaty’s adoption in order to create baseline data on national implementation for use in evaluating the Treaty’s effectiveness over time. National reporting and other transparency measures were mentioned as primary strategies through which the effective functioning of an ATT could be ensured, and some named increasing transparency as one of the most important functions of the future Treaty.

# Supporting the Arms Trade Treaty Negotiations

This project is carried out with funding by the European Union

