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FOR DISARMAMENT RESEARCH

**Promoting Discussion on an Arms Trade Treaty
European Union–UNIDIR Project**

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

**10–11 December 2009
Addis Ababa, Ethiopia**

SUMMARY REPORT

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Introduction

Following a decision by the Council of the European Union, entitled “on support for EU activities in order to promote among third countries the process leading towards an Arms Trade Treaty, in the framework of the European Security Strategy”,¹ the United Nations Institute for Disarmament Research (UNIDIR)² is implementing a project for the EU to support discussions on the proposed Arms Trade Treaty (ATT). It consists of a series of regional seminars organized between April 2009 and February 2010, which aim at integrating national and regional contributions to the international process underway on an ATT and to contribute to identifying the scope and implications of a treaty on the trade in conventional arms.

Governmental representatives from countries in different parts of the world are invited to the regional seminars together with participants from regional and international organizations, industry and civil society to exchange opinions, present new ideas and share their views on the proposed treaty. These seminars are providing important input to ongoing international negotiations on an ATT as well as supporting and stimulating related national, regional and international debates.

The seminar held in Addis Ababa, Ethiopia, on 10–11 December 2009 was aimed at 25 countries in Eastern and Southern Africa.³ It brought together representatives from 18 countries in these regions,⁴ representing Ministries of Foreign Affairs, Defence and Interior, as well as other institutions (see Annex A). The seminar was the fifth of its kind within the project, following events organized in Dakar, Senegal, for countries in Central, Northern and Western Africa (28–29 April 2009); in Mexico City for countries in the Americas and the Caribbean (18–19 June 2009); in Amman, Jordan, for countries in the Middle East (28–29 July 2009); and in Kuala Lumpur, Malaysia, for countries in Asia and the Pacific (13–14 October 2009). In addition, as part of the project, UNIDIR organized a side event on the margins of the UN General Assembly’s First Committee on 20 October 2009.

This paper provides a summary of the presentations and discussions heard at the Addis Ababa seminar, as well as the ideas and suggestions put forward during the two days of discussions. The report reflects the impressions and views of the organizers at UNIDIR, based on their account of the proceedings and exchanges of views among the seminar participants. It is not intended to be a consensus report, and it therefore does not necessarily represent the views of all participants.

Following the general plan of the EU–UNIDIR project, the agenda of the two-day seminar was developed to give participants a general overview of an ATT, its

¹ EU Council Decision 2009/42/CFSP “on support for EU activities in order to promote among third countries the process leading towards an Arms Trade Treaty, in the framework of the European Security Strategy”, adopted on 19 January 2009.

² 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>.

³ Angola, Botswana, Burundi, the Comoros, Djibouti, Equatorial Guinea, Eritrea, Ethiopia, Kenya, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Rwanda, the Seychelles, Somalia, South Africa, the Sudan, Swaziland, Tanzania, Uganda, Zambia and Zimbabwe.

⁴ Originally, 20 countries nominated participants. However, two countries were unable to attend.

background and actors, as well as scope and implications, together with specific regional views and priorities, and related processes. Also, all efforts were made to ensure that as much time as possible was devoted to interactive discussions that allowed for the gathering of ideas for further action, recommendations and suggestions. Therefore, the first day of the seminar heard presentations from several expert participants, while the second day was largely built around working group sessions and discussions in the plenary session. This gave participants the opportunity to express their ideas and priorities and to make recommendations related to their specific interests and concerns.

Presentations and discussions⁵

DAY 1

Opening presentations

Following the practice of the previous seminars, the opening session of the event was open for all interested parties, including the media, to attend (see Annex C for an example of press coverage). Dr. Christiane Agboton-Johnson, Deputy Director of UNIDIR, who presided over the opening session, welcomed all participants to Addis Ababa, the host city of the African Union. She quoted the objective of the project, which is as its title says to encourage debate around the proposed treaty, and to facilitate exchange of views between states, regional and international organizations and civil society on different aspects of the proposed treaty. In the context of this seminar, this meant conveying messages from Eastern and Southern Africa related to strengths, challenges and suggestions on an ATT to the international negotiations currently underway. In this spirit, Dr. Agboton-Johnson encouraged all participants to be active and to use the seminar to reinforce the process toward an ATT, for the benefit of all.

Mr. Abebaw Felleke from the UN Main Organs, Programme and Funds Directorate from the Ministry of Foreign Affairs of Ethiopia, delivered the opening remarks on behalf of the host country. He joined Dr. Agboton-Johnson in welcoming all participants to the seminar and to Addis Ababa. Referring to the negative consequences of the absence of common international standards on the import, export and transfer of conventional arms, he specifically mentioned problems related small arms and light weapons (SALW) as a special category of conventional arms and highlighted national and regional action already taken to address these issues. Mr. Felleke also underlined the commitment of Ethiopia to the implementation of UN resolutions on arms control and the country's commitment to work with the relevant UN organs toward the realization of an ATT that could bring lasting peace and security to the African continent.

Mr. Mathias Kruger, speaking on behalf of the Swedish EU Presidency, started by going back to the rationale behind the ATT initiative, noting that the problem of illicit trade in conventional arms has been widely recognized, and that the world community together has to do something about it. He also made reference to the recent passing of the UN General Assembly resolution that decided to convene a diplomatic conference in 2012 to elaborate a legally binding ATT, and that also set up a preparatory process and a

⁵ See Annex B for the seminar agenda.

negotiating mandate for the proposed treaty. Mr. Kruger also referred to the EU position regarding an ATT, reiterating the commitment of EU member states to create a global, legally binding treaty that establishes the highest possible common international standard for the transfer of conventional weapons, in order to diminish the diversion of weapons from legal to illicit markets, where they can fuel armed conflicts, instability, international terrorism and transnational organized crime.

