



European Union



UNITED NATIONS INSTITUTE
FOR DISARMAMENT RESEARCH

Austrian Federal Ministry for
European and International Affairs

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

Concluding Seminar

12 February 2010
Vienna, Austria

SUMMARY REPORT

Introduction

Following the adoption of 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”, taken by the Council of the European Union, the United Nations Institute for Disarmament Affairs (UNIDIR) has during the past 12 months implemented a project to promote the participation of all stakeholders in the discussions around an Arms Trade Treaty (ATT). The project, launched in February 2009, has aimed at integrating national and regional contributions to the international process underway on an ATT, and to identify the scope and implications of a treaty on the trade in conventional arms. It has done so through a series of regional seminars organized around the world to give states, regional organizations, civil society and industry additional fora to discuss different aspects of a possible international treaty on the arms trade.

This report presents the discussions at the project’s last event, a concluding seminar held at the Hofburg Congress Centre in Vienna, Austria, on 12 February 2010. The seminar brought together over 260 participants representing UN Member States, international organizations, civil society and the defence industry. Its main purpose was to present the general outcomes of the project to a wide set of stakeholders and to seek their guidance on and confirmation of the findings, so that they can be later incorporated into the project’s final written report. The seminar also provided a possibility to discuss the way forward—how the main findings and recommendations from the project’s regional events can be taken to the global level and used to support the ongoing UN Process on an ATT in the best possible manner.

The project’s concluding seminar was extremely well received, attracted wide interest among the target groups and proved a fully successful closing for the EU–UNIDIR project.

Presentations and discussion

The agenda of the closing seminar was composed of an opening session with high-level speakers, followed by two thematic sessions with follow-up discussions, and a formal closing session with a concluding statement on the project (see annex A).

Opening session

The opening session was chaired by Dr. Christiane Agboton-Johnson, Deputy Director of UNIDIR, and heard keynote addresses by three high-level representatives from the seminar’s host-state Austria, the United Nations and the Council of the European Union.

Dr. Agboton-Johnson welcomed all participants to Vienna and to the Hofburg Palace. She thanked everyone present, the high-level speakers and especially Austria, for their active support to the event and to the whole EU–UNIDIR project. Dr. Agboton-Johnson also conveyed the apologies of UNIDIR’s Director, Theresa Hitchens, who unfortunately was not able to attend the closing seminar due to other events. She also noted that events such as this one are important for UNIDIR in its outreach work and partnerships, and reminded everyone about the Institute’s 30th anniversary, which is celebrated this year.

The official opening remarks of the seminar were delivered by Mr. Michael Spindelegger, the Austrian Minister for European and International Affairs. He started by welcoming everyone to the seminar, to the Hofburg Palace and to Austria. Referring to problems caused by illegal and poorly regulated arms transfers, Mr. Spindelegger noted the challenges posed by illegal arms dealers that currently exploit existing loopholes in national regulatory frameworks and enable flows of weapons, especially SALW, to places where they fuel conflicts and instability.

He noted that various instruments and programmes are already in place to address these problems, but that practice has shown that a patchwork approach is not a solution. Without a global instrument we risk ever-growing demand for arms with too many weapons ending up in the wrong hands. Hence, according to Mr. Spindelegger, states are forced to come up with control measures. As a producing and exporting country of small arms, Austria recognizes its responsibility to address problems related to illegal and poorly regulated arms trade, and has supported the ATT process from the beginning. Effective solutions would require all governments to apply the same clear and precise criteria to assess arms transfers and their possible implications. Mr. Spindelegger noted that with the ATT Conference now set for 2012, states have relatively little time for preparatory talks. These talks however are necessary, not least because some states still have hesitations and doubts about the process. He underlined that an ATT is not intended to disarm states or limit their means of self-defence, or to create obstacles to trade. In Austria's view, support for an ATT should be built by incorporating all relevant aspects, including SALW, ammunition, brokering and related activities into it. Close cooperation among governments, industry and civil society should be ensured to create an instrument that will achieve its goals and become an effective, legally binding treaty that will help governments and industry by harmonizing norms and procedures to regulate the arms trade worldwide, and that will protect the lives of civilians and promote human security.

