



EUROPEAN UNION



UNITED NATIONS INSTITUTE  
FOR DISARMAMENT RESEARCH

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

### **Compilation of Project Event Summary Reports**

Launch Report (New York, 15 July 2010) .....	1
Summary Report (Kathmandu, 10–12 November 2010).....	6
Summary Report (Casablanca, 2–4 February 2011) .....	26
Summary Report (New York, 1 March 2011).....	46
Summary Report (Montevideo, 27–29 April 2011) .....	56
Summary Report (Bali, 6–8 June 2011) .....	66
Summary Report (New York, 13 July 2011).....	77
Summary Report (New York, 17 October 2011) .....	84
Summary Report (Nairobi, 29 February–2 March 2012).....	93
Summary Report (Beirut, 27–29 March 2012).....	114
Summary Report (Belgrade, 18–20 April 2012) .....	133
Closing Event Report (New York, 17 July 2012) .....	154



EUROPEAN UNION



UNITED NATIONS INSTITUTE  
FOR DISARMAMENT RESEARCH

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

**Launch of the EU–UNIDIR Project**

**15 July 2010  
New York, USA**

**SUMMARY REPORT**

## **Introduction**

On 14 June 2010, the Council of the European Union adopted Council Decision 2010/336/CFSP on “EU activities in support of the Arms Trade Treaty, in the framework of the European Security Strategy”. This decision established a follow-on project consisting of a series of regional events, following a previous successful series of regional seminars organized by the United Nations Institute for Disarmament Research (UNIDIR) in 2009–2010. The new project was launched at UN Headquarters in New York, in the margins of the first meeting of the Preparatory Committee for the Arms Trade Treaty (ATT) on 15 July 2010. It brought together close to 100 participants from UN Member States, international organizations and civil society.

The objective of the launch was to present the project, to be implemented by UNIDIR for the European Union during a period of 24 months (July 2010–July 2011). The project launch aimed at ensuring that all target groups became well informed, encouraging their wide and active participation, and seeking input from UN Member States, civil society, researchers and non-governmental organizations (NGOs) to secure support for the project’s implementation. The launch and the project plan attracted wide interest throughout the target audience and were very well received.

## **Project outline**

The project was designed following feedback received from participants and other stakeholders of the previous EU–UNIDIR project, in which continued, inclusive, regional-level dialogue was called for, together with further in-depth research and a widened participation-base to support the ATT process. Many participants also stressed the need to move toward concrete training and capacity-building projects, in parallel with diplomatic negotiations. Hence, the new phase was developed with two main objectives: first, to support the preparatory process leading up to the UN Conference on an ATT to ensure that it is as inclusive as possible and able to make concrete recommendations on the elements of the future ATT; and second, to support UN Member States in developing and improving national and regional expertise to implement effective arms transfer controls, in order to ensure that the future ATT, when coming into force, will be as effective as possible.

The project will consist of seven regional seminars together with support activities, such as side events in the margins of the Preparatory Committee meetings. The regional seminars will be three-day events, consisting of two parts. The first part will provide a general overview of an ATT and the current stage in the process, while the second part will be more oriented toward practice and capacity-building.

Two participants from each targeted state will be invited to participate: one participant representing diplomatic personnel responsible for national policies vis-à-vis an ATT, including national delegates participating in the ATT Preparatory Committee; and one from agencies working in export controls, customs or law enforcement as they relate to an ATT. In addition, representatives from international and regional organizations, regionally based NGOs and defence industry will be invited to participate, together with technical experts on aspects of export controls on conventional arms, including EU experts.

To ensure a well informed, substantive and timely input to the UN process, up to 12 background papers will be commissioned from research institutes or individual experts to focus on elements of the future ATT and the UN process. The research paper will also serve as a background for relevant discussions in the regional seminars.

### **United Nations and an ATT**

The remarks that Mr. Sergio Duarte, High Representative for Disarmament, made at the event concentrated on the United Nations' approach towards an ATT and highlighted the advantages of regional approaches as contributors to higher trust levels and further exchanges of views. According to the United Nations, an effective ATT will benefit from strong regional input and, vice versa, regions will benefit from an effective ATT. Duarte highlighted three aspects of regional-level action: first, regional organizations offer a shared, common and agreed platform for discussion, and the catalytic effect of a regionally agreed standpoint can be considerable once transposed into a multilateral setting. Second, there may be merit in further engaging parliamentarians of a region, as concerned stakeholders, in discussions on an ATT, especially as they eventually would have to agree to the ratification of such a treaty. Third, regional initiatives may very well draw upon the work done by academic institutes and civil society. Research centres with a strong regional focus can contribute significantly to the debate. According to the United Nations it is also important to involve civil society organizations at the regional level, given their far-reaching local networks and accumulated expertise.

### **European Union and an ATT**

In her remarks, Ms. Annalisa Giannella, the EU Representative on Non-proliferation and Disarmament, confirmed the European Union's commitment to the development of a legally binding ATT that will regulate the international trade in conventional arms and be based on the highest-possible common international standards. The European Union sees inclusiveness in the process leading towards the establishment of an ATT as crucial, and has supported this through a series of outreach activities. In 2009, the European Union adopted a Council Decision which resulted in the organization by UNIDIR of six regional seminars, covering virtually all UN Member States, where state and regional representatives became acquainted with the various aspects of the future ATT and discussed concerns and national positions in an open and transparent manner. On the eve of the negotiating stage, the European Union decided to redouble its efforts with Council Decision 2010/336/CFSP, adopted on 14 June 2010, on "EU activities in support of the Arms Trade Treaty, in the framework of the European Security Strategy", which will consist of seven regional seminars to be organized between fall 2010 and spring 2012.

### **ECOWAS and an ATT**

Mr. Cyriaque Agnekethom from the Commission of the Economic Community of West African States (ECOWAS) presented his organization's views on the EU-UNIDIR regional seminars and the ATT process. He commended the seminars as useful fora for increased understanding of participants on the ATT process and for the expression of subregional priorities and concerns. He also noted that the regional events are useful for the exchange of information among the different regions across the continents and for the elaboration of what might or might not be possible and desirable for an ATT. He

called for a careful selection by states of seminar participants, and continued effective collaboration with regional organizations. Finally, Agnekethom noted that the outcomes of the seminars should be carefully considered in the Preparatory Committee process. Existing documents of regional organizations, such as the ECOWAS Convention, could provide valuable input to the negotiating process.

### **Question and answer session**

The presentations were followed by a series of questions and comments from the floor, both relating to specific aspects presented by the speakers and to the ATT process more generally. Points were raised about the importance of continued civil society participation in the project activities, together with strong partnerships with regional organizations in the conduct of the seminars. Regional events were noted as extremely important capacity-building opportunities, providing the possibility for a wider set of relevant officials to become involved in the ATT process, as not all stakeholders have the possibility to participate in the meetings in New York. The continued importance of regional arrangements was stressed, and it was noted that an ATT should under no circumstances put at risk or lower the standards of existing regional instruments, such as the ECOWAS Convention, the Southern African Development Community's Protocol on the Control of Firearms, Ammunition and Other Related Materials, and the Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa. Questions about an ATT's added value and links with the EU Common Position were also posed. Participants were also eager to know more about the precise schedule of activities foreseen as part of the project, and many asked to be kept updated about forthcoming project activities.

### **Results**

The launch of the new project was successful and met the goals set for this activity. The level of participation was high: despite the many activities in the margins of the Preparatory Committee meeting, almost 100 people participated in the launch, among them many UN Member State representatives, the Chair of the Preparatory Committee meetings, together with representatives from the leading organizations of the Control Arms Campaign and from regional organizations. From the side of the European Union, the EU Representative on Non-proliferation and Disarmament was present, and the United Nations was represented by the High Representative for Disarmament. The high-level participants and experts contributed to the success of the event. In addition, the UNIDIR team was approached during the event by several interested governmental representatives and experts who wanted to learn more about the project and share their ideas concerning topics for future background research and for the regional seminars.

Holding the launch seminar during the first meeting of the Preparatory Committee was advantageous and helped raise momentum concerning the EU–UNIDIR Project. Presentations made at the launch provided useful background to the project, and also presented the views of the United Nations, the European Union and ECOWAS on an ATT. The discussion that followed revealed participants' great interest in the project and its planned activities, and brought up additional aspects and comments related to the ATT process as a whole. Based on the feedback received from participants, the seminar

was perceived as a stimulating and encouraging launch for the new EU–UNIDIR Project.

**Next steps**

Following the launch seminar, UNIDIR will now proceed, in accordance with Council Decision 2010/336/CFSP, to commission the background papers stipulated in the Decision, in close cooperation with the services of the EU High Representative of the Union for Foreign Affairs and Security Policy. UNIDIR will also commence the organization of the seven regional seminars, to be held in different parts of the world over the next two years.

In addition to the regional seminars the project foresees the organization of three side-events in the margins of the First Committee sessions and the Preparatory Committee meetings, and a final seminar to present the overall results of the project. Summary reports from each regional seminar outlining discussions, ideas and recommendations put forward for an ATT will be made available online. A final report compiling the summary reports of the regional seminars will be produced and presented for comment at the concluding seminar, and will be made available online once finalized.



UNITED NATIONS INSTITUTE  
FOR DISARMAMENT RESEARCH



EUROPEAN UNION



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

## **Regional Seminar for Countries in South and Central Asia**

**10–12 November 2010  
Kathmandu, Nepal**

**SUMMARY REPORT**

## Table of contents

<b>Introduction .....</b>	<b>1</b>
<b>Seminar proceedings .....</b>	<b>2</b>
<b>Findings and recommendations .....</b>	<b>4</b>
Further discussion is needed on the goals and objectives of an ATT.....	4
Links between a treaty's different aspects must be addressed now .....	4
The detailed scope of the future treaty could be addressed in an annex .....	5
Hierarchy of transfer criteria should be considered.....	6
Intersessional meetings to support the PrepCom process.....	6
Regional-level action is important and needs to be strengthened .....	7
National-level action and assistance priorities in treaty implementation .....	7
<b>Outcome and impact .....</b>	<b>8</b>
<b>Next steps .....</b>	<b>8</b>
<b>Annex A. Agenda.....</b>	<b>10</b>
<b>Annex B. List of participants .....</b>	<b>15</b>

## **Introduction**

On 10–12 November 2010 the United Nations Institute for Disarmament Research (UNIDIR) held a regional seminar on “Supporting the Arms Trade Treaty Negotiations through Regional Discussions and Expertise Sharing” in Kathmandu, Nepal. The seminar, aimed at countries in South and Central Asia, was organized as part of a project that UNIDIR is implementing for the European Union. It was co-hosted by the United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific (UNRCPD).

The seminar is part of a series of regional events organized by UNIDIR for the EU to support the negotiations on the future ATT, scheduled for 2012, by ensuring that the process is as inclusive as possible and that states will be able to make concrete suggestions and recommendations on the elements of the future treaty. The project also supports states in developing and improving national and regional arms transfer control systems. It is based on the decision of the Council of the European Union entitled “EU activities in support of the Arms Trade Treaty, in the framework of the European Security Strategy” (2010/336/CFSP), adopted 14 June 2010. The project is a follow-on activity to a previous series of regional meetings organized by UNIDIR for the EU in 2009–2010 on “Promoting Discussion on an Arms Trade Treaty”.

The seminar in Nepal, which consisted of two parts aimed at two different sets of participants, brought together close to 40 representatives from 15 states,<sup>1</sup> representing Ministries of Foreign Affairs, Defence, Economy and Interior, and the Armed Forces. In addition, several non-state expert participants were invited to contribute to the discussions and to make presentations. The first part of the seminar concentrated on the ATT negotiations, with an overview of the process and the future treaty’s possible elements. It also provided opportunities for states to share their national and regional views on the ATT and its different aspects, including transparency and assistance measures. The second half of the seminar discussed cooperation, assistance and capacity-building to regulate trade in conventional weapons, related to the establishment and enforcement of effective arms transfer control systems.

This report provides a summary of the Nepal seminar proceedings and discussions, as well as the ideas and recommendations put forward. It reflects the impressions and views of the organizers at UNIDIR, based on their account of the presentations and discussions. This report is not intended to be a consensus document, and it therefore does not necessarily represent the views of all seminar participants.

Audio files and documents of the presentations made at the seminar are available at <[www.unidir.org/bdd/fiche-activite.php?ref\\_activite=561](http://www.unidir.org/bdd/fiche-activite.php?ref_activite=561)>.

---

<sup>1</sup> The states invited were Afghanistan, Bangladesh, Bhutan, Cambodia, India, Kazakhstan, Kyrgyzstan, the Lao People’s Democratic Republic, Malaysia, the Maldives, Mongolia, Myanmar, Nepal, Pakistan, Sri Lanka, Tajikistan, Thailand, Turkmenistan, Uzbekistan and Viet Nam.

## **Seminar proceedings**

The seminar was organized as a three-day activity, consisting of two separate parts aimed at different participants. The first one and a half days were targeted at diplomatic personnel responsible for national policies vis-à-vis an ATT, including national delegates participating in the ATT Preparatory Committee (PrepCom) meetings. Its goal was to discuss the ATT process and related instruments, and to formulate concrete ideas and recommendations to feed into the international discussions currently underway.

The seminar was opened on 10 November by the Honourable Deputy Prime Minister and Foreign Minister of Nepal, Dr. Sujata Koirala, who in her remarks underlined the importance of arms control, disarmament and non-proliferation efforts for the maintenance of international peace and security, and reaffirmed Nepal's commitment to general and complete disarmament under effective international control that encompasses the responsible use of conventional weapons under the future ATT.

Other speakers in the opening session included the chair, Dr. Christiane Agboton-Johnson of UNIDIR, the head of the EU delegation in Nepal Ambassador Alexander Spachis, and Mr. Taijiro Kimura, Director of UNRCPD.

In addition to the opening remarks, two presentations were made in the opening session: Ms. Pamela Maponga of the United Nations Office for Disarmament Affairs gave a general overview of the ATT process and recent developments within the United Nations, and Mr. Riju Raj Jamwal of the Control Arms Foundation of India presented civil society's contribution to the ATT process, both globally and especially with regard to activities organized in South and Central Asia to promote the future treaty.

The first working session of the seminar was devoted to further presentations and discussion on the future ATT and its different aspects. Chaired by Mr. Sudhir Bhattarai of the Ministry of Foreign Affairs of Nepal, the session heard three presentations from expert participants. Ms. Elli Kytömäki of UNIDIR talked about the proposed scope, parameters and implementation of the future treaty as discussed in the PrepCom; Mr. Richard Tornberg of the Ministry of Foreign Affairs of Sweden discussed the importance of transparency in conventional arms transfers more generally, and Ms. Nathalie Weizmann of the International Committee of the Red Cross (ICRC) drew participants' attention specifically to aspects of international humanitarian law (IHL) in an ATT.

During the second session the discussions turned to national and regional views on the future ATT. The session chair, Lt. Col. Faruque Hussain of the Bangladesh Army shared his views about the future treaty, followed by two other national presentations: Mr. Ranbir Singh of the Ministry of Defence of India presented India's views on an ATT; and Ms. Phasana Puthikampol of the Ministry of Foreign Affairs of Thailand talked about her state's position on the initiative. Finally, to bring a regional dimension to the discussion, participants heard from Ms. Renuka Rajapakse, Director of the Secretariat of the South Asian Association for Regional Cooperation (SAARC), about SAARC's efforts on arms transfer controls, primarily as they link with the organization's activities to combat terrorism.

Session three was devoted to other perspectives on an ATT. Chaired by Mr. Fabio Della Piazza from the EU Council Secretariat, the session heard presentations on some international legal issues of the future ATT by Dr. Annyssa Bellal from the Geneva Academy of International Humanitarian Law and Human Rights, and on assistance and cooperation under an ATT by Ms. Kerry Maze. The day concluded with a question and answer session and general discussion.

In the morning of day two of the seminar, participants of the first part convened in two working groups. The groups were asked to address questions related to 1) scope and parameters of an ATT, and 2) its implementation, based on background papers sent to all participants in advance of the meeting. More specifically, questions to be answered included participants' views on the detailed scope and parameters of the future treaty, how the scope and transfer criteria should be specified in the treaty text, and how the treaty definitions should be arrived at during negotiations. On implementation, participants were asked about the minimum requirements of an effective national export control system, the most important national measures and structures to be put in place to ensure effective implementation and compliance with an ATT, and desired means of information exchange.

The working group discussions concluded with a plenary session, where the outcomes from the two groups were presented to all participants. Reports from the sessions were met with general satisfaction with no further discussion.

Following that, the first part of the seminar was brought to a close. Dr. Agboton-Johnson and Mr. Della Piazza thanked all participants for their active participation.

The second part of the seminar was directed to technical and law-enforcement officials (export controls, licensing, customs) and discussed national and regional systems to control the trade in conventional weapons, aspects of establishing and enforcing licensing systems, and enforcing national controls implementing the future ATT. It began after lunch on 11 November. Dr. Agboton-Johnson welcomed the new participants and gave a short overview of the project and the seminar objectives. This was followed by remarks from Mr. Della Piazza and from Mr. Roman Hunger of UNRCPD.

Then followed the first working session of the second part of the seminar. An overview of national and regional systems to regulate the trade in conventional arms was given in presentations by Ms. Elli Kytömäki on the ATT initiative and its recent developments and by Mr. Ales Vytecka from the Ministry of Foreign Affairs of the Czech Republic on the EU Common Position in improving arms transfer controls in Europe. The session was chaired by Mr. Hunger.

Participants then discussed the establishment of effective national arms transfer control systems in a session chaired by Ms. Pamela Maponga. During the session, presentations were given by Ms. Biubiusara Toktonaliev of the Ministry of Economy of Kyrgyzstan on the national experiences of Kyrgyzstan with arms exports and transfers, and Mr. Tornberg on legal aspects of establishing and enforcing comprehensive controls.

The last day of the seminar commenced with a session on the practical implications of an ATT on the trade in conventional arms. Chaired by Ms. Kytömäki, the session heard

presentations on the national practices of Malaysia, delivered by Mr. Mohd Ishrin Mohd Ishak from the Ministry of Foreign Affairs, and of Afghanistan, delivered by Brig. Gen. Aziz Ahmad Farahi from the Ministry of Defence.

The second session of the day was on improving accountability and transparency in conventional arms transfers. It was chaired by Mr. Della Piazza, and presentations were given by Mr. Vytecka on marking, record-keeping and accounting of weapons and the International Tracing Instrument, and by Ms. Maponga on the role and functioning of the Register of Conventional Arms.

After this session, participants were divided into two working groups to explore further practical aspects of export controls. The issues raised included minimum elements of a national arms transfer control system, national priority issues in ensuring effective national controls of arms transfers, challenges and strategies in implementing transfer controls, as well as possible assistance needs.

The seminar ended with a session bringing together the results of the working groups, and with a formal closing session. Chaired by Dr. Agboton-Johnson, there were summary remarks by Ms. Kytömäki on the seminar outcomes and recommendations, as well as closing remarks by Ambassador Spachis, by Mr. Kimura and Mr. Bhattarai.

### **Findings and recommendations**

#### **Further discussion is needed on the goals and objectives of an ATT**

In the seminar discussions, participants touched upon the different aspects of an ATT, and some remarks were made regarding desired goals and objectives. It was pointed out that these will determine the future treaty's scope, parameters and the architecture for its implementation. The PrepCom Chair's paper on goals provides a good basis for discussions, but it was noted that further discussion on the desired effects of a treaty will be needed in the lead-up to the ATT Conference in 2012. It was mentioned that all states need to be clear on the goals and objectives of the future treaty in order to start discussing its scope and implementation. It was pointed out that an ATT's intention should be to establish the highest possible set of common standards and practices at the global level to effectively control and regulate conventional arms transfers.

In the seminar remarks, the need to combat the illicit trade in small arms and light weapons (SALW) and to prevent the illegal trade in conventional arms more generally were mentioned as desirable goals of an ATT. It was noted that a legally binding ATT should contribute tangibly to preventing, combating and eliminating the illicit trade in conventional arms, as such a goal would be relevant for all states and its chances for consensual support would be high. Further, it was noted that the future treaty should aim to prevent diversion and help increase transparency in arms transfers, as well as enhance states' commitment to their existing international obligations and commitments.

#### **Links between a treaty's different aspects must be addressed now**

Many participants underlined the links between the future treaty's different aspects—its scope, parameters and implementation. It was noted that these linkages should be

addressed in the PrepCom discussions and additional meetings, to get a clearer picture of each of the aspects separately but also of how they relate to each other. Both holistic and detailed discussions on these aspects were called for.

There seemed to be a convergence of views on many of the future treaty's aspects and their linkages, but there were also diverging opinions in almost all cases.

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

On the possible scope for an ATT, most participants seemed to favour taking the categories of the Register of Conventional Arms as the starting point, and including also SALW. Small arms were mentioned as a weapon category of priority importance with regard to preventing the diversion of arms to terrorists and unauthorized non-state actors, and it was stressed that small arms should have central focus in an ATT (a 1+7 approach rather than 7+1). Also, some participants noted that the definition of the seven categories should be revised and enlarged to ensure that all relevant weapons are included and that the future treaty's scope will be truly comprehensive. It was further noted that many states have a problem with illegal weapons that are already in circulation, which an ATT alone could probably not address. Many participants called for clear definitions of types of weapons and activities, as well as for taking a consensual and pragmatic approach to defining the scope. It was noted that the Register of Conventional Arms might be the most workable solution at the moment, and that an ATT may aim to subsequently expand its scope after gaining initial support and once its implementation has become satisfactorily robust. One participant warned that if an ATT starts off too ambitiously, covering too many types of weapons, the number of states that would be willing to sign such a treaty would be minimal and it would risk failure.

On ammunition, views were more divided than on weapons, as some participants were absolutely in favour of their inclusion, while others pointed to the possible difficulties in implementing a treaty should it also cover ammunition. Dual-use items were among the categories where the most scepticism was expressed with regard to their inclusion in an ATT.

When asked about the concrete manner in which categories of weapons and activities could be covered in an ATT, most participants seemed to favour the inclusion of definitions in a technical annex, as this would make it easier to keep the categories up-to-date and relevant. The model of having separate protocols to the future treaty (following for instance the model of the Convention on Certain Conventional Weapons) seemed to gather no support.

On activities to be covered in an ATT, there seemed to be wide support for the inclusion at minimum of exports, imports, transfers and transit of weapons, even though participants were divided over the inclusion of other categories—some called for wide coverage such as the inclusion of brokering, while others cautioned against broadening the future treaty too much. In the working group discussions, the categories of gifts and donations, temporary exports and financing were taken up as potentially problematic or less relevant categories for an ATT.

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

On parameters and criteria to be followed in an ATT, the seminar deliberations covered states' existing commitments as well as possible additional criteria. Many referred to the founding principles of a future treaty, but also noted that we should not confuse founding principles with parameters. They further referred to what should be the principles underpinning the treaty, the most commonly mentioned being the inherent rights of states to defend themselves and to regulate their internal affairs. Territorial integrity and political independence were also stressed. Many participants further underlined the rights of states to manufacture, import, export, transfer and hold conventional arms for self-defence and security needs. As far as parameters of an ATT are concerned, references to the UN Charter and other existing international commitments and obligations of states were frequently mentioned. Some discussion was devoted to the importance and challenges of formulating objective transfer criteria that would not be subject to political abuse. It was also noted that an ATT should give due consideration to confidentiality as regards security and military concerns.

In the group discussions, the importance of risk assessment as a basis for decision-making was discussed. It was also mentioned that the possibility of ranking the parameters into a hierarchy should be considered. This would mean that some criteria would result in the absolute prohibition of a transfer, where as others could be classified as cases where, for example, "serious or careful consideration" should be exercised when making the transfer decision. It was suggested that 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".

## **Intersessional meetings to support the PrepCom process**

When discussing the process leading up to the ATT Conference in 2012 it was noted that the time left for negotiations at the PrepCom meetings is limited, and that all states should do their utmost to use the remaining time as efficiently as possible. It was noted that given the three sessions of the PrepCom left before the Conference, the possibility of conducting additional, informal intersessional meetings should be considered. In addition, further regional consultations and seminars were welcomed as necessary additional fora for discussion.

In addition to the proposal to convene additional meetings to support the PrepCom process it was also recommended that non-papers on different aspects of the future treaty and on national positions be circulated among states early on to facilitate the preparations for the negotiations.

The role of civil society was noted as well, and the presentation by the civil society participant highlighted the types of additional activities and meetings that have been organized and will be held in the lead-up to 2012. Examples of these activities included round-table discussions with different society leaders, academics and students; awareness-raising campaigns on gender and armed conflict, and sustainable development and an ATT; peace marches; civil society workshops; and book or film launches.

## **Regional-level action is important and needs to be strengthened**

Discussions during the seminar clearly revealed that regional-level discussions and action is crucial in developing and enhancing arms transfer controls. It was noted that regional initiatives can be useful for the ATT process even in cases where their focus is not specifically on arms transfers, such as in the case of SAARC that has so far concentrated its efforts on combating terrorism. 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 in the ATT process.

## **National-level action and assistance priorities in treaty implementation**

In addition to goals, objectives, scope and parameters, participants also discussed implementation. It was noted that in fact an ATT will only be the beginning of the process—the real work will start when the treaty comes into force. To ensure its efficacy, the importance of each state party having a strong, national-level authority, and centralized decision-making and coordination was underlined. It was noted that the roles of different agencies in this coordination system should be carefully studied and it should be clearly decided at the national level which agency or body will take the lead. It was also suggested that country studies be conducted about different systems and models in place at the moment. Examples of national-level coordination efforts were shared by several participants from the region and from Sweden and the Czech Republic.

To facilitate national-level implementation efforts and the link between national and international action, it was suggested that states establish national focal points on the future ATT, following the model of many other international instruments. It was also recommended that national coordination of information between all relevant stakeholders be ensured before a treaty is negotiated, so that all relevant actors will be informed and can have their input in the process.

Most participants seemed to favour the inclusion of strong cooperation, capacity-building and assistance mechanisms in an ATT. It was noted that taking into account the differing capacities of states to implement their obligations, international cooperation and assistance, as well as the exchange of experience and know-how on arms transfer controls, should be explicitly included in the text of the future treaty. Specifically, it was noted that manufacturing and exporting states as well as states in the position to provide assistance should be active in ensuring the inclusion of assistance measures. In one presentation it was suggested to consider studying in-depth the best practices for the practical implementation of assistance under an ATT and the tools already available to help facilitate assistance. Further, it was noted that states and other actors may benefit from studying and considering the lessons learned in operationalizing such tools and other assistance mechanisms, and that there is also a need to look specifically at the best practices and the types of supportive mechanisms best suited to enhancing practical cooperation.

In information exchange, it was specifically suggested that exchanges of experience in national legislation and processes related to an ATT be studied in advance of the treaty's entry into force. National reporting was discussed at length and the importance

of building on and using existing information exchange mechanisms was stressed. In the presentations, transparency was noted to be of importance especially because it increases accountability, helps ensure that rules are followed, assists in curbing corruption and limits diversion.

Meetings of state parties to oversee progress made in implementation received wide support among the participants. Views were more diverse regarding the possibility of establishing an international secretariat, implementation unit or committee of experts, especially as it was noted that these would have financial consequences, and it would be difficult to determine who the selected experts should be. In one working group, the inclusion of benchmarks in an ATT's implementation system was suggested.

### **Outcome and impact**

The first seminar of this series of regional events proved successful and met the goals set for it. The seminar attracted high-level participation from the host country Nepal, the United Nations and the European Union, and overall the level of attendance was high. The seminar was opened by the Honourable Deputy Prime Minister and Foreign Minister of Nepal, Dr. Koirala, and by Ambassador Spachis. This added importance to the seminar and also helped attract wide media attention in Nepal. Both parts of the seminar had over 20 participants from 15 countries in South and Central Asia, which can be regarded as a positive outcome in itself. Presentations made during the seminar were received positively by participants: even though the majority of participants in the first and second parts of the seminar said they were either completely or generally/partially aware of the ATT initiative before the seminar, the vast majority reported to have improved their knowledge (86% of participants of the first part) and arms transfer controls (67% of participants of the second part) as a result of the presentations and discussions. All participants who returned feedback forms said that the presentations were useful in raising awareness and in stimulating thinking. The discussion that followed revealed participants' great interest in the project and the ATT process as a whole, and highlighted the importance of continued regional-level dialogue. The background papers circulated before the seminar and the working group discussions were noted as specifically useful. Most participants noted that the seminar would help their state to make recommendations or present ideas at the PrepCom, or to review, enhance and enforce technical arms transfer controls.

### **Next steps**

Following the launch seminar and the first regional event, UNIDIR is proceeding, in accordance with Council Decision 2010/336/CFSP, with the organization of the following seminars, the first of which is to be held in Morocco in February 2011 and the second in Argentina at the end of March/early April. According to the contract with the European Union, UNIDIR is commissioning background papers, in close cooperation with the services of the EU High Representative of the Union for Foreign Affairs and Security Policy.

In addition to the regional seminars and the background research, the project will organize three side events in the margins of First Committee sessions and PrepCom

meetings, and a final seminar to present the overall results of the project. Summary reports from each regional seminar outlining discussions, ideas and recommendations put forward for an ATT will be made available online.

## **Annex A. Agenda**

### **PART I**

#### **For diplomatic and military personnel responsible for national policies vis-à-vis the ATT**

##### **Wednesday, 10 November 2010**

08:30–09:00 **Registration**

09:00–10:30 **Opening Session**

Chair: Christiane Agboton-Johnson  
Deputy Director of UNIDIR

Opening remarks:

Sujata Koirala  
Deputy Prime Minister and Foreign Minister of Nepal

Alexander Spachis  
Head of the EU Delegation in Nepal

Taijiro Kimura  
Director of UNRCPD

Presentations:

*ATT—general overview and developments within the United Nations*  
Pamela Maponga, UN Office for Disarmament Affairs

*Civil society's contribution to the ATT process in the region*  
Riju Raj Jamwal, Control Arms Foundation of India

10:30–10:45 Coffee break

10:45–13:00 **SESSION I: An ATT and its different aspects**

Chair: Sudhir Bhattarai  
Under Secretary, Ministry of Foreign Affairs of Nepal

Presentations:

*Towards 2012: Scope, parameters and implementation as discussed at the Preparatory Committee*  
Elli Kytömäki, UNIDIR

*Transparency in conventional arms transfers*  
Richard Tornberg, Ministry of Foreign Affairs of Sweden

*ATT initiative and international humanitarian law*  
Nathalie Weizmann, International Committee of the Red Cross

Discussion

13:00–14:30 Lunch

14:30–16:00 **SESSION II: National and regional views on an ATT**

Chair: Faruque Hussain  
Bangladesh Army

Presentations:

*India's view on an Arms Trade Treaty*  
Ranbir Singh, Ministry of Defense of India

*Thailand and the ATT initiative*  
Phasana Puthikampol, Ministry of Foreign Affairs of Thailand

*SAARC and arms transfer controls—challenges and priorities*  
Renuka Rajapakse  
Director, SAARC

Discussion

16:00–16:15 Coffee break

16:15–17:30 **SESSION III: Other perspectives to an ATT**

Chair: Fabio Della Piazza  
EU Council Secretariat

Presentations:

*A future ATT: Some international legal issues*  
Annyssa Bellal, Senior Researcher, Geneva Academy of International  
Humanitarian Law and Human Rights

*Assistance and cooperation under an ATT*  
Kerry Maze, independent consultant

Discussion

## **DAY 2**

**Thursday, 11 November 2010**

09:00–10:15 **SESSION V: Parallel working group sessions, part I (scope and parameters)**

- 10:15–10:30 Coffee break
- 10:30–11:30 **SESSION V: Parallel working group sessions, part II (implementation)**
- 11:30–11:45 Wrap-up of group work
- 11:45–12:30 **SESSION VI: Conclusions and next steps:  
Compiling working group recommendations**
- Chair: Christiane Agboton-Johnson  
UNIDIR
- Presentation of results from the working groups
- Discussion
- 12:30–13:00 **Closing session of Part I of the regional seminar**
- Chair: Christiane Agboton-Johnson  
UNIDIR
- Remarks: European Union Representative

**PART II**  
**For technical and law-enforcement personnel**

**Thursday, 11 November 2010**

- 15:00–15:30 **Opening Session**
- Chair: Christiane Agboton-Johnson  
UNIDIR
- Opening remarks:  
European Union Representative
- Roman Hunger  
UNRCPD
- 15:30–16:45 **SESSION I: Overview of national and regional systems to regulate  
conventional arms trade**
- Chair: Roman Hunger  
UNRCPD
- Presentations:  
*Introduction to the ATT initiative and its recent developments*  
Elli Kytömäki, UNIDIR

*EU Common Position in improving arms transfer controls in Europe*  
Ales Vytecka, Ministry of Foreign Affairs of the Czech Republic

Discussion

16:45–17:00 Coffee break

17:00–18:00 **SESSION II: Establishing effective national systems**

Chair: Pamela Maponga  
United Nations Office for Disarmament Affairs

Presentations:

*National experiences of Kyrgyzstan on arms exports and transfers*  
Biubiusara Toktonalieva, Ministry of Economy of Kyrgyzstan

*Legal aspects of establishing and enforcing comprehensive controls*  
Richard Tornberg, Ministry of Foreign Affairs of Sweden

Discussion

**19:00–20:30 Reception for all participants (Part I and Part II)**

## **DAY 3**

### **Friday, 12 November 2010**

09:00–10:30 **SESSION III: Conventional arms trade and an ATT—practical implications**

Chair: Elli Kytömäki  
UNIDIR

Presentations:

*Import control practices in Malaysia*  
Mohd Ishrin Mohd Ishak, Ministry of Foreign Affairs of Malaysia

*National procedures of transfer controls in Afghanistan*  
Aziz Ahmad Farahi, Ministry of Defence of Afghanistan

Discussion

10:30–10:45 Coffee break

10:45–13:00 **SESSION IV: Improving accountability and transparency of conventional arms transfers**

Chair: Fabio Della Piazza  
EU Council Secretariat

Presentations:

*Marking, record-keeping and accounting of weapons and ITI*  
Ales Vytecka, Ministry of Foreign Affairs of the Czech Republic

*Role and functioning of the UN Register of Conventional Arms*  
Pamela Maponga, United Nations Office for Disarmament Affairs

Discussion

13:00–14:30 Lunch

14:30–15:45 **SESSION V: Parallel working group sessions on practical aspects of export controls**