Following the official opening remarks by UNIDIR, Ethiopia and the European Union, Mr. Nicolas Gerard from the United Nations Regional Centre for Peace and Disarmament in Africa (UNREC) presented the recent developments within the United Nations related to the ATT initiative. He started by highlighting the important role played by civil society in initiating and supporting the ATT process, as well as the many central agreements that already exist at the regional level to control the arms trade. Further, Mr. Gerard noted, quoting UN GA resolution 61/89, that there is “growing support across all regions for concluding a legally-binding instrument ... to establish common international standards for the import, export and transfer of conventional weapons”. After presenting the background to the ATT process at the UN level with reference to the first ATT resolution of 2006 as well as the subsequent exchanges of views and the work of the Group of Governmental Experts (GGE) in 2008, Mr. Gerard went on to present the recent discussions at the Open-ended Working Group (OEWG) that met twice in 2009 and paved the way for the adoption of a new ATT resolution at the General Assembly, which established a timeline for the ATT negotiations aiming at the United Nations Conference on an ATT in 2012. The Conference will elaborate a legally binding instrument containing the highest possible common standards for the transfer of conventional weapons, negotiated in an open and transparent manner and agreed upon on the basis of consensus. Mr. Gerard noted that the resolution also decided to transform the remaining four sessions of the OEWG into preparatory committees of the Conference, and requested the Secretary-General to seek the views of Member States on elements to be included in a possible ATT as well as other related issues.

In recognition of the importance of civil society input to the ATT process, Ms. Judy Waruhiu gave a statement about civil society’s contribution to the ATT process, both internationally and in the African context. She noted that the history of NGO movements in Africa traces back to the struggles for independence, and the signing of the African Charter of Human and People's Rights in early 1980s. In the context of SALW, Ms. Waruhiu noted that civil society continues to be at the forefront highlighting violations of international human rights law, and has actively contributed to the formulation of regional agreements and instruments such as the Bamako Declaration, the Economic Community of West African States (ECOWAS) Convention, and the Nairobi and South African Development Community (SADC) Declarations. She continued by noting that no system has been set up to observe and control the traffic of guns or, for example, arms brokers, and that the lack of international laws governing the arms trade is a central contributing factor to the easy flow of illegal weapons to Africa. Ms. Waruhiu concluded by emphasizing that Africa should demand an ATT that would force large weapons suppliers to scale back and take responsibility for arms transfers, and to ensure that international human rights law will not be violated with these weapons.

As the last speaker of the opening session, Ms. Elli Kytömäki from UNIDIR presented the main outcomes of the first four regional seminars of the EU–UNIDIR project. She noted that even though all the seminars follow the same structure, and certain common

messages have come across in all of them, they all have also each had a strong regional flavour and highlighted different priorities. Taking examples from seminars held in Dakar, Mexico City, Amman and Kuala Lumpur, Ms. Kytömäki highlighted regional priorities such as small arms, human security, armed violence and organized crime, as well as the specific overall security situations in different regions. Echoing the outcomes of the seminars, she noted that illegal and poorly regulated trade in conventional arms is a problem recognized across regions as an issue that needs to be dealt with internationally, through a global treaty that is relevant to and engages all countries. Even though many different and even contradictory views have been expressed in the regional seminars regarding the scope, parameters and implications of an ATT, many participants across regions are calling for a practical, balanced and objective treaty that would reduce problems of the illicit arms trade by establishing common and objective rules applicable to all countries irrespective of their size and specificities, and that would increase transparency in arms trade.

General overview of arms transfers and the proposed ATT

The next session of the seminar, aimed at providing a general overview of transfers of conventional arms as well as of the proposed ATT, was opened by Mr. Pieter Wezeman from the Stockholm International Peace Research Institute (SIPRI). He started by giving a brief presentation about trends in global arms transfers, suppliers and recipients in the past years, noting that arms production is a global activity dominated by North America and Western Europe, and that the financial value of the global arms trade in 2007 was estimated to be approximately US\$ 51 billion, representing 0.3% of world trade. With regard to Eastern and Southern Africa, Mr. Wezeman noted that arms production in the regions is relatively small and heavily dependent on imported weapons. The largest importer in the region is South Africa, accounting for over half of all imports to Eastern and Southern Africa. SALW is a category of special importance in the regions, with large numbers of transfers and also many negative consequences, as these are key weapons for all actors involved in armed conflicts in the regions. Using some case examples of countries in the regions, Mr. Wezeman concluded that in order to address the negative consequences of arms transfers, we have to better understand the negative and positive impacts of arms supplies on violent conflict, learn from failures in implementation of UN arms embargoes, and increase transparency in the procurement and trade in conventional arms.

