



TAKING STOCK OF THE ARMS TRADE TREATY: INTERNATIONAL ASSISTANCE TO SUPPORT IMPLEMENTATION

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I. Introduction

Implementation of the 2013 Arms Trade Treaty (ATT) requires that the states parties build capacity in relevant areas.¹ A series of funding and assistance instruments has been established to help these capacity-building efforts. These include the ATT Voluntary Trust Fund (VTF)—directly managed by the ATT Secretariat—but also programmes and mechanisms that have been established by the United Nations and the European Union (EU), such as the UN Trust Facility Supporting Cooperation on Arms Regulation (UNSCAR) and the EU ATT Outreach Project (EU ATT OP). Other international and regional organizations as well as non-governmental organizations (NGOs) are also involved in the design and implementation of international assistance that aims either to create awareness about the ATT or to provide training or legal assistance to help states comply with treaty obligations. However, the role played by these instruments in improving states' implementation of the ATT has yet to be fully assessed and compared.

Now that the treaty has been in force for six years, it is time to assess how different aspects of the treaty have been implemented, including those that address the provision of international assistance.² In particular, more clarity is needed on the achievements of assistance programmes that support the implementation of the treaty. Have they improved states' ability to fulfil their obligations under the ATT? What challenges—in terms of ensuring effectiveness, sustainability and coordination—do the donors, implementers and beneficiary countries face in pursuing these goals? This paper aims to contribute to this discussion.

The paper continues, in section II, by clarifying and contextualizing the term 'assistance' in relation to the ATT. Section III then provides an overview of the functioning, thematic scope and geographical coverage of the main instruments that have been specifically established to provide ATT-focused assistance, in particular the VTF, UNSCAR and the EU ATT OP. Other

¹ Arms Trade Treaty (ATT), adopted by the United Nations General Assembly 2 Apr. 2013, opened for signature 3 June 2013, entered into force 24 Dec. 2014.

² Other aspects of the treaty are discussed in the other papers in this series: Holtom, P., 'Taking stock of the Arms Trade Treaty: Scope', Aug. 2021; Beijer, P., 'Taking stock of the Arms Trade Treaty: Application of the risk-assessment criteria', Aug. 2021; Dondisch, R., 'Taking stock of the Arms Trade Treaty: Processes and forums', Aug. 2021; and Stohl, R., 'Taking stock of the Arms Trade Treaty: Universalization', Aug. 2021.

SUMMARY

● The provision of international assistance is key to achieving the effective implementation of the 2013 Arms Trade Treaty (ATT). Assistance instruments include the ATT's own Voluntary Trust Fund (VTF), mechanisms established by the United Nations and the European Union (EU), and efforts by other international and regional organizations and non-governmental organizations (NGOs).

The donors, implementers and ATT states parties should reflect on the role played by the assistance instruments in improving implementation of the treaty. To strengthen the role of international assistance in supporting implementation of the ATT, the ATT Secretariat and ATT-related processes and assistance programmes should enhance the sustainability and effectiveness of assistance efforts and further improve coordination.

This is one of a series of five papers that are being produced as part of a wider project aimed at taking stock of specific aspects of the ATT—its scope, the application of the risk-assessment criteria, its processes and forums, universalization efforts, and international assistance to support ATT implementation.

SIPRI would like to thank the German Ministry for Foreign Affairs, which generously provided funding for this project.



assistance that is directly or indirectly relevant for the implementation of the ATT but has not been established for this specific purpose (e.g. customs assistance) is discussed in section IV. Section V identifies key challenges that assistance for ATT implementation has encountered and explores how these have been overcome or mitigated. Section VI provides recommendations on how the ATT Secretariat and ATT-related processes and assistance programmes could strengthen the role of international assistance in supporting states' implementation of the ATT.