15:45–16:00 Coffee break

16:00–16:45 **SESSION V: Continued**

16:45–17:15 **SESSION VI: Bringing together the results**

Chair: Christiane Agboton-Johnson  
UNIDIR

Presentation of results from the working groups: practical lessons learned and recommended next steps

17:15–17:30 **Closing Session**

Chair: Christiane Agboton-Johnson  
UNIDIR

*Summary of the seminar outcomes and recommendations*  
Elli Kytömäki, UNIDIR

Closing remarks:

Alexander Spachis  
Head of the EU Delegation in Nepal

Taijiro Kimura  
Director, UNRCPD

Sudhir Bhattarai  
Under Secretary, Ministry of Foreign Affairs of Nepal

## **Annex B. List of participants**

Afghanistan	Saed Abdul Bashir SADAAT (part 1) Ministry of Foreign Affairs
	Aziz Ahmad FARAHI (part 2) Chief of the Ministry of Defense DIAG OPS Groups
Bangladesh	Faruque HUSSAIN (part 1) Lieutenant Colonel, Bangladesh Army
	Mohammad Rashidul Islam KHAN (part 2) Senior Assistant Superintendent of Police
Cambodia	Puleak CHAU (parts 1 and 2) Deputy Chief of Weapon Armament Department Ministry of National Defence
India	Ranbir SINGH (parts 1 and 2) Director M/STFS Indian Army, Ministry of Defence
Kyrgyzstan	Nurlan ABDRAHMANOV (part 1) Second Secretary Ministry of Foreign Affairs
	Biubiusara TOKTONALIEVA (part 2) Chief Specialist of Non-Tariff Regulation, Export Control and Licensing Division of Trade Department of Ministry of Economic Regulation
Malaysia	Shazryll ZAHIRAN (part 1) Principal Assistant Secretary Ministry of Foreign Affairs
	Mohd Ishrin Bin MOHD ISHAK (part 2) Diplomat Ministry of Foreign Affairs
Maldives	Ibrahim ZUHUREE (part 1) Assistant Director Ministry of Foreign Affairs
	Indrees BADEEU (part 2) Director Logistics National Defense Force

Mongolia	<p>Yanjiv CHINZORIG (part 1)  Attaché  Ministry of Foreign Affairs and Trade</p> <p>Sed RAGJAADORJ (part 2)  Specialist of Strategy Planning  Ministry of Defense</p>
Myanmar	<p>Kyaw Nyunt LWIN (part 1)  Assistant Director (First Secretary)  Ministry of Foreign Affairs</p> <p>Aye KO (part 2)  Deputy Director General  Customs Department</p>
Nepal	<p>Sudhir BHATTARAI (part 1 and 2)  Under Secretary, Ministry of Foreign Affairs</p> <p>Gahendra RAJBHANDARI (part 1 and 2)  Officer, Ministry of Foreign Affairs</p> <p>Krishna Kumar KARKI (part 1 and 2)  Officer, Ministry of Law and Justice</p> <p>Tirtha Raj WAGLE  Ministry of Foreign Affairs</p> <p>Gyan Bikram Shah  Nepal Police</p> <p>Chandra Prasad Bhatta  Armed Police</p> <p>Sudhir Bhattarai  Ministry of Foreign Affairs</p>
Pakistan	<p>Khalil Ur Rahman HASHMI (part 1)  Director (Disarmament)  Ministry of Foreign Affairs</p> <p>Zain UL ABIDIN (part 2)  Assistant Director (Disarmament)  Ministry of Foreign Affairs</p>
Sri Lanka	<p>Saroja SIRISENA (parts 1 and 2)  Minister Counselor  Ministry of Foreign Affairs</p>

Tajikistan	Valentina Danilovna GOLDINA (part 1) International Organizations Department Deputy Chief Ministry of Foreign Affairs
	Nemat Mirovich SOBIROV (part 2) Deputy Chief of the Department of Military Equipment Ministry of Defence
Thailand	Phasana PUTHIKAMPOL (part 1) Director, Peace Security and Disarmament Division, Department of International Organizations Ministry of Foreign Affairs
	Deja AMORNPANTANG (part 2) Chief of Staff, Defence Industrial Department Ministry of Defence
Viet Nam	Tuan Ahn TO (part 1) Assistant Director General Ministry of Foreign Affairs
	Cong Trinh NGUYEN (part 2) Defense Analyst, Institute for Defense International Relations Ministry of Defence

### **Expert participants**

Office for Disarmament Affairs	Pamela MAPONGA Senior Political Affairs Officer, Deputy Chief, Conventional Arms Branch
	Mikko AUTTI
European Union Council Secretariat	Fabio DELLA PIAZZA
South Asian Association for Regional Cooperation	Renura Damayanthie RAJAPAKSE Director
EU Expert	Ales VYTECKA CFSP Department, Arms Export Control Unit, Ministry of Foreign Affairs
EU Expert	Richard TORNBERG Ministry of Foreign Affairs, Sweden
Control Arms Foundation of India	Riju Raj Singh JAMWAL Founding Member, Advocate
International Committee of the Red Cross	Nathalie WEIZMAN Legal Advisor

Independent Expert	Kerry MAZE Consultant
Geneva Academy of International Humanitarian Law and Human Rights	Annyssa BELLAL Senior Researcher, Geneva Academy of International Humanitarian Law and Human Rights
UNRCPD	Tajiro KIMURA Director
	Roman HUNGER Special Coordinator
	Veronique PANCHAUD UNV
	Anuja KASAJU Administrative Associate
	Aruna SHRESJHA Administrative Assistant
	Daya Raj SUBEDI
UNIDIR	Christiane AGBOTON-JOHNSON Deputy Director
	Elli KYTOMAKI Project Manager, Supporting the ATT Negotiations
	Catherine DELICE Associate Project Officer, Supporting the ATT Negotiations



UNITED NATIONS INSTITUTE  
FOR DISARMAMENT RESEARCH



EUROPEAN UNION



KINGDOM OF MOROCCO

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

**Regional Seminar for Countries  
in Central, West and Northern Africa**

**2–4 February 2011  
Casablanca, Morocco**

**SUMMARY REPORT**

## Table of contents

<b>Introduction .....</b>	<b>1</b>
<b>Seminar proceedings .....</b>	<b>2</b>
<b>Findings and recommendations .....</b>	<b>4</b>
Ensuring strong regional-level involvement in the ATT negotiations and Treaty implementation	4
Calls for a comprehensive scope .....	5
Emphasis on effective end-use assurances .....	5
Need to include language on cooperation and assistance in the Treaty .....	6
Priority on coordinated national-level implementation supported by regional action .....	6
Implementation Support Unit to assist in Treaty implementation .....	7
<b>Outcome and impact .....</b>	<b>7</b>
<b>Next steps .....</b>	<b>8</b>
<b>Annex A. Agenda .....</b>	<b>9</b>
<b>Annex B. List of participants.....</b>	<b>15</b>

## **Introduction**

Since July 2010 the United Nations Institute for Disarmament Research (UNIDIR) is organizing regional seminars on “Supporting the Arms Trade Treaty Negotiations through Regional Discussions and Expertise Sharing” as part of the project it is implementing for the European Union. The aim of the project is to support the negotiations on the future ATT, scheduled for 2012, by ensuring that the process is as inclusive as possible and that states will be able to make concrete suggestions and recommendations on the elements of the future treaty. The project also supports states in developing and improving national and regional arms transfer control systems.<sup>2</sup> After the first seminar, held in Kathmandu, Nepal, in November 2010 for countries in South and Central Asia, UNIDIR proceeded with organizing the next event of the project.

The second regional seminar was held in Casablanca, Morocco, on 2–4 February 2011, for countries in Central, West and Northern Africa. It brought together representatives from 22 of the 26 states invited to the event, and was divided into two parts.<sup>3</sup> Altogether, close to 40 representatives from Ministries of Foreign Affairs, Defence, Interior and the Armed Forces took part in one or both halves of the event. In addition, several expert participants from international and regional organizations, the United Nations and civil society were invited to make presentations and contribute to the discussions.

As in the first seminar in Nepal, the first half of the Casablanca event concentrated on the ATT negotiations, with an overview of the process and the future treaty’s elements such as scope, parameters, cooperation and assistance and implementation. Opportunities were also provided for participating states to share their national and regional views on the ATT and its different aspects. The second half of the seminar was more technical and practice-oriented, and addressed existing arms transfer control systems, challenges in their implementation, and possibilities for further cooperation, assistance and capacity-building to ensure effective implementation of the future ATT.

The following is a summary of the seminar proceedings as well as a collection of main messages and recommendations put forward during the discussions. It is not intended to be a consensus document, but rather reflects the impressions and views of the organizers at UNIDIR, based on their account of the presentations and discussions. It therefore does not necessarily represent the views of all seminar participants.

Audio files and documents of the presentations made at the seminar are available at <[www.unidir.org/bdd/fiche-activite.php?ref\\_activite=579](http://www.unidir.org/bdd/fiche-activite.php?ref_activite=579)>.

---

<sup>2</sup> The project is based on the decision “EU activities in support of the Arms Trade Treaty, in the framework of the European Security Strategy” (2010/336/CFSP), adopted by the Council of the European Union on 14 June 2010. The project is a follow-on activity to a previous series of regional meetings organized by UNIDIR for the European Union in 2009–2010, entitled “Promoting Discussion on an Arms Trade Treaty”.

<sup>3</sup> The states invited were Algeria, Benin, Burkina Faso, Cameroon, Cape Verde, the Central African Republic, Chad, Côte d’Ivoire, the Democratic Republic of the Congo, Gabon, the Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Mauritania, Morocco, Niger, Nigeria, the Republic of the Congo, Sao Tome and Principe, Senegal, Sierra Leone, Togo and Tunisia.

## **Seminar proceedings**

Following the design of all the regional activities organized as part of the EU–UNIDIR project, the Casablanca seminar was a three-day activity, consisting of two separate parts that were aimed at different types of participants. The first part of the seminar was aimed at diplomatic personnel responsible for national policies vis-à-vis an ATT, including national delegates participating in the ATT Preparatory Committee (PrepCom) meetings in New York. During this part, participants discussed the ATT process and related instruments, such as regional-level action, and were also asked to present some concrete ideas and recommendations for the PrepCom process.

The seminar was opened on 2 February 2011 by Dr. Christiane Agboton-Johnson of UNIDIR, and included statements from Ambassador Omar Hilale of the Permanent Representative of Morocco to the Conference on Disarmament in Geneva as well as Ms. Camelia Suica, Deputy Head of the EU Delegation to Morocco.

Two presentations were made about the ATT; a general overview of developments within the United Nations by Ivor Fung, Director of the UN Regional Centre for Peace and Disarmament in Africa, and of civil society's contribution to the ATT process, especially in the Maghreb Region, by Mr. Salah Abdellaoui of Amnesty International Morocco, representing the Control Arms Campaign.

Following the opening remarks and first presentations, the seminar proceeded to the first working session with further deliberations and discussion on the future ATT and its different aspects: Ms. Elli Kytömäki of UNIDIR talked about the proposed scope, parameters and implementation of the future treaty as discussed in the PrepCom; Mr. Abderrazzak Laassel of the Permanent Mission of Morocco to the Conference on Disarmament in Geneva presented Morocco's views on the ATT, especially its proposed scope; and Ms. Nathalie Weizmann of the International Committee of the Red Cross (ICRC) gave an overview of considerations related to an ATT's links with international humanitarian law and the ICRC's work on the subject.

The second session was devoted to regional views on the future ATT, reflecting the strong regional-level action on security issues in the subregions addressed by the seminar. Chaired by Mr. Bafetigue Ouattara of the Permanent Mission of Côte d'Ivoire to the United Nations in New York, the session heard regional overviews and briefings from the African Union (Mr. Peter Otim of the AU Commission), the Economic Community of West African States (Mr. Oluwafisan Bankale of the ECOWAS Commission), the Maghreb Arab Union (Ms. Saida Mendili) and the Economic Community of Central African States (Mr. Jacques Mvom). The presentations and following discussion revealed that a strong African position in the ATT negotiations is called for, and common positions have been agreed or are under consideration in ECOWAS, ECCAS and the African Union.

The last session of the first day was chaired by Mr. Fabio Della Piazza from the EU External Action Service, and concentrated on aspects of an ATT other than scope and parameters. Presentations in this session were made by Dr. Annyssa Bellal from the Geneva Academy of International Humanitarian Law and Human Rights, who talked about some international legal issues of the future ATT, and by Ms. Kerry Maze, who touched upon questions related to assistance and cooperation under an ATT.

The morning of the second day was devoted to working group discussions, where participants were asked to address questions related to the proposed ATT in three different groups. Questions on the table included considerations regarding the best approach for the scope of an ATT, in terms of weapons and equipment to be covered, and activities and transactions to be covered. Participants were also asked about criteria that in their view should be included in an ATT, or that should not be included, and whether all parameters of an ATT should be created equal or a “hierarchy of criteria” should be considered. On the implementation side, participants discussed the minimum requirements for an effective national export control system, and gave their views on possible international mechanisms for the ATT’s implementation.

After the working groups, participants reconvened in the plenary, where the rapporteurs of the different groups presented the outcomes, including recommendations for the ATT process, which are included in this report’s section on findings. The first part of the seminar was brought to a close by Dr. Agboton-Johnson and Mr. Della Piazza, who thanked participants for their active participation and lively discussions, which brought up many good ideas and suggestions.

The second half of the seminar was aimed at technical and law-enforcement personnel, and discussed the ATT and arms transfer controls more from a practical point of view. After a short opening session, it commenced with an overview of national and regional systems to regulate the conventional arms trade, with presentations on the ATT initiative delivered by Ms. Kytömäki, and on the EU Common Position on conventional arms exports by Mr. Richard Hickman of the Export Control Organization of the United Kingdom. There were also two presentations on national experiences: from the Democratic Republic of the Congo, by Mr. José Ikongo of the Ministry of the Interior and Security, and from Ghana, by Mr. Edward Fiawoo of the Ministry of Defence.

Following these presentations, the seminar continued to discuss national transfer control systems in more detail. Chaired by Ms. Weizmann, the session had presentations on legal aspects of establishing and enforcing comprehensive controls (by Mr. Helmut Krehlik from the Ministry of Economy, Family and Youth of Austria), and on controlling and monitoring arms transfers from the perspective of national mechanisms and border controls (by Mr. Cedric Poitevin of the Groupe de recherche et d’information sur la paix et la sécurité). The session was concluded by a general discussion and exchange of views.

The third day of the seminar continued with exchanges of national views. Mr. Sidi Mohamed El Ghassem of the Ministry of Interior of Mauritania shared his state’s arms transfer control practices, and Mr. Frédéric Inamo of the Ministry of Finance of the Central African Republic discussed challenges in transfer controls there. To bring an element of inter-regional exchange into the discussion, Mr. Baskar Rosaz of the French Ministry of Defence discussed the European Union’s approach to export controls and presented the French example. Finally, as a regional example, Mr. Oluwafisan Bankale from the ECOWAS Commission talked about the practical implementation of the ECOWAS Convention.

The second session of the day addressed questions related to the improvement of accountability and transparency in conventional arms transfers. It was chaired by Mr.

Della Piazza, and presentations were given by Mr. Poitevin on marking, record-keeping and accounting of weapons, and by Mr. Fung on the role and functioning of the UN Register of Conventional Arms.

After this, participants were divided into three working groups to further discuss practical aspects of export controls. The issues raised included minimum elements of a national arms transfer control system, national priority issues in ensuring effective national controls of arms transfers, challenges and strategies in implementing transfer controls, as well as possible assistance needs.

The seminar ended with a session bringing together the results of the working groups, and with a formal closing session. The closing was chaired by Dr. Agboton-Johnson, and heard summary remarks from Ms. Kytömäki as well as closing remarks by Ms. Suica, Mr. Fung and Mr. Azeddine Farhane of the United Nations and International Organizations Department of the Ministry of Foreign Affairs of Morocco.

### **Findings and recommendations**

#### **Ensuring strong regional-level involvement in the ATT negotiations and treaty implementation**

The seminar heard a range of interventions from regional organizations that work in Central, West and North Africa on security issues. The presentations, together with the lively discussion that followed, demonstrate the active regional component of arms transfer controls in the subregion and a strong commitment to an Arms Trade Treaty. On 13–15 December 2010, ECOWAS held a three-day meeting of its member states to review and adopt an "ECOWAS Common Position on the ATT", and similar developments are underway in Central Africa. It is foreseen that these subregional positions will feed into the formulation of an African Common Position on the ATT, which is scheduled to be agreed at the end of this year and would form the basis for African states' approaches to the ATT negotiations in 2012. Development of regional positions in other parts of the world in advance of the negotiations was called for.

In their contributions to the seminar discussions, many participants underlined the importance of regional-level action in conventional arms transfer controls, and called for the ATT to take into account and build on the action already taken and initiatives underway at the regional level. Work done by ECOWAS, ECCAS and the African Union, for instance, illustrates that in many ways these regions could function as examples for other regions of what can be developed at the regional level and how regional and international components of arms transfer controls could work together under the future ATT.

Regional-level involvement was called for not only in the ATT negotiations but also in the treaty's implementation. It was suggested that regional bodies (for instance within the secretariats of regional organizations) could assist in monitoring or observing arms transfers, and treaty compliance more generally, to complement efforts at the international level. This would also allow taking regional specificities and priorities into account on the side of international action.

## **Calls for a comprehensive scope**

When discussing the scope for the treaty, most participants seemed to favour bringing in as wide a range of conventional arms as possible, going beyond the categories of the UN Register of Conventional Arms. Many were specifically advocating the inclusion of small arms and light weapons (SALW) and ammunition. This is because SALW was noted as a category of specific importance in these regions, and many noted that problems in the illicit circulation of weapons goes back to the conflicts that left many countries awash with weapons that are now used for illegal purposes and that destabilize regions. Proliferation of illicit SALW was noted to be a problem that an ATT alone cannot solve but an aspect that should be taken into account when developing the treaty. It was mentioned that the best way to address scope might be to have a general heading of weapons and equipments in the treaty text itself, and then have annexes with more specific lists of weapon categories. This might be clearer than a mere reference to “all conventional weapons”, for instance, as it would give the implementers some concrete guidelines to work with, but it would still be comprehensive in its formulation. Having the lists as annexes would also allow for later modifications and developments without risking the narrowing of the treaty’s coverage.

On the activities to be covered in an ATT, there seemed to be 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. Remarks also touched upon transfers of weapons for peacekeeping operations, and other possible specific cases of temporary export or import such as for private hunting purposes. Some participants raised questions with regard to tangible versus intangible transfers and responsibilities of importers and exporters in ensuring that common norms are followed as well in cases of intangible transfers. It was noted that more discussion on these kinds of exceptional cases would be needed. It was also noted that in considering the activities to be covered the existing national practices as well as differing situations of countries should be observed and respected.

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

A question was also raised about how the use of weapons by non-state actors (NSAs) could be addressed in an ATT. Despite various views expressed about different possible scenarios of arms transfers involving NSAs, a common view seemed to be that addressing the question of NSAs explicitly in an ATT would prove politically and practically very challenging. However, the importance of taking NSAs into account when considering issues related to controlling conventional arms transfers was underlined, and it was noted that an ATT should somehow prevent weapons ending up in the “wrong hands”, that is to say non-authorized NSAs. Therefore, one suggestion put forward in terms of how to address NSAs through an ATT was that the treaty should contain specific and clear clauses on the need to establish robust and implementable end-user controls at the national level. In this, the primary responsibility would still lie with states as the main negotiators and objects of an ATT, but introducing regulations on end-users would indirectly contribute to solving the problem of unauthorized acquisition of weapons by NSAs.

## **Need to include language on cooperation and assistance in the Treaty**

Since the beginning of this process and through the regional seminars, cooperation and assistance were mentioned by many participants 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 in some statements, where states noted that an ATT should not containing the requirement to provide or receive assistance in implementing it. Participants also discussed issues related to the possible conditionality of the assistance and what that would imply. Generally, it seemed that assistance under an ATT should not be made conditional—depending on, for instance, a state's accession to the treaty or recent arms purchases. Stockpile management, marking and tracing of weapons, customs cooperation and technical equipment for different agencies working on arms transfer controls were identified as areas of activity where further capacity-building is needed.

Illicit weapons and problems of controlling their flow across porous borders were mentioned as specific challenges in many countries. In this sense, the exchange of information at regional level and cooperation between exporter and importer states more generally was welcomed, both to enable building capacity and to build confidence within regions and internationally.

Participants also warmly welcomed the interventions by the two EU experts who participated in the technical part of the seminar and led the discussions in the working groups during the last day. The exchange of practical experiences and information about export control systems in different EU member states and the seminar region was seen as valuable and for its part highlighted some concrete areas where assistance and cooperation could be strengthened under an ATT.

## **Priority on coordinated national-level implementation supported by regional action**

When discussing the implementation priorities of the future ATT, it was stressed that the main responsibility will lie with states and that they all should put in place effective and robust national systems based on their specific situations and needs. In this, it was also stressed that the treaty would convey a moral message that establishing minimum criteria for arms transfers is essential for all states, both exporters and importers. In addition, it was noted that the treaty could provide more concrete guidelines as to what kind of systems are good practice, and it could facilitate the establishment of functioning controls by establishing a voluntary system for providing and receiving assistance.

In order to establish effective controls, it was noted that national-level coordination and cooperation are of primary importance, as arms transfer decisions by nature require the involvement of and information from several national ministries and agencies. In this, the exchange of ideas and experiences revealed quite a wide variety of different practices in place as well as differing priorities and challenges, again depending on the different situations in the countries of the region. All the participating states seemed already to have established some kind of system on most aspects related to arms transfer

controls. However, many challenges were also identified as well as areas where further capacity-building would be needed.

Looking at the upcoming negotiations of the treaty in 2012 and the weeks left for substantive preparatory work (28 February–4 March 2011 and 11–15 July 2011), participants noted that the remaining time before 2012 is extremely limited. States should constructively and actively engage in the discussions at this stage. It was noted that the discussions on an African common position might assist in getting ready for the Conference. Further meetings at the regional and the international level were called for. Some representatives called in particular for expert-level consultations and an increased exchange of information.

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

Most participants seemed to be in favour of establishing some kind of international body or secretariat to support the implementation of the future treaty as well as to assist in measuring its impact and monitoring arms transfers. Taking into account the resources that would be associated with the establishment of an independent secretariat, it was suggested that an Implementation Support Unit (ISU) could be set up within the existing structures at the United Nations to support the treaty's implementation in a cost-effective manner. The Office for Disarmament Affairs was mentioned as a possible host for an ISU, for instance following the example of the ISU of the Biological Weapons Convention.

As for other elements to be considered at international level, most participants also seemed to be in favour of the inclusion of transparency measures in the treaty, as well as having national contact points, committees of experts and meetings of state parties to oversee progress made in implementation.

### **Outcome and impact**

The seminar in Morocco proved successful and fully met the goals set for it. It attracted active participation from countries in Central, West and North Africa. High-level participation by the host state, the United Nations and the European Union further contributed to the success of the seminar and helped attract broad media attention in Morocco. Both parts of the seminar had close to 40 participants from 21 countries in the regions, all of whom actively participated in the discussions. Presentations made during the seminar were received positively by participants; in the anonymous feedback forms returned by participants, many indicated that they were already somehow familiar with the ATT process but that more information was needed and that the materials and discussions at the seminar contributed to their knowledge about the subject. Specifically, participants in the political part of the seminar mentioned discussions on end-user controls, issues of definition (especially with activities and transactions), and difficulties ahead in the negotiations as issues they were interested in hearing more about. In the second part, feedback revealed that discussions on import controls and transparency measures, as well as on distinguishing tangible and intangible transfers, were welcomed by the participants.

As in Nepal, all participants who returned feedback forms said that the presentations were useful in raising awareness and in stimulating thinking. In particular, participants appreciated hearing about the systems of other states in the regions and in the European

Union. All participants in the first part of the seminar who returned feedback forms said that the seminar will support their state's participation in the PrepCom process, and 72% of the returned feedback from participants in the second part felt that the seminar will help their states to review or enhance technical arms transfer controls. Participants in both parts of the seminar noted that the event was very useful for them in establishing contacts with colleagues and in improving networking on the subject.

### **Next steps**

Following the second regional seminar, UNIDIR is proceeding, in accordance with Council Decision 2010/336/CFSP, with the organization of the remaining regional seminars and other activities. First, the results of the first two regional events will be presented on 1 March 2011 in a side event organized in the margins of the UN Preparatory Committee meeting on the ATT in New York. Following that, regional seminars will be held in Uruguay for countries in the Americas and the Caribbean, and in Indonesia for countries in East Asia and the Pacific. UNIDIR is also proceeding with the commissioning of background papers, in close cooperation with the services of the EU High Representative of the Union for Foreign Affairs and Security Policy. These studies, together with the summary reports of the regional seminars and presentations made during the project events, will be made available on UNIDIR's website.

**Annex A. Agenda**

**PART I**

**For diplomatic and military personnel responsible for national policies vis-à-vis the ATT**

**Wednesday, 2 February 2011**

08:30–09:00 **Registration**

09:00–10:30 **Opening Session**

Chair: Christiane Agboton-Johnson  
Deputy Director, UNIDIR

Opening remarks:

Omar Hilale  
Ambassador, Permanent Representative of Morocco to the Conference on  
Disarmament, Geneva

Camelia Suica  
Deputy Head of the EU Delegation to Morocco

Presentations:

*ATT—general overview and developments within the United Nations*  
Ivor Fung, Director, UN Regional Centre for Peace and Disarmament in Africa

*Civil society's contribution to the ATT process in the region*  
Salah Abdellaoui, Control Arms Campaign, Amnesty Morocco

10:30–10:45 Coffee break

10:45–13:00 **SESSION I: An ATT and its different aspects**

Chair: Christiane Agboton-Johnson  
Deputy Director, UNIDIR

Presentations:

*Towards 2012: Scope, parameters and implementation as discussed at the  
Preparatory Committee*  
Elli Kytömäki, UNIDIR

*Considerations on the proposed Treaty's scope—Morocco's views*  
Abderrazzak Laassel, Minister Counsellor, Permanent Mission of Morocco to  
the Conference on Disarmament, Geneva

*ATT initiative and international humanitarian law*  
Nathalie Weizmann, ICRC

Discussion

13:00–14:30 Lunch

14:30–16:00 **SESSION II: National and regional views on an ATT**

Chair: Bafetigue Ouattara  
Permanent Mission of Côte d’Ivoire to New York

Presentations:

*Africa and the ATT*  
Peter Otim, African Union Commission

*ECOWAS and arms transfer controls—ECOWAS Common Position on ATT*  
Oluwafisan Bankale, ECOWAS Commission

*The importance of an Arms Trade Treaty for Maghreb regional security*  
Saida Mendili, Director, Economic Affairs, MAU

*Central African efforts in arms transfer controls*  
Jacques Mvom, ECCAS

Discussion

16:00–16:15 Coffee break

16:15–17:30 **SESSION III: Other perspectives to an ATT**

Chair: Fabio Della Piazza  
European Union, External Action Service

Presentations:

*A future ATT: some international legal issues*  
Annyssa Bellal, Senior Researcher, Geneva Academy of International  
Humanitarian Law and Human Rights

*Assistance and cooperation under an ATT*  
Kerry Maze, independent consultant

Discussion

19:00–20:30 **Reception for all participants (Part I and Part II)**

**Thursday, 3 February 2011**

09:00–10:15 **SESSION V: Parallel working group sessions, part I (scope and parameters)**

10:15–10:30 Coffee break

10:30–11:30 **SESSION V: Parallel working group sessions, part II (implementation)**

11:30–11:45 Wrap-up of group work

11:45–12:30 **SESSION VI: Conclusions and next steps:  
Compiling working group recommendations**

Chair: Christiane Agboton-Johnson  
Deputy Director, UNIDIR

Presentation of results from the working groups

Discussion

12:30–13:00 **Closing session of Part I of the regional seminar**

Chair: Christiane Agboton-Johnson  
Deputy Director, UNIDIR

Remarks:

Fabio Della Piazza  
European Union, External Action Service

Abderrazzak Laassel  
Minister Counsellor, Permanent Mission of Morocco to the Conference on  
Disarmament, Geneva

13:00–15:00 Lunch at conference venue

**PART II**  
**For technical and law-enforcement personnel**

**Thursday, 3 February 2011**

15:00–15:30 **Opening Session**

Chair: Christiane Agboton-Johnson  
Deputy Director, UNIDIR

Opening remarks:

Fabio Della Piazza  
European Union, External Action Service

15:30–16:45 **SESSION I: Overview of national and regional systems to regulate conventional arms trade**

Chair: Christiane Agboton-Johnson  
Deputy Director, UNIDIR

Presentations:

*Introduction to the ATT initiative and its recent developments*  
Elli Kytömäki, UNIDIR

*EU Common Position on conventional arms exports: implementation aspects from an EU Member State's perspective*  
Richard Hickman, Export Control Organization, United Kingdom

*National experiences of the Democratic Republic of Congo on arms transfers*  
José Ikongo, Ministry of the Interior and Security, Democratic Republic of the Congo

*National experiences from Ghana in controlling arms transfers*  
Edward Fiawoo, Ministry of Defence, Ghana

Discussion

16:45–17:00 Coffee break

17:00–18:00 **SESSION II: Establishing effective national systems**

Chair: Nathalie Weizmann, ICRC

Presentations:

*Legal aspects of establishing and enforcing comprehensive controls*  
Helmut Krehlik, Ministry of Economy, Family and Youth, Austria

*Controlling and monitoring arms transfer—National mechanisms and border controls*  
Cedric Poitevin, Groupe de recherche et d'information sur la paix et la sécurité

Discussion

### **Friday, 4 February 2011**

09:00–10:30 **SESSION III: Conventional arms trade and an ATT—practical implications**

Chair: Elli Kytömäki  
UNIDIR

Presentations:

*Export and Import control practices in Mauritania*  
Sidi Mohamed El Ghassem, Ministry of Interior, Mauritania

*Transfer controls and challenges in the Central African Republic*  
Frédéric Inamo, Ministry of Finance, Central African Republic

*Example from the EU: France*  
Baskar Rosaz, Ministry of Defence, France

*ECOWAS and practical implementation of the convention*  
Oluwafisan Bankale, ECOWAS Commission

Discussion

10:30–10:45 Coffee break

10:45–13:00 **SESSION IV: Improving accountability and transparency of conventional arms transfers**

Chair: Fabio Della Piazza  
European Union, External Action Service

Presentations:

*Marking, record-keeping and accounting of weapons*  
Cedric Poitevin, Groupe de recherche et d'information sur la paix et la sécurité

*Role and functioning of the UN Register of Conventional Arms*  
Ivor Fung, Director, UNREC

Discussion

13:00–14:30 Lunch at conference venue

14:30–15:45 **SESSION V: Parallel working group sessions on practical aspects of export controls**

15:45–16:00 Coffee break

16:00–16:45 **SESSION V: Continued**

16:45–17:15 **SESSION VI: Bringing together the results**

Chair: Christiane Agboton-Johnson  
Deputy Director, UNIDIR

Presentation of results from the working groups: practical lessons learned and recommended next steps

17:15–17:30 **Closing Session**

Chair: Christiane Agboton-Johnson  
Deputy Director, UNIDIR

*Summary of the seminar outcomes and recommendations*  
Elli Kytömäki, UNIDIR

Closing remarks:

Camelia Suica  
Deputy Head of the EU Delegation to Morocco

Azeddine Farhane  
Director, United Nations and International Organizations Department, Ministry  
of Foreign Affairs, Morocco

**Annex B. List of participants**

Algeria	Mr. Bachir Abirat First Secretary, Embassy of Algeria in the Kingdom of Morocco
	Col. Larbi Belaitar Attaché de Défense près Ambassade d'Algérie à Rabat
Benin	Mr. Eric Saizonou (part 1) Deputy Director, Legal Department Ministry of Foreign Affairs
	Mr. Emile Djimasse (part 2) Director, Public Security Ministry of Interior
Burkina Faso	Mr. Eric Tiare (part 1) Director General, Legal Affairs Ministry of Foreign Affairs
	Mr. Valentin Bationo (part 2) Inspector, Border Controls Ministry of Economy and Finance
Cameroon	Mr. Yves Alexandre Chouala (part 2) Expert Negotiator, Legal Instruments Ministry of Foreign Affairs
Central African Republic	Mr. Thierry Metinkoe (part 1) General Manager of Disarmament Ministry of Defence
	Mr. Frederic Inamo (part 2) Inspector, Customs Ministry of Finance
Chad	Mr. Hamza Abdelkerim (part 1) Responsible for Communications Ministry of Foreign Affairs
	Col. Mahamat Abdoulaye (part 2) Director, External Relations Division Ministry of Foreign Affairs
Congo	Mr. Jean-Didier Ngoulou (part 1) Director, Political Affairs Ministry of Foreign Affairs
	Mr. Massamba Massamba (part 2) Counsellor Mission of Congo, Geneva
Côte d'Ivoire	Mr. Bafetigue Ouattara (part 1) First Counsellor Mission of Côte d'Ivoire, New York
	Mr. Anzian Kouadja (part 2) Expert, Disarmament Ministry of Foreign Affairs

Democratic Republic of the Congo	Mr. Serge Ndaie Musenge (part 1) Director, Disarmament Department Ministry of Foreign Affairs
	Mr. Jose Isekotoko Boyoo Ikongo (part 2) Director and Permanent Secretary Ministry of Interior and Security
Gabon	Mr. Landry Mboumba (parts 1 and 2) First Counsellor Mission of Gabon, Geneva
Ghana	Mr. Jones Applerh (part 1) Acting Executive Secretary, SALW Commission
	Col. Edward Fiawoo (part 2) Director, Legal Affairs Ghana Armed Forces
Guinea	Mr. Rouguiatou Diallo (part 1) Director, International Organizations and Conferences Ministry of Foreign Affairs
	Lt.Col Hamidou Diakite (part 2) National Directorate of Borders
Guinea-Bissau	Mr. Alfredo Gomes Lopes (part 1) Director General, Legal Affairs Ministry of Foreign Affairs
	Col Jose Carlos Mafra (part 2) Director, Consulate Department Ministry of Foreign Affairs
Liberia	Mr. Edward S. Togba (part 1) Acting Coordinator, LiNCSA Ministry of Foreign Affairs
	Chief Insp. Alex Wyne (part 2) Small Arms Focus Person Liberia National Police
Mali	Mr. Moussa Kouyate (part 1) First Counsellor Permanent Mission of Mali, Geneva
	Lt. Col. Nema Sagara (part 2) Officer in charge of operations and security, Commission nationale de lutte contre la prolifération des armes légères
Mauritania	Mr. Sidi El Ghassem (parts 1 and 2) Police Commissary Ministry of Interior
Morocco	H.E. Mr. Omar Hilale Ambassador, Permanent Representative of Morocco to the Conference on Disarmament, Geneva

Mr. Azeddine Farhane  
Director, United Nations and International Organizations  
Department, Ministry of Foreign Affairs, Morocco

Mr. Abderrazzak Laassel  
Minister Counsellor, Permanent Mission of Morocco to the  
Conference on Disarmament, Geneva

Mr. Jamal El Hadary  
Ministry of Interior

Mr. Ahmed Ben El Ahmar  
Royal Armed Forces

Mr. Nabil Lazreq  
DGSN/DPJ

Mr. Mohammed Slaoui  
Ministry of Foreign Affairs

Mr. Ahmed El Harrech  
Royal Gendarmerie

Niger  
Col. Abdoulaye Younoussa (part 1)  
President, National Commission on SALW

Mr. Goni Elhadji Issa (part 2)  
Lawyer, Dept of UN and International Organizations  
Ministry of Foreign Affairs

Nigeria  
Brig. Gen. Adekunle Abdullahi Martins (part 1 and 2)  
Ministry of Defence

Senegal  
Mr. Pierre Faye (part 1)  
Counsellor, International Affairs Division  
Ministry of Foreign Affairs

Col. Meissa Niang (part 2)  
National Commission on SALW  
Ministry of Armed Forces

Togo  
Mr. Eyana Edjaide (part 1)  
Charge d'études  
Ministry of Foreign Affairs

Mr. Kagnarim Kodjo (part 2)  
Director, Service of Armaments and Materials  
Ministry of Defence

### **Expert participants**

UN Regional Centre for Peace  
and Disarmament in Africa  
Mr. Ivor Fung  
Director

European Union Delegation in  
Morocco  
Ms. Camelia Suica  
Deputy Head

European Union External Action Service	Mr. Fabio Della Piazza
African Union	Mr. Peter Omurangi Otim Expert, Common African Defence and Security AU Commission
Economic Community of West African States	Mr. Oluwafisan Bankale Policy Officer ECOWAS Commission
Economic Community of Central African States	Mr. Jacques Mvom
Arab Maghreb Union	Ms. Saida Mendili Director, Economic Affairs
EU Experts	Mr. Richard Hickman Head of Licensing Unit Export Control Organization, the United Kingdom  Mr. Helmut Krehlik Director Ministry of Economy, Family and Youth, Austria  Mr. Baskar Rosaz Desk Officer, Export Controls Ministry of Defence, France
Control Arms Campaign	Mr. Salah Abdellaoui Amnesty International Morocco  Mr. Seydi Gassama Amnesty International Senegal
International Committee of the Red Cross	Ms. Nathalie Weizmann Legal Advisor
Independent Expert	Ms. Kerry Maze Consultant
Geneva Academy of International Humanitarian Law and Human Rights	Dr. Annyssa Bellal Senior Researcher
Groupe de Recherche et d'Information sur la Paix et la Sécurité (GRIP)	Mr. Cedric Poitevin Head of the "Arms Transfers and Small Arms" Project
UNIDIR	Dr. Christiane Agboton-Johnson Deputy Director  Ms. Elli Kytömäki Project Manager, Supporting the ATT Negotiations  Ms. Catherine Délice Associate Project Officer, Supporting the ATT Negotiations



EUROPEAN UNION



UNITED NATIONS INSTITUTE  
FOR DISARMAMENT RESEARCH

**Lunchtime side event**

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

**MESSAGES FROM THE FIRST TWO SEMINARS**

**SUMMARY REPORT**

1 March 2011, UN Headquarters, New York

**Introduction**

On 1 March 2011 UNIDIR organized a side event in the margins of the second meeting of the Preparatory Committee (PrepCom) for the United Nations Conference on the Arms Trade Treaty (ATT). The side event was part of the project Supporting the Arms Trade Treaty Negotiations through Regional Discussions and Expertise Sharing, which UNIDIR is implementing for the European Union.<sup>4</sup> It is a follow-on project consisting of a series of regional events, following a successful series of regional seminars organized in 2009 and 2010.