To give an overview of the different elements of the proposed ATT, Ms. Perrine Le Meur from the Fondation pour la Recherche Stratégique (FRS) was invited to the seminar.⁶ Her presentation displayed the possible parameters, scope and implications of the proposed ATT, building on states' reported views and the OEWG discussions, and reflecting areas where consensus seems to be emerging as well as issues that are still under debate. For example, the presentation referred to the seven categories of the UN Register of Conventional Arms and SALW as a seemingly consensual basis for discussing the scope of an ATT, and listed ammunition and dual-use items as examples of categories where states have differing views. On parameters for an ATT, the basic principle of the primary responsibility of a future treaty's states parties to license, monitor and prevent dubious and risky arms transfers was mentioned together with the

⁶ The FRS presentation was delivered by Ms. Kytömäki from UNIDIR due to Ms. Le Meur's last-minute cancellation due to sudden illness.

treaty's main objective to establish global standards that will allow states to assess transfer requests on a case by case basis, following the same criteria. According to FRS, an ATT should be realistic and include major importers and exporters of conventional weapons. Implementation of a treaty at regional and national levels will be of crucial importance, and FRS is also calling for more thinking to be devoted to a treaty's future monitoring and possible verification mechanism.

Mr. Joseph Dube, the Africa Coordinator of the International Action Network on Small Arms (IANSA), was invited to discuss the challenges and priorities faced by the African continent. He began by outlining the role played by civil society actors in the field of arms control, before discussing existing African arms control efforts and the key challenges. According to Mr. Dube, African states have played an important role in the ATT process to date; Kenya co-authored the ATT resolutions and 40 African states supported the commencement of formal negotiations through the General Assembly ATT resolution in December 2009. As Mr. Dube noted, existing regional arms control instruments in Africa include the ECOWAS Convention on Small Arms, the SADC Firearms Protocol and the Nairobi Protocol on Small Arms. Despite these progressive developments, an ATT faces a number of challenges in Africa. According to Mr. Dube, some African Union member states remain sceptical about an ATT and concerned about the cost implications of implementing its provisions. In addition, some of Africa's major economic partners remain doubtful about the process, which might be reflected in the response to the proposed treaty. In his presentation, Mr. Dube proposed a series of recommendations to move the ATT process forward, especially from an African point-of-view. These included strengthening arms control regulations and reducing corruption at the national level, negotiating a strong African Union Common Position and urging the wider international community to support capacity-building in Africa related to controlling the conventional arms trade.

Regional perspectives on an ATT

The afternoon of the first day of the seminar was devoted to discussing Eastern and Southern Africa regional perspectives on an ATT. Participants heard presentations from both regional organizations and country representatives.

Mr. Peter Otim from the African Union (AU) Commission started the afternoon by highlighting the importance of interplay between the regional and international levels through drawing attention to the role of the AU in the ATT process. After outlining the current arms transfer landscape in Africa, Mr. Otim described the actions undertaken by the AU and suggested a way toward the successful negotiation of an effective ATT. As he noted, the AU supports the ATT process and considers the uncontrolled spread of military equipment to be a major threat to peace, security and development. To effectively combat the proliferation of SALW, an ATT needs to be broad in scope, covering the import, export, transshipment and brokering of conventional arms. According to Mr. Otim, AU member states are committed to international arms control agreements and have adopted a number of decisions aimed at addressing the proliferation of SALW. Further, the AU recognizes that global attempts at an ATT need to be complemented by regional efforts, and its Executive Council has made various decisions aimed at addressing the illicit trade in small arms. To this end, the AU is hoping to complement a future ATT by finalizing a region-wide SALW strategy. Mr.

Otim concluded by delineating a way forward for the AU in the ATT process. He underlined that it is important for AU member states to engage in sustained discussions and to coordinate with the AU Commission in order to develop a continental position toward the ATT. According to Mr. Otim, the AU should also engage with civil society actors at multiple levels in recognition of their role in the fight against illicit SALW proliferation. Lastly, Mr. Otim noted that the AU has declared 2010 the “Year of Peace and Security”, and expressed his hope that the ATT process can help the upcoming year live up to this designation.

Following the AU presentation, Mr. Johann Paschalis from the Permanent Mission of South Africa to the United Nations (New York) offered an account of the ATT process from his country’s national perspective. His presentation addressed the arms control challenges faced by Africa, the continent’s response to these challenges to date and South Africa’s position regarding the ATT process. As Mr. Paschalis noted, the excessive accumulation of conventional weapons in Africa poses a great threat to the continent, and the globalization of the arms trade necessitates the negotiation of an international ATT. In response to these challenges, Africa has developed a range of arms control instruments. Echoing remarks made by earlier speakers, Mr. Paschalis noted that many of these instruments correspond closely to elements of the proposed ATT and would complement the global efforts that are underway to regulate the arms trade. He continued that, as a responsible producer, possessor and trader of military equipment, South Africa supports the ATT process and subjects arms transfers to strict control through the National Conventional Arms Control Act. South Africa has a clear position on the feasibility, scope and parameters of an ATT. Developments within the ATT process suggest that an ATT is feasible and, for a large majority of states, desirable. It is important to establish common agreement on the scope of an ATT, although South Africa supports the inclusion of dual-use items and opposes the exploitation of an ATT as a tool to exclude producers from developing countries. In relation to an ATT’s operational mechanisms, Mr. Paschalis said that South Africa proposes states parties to enact national legislation and end-use certification, the creation of dispute settlement procedures and the establishment of an Implementation Support Unit to build institutional capacity. Finally, he noted that all elements of an ATT should be negotiated in a transparent and inclusive manner.

