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## **Promoting discussion on an Arms Trade Treaty** **UNIDIR implementing EU Council Decision 2009/42/CFSP**

### **SUMMARY REPORT** **Project Launching Event**

24 February 2009, Geneva, Switzerland

#### **Introduction**

Following the adoption by Council of the European Union of the 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”, UNIDIR started implementing the Council Decision to promote the participation of all stakeholders in the discussions around an Arms Trade Treaty (ATT), to integrate national and regional contributions to the international process underway, and to identify the scope and implications of a treaty on the trade in conventional arms (hereafter the Council Decision is referred to as Project). The Project aims at facilitating the exchange of views among States, regional organizations and civil society by encouraging discussions around different aspects of a possible international treaty on arms trade. These views will serve as an important input to current discussions on an ATT, and hopefully support and stimulate related national, regional and international debates.

The Project launching event took place at Palais des Nations, Geneva, Switzerland, on 24 February 2009 from 15:00 until 18:00. It brought together 140 participants from UN MS, international organizations and civil society. The launching event presented the aims of the Project to ensure that all target groups became well informed, encouraged their wide and active participation, and sought inputs from UN MS, civil society, researchers and non-governmental organizations (NGOs) to secure support for the Project’s implementation. The launching event, composed of an opening session and a thematic session with follow-up discussions, was very well received, fulfilled its goals and attracted wide interest among the target groups regarding further activities foreseen in the Project.

#### **Presentations and Discussion**

The agenda of the Project launching event was divided into an opening session and a panel session with discussions under a title “Towards an Arms Trade Treaty” (see agenda in annex 1).

The opening session was chaired by Ms. Theresa Hitchens, Director of UNIDIR, and heard keynote addresses by four representatives of the United Nations and the European Union.

Mr. Sergei Ordzhonikidze, Director-General of the United Nations Office at Geneva and Secretary-General of the Conference on Disarmament, opened by thanking all organizers and participants, especially the European Union and UNIDIR, for their efforts. He noted that an arms trade treaty was not envisaged to be a disarmament measure as such, but that its objective would be to ensure enhanced efficiency of national export controls above all to stop weapons from being used to undermine stability and democracy, harm development or abuse human rights. Mr. Ordzhonikidze also noted that existing inconsistencies among regional and national export license arrangements were arguably causing uncertainties that had an impact on the ability of states to deliver on the implementation of the Millennium Development Goals. Finally, he expressed his belief that by encouraging wider discussions, the EU-UNIDIR Project would help to mobilize support towards an ATT, and would also contribute to further enhancing the visibility of multilateral disarmament issues in global debates, which was essential both for the maintenance of international peace and security and for development.

After Mr. Ordzhonikidze, Ms. Hitchens gave a brief presentation about the Project in general and activities foreseen in its implementation. She noted that the current Project should be seen as another step forward in a long process towards better controlling conventional arms trade. By implementing the project, UNIDIR, based on its mandate, is promoting multilateral and comprehensive participation of all stakeholders in the ATT process by increasing the awareness of relevant actors about a possible international treaty on arms trade, and by facilitating the exchange of views between States, regional organizations, civil society and industry representatives. Ms. Hitchens also presented the focal points at UNIDIR for the Project, Dr. Christiane Agboton-Johnson, Deputy Director of UNIDIR, and Ms. Elli Kytömäki, Project Manager.

Ms. Kateřina Sequensová, Deputy Director of the CFSP Department in the Ministry of Foreign Affairs of the Czech Republic and current Chair of the EU Council Working Party on Conventional Arms Exports (COARM), representing the Czech EU Presidency, continued from Ms. Hitchens' remarks by indicating out that the European Union considers work on an ATT a priority, and that for the Czech EU Presidency, the issue is at the top of the priority list in the area of arms export controls. She pointed to the profound effect that irresponsible spread of conventional weapons has on international security and prosperity, and pointed out that even though conventional weapons account for far more death and human suffering in the world today than other types of weapons, the international community has managed to agree on global and legally binding treaties covering chemical, biological and nuclear weapons, but not conventional weapons.

Ms. Annalisa Giannella, EU High Representative's Personal Representative on Non-Proliferation, from the Secretariat of the Council of the European Union underlined the EU's support for the ATT, demonstrated both by the EU's active participation in the global UN processes, but also through EU activities in the field to promote the idea of an ATT among the widest possible set of stakeholders. In this regard, Ms Giannella also welcomed the new format of consultation in the OEWG, which hopefully will allow for more inclusive and effective consultations on the issue, and noted that the EU stands ready to offer its expertise and share its internal experiences with other UN MS that are willing and ready to further develop the ATT initiative.

Mr. Tim Caughley, Director of the United Nations Office for Disarmament Affairs in Geneva, delivered a statement on behalf of the UN High Representative for Disarmament Affairs, Mr. Sergio Duarte. He referred to the recent outpouring of support for the establishment of an ATT and the long way that the international community has already come in achieving this goal. The statement also referred to the need to increase awareness and broaden support for the ATT initiative during the next three years of the OEWG, and warmly welcomed the EU's initiative to fund a project with emphasis on engaging also those countries that have so far not been active in the process.