The purpose of the meeting was to provide an update on the project mainly by sharing the results of its two first regional seminars with all relevant stakeholders gathered in New York for the PrepCom meeting. It was also an occasion to discuss substantive elements relating to the current ATT debates and process, especially as they relate to the future Treaty's possible scope and parameters. Presentations highlighted key messages from the first two regional seminars held in Nepal and Morocco. Participants also heard interventions specifically related to the possible scope of an ATT as well as technical capacity-building and assistance. The outcomes of the regional meetings together with the thematic presentations were analyzed in light of the work currently ongoing at the United Nations, by elaborating synergies of discussed issues as well as concrete proposals about the way forward.

---

<sup>4</sup> The project was established by a decision of the Council of the European Union entitled "EU activities in support of the Arms Trade Treaty, in the framework of the European Security Strategy", 2010/336/CFSP, adopted 14 June 2010.

The event was attended by around 80 representatives of governments, international and regional organizations and civil society, and received positive feedback from its target audience.

The agenda of the side event can be found at the end of this report.

### **Chair's welcoming remarks and introduction**

The seminar was chaired by Dr. Christiane Agboton-Johnson, Deputy Director of UNIDIR, who in her welcoming remarks reminded participants about the general objectives and structure of the EU–UNIDIR project and gave an overview of the conducted and planned activities. She noted that as an independent research institute of the United Nations, UNIDIR has been involved in the ATT process since the beginning, both through conducting analyses on states' views on the proposed treaty and through organizing a series of regional activities for the European Union. She also noted that UNIDIR remains committed to promoting discussions and the exchange of views among all types of actors on a variety of ideas related to peace, security and disarmament, and pointed out that the regional seminars of the EU–UNIDIR project are an excellent example of how UNIDIR can support the disarmament efforts of the international community. These activities have shown that despite ongoing international negotiations, continued regional discussions are still needed because of the multidimensional and complex nature of the issue at hand, and it is not possible in the limited time available at the PrepCom meetings to analyze all short- and long-term impacts of the future Treaty, its different aspects and the interests of various states in regard to its elements. The regional seminars have enabled a broader and deeper debate among states that face different realities with regard to the arms trade and its consequences. It has also allowed us to include views and suggestions from other relevant actors, such as civil society and the defence industry.

### **Regional views from South and Central Asia**

The results of the first regional seminar, held in Kathmandu, Nepal, for countries in South and Central Asia on 10–12 November 2010, were communicated to the participants by H.E. Mr. Gyan Chandra Acharya, Permanent Representative of Nepal to the United Nations in New York. In his remarks he referred to the active participation of all attendees at the Nepal seminar, and noted that many priorities and recommendations were identified during the intense discussions of the three-day event. Ambassador Acharya pointed out that among the recommendations identified at the seminar was the need for further discussion about the desired effects and impact of an ATT in the lead-up to the ATT Conference in 2012. The need to combat the illicit trade in small arms and light weapons and to prevent the illegal trade in conventional arms more generally were specifically mentioned as desirable goals of an ATT. Small arms were mentioned as a weapon category of priority importance with regard to preventing diversion of arms to terrorists and unauthorized non-state actors, and it was stressed that they should have a central focus in an ATT. In terms of an ATT's possible parameters, Ambassador Acharya raised the issue of risk assessment as a basis of decision-making, the importance of which was highlighted by many participants in the seminar. Reporting on discussions about the process leading up to the ATT Conference, Ambassador Acharya conveyed the message from the seminar that the time left for negotiations at the PrepCom meetings is very limited, that all states should do their utmost to use the time

available as efficiently as possible, and that the possibility of additional, informal intersessional meetings should be considered.

Ambassador Acharya also raised the issue of national-level implementation of an ATT and noted that participants at the Nepal seminar called for the establishment of national focal points on the ATT, following the model of many other international instruments. National coordination and information exchange among all relevant stakeholders was also highlighted at the seminar, where most participants seemed to support the inclusion of strong cooperation, capacity-building and assistance mechanisms in a Treaty. To conclude, Ambassador Acharya noted that, taking into account the differing capacities of states, seminar participants called for the inclusion in the treaty text of a robust mechanism for international implementation of the future ATT as well as the exchange of experience and know-how on arms transfer controls.

### **Regional views from West, Central and Northern Africa**

The messages from the second regional seminar, held on 2–4 February 2011 in Casablanca, Morocco, for countries in West, Central and Northern Africa, were delivered by Mr. Bouchaib Eloumni, Minister Plenipotentiary of the Permanent Mission of Morocco to the United Nations in New York. He raised many central findings of the Casablanca event, including calls for the continued active involvement of regional organizations in the ATT negotiations and the future implementation of the Treaty. In Casablanca 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. This would also allow taking regional specificities and priorities into account on the side of international action. As Mr. Eloumni noted, seminar participants also discussed the possible scope of the future Treaty. It was mentioned that the best way to address scope might be to have a general heading of weapons and equipments in the treaty text itself, and then have annexes with more specific lists of weapon categories.

Mr. Eloumni reflected the views of the Morocco seminar participants, who called for the primary responsibility of negotiating and implementing the future ATT to remain with state authorities and be a subject of national-level decision-making. In this regard, the Treaty was seen to carry a moral message of desirable or acceptable practice. As some participants in the seminar noted, the treaty could also promote more concrete guidelines on good practice and facilitate the establishment of functioning controls. In order to establish effective controls, it was noted during the seminar that national-level coordination and cooperation is of primary importance, as arms transfer decisions by nature require the involvement of and information from several national ministries and agencies.

According to Mr. Eloumni, some discussion in the Morocco seminar was devoted to the question of how the use of weapons by unauthorized non-state actors could be addressed in an ATT. Cooperation and assistance were mentioned by many participants 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. The need to keep the possible system of assistance voluntary was underlined in some remarks delivered at the seminar.

Participants also discussed issues related to the possible conditionality of assistance and what that would imply.

### **Some key issues on the scope of an ATT**

To complement the regional messages and views with more thematic and treaty-specific comments, the seminar heard Ms. Anne-Charlotte Merrell-Wetterwik, Senior Research Associate at the Center for International Trade and Security of the University of Georgia, who in her presentation raised some key issues currently on the table with regard to the potential scope of an ATT. She started by noting how the discussions on an ATT's scope have taken a new pace. The debate in the PrepCom has been increasingly moving from discussing the seven categories of the UN Register of Conventional Arms plus small arms and light weapons, and ammunition (the "7+1+1" approach) as a basis for the scope of the Treaty, to considering a broader set of weapons categories. At the PrepCom, the Chairman's text included a set of 13 categories of potential weapons and equipment to be included in an ATT's scope, including parts and components and technologies, and there were calls for the inclusion of further categories. Ms. Merrell-Wetterwik also discussed the way in which the scope could be addressed in the treaty text itself, by taking the examples of a list approach versus a "yes, unless" approach that would by definition bring all conventional arms under an ATT, unless specifically mentioned.

Ms. Merrell-Wetterwik's presentation further touched upon the importance but also the difficulty of including parts and components in the scope of an ATT. By giving some practical examples, she pointed out the challenges of ensuring adequate controls while at the same time avoiding overly cumbersome administrative procedures. Finally, the possible inclusion of ammunition in an ATT's scope was discussed, with references to the possible technical challenges of controlling the transfer of ammunition as well as to the number of successful national systems to control and keep record of ammunition transfers.

### **Cooperation and capacity-building: technical inputs from the seminars**

As the final speaker, Ms. Elli Kytömäki, Project Manager of the EU-UNIDIR project, discussed the technical aspects of the regional seminars and presented some of the practical outcomes of the first project activities. In line with the project objectives, one of the aims of the regional seminars is to support UN 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. In the seminars, this is done through practice-oriented discussions among technical experts, the exchange of ideas and lessons learned by participating representatives, as well as by the identification in working groups of resources and assistance needs. Through the presentation of national and regional systems to control the trade in conventional weapons, and by discussing aspects of establishment and enforcement of licensing systems, including legal and administrative procedures, the seminars have brought up a number of priorities and challenges faced by practitioners working on arms export and import controls. According to Ms. Kytömäki, at the Nepal seminar these were related especially to the need to put in place strong national-level authorities and centralized decision-making systems, coordination among different actors, and further studies on the operationalization of practical assistance tools and mechanisms best suited to

enhancing technical cooperation. In Morocco participants highlighted challenges related in particular to illicit weapons flows, especially across porous land borders; insufficient technical capacities in stockpile management, marking and tracing and in customs cooperation; as well as inadequate exchange of information at the regional level.

As points possibly requiring further consideration and discussion, Ms. Kytömäki raised the possibility of using assistance as an incentive for states to agree to and join an ATT as well as the appropriate means to channel and coordinate assistance, including the possibility of using trust funds. She also called for more consideration of the potential role of regional organizations in assisting in the practical implementation of the ATT, as well as links between the ATT and existing assistance mechanisms.

## **Discussion**

The presentations were followed by a series of questions and comments from the floor, both relating to specific aspects presented by the speakers and to the ATT process more generally. Points were raised about the importance of ensuring that an ATT will be relevant for both producer and importer states, and some discussion was raised about how the priorities of different states, for example in terms of addressing local manufacturing of weapons or questions related to ammunition proliferation, have been taken up in the seminars. Many speakers raised the issue of gender and underlined the need to adequately address this aspect in disarmament and arms control processes, and also in the ATT. References were made especially to the different priorities and needs of men and women in conflict situations, and it was recommended that a reference to resolution 1325 on Women, Peace and Security should be added to the preambular part of the ATT. It was also noted that the majority of the EU–UNIDIR project’s target audience and seminar participants has been male. While this undoubtedly reflects the gender balance in the diplomatic and security services of states, further active involvement of women in the project activities and ATT discussions more generally was encouraged.

A question was also posed regarding the impact that the first series of regional seminars of the EU–UNIDIR project has had in the ATT process, and it was noted that the number of interventions from the states that participated in the different regional events increased following the project activities. The impact of the seminars was also measured by the solicitation of feedback from the participants, which has allowed the organizers to conclude that the activities have resulted in both greater awareness of the ATT initiative across regions and in more active networking and coordination activities. Regional events were noted as extremely important capacity-building opportunities in the lead-up to 2012, as they provide the possibility for a broader set of relevant officials to become involved in the ATT process, and enable more in-depth discussion than what is possible during the PrepCom meetings. The continued importance of regional arrangements was stressed, and it was noted that an ATT should benefit from and take into account existing regional instruments and information exchange mechanisms.

## **Concluding remarks**

Ms. Annalisa Giannella, Director for Non-proliferation and Disarmament at the European External Action Service, delivered the seminar's closing remarks on behalf of the European Union. She highlighted the new technical aspect included in the follow-on series of regional events, which now are open to participants who are experts in charge of national transfer controls for conventional weapons. As she noted, these will be the officials in charge of ensuring the actual implementation of an ATT when it enters into force. Therefore, a focus on the technical aspect of the control of transfers in conventional weapons and the enhancement of national expertise will be pivotal to ensure the successful implementation of the Treaty once it enters into force. According to Ms. Giannella, the early and substantial commitment of the European Union to promote discussion on the ATT process and the sharing of relevant expertise testifies to the fact that the European Union takes very seriously the question of international cooperation and assistance in an ATT. She ensured the participants that once the Treaty enters into force, the European Union will stand ready to engage in cooperative efforts with states parties to ensure the full implementation of the Treaty.

## **Results**

The side event of 1 March 2011 proved successful and met the goals set for this activity. Its planned timing during the second meeting of the PrepCom proved advantageous and helped raise momentum around both the seminar and the EU–UNIDIR project as a whole. It was also a good follow-up to the project launch event, which was organized during the first PrepCom meeting in July 2010. The level of participation was high: despite the many ongoing activities in the margins of the PrepCom, almost 80 stakeholders came to listen to the presentations and participate in the discussion, including numerous governmental delegates, the Chair of the PrepCom meetings, leading organizations of the civil society Control Arms Campaign, as well as representatives of many international and regional organizations. High-level participants and experts from the regions where project activities had been held contributed to the success of the event. It was also a good opportunity for the seminar host states to express their views and priorities. Presentations on both the seminar activities and the details of the possible scope of an ATT highlighted the outcomes of the project so far and underlined the links between the project activities and the ongoing UN process. The discussion that followed the presentations revealed participants' great interest in the project and its planned activities. Many participants approached UNIDIR following the event to learn more about the project and its forthcoming activities and to share ideas concerning future background research.

## **Next steps**

Following the side event, UNIDIR will now proceed, in accordance with Council Decision 2010/336/CFSP, with the organization of the remaining regional seminars and other activities. The next two regional seminars are as follows:

- Regional seminar for countries in the Americas and the Caribbean, Montevideo, Uruguay, 27–29 April 2011; and
- Regional seminar for countries in East Asia and the Pacific, Bali, Indonesia, 6–8 June 2011.

UNIDIR also proceeds with the commissioned background research stipulated in the Decision in close cooperation with the services of the EU High Representative. In addition to the regional seminars the project foresees the organization of two further side events, the first in the margins of the next meeting of the PrepCom and the second during the First Committee session in October 2011, as well as a project-concluding seminar to be held early in 2012. Summary reports from each regional seminar outlining discussions, ideas and recommendations put forward for an ATT will be made available online.



UNITED NATIONS INSTITUTE  
FOR DISARMAMENT RESEARCH



EUROPEAN UNION

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

### **MESSAGES FROM THE FIRST TWO SEMINARS**

**Tuesday, 1 March, 1.15–2.45 pm**  
**Conference Room 1 United Nations, New York**  
(Sandwich lunch will be served in the West Delegates Lounge at 12:45 pm)

### **AGENDA**

#### **Chair's welcoming remarks and introduction**

Dr. Christiane Agboton-Johnson, Deputy Director, UNIDIR

#### **Regional views from South and Central Asia**

H.E. Mr. Gyan Chandra Acharya, Permanent Representative of Nepal to the United Nations, New York

#### **Regional views from West, Central and Northern Africa**

Mr. Bouchaib Eloumni, Minister Plenipotentiary, Permanent Mission of Morocco to the United Nations, New York

#### **Some key issues on the scope of an ATT**

Ms. Anne-Charlotte Merrell-Wetterwik, Senior Research Associate, CITS, University of Georgia

#### **Cooperation and capacity-building: technical inputs from the seminars**

Ms. Elli Kytömäki, Project Manager, UNIDIR

#### **Discussion**

#### **Concluding remarks**

Ms. Annalisa Giannella, Director for Non-proliferation and Disarmament at the European External Action Service

The seminar was held with simultaneous interpretation in English and French.



UNITED NATIONS INSTITUTE  
FOR DISARMAMENT RESEARCH



EUROPEAN UNION



URUGUAY

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

**Regional Seminar for Countries  
in the Americas and the Caribbean**

**27-29 April 2011  
Montevideo, Uruguay**

**SUMMARY REPORT**

## Table of contents

<b>Introduction .....</b>	<b>56</b>
<b>Seminar proceedings .....</b>	<b>57</b>
<b>Findings and recommendations .....</b>	<b>59</b>
Comprehensive and well-defined scope.....	59
Human security considerations and wider impacts of transfer criteria to be considered.....	60
Primary responsibility of States to implement the ATT .....	61
International system to support Treaty implementation .....	62
National reporting and other transparency measures .....	63
Continuous search for emerging areas of convergence .....	64
<b>Outcome and impact .....</b>	<b>65</b>
<b>Next steps .....</b>	<b>65</b>

## **Introduction**

From 27 to 29 April 2011 the United Nations Institute for Disarmament Research (UNIDIR) held a seminar for countries in the Americas and the Caribbean to “Support the Arms Trade Treaty Negotiations through Regional Discussions and Expertise Sharing”.<sup>5</sup> This regional seminar was the third of its kind, following similar events held in Kathmandu, Nepal, on 10-12 November 2010 for countries in South and Central Asia, and in Casablanca, Morocco, on 2-4 February 2011 for countries in Central, West and North Africa. It is part of the project that UNIDIR has been implementing for the European Union (EU) since July 2010. The project consists of a series of regional events organized in different parts of the world to support the negotiations on the future ATT, scheduled for 2012, by ensuring that the process is as inclusive as possible and that States will be able to make concrete suggestions and recommendations on the elements of the future Treaty. It also supports States in developing and improving their national and regional arms transfer control systems.<sup>6</sup>

The seminar held in Montevideo brought together close to 70 representatives from Ministries of Foreign Affairs, Interior, Defence, and the Armed Forces from 28 of the 35 States in the region (see list of participants in annex B). In addition, several expert representatives of international and regional organizations, United Nations organs and civil society were invited to make presentations and contribute to the discussions.

This event, like previous seminars in the series was divided into two parts. The first 1,5 days concentrated on the ATT negotiations, with an overview of the process and the elements of the future Treaty. Given the stage of the negotiation process towards the Treaty at the UN, special focus was placed on its future implementation. Participants had the chance to share their national and regional views on the ATT and its possible implementation system, both in the plenary sessions and in working groups. The second half of the seminar was more technical and practice-oriented, and discussed inter alia existing arms transfer control systems, challenges in their implementation, and possibilities to improve existing practices by increasing transparency and coordination to ensure effective implementation of the future ATT.

The following report presents a summary of the seminar proceedings as well as a collection of its main messages and recommendations. It is not intended to be a consensus document. Rather, it reflects the impressions and views of the organizers at UNIDIR. It therefore does not necessarily represent the views of all seminar participants.

Audio files and documents of the presentations made at the seminar are available at [http://www.unidir.org/bdd/fiche-activite.php?ref\\_activite=609](http://www.unidir.org/bdd/fiche-activite.php?ref_activite=609).

---

<sup>5</sup> The States invited were Antigua and Barbuda, Argentina, Bahamas, Barbados, Belize, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Cuba, Dominica, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, Trinidad and Tobago, United States, Uruguay and Venezuela.

<sup>6</sup> The project is a follow-on activity to a previous series of regional meetings organized by UNIDIR for the EU in 2009–2010, entitled “Promoting Discussion on an Arms Trade Treaty”. It was established by a decision of the EU Council entitled “EU activities in support of the Arms Trade Treaty, in the framework of the European Security Strategy” (2010/336/CFSP), on 14 June 2010. Reports, presentations and audio documentation of both projects can be found at UNIDIR website, [www.unidir.org/att](http://www.unidir.org/att).

## **Seminar proceedings**

Following the general structure of the regional seminars of the project, the Montevideo event consisted of two parts, which both lasted 1,5 days and were aimed at different types of participants. The first part was targeted at diplomatic personnel responsible for national policies vis-à-vis an ATT, including national delegates participating in the ATT Preparatory Committee (PrepCom) meetings in New York. During this part, the ATT process and related instruments were discussed with special focus on the implementation aspects of the future Treaty, in preparation for the next PrepCom meeting to be held in July 2011. In the discussions, participants were asked to present their views, concrete ideas and recommendations for the ATT process. The second half of the seminar was aimed at technical licensing, security and law-enforcement personnel. It discussed transfer controls and the ATT from a more practical point-of-view, inter alia by presenting national practices and by simulating a fictitious case study from the EU perspective.

On the 27<sup>th</sup> of April, the seminar was officially opened by the Minister of Foreign Affairs of Uruguay, H.E. Mr. Luis Almagro, who in his remarks underlined the commitment of Uruguay towards the ATT related international processes. He noted the importance of regional approaches to support international processes, especially in security and disarmament matters that are of common concern to all States. Preceded by Dr. Christiane Agboton-Johnson, the Deputy Director of UNIDIR, the session also included Statements from H.E. Mr. Geoffrey Barrett, the Head of the EU Delegation to Uruguay, and Ms. Susan McDade, the UN Resident Coordinator in Uruguay. In her remarks, Dr. Agboton-Johnson gave an overview of the project of which the seminar is part, and noted that as an autonomous research institute of the UN specialized in disarmament and security matters, UNIDIR promotes creative thinking and dialogue on today's and tomorrow's challenges. For UNIDIR, seminars as this one are important in deepening discussion and raising questions about the proposed ATT and giving an open space to a variety of stakeholders. These thoughts were echoed also by Ambassador Barrett, who also underlined the commitment of the EU towards a truly global, effective ATT, negotiated and developed through a genuine participatory process. After the high-level segment and press conference, the Opening Session heard two presentations about the ATT; a general overview and developments within the United Nations by Ms. Amanda Cowl from the UN Regional Centre for Peace, Disarmament and Development

The aim of the first working session of the seminar was to take a brief look at the different aspects of the ATT currently under discussion at the UN. Chaired by Ambassador Roberto Garcia Moritan of Argentina, who is chairing the PrepCom process, the session first heard a presentation on the remaining questions on the Treaty's possible scope, delivered by Ms. Anne-Charlotte Merrell-Wetterwik from CITS, University of Georgia. It then proceeded to discussing the possible parameters of the future Treaty. First, the Executive Director of the Arias Foundation for Peace and Human Progress, Mr. Luis Alberto Cordero, gave a presentation stressing human security considerations related to the ATT's transfer criteria, bringing the ATT back to its roots with reference to President Arias and the Group of Peace Laureates who first initiated the idea of a global code of conduct for conventional arms transfers. The session also heard from Mr. Oistein Thorsen from Oxfam about his organizations' views regarding the possibilities and importance of including developmental concerns to

the ATT's transfer criteria and its links with security sector reform. The last presentation of the session was an introduction to the main theme of the seminar: implementing the future Treaty. Some considerations on this were presented by Dr. Roberto Dondisch from the Ministry of Foreign Affairs of Mexico, and were followed by a discussion.

The second and third sessions of the seminar were devoted to national and regional views on the implementation of the Treaty, with presentations from regional organizations and participating States. Chaired by Mr. Federico Perrazza from the Permanent Mission of Uruguay to the UN in New York, it heard regional overviews and briefings from the Organization of American States (OAS), delivered by Mr. Abraham Stein; and from the CARICOM, by Ambassador Noel Sinclair. The European Union also gave its perspective on the ATT process and aspects of its implementation. The last session of the day was chaired by Ambassador Donatus St. Aimee, Permanent Representative of Saint Lucia to the UN in New York, and heard national contributions by participants from Brazil, Chile, Colombia, Cuba and St. Kitts and Nevis. The presentation of these national views about the ATT's implementation revealed many common views and ideas about the Treaty but also some specific national priorities, reservations and challenges.

As in the other seminars, the morning of day two was devoted to three simultaneous working groups, but this time participants were asked questions specifically related to the implementation of the proposed ATT. Questions on the table included participants' views on the minimum requirements for an effective national export control system under an ATT, and whether they were already in place. Participants were also asked which international implementation mechanisms/measures for an ATT they support, and how compliance with the Treaty could be measured/monitored. Further, working groups discussed the possible mechanisms of information exchange and transparency, peer review, dispute settlement and consultancy mechanisms. Finally, groups were asked about the role of international assistance and cooperation in implementing the ATT.

After the working groups, everyone convened back in the plenary, where the rapporteurs of the different groups presented the outcomes of their discussions, including recommendations for the ATT process, which are presented in this report's section on findings. The first part of the seminar was brought to a close with statements by Dr. Agboton-Johnson and Ms. Elli Kytömäki of UNIDIR, Mr. Fabio Della Piazza from the European External Action Service, and Mr. Raul Pollak from the Ministry of Foreign Affairs of Uruguay, who briefly summarized the proceedings and thanked participants for their active participation and lively discussions.

After lunch, the second part of the seminar commenced with an overview of the ATT and a short briefing on the discussions of Part I. Mr. Pablo Arrocha from the Ministry of Foreign Affairs of Mexico spoke about the implementation discussions and Ambassador Sinclair from CARICOM highlighted some regional considerations related to the ATT. The session then continued with an overview of national and regional systems to regulate conventional arms trade, with presentations on arms brokering controls in the Americas and the Caribbean with regard to the ATT, presented by Mr. Mark Bromley from the Stockholm International Peace Research Institute; on Argentina's experience in implementing arms transfer controls, by Lucia Gomez Consoli from the Ministry of Justice and Human Rights of Argentina; and on the EU Common Position on

conventional arms exports by Ms. Mariann Mezey from the Hungarian Trade and Licensing Office. The session concluded with a general discussion and an exchange of views.

The final session of the day, chaired by Mr. Della Piazza from the EU, looked deeper into establishing effective national and regional arms transfer control systems, both from State point-of-view, through a presentation by Mr. Fernando Villena Sanchez from the Ministry of Foreign Affairs of Spain, and from the viewpoint of the defence industry, through a presentation on “Industry’s experiences in arms transfer controls – working under effective national regulations”, delivered by Mr. Francis Bleeker from Colt Canada.

The last day commenced with a session on improving the accountability and transparency of conventional arms transfers with presentations on the role and functioning of UN transparency mechanisms, most notably the UN Conventional Arms Register, by Elli Kytömäki of UNIDIR; on the EU annual export reports, by Ms. Mezey; and on Canadian experiences in export and import controls of conventional arms including the use of electronic systems, delivered by Paul Galveias from the Canadian Export and Import Controls Bureau. The second session of the day was devoted to a practical case study that presented a complex hypothetical case of a potential export of aircraft from the EU to a third country. Participants, led by Mr. Abel Duarte de Oliveira from the Ministry of Defence of Portugal, discussed different scenarios and issues to be taken into account in the transfer. After this, participants were divided into three working groups to further discuss practical aspects of export controls. The issues raised included minimum elements of a national arms transfer control system, national priority issues in ensuring effective national controls of arms transfers, challenges and strategies in implementing transfer controls, as well as possible assistance needs.

The seminar ended with a session bringing together the results of the working groups, and with a formal closing session. The closing session was chaired by Dr. Agboton-Johnson, and heard summary remarks on the full seminar by Ms. Kytömäki, as well as official closing remarks by H.E. Mr. Barrett from the EU and H.E. Mr. Nelson Chaben from the Ministry of Foreign Affairs of Uruguay.

## **Findings and recommendations**

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

Finding a suitable list of items to be controlled in an ATT is one of the most important and challenging issues that States have to address in the lead-up to the 2012 Conference. The views expressed about the possible scope of the Treaty have developed significantly in the past year, and areas of commonality between State views are growing. The majority of countries are advocating a comprehensive scope that would go beyond the seven categories of the UN Register of Conventional Arms (UNROCA) with possible additional items<sup>7</sup>. The discussions during the seminar reflected this move away and beyond the UNROCA, which in itself was seen as a useful instrument, with possible additional categories of SALW and ammunition, as many States called for a

---

<sup>7</sup> The “7+1+1” model.

more comprehensive approach to the issue of scope. As argued also by one presentation made during the seminar, the comprehensive scope for a robust Treaty would probably have to seek to address the issue of international transfers of conventional arms as a whole. It will not be possible to copy-paste lists from other nonproliferation instruments that were created for different purposes and perspectives. Nevertheless, many participants seemed to be in favour of a list approach (as an annex to the Treaty text), to make the ATT more easily interpretable and implementable at the national level. According to one presenter, “lessons can be learned for how the categories under the UN Register of Conventional Arms have been used, but they can provide only one source of inspiration for the ATT process and there are so many more”.

As in previous regional events, the importance of SALW as a specific category to fall under an ATT was highlighted by most participants, as were ammunition and technological developments by others. In addition, it was noted that parts and components as well as technology and equipment, which were seen as separate but equally important categories, should be further analyzed with regard to their possible inclusion in the Treaty. Categories covering items such as explosives, armour and equipment for military and law enforcement, or internal security equipment, have yet to be addressed in detail in order to ascertain how implementable and realistic their inclusion is.

In terms of concrete control lists for the Treaty, the possibility of having different specification and detail for import and export lists was also suggested. This would probably help reduce the burden, particularly on small States that primarily import weapons, but would risk blurring the transparency mechanism under the Treaty by making comparisons between export and import statistics more cumbersome, if not impossible.

While aiming for a comprehensive scope for the ATT, it was also noted that the control list of the future Treaty has to be manageable to remain relevant for States in their future national implementation efforts. How to do this concretely in the Treaty, and which control list(s) could possibly be used as its basis, will need further discussions in the months between now and the ATT Conference.<sup>8</sup>

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

The seminar also discussed the possible parameters that should be included in the transfer criteria under an ATT. Special focus was placed especially on human security considerations, which in many ways were the leading reasons for an ATT process to start in 1990s. It was noted that illicit and uncontrolled flows of especially small arms and light weapons pose various problems to States in the Americas and the Caribbean, from increased crime rates to other forms of social violence and armed conflicts. Especially Mr. Cordero from the ARIAS Foundation stressed these aspects and noted that the under-regulated global trade in conventional weapons operates in direct opposition to human security principles. He also pointed out that the human cost of under-regulated arms trade is measured not only in lives lost, but also by its

---

<sup>8</sup> A background paper analyzing further the possible scope of the future Arms Trade Treaty and the implications of the different options by Anne-Charlotte Merrell Wetterwik of CITS-University of Georgia (2011), can be found on UNIDIR website, [www.unidir.org/att](http://www.unidir.org/att).

innumerable indirect impacts that threaten economic, food, health, environmental, personal, community and political security. Many participants called for an ATT to establish transfer criteria that would help address these problems and for their part improve human security in the region. Some said that an ATT will be most beneficial to human security if it does not seek to be something that it is not (i.e. a disarmament Treaty), nor loses sight of its noble objective, but reconciles these two factors of feasibility and aspiration within a broad scope and strong, legally binding criteria. Some speakers raised also wider considerations related to an ATT's parameters, such as their links with security sector governance and reform, assistance programmes and capacity-building. Also corruption and diversion were noted as problems acute in the regions and something that an ATT should seek to address. Corruption poses a significant threat to the effectiveness of all arms control mechanisms, including the ATT, as it undermines States' abilities to ensure compliance with control measures and prevent the diversion of arms from their authorized end user. Finally, criteria to prevent transfers of arms where they would seriously impair poverty reduction and development efforts were also noted to be of direct concern to human security in the regions.

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

In addition to discussing the principles, objectives, scope and parameters of an ATT, determining the Treaty implementation modalities represents a crucial aspect that will ultimately largely determine its success and effectiveness. Negotiating an international, legally binding Treaty that would establish the highest possible common international standards for the transfer of conventional arms will require the participation of all relevant parties at national, regional and international levels. This was evident throughout the seminar presentations, which brought out different aspects about ongoing efforts at all the levels and teased out areas of convergence and complementarity. Despite the three-tier approach necessary for the ATT, the primary role of national-level action, both in the lead up to the negotiations and later in implementing the Treaty, was underlined by many participants, who also noted that sovereign decision-making should in no instance be sacrificed under the Treaty. Many echoed the necessity to put in place the essential legal, administrative and organizational national structures. Some called for international cooperation and assistance to support States in these efforts, as many States currently have relatively underdeveloped national arms transfer control systems and would find it difficult to immediately meet their ATT obligations. For example, with regard to some Caribbean island States, it was noted that their border control systems and maritime patrolling should be strengthened, preferably with the support of international capacity-building projects.