Finally, to provide an example from the European Union, Ms. Katerina Sequensova from the Ministry of Foreign Affairs of the Czech Republic gave an overview of the EU Common Position, paying particular attention to its transfer criteria and implementation, as well as the ways in which the current EU system differs from the earlier Code of Conduct. The Common Position broadened and deepened its predecessor through becoming legally binding and further harmonizing the national policies of member states. The Common Position governs the export of military technology and equipment and seeks to prevent their transfer to recipients where they will likely contribute to internal repression, international aggression or regional instability. It specifies eight criteria against which states are obligated to assess each arms transfer request. Those pertain to existing international obligations and commitments; respect for human rights; the internal situation of the country of final destination; the preservation of regional peace, security and stability; the national security of member states; the buyer country’s behaviour; the risk of diversion; and sustainable development. In discussing the Position’s implementation, Ms. Sequensova mentioned that it comprises a regular notification and consultation mechanism for denials, annual reporting requirements as

well as for example a “User’s Guide” that offers guidance to states in implementing the Position.

All presentations during the first day were followed by question and answer sessions and general discussion in the plenary session.

DAY 2

Human Security and a possible ATT

Session three on the morning of the second day was devoted to further discussion about human security and its links with the proposed ATT. Participants heard presentations by two speakers, after which the floor was open for discussion.

First, a representative of the International Committee of the Red Cross (ICRC), Ms. Nathalie Weizmann, addressed the relationship between International Humanitarian Law (IHL) and arms transfer decisions. She outlined some IHL obligations under customary and treaty law, as well as states’ duty to both respect and ensure respect of IHL. Based on these obligations, she emphasized the importance of applying IHL criteria in arms transfer decisions and through a proposed ATT. Such criteria would entail assessing the likelihood that recipients of arms will commit serious IHL violations, and denying transfers where such a risk is clear. Ms. Weizmann noted that transfer criteria based on IHL have already been incorporated into a large number of existing arms transfer instruments, including the EU Common Position, the ECOWAS Convention on SALW, the Wassenaar Arrangement, and the OSCE Document on SALW. Ms. Weizmann then offered guidelines on how to assess the risk that recipients of arms will violate IHL. To help states accurately assess this risk, she presented a “Practical Guide” published by the ICRC, which proposes indicators to guide those responsible for arms transfer decisions. In the guide, licensing officials are encouraged to examine the recipient’s record of respect for IHL, its intentions as expressed through formal commitments, and its capacity to ensure that the arms are used in accordance with IHL. The guide also provides a list of potential sources of information on these indicators. Finally, Ms. Weizmann added that an ATT will only be effective if it is comprehensive in the scope of weapons and transactions that it covers. The ICRC's position is that all conventional arms and ammunition should be covered, and that the definition of “transfer” should be the same as that found in existing weapons treaties.

Ms. Angela Baiya-Wadeyua from the Regional Centre on Small Arms (RECSA) continued the discussion by presenting a specific aspect of conventional arms control, that of SALW, as well as RECSA’s activities to strengthen national institutions mandated to implement the Nairobi Protocol. Within the Protocol, the 13 member states from the Great Lakes Region, the Horn of Africa and bordering states have undertaken to prevent, combat and eradicate the illicit manufacture of, trafficking in, possession and use of SALW in the subregion, as well as to prevent the excessive and destabilizing accumulation of weapons. As Ms. Baiya-Wadeyua noted, the Nairobi Protocol stipulates measures to control the import, export, transfer and transit of SALW, requires states to establish national systems and legislation, and also establishes a Best Practice Guide on these matters. RECSA supports the Nairobi Protocol member states in their national processes aimed at controlling the SALW trade through various means, of which Ms. Baiya-Wadeyua mentioned legislation-drafting support and arms-marking assistance.

RECSA is also providing support to its member states to implement recommendations of the first regional workshop on small arms brokering held in the subregion in July 2009. The recommendations were geared towards increasing the effectiveness of controls in the trade in small arms in RECSA member states. Finally, she concluded that RECSA efforts have helped reduce the number of arms in circulation in the subregion, diminish armed violence, conflict and crime, enhance human security and support sustainable development.

All presentations were followed by question and answer sessions, during which many questions were posed and remarks made about human security in general as well as fragile states and arms transfers, weapons and non-state actors, and piracy, just to mention a few.

Working groups and roundtable discussions

Following the structure of the four previous seminars, the second day apart from the first session in the morning was built around working group sessions and discussions at the plenary session, aimed at allowing participants to further express their views and ideas and to discuss different issues relevant to a possible ATT.

All seminar participants were designated to work in one of three simultaneous working groups and asked to think about answers and suggestions to four questions related to the situation in their region, the trade in conventional arms and its impacts, and the proposed ATT. The purpose of the working group session was to come up with different opinions, ideas and suggestions, not necessarily to reach a consensus on the questions. Issues discussed included participants' views about problems related to the uncontrolled trade of conventional arms in their countries and in the region and possible ways to address them, about common parameters for the proposed ATT, as well as potential elements that could or should be included in an ATT to make it effective, objective and practically implementable. As the last question, participants were also asked to think about the next steps in the ATT process nationally, regionally as well as internationally, and to identify priorities and challenges ahead given the new ATT resolution and the set schedule for 2010–2012.

All participants took part in the working group discussions, and presentations of the group work in the subsequent plenary session brought up many valuable new points and suggestions that hopefully will be reflected in the following international discussions. Priority issues and concerns that came up in the working groups and during the roundtable session on the next steps are summarized in the “Recommendations and ideas” section of this report.