Following Mr. Spindelegger, Mr. Sergio Duarte, the United Nations High Representative for Disarmament, shared his views regarding the proposed ATT and the ongoing UN process toward a conference to conclude the treaty in 2012. He noted that the outcomes of the regional seminars organized as part of the EU-UNIDIR project form an important input to the UN process on an ATT. The outcomes of the regional seminars show that considerable commonality of views exists across regions with respect to the threats posed by conventional arms to political stability, human security and sustainable development. However, as Mr. Duarte pointed out, the seminars also highlighted the importance of an ATT to take into account and incorporate regional specificities and concerns. We are dealing with a multi-faceted issue and quite a daunting task lies ahead of states if they are to reach a meaningful outcome by the 2012 ATT Conference. Mr. Duarte stated that a successful outcome for the process will not lie in the hands of the United Nations or the Chairman of the process, but in the hands of UN Member States. Mr. Duarte noted that it will be important that all stakeholders come well prepared to the first Preparatory Committee meeting in July 2010. He also encouraged states to use the intersessional periods between the Preparatory Committees to informally discuss proposals and to bring differences of views closer together. Only if states fully acknowledge the pressing need for global standards on the arms trade and collectively decide to act will the result of the process be rewarding.

Ms. Annalisa Giannella, the Personal Representative of the High Representative on Non-proliferation from the Secretariat of the Council of the European Union, started her statement by noting that despite the large number of national, regional and international agreements and regimes, arms export controls remain incomplete and a comprehensive and global instrument is still lacking. An ATT would establish common international standards for the import, export and transit of conventional arms, consistent with existing responsibilities of states under international law. Ms. Giannella pointed out that in the view of the European Union, the negotiation and adoption of a global, legally binding ATT would be a major contribution to tackling the proliferation of conventional weapons that undermine peace and security.

Ms. Giannella noted that in the preparatory process toward an ATT, inclusiveness and informed participation of all UN Member States will be crucial. This is why the European Union is firmly committed to continuing discussions among states and other stakeholders and is in the process of elaborating a follow-up project, consisting of a new series of regional seminars, focusing both on the ATT process and on the technicalities of transfer control systems for conventional weapons. Further, she stressed that the European Union looks

forward to engaging in substantial negotiations leading up to a robust and legally binding ATT in 2012. The European Union stands ready to address the concerns of those states that continue to express legitimate doubts about the appropriateness and feasibility of an ATT. She noted that the EU experience demonstrates the possibility of agreeing on a legally binding instrument without depriving states of their sovereignty and prerogative to exercise their national responsibilities. Ms. Giannella noted that the European Union is ready to offer its expertise and share and discuss its internal experiences with UN Member States on the ATT initiative. According to her, an ATT will have real impact in enhancing security and peace only if it will aim at applying the highest possible common standards for the transfers of conventional weapons.

As the Chair of the session, Dr. Agboton-Johnson said a few words about the seminar as well as the EU–UNIDIR project as a whole. She noted that, like the European Union, UNIDIR is convinced about the necessity to further consider and analyze the problems related to uncontrolled and poorly regulated arms trade and to find appropriate solutions that will respect the visions and priorities of all. This is especially important because the proposed ATT is not designed to be a disarmament treaty, but an instrument to improve humanitarian security and place individuals at the centre of security concerns. Discussing the regional seminars, Dr. Agboton-Johnson referred especially to the fact that civil society participated on an equal basis with states in the meetings. She also noted that group work organized as part of each of the seminars proved extremely fruitful. According to Dr. Agboton-Johnson, the diversity of participants, together with wide regional scope of the meetings and limited time, posed challenges to the project. However, as mandated, the regional seminars managed to bring diverse views together, touch upon priority areas and take into account differences in views. Discussions on different aspects relevant to an ATT, supported by informed background research, strengthened participants' knowledge about the issues, and helped us in finding realistic paths forward in the international process. Finally, and as an introduction to the following session, Dr. Agboton-Johnson noted that this concluding seminar will present the regional messages as well as some common outcomes of the project activities.