For its part, the case study presented at the seminar on Alfa-, Beta- ja Romeolands highlighted the complexities related to arms transfer control systems in an increasingly international environment. It also showed the wide variety of controls that are necessary to ensure responsible and well-informed transfers, no matter which type of country is in question: a primarily importing State, an exporter, or a transit State. In addition, participants touched upon the need to ensure not only the establishment of the necessary systems but also the enforcement of transfer controls under these structures, in line with their obligations under the Treaty.

Also coordination between different national actors as well as outreach to external partners was mentioned by many participants as a key to effective arms transfer

controls. The need to improve inter-agency coordination was also highlighted. In this, the examples presented by international experts were welcomed and evoked active discussion. It was noted that as the future Treaty will bring together a whole range of States that have different capacities and needs with regard to transfer controls, it should not aim at finding a “one-size-fits all” solution but rather determine necessary elements for effective controls and other critical factors that are of relevance to the Treaty and its implementation. The ATT should remain flexible both with regard to different national approaches to transfer controls and to future developments of trade and technologies. It should also not set a ceiling for controls but allow States to introduce stricter national controls than specified in the Treaty, should they so wish.

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

In addition to various national systems, practices and challenges, considerable time was devoted, especially in the first two days of the seminar, to possible international mechanisms that could or should support the implementation of the ATT. Almost all interventions seem to support having some kind of institutional follow-up system as part of the Treaty, as this would help assess the level to which the Treaty will be functioning, assist all parties to meet their commitments, increase transparency about arms transfers in general, and develop shared understandings about the standards of acceptable practice.

In this, the possibility of having an international Secretariat or an Implementation Support Unit (ISU) was discussed. Participants exchanged views especially on the potential role, structure and financing of such a body, expressing different views regarding its suitable tasks, which ranged from mainly a depositary organ that would function as an institutional memory to the Treaty and facilitate information exchange, to a more proactive role of a Secretariat in monitoring the Treaty’s implementation, seeking clarifications and conducting analyses. Possible tasks that participants listed for an ISU/Secretariat included collection of national reports and other information related to the Treaty’s implementation; coordination of assistance and cooperation efforts and matching needs with resources; coordination of efforts between different regional organizations and arrangements; providing administrative support to the Treaty implementation (organization of meetings of States Parties and Review Conferences; keeping a website); and providing general advice to governments regarding joining and implementing the Treaty.

Participants’ views diverged on whether the possible ISU or Secretariat should be established as an independent body, or whether parties should seek to place the implementation support under an a pre-existing structure, such as the UN. In this, especially the UN Office for Disarmament Affairs (UN ODA) and its regional centres were mentioned. The supporting role of regional organizations was also noted and it was suggested that the links between an ISU/Secretariat and regional bodies could be formalized through MoUs to avoid duplication of efforts and to ensure the best possible utilization of resources.

Meetings of States Parties and Review Conferences to facilitate implementation were also discussed, together with possible mechanisms of dispute settlement, peer review systems and continuous Treaty review and development. Further, links between existing regional structures and the future ATT’s implementation were explored, mostly through

presentations by regional organizations. It seems that meetings of States parties were mostly supported as annual or biennial events, complemented with more substantial Review Conferences every five years.

The ideas related to committees of experts and peer review mechanisms seemed to evoke mixed responses and mostly critical or skeptical views.

With regard to agreeing on the modalities of the international implementation support system or structure, some noted that in the interest of time and effectiveness the Treaty could perhaps firstly establish a general umbrella structure or elements, which could later be further specified and modified in a Treaty's follow-up meetings and through practical implementation efforts.

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

In addition to aspects of institutional follow-up systems to support the implementation of the future Treaty, one prominent theme throughout the seminar was transparency. This theme was touched upon in the exchange of national practices as well as in the context of an ATT's future implementation. The importance of especially regular (annual) national reporting as a means to increase transparency in conventional arms transfers was stressed as crucial by many participants, and information exchange in the form of national reports was noted as a central building block for an implementation system in all group discussions. Under this, the nature of the reports, their content, frequency and level of detail were discussed. Some noted that the reporting system should be made compulsory to all Treaty members, while others were firm in their view that any possible information exchange mechanism should rather be kept general and voluntary in nature. An area where views seemed diverse was also the question of denial reporting and its possible details and timing.

Further, delegates expressed differing views regarding the nature of the reporting in terms of items and types of information to be covered, as well as the frequency of reporting. It was also suggested that the information exchange system could be made relative to the States' volume of imports or exports of conventional arms, either through making reporting compulsory only once a States' transfers reach a certain annual level, or that, for example, bigger exporters or importers would have to report more frequently than States whose transfers are statistically smaller. Many participants mentioned the problem of multiple, partially duplicating reporting requirements and said that the reporting mechanism under an ATT should seek to ease, not add to, the reporting burden and fatigue of States. The role of an ISU or a Secretariat as discussed above was also brought up with regard to national reporting as the desirable body to function as the depositary of this information.

Echoing the discussion on the possibility of including ammunition, parts and components and other types of material and equipment in an ATT, it was also noted that the Treaty's scope should not be seen as uniform in its future transparency function. It could be foreseen that an ATT could cover materials for which States would exchange more information, and others with regard to which this information exchange would be less frequent or more limited in terms of detail (for example in the form of annual aggregated data on the number or value of granted licenses). It could also be considered that some information under the Treaty could be made publicly available over the internet, whereas other information could be released only to Treaty members or

exchanged bilaterally. Some of the bigger exporting States in particular have been advocating for the exchange of aggregated data instead of detailed import or export figures, given the number of licenses granted each year and the sheer amount of raw data produced. Many participants also raised questions related to the sensitive nature of the information exchanged and called for a balance between transparency and national defence needs in terms of confidentiality of strategic information.

In addition to periodic national reporting on exports and imports of conventional arms, many speakers stressed the need to exchange other types of information. It was noted that this could include, for example, reporting on national arms transfer legislation and systems, information about national points of contact, and remaining challenges or assistance needs. Some suggested that this kind of background information, which would also serve as an indication of a States' capacity and efforts to implement an ATT, could be exchanged on a one-off basis and updated only when necessary, as opposed to the exchange of statistical information about transfers, which could be conducted on an annual basis.

Further, in relation to transparency and information exchange, 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 exchanged with a delay of one to two years at a minimum. Further this kind of system would help States assess their own Treaty implementation and efforts, as it would establish a right to raise queries or concerns and codify procedures for dealing with problematic or complicated transfer cases. It was also noted that there are limits to the detail in which we can discuss these issues at this stage. Many stressed the importance of national reporting as a transparency mechanism and that this goal should be kept in mind when deciding upon the detail and nature of information to be included in it, while others highlighted considerations of national security and sensitivities which will set limits to the information exchanged.

### **Continuous search for emerging areas of convergence**

As in the other seminars, exchanges of opinion advanced several different ideas, suggestions and diverging views. However, some strong national positions about a Treaty's details aside, there was a firm feeling of wide areas of convergence regarding the Treaty and its goals. Many participants stressed the need to continue working together in different formats and at different levels, to seek solutions to the remaining issues on the table and to learn from each other. The interaction between diplomatic representatives and experts working on practical aspects of export controls, either in national administrations or in private defence companies, was particularly welcomed and it was noted that the negotiation process should seek to benefit from the experience of those who have first-hand expertise in transfer licensing, law enforcement and border controls.

It also seemed clear that there were ultimately many issues in which wide areas of commonality already exist, even though the vocabulary employed may still differ in some cases. The regional-level support to disarmament, security and arms control initiatives in the Americas and the Caribbean is noteworthy, and participants called for

the maximum utilization of these presently existing structures and instruments in building the ATT.

### **Outcome and impact**

The third regional seminar of the project followed its predecessors in fully meeting its goals by resulting in an active exchange of views and expertise, and by being able to identify areas of convergence as well as issues on which further discussions are necessary. It attracted a good level of participation from countries in the whole Americas and the Caribbean, as well as from the host country Uruguay. High level participation by the host country, the United Nations and the European Union further contributed to the success of the seminar and helped attract wide media attention. Both parts of the seminar had close to 100 participants from 28 countries in the region, in addition to international experts, all of whom actively participated in the discussions and many of whom also contributed by making presentations. Interventions by experts were received positively by participants: in the feedback forms anonymously circulated amongst participants, first part participants in particular noted that they were quite familiar with the ATT process and the current stage of discussions already before the seminar, but that the exchanges of views helped them in preparing for the Preparatory Committee meeting in July and in the process more generally. Participants in the first part mentioned discussions on the different national positions with regard to the Treaty's future implementation as especially positive. In the second part, feedback revealed that discussions on transparency measures as well as the practical EU case study were welcomed by the participants. Participants of both parts of the seminar also noted that the event was very useful for them in establishing contacts with colleagues and in improving networking on the subject.

### **Next steps**

Following the regional seminar for the Americas and the Caribbean, UNIDIR is proceeding with the organization of the remaining regional seminars and other activities. The next project activity will be the seminar organized for countries in East Asia and the Pacific, which will be held in Bali on 6-8 June 2011. The results of the Americas and Asia seminars, especially with regard to the ATT's implementation aspects, will be brought to the attention of wider set of stakeholders during the next meeting of the Preparatory Committee in a side event on 13 July 2011 in New York.

In late 2011/early 2012, further regional seminars will be held for countries in East and Southern Africa, the Middle East and Wider Europe. In accordance with the contract, UNIDIR is also continuing with the commissioning of background papers, in close cooperation with the services of the EU High Representative of the Union for Foreign Affairs and Security Policy. These studies, together with the summary reports of the regional seminars and presentations made during the project events, are made available on UNIDIR's website.



EUROPEAN UNION



UNITED NATIONS INSTITUTE  
FOR DISARMAMENT RESEARCH



INDONESIA

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

**Regional Seminar for Countries  
in East Asia and the Pacific**

**6-8 June 2011  
Bali, Indonesia**

**SUMMARY REPORT**

## Table of contents

<b>Introduction .....</b>	<b>68</b>
<b>Seminar proceedings .....</b>	<b>69</b>
<b>Findings and recommendations .....</b>	<b>71</b>
Calls for strong national mechanisms and a system of voluntary capacity-building and assistance	71
Need for a system for dialogue and consultations .....	73
Implementation Support Unit to help Treaty implementation.....	74
Increasing transparency in conventional arms trade through an ATT.....	74
<b>Outcome and impact .....</b>	<b>75</b>
<b>Next steps .....</b>	<b>76</b>

## **Introduction**

The fourth regional seminar of the project “Support the Arms Trade Treaty Negotiations through Regional Discussions and Expertise Sharing” was organized for countries in East Asia and the Pacific<sup>9</sup> and held in Bali, Indonesia on 6-8 June 2011.<sup>10</sup> The seminar was part of the project that UNIDIR has been implementing for the European Union (EU) since July 2010. This project consists of a series of regional events organized in different parts of the world to support the negotiations on the future ATT, scheduled for summer 2012, by ensuring that the process is as inclusive as possible and that States will be able to make concrete suggestions and recommendations on the elements of the future Treaty. The project also aims at supporting all UN Member States to develop and enforce their national and regional arms transfer control systems.

The Bali seminar brought together over 40 representatives from Ministries of Foreign Affairs, Interior, Defence and the Armed Forces from 14 of the 23 States invited from the region (see list of participants in annex B). Several international expert representatives from the UN and regional organizations as well as civil society participated in the meeting by making presentations and contributing to the discussions.

Following the model of the other regional seminars, the event was divided into two parts. The first 1,5 days concentrated on the ATT negotiations, with an overview of the process and the elements of the future Treaty, placing special emphasis on different issues related to the Treaty’s future implementation. Participants had the chance to share their national views on the ATT and its possible implementation system and hear the views of other countries, regional organizations and independent experts. The second half of the seminar was more technical and practice-oriented, and discussed practical arms transfer control systems in the regions in question, challenges in their implementation, and possibilities to improve current systems through coordinated capacity-building and assistance measures.

In this report, UNIDIR presents a summary of the seminar proceedings as well as a collection of its main messages and recommendations. The report is not intended to be a consensus document. It therefore does not necessarily represent the views of all seminar representatives but rather UNIDIR’s understanding of the main outcomes.

Audio files and documents of the presentations made at the seminar are available at [http://www.unidir.org/bdd/fiche-activite.php?ref\\_activite=621](http://www.unidir.org/bdd/fiche-activite.php?ref_activite=621).

---

<sup>9</sup> The States invited were Australia, Brunei, China, Democratic People's Republic of Korea, Federated States of Micronesia, Fiji, Indonesia, Japan, Kiribati, Marshall Islands, Nauru, New Zealand, Palau, Papua New Guinea, Philippines, Republic of Korea, Samoa, Singapore, Solomon Islands, Timor Leste, Tonga, Tuvalu and Vanuatu. In addition, host country Indonesia extended the invitation to all remaining ASEAN member states.

<sup>10</sup> The previous regional seminars of the project were Kathmandu, Nepal, on 10-12 November 2010 for countries in South and Central Asia; Casablanca, Morocco, on 2-4 February 2011 for countries in Central, West and North Africa; and Montevideo, Uruguay, on 27-29 April 2011 for countries in the Americas and the Caribbean.

## **Seminar proceedings**

Like the other regional seminars of the EU-UNIDIR series, the Bali event was a three day activity divided into two parts, which both lasted 1,5 days. The first part was targeted at diplomatic personnel responsible for national policies vis-à-vis an ATT, including national delegates participating in the ATT Preparatory Committee (PrepCom) meetings, while the second half was aimed at technical licensing, security customs and law-enforcement personnel. Unlike in some other seminars, participants of the Bali event mostly participated in the full three days and hence were able to explore both the ATT process and related instruments and concrete national transfer control practices. The main focus of the first half was on the implementation aspects of the future ATT, to support States' preparations for the July 2011 PrepCom meeting. In the discussions, participants were asked to present their views and come up with concrete ideas for the ATT process.

The seminar's opening session was chaired by Dr. Christiane Agboton-Johnson from UNIDIR and it heard official opening remarks by Ambassador Dominicus Supratikto, Deputy Director General for Multilateral Affairs from the Ministry of Foreign Affairs of Indonesia. In her statement, Dr. Agboton-Johnson welcomed all to Bali and thanked the host country Indonesia for its outstanding support for the seminar. In his remarks, Mr. Supratiko echoed his country's commitment to multilateral processes within the UN and underlined Indonesia's interest towards negotiating a truly multilateral and effective Arms Trade Treaty that would bring about a more equal, universal arms trade system. The session also included a statement from H.E. Mr. Julian Wilson, the Head of the EU Delegation to Indonesia, who underlined the importance of regional action in support of international processes, and mentioned specifically the Association of South East Asian Nations (ASEAN) as a potential framework for further discussions. The session also heard two presentations about the ATT process itself. Mr. Taijiro Kimura, the Director of the UN Regional Centre for Peace and Disarmament in Asia and the Pacific (UNRCPD) presented a general overview of developments in the ATT within the United Nations, and Mr. Fred Lubang from the Control Arms Campaign talked about civil society's contribution to the process in the region.

The first working session of the seminar moved to discussing in more detail the different aspects of the ATT. Chaired by Mr. Ted Knez from the Ministry of Foreign Affairs of Australia, the participants first heard a presentation on the remaining questions on the Treaty's possible scope, delivered by Mr. Thomas Wheeler from Saferworld, UK. Both Mr. Wheeler's presentation and the following discussion underlined the importance of including small arms and light weapons (SALW) as a specific category of weapons under an ATT, to combat their illicit trade and diversion and to ensure the Treaty's relevance to states who are not engaged in trade of larger conventional arms. After Mr. Wheeler, Ms. Nathalie Weizmann from the International Committee of the Red Cross (ICRC) presented some considerations regarding the proposed Treaty's transfer criteria and different elements that, in the ICRC's view, should be considered when negotiating this part of the Treaty in 2012. Many participants underlined the right of states to self-defence and self-determination, and noted that the Treaty's transfer criteria should be clear, focused, feasible and objective. The last presentation of the session was an introduction to the main theme of the seminar: implementing the future Treaty. Some key considerations on this, especially from the point of view of Japan, were presented by Mr. Masaru Aniya from the

Japanese Ministry of Foreign Affairs.

Following the successful model of the other regional seminars, the second and third sessions were devoted to national and regional views on the implementation of the Treaty, with presentations from regional organizations and participating States. Chaired by Mr. Daniel Tumpal Simanjuntak from the Ministry of Foreign Affairs of Indonesia, it heard a regional presentation from the Secretariat of the Pacific Islands Forum (PIF), delivered by Ms. Lorraine Kershaw. Mr. Fabio Della Piazza from the European External Action Service (EEAS) presented some outstanding issues and the overall EU perspective to the future implementation mechanism of the ATT. Presentations were followed by a question-and-answer session and general discussion. The importance and potential of ASEAN in particular was brought up as a potential platform for regional cooperation in security policy related matters.

The last session of the day was chaired by Mr. George Hoa'au from the Ministry of Foreign Affairs of the Solomon Islands. During the session, participants from China, Fiji and the Philippines shared their national views about the future implementation of the Treaty and highlighted some priority areas and key concerns regarding the practical functioning of the proposed ATT.

The morning of the second day was devoted to three simultaneous working groups, in which participants were asked questions specifically related to the implementation of the future ATT. As in the Montevideo seminar, questions on the table included participants' views on the minimum requirements for an effective national export control system and whether they were already in place. Participants were also asked which international implementation mechanisms for an ATT they could envision, and how compliance with the Treaty could be monitored. Further, working groups discussed the possible mechanisms of information exchange and transparency, peer reviews, dispute settlement and consultancy mechanisms. Finally, groups were asked about the role of international assistance and cooperation in implementing the ATT.

The purpose of the working groups was not to arrive at any commonly agreed outcomes but rather to exchange views, concerns, experiences and to make suggestions. After these sessions, the results of the discussions were presented at the Plenary, where the rapporteurs of the separate groups expressed some main conclusions, including recommendations for the ATT process. The first part of the seminar was brought to a close with statements by Dr. Agboton-Johnson and Ms. Elli Kytömäki of UNIDIR, Mr. Fabio Della Piazza from the EU, and Mr. Daniel Tumpal Simanjuntak from the Ministry of Foreign Affairs of Indonesia.

After lunch it was time for the second part of the seminar, which was more practice-oriented and examined some current and possible future arms transfer control systems at national, regional and international levels. With brief introductory remarks from the chair, Mr. Kimura from the UNRCPD, the seminar proceeded directly to an overview of regional systems in Asia and the Pacific to regulate conventional arms trade, with a presentation on the PIF Secretariat's mechanisms to promote security and arms transfer controls in the Pacific. A second presentation was delivered, again from the EU's point-of-view, by Mr. Henrik Brethauer from the German Federal Office of Economics and Trade. The session concluded with general discussion and exchange of views.

Following the Montevideo seminar structure, the final session of the day, chaired by Mr. Febrian A. Ruddyard from the Ministry of Foreign Affairs of Indonesia, looked deeper into establishing effective national and regional arms transfer control systems, both from State and industry point-of-view. First, Ambassador Paul Beier from the Ministry of Foreign Affairs of Sweden talked about general legal aspects of establishing and enforcing comprehensive controls. Then, Mr. Feng Wang from the State Administration of Science, Technology and Industry for National Defence of China introduced his country's national arms transfer control practices. Finally, the session heard a presentation on "Industry's experiences in arms transfer controls – working under effective national regulations", delivered by Mr. Adik Avianto Soedarsono, the President Director of PINDAD Indonesia. In the evening, Indonesia hosted a dinner for all seminar participants, accompanied by a cultural programme.

The final day commenced with a session on improving accountability and transparency of conventional arms transfers. Chaired by Ambassador Beier from Sweden, the session heard presentations about the role and functioning of UN transparency mechanisms by Mr. Kimura, about the annual export reporting of the EU, by Mr. Brethauer, and about the experiences of the Republic of Korea in transfer controls of conventional arms, delivered by Mr. Hyungeun Ko from the Defence Acquisition Programme Administration of the Republic of Korea. Most of the final day was then devoted to examining three hypothetical case studies, prepared and presented by EU experts and UNIDIR. Divided into three groups, participants discussed different scenarios and issues to be taken into account when considering export, import or transit licensing in these different scenarios which involved exports of SALW, ammunition and other defence materials. Specific aspects covered included proportionality of requests vs. states' legitimate security and defence needs, brokering controls, end-user assurances, problems related to re-export of weapons and technology transfers.

At the last session of the seminar, the results of the case study working groups were brought together by a general run-through of all the cases and a recapitulation of the most central points that were considered in each of them. The formal closing session was chaired by Dr. Agboton-Johnson, and heard summary remarks of the full seminar by Ms. Kytömäki as well as official closing remarks by Mr. Della Piazza from the EU and Mr. Simanjuntak from the Ministry of Foreign Affairs of Indonesia, who delivered the host country views on the seminar. All speakers in their closing remarks thanked participants for their active and open input to seminar discussions and underlined the usefulness of the activity, both in terms of raising awareness about the ATT process in the region and in supporting the process towards the Treaty negotiations in 2012, making sure it will be well-informed and inclusive.

## **Findings and recommendations**

### **Calls for strong national mechanisms and a system of voluntary capacity-building and assistance**

Negotiating an international legally binding Treaty, which would establish the highest possible common international standards for the transfer of conventional arms, will require the participation of all relevant parties at national, regional and international levels. The primary role of states, whether exporters or importers or both, cannot be overlooked. In addition, in order to be effective, many participants stressed that an ATT

should not be seen as an exporter's Treaty, but that it should instead be relevant to both importer and exporter states, take the equal rights of States into account and be universally applied. As many of the countries in Asia-Pacific are mostly importing conventional arms, the seminar heard active discussion about practical cases of complicated or problematic transfers, where a more universal platform for discussing arms trade contracts would have been needed, and where, from an importer's point-of-view, the added value of an ATT could lie.

During the seminar, several presentations were made about existing national arms transfer control systems in different countries in the regions. Many speakers addressed the minimum necessary technical national structures that will have to be put in place and maintained to implement effective transfer controls. Specifically, the second half of the seminar the issues which should be taken into account when exporting, importing, transferring or re-exporting weapons, and concluded that while the main structures such as general legislative framework and national control lists are already in place in most countries in East Asia and the Pacific, much more needs to be done. The primary responsibility of states to develop and enforce control mechanisms was underlined, both at present and under the future ATT.

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 an Arms Trade Treaty should not try to establish a "one-size-fits all" solution to transfer controls in any given situation. Rather, a Treaty should be more about "what" needs to be put in place as a kind of floor of controls: what are the necessary structures that should be put in place and what procedures should be followed, irrespective of whether a country is a big importer or exporter of weapons, or affected by trade through transfers. It was noted that no matter what the details of the Treaty will be, equal rights and responsibilities of all states have to be accounted for. It seemed that the participants cautioned against an ATT which enters into details of "how" these necessary structures should be formed. The "how"-part of national controls was largely seen to be an internal issue subject to each country's national legislation, regulations and needs, and something that should not be dealt with by an international ATT.

While some of the smaller states that participated in the seminar were quite positive and optimistic about their ability to introduce and enforce effective controls based on their particular needs, many also called for an ATT to establish a system of international or bilateral assistance. It seems that the provision of assistance should however remain voluntary and up to the parties concerned. It should always maintain mutual respect of parties involved, aim at building the recipient states' own capacity and be tailored to each specific case in question. Issues where capacity-building and assistance were noted to be needed in the future under the ATT included, inter alia, updating legislation (especially widening it to include transit controls) and creating model laws, improving stockpile management and modernizing border and customs control systems, which in some cases are currently merged and maintained more for fiscal purposes rather than specifically to control arms. Also, victim assistance was mentioned as a possible area in which an ATT could contribute to fighting illicit arms trade and its negative consequences, even if this undoubtedly would be difficult. This was noted to be primarily the responsibility of exporting states. The issue of technology transfers was discussed in particular in relation to states' capacity-building and some participants

noted that mechanisms related to this could maybe be used as incentives for developing states to join the ATT.

The role of an international body in facilitating matching needs to resources was raised and participants generally seemed positive about such a clearing-house, which could help to channel requests and offers of assistance. Some also touched upon the issue of Treaty compliance, and pointed to the important difference between non-implementation and non-compliance. It was noted that non-implementation of a Treaty can depend on several issues, including lack of capacity to fulfil all its requirements or objectives. It should therefore not be seen as a synonym to non-compliance as a deliberate violation. Some thought was also devoted to exploring how an assistance and capacity-building mechanism could be used as an incentive for states to join the Treaty.

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

In addition to national systems, the seminar also addressed the possible international mechanisms that could or should support the implementation of the ATT. In terms of the institutional system, the possibility of having some kind of mechanism for dialogue or consultation between importer and exporter states was particularly discussed in some detail. Many participants saw the possibility of thus increasing transparency and dialogue through an ATT as one of its most prominent aspects.

During the discussions, views were exchanged as to what a consultation mechanism would mean, how it could function and what the benefits would be. It was noted that this could be a practical system that would allow all involved parties to make well-informed and solid decisions by linking all relevant actors under a common umbrella of an ATT by encouraging networking with colleagues both domestically and abroad. This way, unpleasant cases of transfer denials could also perhaps be avoided through forming more transparent and mutually supported communication structures. It seemed that most participants were in favour of having a more profound bilateral dialogue between trade partners early on in the licensing/purchasing process in order to ensure a smooth and mutually efficient progress of negotiations. Some examples from the recent past were brought forward in which the first importing state in particular felt that it could have benefited from a more thorough and regular information exchange with the exporter, and wishes were expressed that, through being a norm-setting document, an ATT could improve the situation by formalizing these talks. It was observed that a pre-authorisation/delivery dialogue would be more efficient and politically sustainable than establishing a formalized platform of post-transfer consultations. The possibility of establishing a forum to discuss transfer denials under the ATT was also addressed, with some supporting voices and other remarks of caution. The sovereign right of every state to decide to either grant or refuse licenses was not contested, and this was one of the primary reasons advanced against a formalized forum to contest denied transfer licenses.

Participants also went further in discussing a possible peer review system and a mechanism of dispute settlement, which could form part of the new international arms transfer control framework. Many argued strongly in favor of such mechanisms, as they could provide a platform where concerns or dissatisfaction beyond single transfers could be raised in a public forum. However, as in many of the issues, many other participants expressed caution towards such a system, especially with regard to its practical applicability and functioning. Generally, bilateral consultations among

importers and exporters throughout the transfer process were encouraged, and it was noted that an ATT could facilitate such relations, for example through its requirement to establish national contact points.

It was also noted that while the Treaty's main elements, such as transfer criteria, will have to be defined at an early stage in the negotiations, a follow-on system of consultations and dialogue could help develop its norms de facto by creating supporting guidelines and through establishing good and acceptable practice.

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

Discussions during the seminar concentrated mostly on the implementation aspects of the future ATT. All participants that took part in the implementation discussion seemed to be calling for a practical, effective and implementable ATT. In addressing the possible elements that could be introduced at international level to facilitate Treaty implementation, most participants were also in favor of having some kind of institutional follow-up system – a Secretariat or an Implementation Support Unit (ISU) - as part of the Treaty in addition to a system of dialogue. Many called for such a body, if established, to be strong, independent and efficient. Some discussion was devoted to what duties this body could undertake, what it would be composed of and where it would be based.

Views regarding an ISU's functions varied from a quite limited supporting role of compiling national reports, assisting in organizing meetings of States parties, or channelling assistance offers and requests, to suggestions of an ISU which would have investigative powers and ensure a non-discriminatory application of the Treaty. While some participants called for the utilization of existing structures such as the UN Office for Disarmament Affairs (ODA) as a potential host for an ISU, others cautioned against the risk of overburdening UN Member States through their current fiscal commitments towards assessed contributions for the UN system and called rather for any ISU to be formed as an independent body, funded by the voluntary contributions of Treaty members. Overall, a review system facilitated by an ISU was very much welcomed as an element of the future Treaty to ensure that it is not something written in stone but instead something that can be modified and developed as situations and technologies change.

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

In addition to the consultation aspects, one central theme in the discussion on implementation was transparency. This was touched upon most prominently with regard to the possibility of having regular national and/or regional reporting under the future ATT. Participants discussed both reporting on implementation of the Treaty (steps taken to ensure compatibility and effective functioning of the Treaty requirements at a national level) and statistical reporting about transfers of arms themselves that would fall under the scope of the Treaty. Most participants seemed to favour some kind of national reporting on both these aspects, even though detailed views as to the type of information exchange and the frequency of information exchange varied. In general, it seems that reporting on implementation steps could be done on a less frequent/ad hoc basis whenever states have some developments to report, whereas statistical reporting on exports, imports or transfers could be conducted on a regular basis, for example annually.

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, without, however, sacrificing the value that such an information exchange would give to the ATT.

Some noted that reporting under the UN Programme of Action on SALW, the UN Register of Conventional Arms (UNRCA) and regional instruments could function as models or sources of inspiration for ATT reporting also. Challenges related to the comparability of data were highlighted, as common reporting categories were seen by many as the basis for a functioning transparency system, but the experience in other instruments has shown that this has many practical and political challenges, ranging from definitions of weapons in national control lists to time of recording of the relevant data and reporting. Many participants called for some level of standardized reporting to allow analysis and monitor trends in arms trade overall. When discussing what specific information could be exchanged, many also called for the need to balance between national security concerns and the need for transparency. The level of detail of, for example, national reports under an ATT was debated and it seemed that quite general categories of weapons and equipment and aggregated data rather than pre-determined detailed categories seemed more acceptable to participants. Possibilities of different types of reporting for different items were also discussed.

While generally in favor of some kind of statistical reporting mechanism, many participants cautioned against exchanging information about the number or details of denied licences, both because of political reasons and in order to avoid undercutting. Some did, however, mention that as information on licence denials is important for other exporters' licensing decisions it could indeed be exchanged, but only among exporters rather than in a universal forum.

Some suggestions were made regarding an electronic system of information exchange, which could facilitate transparency under an ATT and also help states avoid reporting fatigue. Regional reporting or a mechanism whereby regional organizations could facilitate the gathering of data related to issues subject to national reporting were also explored, and some initiatives are currently underway in this regard, in the Pacific Islands Forum area, for example. While national reports under an ATT will probably have to be formally submitted by states themselves, regional bodies could, upon states' request, possibly undertake a larger role in facilitating this information exchange and in coordinating information submitted under different, relevant instruments.

### **Outcome and impact**

The Bali seminar was successful in meeting its goals and in securing a good level of participation from the target countries, especially given the wide geographic area which the activity covered. Both parts of the seminar had over 40 participants from 14 countries in the region, together with international experts, all of whom actively participated in the discussions and many of whom also contributed by making presentations.

The high-level participation and strong support of the host country, together with the United Nations and the European Union, further contributed to the success of the

seminar and helped attract media attention. Interventions by experts were positively received by participants: anonymous feedback forms were returned by almost all participants, in which an overwhelming number of participants thanked the event for having been informative and for having increased their knowledge on both different national arms transfer control systems and the Arms Trade Treaty initiative. Participants in the first part mentioned the possibility to learn about each other's regulative frameworks and views regarding priority areas in the implementation of the future Treaty as particularly positive. Based on the feedback received, participants in the second part (most representatives took part in both halves of the event) particularly appreciated the possibility to examine practical arms transfer cases through the three case studies presented by EU experts.

### **Next steps**

Following the regional seminar in Bali, UNIDIR will prepare a side event on the project, to be organized in the margins of the July PrepCom. The lunchtime event, which will be held on the 13th July 2011, will present the results of the past two regional seminars to the project's wider target audience, especially as they relate to the implementation aspects of the future Treaty.

The remaining activities of the project include seminars for countries in East and Southern Africa, the Middle East and Wider Europe, which will be held after the PrepCom, between later in 2011 and beginning of 2012. The project will close with a final seminar which will bring together the findings of the whole series of regional events and which will be organized before the ATT Negotiating Conference.

In accordance with its role in bringing substantive knowledge to UN Member States, UNIDIR is also continuing with the commissioning of background papers, in close cooperation with the relevant EU services. These studies, together with the summary reports of the regional seminars and the presentations made during the project events, are made available on UNIDIR's website once finalized and are also distributed at the project events.



**UNITED NATIONS INSTITUTE  
FOR DISARMAMENT RESEARCH**



**EUROPEAN UNION**

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

**Lunchtime side event**

**MESSAGES FROM THE SEMINARS  
IN THE AMERICAS AND ASIA-PACIFIC**

**13 July 2011  
New York**

**SUMMARY REPORT**

## **Introduction**

The project “Supporting the Arms Trade Treaty Negotiations through Regional Discussions and Expertise Sharing”, which UNIDIR is implementing for the European Union,<sup>11</sup> consists of a series of regional seminars and other activities to promote the Arms Trade Treaty (ATT) process and reinforce states’ capacity for effective arms transfer controls. As part of the project, UNIDIR organized a side event on 13 July 2011 in the margins of the third meeting of the ATT Preparatory Committee (PrepCom). The purpose of the meeting was to provide an update on the project mainly by sharing the results of its two most recent regional seminars with all relevant stakeholders gathered in New York for the PrepCom. It was also an occasion to discuss substantive elements relating to the implementation aspects of the future Treaty, especially as they relate to possible transparency measures that could be introduced at the national, regional and international levels. Presentations made at the event highlighted key messages from the regional seminars held in Montevideo for the Americas and the Caribbean, and in Bali for countries in Eastern Asia and the Pacific. Participants also heard an intervention specifically related to the possible national reporting mechanisms that could be included in an ATT. The event, held with simultaneous interpretation in English and Spanish, was attended by almost 90 representatives of governments, international and regional organizations and civil society, and received positive feedback from the target audience.

The agenda of the side event is included in the annex, and presentations made during the event are available on UNIDIR’s website at <[www.unidir.org/bdd/fiche-activite.php?ref\\_activite=631](http://www.unidir.org/bdd/fiche-activite.php?ref_activite=631)>.

## **Chair’s welcoming remarks and introduction**

The seminar was chaired by Dr. Christiane Agboton-Johnson, Deputy Director of UNIDIR, who in her welcoming remarks noted UNIDIR’s long-standing active involvement in the ATT process and gave an overview of the current EU–UNIDIR project and other, related activities ongoing at the Institute on the ATT. In addition to supporting the ATT process, UNIDIR with its activities aims at enlarging and deepening the discussions on peace and security, linking international debates with realities on the ground and bringing new issues to the table. With its ATT project, UNIDIR hopes to contribute to the PrepCom process by nurturing interaction between national-, regional- and international-level actors across policy fields.