Closing session

The closing session of the seminar was open for all interested parties to attend. As the chair of the session, Dr. Christiane Agboton-Johnson of UNIDIR thanked all participants, the host country Ethiopia, the local United Nations Development Programme office and the European Union for their excellent cooperation in preparations for the seminar. She underlined the importance of continued active involvement of the

African continent in the ATT process and discussions, and noted that regional input and exchange of views will be even more important in the coming two years than before, if we are to negotiate together a functioning and practical treaty that will have real impact on improving human security around the globe.

Ms. Elli Kytömäki then gave a short summary presentation of the seminar's proceedings and discussions, referring to the different presentations, discussions, recommendations and ideas put forward. Amb. Jens Odlander from the Swedish Embassy in Addis Ababa delivered closing remarks on behalf of the Swedish EU Presidency. Both he and Mr. Fabio Della Piazza from the Secretariat of the Council of the European Union expressed their gratitude to all participants for their active input and exchange of ideas, and reiterated the EU's continued commitment to an inclusive, informative and productive process toward and ATT. Mr. Della Piazza referred to the importance of the contribution given to arms control by Africa in terms of regional instruments and to the great potential that the continent has in terms of defining an African position through the AU. He reminded participants that only a higher level of participation by all UN Member States in the next stages of the ATT process will ensure that the future treaty will reflect specific national positions.

Responding to some comments and recommendations made during the discussions, Peter Otim from the AU Commission once again reassured participants of the African Union's continued commitment towards peace and security on the continent, and promised to take the ideas expressed in the seminar forward within the AU's discussions and consultations.

Finally, Ms. Yanit Abera from the International Law and Consular Affairs Directorate from the Ethiopian Ministry of Foreign Affairs thanked all participants and organizers on behalf of the host country, wished everyone safe travel home and successful further discussions and negotiations.

Recommendations and ideas

The following subsections present a compilation of ideas and recommendations put forward during the seminar's plenary and working group discussions. While not necessarily fully consensual, these issues seemed to attract general support and acceptance among seminar participants and could be used to feed into and support the ongoing international discussions on an ATT from the regional perspective of those countries from Eastern and Southern Africa that attended the seminar.

Building on common principles: state responsibility, existing obligations, transparency

Discussions about problems related to illegal and uncontrolled transfers of conventional arms in Eastern and Southern Africa were in the seminar discussions mentioned to be linked to conflicts, crime and instability as well as piracy, and in some remarks hopes were expressed that an ATT would for its part contribute to improvement of wider security issues on the continent, including good governance, development and principles of democracy.

The primary responsibility of states in both negotiating and later implementing a treaty was underlined by many participants, who made reference to both states' rights and obligations as express limitations. Echoing views expressed in other seminars, participants mentioned the UN Charter, IHL and states' existing obligations with regard to human rights and arms embargoes as central parameters for an ATT. Other common principles mentioned during the discussions were considerations of sustainable development, principles of democracy and the preservation of life. It was also noted that an ATT should restrict transfers of arms to conflict regions.

Transparency in the procurement of arms was noted to be quite low in the regions at the moment, and many participants expressed the wish that an ATT could improve openness and transparency in arms trade by shedding more light on arms imports to and within the continent.

Possible scope: calls for comprehensiveness and caution

When asked about the types of conventional weapons that an ATT should cover, many participants called for a comprehensive approach, at least in this stage of discussions. Reference was made to the seven categories of the UN Register of Conventional Arms, and many interventions mentioned SALW as a weapon category of special importance to Africa, due to the use of these weapons in many existing conflicts in the subregions. While some participants called also for the inclusion of parts, components, dual-use items and ammunition in the scope of application of an ATT, others expressed concerns about such wide categories and seemed to favour a more limited approach. Some participants were of the view that in the first instance, and in order to facilitate negotiations, an ATT might have to be limited to SALW only, while others noted that there already exists an international agreement on SALW and that an ATT should be designed to cover all conventional weapons.

During the seminar discussions, participants expressed many different and in some cases contradictory views with regard to the scope of activities that could or should be covered in an ATT. While many participants mentioned the crucial importance of covering state exports and imports, others stressed the need to include re-export controls as well as controls of brokering activities in the proposed treaty. Further, some participants mentioned weapon donations and loans, transshipments, stockpiling and end-use as activities to be covered in an ATT. Also the question of transfers from states to non-state actors and other third parties was discussed. It was noted that domestic regulation of arms and civilian possession should not fall into the scope of an ATT. Some did however note that in their countries it is precisely the internal transfers of weapons that pose problems, instability and lead to IHL violations, and that precisely for this reason these transfers should somehow be addressed in an ATT.

Further need for capacity-building and assistance

During the discussions, many participants highlighted the need for further national and regional capacity-building and assistance in improving arms transfer controls and combating the illicit proliferation of these weapons on the continent. It was mentioned

that an ATT should include a technical assistance mechanism that would allow all signatories to comply with a treaty's requirements and fully implement their commitments.

Further, it was noted that, in order to be effective, an ATT needs to become better known across different regions and among all relevant officials and practitioners. Therefore, the need for more advocacy work and awareness-raising was identified, and it was noted that civil society should remain an active partner for states in this process. As a practical example of challenges related to awareness-raising it was mentioned that, despite best efforts, information about international processes and their latest developments do not always flow from the national delegations in New York or Geneva to the relevant officials in capitals and vice versa. Also the role of the African Union was highlighted in many instances, where further discussion and dissemination of information through this regional forum was called for.

