

**REPORT**  
**3<sup>rd</sup> Session of the Preparatory Committee for the**  
**United Nations Conference on the Arms Trade Treaty**  
**(3<sup>rd</sup> Prep Com)**  
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Momentum picked up as Member States of the United Nations came together from 11-15 July for the third Preparatory Committee session to discuss a future Arms Trade Treaty (ATT). A growing number of key countries are now offering support to the process, contributing to strong overall progress.

The participation of a record number of civil society representatives, including member organizations of the International Peace Bureau, demonstrates the wide-ranging impact of the arms trade and extensive interest in these discussions that crosscuts a variety of sectors. The diverse group included women, men, and survivors of armed violence, health professionals, lawyers, researchers, youth, and arms industry representatives.

This most recent session focused on issues surrounding implementation and final provisions of the future ATT, as outlined in a draft paper prepared by the Chair of the Meeting, Ambassador Roberto García Moritán of Argentina. Such draft papers have formed the basis of discussion throughout the Prep Com processes, which formally began one year ago. However, with the conclusion of this 'Prep Com', a new stage in the process is about to begin in which governments will have to reconcile crucial differences and face unanswered questions.

### **The need for an Arms Trade Treaty**

The poorly regulated global trade in conventional arms and ammunition fuels conflict, poverty and human rights abuses as legitimate arms fall into the wrong hands or become diverted onto the illicit market. The increasingly global nature of the arms trade only exacerbates this problem, as components are sourced from across the world, and production and assembly takes place in many different countries, each with different and sometimes lenient, levels of control. In fact, the trade in bananas and electronics is better regulated than that of arms and ammunition.

The Arms Trade Treaty would be the first international and legally binding trade agreement to regulate the trade in arms and ammunition. It is not a disarmament treaty, but rather a trade agreement with a strong humanitarian imperative, because the commodities that it will govern are deadly ones, having no other purpose than to maim and kill. Therefore, while it is a trade agreement, the ATT also has a great and unique potential to prevent future diversion of arms to the illicit market and fall into the hands of those who would use it to violate human rights, perpetuate armed violence and strangle development through prolonged conflict and the misallocation of resources.

### **The process so far**

The impetus for a legally binding arms trade treaty first came from Nobel Peace Laureates with wide support from civil society organizations worldwide. Their message was quite clear – to halt irresponsible arms exports that cause pain and destruction to so many around the world. In 2001, these Laureates circulated a Draft Framework Convention on International Arms Transfers, which

called for a universal, legally binding agreement governing arms transfers. This was followed by the establishment of an international campaign by NGOs – the Control Arms campaign - who continued to advocate for such an agreement.

In December 2006 the UN General Assembly adopted resolution 61/89 entitled “Towards an arms trade treaty: establishing common international standards for the import, export and transfer of conventional arms”. It requested the Secretary-General to seek the views of Member States on the feasibility, scope and draft parameters for a comprehensive, legally binding instrument establishing common international standards for the import, export and transfer of conventional arms. The Secretary General’s report containing member states’ views was published in 2007.

In 2009 the UN General Assembly launched a time frame for the negotiation of the Arms Trade Treaty. This included one preparatory meeting in 2010 and two in 2011, before the final negotiating conference scheduled for July 2012. An additional Prep Com has now been added to the schedule and will take place in February 2012, mostly to discuss procedural matters. As a UN treaty, the ATT will require consensus from all Member States in order to be adopted.

Earlier Prep Coms were opportunities for Member States, Observers and civil society to present their views on the elements, principles, scope, criteria and parameters of the future treaty. Some of these aspects were briefly touched on again toward the end of the most recent session but otherwise, full attention was given to matters relating to implementation and final provisions.

### **Making sense of implementation**

This third Prep Com focused on how the future treaty will be implemented. Specifically, this includes the measures that states will need to take in order to make the treaty work. Such measures include imports, exports, exact procedures for transit through a third state’s territory, brokering, transfer denials, reporting and transparency and the establishment and role of an Implementation Support Unit (ISU). It also discussed final provisions of the eventual treaty, which refers to processes such as ratification and entry into force, withdrawal procedures, review processes and Assemblies of States Parties, and dispute resolution.

There are several challenges related to implementation. For example, while there is universal agreement that implementation should occur at the national level, many developing nations expressed concern about their ability to manage rigorous reporting requirements and provide the necessary level of coordination between various entities and individuals that will be required of them. As a result, a good deal of the discussion in all Prep Coms has been about the need for international assistance and cooperation that can provide states with the tools and resources necessary for successful implementation, particularly at the national level. The costs of providing such a high level of assistance will be significant. However, it is also extremely critical that support exist to ensure implementation – after all, the yardstick for measuring any treaty’s success is how successfully its provisions are implemented.