## **Regional views from the Americas and the Caribbean**

The messages from the regional seminar held on 27–29 April 2011 in Montevideo, Uruguay, for countries in the Americas and the Caribbean were delivered by Mr. Federico Perazza, Minister from the Permanent Mission of Uruguay to the United Nations in New York. He noted that the Montevideo seminar was a timely and welcomed activity, which enabled the Americas as a region to come together before the PrepCom to discuss implementation of the future ATT. The seminar brought together close to 70 representatives from Ministries of Foreign Affairs, Interior and Defense, and the armed forces from 28 of the 35 states in the region, together with expert

---

<sup>11</sup> The project was established by a decision of the Council of the European Union entitled “EU activities in support of the Arms Trade Treaty, in the framework of the European Security Strategy”, 2010/336/CFSP, adopted 14 June 2010.

representatives of international and regional organizations, the United Nations and civil society. Mr. Perazza noted that as a region the Americas is actively involved in the ATT process and the existence of many regional instruments, such as those developed by the Organization of American States (OAS), demonstrate the importance of security and arms control initiatives to the region. While states in the Americas and the Caribbean share many views regarding the ATT, differences in opinions and priorities do exist. This was evident in the discussions during the Montevideo seminar, where most participants called for a comprehensive scope, which would specifically include small arms and light weapons (SALW), and a variety of objective parameters to be included in an ATT. However, others voiced concern regarding expanding the application of the Treaty too much and rather recommended it to be kept short and simple. In the implementation discussion, the primary role of national-level action and the rights and responsibilities of states were underlined by many. During the first two days of the seminar, states exchanged views about the political aspects of the implementation of the future Treaty, while the last day of the seminar elaborated the necessary national structures to implement effective transfer controls.

As Mr. Perazza noted, almost all participants of the Montevideo seminar seemed to support having some kind of institutional follow-up system as part of the Treaty. In this, the possibility of having an Implementation Support Unit was raised, and participants exchanged views on its potential roles, structure and financing. Also, meetings of States Parties and Review Conferences to facilitate implementation were discussed. The importance of national reporting as a means to increase transparency in conventional arms transfers was stressed during the seminar, even though delegates expressed differing views regarding the voluntary or compulsory nature of this reporting, and what it could or should cover.

### **Key outcomes of the seminar in Eastern Asia and the Pacific**

Implementation aspects of the future ATT were the main topic at the seminar held in Bali on 6–8 June 2011 for countries in Eastern Asia and the Pacific. The outcomes of the seminar were shared by Mr. Fikry Cassidy, Minister Counsellor from the Permanent Mission of Indonesia to the United Nations in New York. In his remarks, Mr. Cassidy welcomed the initiative by the European Union and UNIDIR to organize a regional event in Bali, co-hosted by Indonesia, to touch upon some of the central issues around the future ATT. He said that it is the firm view of Indonesia that the opinions of all states and regions should be listened to in the process towards an ATT, and that regional events are a welcomed addition to discussions ongoing at the United Nations. The Bali seminar was timely not only because it was part of the preparations for the third PrepCom meeting, but also because the arms trade is an important issue that directly connects to the issue of peace and security in the region. As Mr. Cassidy noted, there are still many divergent views regarding implementation of the future ATT. He pointed out that the seminar reinforced the fact that the ATT should not be addressed only from the political point-of-view but also practical implementation aspects should be considered, and practitioners who deal daily with transfer control cases should be heard in the process towards the Treaty.

Mr. Cassidy also pointed out that many participants at the Bali seminar called for a more equal treatment of arms importers and exporters in the future ATT. The Treaty should not be seen only as an exporters' agreement or an instrument that would allow

exporting states to set the rules for the arms trade, but rather be a truly universal document that would help empower importing states on an equal footing with exporters and recognize the right of all states to self-defense, national manufacturing of arms and territorial integrity. In the lead-up to the ATT negotiations in 2012, more comprehensive discussion on these aspects of the Treaty are needed. Mr. Cassidy also referred to the discussions at the Bali seminar about the purpose and goals of the ATT in establishing high, common international norms for the trade in arms, especially to prevent the diversion of weapons from the legal to the illicit trade and avoiding the use of illegal weapons in crime, terrorism and conflicts. He expressed the hope that the outcomes of the Bali seminar would feed into the PrepCom process and that the future Treaty will take into account not only the commonalities but also the different regional settings and priorities of states in arms trade.

### **Remarks from the European Union**

Ms. Annalisa Giannella, Director for Non-proliferation and Disarmament at the European External Action Service, delivered remarks on behalf of the European Union. She concentrated on the current project and some central aspects concerning the ATT initiative from the point of view of the European Union, stressing the need for the Treaty to be negotiated and developed through a genuinely participatory process. She noted that while some significant convergence of views has emerged among the UN Member States within the past year, significant and complicated issues still remain to be tackled. In the lead-up to the 2012 negotiations, an open and solution-driven debate is needed that will aim at identifying constructive and viable compromises. In this, Ms. Giannella highlighted especially the importance of bringing into the international debate relevant national experts, to help ensure that the ATT will be implementable by those who are in charge of the daily work in the control of arms transfers. Such experts have been among the participants of the EU–UNIDIR regional seminars. Finally, Ms. Giannella ensured all participants of the European Union’s continued support for next year’s PrepCom and the intersessional period, and the European Union’s readiness to engage in a continued dialogue with all states.

### **Transparency measures in implementing an ATT: focus on national reporting**

As the final speaker, Ms. Elli Kytömäki, Project Manager of the EU–UNIDIR project, discussed the possible transparency measures that could be included in the future ATT. She noted that in the ATT discussions, the reasons for having transparency measures have included the need to monitor and improve Treaty implementation; build confidence between relevant parties and identify general trends in the conventional arms trade. As Ms. Kytömäki noted, several possible transparency measures for the Treaty have been suggested, such as regular national reporting, other forms of information exchange, consultations, networks of contacts, peer review mechanisms, dispute settlement and national record-keeping requirements. In her remarks Ms. Kytömäki concentrated on national reporting. She suggested that an ATT should include two types of reporting: information exchange on states’ national implementation mechanisms, such as the establishment and updating of regular laws and regulations; and information exchange about actual transfers of arms that will fall under the auspices of the Treaty. By discussing each of the two possible reporting types in detail, Ms. Kytömäki addressed issues such as what information could be included in these reports, how frequently they should be submitted, to whom and how, as well as how the reports could

be utilized to ensure that the transparency measure fulfils its purpose. She noted that transparency measures should by no means be confused with implementation itself—not everything to be included in the ATT would have to be subject to a similar level of transparency.

Further, Ms. Kytömäki noted that the balance between transparency and national security concerns should always be respected. She also raised the issue of “reporting fatigue”, which has negatively affected the frequency and quality of reporting in several transparency systems, and encouraged states to think about using a reporting format that would utilize synergies with other similar mechanisms. She also pointed to further exploration of possibilities of electronic reporting, regional reporting and nil reporting.

Finally, Ms. Kytömäki turned to the issues related to the ATT’s possible transparency measures that most require further discussion. She noted that while most states seem to be in favor of some kind of transparency mechanism, the exact nature and level of detail of reporting remains to be decided. Once the Treaty is in place, states should think about possibilities to update and modify the transparency mechanism, when deemed necessary.

## **Discussion**

The presentations were followed by a series of questions and comments from the floor, both relating to specific aspects presented by the speakers and to the ATT process generally. Points were raised about the future transparency mechanism that could be included in the ATT, and participants pointed to the ATT’s links with existing reporting instruments, different levels of transparency and the issue of import reporting as separate from information exchange on exports. Some pointed to the need to ensure balance between transparency and national security considerations and called for more elaboration on this aspect when developing the national reporting system. The topic of “reporting fatigue” was raised again and it was noted that many states have already committed themselves to information exchange and statistical reporting under regional and subregional instruments. The future ATT should therefore take into account these existing systems and avoid overlapping and duplicating states’ current reporting requirements. Regional organizations, civil society and academic institutions were noted to be important partners in assisting states both in their reporting efforts and in ensuring the effective utilization of the exchanged information. Questions were also raised about the best way forward in the ATT process between the last PrepCom sessions, and it was noted that further national and regional meetings should be organized to keep the momentum in the process and to ensure that all relevant national actors get the change to become informed and involved in the discussions.

## **Results**

The side event attracted a high level of interest among the PrepCom participants and proved successful. Its timing during the third meeting of the PrepCom proved advantageous and helped keep momentum around both the event and the EU–UNIDIR project as a whole. Many participants, who have attended the regional seminars and our previous side events, were present, which shows continuity and commitment on the part of the different stakeholders. Despite several simultaneous events in the margins of the PrepCom, almost 90 representatives of states, international and regional organizations

and civil society came to listen to the presentations and participate in the discussion. High-level participants and experts from the regions where project activities had been held contributed to the success of the event. Adding a thematic presentation on transparency to the regional statements proved advantageous as it linked the project with the ongoing PrepCom discussions and also further highlighted the outcomes of the regional seminars. It was also a good opportunity for the seminar host states to express their views and priorities. In this regard it was especially advantageous to have the event with simultaneous English and Spanish interpretation, as the event was attended by several Latin American delegations. The discussion and many questions that followed the presentations revealed participants' great interest in the project, and UNIDIR was approached after the event by several delegates. Summary reports of the previous regional seminars and other project materials were distributed to all participants on USB keys and in hard copy (the Montevideo and Bali reports in English, and the assistance and cooperation background paper in English and in French).

### **Next steps**

Following the side event, the ATT team at UNIDIR will concentrate primarily on the commissioning of the last background research papers and follow-up their completion. All the background materials, together with documents and audio recordings of the project activities will be made available on UNIDIR's website.<sup>12</sup> UNIDIR will also proceed, in accordance with Council Decision 2010/336/CFSP, with the organization of the three remaining regional seminars and other activities, which will take place between October 2011 and May 2012. The next side event will be organized in the margins of the UN General Assembly's First Committee Meeting in October.

---

<sup>12</sup> See <[www.unidir.org/att](http://www.unidir.org/att)>.

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

### **MESSAGES FROM THE SEMINARS IN THE AMERICAS AND ASIA-PACIFIC**

**Wednesday, 13 July, 1.15–2.45 pm**  
**Conference Room 1 United Nations, New York**  
(Sandwich lunch served in the West Delegates Lounge at 12:45 pm)

## **AGENDA**

### **Chair's welcoming remarks and introduction**

Dr. Christiane Agboton-Johnson, Deputy Director, UNIDIR

### **Regional views from the Americas and the Caribbean**

Mr. Federico Perazza, Minister, Permanent Mission of Uruguay to the United Nations, New York

### **Regional views from Eastern Asia and the Pacific**

Mr. Fikry Cassidy, Minister Counsellor, Permanent Mission of Indonesia to the United Nations, New York

### **Remarks from the European Union**

Ms. Annalisa Giannella, Director for Non-proliferation and Disarmament at the European External Action Service

### **Transparency measures in the implementation of an ATT**

Ms. Elli Kytömäki, Project Manager, UNIDIR

### **Discussion**

The seminar was held with simultaneous interpretation in English and Spanish.



UNITED NATIONS INSTITUTE  
FOR DISARMAMENT RESEARCH



EUROPEAN UNION

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

**KEY ISSUES FOR THE ARMS TRADE TREATY  
NEGOTIATIONS**

Monday, 17 October 2011  
13:15–14:45  
Conference room A, United Nations, New York

**SUMMARY REPORT**

## **Introduction**

Since July 2010, the United Nations Institute for Disarmament Research (UNIDIR) is implementing a project for the European Union (EU), entitled “Promoting the Arms Trade Treaty negotiations through regional discussion and expertise sharing”. The project consists of a series of regional seminars, commissioned research and other support activities, such as side events held in the margins of United Nations meetings.

On 17 October 2011, UNIDIR held a lunchtime event as part of its contribution to the debate of the United Nations General Assembly’s First Committee. Given that the Preparatory Committee (PrepCom) process of the ATT Negotiating Conference of July 2012 is at its final stages, the side event concentrated on discussing some of the key issues that are on the table for the ATT negotiations. It presented two background studies that UNIDIR is commissioning as part of its ATT project: one on the possible inclusion of ammunition in the future Treaty and another one looking at technology transfers as a possible type of activity to be covered.

The event was open to all interested parties and attracted a wide audience: around 110 representatives from permanent delegations, United Nations agencies, international organizations and civil society listened to the presentations and participated in the discussion. This report presents a summary of the presentations made at the event as well as an analysis of ideas and recommendations put forward during its discussions. It reflects the impressions and views of the organizers at UNIDIR, based on our account of the proceedings and exchanges of views.

## **Summary of proceedings**

The lunchtime event was chaired by Dr. Christiane Agboton-Johnson, Deputy Director of UNIDIR. In her welcoming remarks, Dr. Agboton-Johnson welcomed everyone to the meeting and explained briefly the goals and objectives of the EU–UNIDIR project and the side event. As Dr. Agboton-Johnson recalled, the current activities are follow-on to a project that UNIDIR implemented for the EU in 2009 to 2010 and that also consisted of regional events, discussions and background research. The sense from those seminars was that more discussion of the different aspects of an ATT was needed, and therefore the follow-on project was developed with an element of background research. As part of the project, UNIDIR is commissioning up to 12 background papers from research institutes and individual experts, focusing on some key relevant aspects of the project and the regional seminars. Examples of already commissioned research include papers on the scope of the future Treaty in terms of weapons and equipment; on what implications international law has on the future ATT; on developmental aspects of arms transfers; and on international assistance and cooperation mechanisms of the future Treaty. Dr. Agboton-Johnson noted further that some of the background studies, such as the ones to be presented at the side event, are mostly theoretical and global in scope, and while building on national and regional good practices they attempt to make recommendations for the ATT process as a whole. Other papers then again have been developed specifically for a particular region, keeping in mind the goal of the project: “supporting the ATT negotiations through regional discussions and expertise sharing”.

As a conclusion, Dr. Agboton-Johnson introduced the two speakers and noted that both studies presented at the side event are still work in progress—comments and suggestions regarding their content and recommendations would be most welcome.

The first presentation was delivered by Mr. Roy Isbister from the non-governmental organization Saferworld. Mr. Isbister introduced a paper that Saferworld is preparing for UNIDIR on the possible inclusion of ammunition in the scope of an ATT. At the outset he noted that there are different opinions on how to address ammunition in the future Treaty, and that most, but not all, states are very supportive about their inclusion. In his talking points, Mr. Isbister concentrated on two key questions: first, whether the scope of the future Treaty should include ammunition; and second, if so, how ammunition in the future ATT should be treated in terms of reporting and transparency. Before embarking on these questions, Mr. Isbister briefly discussed the definition of ammunition, and noted that there currently exists no generally accepted definition, so it is up to the participants to decide what is meant with the term, for example whether it would also include parts and components, bombs, grenades or missiles. In Mr. Isbister's view, a comprehensive approach drawn from existing practice at the national level would be the most desirable solution.

Turning to the question about the desirability of including ammunition in the future Treaty's scope, Mr. Isbister recalled the goals and objectives of an ATT and noted that in order for those to be met, the inclusion of ammunition is of crucial importance. Referring to some sceptical remarks made about the feasibility of including ammunition, he noted that most states already regulate their international ammunition transfers as standard practice and apply the same standards to ammunition that they do to arms. It has been suggested that attempting to control the billions of rounds of ammunition that are shipped each year is an impossible task. Commenting on that, Mr. Isbister noted that existing practice suggests that it is not problematic and that licensing international transfers of ammunition is manageable.

A related argument against including ammunition has been that marking and tracing billions of individual rounds is impractical. Again, Mr. Isbister recalled that an ATT would not establish unique markings on individual rounds; it would only aim at ensuring that no international transfers of items falling within the scope of the future Treaty take place without first being considered and approved by a competent governmental authority. He also argued against the scepticism expressed towards the inclusion of ammunition based on the previous experience of the United Nations Programme of Action on SALW (PoA) and the United Nations Conventional Arms Register (UNRCA) by noting that an ATT would be a new type of instrument, designed for a different purpose than the PoA or the UNRCA—hence its coverage could and should be different.

Turning to the second main point of his presentation—transparency and reporting—Mr. Isbister noted that, in principle, ammunition should be subject to similar reporting requirements as arms and other items falling under the future Treaty. In his view, reporting creates the possibility for accountability, and there is no less need for accountability for decisions about international ammunition transfers than for international arms transfers. Further, a significant number of states, including EU member states and the United States, already report on their international ammunition transfers

To those who argue that reporting on ammunition would be too burdensome, Mr. Isbister noted that the level of burden depends on what exactly is being reported on. As

ammunition reporting will be aggregated, its volume is not foreseen to be more than about 5% of national reporting. In Mr. Isbister's view, the main challenge for states that do not report at the moment will be to get the systems and processes up and running to report in the first place, not the extra work involved in reporting on ammunition.

Regarding concerns raised regarding military sensitivities related to ammunition reporting, Mr. Isbister recalled that, realistically, ATT reporting will happen with a delay of 1–3 years. As a consumable good, the strategic meaning of ammunition is much more time sensitive: reporting about transfers that happened some years ago are not likely to be of strategic importance or a threat to national security. Further, he noted that data could be reported on quantities or values in ways that can protect against giving away too much information. This also applies to concerns about possible commercial sensitivities and concerns that reporting would reveal some crucial information about competitors' pricing or other details. According to Mr. Isbister, the minimum information to be included in ammunition reporting would cover the number of transactions (authorizations or actual deliveries), the country of end-use, and some kind of categorization of the type of ammunition transferred. Here, the categorization needs to be reasonably specific and the information should include some indication of the size of the transaction, either in quantity or by value.

To conclude, Mr. Isbister noted that in his view there is some unnecessary confusion over the question of why ammunition should and how it could be included in the ATT. Due to the devastation caused by ill-advised ammunition transfers, the inclusion of ammunition in the future Treaty is of paramount importance, and should be strived for despite the practical problems that some states have claimed to be posed by expanding the future Treaty's scope.

The second presentation was also about the scope of an ATT: Mr. Vadim Kozyulin from the Centre for Policy Studies in Russia (PIR Centre) discussed challenges related to effective controls of transfers of defence technology both with regard to large conventional weapons and small arms, and presented some ideas about how this issue could be addressed in an ATT. He started by referring to early technology transfers during the Cold War era, when both the Soviet Union and the United States tried to extend their area of influence by helping their allies to develop their defence industries through transfers of technology and know-how. Since the end of the Cold War, the number of producing states has further increased, and in today's world we see a multiplicity of sources of defence technologies for both advanced and developing countries. Challenged by a global economic downturn, many states have in recent years been forced to cut down their military budgets and to find new solutions to simultaneously meet defence needs and budget cuts. One way is to develop new defence technologies in cooperation with other parties. While the partnership sometimes is between equally developed countries, these deals have also brought up again a Cold War-type of partnership, where one side provides funding while another side contributes knowledge and skills. This allows the financial partner to quickly pass through the new technology lessons and to get full capacities in implementing as well as creating advanced defence technologies.

Mr. Kozyulin then went on to describe the different ways of transferring defence technologies, and listed manufacturing under license, joint developments and offset deals as examples. He noted that offset deals are often accomplished through complex

foreign sales agreements in which the buyer purchases, for example, a few copies of an advanced fighter or tank, assembles a second batch under license, and manufactures the rest indigenously. For the buyer, offset is a relatively cheap way to procure a new technology, and while it does not always involve transfers of technology, it is a frequent case of both intended and unintended technology transfers.

According to Mr. Kozyulin the most demanded defence technologies include aeronautics and aerospace, armaments (small arms, artillery systems and ammunition, tank armament), electronic warfare, radars, command and control software and decision-making tools, computing technologies, missile systems and laser technology, just to mention a few. In general, defence technologies span the spectrum of sophistication from low-tech weapons to highly sophisticated systems such as anti-satellite weapons and equipment.

Mr. Kozyulin then went on to discuss small arms and light weapons (SALW) in more detail as a specific case of technology transfers noting that there are numerous known cases when a state has been manufacturing SALW without a license or on a basis of an expired license. Illustrating his claim with photos, he showed how easy it is for a new producer to take on the production of, for example, machine guns and pistols based on copied technology, and called for an international solution to address this problem, which greatly contributes to the illicit trade in these weapons.

Mr. Kozyulin also touched upon transparency and arms transfers, and noted that while there are several instruments recording the international trade of conventional weapons, information on technology transfers is limited and remains a challenging category to accurately reflect developments currently ongoing across the globe. With regard to possibilities of developing better control and monitoring mechanisms for technology transfers, Mr. Kozyulin noted that the international community has invested a lot of intellectual resources and produced many useful instruments, which have prevented nuclear war and considerably slowed down proliferation of nuclear and missile technologies. Hence there might be good findings from the existing regimes, which could be collected and implemented in the field of conventional arms technologies transfer. There are also numerous national export control systems that provide examples of comprehensive and strict control over transfers of national defence technologies. According to Mr. Kozyulin, these export control systems (like the United States' Blue Lantern Program) could maybe be regarded as manuals for good practices, however keeping in mind that no single state can control the ultimate distribution of advanced weapons and the technologies necessary to build them—international controls are needed to support national and regional efforts.

Turning more specifically to the future ATT, Mr. Kozyulin noted that the ATT is intended to limit uncontrolled procurement of conventional arms for irresponsible and uncontrolled users, and given the nature of today's international arms trade the threat of proliferation of defence technologies has to be addressed in the future ATT. This could be done in many ways. First, transparency about the transfers of defence technologies could be increased by including these transfers in the scope of the future ATT and in its reporting requirements. Further, legal limitation on offset transfers of defence technologies which stimulate cheap and fast proliferation could be imposed through an international agreement. Third, Mr. Kozyulin noted that re-transfer of technologies to third parties could be prohibited or controlled through the future Treaty, and gradual

restrictions could be imposed on transfers of the most destabilizing technologies, such as those of SALW. More research should be conducted in the sphere of military know-how on transfers and “good/best practice” guidelines. Finally, Mr. Kozyulin said that incentives should be established so that those who do not procure defence technologies refrain from doing so in the future.

The third presentation, scheduled for the side event, about Africa and the future ATT, had to be cancelled unfortunately, as the presenter from the African Union (AU) was unable to participate. Despite this setback, African priorities for an Arms Trade Treaty and the AU Common Position were actively discussed during the question and answer session.

## **Discussion**

The presentations were followed by an active question-and-answer session, where many points raised by the speakers were further highlighted by comments from the floor. Despite the inability of the AU representative to be present at the seminar, regional views from Africa were prominent in the remarks. As an introductory statement about Africa and the future ATT, Mr. Ivor Fung from the United Nations Regional Centre in Africa briefly recalled the meeting that the African Union held in Lomé, Togo, at the end of September to negotiate an African Common Position on the ATT. He noted that the meeting was a follow-on to the regional positions recently adopted within the Economic Community of West African States (ECOWAS) and the Economic Community of Central African States (ECCAS). According to Mr. Fung, the meeting proved very successful and the draft Common Position, adopted by the participants, is currently being fine-tuned. It will be submitted for ministerial-level approval in early 2012, well in advance of the July negotiations. It is hoped that the Common Position will help African states to prepare for the ATT conference and also send a strong message from Africa regarding the continent's priorities for the future Treaty. Several speakers commented on Mr. Fung's remarks and also aired some differing opinions about the status of the Common Position. While most AU member states seem to strongly support the common views, there are also states who consider the status of the process currently being more about the exchange of views than agreeing on a joint document.

Many speakers also asked detailed questions about the possible inclusion of ammunition and what the decision regarding the future Treaty's coverage would mean. Some remarks were also made about drones and technology transfers, and for example about whether assistance provided to help states upgrade their defence capacities under an ATT would be regarded as a form of technology transfers. Questions were also posed about the possible effect on an ATT on states' right to self-defence as a principle.

## **Closing remarks**

The seminar's closing remarks were delivered by Mr. Fabio Della Piazza from the European External Action Service. He noted that as a staunch supporter of the ATT process the EU continues to believe that the establishment of a legally binding and robust ATT regulating the global trade in conventional arms will tangibly contribute to the enhancement of international peace and security. The EU has actively contributed to the preparatory process leading to the 2012 United Nations Conference, and will continue to do so throughout the complete negotiating process, supporting Ambassador Moritán in his efforts. In particular, Mr. Della Piazza noted that the EU appreciates the approach of Ambassador Moritán to use a draft paper, edited by him under his own responsibility, as a reference for consultations and to incrementally update it as discussions have developed. In the EU's view this has arguably allowed discussion to be as focused and substantial as possible, and has greatly contributed to a better understanding of the issues involved.

The EU is convinced that only an ATT that is negotiated and developed through a genuine participatory process can meet the expectations and the ambitious objectives that the international community has been asking for. This is also one of the reasons why in 2010, EU member states decided to develop a new project supporting the ATT

initiative. As Mr. Della Piazza noted, the side event marked a half-way point in the project, which following the holding of the first four workshops, we will now turn to organizing three more outreach events for the Middle East, Southern and Eastern Africa, and Wider Europe. A final event will then be organized to mark the conclusions of the project on the eve of the 2012 Diplomatic Conference.

As Mr. Della Piazza pointed out, the coming months will be full of challenges: recent consultations within the United Nations framework have shown that despite significant convergence of views there are still significant issues to be tackled and to be discussed. Many of the most complex issues, such as the exact definition of the scope of the future Treaty and the implication that this could have on the reporting and transparency mechanisms of a Treaty, need further consideration and analysis. Other issues, such as the details of the implementation mechanism, the types of specific controls to be applied to different types of transfers, have also attracted much discussion and delegations are still holding differing views. According to the EU, finding common ground for outstanding issues and different national approaches should remain our ultimate goal to which appropriate technical and political resources should be devoted. Hence the EU looks forward to engaging in substantial negotiations at next session of the Preparatory Committee in February 2012 and, ultimately, at the 2012 Diplomatic Conference.

### **Conclusion**

The seminar held in the margins of the United Nations General Assembly's First Committee was very well attended and received active and encouraging feedback from the participants. Presentations made at the event were generally noted to be of importance and interest in the ATT process, and participants welcomed the materials distributed during the event. The discussion that followed the expert interventions brought up additional aspects related to the possible inclusion of ammunition and technology transfers in the future ATT, and also touched upon the current state of discussions regarding a Common Position on an ATT in the AU. Transparency and reporting requirements, as well as the overall implementation framework of the future Treaty were prominent in both the presentations and the following discussion, and the participants identified many areas where further work and exchange of views is needed in the lead-up to the July 2012 ATT Conference.

As the next steps in the EU–UNIDIR project, UNIDIR is embarking on organizing the three remaining regional seminars, to be held for states in the Middle East, Eastern and Southern Africa, and Wider Europe. Simultaneously with these remaining activities, the commissioned research will be updated and completed, and information about all project activities will be continuously posted on UNIDIR website, at [www.unidir.org/att](http://www.unidir.org/att).



UNITED NATIONS INSTITUTE  
FOR DISARMAMENT RESEARCH



EUROPEAN UNION

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

### KEY ISSUES FOR THE ARMS TRADE TREATY NEGOTIATIONS

**Monday, 17 October, 13:15–14:45 pm**  
**Conference Room A, United Nations, New York**  
(Sandwich lunch will be served in the Polish Glass Lounge at 12:45 pm)

### AGENDA

**Chair's welcoming remarks and introduction**

Dr. Christiane Agboton-Johnson, Deputy Director, UNIDIR

**Including ammunition in the scope of an Arms Trade Treaty**

Roy Isbister, Saferworld

**Technology transfers and an ATT—problems and possibilities**

Vadim Kozyulin, PIR Centre

**Discussion**

**Concluding remarks**

Fabio Della Piazza, European External Action Service



UNITED NATIONS INSTITUTE  
FOR DISARMAMENT RESEARCH



EUROPEAN UNION



REPUBLIC OF KENYA

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

## **Regional Seminar for Countries in Eastern and Southern Africa**

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

# SUMMARY REPORT

## Table of contents

<b><u>Introduction</u></b> .....	<b>95</b>
<b><u>Seminar proceedings</u></b> .....	<b>95</b>
<b><u>Findings and recommendations</u></b> .....	<b>98</b>
Support to the goals and objectives of the Chairman’s non-paper .....	98
Inclusion of SALW and ammunition a priority—some concerns expressed about proposed criteria .....	99
Need of international cooperation and assistance to support national efforts .....	100
Call for the rapid adoption of an African Common Position on the future ATT .....	100
<b><u>Outcome and impact</u></b> .....	<b>101</b>
<b><u>Next steps</u></b> .....	<b>102</b>
<b>Annex A. Agenda</b> .....	<b>103</b>
<b>Annex B. List of participants</b> .....	<b>108</b>

## **Introduction**

From 29 February through 2 March 2012 UNIDIR organized a regional seminar in Nairobi, Kenya, for “Supporting the Arms Trade Treaty Negotiations through Regional Discussions and Expertise Sharing”. The seminar, which is part of a project that the Institute is organizing for the European Union since 2010<sup>13</sup> was directed to countries in Eastern and Southern Africa<sup>14</sup>. The project, the main components of which are regional events, aims at supporting the negotiations on the future ATT by ensuring that the process is as inclusive as possible and that States will be able to make concrete suggestions and recommendations on the elements of the future Treaty. By organizing these seminars UNIDIR also aims at supporting all United Nations Member States to develop and enforce their national and regional arms transfer control systems.

Practical transfer controls were the topic of especially the latter part of the seminar, which was divided into two halves, directed at different representatives. The first part was mostly aimed at diplomats in charge of the political aspects of the ATT process, and it discussed the way ahead towards the ATT negotiations, with an overview of the process and the elements of the future Treaty. The second half heard presentations about national arms transfer control systems in the region and allowed participants to exchange views more from a technical than political point-of-view.

The seminar brought together over 80 representatives from 24 of the 26 countries in Eastern and Southern Africa, mostly from Ministries of Foreign Affairs, Defence, Interior and the Armed Forces (see list of participants in annex B). In addition, several international expert representatives from the United Nations and regional organizations as well as civil society were invited to attend the meeting and to make presentations.

This report presents UNIDIR’s summary of the discussions and outcomes of the Nairobi seminar. It is not intended to be a consensus document, and it therefore does not necessarily represent the views of all seminar representatives but rather UNIDIR’s understanding of the proceedings and main results.

Audio files and documents of the presentations made at the seminar are available at [www.unidir.org/bdd/fiche-activite.php?ref\\_activite=677](http://www.unidir.org/bdd/fiche-activite.php?ref_activite=677).

## **Seminar proceedings**

The three days of the Nairobi regional seminar were full of presentations and discussions, both in the plenary and in smaller working groups, which allowed for a more in-depth analysis of issues and a more informal exchange of views. Both the political part (first 1.5 days) and the more technical, practise-oriented part (latter 1.5

---

<sup>13</sup> The other regional seminars of the project were held in Kathmandu, Nepal, on 10–12 November 2010 for countries in South and Central Asia; Casablanca, Morocco, on 2–4 February 2011 for countries in Central, West and North Africa; Montevideo, Uruguay, on 27–29 April 2011 for countries in the Americas and the Caribbean; and Bali, Indonesia, on 6–8 June 2011 for countries in East Asia and the Pacific.

<sup>14</sup> The States invited to the seminar were Angola, Botswana, Burundi, the Comoros, Djibouti, Equatorial Guinea, Eritrea, Ethiopia, Kenya, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Rwanda, Seychelles, Somalia, South Africa, South Sudan, the Sudan, Swaziland, Uganda, the United Republic of Tanzania, Zambia and Zimbabwe.

days) saw an extremely active and constructive participation of national representatives and experts, who were asked to discuss issues from strategizing towards the July 2012 negotiations and national positions on the ATT, to the day-to-day realities of national and regional arms transfer control systems.

On Wednesday, 29 February, the seminar was officially opened in a session chaired by Ms. Elli Kytömäki of UNIDIR, which heard high-level statements by Ms. Marjaana Sall, the Deputy Head of the Delegation of the European Union to Kenya; Mr. Aeneas C. Chuma, the United Nations Resident Coordinator in Kenya; and Honorable Assistant Minister Orwa Ojode, on behalf of Hon. Prof. George Saitoti, EGH, MP, Minister of State for Provincial Administration and Internal Security of Kenya. In his remarks, Mr. Ojode noted that Kenya is pleased to be one of the co-authors of the ATT resolutions, and proud to play a leading role in the international efforts to come up with a global legally binding trade treaty that will address the menace caused by illicit and poorly regulated arms trade. Kenya has actively contributed to the debate on control of access to arms and has been at the forefront in advocating for regulatory measures that cover all types of weaponry. Mr. Ojode ensured all participants that Kenya will remain an active supporter of the ATT initiative as well, and that his country places high importance on the issue of conventional arms controls. Also Ms. Sall, speaking on behalf of the European Union, stressed in her remarks the devastating effects that the illicit trade and proliferation of weapons has on societies, especially in the African continent, and noted that regional attempts to solve the problem are insufficient to address an issue that is inherently global in nature. She also commended the different regional positions developed by African regional communities on the ATT process and encouraged ongoing efforts to achieve an African Union Common Position on the ATT.

In addition to the opening statements, the session heard also two presentations about the future ATT itself, one by Mr. Colby Goodman from the United Nations Regional Centre for Peace and Disarmament in Africa (UNREC) and another more specifically about the necessary national implementation structures that will have to be put into place under an ATT, delivered by Mr. Guy Lamb from the Institute for Security Studies in South Africa (ISS).

Moving from the introductory presentations to the more interactive part of the seminar, Session I, chaired by Mr. David Kimayo from the Ministry of Foreign Affairs of Kenya, enabled participants to discuss different aspects of the future ATT especially in light of the upcoming negotiations. Ms. Elli Kytömäki of UNIDIR talked about the remaining core issues in the process, highlighting some aspects regarding the proposed Treaty's scope, parameters and implementation, and Mr. Richard Mugisha contributed to the discussions by informing all participants about the Control Arms campaign activities on an ATT in Africa. Finally, to take up one specific issue that is of relevance to arms transfers in Africa, Mr. Paul Holtom from the Stockholm International Peace Research Institute (SIPRI) talked about the ATT initiative from the point-of-view of human security considerations, especially in terms of controlling arms transfers to non-state actors. The presentations evoked a lively debate among the participants, who specifically addressed the need to prevent the diversion of arms and make sure they do not end up in the wrong hands.