Session I: Regional messages on an ATT

The first working session of the seminar presented the outcomes of the EU–UNIDIR project. It started with regional messages, whereby representatives from the regional seminars, held in Senegal (28–29 April 2009), Mexico (18–19 June), Jordan (28–29 July), Malaysia (13–14 October), Ethiopia (10–11 December) and Austria (11 February 2010), made short interventions highlighting the main regional messages and specific challenges and priorities that came out in each of the seminars.¹ For instance, representative of the host state of the first regional seminar, held in Dakar, highlighted the importance of an ATT for the point-of-view of human security and the potential that the proposed treaty has in addressing flows of weapons, especially small arms and light weapons (SALW), to conflict-ridden regions; whereas the Mexican representative highlighted the already existing regional instruments in the Americas and the region's strong support of an ATT. A civil society participant from the Jordan seminar talked about regional specificities and referred to the specific regional security situation in the Middle East, followed by remarks by another civil society representative from the Malaysia seminar, who noted the diversity of countries in the Asia–Pacific region and underlined the potential of an ATT in improving human security. A representative of Ethiopia gave an overview of discussions held in Addis Ababa and, finally, Austria reported briefly about the discussions that took place in the last regional seminar, just one day prior to the concluding event.

¹ Audio files of the interventions are available at <www.unidir.org/bdd/fiche-activite.php?ref_activite=509>.

After the regional messages, the Project Manager of the EU–UNIDIR project, Ms. Elli Kytömäki, presented the overall outcomes and recommendations of the project. First, she noted that discussions during the seminars confirmed that states everywhere see unregulated trade in conventional arms as a problem that needs to be addressed internationally. Numerous participants in all seminars called for a universal and practical treaty that should be balanced in its approach and implementable. It was stated several times that any possible treaty should ensure the right of states to produce and transfer conventional arms according to their specific needs.

Ms. Kytömäki noted that the complexity or sophistication of the proposed treaty’s parameters should not be exaggerated, but they nevertheless should be made simple and easy. Participants in the regional seminars most commonly said that a treaty’s parameters should be based on states’ existing obligations and commitments under international law. Further, sovereignty and the right of self-defense were frequently mentioned. Many noted that principles of international humanitarian law must be somehow included in an ATT’s parameters, together with links to international human rights law and human security. In several discussions it was highlighted that within a treaty, parameters would not establish uniform check-lists or categorize potential recipient states, but rather establish objective criteria that could be universally used. There seems to be wide-spread agreement on many of the parameters at a general level, but that states’ views become more diversified as more details are introduced.

Discussions about the scope of the proposed treaty in the regional seminars echoed the exchange of views at the international level and seemed to call for a comprehensive scope for a treaty, building on the proposed “7+1+1” formula,² even though calls for a scope going well beyond this were strong in some regions. At the same time it was pointed out that a “light” treaty without long detailed lists of weapons categories would be both easier to negotiate and remain more flexible to future developments.

Many different and in some cases contradictory views were expressed about the scope of activities that could or should be covered in an ATT. Wide support was given to including at the minimum export, import, transit and trans-shipment as activities. Re-exportation was often cited as a critical component of a comprehensive control system, and special emphasis was placed on ensuring effective national licensing procedures. Ms. Kytömäki pointed out that from the seminar feedback it seems clear that domestic regulation of arms and civilian possession should not fall under the scope of an ATT, echoing the recommendation of the Group of Governmental Experts. Most participants seemed to agree that an ATT should concentrate on international transfers, not domestic ones, since the latter are a question falling under each state’s national jurisdiction. While in the seminars many argued that an ATT should cover all conventional weapons, it is also evident that SALW—as a specific category—pose unique challenges in many regions and demand special attention.