After the opening session, the seminar proceeded directly to its panel session with five kick-off presentations followed by discussion. The session was chaired by Dr. Agboton-Johnson, who in her remarks underlined the need to reinforce synergy between different actors in the ATT process, including with the civil society, and noted that this search for synergies was also the basis for forming the agenda of the panel session.

Dr. Samuel Perlo-Freeman from the Stockholm International Peace Research Institute (SIPRI), one of UNIDIR's partner organizations in the project, started by presenting an overview of global trade of conventional arms and by highlighting trends in arms production and trade in the past years. He noted that there has been a rising trend in conventional arms transfers since 2003, after a period of decline since 1998. Mr. Perlo-Freeman also provided some examples of arms transfers to conflict zones and reflected upon problems related to corruption in arms trade as well as to the costs of global military spending versus the goals of sustainable development.

Ms. Pamela Maponga from the Conventional Arms Branch of the UN Office for Disarmament Affairs in New York, gave an overview of previous UN efforts to address the issue of conventional arms transfers. She also briefed participants about recent developments within the UN regarding the ATT process, including the report of the Group of Governmental Experts that convened in 2008 and the commencement of the OEWG sessions in 2009.

As a civil society contribution to discussions, Mr. Brian Wood from the Control Arms Campaign and Amnesty International reminded participants about the goals of non-governmental organizations in establishing global principles for arms transfers by presenting the arms transfer principles that NGOs would like to see as the basis of an ATT. The principles include detailed provisions regarding the international obligations of states, express prohibitions for international transfers of conventional arms, limitations based on use or likely use, other legal factors to be taken into account when authorizing such transfers, as well as transparency measures and comprehensive arms transfer control mechanisms.

Mr. Peter Herby from the International Committee of the Red Cross (ICRC) commented on the ATT from the perspective of protection of civilians in armed conflict and international humanitarian law (IHL). He noted ICRC case studies which demonstrated that in post conflict areas where weapons remain easily accessible civilian casualties caused by weapons were only slightly lower than during conflicts, and warned about the risk of general public becoming "immunized" to human suffering cause by easy availability of conventional arms. Mr. Herby noted that States Parties to the Geneva Conventions of 1949 agreed already in 2003 that common Article 1 of the Conventions, which requires States to "ensure respect" for IHL, entails strict controls on the availability of arms and ammunition and a responsibility to ensure respect for humanitarian law by preventing transfers which can be expected to be used to commit serious violations. The ICRC urges criteria based on respect for IHL to be included in

an ATT as well as in national laws and regulations on arms transfers. He urged States to ensure that a future ATT covers all conventional weapons, has a broad definition of "transfers" and covers the activities of arms brokers.

Ms. Perrine Le Meur from the other partner organization of UNIDIR in the project, Fondation pour la Reserche Stratégique (FRS), gave a forward-looking presentation about the possible scope and implications of an arms trade treaty, highlighting some challenges related to negotiating a legally binding treaty, including negotiations over the types of weapons and/or ammunition it would cover, as well as the types of transactions foreseen to be included. She noted that an ATT should be based on states' existing commitments and should stay realistic in its aims, taking into account the needs of arms importers and exporters. Ms. Le Meur highlighted different ways in which an ATT could be developed and forms that it could take, and also referred to the importance of verification in its eventual implementation.

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 towards an ATT and the need to prevent further suffering caused by arms transfers to conflict regions by directing more efforts towards supporting sustainable development. Some speakers underlined the need to ensure active and continued NGO participation and input to the ATT process, both at the UN and within the UNIDIR Project. Specific comments were made regarding inter alia difficulties related to the possible inclusion of dual-use goods in the scope of an ATT, as well as about the primary responsibility of states to implement an ATT and report on their implementation, as opposed to a strict, universal verification regime.

## **Results**

The launching event was successful and met the goals set for this activity. The level of participation was high: many UN Member States were represented by their Ambassadors and Permanent Representatives. From the side of the European Union, the EU High Representative's Personal Representative on non Proliferation and the current COARM Chair as representative of the Czech EU Presidency were present, whereas the United Nations were represented by the Director-General of the United Nations Office at Geneva, and the United Nations Office for Disarmament Affairs. In addition, the leading organizations of the civil society Control Arms Campaign took part in the event.

The planned timing of the launching event one week prior to the first meeting of the OEWG proved advantageous and helped raise momentum around both the seminar and the whole EU/UNIDIR Project. Presentations made at the event gave a good general overview about the issues relevant for the project, and discussions after the presentations brought up additional aspects, comments and questions to and from the participants on the floor. Based on the feedback received from participants, the seminar was seen as a stimulating and encouraging launch for the UNIDIR Project.

## **Next steps**

Following the launch seminar, UNIDIR will now proceed, in accordance with Council Decision 2009/42/CFSP, with organizing six regional seminars in different parts of the world to increase the awareness of national and regional actors, United Nations Member States, civil society and industry of an ATT, and promote international

discussions about the possibility of negotiating a comprehensive, legally binding instrument establishing common international standards for the import, export and transfer of conventional arms.

In addition to the regional seminars the project implementation plan contains a launch seminar, a side-event in the margins of the 1st Committee (UNGA 64th session), 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 comments at the concluding seminar, and made available online.