II. Definition and scope of international assistance

Article 16 of the ATT is dedicated to international assistance for treaty implementation. It reads,

1. In implementing this Treaty, each State Party may seek assistance including legal or legislative assistance, institutional capacity-building, and technical, material or financial assistance. Such assistance may include stockpile management, disarmament, demobilization and reintegration programmes, model legislation, and effective practices for implementation. Each State Party in a position to do so shall provide such assistance, upon request.
2. Each State Party may request, offer or receive assistance through, inter alia, the United Nations, international, regional, subregional or national organizations, non-governmental organizations, or on a bilateral basis.
3. A voluntary trust fund shall be established by States Parties to assist requesting States Parties requiring international assistance to implement this Treaty. Each State Party is encouraged to contribute resources to the fund.³

While states recognized the importance of effective implementation for realizing the aims of the treaty, different positions and priorities emerged during the negotiation of the ATT on how to reflect international assistance in its text.⁴ These included how to define the scope, forms and funding modalities of assistance; whether to make the provision of international assistance a mandatory obligation; and institutional and procedural issues such as what role the ATT Secretariat should have. While there was some discussion of giving the Secretariat a more active role in providing assistance, the majority of states preferred—for political or financial reasons—the more limited option of tasking the Secretariat to 'Facilitate the matching of offers of and requests for assistance for Treaty implementation'.⁵

Article 16 is largely modelled on provisions on international assistance of other conventional arms control and disarmament instruments such as the 1997 Anti-Personnel Mine (APM) Convention, the 2001 UN Programme of Action on Small Arms and Light Weapons (POA), and the 2008 Convention on Cluster Munitions (CCM).⁶ It provides that, in implementing the ATT,

³ Arms Trade Treaty (note 1), Article 16.

⁴ Bauer, S., 'Article 16 international assistance', eds C. da Silva and B. Wood (eds), *Weapons and International Law: The Arms Trade Treaty* (Larcier: Brussels, 2015).

⁵ Arms Trade Treaty (note 1), Article 18(3)(c).

⁶ Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (APM Convention), opened for signature 3 Dec. 1997, entered into force 1 Mar. 1999, Article 6; United Nations, General Assembly, Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, A/CONF.192/15, 20 July 2001, Section III; and Convention on Cluster Munitions, opened for signature 3 Dec. 2008, entered into force 1 Aug. 2010, Article 6.



each state party ‘may seek assistance’, which is defined as including ‘legal or legislative assistance, institutional capacity-building, and technical, material or financial assistance’. However, these forms of international assistance are not legally defined, which has allowed differences in interpretation and practical usage of the terms, depending on the donors and on institutional and budgetary contexts. For example, the EU project refers to ‘outreach’, while UNSCAR includes ‘cooperation’ in the acronym and the VTF uses ‘assistance’. Further, Article 16 creates a requirement for states parties to provide ATT international assistance ‘upon request’ but only if they are ‘in a position to do so’. Thus, although no specific right to claim assistance is recognized, the treaty does impose an obligation to follow up on assistance requests.⁷

Each state party can ‘request, offer or receive assistance’ through the UN, other international organizations and regional organizations, bilaterally, or through NGOs, among others. Therefore, the treaty encourages building on existing frameworks in the field of international assistance. Finally, Article 16 requires the establishment of a voluntary trust fund and encourages states parties to contribute, as is the case in other arms control instruments.⁸

Article 16 is also linked to other provisions of the treaty. All treaty requirements may be the subject of assistance requests and offers, and the range of transfer activities and items defined as being within the scope of the ATT will affect the type of implementation assistance required.⁹ Article 16 is also closely linked to Article 15, on international cooperation, as international assistance falls under this broader category. To the extent that states parties are required to take all necessary steps to implement the treaty, the provision of international assistance is also tied to Article 5, on general implementation.¹⁰

III. The main ATT-focused assistance instruments

Following the adoption of the ATT, funding instruments and programmes were established to support states’ implementation of the treaty and also to raise awareness about its role and objectives. The three main instruments were established in the context of the EU, the UN and the ATT.

In 2013 the EU launched the EU ATT OP to specifically support states to strengthen or develop their capacity to fulfil their obligations under the treaty. That same year, the UN Office for Disarmament Affairs (UNODA) established UNSCAR, a multi-donor funding mechanism that was initially launched to support states in signing and ratifying the ATT and ‘better understanding its complementarities with the PoA’.¹¹ In 2016 the ATT states parties fulfilled the obligation in Article 16(3) with the establishment of the VTF, creating another source of assistance funding.

⁷ Casey-Maslen, S. et al., *The Arms Trade Treaty: A Commentary* (Oxford University Press: Oxford, 2016), pp. 423–31, 434.