Need for practical action and inclusiveness

Many participants called for a more active African participation and a stronger common voice in the ATT negotiations. Practical suggestions about how to achieve this included the convening of an African Summit of Ministers on an ATT, either among Ministers of Defence or Foreign Affairs. This could be followed by a High-Level Summit of Heads of State at a regional level.

It was further suggested that Africa start working on a "Road map for Africa" for an ATT, possibly within the framework of the African Union, to support practical action toward a treaty and in order to bring on board all countries in the subregions. In this, the importance of already existing regional agreements and instruments was underlined, and it was noted that they will be important building blocks and supporting elements for a global treaty, if the coexistence of these two levels of instruments is taken into account and ensured also in practice. In this, further harmonization of different regional instruments might also be needed.

The importance of ensuring inclusiveness in the ATT negotiations was mentioned as crucial for the success of the process. Even though countries' priorities vary and conventional arms transfers do not seem to be of importance to all countries, the uncontrolled spread of these weapons was noted to be a global phenomenon that needs to be tackled by everyone, large and small, developed and developing countries alike.

ATT's challenges: awareness, global commitment, implementation

When discussing the challenges ahead for an ATT, participants listed a wide variety of issues that have to be addressed and thought about when negotiating. As in the previous regional seminars, the importance of bringing on board all countries, including large manufacturers and exporters of conventional weapons, was highlighted, together with calls for global commitment to achieving a treaty's objectives. It was also noted that it might be difficult to agree on common language within the time period 2010–2012, given the magnitude of the task and the limited time available for negotiations.

Some caution was expressed toward the possibilities of ensuring a treaty's effective implementation, as the main responsibility will lie with states' national authorities and national-level decision-makers. In this regard, some ideas for putting in place a monitoring mechanism were expressed, even though some participants stressed that an ATT should not establish a verification system or other form of centralized export controls. It was further noted that an ATT should respect the right of states to develop their defence capacities and security according to national needs.

General results

The seminar in Addis Ababa, Ethiopia, aimed at countries in Southern and Eastern Africa, was the fifth regional seminar in the series of EU–UNIDIR activities. It proved successful in meeting the goals set for it within the project by bringing together 18 of the 25 countries in the regions invited to the seminar (72%). Most participants were from Ministries of Foreign Affairs, Defence or Interior as well as from the armed forces. The countries that were not able to participate in the seminar were consulted in advance of the event, and extensive follow-up to try to ensure the widest possible participation was exercised by both UNIDIR and the EU. In fact, 20 countries nominated participants, but two were unable to attend due to last minute travel-related difficulties.

The seminar was very well received by country representatives and international and regional partner organizations alike: the seminar's opening and closing sessions were open to the participation of diplomatic representations in Addis Ababa, as well as international and regional organizations, civil society representatives and the media, and they were also attended by several interested parties outside the seminar's target region. The opening session heard statements from the Ethiopian Ministry of Foreign Affairs, the Swedish Presidency of the European Union and UNIDIR. Representatives of regional and international organizations and civil society participated in the seminar discussions alongside country officials, expressing their views, recommendations and ideas.

As in the other regional seminars, discussions in Addis Ababa were lively and participants were able both to hear from international and regional experts about the ATT process and related issues and to exchange views and ideas about possible future steps. Presentations and discussions held during the two-day seminar gave a comprehensive overview of the issues relevant to arms transfers in Eastern and Southern Africa. They also covered details of the proposed ATT, its links to human security and IHL, regional initiatives and other related processes. Discussions following the presentations, as well as during the working group sessions, brought up additional aspects, comments and concerns of high importance to the debate currently ongoing at the international level.

Despite a large number of simultaneous events in Addis Ababa at the time of the seminar, it attracted media attention in the English-speaking press of Ethiopia (see annex C). Audio recordings of the seminar presentations will be made available on UNIDIR's website.

Following the practice of the other regional seminars, participants received USB memory sticks with extensive background material relevant to an ATT, together with all

presentations delivered during the seminar. This additional material, along with information brochures, publications and other hard copy materials, were very well received.

At the end of the seminar, anonymous feedback forms were distributed to all participants. Based on the comments received, the majority of participants were in their own view either completely or partially aware of the ATT process before attending the seminar. Three participants noted that their knowledge of an ATT was very limited prior to attending the seminar. However, despite their generally high knowledge of the ATT initiative, most participants who returned feedback forms noted that their knowledge on an ATT improved significantly as a result of the seminar—nobody claimed to have *not* learned anything. All participants who provided their feedback also noted that the presentations made during the seminar were interesting and strengthened their knowledge on mechanisms and processes to control the transfers of conventional arms. It was for example noted that the presentations clarified many details about UN action on arms controls and about the EU, and indicated how the question of arms is considered in different regions. It was also noted that the presentations helped to widen views and opinions about an ATT and to “think outside the box” about issues related to the arms trade. All participants who returned the feedback forms noted that the seminar helped them understand regional specificities related to an ATT. Presentations related to the Nairobi Protocol and references to the Bamako Declaration received especially positive feedback. Some participants noted that more time could have been set aside for discussions. The food-for-thought questionnaire sent in advance of the seminar received positive comments, and all returns noted that the questions had helped in preparations for the seminar discussions. All returned feedback forms indicated that the seminar helped the participants to establish new contacts with their colleagues and contributors from other countries and organizations. Finally, all participants that returned the feedback form noted that the seminar had been useful for them and many said it was a highly relevant contribution to the ongoing international process on an ATT.

