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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. Based on its own experience, and that of many other African and other countries with armed conflict, widespread violence, and other internal disturbances resulting in part from the 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. Accordingly, 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 link ATT implementation efforts firmly 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 towards addressing the problems of the illicit trade in conventional arms, including SALW, by ensuring accountable and transparent arms export control systems and 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 (WGETI) through its 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, as articulated 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) states 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 collaborative 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 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 In a related development, the UN General Assembly also adopted Resolution A/C.1/75/L.44 titled *“The illicit trade in small arms and light weapons in all its aspects,”* which *“takes note of the Secretary-General’s report that includes an overview of challenges related to the diversion of SALW at the national, regional and international levels, as well as good practices, lessons learned and recommendations on preventing and combating the diversion and illicit international transfer of SALW to unauthorized recipients.”*³

In recognition of the gendered impact of international arms transfers, ATT States Parties adopted a series of recommendations at CSP5 in 2019 aimed at ensuring that gender is considered across all aspects of the Treaty’s obligations, a number of which, if implemented effectively, can also contribute to the CSP7 thematic focus⁴. Several of the Gender and GBV recommendations endorsed by CSP5 have direct relevance to the CSP7 thematic focus. For example, the recommendations in paragraph 22.b.i express the desire that *“In order to increase understanding of the gendered impact of armed violence in the context of the ATT: i. All Working Group Chairs and facilitators are encouraged to consider gender aspects in their sessions”*. Furthermore, paragraph 22.c.ii and 22.c.iii provides that *“On Gender-based violence (GBV) risk assessment criteria, the Working Group on Effective Treaty Implementation should consider the following issues in conjunction with other relevant elements to enhance States Parties’ ability to implement Articles 6 and 7: ...ii. Encourage States Parties to provide information on their national practices relating to “mitigating measures” in the context of Article. 7(4): what these can be and how they are implemented. iii. Encourage States Parties to provide information on their national practices in GBV risk assessment in order to facilitate learning between States Parties”*.

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 “General and complete disarmament: The illicit trade in small arms and light weapons in all its aspects”. (13 October 2020) A/C.1/75/L.44. Available from <https://undocs.org/A/C.1/75/L.44>.

⁴ See CSP5 Final Report ATT/CSP5/2019/SEC/536/Conf.FinRep.Rev1 (30 August 2019). Available from: [https://thearmstradetreaty.org/hyper-images/file/CSP5%20Final%20Report%20\(ATT.CSP5.2019.SEC.536.Con.FinRep.Rev1\)%20-%2030%20August%202019%20\(final\)/CSP5%20Final%20Report%20\(ATT.CSP5.2019.SEC.536.Con.FinRep.Rev1\)%20-%2030%20August%202019%20\(final\).pdf](https://thearmstradetreaty.org/hyper-images/file/CSP5%20Final%20Report%20(ATT.CSP5.2019.SEC.536.Con.FinRep.Rev1)%20-%2030%20August%202019%20(final)/CSP5%20Final%20Report%20(ATT.CSP5.2019.SEC.536.Con.FinRep.Rev1)%20-%2030%20August%202019%20(final).pdf).

Only three years after the adoption of the ATT, on 1 July 2016, the UN Human Rights Council adopted Resolution 32/12 titled “Impact of arms transfers on human rights” in which it publicly recognized and expressed deep concern at the link between arms transfer and gender especially women, children, the elderly, persons with disabilities and other vulnerable groups. In this resolution, the Council also requested the Office of the United Nations High Commissioner for Human Rights (OHCHR) to prepare a report on the impact of arms transfers on the enjoyment of human rights.⁵ In its subsequent resolution on the same topic (resolution 41/20 adopted on 12 July 2019), the Council recognized the link and expressed deep concern that diversion of arms “by States and non-State actors may seriously undermine the human rights of individuals, especially women, children, the elderly, persons with disabilities and vulnerable groups”. This resolution also requested the OHCHR to prepare a report on the impact of the diversion of arms and unregulated or illicit arms transfer or sale on the human rights of women and girls.⁶ Of the two annual reports that the OHCHR produced based on resolution 32/12 (2016) and resolution 41/20 (2019)⁷, it is in the latter report that small arms and light weapons are most implicated in human rights violations in general and gender-based violence in particular.⁸ This latter report also highlighted the five major stages⁹ of the “supply chain” during which diversion, human rights violations and gender-based violence occur.¹⁰ The report urges states to “ensure that national control systems implement the risk assessments and other measures to prevent and address the diversion of arms proposed by States Parties to the Arms Trade Treaty”, including by “verifying the adequacy of the recipient’s storage facilities through physical inspections.”¹¹

In the context of the Third Review Conference of the UN Programme of Action on Small Arms and Light Weapons, States emphasised the importance of mainstreaming gender into practical and technical small arms control activities, including stockpile management and through the full participation and representation of women.¹²

Given its potential to reach multiple thematic areas, including gender and diversion, the CSP7 thematic focus provides an opportunity to build on cross-sector work that can 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 tandem with other relevant international and regional instruments. A number of such instruments have already made significant progress in developing good practices 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)

⁵ See Operative Paragraphs 1 and 4 of Human Rights Council Resolution A/HRC/RES/32/12, available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/154/39/PDF/G1615439.pdf?OpenElement>.

⁶ See Operative Paragraphs 1 and 5 of Human Rights Council Resolution A/HRC/RES/41/20, available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/221/99/PDF/G1922199.pdf?OpenElement>.