After lunch, the focus was moved more specifically to the actions already undertaken and in process on the African continent. Chaired by Mr. Michiel Combrink of South

Africa, the second working session heard presentations from the African Union (by Ms. Einas Mohamed from the AU Commission), the Nairobi Protocol (by Ms. Barbara Munube from the RECSA Secretariat) and also from the EU (by Fabio Della Piazza from the EEAS). All presenters highlighted activities that their organizations have undertaken to improve controls of conventional arms, and in the case of RECSA especially small arms and light weapons. During the question-and-answer session, most attention was devoted to the activities of the African Union, and many participants called for continued and intensified efforts by the AU in the lead-up to the ATT Conference in July 2012. The first day of the seminar was brought to a close by a series of national presentations, delivered by selected representatives, to discuss priorities, strategies and challenges ahead in the ATT process. Chaired by Ms. Ramla Khamis from the Ministry of Foreign Affairs of Tanzania, the session also enabled all participants to ask questions and exchange views about their national policies on the future ATT.

In the beginning of the second seminar day, participants were divided to three simultaneous working groups, which were all asked to address the same two series of questions related to the goals, scope and parameters of the future ATT, and on implementation. Questions on the table were about the most important objectives of the future ATT; national and regional priority elements; strategies that could be adopted towards the negotiations to ensure the future Treaty's greatest possible relevance and effectiveness; possible cooperation and assistance mechanisms; and the minimum requirements for an effective national transfer control system under an ATT.

The purpose of the working groups was to exchange views and ideas, not to arrive at any common conclusions or a joint statement. However, to make sure that all participants would get an idea of what was discussed in the different groups, we gathered back at the plenary, where the rapporteurs of the groups expressed the main conclusions from their discussions, and everyone had the chance to ask for clarifications or to bring up additional points. The first part of the seminar was brought to a close with statements delivered by Ms. Elli Kytömäki of UNIDIR, Mr. Fabio Della Piazza of the EEAS, and Ambassador S.K. Maina, Director of the Multilateral Affairs Division of the Ministry of Foreign Affairs of Kenya.

After lunch we started the second, more technical and practice-oriented part of the seminar, where participants had the opportunity to discuss the future ATT from a more technical perspective and by covering current national and regional transfer control systems. After a brief opening session and introductory statements, the seminar moved directly to discussing concrete examples of existing control mechanisms. Chaired by Mr. Colby Goodman of UNREC, the session heard a national presentation from South Africa, delivered by Mr. Dumisani Dladla of the Ministry of Foreign Affairs of South Africa. In addition, Mr. Ales Vytecka of the Czech Ministry of Foreign Affairs presented as an EU expert the EU Common Position on conventional arms exports, especially as it relates to implementing transfer controls in sub-Saharan Africa. Also the last session of the day, chaired by Mr. Paul Holtom of SIPRI, talked about the details and requirements of establishing and enforcing comprehensive controls, first with special focus on import controls (delivered by Abel Duarte Oliveira from the Ministry of Defence of Portugal) and then from a point-of-view of a new state, South Sudan, delivered by Dr. Riak Gok Majok of the South Sudan Bureau for Community Security

and Small Arms Control. Participants warmly welcomed these different viewpoints and asked several questions despite some time constraints.

The first session of the last day was focused specifically on improving accountability and transparency of conventional arms transfers. Chaired by Mr. Duarte Oliveira of Portugal, it heard three presentations: Mr. Goodman of UNREC talked about the role and functioning of United Nations transparency mechanisms, most importantly the Register of Conventional Arms, Ambassador Paul Beijer of the Swedish Ministry of Foreign Affairs presented some national and EU approaches to transparency, and Lt. Col. John Msibi of the Ministry of Defence of Swaziland talked about improving accountability and transparency in his national context, especially regarding marking, tracing and record-keeping of weapons.

As in the Bali event, the rest of the seminar was devoted to examining three hypothetical arms transfer case studies, which were presented by EU experts, who also led the discussions conducted in smaller breakout groups. In the groups, participants were asked to consider different elements of arms transfer decision-making from both political and technical points of view, and think about elements and information that one has to take into account before granting or refusing a license. All scenarios were discussed in detail and parallels were drawn also to real-life situations and problematic cases. After discussing the cases in three separate groups, all participants came together to share the results of the case studies in a plenary, where nominated rapporteurs presented the outcome of their discussions.

The seminar was brought to close in a session chaired by Ms. Kytömäki of UNIDIR, who also gave a short verbal summary of the seminar proceedings. Participants also heard closing remarks by Fabio Della Piazza of the EU and by Mr. Oriri Onyango, Director of the National Crime Research Centre, who spoke on behalf of Hon. Mr. Githu Muigai, the Attorney General of Kenya.

## **Findings and recommendations**

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

There was general support among the participants to the goals and objectives of the future ATT as outlined in the Chairman's non-paper of 13 July 2011. In the group discussions 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. We should also not forget about the original goal of the future Treaty as set out in the ATT resolutions: not to achieve any kind of global agreement, but really one that adheres to the highest possible common standards and that is also able to help harmonize the existing regional conventions and arrangements.

In addition to the first two goals proposed in the Chairman's paper—references to the United Nations Charter and the need to establish the highest possible standards for arms trade—delegates participating in the meeting seemed to favour especially goals three and four: preventing, combating and eradicating the illicit transfer and production and brokering of arms, and contributing to international and regional peace and security as central to the future Treaty. Quite lengthy discussion was devoted to the details of

proposed goal four, especially related to the impact of arms transfers on prolonging conflicts and hampering economic development.

Some participants noted that in addition to writing down the goals of the future Treaty in the text itself, the negotiators should be committed to widely communicating them to their own citizens and other governments, especially as we enter the implementation phase of the process.

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

Many States that participated in the seminar discussions spoke quite passionately about the need to include SALW and ammunition in the future ATT. As has become clear in previous discussions around an ATT, the issue of small arms is a clear priority to most African States, and some of them have gone as far as to say that they might not be in a position to support the final Treaty, should it fail to include SALW and the related ammunition in its scope. This position is based on the fact that the majority of arms transferred in the continent are small arms, and these arms also the ones with the most devastating effects on societies when diverted from legal trade and trafficked illegally to unwanted end-users. In addition to stressing the importance of the inclusion of these weapon types, participants seemed to generally favor 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. There was also some discussion about the need to include training and other potential categories in the scope, with some participants talking strongly in favor of their inclusion and others pointing to the complexity of regulating these items. For example, terrorism was noted to be a difficult issue to tackle because of the lack of a common definition of the term. Also transfers of technology were taken up as a potentially problematic issue, and participants noted that an ATT should not hinder the possibilities of African States to receive and develop new technical capacities. At the national level, it was noted that further coordination and training will be needed between the different agencies involved in ATT-related matters.

When asked about the desirable and necessary parameters for the future Treaty, many participants called especially for the inclusion of human rights law and international humanitarian law. A couple of States also expressed concern about the inclusion of these criteria, as in their mind these could be used for purposes of political abuse or to “unjustifiably prevent arms transfers” to a certain State claiming IHL or IHR concerns. Some said that the details of what is meant by the currently proposed criteria will have to be further explored, as for example the meaning of “serious violations of IHR and IHL” and “to undermine poverty” were not clear in their mind at the moment, and it was noted that it would be difficult to for instance measure the level of human rights violations. It was also pointed out that it might prove very difficult to have objective and non-discriminatory policies using certain criteria. Finally, there were also some who were cautious about the whole approach to criteria and noted that this should be left for the States Parties to define.

On the other hand, responding to the more moderate proposals concerning the future Treaty’s criteria, some participants said their States have interpreted objective and non-discriminatory criteria already for years under other instruments and are applying the

same standards and process for each State, looking at each request on a case-by-case basis. In addition, it was noted that the future ATT would not in any case eliminate all potential for political abuse, as exports are and would continue to be sovereign decisions left in the end to the discretion of each individual, sovereign State. Rather, the future Treaty aims to increase scrutiny on arms transfers to prevent irresponsible transfers and transfers being easily diverted to the illicit trade.

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

Another issue that has frequently come up already in previous exchanges of views in the region especially with regard to the implementation of the future Treaty is international cooperation and assistance. This was mentioned again by the majority of participants in the working group discussions as a critical part of the future ATT. It was noted again that as States' capacities as well as the level of their expertise and sophistication of transfer control systems vary widely, many will need assistance and capacity-building both in the lead-up to joining the future Treaty and in ensuring its effective implementation. Related to this point, it was also noted that States will need to work together on monitoring weapons flows and tracing, and that effective border control is an important component of that.

While there was a general call for the need of assistance, some participants expressed concern about how to ensure that it reaches the right States and how to structure and channel these efforts to learn from previous instruments and to avoid some mistakes previously made in related processes. Specifically, it was noted that some States that are currently providing assistance put too high conditions on the assistance and sometimes the provided assistance is not of the quality that the recipients would need. It was also pointed out that in the provision of assistance, the involvement and ownership of the receiving State is of crucial importance, and any assistance measures should be designed and developed since the beginning jointly by the providing party and the recipient(s).

Reporting was noted to be not only an important transparency measure but potentially the best way to indicate assistance needs and resources. At the same time it was pointed out that given the topic of the future ATT, there are some delicacies related to its future reporting requirements, which might make it more challenging to address assistance requirements in the national reports. Instead, it was suggested that meetings of States Parties could maybe be used to channel assistance. A few participants raised these issues specifically in terms of how to formulate the Treaty text, and suggested that a reference to the need to developed improved international assistance should somehow be explicitly included in the drafting.

### **Call for the rapid adoption of an African Common Position on the future ATT**

Throughout the discussions, lot of 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, obligations of transit States and end-user modalities. Also, given the primary importance of SALW and

ammunition to the majority of countries in the African continent and the necessity to combat illicit trade and diversion, it was noted that States in the region should unify their approach to make sure their voices are heard.

The representative of the African Union presented the Common Position, which at the time of the seminar was being negotiated among the Member States. Many delegates followed up the presentation by stressing the need of Africa to quickly come up with a strong and effective Common Position, following the example of regional organizations such as the Economic Community of West African States (ECOWAS) and Economic Community of Central African States (ECCAS). A few participants expressed some frustration about how the AU Common Position had developed, and some also noted that they were not sure that they could support all the elements currently in the draft regional position.

One delegate mentioned the need to develop a draft legal text for the AU CP and for each State to identify the areas that are the most important for them in it. There was also discussion about the specific elements that African States should push for in the ATT to make it more relevant to African challenges. 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 the Treaty, it was noted that in the future, more regular meetings within Africa both at working level and among high-level officials. A financial structure should be set up at the international level to allow for the convening of such regional meetings. It was also pointed out that especially legislation related to arms transfers within Africa should be harmonized and updated, as currently laws in many countries in the region are not up-to-date or regionally coordinated.

### **Outcome and impact**

The seminar held in Nairobi for countries in Eastern and Southern Africa proved fully successful and met all the goals set for it. As in the previous events, UNIDIR was able to enjoy very good support from the local UNDP office, the EEAS and the host country, which all for their part contributed to the success of the event.

In terms of participation the seminar was the largest in the EU–UNIDIR seminar series with over 80 participants from almost all the countries in the region together with international expert participants. The discussions during the three days were extremely active, open and constructive, and participants commended the seminar for being an extremely timely and valuable contribution to the ATT process.

Based on the anonymous feedback collected from the participants, they were slightly less familiar with the ATT process prior to the seminar than the attendants of the other regional events. Everyone who returned the questionnaire said that their knowledge about the ATT initiative improved as a result of the seminar. Issues that participants especially appreciated included the presentations on the scope and parameters of the Treaty and on transparency vs. security. All participants also noted that the seminar helped them commence or sustain their governments' active and substantive participation in the process towards the July 2012 negotiations. As in the other seminars, the working group sessions proved very useful in allowing for deeper analysis and exploration of certain ATT- and transfer control-related issues, and many said that they helped understand that practical issues that countries will face when implementing

the future Treaty. As a result of the seminar, some participants noted that they will try to organize a national workshop/seminar before the July negotiations, reach out to their defence industry and civil society organizations and also keep in touch with the representatives from other countries in the regions that were invited to the event.

### **Media coverage**

Invitations to attend the opening and closing sessions of the seminar were circulated among the local and regional media in Kenya some days prior to the seminar, following the project's usual practice. Due to an overlap with some important domestic news events during the seminar days, the regional seminar failed to attract much media attention in Kenya. Some journalists attended the opening session and information about the speech of the Hon Assistant Minister Ojode was posted on the government website, but otherwise the press coverage of the event was limited.

### **Next steps**

In parallel with organizing the regional seminar in Nairobi, the UNIDIR ATT team has been working on the two remaining regional events, directed to countries in the Middle East and in Wider Europe. The Middle East seminar will take place in Beirut, Lebanon, on 27–29 March 2012 and the Wider Europe seminar in Belgrade, Serbia, on 18–20 April 2012. After these last regional project activities, the efforts will be turned to the final reporting and commissioning of the last three background papers. These studies, together with the summary reports of the regional seminars and the presentations made during the project events, will be made available on UNIDIR's website once finalized and are also distributed at the project events.

The project concluding event will be held in New York during the July 2012 ATT negotiations. At this concluding event, the preliminary findings and recommendations of all the seven regional seminars organized as part of the project will be presented to the target audience for information and comments. They will also be used as the basis of the project final publication, which is to be made available later in 2012, after the conclusion of all other project activities.

## **Annex A. Agenda**

### **DAY 1**

#### **Wednesday, 29 February 2012**

08:30–09:00 **Registration**

09:00–10:30 **Opening Session**

Chair: Elli Kytömäki, Project Manager, United Nations Institute for Disarmament Research (UNIDIR)

Opening remarks:

Marjaana Sall, Deputy Head, Delegation of the European Union to Kenya

Aeneas C. Chuma, United Nations Resident Coordinator in Kenya

Hon Assistant Minister Orwa Ojode, on behalf of Hon. Prof. George Saitoti, EGH, MP, Minister of State for Provincial Administration and Internal Security, Kenya

Presentations:

*ATT—general overview and developments within the United Nations*  
Colby Goodman, Deputy Director, United Nations Regional Centre for Peace and Disarmament in Africa

*Necessary national implementation structures for an ATT*  
Guy Lamb, Institute for Security Studies, South Africa

10:30–11:00 Coffee break

11:00–13:00 **SESSION I: ATT and its different aspects—views and priorities**

Chair: David Kimayo, Ministry of Foreign Affairs of Kenya

Presentations:

*Towards the ATT Negotiating Conference: Remaining core issues*  
Elli Kytömäki, United Nations Institute for Disarmament Research

*Civil Society's Contribution to the ATT process in the region*  
Richard Mugisha, Control Arms Campaign; Executive Director of People with Disabilities, Uganda; Coordinator of EAANSA

*ATT initiative and human security considerations—controlling transfers of arms to non-state actors*  
Paul Holtom, SIPRI

Discussion.

13:00–14:30 Lunch at conference venue

14:30–15:45 **SESSION II: Negotiating and implementing an ATT: regional views**

Chair: Michiel Combrink, Permanent Mission of South Africa to the United Nations, Geneva

Presentations:

*ATT and Africa: African Union approach to the draft Treaty*  
Einass Mohamed, African Union Commission

*Special focus on small arms and ammunition–Nairobi Protocol*  
Barbara Munube, RECSA Secretariat

*The ATT process: EU's perspective*  
Fabio Della Piazza, European External Action Service

Discussion.

15:45–16:00 Coffee break

16:00–17:30 **SESSION III: Negotiating and implementing an ATT: roundtable on national views**

Chair: Ramla Khamis, Ministry of Foreign Affairs of Tanzania

Presentations: National contributions from selected countries in the regions

**DAY 2**

**Thursday, 01 March 2012**

09:00–09:15 **Summary of discussions from Day 1**

09:15–10:30 **SESSION V: Parallel working group sessions, part I (scope and parameters)**

10:30–10:45 Coffee break

10:45–12:00 **SESSION V: Parallel working group sessions, part II (implementation)**

12:00–12:15 Wrap-up of group work and a break

12:15–12:45 **SESSION VI: Conclusions and next steps: Compiling working group recommendations**

Chair: Elli Kytömäki, Project Manager, UNIDIR

12:45–13:00 **Closing session of Part I of the regional seminar**

Chair: Elli Kytömäki, Project Manager, UNIDIR

Remarks: Fabio Della Piazza, European Union External Action Service

Ambassador S.K. Maina, Director, Multilateral Affairs Division, Ministry of Foreign Affairs of Kenya

13:00-15:00 Lunch at conference venue

## **PART II**

***For technical and law-enforcement personnel***

**Thursday, 01 March 2012**

15:00–15:30 **Opening Session**

Chair: Elli Kytömäki, Project Manager, UNIDIR

Opening remarks:

Fabio Della Piazza, European External Action Service

*Introduction to the ATT initiative and its recent developments in the region, with briefing from Part I of the seminar*  
Elli Kytömäki, UNIDIR

15:30–16:45 **SESSION I: Overview of national and regional systems to regulate conventional arms trade**

Chair: Colby Goodman, UNREC

Presentations:

*South African experience in implementing arms transfer controls*  
Dumisani Dladla, Ministry of Foreign Affairs of South Africa

*EU Common Position on conventional arms exports: implementing transfer controls in Sub-Saharan Africa–European perspective*  
Ales Vytecka, Ministry of Foreign Affairs, Czech Republic

16:45–17:00 Coffee break

17:00–18:00 **SESSION II: Establishing effective national systems**

Chair: Paul Holtom, SIPRI

Presentations:

*Establishing and enforcing comprehensive controls with special focus on import controls*

Abel Duarte Oliveira, Ministry of Defence, Portugal

*Arms control challenges of a new state: South Sudan*

Dr. Riak Gok Majok, South Sudan Bureau for Community Security and Small Arms Control

**19:00–20:30 Reception for all participants in the Library Room (Part I and Part II)**

**DAY 3**

**Friday, 02 March 2012**

09:00–10:30 **SESSION III: Improving accountability and transparency of conventional arms transfers**

Chair: Abel Duarte Oliveira, Ministry of Defence, Portugal

Presentations:

*Role and functioning of United Nations transparency mechanisms*  
Colby Goodman, UNREC

*National and European Union approaches to transparency*  
Paul Beijer, Ministry of Foreign Affairs of Sweden

*Improving accountability and transparency in national systems: marking, tracing and record-keeping of weapons in Swaziland*  
Lt Col John Msibi, Director, UN and Military Affairs, Ministry of Defence, Swaziland

Discussion.

10:30–10:45 Coffee break

10:45–13:00 **SESSION IV: Conventional arms trade and an ATT–practical case studies: presentation and start of group work**

Chair: Fabio Della Piazza, European External Action Service

Presentation of three practical case Studies by the EU Experts

Discussion and division into working groups

13:00-14:30 Lunch at conference venue

14:30–16:30 **SESSION IV: Parallel working group sessions on practical aspects of export controls (continued)**

16:30–17:00 **SESSION VI: Discussing the results of the working group sessions**

Chair: Elli Kytömäki, UNIDIR

Presentations by rapporteurs

Discussion

17:00–17:30 **Closing Session**

Chair: Elli Kytömäki, UNIDIR

*Summary of the seminar outcomes and recommendations*

Closing remarks:

Fabio Della Piazza, European External Action Service

Oriri Onyango, Director of the National Crime Research Centre, on behalf of Hon Mr. Githu Muigai, Attorney General, Kenya

**Annex B. List of participants**

	<b>Country</b>	<b>Representatives</b>
1.	Angola	<p>Com. Alberto LISBOA MÁRIO Police Commissioner Ministry of Home Affairs</p> <p>Mr. Felizardo Cesar MANUEL</p> <p>Col. Silvestre GUSTAVO Diplomatic Adviser of the Minister of National Defense</p> <p>Mr. Lemos Correia DA CONCEIÇÃO Head of Regional Organization Section Ministry of National Defence</p> <p>Dr. Pedro Narciso DA SILVA</p> <p>Dr. Cláudio Makanda FUKIENO</p> <p>Dr. José Delfim Luis RATO</p>
2.	Botswana	<p>Mr. Keabetswe MAKGOPHE Deputy Commissioner of Police</p> <p>Ms. Grace RADITLHALO Senior Staff Officer National Police Forces</p>
3.	Burundi	<p>Mr. Bienvenu HATUNGIMANA Advisor Ministry of External Relations and International Cooperation</p> <p>Mr. Désiré NSHIMIRIMANA 2<sup>nd</sup> Vice President, SALW Commission</p>
4.	Comoros	<p>Ms. Soumayat DJOUBEIRI Assistant, Office of Legal Affairs Ministry of Foreign Affairs</p>
5.	Djibouti	<p>Mr. Isse Assoweh ABDILLAHI National Focal Point on Disarmament Ministry of Foreign Affairs</p> <p>Mr. Abdillahi Guedi ODAALI Police Force of Djibouti</p>
6.	Equatorial Guinea	<p>Mr. Jovino ONA NSVE ABEGVE</p>

		<p>Director General African Union Ministry of Foreign Affairs</p> <p>Mr. Nguy Obiang AGAPITO Director General, Logistics Armed Forces of Equatorial Guinea</p>
8.	Ethiopia	<p>Mr. Dilafera BEKELE Disarmament Officer Ministry of Foreign Affairs</p> <p>Col. Mehabub IBRHEM Head, Weapons Sub-division Ministry of National Defence</p>
9.	Kenya	<p>Amb. David S.K. MAINE Director, Multilateral Affairs Ministry of Foreign Affairs</p> <p>Mr. S.N MUIRURI Senior Assistant, Director Ministry of Foreign Affairs</p> <p>Mr. Sebastian ILELI Third Secretary Ministry of Foreign Affairs</p> <p>Mr. Martin OWUOR Legal Officer Ministry of Foreign Affairs</p> <p>Mr. David M. KIMAIYO Director, SALW National Focal Point</p> <p>Eng John Patrick OCHIENG Deputy Director, SALW National Focal Point</p> <p>Major O. OMONDI MOSD, Department of Defence</p> <p>Mr. OMBABA Director, Operations, Kenya Police</p> <p>Mr. Douglas GIROCHO CFA, Kenya Police</p> <p>Mr. Levin MWANDI Chief Licensing Officer, CFB, Kenya Police</p> <p>C.I. Ibrahim Guyo JILLO Training Officer, Administration Police</p> <p>Ms. Jacinta NYAMOSI</p>

		<p>DPP</p> <p>Mr. Kennedy ASEMBO NSIS</p> <p>Mr. Ken ODHIAMBO NSIS</p> <p>Amb. Ochieng ADOLA APFO</p> <p>Mr. Camlus OMOGO SRIC</p> <p>Mr. Martin MACHARIA State Counsel, AG/SLO</p>
10.	Lesotho	<p>Ms. Toka MASHOAI Legal Officer Ministry of Foreign Affairs</p> <p>Mr. Paseka MOKETE Senior Inspector Lesotho Mounted Police Service</p>
11.	Madagascar	<p>Ms. Onipatsa Helinoro TIANAMAHEFA Director, Multilateral Cooperation Ministry of Foreign Affairs</p> <p>Ms. Bebiarisoa Lisy RAMANANTSOA Chief, Studies Department Customs</p>
12.	Malawi	<p>Ms. Major Chanju Samantha MWALE Legal Officer Malawi Defence Force</p> <p>Mr. Ernest MWINAMA Assistant Superintendent Malawi Police Service</p>
13.	Mauritius	<p>Mr. Shiva Soopramanien COOTHEN Inspector of Police Police Headquarters</p> <p>Mr. Manmohun SEEBALUCK Chief Inspector of Police</p>
14.	Mozambique	<p>Ms. Judite JUSTINO First Secretary</p>

		Ministry of Foreign Affairs
15.	Namibia	Mr. Ignatius NANGOMBE Head, Firearms Subdivision Namibian Police Force  Mr. Moses SHAAMA Chief Inspector Namibian Police Force
17.	Seychelles	Ms. Gayethri MURUGAIYAN Second Secretary, Treaty Section Ministry of Foreign Affairs  Mr. Reginald Jerome ELIZABETH Chief Superintendent Government of Seychelles
18.	Somalia	Mr. Hussen ABDI Counsellor Somali Permanent Mission to UNOG, Geneva
19.	South Africa	Mr. Michiel COMBRINK Political Counsellor Permanent Mission of South Africa to the UN, Geneva  Mr. Dumisani DLADLA Ministry of Foreign Affairs
20.	South Sudan	Mr. Christo Simon FATAKI Director, SALW Control SSBCSCAC  Dr. Riak Gok MAJOK Deputy Head of Bureau Republic of South Sudan
21.	Sudan	Mr. Hassan Hamid HASSAN Minister Plenipotentiary Permanent Mission of Sudan, NYC  Mr. Idrees SAEED Counsellor Ministry of Foreign Affairs
22.	Swaziland	Mr. Alton Sandile LUKHELE First Secretary, Disarmament Permanent Mission of Swaziland, Geneva

		Lt. Col John MSIBI Director, UN and Military Affairs Ministry of Defence
24.	Uganda	Ms. Bernadette MWESIGE Permanent Mission of Uganda to the United Nations New York
23.	United Republic of Tanzania	Ms. Ramla KHAMIS Second Secretary Ministry of Foreign Affairs and International Co-operation  Mr. Lutenta Modest MWAUZI Co-arms management Ministry of Home Affairs
25.	Zambia	Mr. Dominic MATALE Principal Research Officer Ministry of Defence  Lt Col. Lawrence SAMPA Director, Research and Analysis Ministry of Defence
26.	Zimbabwe	Col David MUTSUVUNGUMA Director, Legal Services Ministry of Defence  Mr. Albert MUROVE Ministry of Defence
27	UNREC	Mr. Colby GOODMAN Deputy Director
28	AU	Ms. Einas MOHAMED African Union Commission
29	RECSA	Ms. Barbara MUNUBE Head of legal Affairs
30	EAC	Mr. Martin OGANGO Small Arms and Light Weapons Advisor EAC-GIZ Programme on Peace and Security

31	SIPRI	Dr. Paul HOLTOM
32	ISS	Mr. Guy LAMB
33	EU Expert	Mr. Abel DUARTE OLIVEIRA Ministry of Foreign Affairs, Portugal
34	EU Expert	Mr. Ales VYTECKA Ministry of Foreign Affairs, Czech Republic
35	EU Expert	Ambassador Paul BEIJER Ministry of Foreign Affairs, Sweden
36	Control Arms	Mr. Richard MUGISHA Executive Director of People with Disabilities, Uganda  Mr. Camlus OMOGO IKV Pax Christi Horn of Africa Programme
37	AMD (Industries Association)	Mr. Simphiwe HAMILTON Executive Director
38	United Nations, Kenya	Mr. Aeneas C. CHUMA UN Resident Coordinator in Kenya  Mr. Roba SHARAMO
39	European Action Service	Ms. Marjaana SALL Deputy Head, Delegation of the European Union to Kenya  Mr. Fabio DELLA PIAZZA
40	UNIDIR	Ms. Elli KYTOMAKI Project Manager  Mr. Simon SALDNER Junior Research Assistant



EUROPEAN UNION



UNITED NATIONS INSTITUTE  
FOR DISARMAMENT RESEARCH

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

**Regional Seminar for Countries  
in the Middle East**

**27–29 March 2012  
Beirut, Lebanon**

**SUMMARY REPORT**

## Table of contents

<b><u>Introduction</u></b> .....	<b>116</b>
<b><u>Seminar proceedings</u></b> .....	<b>117</b>
<b><u>Findings and recommendations</u></b> .....	<b>119</b>
ATT to be a comprehensive Treaty to help curb illicit trade in weapons and be beneficial to all	119
Implementable scope that reflects current-day realities and priorities .....	120
National implementation a priority; needs to be backed up by international action .....	121
Need to find a balance between transparency and strategic secrecy .....	122
<b><u>Outcome and impact</u></b> .....	<b>122</b>
<b><u>Next steps</u></b> .....	<b>123</b>
<b>Annex A. Agenda</b> .....	<b>124</b>
<b>Annex B. List of participants</b> .....	<b>129</b>

## **Introduction**

The sixth regional seminar of the project “Supporting the Arms Trade Treaty Negotiations through Regional Discussions and Expertise Sharing” was organized for countries in the Middle East<sup>15</sup> and held in Beirut, Lebanon on 27-29 March 2012.<sup>16</sup> As with the previous regional activities organized as part of the project that UNIDIR has been implementing for the European Union (EU) since July 2010, the seminar was divided into two parts. The first 1.5 days concentrated on the ATT negotiations, with an overview of the process and the elements of the future Treaty. Participants had the chance to share their national views on the future ATT and its possible implementation system and hear the views of other countries, regional organizations and independent experts. The second half of the seminar was more technical and practice-oriented, and discussed practical arms transfer control systems in the region, challenges in the implementation of national and regional systems, and possibilities to improve current practices through coordinated measures and transparency.

The seminar in Beirut brought together close to 50 representatives from nine of the countries invited to the event, representing Ministries of Foreign Affairs, Interior, Defence and the Armed Forces (see list of participants in annex B). In addition, several international expert representatives from the United Nations and regional organizations as well as civil society participated in the meeting by making presentations and contributing to the discussions.

The EU–UNIDIR project, of which the seminar in Lebanon was part, consists of a series of regional events organized in different parts of the world to support the negotiations on the future ATT, scheduled for summer 2012, by ensuring that the process is as inclusive as possible and that States will be able to make concrete suggestions and recommendations on the elements of the future Treaty. The project also aims at supporting all United Nations Member States to develop and enforce their national and regional arms transfer control systems.

In this report, UNIDIR presents a summary of the Beirut seminar proceedings as well as a collection of its main messages and recommendations. The report is not intended to be a consensus document. It therefore does not necessarily represent the views of all seminar representatives but rather UNIDIR’s understanding of the main outcomes.

Audio files and documents of the presentations made at the seminar are available at [www.unidir.org/bdd/fiche-activite.php?ref\\_activite=683](http://www.unidir.org/bdd/fiche-activite.php?ref_activite=683).

---

<sup>15</sup> The States invited were Bahrain, Egypt, Iran (Islamic Republic of), Iraq, Jordan, Kuwait, Lebanon, Libya, Oman, Qatar, Saudi Arabia, Syrian Arab Republic, the United Arab Emirates and Yemen.

<sup>16</sup> The previous regional seminars of the project were held in Kathmandu, Nepal, on 10–12 November 2010 for countries in South and Central Asia; Casablanca, Morocco, on 2–4 February 2011 for countries in Central, West and North Africa; Montevideo, Uruguay, on 27–29 April 2011 for countries in the Americas and the Caribbean; Bali, Indonesia, on 6–8 June 2011 for countries in East Asia and the Pacific; and Nairobi, Kenya, on 29 February–3 March 2012 for countries in Eastern and Southern Africa.

## **Seminar proceedings**

The seminar in Beirut was, following the model of the previous regional seminars, a three-day activity divided into two parts: during the first part, mostly diplomatic representatives of the invited countries discussed the ATT process together with regional and international experts, concentrating especially on the remaining issues in the lead-up to the July 2012 ATT Conference. In the discussions, participants were asked to present their views and come up with concrete ideas for the ATT process. The latter part was designed to be more technical, and it brought together arms transfer control practitioners from the region to discuss the practical aspects of national and regional transfer controls in conventional weapons. Unlike in some other seminars, most participants ended up participating in the full three days of seminar discussions and hence were able to explore both the ATT process and related instruments and concrete national transfer control practices.

The seminar's opening session was chaired by the Director of UNIDIR, Ms. Theresa Hitchens. High-level opening remarks were delivered by H.E. Mr. Mansour Abdallah, Ambassador from the Ministry of Foreign Affairs and Emigrants of Lebanon, and Ms. Angelina Eichhorst, Head of the Delegation of the European Union to Lebanon. In her statement, Ms. Hitchens welcomed everyone to Lebanon and noted that the purpose of the seminar was to share national views about the future ATT, exchange opinions and work on solutions for the way ahead. She also noted that the meeting in Beirut was held at an important point in time. First of all, because of the approaching Treaty negotiations, scheduled for July 2012, and second because of the events seen during the past year in the political landscape of many countries in the region. For its part, she said, the Arab Spring demonstrated the importance of arms transfer controls and made us all think about the potentially devastating effects of illicit proliferation of conventional arms. In his remarks, Ambassador Abdallah referred to his country's firm belief in international legitimacy and the principles of human rights, which sadly are violated every day in different parts of the world due to the spread of lethal weapons. He also reconfirmed Lebanon's support for the ATT process, and noted that the achievement of the future Treaty's objectives requires clear and balanced steps and rules, applied to all, without exception, guaranteeing to all their rights, dispelling their fears and facilitating their ability to accession in the future. Ms. Angelina Eichhorst from the European External Action Service noted that the EU is a firm believer in the ATT initiative and has been playing a very proactive role as a regional actor in the discussions. She also commended the development of different regional positions and discussions by several groups of States, including in the framework of the League of Arab States, and ensured everyone of the EU's continued and active involvement in the process towards an ATT. The session contained also two presentations, one by Ms. Pamela Maoponga from the United Nations Office for Disarmament Affairs in New York on the future ATT and its recent developments in the United Nations, and another by H.E. Mr. Roberto Garcia Moritán, the Chair of the ATT PrepCom process, about the remaining core issues in the Treaty discussions before July 2012.

The first working session of the seminar discussed in more detail some of the outstanding issues of the future ATT and the upcoming negotiations. Chaired by Ambassador Mansour Abdallah of Lebanon, the participants heard presentations about the history of some previous arms transfer control initiatives in the region and lessons learned for the future ATT, delivered by Dr. Neil Cooper from the University of

Bradford; about civil society's contribution to the ATT process in the Middle Eastern region, delivered by Mr. Fadi Abi Allam from the Permanent Peace Movement of Lebanon; and about the implementation of the future Treaty, by Mr. Mark Bromley from the Stockholm International Peace Research Institute (SIPRI). The presentations covered a whole range of ATT-relevant issues and evoked a lively conversation about on one hand the need to improve arms transfer controls and on the other hand to make sure that the developed arrangements are balanced, well-informed and implementable.

