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**DRAFT WORKING PAPER PRESENTED BY THE PRESIDENT OF THE SEVENTH CONFERENCE OF STATES
PARTIES TO THE ARMS TRADE TREATY (ATT)**

**Strengthening efforts to eradicate the illicit trade in small arms and light weapons
and ensure efficient stockpile management**

INTRODUCTION

The core thematic focus of the ATT Presidency in 2021 is strengthening efforts to eradicate the illicit trade in small arms and light weapons (SALW) and ensuring efficient stockpile management. As a result of its own experience, and that of many other African and other countries with armed violence and conflict, war and internal disturbances as a result of inadequate regulations of the international arms trade, Sierra Leone has made a conscious decision to explore this thematic focus as part of its CSP7 Presidency. Over the past years, Sierra Leone has made efforts to strengthen its domestic arms controls, including stockpile security and management, and has championed similar initiatives and programmes at the international and regional level, which it hopes will complement the efforts undertaken to implement the ATT.

This theme is intended to engage all States Parties and other stakeholders to firmly link ATT implementation efforts to the global framework for arms control, non-proliferation, and disarmament. The efficacy of the ATT as a global instrument for arms control requires a sustained, integrated and collaborative approach toward addressing the problems of the illicit trade in conventional arms, including SALW, by ensuring accountable and transparent arms export control systems and also by enhancing safe and secure accounting, storage and disposal of weapons by States. Accountable and transparent arms export controls have been and continue to be addressed in the ATT Working Groups, particularly in the Working Group on Effective Treaty Implementation's (WGETI) sub-working group on Articles 6 and 7. Therefore the CSP7 Presidency proposes strengthening cooperation among States Parties to prevent diversion in the post-delivery phase, including stockpile security and management.

ADDRESSING THE ILLICIT TRADE OF SALW THROUGH THE ATT

With a focus on international cooperation and measures to tackle diversion, in Articles 11, 15 and 16, the ATT is well-designed to address and help prevent illicit trade in SALW, specifically through mechanisms like stockpile security and management.

In its Principles and Articles 1 and 11, the ATT calls on States Parties to take measures to address diversion to prevent and eradicate the illicit trade in conventional weapons. Further, in Article 12, States Parties are encouraged to maintain records of transferred conventional arms, which is a key component of any stockpile management regime.

Article 16.1 (International Assistance) sets out the intention that States Parties can provide and receive assistance to support measures to curb the illicit trade in SALW through measures such as stockpile management and other post-delivery security measures. Article 15 (International Cooperation) provides further scope for States Parties to work together to “shar[e] information regarding illicit activities and actors in order to prevent and eradicate diversion of conventional arms.”

In this regard, the ATT creates space for cooperation and assistance between exporting and importing States to combat diversion risks across the lifecycle of an arms transfer. Taken together, these provisions of the ATT envision such joint efforts beginning with export risk assessments, initially explored by the Presidency of the Fourth Conference of States Parties to the ATT (CSP4), and continuing through the post-delivery stage with stockpile security and management. These cooperative efforts can be designed as transfer-specific or as part of a broader assistance programme to combat the illicit trade in SALW.

Within the ATT process, during CSP4, the WGETI sub-working group on Article 11 engaged in discussions on stockpile security and its links to the ATT. As a result, Annex D to the WGETI CSP4 report titled *Possible measures to prevent and address diversion*¹ highlights several measures to be taken before and after transfers that relate to stockpile security and what an importing state can do post-delivery to prevent, detect and address diversion.

To focus further on these efforts, at the outset of the CSP7 cycle, ATT stakeholders introduced the 2020 ATT Resolution for the UN General Assembly (subsequently adopted on 07 December 2020) that for the first time includes an operative paragraph (OP9) that expressly “*urges states parties and signatory states to prevent and eradicate the illicit trade in conventional arms, including small and light weapons as set out in Article 6 and 7 of the Treaty and to prevent diversion to unauthorised end-users of conventional weapons inter alia through efforts to improve efficient stockpile management.*”²

The CSP7 thematic focus provides an opportunity to build on this work and further unpack the links between the ATT and international and regional efforts to prevent the illicit trade in SALW and their diversion, including through stockpile management.

