



EUROPEAN UNION



UNITED NATIONS INSTITUTE  
FOR DISARMAMENT RESEARCH

### **Lunchtime side event**

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

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

#### **SUMMARY REPORT**

1 March 2011, UN Headquarters, New York

#### **Introduction**

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

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

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

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

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<sup>1</sup> The project was established by a decision of the Council of the European Union entitled "EU activities in support of the Arms Trade Treaty, in the framework of the European Security Strategy", 2010/336/CFSP, adopted 14 June 2010.

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

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

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

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

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

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

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

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

According to Mr. Eloumni, some discussion in the Morocco seminar was devoted to the question of how the use of weapons by unauthorized non-state actors could be addressed in an ATT. Cooperation and assistance were mentioned by many participants as very important aspects to be included in the future Treaty, to ensure that it will be implementable and effective in all countries and not only those that already have well-developed and sophisticated control systems. The need to keep the possible system of assistance voluntary was underlined in some remarks delivered at the seminar. Participants also discussed issues related to the possible conditionality of assistance and what that would imply.

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

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

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

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

As the final speaker, Ms. Elli Kytömäki, Project Manager of the EU–UNIDIR project, discussed the technical aspects of the regional seminars and presented some of the practical outcomes of the first project activities. In line with the project objectives, one of the aims of the regional seminars is to support UN Member States in developing and improving national and regional expertise to implement effective arms transfer controls, in order to ensure that the future ATT will be as effective as possible. In the seminars, this is done through practice-oriented discussions among technical experts, the exchange of ideas and lessons learned by participating representatives, as well as by the identification in working groups of resources and assistance needs. Through the presentation of national and regional systems to control the trade in conventional weapons, and by discussing aspects of establishment and enforcement of licensing systems, including legal and administrative procedures, the seminars have brought up a number of priorities and challenges faced by practitioners working on arms export and import controls. According to Ms. Kytömäki, at the Nepal seminar these were related especially to the need to put in place strong national-level authorities and centralized decision-making systems, coordination among different actors, and further studies on the operationalization of practical assistance tools and mechanisms best suited to enhancing technical cooperation. In Morocco participants highlighted challenges related in particular to illicit weapons flows, especially across porous land borders; insufficient technical capacities in stockpile management, marking and tracing and in customs cooperation; as well as inadequate exchange of information at the regional level.

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

### **Discussion**

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

undoubtedly reflects the gender balance in the diplomatic and security services of states, further active involvement of women in the project activities and ATT discussions more generally was encouraged.

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

### **Concluding remarks**

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

### **Results**

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

### **Next steps**

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

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

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



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

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

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

### **AGENDA**

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

Dr. Christiane Agboton-Johnson, Deputy Director, UNIDIR

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

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

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

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

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

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

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

Ms. Elli Kytömäki, Project Manager, UNIDIR

#### **Discussion**

#### **Concluding remarks**

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

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