Monitoring compliance with the future treaty is another challenge, particularly given the generally murky world of the arms trade. The ATT can provide an opportunity to address the lack of transparency through comprehensive national reports and a framework for standardized reporting, which in turn will strengthen trust and security among states, allow for more public scrutiny into public expenditures and help to prevent the diversion of arms to illicit markets.

Connected to the need to carve out greater transparency in this area is the subject of transfer denials – should States Parties be obligated to notify others if they have denied an arms transfer request from another state? This potential treaty obligation became a divisive issue during the Prep Com. Those against this obligation tended to cite reasons of commercial confidentiality and national security whereas proponents noted the role this can play in building trust. It seems that at present most states agree that this should be a decision taken at the national level and remain the prerogative of each state.

Additional discussion centered heavily on the need for an ISU and what role it would play. The UN Office for Disarmament Affairs (UNODA) provided a useful presentation of structural possibilities that could be available. These include an independent secretariat, or an ISU that is embedded in an existing organization, or that the UN secretariat could offer support services as it does with the UN Programme of Action on Small Arms and Light Weapons. Additionally, the Chair had outlined in his draft paper another range of possibilities as to how an ISU could function. Delegations have expressed very divergent views on this topic; much of it also taking into consideration the costs that will be involved.

Another subject debated under the umbrella of final provisions is how many ratifications the future treaty will require to enter into force. The suggested number at present is 30 and not dependent on any specific countries, but this proposal has encountered both support and disagreement.

### **Gender, development and victim assistance**

While men are more likely to use weapons, women suffer disproportionately from that use. Arms made readily available because of lax controls are used to threaten sexual and other forms of violence to women, and consume their loved ones in conflicts. Too often, public money is spent on armaments at the expense of education, healthcare or the environment, even as the conflicts in which those arms will be used destroy infrastructure, families and livelihoods. This year's World Development Report notes that 1.5 billion people live in areas affected by "fragility, conflict, or large-scale organized criminal violence" and that no low-income fragile or conflict-affected country achieved a single Millennium Development Goal. And for each person killed, up to 28 are injured by armed violence each year on average and continue to live with various forms of disability and emotional trauma – testimony to the humanitarian impact that states are trying to prevent with the ATT.

Despite the fact the gender, development and victim assistance are at the heart of the reason why an ATT is even being discussed, all three areas are facing some opposition from Member States as to where they fit best into the ATT and what, if any, related obligations could arise. While these subjects have been addressed more thoroughly in past Prep Coms, some references were made during this most recent one.

The preamble of the most recent Chair's draft paper notes that the unregulated arms trade is a contributory factor to gender based violence and undermines socio-economic development. The latter is also referenced in the goals section of the document, and is listed as a criterion for denying arms if the transfer would "seriously impair poverty reduction and socio-economic development or seriously hamper the sustainable development of the recipient State". In this same draft victim assistance has separate provisions within the section on international assistance, in which States Parties "in a position to do so...may offer or receive assistance for the care and rehabilitation, and social and economic reintegration, of victims of armed conflict." A second paragraph elaborates that this assistance could be technical or material and provided through a number of mechanisms.

It is encouraging that these items are in the present text, but the draft papers are not a draft treaty and for those states who only see this as a simple trade agreement that should not contain any so-called humanitarian provisions, will likely face strong opposition during the negotiations next year.

Positively though, advocates for the inclusion of gender sensitive provisions and victim assistance mobilized in dynamic ways during the third Prep Com. Under the banner of the IANSA Women's Network, signatories from 53 countries added their voices to call for a strong Arms Trade Treaty. They have also produced a policy paper that outlines many ways in which a strong ATT can help to prevent gender-based violence and promote the participation of women in its implementation. With the launch of a Survivors Declaration, many armed violence survivors undertook bilateral meetings with delegates throughout the Prep Com.

### **Civil society**

The overwhelming number of civil society representatives at this Prep Com was noteworthy, and reinforces the wide-ranging interest in and support for an Arms Trade Treaty. There were nearly 150 representatives from a variety of non-governmental organizations present – more than have registered for any previous meetings. IPB was well represented through the participation of many of its member organizations such as Project Ploughshares, Pax Christi International, and the Norwegian Peace Association as well as individual members of IPB's International Council. Many others were affiliated with the Control Arms Coalition and other groups represented included the Stockholm International Peace Research Institute (SIPRI), the Small Arms Survey, and the International Committee of the Red Cross.