SYNERGIES BETWEEN ATT AND THE GLOBAL FRAMEWORK FOR ARMS CONTROL, NON-PROLIFERATION, AND DISARMAMENT

To ensure the Treaty’s efficacy in this context, the ATT provisions that seek to tackle illicit trafficking and mitigate diversion risks must be implemented alongside and in connection with other relevant international and regional instruments. A number of such instruments have already made significant progress in developing good practice in tackling the illicit trade in SALW and enhancing stockpile security, which can inform and support efforts to prevent diversion under the ATT. For example:

- The Third Review Conference of the United Nations’ Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (PoA) addressed key challenges and opportunities relating to both the implementation of the PoA and the International Tracing Instrument to prevent and combat the diversion and the illicit international transfer of SALW to unauthorised recipients.³
- The next phase of the African Union 'Silencing the Guns' initiative, the development of guidelines for the parallel implementation of the ECOWAS Convention and the ATT, the revised SADC Firearms Protocol, and the Organisation for Security and Co-operation in Europe (OSCE)’s ongoing review of best practice guides for SALW and stockpiles of conventional ammunition provide opportunities to strengthen the implementation of the Treaty’s provisions on illicit trafficking and diversion.

¹ See Annex D to the ATT Working Group on Effective Treaty Implementation Chair’s Draft Report to CSP4 pp. 18-24 Available from: https://thearmstradetreaty.org/hyper-images/file/ATT_CSP4_WGETI_Draft_Report_EN1/ATT_CSP4_WGETI_Draft_Report_EN.pdf

² See UNGA First Committee resolution A/C.1/75/L.53 titled “The Arms Trade Treaty” (14 December 2020). Available from: <https://undocs.org/en/A/C.1/75/L.53>

³ See Report of the third United Nations Conference to Review Progress Made in the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (6 July 2018) A/CONF.192/2018/RC/3 Available from: https://www.un.org/en/ga/search/view_doc.asp?symbol=A/CONF.192/2018/RC/3&referer=/english/&Lang=E (14 December 2020).

- Similarly, the normative and technical guidelines provided in the International Ammunition and technical Guidelines (ITAGs) and the Modular Small-arms-control Implementation Compendium (MOSAIC) can provide practical guidance to strengthen national stockpile management practices.

The outlined initiatives and processes on addressing the illicit trade in SALW and stockpile management programmes serve as useful resources for the ATT community. Mapping these initiatives and working towards their coherent implementation can help to strengthen national and regional efforts to prevent diversion. It may also indicate gaps under other international instruments and agreements that may be better addressed under the ATT. This effort could also identify challenges and complementarities between relevant assistance programmes specifically relating to stockpile management to create further synergies through the ATT. With such a concerted approach, the ATT Voluntary Trust Fund and other assistance mechanisms (Article 16) would then be well-positioned to address directly and effectively gaps and challenges to efforts to tackle the illicit trade in SALW.

STRENGTHENING ATT IMPLEMENTATION BY ENHANCING SAFE AND SECURE STOCKPILE MANAGEMENT

Stockpile management is a key mechanism to limit the potential that weapons will be diverted post-delivery. Poorly managed, insecure or unsafe stockpiles can be susceptible to theft, looting, corruption, and illegal sale, fuelling diversion and illicit trade in SALW. Stockpile management, therefore, is a broad topic, including storage and warehouse management, physical security of arms in storage, control of internal transfer (including within depots and in warehouses), staff training, documentation, and record-keeping. The CSP7 thematic focus aims to encourage States Parties to consider all aspects of stockpile management both before export authorisation occurs and safe and secure storage post-delivery.