Moving more specifically to the Middle Eastern region, the second and third working sessions of the seminar were devoted to regional and also national views about the future ATT—both its negotiation process and later implementation. The second session, chaired by Ms. Saja Al Majali from the Ministry of Foreign Affairs of Jordan, heard presentations from the Secretariat of the League of Arab States by Mr. Fadi Achaia, and from the point-of-view of the European Union, delivered by Mr. Fabio Della Piazza from the European External Action Service (EEAS). Presentations were followed by a question-and-answer session and general discussion. The importance and potential of the League of Arab States in particular was brought up by participants, who encouraged more regional-level discussions and coordination among Arab States both in the lead-up to the ATT negotiations and later in following up its implementation. During session three, chaired by Ms. Hitchens of UNIDIR, participants exchanged some national views about the future ATT, underlining priority areas, challenges and concerns. Many speakers noted that national positions are still under development and that further consideration of issues is needed before July, but some were nevertheless willing to share some aspects with the group.

The seminar's second day started with group work in three simultaneous working groups, in which participants were asked questions specifically related to on the one hand the goals, scope and parameters of the ATT and on the other hand the implementation of the future Treaty. As in the previous seminars, questions on the table included participants' views on the most important goals and objectives of the future ATT; priority elements for the Middle East region in an ATT; strategies that could be adopted towards the negotiations to ensure the future Treaty's greatest possible relevance and effectiveness; and inter alia the minimum requirements for an effective national transfer control system under an ATT. Further, working groups discussed the possible mechanisms of information exchange and transparency, and different international institutional systems that could be put into place to facilitate treaty implementation.

The purpose of the working groups was not to agree on any common statement or consensus paper on the different aspects under discussion, but to exchange views, concerns, experiences and to make suggestions. After these sessions, the results of the discussions were presented at the plenary, where the rapporteurs of the groups expressed some main conclusions, including recommendations for the ATT process. The first part of the seminar was brought to a close with statements by Ms. Elli Kytömäki of UNIDIR and Mr. Fabio Della Piazza of the EU.

After lunch it was time for the second part of the seminar, designed to move from the political aspects of the future ATT to the more practical side of transfer controls, to examine some current and future arms transfer control systems at the national, regional and international levels. After a brief opening session with introductory statements, we

moved directly to discussing concrete examples. Chaired by Mr. Turki Alduhoori from the Police Forces of the United Arab Emirates, the session heard presentations about the challenges in controlling the conventional arms trade in Iraq, presented by Major General Abdul Kareem Al-Sudani of the Ministry of Interior of Iraq, and about the EU Common Position on arms exports, delivered by Mr. Cyril Bumbalek of the Ministry of Foreign Affairs of the Czech Republic. Also the last session of the day, chaired by Mr. Bromley of SIPRI, was devoted to national systems, with a briefing by Mr. Abel Duarte Oliveira of the Ministry of Defence of Portugal, about different aspects related to establishing and enforcing comprehensive arms transfer controls. The special focus of Mr. Duarte Oliveira's presentation was on import controls, and the day concluded with some active discussion about issues that have to be considered when establishing and updating national control systems.

The final day commenced with a session on improving accountability and transparency of conventional arms transfers. Chaired by Mr. Duarte Oliveira of Portugal, the session heard presentations about the role and functioning of United Nations transparency mechanisms by Ms. Maponga from ODA, and about national and EU approaches to transparency by Mr. Hans-Christian Mangelsdorf of the German Federal Office. Participants were eager to exchange views about the importance of transparency and openness in arms trade, and also about the problems and limitations related to being open about one's strategic arms transfers. It was noted that transparency is a very difficult but not an unsolvable issue, and an ATT needs to ensure a balance between openness and secrecy in its implementation. Most of the final day was then devoted to examining three hypothetical case studies, prepared and presented by EU experts and UNIDIR. Divided into three groups, participants discussed different scenarios and issues to be taken into account when considering export, import or transit licensing in these different scenarios which involved transfers of different defence materials. Specific aspects covered included proportionality of requests vs. states' legitimate security and defence needs, brokering controls, authenticity of end-user assurances and problems related to re-export of weapons.

During the last session of the seminar, the results of the case study working groups were brought together by a general run-through of all the cases and a recapitulation of the most central points that were considered in each of them. The formal closing session heard summary remarks of the full seminar by Ms. Kytömäki of UNIDIR as well as official closing remarks by Mr. Della Piazza of the EU and Ambassador Abdallah of the Ministry of Foreign Affairs of Lebanon, who delivered the host country views on the seminar. All speakers in their closing remarks thanked participants for their active and open input to seminar discussions and underlined the usefulness of the activity, both in terms of raising awareness about the ATT process in the region and in supporting the process towards the Treaty negotiations.

### **Findings and recommendations**

#### **ATT to be a comprehensive Treaty to help curb illicit trade in weapons and be beneficial to all**

In the seminar discussions, one of the main goals of an ATT was noted to be the need to fight against illicit and uncontrolled proliferation of conventional arms, including small arms and light weapons. When asked about the potential of the future Treaty to improve

controls over arms trade, many participants specifically mentioned its potential in helping countries establish control systems to avoid the diversion of weapons and harmonize procedures. It was also noted that there are cultural differences that affect our approach to security matters and that should also be taken into account in an ATT.

Previous instruments on conventional arms such as the United Nations Programme of Action on SALW have directly concentrated on the illicit trade in weapons. These are of crucial importance, but participants also recognized the added value of expanding global regulations on legal trade to thereby help curb the unauthorized and illicit trade in conventional arms, which currently causes significant harm in societies around the world by increasing insecurity, fuelling armed violence, organized crime and terrorism and prolonging conflicts.

It was also noted that 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 keep up their legitimate defence capabilities and pursue their sovereign rights. It was pointed out that the current system of non-harmonized procedures and in the absence of global regulations, States that mainly import weapons have no guarantee of being supplied the weapons that they need and no forum where issues or concerns related to for example why certain transfers might be allowed and others denied could be discussed. While it would be difficult to imagine an international Treaty that could force states to sell or buy weapons, as these issues are at the core of national sovereign decision-making and up to each and every country to decide upon based on their own assessment, it was noted that an ATT would contribute to more predictable and transparent system, where issues could be more easily taken up and explored. Related to transparency and accountability, the wish was also expressed that an ATT could shed more light on the private sector of arms trade by harmonizing systems and national regulations. Some called for more information about companies involved in the arms trade and their role with regard to national systems.

Many participants referred to earlier discussions about an ATT not being only an exporter's or producer's treaty but one that should take into account the needs and benefits of those countries that primarily rely on imported weapons. In this, it was especially noted that the future Treaty should aim at being comprehensive and balanced. In terms of specific parameters for the future Treaty, the principles of human rights and the United Nations Charter were specifically noted.

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

When discussing the scope of the future Treaty, many participants mentioned the need to 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 of an ATT should be wider than the current register coverage. It was noted that some weapon types will be more relevant and crucial for an ATT than others. Some categories of weapons currently proposed for the future ATT do not have the same direct impact on security and/or human lives in societies around the world than some other categories. Categories such as ammunition, weapon technologies and SALW were met with some resistance in terms of their inclusion in the future Treaty's scope. On the other hand, the same categories, especially SALW, were noted as some participants as being of primary importance in an ATT. In

terms of activities to be covered in the future Treaty, most discussion was devoted to the definition of "transfer" versus "trade", and some participants called for more clarity on this point during the negotiations. The importance of making a distinction between military and civilian use of transferred technologies was also brought up, and it was noted that an ATT should not prevent the transfer of this technology to or within the Middle East region.

Some participants called for the inclusion of also 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 to combat diversion. Some discussion was devoted to the concepts of "excessive production" or "excessive stockpiling", and it was noted that it would be difficult to define and determine these, as situations in countries differ, production and stockpiling remain a national concern and an ATT is not aimed at being a disarmament or arms control treaty.

Regarding the treaty text itself, it was also noted that the possibility of revisions and updates should be kept in mind already during the drafting exercise, so that it could when necessary be adapted to changing realities on the ground and kept relevant also in light of future technological developments in arms production.

Some suggested that a way out of the problem of definitions could be to add references to other, already existing treaties and their scope, and thereby limit and define the weapons that would fall under an ATT.

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

Many participants underlined the primary responsibility of States to implement the future Treaty at the national level, according to their specific situations but obeying the goals and spirit of the future Treaty. This was noted to be crucial already before the future Treaty comes into force, and participants called for inter-agency processes and consultations at the national level. It was noted that in the Middle East, controls are already quite strict and for example legislation and laws regulating arms transfers, possession and sanctions have already been put into practice. States should however ensure that when in force, the ATT requirements are translated into national law in all its State Parties. Some suggested that under an ATT, a national control system should be established in all Treaty members to consider the parameters agreed in the ATT while 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.

In terms of regional action, it was suggested that annual meetings of Arab contact points should be held, following the model of current meetings of the National Focal Points (NFPs) of League of Arab States member States on the United Nations PoA. It was also noted that if possible, Arab contact points should come together already before the July negotiations to further discuss the scope of the future Treaty and the Chair's current non-paper. A regional position paper could be drafted that would gather the national viewpoints of the Middle Eastern region.

Most working groups also seemed to favour the establishment of an Implementation Support Unit (ISU) or another international support structure to assist in treaty implementation and respond to possible enquiries and assistance requests from United Nations Member States. Financing of such a unit deserved some attention, and it was for instance suggested that maybe the functioning of the support structure could be financed as a percentage payment depending on the participant States' arms sales.

Implementing an ATT will be a learning process, and it is likely that some Treaty aspects will have to be discussed again and possibly revised later in the process. The role of an ISU in identifying such issues and especially in facilitating lessons learned and good practices was underlined by many participants. Some also noted that a degree of international and technical assistance will be needed to ensure that the future Treaty is well implemented. It was also suggested that guiding lists of specific goods and equipment that should be controlled, as well as of relevant enforcement agencies (for example the customs, police force, ministries) could be developed and distributed among States.

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

Implementation of the future Treaty was noted to be a key to its success, and lengthy discussion was devoted to exploring the details of an ATT's future functioning in both the plenary sessions and in the working groups. Transparency was noted to be a difficult but not an unsolvable issue, where States Parties should be encouraged to exchange information as much as possible, however 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, also to avoid reporting fatigue and overlapping or contradictory information being circulated.

### **Outcome and impact**

The regional seminar in Beirut was fully successful in meeting its goals and in securing a good level of participation from the target countries, especially given the somewhat difficult political situation in which some of the countries in the region were at the time of the seminar. Both parts of the seminar had around 50 participants from nine out of the 14 invited countries, together with international experts, all of whom actively participated in the discussions and many of whom also contributed by making presentations.

The high-level participation and strong support of the host country, together with the United Nations and the European Union, further contributed to the success of the seminar and helped attract media attention. Interventions by experts were positively received by participants: based on the anonymous feedback returned by 40% of the participants, most were either totally (60%) or partially (20%) aware of the ATT process and their own national arms transfer control system (66%) before attending the seminar. However, almost all (93%) still thought that the event improved their knowledge about these aspects. Participants thanked especially presentations on national and regional systems and the future Treaty's possible implementation mechanisms. Also the historical perspective taken up during the first part of the seminar was seen as

interesting and useful for the discussions. The working group sessions of both parts of the seminar were praised as the most interactive and enlightening parts of the event, together with presentations from other countries from the region.

It was noted that time remaining between the seminar and the July ATT negotiations is limited. As priorities for action in preparation for the ATT conference it was mentioned that states should organize inter-agency consultations and—to the extent possible—regional discussions and coordination of positions.

### **Media coverage**

The seminar attracted a good level of media attention in Lebanon, as well as in the region more generally. The local UNDP office was instrumental in attracting media attention especially to the Opening Session of the seminar and in coordinating interview requests. Both the opening session and the outcome of the event were noted in different print and electronic news media. The host country's active role in the seminar and the attendance of high-level officials were particularly recognized. The participants of the opening session from the host country, EU and UNIDIR were interviewed for several newspapers and two TV channels.

### **Next steps**

Following the regional seminar in Beirut, UNIDIR will finalize the organization of the last regional seminar, to be held in Belgrade, Serbia, on 18–20 April 2012. After this, the project implementation plan will only consist of the final concluding event, which is planned to be held in July 2012 during the ATT negotiations in New York. At this concluding event, the preliminary findings and recommendations of all the seven regional seminars organized as part of the project will be presented to the target audience for information and comments. They will also be used as the basis of the project final publication, which is to be made available later in 2012, after the conclusion of all other project activities.

In accordance with its role in bringing substantive knowledge to United Nations Member States, UNIDIR is also continuing with the commissioning of the last background papers, in close cooperation with the relevant EU services. These studies, together with the summary reports of the regional seminars and the presentations made during the project events, will be made available on UNIDIR's website once finalized and are also distributed at the project events.

## **Annex A. Agenda**

### **DAY 1**

**Tuesday, 27 March 2012**

08:30–09:00 **Registration**

09:00–10:30 **Opening Session**

Chair: Theresa Hitchens, Director, United Nations Institute for Disarmament Research (UNIDIR)

Opening remarks:

H.E Mr. Mansour Abdallah, Ambassador, Ministry of Foreign Affairs and Emigrants, Lebanon

H.E. Ms. Angelina Eichhorst, Head of the Delegation of the European Union to Lebanon

Presentations:

*ATT—general overview and developments within the United Nations*  
Pamela Maonga, United Nations Office for Disarmament Affairs, New York

*Towards the ATT Negotiating Conference: Remaining core issues*  
H.E. Mr. Roberto Garcia Moritán, Chair of the ATT Preparatory Committee meetings

10:30–11:00 Coffee break

11:00–13:00 **SESSION I: ATT and its different aspects—views and priorities**

Chair: H.E Mr. Mansour Abdallah, Ambassador, Ministry of Foreign Affairs and Emigrants, Lebanon

Presentations:

*Civil Society's Contribution to the ATT process in the region*  
Fadi Abi Allam, Permanent Peace Movement, Lebanon

*Arms transfer controls in the region and the future ATT*  
Neil Cooper, University of Bradford

*ATT and its future implementation—considerations and priorities*  
Mark Bromley, SIPRI

Discussion.

13:00–15:00 Lunch at conference venue

15:00–16:00 **SESSION II: Negotiating and implementing an ATT: regional views**

Chair: Saja Al Majali, Ministry of Foreign Affairs of Jordan

Presentations:

*ATT and the Middle East: Views from the League of Arab States*  
Fadi Achaia, Head of Conventional Arms Section, Department of  
Multilateral Relations, League of Arab States

*The ATT process: EU's perspective*  
Fabio Della Piazza, European External Action Service

Discussion.

15:45–16:00 Coffee break

16:00–17:30 **SESSION III: Negotiating and implementing an ATT: roundtable on national views**

Chair: Theresa Hitchens, Director, UNIDIR

Presentations: National contributions from selected countries in the region

## DAY 2

### Wednesday, 28 March 2012

09:00–09:15 **Summary of discussions from Day 1**

09:15–10:30 **SESSION V: Parallel working group sessions, part I (scope and parameters)**

10:30–10:45 Coffee break

10:45–12:00 **SESSION V: Parallel working group sessions, part II (implementation)**

12:00–12:15 Wrap-up of group work and a break

12:15–12:45 **SESSION VI: Conclusions and next steps: Compiling working group recommendations**

Chair: Elli Kytömäki, Project Manager, UNIDIR

12:45–13:00 **Closing session of Part I of the regional seminar**

Chair: Elli Kytömäki, Project Manager, UNIDIR

Remarks: Fabio Della Piazza, European Union External Action Service

13:00-15:00 Lunch at conference venue

## **PART II**

***For technical and law-enforcement personnel***

### **Wednesday, 28 March 2012**

13:00-15:00 Lunch at conference venue

15:00–15:30 **Opening Session**

Chair: Elli Kytömäki, UNIDIR

Opening remarks:

Fabio Della Piazza, European External Action Service

*Introduction to the ATT initiative and its recent developments in the region, with briefing from Part I of the seminar*

Elli Kytömäki, UNIDIR

15:30–16:45 **SESSION I: Overview of national and regional systems to regulate conventional arms trade**

Chair: Turki Alduhoori, Police Officer, United Arab Emirates

Presentations:

*Challenges in controlling conventional arms trade: Iraq*

Maj Gen Abdul Kareem Al-Sudani, Chairman of the National Arms Control Committee, Ministry of Interior of Iraq

*EU Common Position on conventional arms exports: implementing transfer controls—European perspective*

Cyril Bumbalek, Ministry of Foreign Affairs of the Czech Republic

16:45–17:00 Coffee break

17:00–18:00 **SESSION II: Establishing effective national systems**

Chair: Mark Bromley, SIPRI

Presentations:

*Establishing and enforcing comprehensive controls with special focus on import controls*

Abel Duarte Oliveira, Ministry of Defence, Portugal

**18:30–20:00 Reception for all participants (Part I and Part II) hosted by the Ministry of Foreign Affairs and Emigrants, Lebanon**

**DAY 3**

**Thursday, 29 March 2012**

09:00–10:30 **SESSION III: Improving accountability and transparency of conventional arms transfers**

Chair: Abel Duarte Oliveira, Ministry of Defence, Portugal

Presentations:

*Role and functioning of UN transparency mechanisms*

Pamela Maponga, ODA

*National and European Union approaches to transparency*

Hans-Christian Mangelsdorf, German Federal Foreign Office

Discussion.

10:30–10:45 Coffee break

10:45–13:00 **SESSION IV: Conventional arms trade and an ATT—practical case studies: presentation and start of group work**

Chair: Fabio Della Piazza, European External Action Service

Presentation of three practical case Studies by the EU Experts

Discussion and division into working groups

13:00–14:30 Lunch at conference venue

14:30–16:00 **SESSION IV: Parallel working group sessions on practical aspects of export controls (continued)**

16:00–17:00 **SESSION VI: Discussing the results of the working group sessions**

Chair: Fabio Della Piazza, European External Action Service

Presentations by rapporteurs

17:00–17:30 **Closing Session**

Chair: Elli Kytömäki, Project Manager, UNIDIR

*Summary of the seminar outcomes and recommendations*

Closing remarks:

Fabio Della Piazza, European External Action Service

H.E Mr. Mansour Abdallah, Ambassador, Ministry of Foreign Affairs and Emigrants, Lebanon

**Annex B. List of participants**

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

**Regional Seminar for countries in the Middle East  
27–29 March 2012**

<b>Country</b>	<b>Participants</b>
Egypt	<p>Mr. Sherif KAMEL Counsellor Ministry of Foreign Affairs</p> <p>Mr. Hisham ELFEKY</p> <p>Col. Tarek Abdelaal Sayed SALEH</p>
Iraq	<p>Lt. Col. Mansoor AL-SADOON National Focal Points on SALW Ministry of Interior</p> <p>Maj Gen Abdul Kareem AL-SUDANI Chairman of the National Arms Control Committee Ministry of Interior</p>
Jordan	<p>Mr. Mirza HATOQAY Arms Control Official Jordan Armed Forces</p> <p>Ms. Saja AL MAJALI Director of International Relations and Organizations Directorate, Foreign Ministry of Jordan</p> <p>Mr. Ali ALMBAIDIN Prosecutor of the Security State Court Jordan Armed Forces</p>
Lebanon	<p>H.E. Mr. Mansour ABDALLAH Ambassador, Ministry of the Foreign Affairs</p> <p>General George CHRAIM Lebanese Army, Ministry of National Defense</p> <p>General Cesar CHIDIA Directorate General of General Security, Ministry of Interior</p> <p>Mr. Monir ABOU RJAILY Customs, Lebanon</p>

Libya	Mr. Muftah ALHARSHA First Secretary Ministry of Foreign Affairs
Oman	Mr. Ali Hilal Al Mardoof AL SAADI Counsellor, Ministry of Foreign Affairs  Mr. Yaqoub badr AL RUQEISHI First Secretary, Ministry of Foreign Affairs  Mr. Amur Abdullah Salem AL FIZANI Civil Officer, Ministry of Defence
Qatar	Mr. Abdulaziz ALHATHAL Legal researcher Ministry of Economy and Finance  Mr. Mohammed AL HAJRI Customs Inspector Ministry of Economy and Finance
United Arab Emirates	H.E. Mr. Hamad Saeed AL SHAMZI Executive Director  Mr. Youssef Ali AL MAZMI Legal Officer  Mr. Thani AL REMAITHI Office assistant MFA  Ms. Hana AL SHAIBA Administrator MFA  Mr. Turki AL DHUHOORI Police officer  Mr. Abdelrahman AL ALI Police officer  Mr. Abdulla ALJASSMI

Yemen	<p>Mr. Mohammed BAAKER Diplomatic Attaché, Secretary to the Vice Minister Ministry of Foreign Affairs</p> <p>Mr. Bandar AL ERYANI Second Secretary in charge of Disarmament Ministry of Foreign Affairs</p>
League of Arab States	<p>Mr. Fadi ACHAIA Head, Conventional Arms Branch LAS Secretariat</p>
ODA	<p>Ms. Pamela MAPONGA Deputy Head, Conventional Arms Branch, ODA NYC</p> <p>Mr. Mikko AUTTI Associate Political Affairs Officer, ODA NYC</p>
Control Arms Campaign	<p>Mr. Fadi ABI ALLAM Permanent Peace Movement, Lebanon</p> <p>Ms. Rima CHEMIRIK Oxfam France, Middle East Programme</p>
University of Bradford	<p>Dr. Neil COOPER</p>
SIPRI	<p>Mr. Mark BROMLEY</p>
PrepCom Chair	<p>H.E. Mr. Roberto GARCIA MORITAN Ambassador, Argentina</p>
EU Expert	<p>Mr. Cyril BUMBALEK Arms Export Control Unit Czech Ministry of Foreign Affairs</p>
EU Expert	<p>Mr. Hans-Christian MANGELSDORF Conventional Arms and Dual-Use Goods, Federal Foreign Office of Germany</p>

EU Expert	Mr. Abel DE OLIVEIRA Ministry of Defence, Portugal
EEAS	H.E. Ms. Angelina EICHHORST Head, EU Delegation to Lebanon  Mr. Duccio BANDINI EU Delegation to Lebanon  Mr. Fabio DELLA PIAZZA
United Nations in Lebanon	Mr. Shombi SHARP Deputy Country Director, UNDP  Ms. Mona EL-YASSIR UNDP  Mr. Guilnard EL-ASMAR UNDP  Mr. Alexan DJERDJIAN UNDP  Ms. Elham BARAKAT UNDP
UNIDIR	Ms. Theresa HITCHENS Director  Ms. Elli KYTOMAKI Project Manager  Ms. Sonia BILLARD FATTAH  Ms. Laetitia PIRODDI Temporary Research Assistant



UNITED NATIONS INSTITUTE  
FOR DISARMAMENT RESEARCH



EUROPEAN UNION



REPUBLIC OF SERBIA  
MINISTRY OF FOREIGN AFFAIRS

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

**Regional Seminar for Countries  
in Wider Europe**

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

**SUMMARY REPORT**

## Table of contents

<b><u>Introduction</u></b> .....	<b>135</b>
<b><u>Seminar proceedings</u></b> .....	<b>136</b>
<b><u>Findings and recommendations</u></b> .....	<b>138</b>
ATT should aim at combating diversion, increasing transparency and promoting human security .....	138
Technical aspects and details of scope remain to be discussed .....	139
Strategies before July 2012: coordination, outreach, public diplomacy .....	140
Strategies to effectively implement the ATT: national and regional action, cooperation and assistance.....	140
<b><u>Outcome and impact</u></b> .....	<b>141</b>
<b><u>Next steps</u></b> .....	<b>142</b>
<b>Annex A. Agenda</b> .....	<b>143</b>
<b>Annex B. List of participants</b> .....	<b>148</b>

## **Introduction**

The final regional seminar in the series of events that UNIDIR is organizing for the European Union (EU) as part of the project “Supporting the Arms Trade Treaty Negotiations through Regional Discussions and Expertise Sharing” was organized for countries in Wider Europe<sup>17</sup> in Belgrade, Serbia, on 18–20 April 2012.<sup>18</sup> The project aims at supporting the negotiations on the future ATT by ensuring that the process is as inclusive as possible and that states will be able to make concrete suggestions and recommendations on the elements of the future Treaty. The project also aims at supporting all United Nations Member States to develop and enforce their national and regional arms transfer control systems.

The first 1.5 days of the Belgrade seminar were directed to diplomats and other representatives in charge of the political aspects of the ATT process, while the latter half of the three-day event was designed to be more practical and discussed national and regional arms transfer control systems and possibilities to improve current practices. During the first part, participants discussed the way ahead to the ATT negotiations, scheduled for July 2012, with an overview of the process and the elements of the future Treaty. They also had the chance to share their views on the ATT and its possible implementation system. The second half heard presentations about practical arms transfer control systems in the region, and challenges in the implementation of national and regional systems, and views were exchanged between the participating countries, regional organizations and independent experts.

The seminar brought together close to 50 representatives from 15 of the 26 countries invited to the event, representing Ministries of Foreign Affairs, Defence, Interior and the Customs (see list of participants in annex B). In addition, several international expert representatives from the United Nations and regional organizations as well as civil society participated in the meeting by making presentations and contributing to the discussions.

This report presents UNIDIR’s summary of the discussions and outcomes of the Belgrade seminar. It is not intended to be a consensus document, and it therefore does not necessarily represent the views of all seminar representatives but rather UNIDIR’s understanding of the proceedings and main results.

Audio files and documents of the presentations made at the seminar are available at [www.unidir.org/bdd/fiche-activite.php?ref\\_activite=685](http://www.unidir.org/bdd/fiche-activite.php?ref_activite=685).

---

<sup>17</sup> The states invited were Albania, Armenia, Azerbaijan, Belarus, Bosnia and Herzegovina, Croatia, Georgia, Iceland, Israel, Kazakhstan, Kyrgyzstan, Liechtenstein, Montenegro, Norway, Republic of Moldova, Russian Federation, Serbia, Switzerland, Tajikistan, the former Yugoslav Republic of Macedonia, Turkey, Turkmenistan, Ukraine and Uzbekistan.

<sup>18</sup> The other regional seminars of the project were held in Kathmandu, Nepal, on 10–12 November 2010 for countries in South and Central Asia; Casablanca, Morocco, on 2–4 February 2011 for countries in Central, West and North Africa; Montevideo, Uruguay, on 27–29 April 2011 for countries in the Americas and the Caribbean; Bali, Indonesia, on 6–8 June 2011 for countries in East Asia and the Pacific; Nairobi, Kenya, on 29 February–2 March 2012 for countries in Eastern and Southern Africa; and Beirut, Lebanon on 27–29 March 2012 for countries in the Middle East.

## **Seminar proceedings**

As with all the other regional seminars of the project, the Belgrade event was divided into two parts, targeted at different participants: during the first half, diplomatic representatives of the invited countries discussed the ATT process together with regional and international experts, concentrating especially on the remaining issues in the lead-up to the July 2012 ATT Conference. They were also asked to present their national views and priorities with regard to the Treaty, strategies for the remaining months, and concrete ideas for the ATT process. The latter part of was more technical, bringing together arms transfer control practitioners, who were able to discuss the day-to-day realities of national and regional arms transfer control systems.

The seminar was opened with a high-level panel, chaired by Ms. Kerstin Vignard from UNIDIR, and heard statements from H.E. Mr. Zoran Vujic, Assistant Minister, Sector for Security Issues, from the Ministry of Foreign Affairs of the Republic of Serbia, and from Mr. Adriano Martins, Deputy Head of the Delegation of the European Union to the Republic of Serbia. In her welcoming remarks, Ms. Vignard noted that, when adopted, the ATT will be the first international instrument regulating the trade in conventional arms, and it has the potential to become a vital tool in combating the illegal and poorly regulated trade of arms and their destructive consequences worldwide. She also pointed out that Wider Europe has much to bring to the arms trade discussion as one of the largest arms-producing regions in the world and also as a region particularly touched by a Cold War legacy of outdated arsenals of surplus weapons and ammunition. Mr. Vujic then again affirmed the great importance that Serbia attaches to the negotiations on the ATT, and assured all participants of his country's continued support to the initiative, which it has seen since the beginning as an important and achievable one. Serbia sees the ATT Conference as a unique opportunity for the elaboration and adoption of a legally binding international instrument that should set the standards for governing the global arms trade at the highest possible level. In the remarks delivered on behalf of the EU, Mr. Adriano Martins highlighted the same issues and noted that only an ATT that is negotiated and developed through a genuinely participatory process can meet the expectations and the ambitious objectives that the international community has been asking for. The session heard also two presentations about the ATT itself, one by Ms. Pamela Maponga from the United Nations Office for Disarmament Affairs in New York and another one by H.E. Mr. Roberto Garcia Moritan, the Chair of the ATT PrepCom process, who discussed the remaining core issues that delegations will have to consider before July 2012.

After the opening remarks and introductions, the seminar moved to discussing in more detail some issues that were seen as being of primary importance to the region and of interest to the participants. Chaired by Ambassador Branka Latinovic from the Ministry of Foreign Affairs of the Republic of Serbia, the session contained presentations on civil society's contribution to the ATT process in Wider Europe, by Svetlana Bogdanovic of the Control Arms Campaign; on European Defense and Aerospace Industry aspects on an ATT, especially from the point-of-view of compliance, by Mr. Henrik Petersson from the ASD Industries; and on controlling technology transfers of conventional arms, by Mr. Vadim Kozyulin from the PIR Centre. The presentations were followed by active discussion, where it was noted that the countries participating in the seminar are in fact in a special situation with regard to the ATT, as many of them already have very sophisticated arms transfer control systems in place, many are producing and exporting

weapons, and many already actively participate in international transfer controls through different regional arrangements and instruments.

Moving more specifically to the countries participating in the seminar, the second session, chaired by Mr. Erwin Bollinger from the State Secretariat for Economic Affairs of Switzerland, discussed regional views on the Treaty, through presentations by the Organization for Security and Co-operation in Europe (OSCE), UNDP/SEESAC and the EU. During the discussions following the presentations, many participants noted the active and advanced role of the region in arms transfer controls and pointed out that in many aspects the OSCE participating states can function as examples to the other regions of the world in developing and maintaining their national and regional systems. It was also noted that many elements of the existing arrangements can provide good material and lessons learned for the ATT. During session three, chaired by Ms. Vignard from UNIDIR, participants exchanged their national views on the ATT, underlining priority areas, challenges and concerns especially with regard to the upcoming negotiations. It seemed that positions of many states around the table were very similar, even though some national specificities were also identified.

After a short recap session, the second seminar day kicked off with group work in three simultaneous working groups, in which participants were asked questions specifically related to the goals, scope and parameters of the ATT, and to the implementation of the future Treaty. Questions on the table were the same as in the previous seminar held in Beirut: participants were asked about the most important goals and objectives of the future ATT; national and regional priority elements; strategies that could be adopted towards the negotiations to ensure the future Treaty's greatest possible relevance and effectiveness; and the minimum requirements for an effective national transfer control system under an ATT. Working groups also discussed possible mechanisms that could be introduced in an ATT on information exchange and transparency, and different international institutional support systems.

The purpose of the working groups was not to arrive at any common conclusions, but merely to exchange views and ideas. After the breakout sessions, the results of the discussions were presented at the Plenary, where the rapporteurs of the groups expressed the main conclusions from their discussions, and everyone had the chance to ask for clarifications or to bring up additional points. The first part of the seminar was brought to a close with closing statements delivered by Ms. Elli Kytömäki of UNIDIR and Mr. Fabio Della Piazza from the EEAS.

The afternoon of day two started the second, more technical and practice-oriented part of the seminar, where participants had the opportunity to discuss current national and regional transfer control systems. After a brief opening session and introductory statements concerning also the outcomes of the first part of the event, the seminar moved directly to discussing concrete examples of existing control mechanisms. The session was chaired by Mr. Vasily Pavlov from the Ministry of Foreign Affairs of Belarus, and heard national presentations from the Russian Federation (by Mr. Alexey Chumichev from the Russian Ministry of Foreign Affairs) and from Ukraine (by Mr. Sergii Kucherenko from the Ukrainian MFA), as well as from the EU, delivered by Ms. Mariann Mezey from the Hungarian MFA. Participants warmly welcomed the presentations of their colleagues and asked many detailed questions about the particular aspects of the different systems. Also the last session of the day, chaired by Ms. Pamela

Maponga from ODA, was devoted to national systems, with briefings by Ambassador Paul Beijer from Sweden, and national interventions from Bosnia and Herzegovina (delivered by Mr. Dragisa Mekic from the Ministry of Foreign Trade and Economic Relations of Bosnia and Herzegovina) and Israel (by Mr. Yoram Ziflinger, Defense Export Controls Agency (DECA), Ministry of Defence of Israel). Unfortunately, the session ran out of time before the question-and-answer period could be held, so the discussion about the presentations was postponed until the last seminar day.

On the last seminar day, discussion started off lively on the grounds of the previous day's presentations. We also had a session specifically on improving accountability and transparency of conventional arms transfers, chaired by Ambassador Beijer of Sweden, where three further presentations were heard. Ms. Maponga from ODA presented the role and functioning of United Nations transparency mechanisms, Mr. Albrecht von Wittke from the German Federal Office talked about the national and EU approaches to transparency, and finally Mr. Roy Isbister from Saferworld presented his views on the necessary national implementation structures for the ATT. Participants were eager to exchange views about the importance of transparency and openness in arms trade, and the necessary structures that have to be put in place. Especially the details of end-user assurances attracted wide interest and were discussed in detail.

The rest of the seminar's latter half was devoted to examining three hypothetical arms transfer case studies, which were presented by EU experts, who also led the discussions conducted in smaller breakout groups. By going through the case study scenarios, participants were asked to consider different elements of arms transfer decision-making from both political and technical points of view, and think about elements and information that one has to take into account before granting or refusing a license. Long discussion was devoted especially to the need of making proper and thorough situation assessments and verifying that all necessary documentation is submitted as part of the request. Also possibilities for post-delivery verification were touched upon. After discussing the cases in three separate groups, all participants came together to share the results of the case studies in a plenary, where nominated rapporteurs presented the scenarios once again and revealed the outcome of their discussions.

The seminar was brought to a close in a session chaired by Ms. Vignard of UNIDIR, where Ms. Kytömäki presented a short summary of the three days and participants also heard high-level closing remarks from the Republic of Serbia, delivered by Ambassador Branca Latinovic, and from the European Union. After the closing session, a brief press conference was organized for interested journalists.

### **Findings and recommendations**

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

Most states that participated in the Serbia seminar voiced their firm support to the ATT initiative and noted that they have been actively participating in the discussions since their inception at the United Nations in 2006. Many underlined that the ATT should be truly global and able to answer to the current issues and challenges of the conventional arms trade. It was also noted, reflecting statements made during the PrepCom meetings, that an ATT should be a "floor", not a "ceiling", for transfer controls, and that it should

be clear-cut and ambitious but practical enough to provide states with enough guidance to effectively develop their own systems and regulative frameworks.