The week also saw the launch of pro-ATT statements from global investors with over US\$ 1.2 trillion in assets, and even the participation of representatives from the arms industry, calling for a robust and internationally-binding treaty to be agreed in July 2012.

One session of the Prep Com was allocated to presentations from non-governmental organizations. Jeff Abramson, Coordinator of the Control Arms Secretariat, reminded delegates to keep the human impact of an Arms Trade Treaty in mind during the negotiation process. He stressed the need for a comprehensive treaty that applies to transfers of all types of arms and requires openness and transparency in its implementation. Carole Engome of the Central African Action Network on Small Arms (RASALAC/CAANSA) called for gender-based violence to be taken into account in the principles, goals and objectives of an ATT. A presentation from Suela Lala, a gun violence survivor and lawyer working on disability rights in Albania, stressed the need for the ATT to include a comprehensive framework for international co-operation and assistance, and to further acknowledge the rights and needs of victims. Lastly, Felipe Michelini, a Member of Parliament from Paraguay, highlighted the commitment of parliamentarians from all over the world to work for a robust ATT and emphasized the need for a treaty to enter into force as soon as possible, preferably after it has been ratified by 30 states.

As usual, civil society provided close monitoring of the meeting's proceedings. Daily updates, including analysis and opinion, were provided by the ATT Monitor, a joint initiative of Reaching Critical Will of the Women's International League for Peace and Freedom, Global Action to Prevent War, Oxfam International, and the International Action Network on Small Arms.

Throughout the week, a variety of side events organized by civil society, sometimes in cooperation with states, helped to further explore many dimensions of the future treaty including its relationship to public health, women, regional implications and the perspectives of industry.

### **The Global Campaigners Conference**

Following the Prep Com, the Control Arms campaign organized a Global Campaigners Conference from 15-17 July in nearby New Jersey. Approximately 60 civil society representatives from a variety of regions and organizations participated in the two day training, the purpose of which was to facilitate global and regional campaign planning for the year ahead, as well as to build the capacity of campaigners. It was also an opportunity to interact with staff from the Control Arms Secretariat, which was recently established in New York to serve and guide the work of Control Arms in the coming year.

During the first day, participants took part in highly participatory small group sessions that allowed them to express their ideas for campaigning actions, priorities, media messaging, and how to expand the campaign to include new members. Workshops were offered to build skills in the areas of popular mobilization, media, digital campaigning, action oriented research and working with survivors. Additional sessions were offered by experts to focus on thematic areas of the treaty such as scope, international humanitarian law, development and armed violence, victim assistance and implementation and were a chance to better develop talking points and arguments for each.

Participants met in regional groups during the second day, and outlined ideas for campaigning priorities and activities that could be undertaken during the coming year. Naturally, developing a unified message across all regions will also be important and some time was allocated to this as well.

### **Looking ahead**

In the course of discussing matters of implementation, it was inevitable that some discussion as to the treaty's objectives would also arise. Unfortunately this treaty is one that will be adopted on the basis of consensus across all UN Member States. Very divergent views remain on this subject and it is possible that these critical differences of opinion may play a pivotal role in determining the overall strength of the future agreement.

Most states do agree that the objective of the future ATT should be to prevent transfers of weapons where there is a serious risk that international humanitarian law, human rights law, and socioeconomic development will be undermined or violated. Other states, however, and very powerful ones such as the United States, China, France, Russia and the United Kingdom, see the purpose of the treaty as regulating arms transfers in such a way to curb the illicit trade in conventional weapons that is undermining security. For them and some others the treaty should be as short and simple as possible, and not include any references to human rights, poverty, or corruption as reasons for denying a transfer.

Furthermore, states do not yet all agree as to the scope of weapons that should be included in the final treaty. Most of the controversy hangs on whether or not to include ammunition and munitions, and during this last Prep Com a few governments called for the exemption of hunting and sporting weapons.

The danger here is that the original impetus for the treaty will be lost in the final negotiations, and that the peoples of the world will be left with a weak document that fails to deliver on its great promise. While it is extremely encouraging to see that there is overall a high level of governmental support for an arms trade treaty, we as civil society still have much work ahead to ensure that the final agreement is one that will make a difference for international peace and human security.

**For more information**

The Arms Trade Treaty Monitor - <http://reachingcriticalwill.org/legal/att/monitor.html>

Control Arms Coalition <http://www.controlarms.org/>

UN Office of Disarmament Affairs <http://www.un.org/disarmament/convarms/ATTPrepCom/>

Mapping the Arms Trade Treaty <http://www.armstreaty.org/>