In conclusion, the regional seminar organized in Addis Ababa confirmed that countries in Eastern and Southern Africa are interested in the ATT process, and important discussions took place during the seminar. Many participants called for stronger African action and regional positioning in the ATT process. When discussing the parameters of the proposed treaty, many participants made reference to problems caused by the illicit and uncontrolled spread of weapons to and within Africa, and highlighted the negative impacts that these weapons can have on conflict, stability and crime. While many called for an ATT to be comprehensive and cover a wide set of weapons and actions, others expressed caution especially with regard to the possibilities to reach consensus on all issues and challenges that a wide-ranging treaty would face in terms of its implementation and practicality. It seems that further capacity-building and assistance is needed in different countries to improve arms transfer controls, and more awareness-raising and inclusiveness is needed to ensure that all relevant actors become aware of and have the possibility to affect the process. Indeed, awareness and global commitment were mentioned as some of the ATT process’ main challenges, together with issues related to its later implementation and monitoring.

Next steps

After this fifth regional seminar, the project implementation plan is drawing to a close, with two more events for early 2010: the last regional seminar for countries in Wider Europe and the project's concluding seminar, which will take place as back-to-back events in Vienna, Austria, on 11–12 February 2010.

Summary reports from all the regional seminars outlining discussions, ideas and recommendations put forward for an ATT will be made available online. A final report of the project will be produced and presented for comments at the concluding seminar, and made available online at the UNIDIR website, <www.unidir.org>.

Annex A. List of participants

LIST OF PARTICIPANTS

Botswana	Mbakiso Michael MUKOKOMANI Colonel, Botswana Defence Force
	Kgosietsile BOSILONG Senior Superintendent, Botswana Police
Burundi	Zenon NDABANEZE National Focal Point Coordinator, Ministry of Public Security
the Comoros	Mohamed EL-MAROUF Special Advisor, Permanent Mission of the Comoros to the UN
Djibouti	Issé ABDILLAHI Deputy-Director, Department of Multilateral Relations
Ethiopia	Abebaw FELLEKE UN Main Organs, Programme and Funds Directorate, Ministry of Foreign Affairs
	Yanit ABERA International Law and Consular Affairs, Directorate General, Ministry of Foreign Affairs
Madagascar	Jean Jacques RAZANADRAKOTO Chargé Mission, Ministry of Foreign Affairs
Malawi	Mabuuto Baison KATEMULA Principal Legal Officer, Ministry of Foreign Affairs
Mauritius	Patrice Eugene CURE Ambassador, Head of Multilateral Political Directorate, Ministry of Foreign Affairs
Mozambique	Judite Domingos JUSTINO First Secretary, Ministry of Foreign Affairs
Rwanda	Vianney NSHIMIYIMANA National Coordinator for Small Arms Management, Ministry of Internal Security
the Seychelles	Franky Joseph HOAREAU Staff Captain Logistics, Seychelles People's Defence Forces

South Africa	Johann PASCHALIS Counsellor (Disarmament), Permanent Mission of South Africa to the UN, New York
	Adele FAURIE South African Embassy
Sudan	Osman MOHAMMED First Secretary, Disarmament Desk Officer, Mission of Sudan to the UN, Geneva
	Gier Chuang ALUONG Minister of Internal Affairs, Government of Southern Sudan
	Gok MAJOK Head of the Southern Sudan Bureau for Community Security and Small Arms Control
	Chuol Giew NHIAL Deputy Head of the Southern Sudan Bureau for Community Security and Small Arms Control
Swaziland	Cyprian Sipho NHLENGETHWA Director UN Military Affairs—Disarmament, Swaziland Defence Force
Tanzania	Christopher Rweyemamu RUTTA Civil Servant, Ministry of Defence
Uganda	Charles Asiimwe KAHANGIRWE Operations Officer, Ministry of Defence
Zambia	Walker Mulongo CHIKUTA Colonel, Zambia Army
	Moses PHIRI Colonel, Zambia Air Force
Zimbabwe	Grey MASHAVA Director of Legal Services, Zimbabwe Defence Forces
	Emmanuel MATATU Director General Policy, Ministry of Defence
SIPRI	Pieter WEZEMAN Senior Researcher
ICRC	Nathalie WEIZMANN Legal Adviser
UNREC	Nicolas GERARD Deputy Director

EU Expert	Katerina SEQUENSOVA Director, UN Department, Ministry of Foreign Affairs of the Czech Republic
EU Presidency	Mathias KRUGER Swedish Embassy
Incoming Spanish EU Presidency	Fernando VILLENÁ SANCHEZ Chief, Proliferation and Disarmament Department, Ministry of Foreign Affairs, Spain
IANSA	Joseph DUBE Africa Coordinator
PAT Consult LTD	Judy W. WARUHIU Consultant
RECSA	Angela Nyokabi BAIYA
African Union	Peter OTIM
Office of the Personal Representative of the High Representative on Non- Proliferation of Weapons of Mass Destruction, Secretariat of the Council of the European Union	Fabio Della Piazza
UNDP SUDAN	Neda MANSOURI Technical Advisor CSAC Project
UNIDIR	Christiane AGBOTON-JOHNSON Deputy Director
	Elli KYTÖMÄKI Project Manager
	Catherine DÉLICE Assistant Project Officer