Moving from the scope and parameters of the proposed treaty to other elements discussed in the regional seminars, Ms. Kytömäki talked about transparency—an important supporting principle that should underpin implementation of the proposed ATT. She also pointed out that many seminar participants had stressed the need to include a mechanism of technical capacity-building and assistance. Furthermore, she mentioned that the majority of discussions in the seminars highlighted that the main responsibility to fulfil the obligations of the proposed ATT will lie with states, and that a treaty should include principles of sovereignty and states’ inherent right to self-defence. Equal responsibilities should be placed on both exporters and importers of weapons. Finally, Ms. Kytömäki said that, at the seminars, there was a general call for lessons to be drawn from existing regional arrangements to see how they have been

² The 7 + 1 + 1 is often used to refer to the seven categories of weapons covered by the UN Register of Conventional Arms, plus SALW and associated ammunition.

implemented. The discussions also highlighted the potential that existing regional agreements have to feed into and help inform the development of an ATT.

To conclude, Ms. Kytömäki noted that more discussion about a treaty's different aspects and building blocks as well as its future implementation is needed. There are differences in views regarding the desirability to include different issues in a treaty, there is also the need of better definitions. The negotiations have to include a wider group of stakeholders—national licensing authorities, politicians and the private sector, including defence industry and civil society. Further, to learn from what already exists and what is possible or desirable, discussions have to be supported and informed by in-depth research. Discussions around an ATT have also to be supported by concrete trainings and capacity-building projects. Moving toward 2012, it will be time to look into what changes will be needed to improve national arms transfer controls, and how lessons learned from already existing arrangements and national practices could be shared.

The presentation about the project's general outcomes was followed by lively discussion and exchange of views from the floor. During the discussion, many points raised by Ms. Kytömäki and the representatives of the regional seminars were further highlighted by participants, which confirmed that the general outcomes presented reflect the general and common views about an ATT.

Session II: From regional to global—discussions, recommendations and ideas to support the UN Process

The aim of the second working session was to take the general project outcomes presented at the first session forward to see how they could feed into the UN process. The session was chaired by Ambassador Roberto Garcia Moritán, the Chairperson of the Preparatory Committee for the UN Conference on the ATT.

Mr. Mark Bromley from the Stockholm International Peace Research Institute (SIPRI), one of UNIDIR's partner organizations for the project, presented some key issues related to an ATT from SIPRI's point of view and building on the messages from the regional seminars. As a general note, he pointed out that an ATT should not reinvent the wheel, but that in formulating the treaty, states should build on existing documents. According to Mr. Bromley, it will be important to be aware of existing standards and to make sure that an ATT is a step forward, not backward.

Mr. Bromley highlighted three issues that are essential in the discussion around an ATT and should be included in the treaty. The first discussed was transparency. He noted that further transparency in arms transfers through an ATT would allow all relevant stakeholders to see how states are applying and interpreting the criteria of an ATT. Transparency would also help strengthen the norms and standards that a treaty would seek to promote. Second, Mr. Bromley turned to globalization of arms production, taking up some sceptical arguments expressed concerning the proposed ATT, where a treaty has been criticized as "unfair" to states that do not have an indigenous arms industry, while supporting those that do. Countering the criticism Mr. Bromley noted that establishing common rules to guide arms transfers under the proposed ATT has the potential to facilitate, rather than restrict, technology transfers, hence being beneficial also to those countries that rely on them, provided that such transfers are adequately addressed in a treaty, and that both exporters and recipients of weapons will take part in it. Further, he noted that an ATT could enhance trust between arms exporters and importers, and could act as a forum where disputes related to arms transfers could be addressed. Finally, Mr. Bromley noted that one of the key contributions of a future ATT to arms transfer controls would be to define and specify what constitutes an effective export control system of conventional arms. According to Mr. Bromley, such a system should comprise modern and

comprehensive legislation, a licensing system, policy guidelines, an enforcement system, international cooperation and engagement, and an element of public transparency.