⁷ The annual report that was produced was following resolution 32/12 (2016) was titled “Impact of arms transfers on the enjoyment of human rights” A/HRC/35/8 (2017) and that for resolution 41/20 (2019) was titled “Impact of arms transfers on human rights” A/HRC/44/29 (2020).

⁸ OHCHR Annual Report: “Impact of arms transfers on human rights” A/HRC/44/29 (2020), paragraph 14 on page 6.

⁹ These are: (i) during manufacture; (ii) before the transfer (point of embarkation); (iii) during the transfer (in transit to the authorized end user); (iv) during post-delivery storage (physical security and stockpile management); and (v) during end use or disposal.

¹⁰ See Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General A/HRC/44/29, titled “Report of the United Nations High Commissioner for Human Rights” (19 June 2020), Footnote 15 on page 3. Available from <https://undocs.org/en/A/HRC/44/29>.

¹¹ Ibid. See pages 11 -15.

¹² 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 A/CONF.192/2018/RC/3 (06 July 2018) Available from <https://undocs.org/A/CONF.192/2018/RC/3>.

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.¹³

- 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) ongoing review of best practice guides for SALW and stockpiles of conventional ammunition and the Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials (CIFTA) provide opportunities to strengthen the implementation of the Treaty's provisions on illicit trafficking and diversion.
- 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, including in relation to gender mainstreaming in small arms control.¹⁴

The initiatives and processes on addressing the illicit trade in SALW and stockpile management programmes outlined above 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 tackle the illicit trade in SALW.

As affirmed in the CSP4 Final report¹⁵, exploring the linkages between these instruments and bridging the work undertaken by States to implement them will significantly contribute to implementing the Sustainable Development Goals, particularly target 16.4 on "reducing illicit financial and arms flows". Synergies also exist between the ATT and Goal 16 Target, which seeks to "Strengthen relevant national institutions, including through international cooperation, for building capacity at all levels, in particular in developing countries, to prevent violence and combat terrorism and crime" and Target 5.2, which aims to "eliminate all forms of violence against all women and girls in the public and private spheres". Similarly, efforts undertaken to eradicate the illicit trade in small arms and light weapons and ensure efficient stockpile management can also contribute to the UN Secretary General's Agenda for Disarmament, particularly to action 21 on building understanding on the impact of arms conflict management and action 22 on securing excessive and poorly maintained stockpiles.¹⁶

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. However, poorly managed, insecure or unsafe stockpiles can be vulnerable to theft, looting, corruption, and illegal sale, fuelling diversion and illicit trade in SALW. Stockpile management,

¹³ 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).

¹⁴ See Modular Small-arms-control Implementation Compendium 06.10 titled "Women, men and the gendered nature of small arms and light weapons" (06 October 2017). Available from <https://unoda-web.s3.amazonaws.com/wp-content/uploads/2019/07/MOSAIC-06.10-2017EV1.0.pdf>.

¹⁵ See CSP4 Final report. ATT/CSP4/2018/SEC/369/Conf.FinRep.Rev1. (24 August 2018). Available from [https://thearmstradetreaty.org/hyper-images/file/CSP4%20Final%20Report-%20August%202018%20\(ATT_CSP4_2018_SEC_369_Conf.FinRep.Rev1\)/CSP4%20Final%20Report-%20August%202018%20\(ATT_CSP4_2018_SEC_369_Conf.FinRep.Rev1\).pdf](https://thearmstradetreaty.org/hyper-images/file/CSP4%20Final%20Report-%20August%202018%20(ATT_CSP4_2018_SEC_369_Conf.FinRep.Rev1)/CSP4%20Final%20Report-%20August%202018%20(ATT_CSP4_2018_SEC_369_Conf.FinRep.Rev1).pdf).

¹⁶ See UN Secretary General's Agenda for Disarmament Implementation Action Plan (11 May 2021) Available from: <https://www.un.org/disarmament/sg-agenda/en/#actions>.

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). For example, 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 concerning storage facilities (location, conditions, specific management measures and security), marking off items or end-user controls, before export approval.¹⁷ 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 prone to diversion or illegal resale 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 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.¹⁸

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

¹⁷See 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.

¹⁸ 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).

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 through updates to their ATT initial reports under section 7 a) i) of the ATT initial reporting template, plenary discussions or the restricted area of the ATT Secretariat website.
4. States Parties should provide information on their national practices relating to “mitigating measures” in the context of Article7(4), including related to stockpile security: what these can be and how they are implemented.¹⁹
5. 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.

¹⁹ In keeping with the concept of building on work initiated in earlier CSPs, recommendation 4 seeks to link the CSP7 thematic focus action items with the work undertaken during CSP5, when ATT States Parties adopted a series of recommendations specific to Gender and Gender-Based Violence (see page 5-6 of CSP5 Final Report [https://thearmstradetreaty.org/hyper-images/file/CSP5%20Final%20Report%20\(ATT.CSP5.2019.SEC.536.Con.FinRep.Rev1\)%20-%2030%20August%202019%20\(final\)/CSP5%20Final%20Report%20\(ATT.CSP5.2019.SEC.536.Con.FinRep.Rev1\)%20-%2030%20August%202019%20\(final\).pdf](https://thearmstradetreaty.org/hyper-images/file/CSP5%20Final%20Report%20(ATT.CSP5.2019.SEC.536.Con.FinRep.Rev1)%20-%2030%20August%202019%20(final)/CSP5%20Final%20Report%20(ATT.CSP5.2019.SEC.536.Con.FinRep.Rev1)%20-%2030%20August%202019%20(final).pdf)).