Prior to authorisation, the ATT provides space for importing and exporting states to work together to conduct a comprehensive risk assessment and, if necessary, develop joint mitigation measures that can meaningfully reduce any identified risks of diversion (Article 11.2, 11.3). In addition to sharing relevant information on illicit activities (Article 11.5), to further prevent diversion, importing and exporting states could agree to specific conditions and assurances with regard to storage facilities (location, conditions, specific management measures and security), marking off items or end-user controls, prior to export approval.⁴ Mitigation measures could also include direct technical and financial assistance to importing States and joint post-delivery cooperation programmes to improve the security and management of national stockpiles.

To mitigate diversion risks after delivery, States could agree on how to address situations where there are changes in location or possession/control of items subsequent to import and through to the point where items are decommissioned or destroyed. States can also work together to identify sources of multilateral or bilateral assistance to strengthen the efforts of importing States that are particularly vulnerable to risks of diversion. Under Article 13.2, States are also encouraged to report to other States information on measures taken that have been proven effective in addressing the diversion of conventional arms. In this context, States may report on measures taken to strengthen physical security and stockpile management (PSSM) as a way to prevent diversion.

While SALW are more susceptible to diversion than major conventional weapons, there are many known cases where States have decided to re-assign or re-purpose major weapons systems without prior authorisation of the exporting State. Therefore, it is important to note that many of the good

⁴See Annex D to the ATT Working Group on Effective Treaty Implementation Chair's Draft Report to CSP4 pp18-24
https://thearmstradetreaty.org/hyper-images/file/ATT_CSP4_WGETI_Draft_Report_EN1/ATT_CSP4_WGETI_Draft_Report_EN.pdf

practices and recommendations developed for SALW may apply to the other seven categories of arms covered under the ATT.

POSSIBLE OUTPUTS FROM THE CSP7 FOCUS ON THE ILLICIT TRADE IN SALW AND STOCKPILE MANAGEMENT

Following the CSP7 deliberations on strengthening efforts to eradicate the illicit trade in SALW and improve stockpile management, the Presidency proposes a set of possible areas for States Parties to consider for further inquiry and exchange or longer-term implementation. These, and perhaps other areas, could be further unpacked by the WGETI sub-working group on Article 11 in the context of its current work plan and could be included in any future multi-year work plans.⁵

1. ATT stakeholders should undertake to map and better utilise existing guidance and tools developed under relevant international and regional instruments on preventing the illicit trade in SALW and strengthening stockpile management and security in order to prevent diversion as a way to strengthen ATT implementation.
2. ATT stakeholders should formalise discussions concerning post-delivery cooperation experiences from both exporter and importer perspectives and should consider developing guidelines on cooperation and assistance to ensure ongoing compliance with export documentation, including authorised end-use.
3. ATT States Parties should share information on effective and innovative stockpile management programmes, including through updates to their ATT initial reports, under section 7 a) i) of the ATT initial reporting template.
4. The WGETI should consider identifying and compiling a list of existing relevant bilateral and multilateral assistance programmes, within and outside the ATT, which aim to address the illicit trade on SALW and stockpile management and should be made available to States seeking such assistance.

⁵ See the paper [Possible measures to prevent and address diversion](#) which includes a section: 'Transfer chain stage 4: Post-delivery storage / National stockpiles': Annex D to the Draft Report to the Fourth Conference of States Parties (CSP4) (ATT/CSP4.WGETI/2018/CHAIR/355/Conf.Rep) presented by the Chair of the Working Group on Effective Treaty Implementation (WGETI). See also the [multi-year workplan](#) for the sub-working group on Article 11, which anticipates discussion of the topic of post-delivery storage and stockpile management as part of a future multi-year work plan that will address Transfer chain stage 4: Annex C to the Revised Multi-Year Work Plan for the WGETI Sub-Working Group on Article 11 (Diversion).