Annex B. Agenda

Wednesday, 09 December 2009

During the day: arrival of participants

DAY 1

Thursday, 10 December 2009

08:30–09:00 **Registration**

09:00–10:30 **Opening Session**

Chair: Christiane Agboton-Johnson, United Nations Institute for Disarmament Research

Opening remarks:

Abebaw Felleke, Ministry of Foreign Affairs of the Federal Democratic Republic of Ethiopia

Mathias Kruger, Swedish Embassy in Ethiopia, on behalf of the Swedish Presidency of the European Union

Presentations:

Developments and Processes within the United Nations—special focus on participation of countries from Eastern and Southern Africa

Nicolas Gérard, Deputy Director, United Nations Regional Centre for Peace and Disarmament in Africa

Civil Society's Contribution to the ATT process in the region

Judy Waruhiu, civil society

Key messages from the previous regional seminars of the EU–UNIDIR Project

Elli Kytömäki, United Nations Institute for Disarmament Research

10:30–10:45 Coffee break

10:45–13:00 **SESSION I: General overview of arms trade and the proposed ATT**

Chair: Christiane Agboton-Johnson, United Nations Institute for Disarmament Research

Presentations:

Overview of Arms Transfers—globally and in the region
Pieter Wezeman, Researcher, Stockholm International Peace Research Institute

Parameters, scope and implications of an arms trade treaty
Perrine Le Meur, Fondation pour la Recherche Stratégique
Delivered by Elli Kytömäki

Africa and an ATT—challenges and priorities
Joseph Dube, IANSA

Discussion

13:00–14:30 Lunch at conference venue

14:30–16:00 **SESSION II: Regional perspectives on an ATT**

Chair: Fabio Della Piazza, Office of the Personal Representative of the High Representative on Non-Proliferation of Weapons of Mass Destruction, Secretariat of the Council of the European Union

Presentations:

African Union and arms control in sub-Saharan Africa
Peter Otim, Secretariat of the African Union

Governmental perspective to an ATT—South African views
Johann Paschalis, Permanent Mission of South Africa to the United Nations, New York

Example of operationalizing arms transfer criteria—EU Common Position
Katerina Sequensova, Ministry of Foreign Affairs, the Czech Republic

16:00–16:15 Coffee break

16:15–17:30 **SESSION II continued**

Discussion

19:00–20:30 Reception

DAY 2

Friday, 11 December 2009

09:00–10:30 **SESSION III: Human Security, SALW and an ATT**

Chair: Elli Kytömäki, United Nations Institute for Disarmament Research

Presentations:

ATT and International Humanitarian Law

Nathalie Weizmann, International Committee of the Red Cross

Special focus on small arms—Nairobi Protocol and RECSA

Angela Baiya-Nyokabi, RECSA Secretariat

10:30–10:45 Coffee break

10:45–13:00 **SESSION V: Parallel working group sessions: further exploration of an ATT—regional perspectives**

13:00–15:00 Lunch at conference venue

15:00–16:30 **SESSION VI: Conclusions and next steps: Gathering ideas, recommendations and suggestions**

Chair: Nicolas Gerard, Deputy Director, UN Regional Centre for Peace and Disarmament in Africa

Presentation of results from the working groups: priorities, challenges and the way forward

Discussion

16:30–17:00 **Closing Session**

Chair: Christiane Agboton-Johnson, United Nations Institute for Disarmament Research

Summary of the seminar discussions

Elli Kytömäki, United Nations Institute for Disarmament Research

Closing remarks:

Abebaw Felleke, Ministry of Foreign Affairs of the Federal Democratic Republic of Ethiopia

H.E. Mr. Jens Odlander, Permanent Representative of Sweden in Ethiopia, on behalf of the Swedish Presidency of the European Union
Fabio Della Piazza, Office of the Personal Representative of the High Representative on Non-Proliferation of Weapons of Mass Destruction, Secretariat of the Council of the European Union

Annex C. Seminar press coverage

Eastern, Southern Africa states to discuss arms transfer controls - ...

<http://www.apanews.net/public/spip.php?article11304>

ETHIOPIA-ARMS-CONFERENCE

Eastern, Southern Africa states to discuss arms transfer controls

APA-ADDIS ABABA (ETHIOPIA)

lundi 7 décembre 2009, par modou

Countries in eastern and Southern Africa regions will gather this week in Ethiopia, Addis Ababa to discuss global transfers of conventional arms and their controls.

The regional forum, organized by the European Union and the United Nations (UN) is scheduled to be held on 10 and 11 December.

"During the seminar, participants will discuss about the patterns in international trade of conventional arms and processes underway at the United Nations, and will have the opportunity to analyze issues of priority and concern," a EU delegation in Ethiopia informed APA.

The seminar is fifth in a series of regional events organized by the United Nations Institute for Disarmament Research (UNIDIR) for the European Union (EU) during 2009 to increase the awareness of a possible international treaty on arms trade and to promote discussions about its elements, scope and implications.

The seminar is organized in the framework of the Decision of the Council of the EU "on support for EU activities in order to promote among third countries the process leading towards an Arms Trade Treaty, in the framework of the European Security Strategy", adopted in January 2009.

The overall objective of the EU-UNIDIR project is to promote the participation of all stakeholders in the discussions around an Arms Trade Treaty (ATT), integrate national and regional approaches to the international process underway, and to contribute to identifying the scope and implications of a treaty on the trade in conventional arms.

Representatives from relevant ministries of the participating states, international and regional organizations, and civil society among others are expected to take part at the forum.

P.-S.
DT/jk/APA