Dr. Yves Boyer, Deputy Directory of the other partner organization of UNIDIR in the project, Fondation pour la recherche stratégique (FRS), gave a forward-looking presentation about the possible scope and implications of an ATT, highlighting some challenges related to negotiating a legally binding treaty, including negotiations over the types of weapons or ammunition it would cover, as well as the types of transactions to be included. As Dr. Boyer noted, an underlying goal of an ATT is to make the community of states more responsible in the arms trade, both domestically with regard to parliaments and internationally. Inclusion of the arms industry in the process is crucial. He referred to the potential that an ATT has in increasing confidence, preventing conflicts and improving international security, through enhanced transparency among other things. He also pointed to the need to reinforce the fight against the illicit trade in weapons through better control of legal transfers, and commended the work done at the regional level through various regional and subregional organizations. Regarding next steps in the process toward an ATT, Dr. Boyer noted that thanks to the work of the Group of Governmental Experts and the Open-ended Working Group, conditions to start negotiations have been met. Support of the universal process was illustrated by the number of votes cast in favour of the ATT resolution in the UN General Assembly in 2009. According to Dr. Boyer, it is now time to start technical discussions about the scope and parameters of an ATT, in order to meet the challenging timeline leading to the ATT Conference in 2012. The first meeting of the Preparatory Committee in July 2010 will be an important first opportunity for this.

Mr. Daniel Mack from the non-governmental organization (NGO) ATT Steering Committee delivered a message from 62 civil society organizations from 47 states that had convened in a global campaigning meeting in Vienna previously the same week. In the statement, civil society actors called for states to negotiate a principled and robust ATT that would save lives, livelihoods and prevent abuse. Mr. Mack noted that civil society organized a series of events prior to the EU–UNIDIR regional seminars, to support the ATT process at both the regional and international level. Further, he assured participants that civil society actors will continue to work as constructive critics and partners of states, with the primary goal of improving and ensuring the security of people everywhere.

Mr. Mack also noted that with the passing of the 2009 ATT resolution, the diplomatic process has entered a new phase, where the question no longer is “if” there will be a treaty, but “when” and “what type” of an ATT there will be. To reflect this change, civil society's campaign has also entered a new phase by working on a new global unified coalition structure for NGO efforts. In the view of civil society, an ATT must have real impact, significantly reducing and preventing the harm caused by poorly controlled transfers of conventional arms by stopping irresponsible transfers. It should be comprehensive in scope, covering all conventional arms, their ammunition and components and all types of transfers and transactions. An ATT should prevent transfers if there is a substantial risk that these weapons might be used to commit serious violations of human rights or international humanitarian law, or undermine socio-economical development and poverty-reduction efforts. A treaty must contain effective national licensing provisions, and encourage international assistance and national capacity-building.

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. Among others, points were raised about preferred procedural approaches to an ATT and the need to prevent further suffering caused by arms transfers to conflict regions. Specific questions were posed about the largest arms producers and exporters and the possibility or desirability to include additional items in the scope of a treaty, and comments were also made regarding the goals and benefits of an ATT, its potential to improve human security and challenges related to the schedule in which a treaty is to be negotiated.

Concluding session

The seminar's concluding session heard statements from Spain on behalf of the European Union and from UNIDIR. In her statement, Ambassador Consuelo Femenía from the Spanish Ministry of Foreign Affairs and Cooperation said she was happy to see ample willingness among participants to follow the negotiating mandate for an ATT given by the ATT resolution. As she noted, the regional seminars organized as part of the EU–UNIDIR project have shown that there is sufficient common ground, also in terms of substance, to make an ATT possible and feasible. The ultimate goal of an ATT is to save lives and diminish human suffering. This makes the process worthwhile, and according to Ambassador Femenía, the European Union has embarked on the task with realism as well as with optimism and great ambition. The European Union wants a robust legally binding instrument that would set the highest common standards for the trade in conventional arms, and will support the negotiating process to make it as inclusive as possible. Now that the Lisbon Treaty has entered into force, the European Union intends to have a stronger voice in international affairs.

To conclude the seminar and the series of activities under the EU–UNIDIR project, Dr. Christiane Agboton-Johnson from UNIDIR thanked all participants, the European Union, the host-states, partners and colleagues for their support to the seminar and the whole project. She noted that the project constituted an extraordinary opportunity for exchanges of views, encounters and networking among diplomats, security forces, civil society, regional and international organizations, and other stakeholders. It created an additional platform for all interested parties to express their opinions about the ATT process, to bring forward ideas and recommendations, and proved extremely successful. Finally, quoting US President Barack Obama, Dr. Agboton-Johnson noted: “Let it be said by our children's children that when we were tested we refused to let this journey end, that we did not turn back nor did we falter; and with eyes fixed on the horizon and God's grace upon us, we carried forth that great gift of freedom and delivered it safely to future generations”. As Dr. Agboton-Johnson said, peace and security certainly are words to describe that freedom.