When asked about the most important goals and objectives that the ATT should have, many mentioned the need to create universal standards for arms transfer controls to improve national systems, combat the diversion of weapons from legal to illicit trade, help maintain international peace, stability and security, and to bring a common umbrella also for different regional arrangements. It was also noted that 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 participants mentioned also the human security goals for the ATT, and some went further to link the Treaty's goals also to combating corruption and promoting sustainable development. At the same time it was noted that the latter could prove challenging as the international community lacks criteria and parameters in defining for instance what the required or necessary level of development in each case should be, and how corruption could reliably be measured. It was also pointed out that the ATT should under no circumstances limit the capabilities of states to develop their own defence capabilities. This was seen to apply especially to the Treaty's possible coverage of transfers of technology.

The discussion about the Treaty's goals was in some cases intertwined with considerations regarding the ATT's possible and desirable parameters, where in addition to the compliance with the United Nations Charter, United Nations Security Council resolutions and states' already existing obligations, many participants mentioned human security concerns, human rights, conflicts, developmental considerations and corruption. Especially during the group work quite a lot of debate was devoted to the difficulties of specifying the criteria for these parameters and their implementation, for example in cases of frozen conflicts and considerations regarding transfer licenses to these areas. It was noted that the criteria should be clear-cut and unambiguous to avoid different interpretations.

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

When participants discussed the scope of the future Treaty, it was mostly noted that the ATT should cover a comprehensive set of weapons and equipment, as well as a range of activities and transactions. Categories mentioned as being of specific importance included small arms and light weapons (SALW) and ammunition, where most participants noted that these categories should be included, but some also expressed concerns. Many noted that the negotiations will have to clarify the approach that the Treaty will take towards its scope: how much details will be included; will existing instruments such as United Nations Conventional Arms Register be specifically referenced; and what will be left for national decision-makers to define? Some participants called for a clear list of weapons, while others called for more general categories that could be further specified at the national level, based on the needs and systems of different states. Some discussion was also devoted to the possible distinction between military and civilian weapons, and it was noted that the ATT might have to limit itself to specifically "military" weapons following the example of most regional instruments. Sporting and hunting weapons would under this specification not fall under the ATT.

In terms of activities to be covered, most participants seemed to generally agree with the listing of international transactions and activities listed in the Chairman's non-paper. In addition, categories such as financing, production and stockpile management were discussed as important but potentially complicated categories to be covered in an ATT.

During the technical part of the seminar, many participants pointed out that no matter how the ATT's scope will be defined it will have to leave room for national interpretation and allow for states to apply their own system to licence applications, however respecting the jointly agreed upon rules and minimum requirements.

### **Strategies before July 2012: coordination, outreach, public diplomacy**

Given the timing of the Belgrade seminar, quite a lot of discussion during the three days was devoted to strategies that states and other stakeholders should adopt in the lead-up to the July negotiations. In this, the active involvement of regional organizations, such as the OSCE, was called for, especially in terms of facilitating the forming of regional positions. As the primary issue, however, most participants called for all states to formulate their own national positions and be prepared for the negotiations in the capitals well in advance of July.

At the national level, it was noted that further domestic coordination efforts are needed to ensure that all the relevant officials and experts are aware of the initiative and can contribute to the process in the best possible way. Also the need for outreach activities was mentioned, and much emphasis was placed on the continued involvement and support of non-governmental organizations.

Some participants expressed concern about the limited time available both before the negotiations and especially in July, and wondered how the work can be organized with less than 20 days at delegations' disposal. Others saw this from another angle, as an opportunity to remain focused and avoid going too much into details or expand the discussions at this stage: with limited time available and clear goals it was felt that the work could even be simplified. It was also noted that the use of simultaneous subsidiary bodies to discuss the different technical issues will allow for more time to be allocated for the negotiations.

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

When discussing the ways in which the future Treaty will be implemented, participants often divided their remarks into political considerations and technical requirements. In terms of how to best implement the future Treaty's requirements, many noted that it will have to be decided once the Treaty is actually in existence, but that issues such as border management and cross-border cooperation should be considered as possible priority areas for improvement in the region. As in the other regional seminars, the primary responsibility of states to ensure that the ATT becomes functional was underlined by many, who also noted that the Treaty should take into account the different structures and situations of countries. All states should ensure as soon as possible that they have the necessary legal system and legislative procedures in place to implement the ATT. Special emphasis should be placed on awareness-raising towards the defence industry. A concrete suggestion relevant especially to national outreach

activities was that all states should ensure that the text of the Treaty will be translated into the national language as soon as possible.

Much emphasis was also placed on the participation of regional organizations in supporting the implementation of the ATT, both directly and indirectly. It was noted that in many aspects regional cooperation has the potential to go deeper than international arrangements, and this should not be sacrificed. Instead, we should explore ways in which the two levels of action could best support each other. This was noted as important also with regard to capacity-building and assistance, which will to some extent be necessary also in the Wider Europe region to ensure that all states can comply with their Treaty obligations and upgrade their national control systems. It was noted that some kind of trust funds could be established to facilitate the channelling of assistance under the ATT, but that victim assistance should not be part of an ATT's implementation strategy. It was also suggested that someone should start developing templates for benchmarking the actual level of Treaty implementation and effectiveness as soon as it is adopted.

At the international level, the most commonly referred to body that could assist in the Treaty's implementation was the Implementation Support Unit (ISU), which as an idea that seemed to be supported by most participants. Especially the financial aspects of establishing such a unit and its future placement were debated. It was noted that if an ISU were to be initiated, it could function as a clearinghouse for assistance requests and also be the main focal point to coordinate co-operation between different institutions relevant for an ATT's implementation. Also regular meetings of states parties and especially the initiation of meetings of governmental experts to assess the level of implementation were put forward as suggestions. It was noted that the meetings of governmental experts could agree on sets of technical implementation recommendations that could then be taken into consideration during the meetings of states parties.

National reporting and other transparency measures were mentioned as one of the primary strategies and means in which the effective functioning of an ATT could be ensured, and some participants even said that increasing transparency would one of the most important functions of an ATT. In this, participants discussed different possibilities related to the information exchange and challenges. Also regional seminars and conferences as well as different specific training sessions for experts were mentioned as concrete ways to support the ATT's future implementation.

### **Outcome and impact**

The Belgrade seminar for countries in Wider Europe was fully successful in meeting all the goals set for it: the organizers managed to secure a good level of attendance from the target countries, and the discussions at the seminar were insightful and active. Unlike in some of the other regional seminars, most participants participated either in part I or part II of the seminar, and not both. In total, the seminar had approximately 50 participants from 15 of the countries invited to attend it, together with regional and international experts, all of whom actively participated in the discussions and many of who also contributed by making presentations.

The exceptionally active contribution and participation of the host country, together with the support from the European External Action Service further contributed to the

success of the seminar and also helped attract media attention around it in Serbia. Most participants who took part in either half of the event were quite familiar with the ATT process and/or their national arms transfer control system already before attending the seminar. However, everyone who returned the anonymous feedback forms at the end said that their knowledge about arms transfer controls and the upcoming ATT negotiations had improved either significantly or “partially” as a result of their participation. Also the interventions by experts were positively received by participants: especially the national examples and updates about the ATT process were seen as useful, and some for example noted that the seminar allowed them to gain a “much better understanding of all the open issues and their complexity”. As in the other regional seminars, the working group sessions were noted as being among the most useful parts of the event, and some noted that even more time could have been devoted to discussing ATT-related issues in smaller setting. Finally, all participants who provided feedback noted that the seminar helped them to network with colleagues from other countries and that they think their presence will help activate their country’s participation in the upcoming negotiations.

### **Media coverage**

The opening and closing sessions of the seminar attracted media attention in Serbia, following press releases sent out by both the local UNDP office and the EU Delegation to Serbia. Also the Serbian MFA was instrumental in attracting media attention and in coordinating interview requests. Both the opening session and the outcome of the event were noted in different print and electronic news media (for selected links to press coverage, see annex C). The active role of the European Union and the host country were particularly recognized in the articles written about the event.

### **Next steps**

Following the successful conclusion of the last regional seminar in Belgrade, UNIDIR will now proceed with wrapping up all administrative and substantial elements of the project. The only remaining activity is the project concluding event, which is planned to be held in New York during the July 2012 ATT negotiations. At this concluding event, the preliminary findings and recommendations of all the seven regional seminars organized as part of the project will be presented to the target audience for information and comments. They will also be used as the basis of the project final publication, which is to be made available later in 2012, after the conclusion of all other project activities.

In accordance with its role in bringing substantive knowledge to United Nations Member States, UNIDIR is also continuing with the commissioning of the last three background papers, in close cooperation with the relevant EU services. These studies, together with the summary reports of the regional seminars and the presentations made during the project events, are made available on UNIDIR’s website once finalized and are also distributed at the project events.

## **Annex A. Agenda**

### **DAY 1**

#### **Wednesday, 18 April 2012**

08:30–09:00 **Registration**

09:00–10:30 **Opening Session**

Chair: Kerstin Vignard, United Nations Institute for Disarmament Research (UNIDIR)

Opening remarks:

Zoran Vujic, Assistant Minister, Sector for Security Issues, Ministry of Foreign Affairs of the Republic of Serbia

Adriano Martins, Deputy Head of the Delegation of the European Union to the Republic of Serbia

Presentations:

*ATT—general overview and developments within the United Nations*  
Pamela Maponga, Conventional Arms Branch, United Nations Office for Disarmament Affairs, New York

*Towards the ATT Negotiating Conference: Remaining core issues*  
H.E. Mr. Roberto Garcia Moritan, Chair of the ATT Preparatory Committee meetings

10:30–11:00 Coffee break

11:00–13:00 **SESSION I: ATT and its different aspects—views and priorities**

Chair: H.E. Ms. Branka Latinovic, Ambassador, Ministry of Foreign Affairs of the Republic of Serbia

Presentations:

*Civil Society's Contribution to the ATT process in the region*  
Svetlana Bogdanovic, Control Arms Campaign

*European Defense and Aerospace Industry aspects on an ATT—compliance in global trade*  
Henrik Petersson, ASD Industries

*ATT initiative—controlling technology transfers of conventional arms*  
Vadim Kozyulin, PIR Centre, Russian Federation

Discussion.

13:00–14:30 Lunch hosted by the Ministry of Foreign Affairs of the Republic of Serbia

14:30–15:45 **SESSION II: Negotiating and implementing an ATT: regional views**

Chair: Erwin Bollinger, State Secretariat for Economic Affairs, Switzerland

Presentations:

*ATT and the OSCE region: regional contributions to international processes*

Mathew Geertsen, Conflict Prevention Centre, OSCE Secretariat

*Conventional Arms Transfers in South-Eastern and Eastern Europe*

Ivan Zveržhanovski, Team Leader, UNDP/SEESAC

*The ATT process: EU's perspective*

Fabio Della Piazza, European External Action Service

Discussion.

15:45–16:00 Coffee break

16:00–17:30 **SESSION III: Negotiating and implementing an ATT: roundtable on national views**

Chair: Kerstin Vignard, UNIDIR

Presentations: National contributions from selected countries in the region

## DAY 2

### Thursday, 19 April 2012

09:00–09:15 **Summary of discussions from Day 1**

09:15–10:30 **SESSION V: Parallel working group sessions, part I (scope and parameters)**

10:30–10:45 Coffee break

10:45–12:00 **SESSION V: Parallel working group sessions, part II (implementation)**

12:00–12:15 Wrap-up of group work and a break

12:15–12:45 **SESSION VI: Conclusions and next steps: Compiling working group recommendations**

Chair: Elli Kytömäki, Project Manager, UNIDIR

12:45–13:00 **Closing session of Part I of the regional seminar**

Chair: Elli Kytömäki, Project Manager, UNIDIR

Remarks: Fabio Della Piazza, European Union External Action Service

13:00-15:00 Lunch hosted by the Ministry of Defence of the Republic of Serbia

## **PART II**

***For technical and law-enforcement personnel***

### **Thursday, 19 April 2012**

13:00-15:00 Lunch hosted by the Ministry of Defence of the Republic of Serbia

15:00–15:30 **Opening Session**

Chair: Kerstin Vignard, UNIDIR

Opening remarks:

Fabio Della Piazza, European External Action Service

Dejan Raketic, Ministry of Interior of the Republic of Serbia

*Introduction to the ATT initiative and recent developments in the region,  
with briefing from Part I of the seminar*

Elli Kytömäki, UNIDIR

15:30–16:45 **SESSION I: Overview of national and regional systems to regulate conventional arms trade**

Chair: Vasily Pavlov, Ministry of Foreign Affairs of Belarus

Presentations:

*Arms transfer controls—experience in the Russian Federation*  
Alexey Chumichev, Ministry for Foreign Affairs of the Russian Federation

*Arms transfer controls in Ukraine*  
Sergii Kucherenko, Ministry of Foreign Affairs of Ukraine

*EU Common Position on conventional arms exports: implementing transfer controls—European perspective*  
Mariann Mezey, Hungarian Trade Licensing Office

Discussion.

16:45–17:00 Coffee break

17:00–18:00 **SESSION II: Establishing effective national systems**

Chair: Pamela Maponga, ODA

Presentations:

*Establishing and enforcing comprehensive controls with special focus on re-export controls*

Amb Paul Beijer, Ministry of Foreign Affairs of Sweden

*Challenges of arms transfer controls—experience of Bosnia and Herzegovina*

Dragisa Mekic, Ministry of Foreign Trade and Economic Relations of Bosnia and Herzegovina

*New means for effective arms transfer controls: developments in Israel*

Yoram Ziflinger, Defense Export Controls Agency (DECA), Ministry of Defence of Israel

19:00–20:30 **Reception for all participants (Part I and Part II)**

**DAY 3**

**Friday, 20 April 2012**

09:00–10:30 **SESSION III: Improving accountability and transparency of conventional arms transfers**

Chair: Amb. Paul Beijer, Ministry of Foreign Affairs of Sweden

Presentations:

*Role and functioning of United Nations transparency mechanisms in Wider Europe*

Pamela Maponga, ODA

*National and European Union approaches to transparency*

Albrecht von Wittke, German Federal Foreign Office

*Necessary national implementation structures for an ATT*

Roy Isbister, Saferworld UK

Discussion.

10:30–10:45 Coffee break

10:45–13:00 **SESSION IV: Conventional arms trade and an ATT – practical case studies: presentation and start of group work**

Chair: Fabio Della Piazza, European External Action Service

Presentation of three practical case Studies by the EU Experts

Discussion and division into working groups

13:00-14:30 Lunch hosted by the Ministry of Economy and Regional Development of the Republic of Serbia

14:30–16:00 **SESSION IV: Parallel working group sessions on practical aspects of export controls (continued)**

16:00–17:00 **SESSION VI: Discussing the results of the working group sessions**

Chair: Elli Kytömäki, UNIDIR

Presentations by rapporteurs

Discussion

17:00–17:30 **Closing Session**

Chair: Kerstin Vignard, UNIDIR

*Summary of the seminar outcomes and recommendations*

Elli Kytömäki, UNIDIR

Closing remarks:

Adriano Martins, Deputy Head of the Delegation of the European Union to the Republic of Serbia

H.E. Ms. Branka Latinovic, Ambassador, Ministry of Foreign Affairs of the Republic of Serbia

17:30–18:00 **Press conference**

**Annex B. List of participants**

<b>Country / Organization</b>	<b>Representative(s)</b>
Albania	<p>Mr. Gert KODRA Expert, Arms Control &amp; Disarmament Unit Ministry of Foreign Affairs</p> <p>Mr. Elton HODAJ Chief of Licensing Procedures Sector Albanian State Export Control Authority, Ministry of Defense</p>
Armenia	<p>Mr. Davit KNYAZYAN Third Secretary, CACD Department Ministry of Foreign Affairs</p> <p>Mr. Levon GRIGORYAN Senior Officer Ministry of Defence</p>
Belarus	<p>Mr. Ihar UHORYCH Deputy Head, International Security and Arms Control Department Ministry of Foreign Affairs</p> <p>Mr. Vasily PAVLOV Senior Counsellor, International Security and Arms Control Department Ministry of Foreign Affairs</p>
Bosnia and Herzegovina	<p>Mr. Momir BRAJIC Ministry of Foreign Affairs</p> <p>Mr. Dragisa MEKIC Ministry of Foreign Trade and Economic Relations</p>
Croatia	<p>Ms. Narcisa BECIREVIC Minister Counsellor, International Security Division Ministry of Foreign and European Affairs</p>
Georgia	<p>Mr. Shalva BURDULI Head of Division of New Threats and Arms Control Ministry of Foreign Affairs</p>
Israel	<p>Mr. Aharon SHAHAR Director, Arms Control and Defense Export Policy Planning</p>

	<p>Ministry of Defence</p> <p>Mr. Yoram ZIFLINGER Director, Planning and International Cooperation Division Ministry of Defence</p>
Montenegro	<p>Ms. Aleksandra MISUROVIC Senior Adviser Ministry of Foreign Affairs and European Integration</p> <p>Mr. Kadrija KURPEJOVIC Senior Adviser Ministry of Economy</p>
Republic of Moldova	<p>Mr. Iurie TABUNCIC Counsellor Ministry of Foreign Affairs and European Integration</p>
Russian Federation	<p>Mr. Alexey CHUMICHEV Second Secretary Ministry of Foreign Affairs</p>
Serbia	<p>Mr. Zoran VUJIC Assistant Minister for Foreign Affairs, Sector for Security Issues</p> <p>Ambassador Branka LATINOVIC Head of the Department for Arms Control, Ministry of Foreign Affairs</p> <p>Mr. Dragan MILOJEVIC Deputy Head of the Department for Arms Control, Ministry of Foreign Affairs</p> <p>Mr. Mirko KUZMANOVIC Third Secretary, Department for Arms Control, Ministry of Foreign Affairs</p> <p>Ms. Masa KOVASEVIC Ministry of Foreign Affairs</p> <p>Ms. Marija PETROVIC Ministry of Foreign Affairs</p> <p>Mr. Marko RAKIC Ministry of Foreign Affairs</p> <p>Ms. Jasmina ROSKIC Ministry of Economy and Regional Development</p> <p>Ms. Asija VELJOVIC</p>

	<p>Ministry of Economy and Regional Development</p> <p>Ms. Tatjana MOJSEJEV Ministry of Economy and Regional Development</p> <p>Mr. Ilija PILIPOVIC Assistant Minister, Ministry of Defence</p> <p>Ms. Danela DJORDJEVIC Ministry of Defence</p> <p>Mr. Sava IVKOVIC Ministry of Defence</p> <p>Mr. Miljko SIMOVIC Ministry of Interior</p> <p>Mr. Dejan RAKETIC Ministry of Interior</p> <p>Mr. Dragan MARCETIC Customs Administration</p> <p>Mr. Dragan SAVIC Customs Administration</p> <p>Mr. Mladen VITOMIR Civil Aviation Directorate</p> <p>Mr. Milos SAMARDZIC European Integration Office</p> <p>Ms. Mila STANKOVIC European Integration Office</p> <p>Ms. Maja VASIC European Integration Office</p> <p>Ms. Milena CORNAKOV Yugoimport-SDPR</p> <p>Ms. Tijana KONIC Yugoimport-SDPR</p>
Switzerland	<p>Mr. Erwin BOLLINGER Head of Export Control and Sanctions Policy Division State Secretariat for Economic Affairs</p>
Tajikistan	<p>Mr. Firdavs USMONOV First Secretary, Department of Asian and African States Ministry of Foreign Affairs</p> <p>Mr. Khurshed SAFAROV</p>

	<p>First Secretary, Department of Press, Analysis and Foreign Policy Planning  Ministry of Foreign Affairs</p>
The former Yugoslav Republic of Macedonia	<p>Mr. Tomislav RIZESKI  Head, Arms Control Centre  Ministry of Defence</p> <p>Mr. Edvard MITEVSKI  Head, Arms Control Department  Ministry of Foreign Affairs</p>
Ukraine	<p>Mr. Sergii KUCHERENKO  Counsellor, Directorate General for Euro-Atlantic Integration, Armaments Control and Military-Technical Cooperation  Ministry of Foreign Affairs</p>
ODA	<p>Ms. Pamela MAPONGA  Deputy Head, Conventional Arms Branch</p>
OSCE	<p>Mr. Mathew GEERTSEN  Head of the FSC Support Section  Conflict Prevention Centre, OSCE Secretariat</p>
UNDP/SEESAC	<p>Mr. Ivan ZVERZHANOVSKI  Team Leader</p> <p>Ms. Iva SAVIC  Programme Communications Officer</p> <p>Ms. Jelena RADAKOVIC  Communications Assistant</p>
industry	<p>Mr. Henrik PETERSSON  Chairman, Export Control Committee  Aerospace and Defence Industries Association of Europe</p>
Control Arms Campaign	<p>Mr. Svetlana BOGDANOVIC  Coordinator  Assistance. Advocacy. Access-Serbia</p> <p>Mr. Branislav CARPETANOVIC  CMC</p>

PIR Centre, Russian Federation	Mr. Vadim KOZYULIN
Saferworld	Mr. Roy ISBISTER
PrepCom Chair	Ambassador Roberto GARCIA MORITAN Ministry of Foreign Affairs, Argentina
EU Expert	Ms. Mariann MEZEY Hungarian Trade Licensing Office
EU Expert	Mr. Albrecht VON WITTKÉ German Federal Foreign Office
EU Expert	Ambassador Paul BEIJER Ministry of Foreign Affairs, Sweden
EEAS	Mr. Adriano MARTINS Deputy Head of the EU Delegation to Serbia  Mr. Fabio DELLA PIAZZA Chair, Working Party on Conventional Arms Export (COARM)  Mr. Thomas GNOCCHI Head of the Political section EU Delegation to Serbia  Ms. Sanda BABIC Political Officer EU Delegation to Serbia  Ms. Jelena ALEKSIC European Integration and Trade Officer EU Delegation to Serbia  Ms. Jovana KRAJNOVIC Trainee EU Delegation to Serbia
UNIDIR	Ms. Kerstin VIGNARD Chief, Projects  Ms. Elli KYTOMAKI

	Project Manager Ms. Oda NODTVEDT Temporary Research Assistant
--	---



UNITED NATIONS INSTITUTE  
FOR DISARMAMENT RESEARCH



EUROPEAN UNION

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

**Project Closing Event**

**KEY PROJECT FINDINGS  
FOR THE ARMS TRADE TREATY  
NEGOTIATIONS**

Tuesday, 17 July 2012  
13:15–14:45  
Conference room 1, United Nations, New York

**SUMMARY REPORT**

## **Introduction**

On 17 July 2012 the United Nations Institute for Disarmament Research (UNIDIR)<sup>19</sup> organized a side event in the margins of the Arms Trade Treaty (ATT) negotiations to mark the closing of a project that it had been implementing for the European Union (EU) since July 2012. The project, entitled “Promoting the Arms Trade Treaty negotiations through regional discussion and expertise sharing”, consisted of seven regional seminars, aimed at both disarmament diplomats and arms transfer practitioners and international experts, together with commissioned research and other support activities.

The seminar in New York presented the main outcomes and findings of the project. In addition, to contribute to the ongoing ATT negotiations, it concentrated specifically on two aspects related to the ATT process: transparency through national reporting and the possible hierarchy of transfer criteria to be included in the Treaty. Also the President of the negotiations, Ambassador Roberto García Moritán, attended and made some introductory remarks. The seminar was open to all interested parties and attracted a good audience despite several simultaneously ongoing consultations: around 50 representatives from permanent delegations, United Nations agencies, international organizations and civil society listened to the presentations and participated in the discussion. This report presents a summary of the presentations as well as comments and ideas put forward during the discussions. It reflects the impressions and views of the organizers at UNIDIR, based on our account of the proceedings and exchanges of views.

## **Summary of proceedings and presentations**<sup>20</sup>

The seminar was chaired by Ms. Kerstin Vignard, Chief of Operations at UNIDIR. In her welcoming remarks, she noted that in order to achieve an international treaty acceptable to all, it is important to recognize the diverse realities of different regions, and to strive to ensure that the process is truly comprehensive. Therefore the objective of the two-year project was to make concrete and constructive recommendations on the elements of the future ATT as well as to ensure that the ATT preparatory process was as inclusive as possible. Through its seven seminars, the project supported the ATT process in several ways. First of all, it encouraged more active involvement of all United Nations Member States and regional organizations in the Preparatory Committee process. It also increased awareness of all relevant stakeholders of the proposed Treaty and fostered debate and understanding among them, both on political positions as well as in regard to the practical implementation of arms transfer control systems. Finally, as Ms. Vignard noted, the project facilitated dialogue within regions, enabling a better understanding of regional priorities and differences as well as commonalities by offering an opportunity for networking among everyone involved.

Ms. Vignard concluded by extending a warm thank you to all participants of the project’s activities and its stakeholders, especially the seminar host states Nepal, Morocco, Uruguay, Indonesia, Kenya, Lebanon and Serbia.

---

<sup>19</sup> UNIDIR is an autonomous research institute of the United Nations that specializes in matters of disarmament and security, and promotes creative thinking and dialogue on the disarmament and security challenges of today and of tomorrow through research projects, publications, and other various activities. For more information, visit <[www.unidir.org](http://www.unidir.org)>.

<sup>20</sup> See annex A for the seminar agenda.

Next, Ambassador Roberto García Moritán of Argentina, the President of the ATT Conference, thanked UNIDIR and the EU for initiating and implementing the project, which in his view was a very much welcomed and necessary contribution to support the formal ATT process at the United Nations. Ambassador Moritán noted that through organizing the series of regional seminars in different parts of the world, UNIDIR managed to enlarge and deepen the debate on many central aspects of the ATT, taking into account the different realities and priorities of countries and regions and seeking to promote understanding and consensus on issues while recognizing each state's national security concerns and defence needs.

Mr. Fabio Della Piazza from the European External Action Service of the European Union used his intervention to elaborate the EU's approach to the ATT process and its long-standing support to maintaining comprehensive and informed debate about it, for instance through the joint EU–UNIDIR activities. He pointed out that in addition to political debate about the need to better regulate international trade in conventional arms, the EU wants to support the development of export control systems in these weapons. This was the reason why the second project implemented by UNIDIR contained a strong element of practical awareness-raising and capacity-building, which in the regional seminars was led by selected EU experts and demonstrated through the analysis of hypothetical case studies on arms transfers.

Ms. Elli Kytömäki, UNIDIR's Project Manager for the project in question, presented the general outcomes and recommendations that had arisen from the seminars. She noted that in total 126 states and close to 400 participants attended the project's regional activities, discussing the proposed elements of the Treaty, answering specific questions in the group sessions and addressing case studies on hypothetical concrete arms transfer cases.

On the goals and objectives of the Treaty, Ms. Kytömäki noted that a wide range of regional and national priorities were expressed in the seminars. The most commonly mentioned general goal was the one derived from the ATT resolutions, referring to the "highest possible common international standards for the transfer of conventional arms". Many also said that a strong link between the Treaty's goals and objectives and its operative parts must be maintained to ensure that the Treaty will be effective and implementable, and respond to the needs for which it was designed. It was also noted that 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. Even though the Treaty is designed to improve regulations over the legal trade in conventional arms, one important goal mentioned was to combat illicit trade and diversion.

On scope, Ms. Kytömäki noted that based on the seminar feedback, the most feasible approach seems to be to use the United Nations Register of Conventional Arms as the starting point, however with expanded, generally defined categories and additions such as small arms and light weapons. On parameters, Ms. Kytömäki pointed out that by creating universal norms for conventional arms transfers, the Treaty will harmonize current practices and make transfer decisions more predictable, reliable and consistent. In order to do that, it should contain commonly agreed upon, clear, focused and objective parameters that all states parties would follow in their national arms transfer decisions. The least controversial parameters to be included are those that would

reconfirm states' already existing United Nations obligations, such as those under the Charter of the United Nations and relevant Security Council resolutions as well as other international obligations. Also generally supported were for instance criteria pertaining to international humanitarian law and human rights law. In addition, she noted that especially in some regions there were strong calls to include criteria to prevent transfers of arms where they would risk to be diverted into illicit markets, and seriously impair poverty reduction and development efforts, especially as these were noted to be of direct concern to human security. As decisions about whether to approve, refuse, suspend or revoke authorizations for the export of items should remain the sovereign right of every state, a national risk assessment process will be the most important part of the transfer control system.

Ms. Kytömäki concluded with some notes on the Treaty's future implementation by noting that states will have the primary responsibility to implement the future Treaty and as reconfirmed by the seminars, each state should establish an effective, predictable and transparent licensing system that fully takes into account the elements required by the ATT. The Treaty should determine the necessary elements for effective controls and other critical factors that are of relevance to the Treaty and its implementation, but leave the prescription of how each state should develop these as an internal issue.

After the brief presentation on the project outcomes, the meeting turned to Mr. Paul Holtom from the Stockholm International Peace Research Institute (SIPRI), who discussed a paper produced by SIPRI and UNIDIR on transparency and reporting in the conventional arms trade, addressing some of the concerns and challenges that have been raised regarding reporting on international transfers under the future ATT.

Mr. Holtom pointed out that states have indicated a number of reasons for failure to report their international arms transfers to existing reporting instruments including inadequate capacities, lack of awareness or political will, political or security concerns (related to reporting), or reporting fatigue. Under the ATT, steps could be taken to limit the impact of some of these factors, for example through outreach activities, international assistance and through seeking synergies between reporting commitments under an ATT and states other instruments.

On ATT reporting, Mr. Holtom noted that while it would be desirable that states would provide information on both authorizations and deliveries, flexibility on this must be exercised and reporting on either authorizations or deliveries could be foreseen, however making sure that states make it clear that they are reporting on either their authorizations or deliveries. Also, Mr. Holtom said that, ideally, all states parties should be expected to report on all types of transfers, including imports. However, recognizing that this is very challenging and that states have proven to be most willing and able to report on exports, this could be considered.

Mr. Holtom also argued that the scope of the items to be controlled should not be held hostage to reporting challenges based on the quantity of authorizations or volume of units, or security considerations related to reporting on ammunition, parts and components, and technology and equipment. It might be regarded as necessary to require mandatory reporting for some categories and voluntary reporting for others. Alternatively, it might be deemed acceptable to provide "incomplete" reports for certain categories, or to provide information that is more aggregated than for other categories.

In any case, issues relating to the level of detail and disaggregation of data to be included in national reports on international arms transfers under an ATT should not be dealt with during the negotiating conference, but would be best addressed by a group of governmental experts appointed at the first meeting of states parties.

As the last presenter, Ms. Nathalie Weizmann of the International Committee of the Red Cross (ICRC) brought up some points related to the possible hierarchy of transfer criteria to be used in the ATT, and especially considerations regarding the inclusion of international humanitarian law (IHL). She noted that transfer criteria can either be based on states' existing express international obligations prohibiting transfers, or on the potential consequences of the transfer of weapons. As examples of the first kind she mentioned relevant regional and international obligations (e.g. weapons treaties) and the United Nations Security Council resolutions under Chapter VII of the Charter (e.g. arms embargoes), and noted that transfers violating these should be prohibited. As examples of the second kind, Ms. Weizmann listed serious violations of IHL or human rights law, genocide, crimes against humanity, diversion, regional stability and terrorist acts, and said that before authorizing an arms transfer, the exporting states must assess the likelihood of serious violations of these principles and the consequences of the transfer in the recipient state. States should not authorize a transfer of arms if there is a substantial risk of serious violations or consequences.

Ms. Weizmann also listed and presented key existing regional commitments on this issue, including the EU Common Position and the ECOWAS Convention and made some remarks about the possible language to be included in the ATT. Finally, to help states to apply IHL criteria in their arms transfer decisions, Ms. Weizmann presented the ICRC Practical Guide on this subject, and gave examples of the kinds of considerations that, in the ICRC's view, states should undertake when considering arms transfer authorizations.

### **Discussion**

The discussion that followed the presentations was mostly about the EU–UNIDIR project in general; nobody posed direct questions or asked for clarifications about the deliberations themselves. Many participants took the floor to thank UNIDIR and the EU for having undertaken the project. Especially its regional angle and the opportunity the seminars gave to participants to share views and exchange ideas were praised by many. One participant noted that the road does not end here: further support activities will be needed both in the lead-up and in the implementation of the ATT. In his view it will be important to preserve the emphasis that the EU–UNIDIR project placed on the establishment and improvement of national transfer control systems, and a further project could be developed that would utilize regional similarities and cooperation. Speakers also praised the continued involvement of civil society actors in the process and expressed the wish that if further projects are implemented to promote the ATT, they should include a wide variety of stakeholders, including NGOs, defence industry representatives and parliamentarians, following the example of the current EU–UNIDIR project. To conclude the seminar, Ms. Vignard took the floor again to thank everyone for their participation in the event and in the project's other activities, and wished for the continuation of similar activities to support the Treaty process.

### **Conclusion**

The project final seminar held in the margins of the Arms Trade Treaty Conference was quite well attended despite the hectic schedule of the negotiations and received active and encouraging feedback from the participants. Based on the feedback that UNIDIR received, the three presentations made at the event were generally noted to be of importance and interest in the ATT process, and participants warmly welcomed the materials (project main findings, background papers and USB memory keys) distributed during the event. The discussion that followed the expert interventions brought up additional aspects related to the ATT process and demonstrated how useful and effectively implemented it was. The interventions made after the presentations also showed that in the future, similar activities would be needed, especially at the regional level and on the practical aspects of transfer controls and the development of national systems.

The event concluded the series of activities undertaken as part of the EU–UNIDIR project. In the remaining weeks of the project implementation, the project’s last commissioned research paper as well as its comprehensive final report will be finalized. Once processed, they—together with all other project materials, such as audio files and regional seminar summaries—will be made available online on UNIDIR website, at <[www.unidir.org/att](http://www.unidir.org/att)>.



UNITED NATIONS INSTITUTE  
FOR DISARMAMENT RESEARCH



EUROPEAN UNION

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

### **Project Closing Event**

## **KEY PROJECT FINDINGS FOR THE ARMS TRADE TREATY NEGOTIATIONS**

### **AGENDA**

**Chair:** Kerstin Vignard, Chief of Operations, UNIDIR

**Opening statements:**

Roberto García Moritán, President, ATT Conference

Fabio Della Piazza, European Union, EEAS

**Presentations:**

Project outcome and regional considerations for the ATT  
negotiations

Elli Kytömäki, Project Manager, UNIDIR

Transparency in conventional arms trade

Paul Holtom, SIPRI

Introducing hierarchy in ATT's transfer criteria

Nathalie Weizmann, ICRC

**Discussion**

The seminar was held with simultaneous interpretation between English and French.