Results

The project's concluding seminar proved fully successful in meeting the goals set for this activity. The event attracted wide interest both among Vienna's diplomatic community and capitals around the world and brought together over 260 stakeholders. The level of participation was high: the seminar was opened by the Austrian Minister for European and International Affairs, and many states were represented by their Ambassadors or Permanent Representatives in Vienna. In addition, tens of civil society organizations and several defence industry representatives took part in the event.

The presentation of general project outcomes and recommendations confirmed that the regional seminars had been successful in highlighting and bringing together regional priorities and challenges related to an ATT, and also in eliciting some important messages that came across in all of them. From the side of the European Union, the EU High Representative's Personal Representative on Non-proliferation was present, together with an Ambassador from Spain. The United Nations was represented by the High Representative for Disarmament. The presence of the Chairperson of the Preparatory Committee further highlighted the importance of the EU–UNIDIR project as well as its links with the UN process, and discussions during the afternoon proved successful in moving the project's main outcomes forward in the international level.

The seminar attracted wide media attention in Austria and also in the international press. Based on the feedback received from participants, the seminar was a fully successful conclusion to the EU–UNIDIR Project.

Next steps

The closing seminar was the last event organized as part of the project “Promoting Discussion on an Arms Trade Treaty”. In the weeks following the seminar, leading to the end of the project in mid-May 2010, UNIDIR will work on the written final report of the project and finalize its administration. The final project report will present an overview of trends in the conventional arms trade, the history of efforts to control this trade as well as the ATT process currently ongoing in the United Nations. It will describe the project activities implemented by UNIDIR between February 2009 and February 2010, and provide an account of the regional seminars and their outcomes. Finally, the final report will present UNIDIR’s view about the main outcomes, recommendations and next steps that came out during the project.

All relevant project documents, including regional seminar reports and audio files of presentations, and 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 comments at the concluding seminar, and made available online.

Annex A

Promoting Discussion on an Arms Trade Treaty Concluding Seminar of the EU-UNIDIR Project of regional ATT events

12 February 2010

**Großer Redoutensaal, Hofburg Congress Centre
Vienna, Austria**

AGENDA

09:00–09:30 **Registration**

09:30–10:00 **Press conference**

10:00–10:45 **Opening Session**

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

Keynote speakers:

Michael Spindelegger
Federal Minister for European and International Affairs, Austria

Sergio Duarte
High Representative for Disarmament, United Nations

Annalisa Giannella, Personal Representative of the High Representative on
Non-proliferation, Secretariat of the Council of the European Union

10:45–11:00 Coffee break

11:00–13:00 **SESSION I: Regional messages on an ATT**

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

Presentation of UNIDIR's draft project report with input from the regional
seminars held in Senegal, Mexico, Jordan, Malaysia, Ethiopia and Austria.

Discussion.

13:00–15:00 Lunch at conference venue

15:00–16:45 **SESSION II: From regional to global – discussions, recommendations
and ideas to support the UN process**

Chair: Ambassador Roberto Garcia Moritan
Ministry of Foreign Affairs of Argentina
Chairperson of the preparatory committee for the UN Conference on the ATT

Keynote addresses:

Mark Bromley
Researcher, Stockholm International Peace Research Institute

Yves Boyer
Deputy Director, Fondation pour la Recherche Stratégique
Professor at Ecole Polytechnique

Daniel Mack
NGO Steering Committee on an ATT

Discussion.

16:45–17:30 **CLOSING SESSION**

Concluding statement and remarks arising from the EU-UNIDIR project “Promoting Discussion on an Arms Trade Treaty”.

Keynote addresses:

Ambassador Consuelo Femenía
Ministry of Foreign Affairs of Spain, on behalf of the European Union

Christiane Agboton-Johnson
Deputy Director, United Nations Institute for Disarmament Research

17:30–18:00 Refreshments