⁸ E.g. the establishment or contribution to trust funds to support international assistance is mentioned in the APM Convention (note 6), Article 6(4); and the CCM (note 6), Article 6(9).

⁹ Holtom (note 2).

¹⁰ Casey-Maslen et al. (note 7), pp. 420–21.

¹¹ UN Office for Disarmament Affairs (UNODA), *Programmes Financed from Voluntary Contributions 2013–2014* (UNODA: New York, July 2014), pp. 7, 12.



In addition, NGOs and other civil society organizations have also developed their own ATT-focused assistance programmes. These include, among others, the ATT Academy run by Control Arms, a coalition of NGOs, and the ATT executive courses organized by the Geneva Centre for Security Policy (GCSP).¹²

Importantly, all the above-mentioned programmes and instruments also aim, albeit to different degrees, to promote universalization of the treaty and all invite non-states parties to take part in their activities.

The following sections provide an overview of the three main ATT-focused assistance instruments, their rationale and their work. While section IV focuses on other ATT-relevant instruments, the division is not always clear cut. This is evident, for example, with UNSCAR, especially after the expansion of its thematic priorities.

The European Union ATT Outreach Project

The EU ATT Outreach Project was launched in December 2013 in the framework of the EU Partner-to-Partner (P2P) Export Control Programme, with a focus on the implementation and universalization of the ATT.¹³ The most recent phase of the EU ATT OP started in 2017 and has been extended until the end of June 2021. It is currently implemented by the German Federal Office for Economic Affairs and Export Control (Bundesamt für Wirtschaft und Ausfuhrkontrolle, BAFA) and Expertise France (the French international technical cooperation agency). France and Germany together co-finance the project.¹⁴

The EU ATT OP focuses on assistance to non-EU states. It aims to support them, at their request, to strengthen their arms transfer control systems in order to effectively implement their obligations under the ATT. It does so by designing and implementing tailored national assistance programmes built on road maps previously agreed with the beneficiaries. The provision of ad hoc assistance on specific issues (e.g. reporting, implementation of the risk-assessment criteria, etc.) is also foreseen and some states have made use of this option. In addition, the EU ATT OP includes a regional outreach component that seeks to encourage countries that neighbour the beneficiaries of the programme to engage with the treaty.¹⁵

In assessing requests for assistance and selecting beneficiaries under its ATT Outreach Project, the EU takes into account criteria such as a country's commitment to ATT adherence and its engagement with other arms transfer control instruments. The project has a global reach, with long-term

¹² E.g. SIPRI Mapping ATT-Relevant Cooperation and Assistance Activities Database, 'GCSP course on building capacities for effective implementation of the Arms Trade Treaty (ATT) for African countries', 10–14 Dec. 2018, and 'ATT Academy in Southern Africa—workshop 1', 9–12 Dec. 2019.

¹³ Council of the European Union, Council Decision 2013/768/CFSP of 16 December 2013 on EU activities in support of the implementation of the Arms Trade Treaty, in the framework of the European Security Strategy, *Official Journal of the European Union*, L 341, 18 Dec. 2013.

¹⁴ European Union, 'Arms trade control: EU P2P export control programme for arms—ATT', [n.d.]; and Council of the European Union, Council Decision (CFSP) 2017/915 of 29 May 2017 on Union outreach activities in support of the implementation of the Arms Trade Treaty, *Official Journal of the European Union*, L 139, 30 May 2017.

¹⁵ Council of the European Union, Council Decision (CFSP) 2017/915 (note 14), pp. 43–44. See also Stohl (note 2).



beneficiaries in the Caucasus, Latin America and the Caribbean, South East Asia, South Eastern Europe, and sub-Saharan Africa.¹⁶

The United Nations Trust Facility Supporting Cooperation on Arms Regulation

As the ATT opened for signature in 2013, UNODA established UNSCAR, a multi-donor mechanism on arms regulation. UNODA administers UNSCAR with the support of a strategic planning group made up of representatives of the donors to the fund, which provides advice on annual priorities and project selection. UN agencies, regional organizations, NGOs and research institutes are eligible to apply for UNSCAR funding.¹⁷

At first, UNSCAR-funded assistance projects had a strong focus on promoting the implementation and universalization of the ATT. However, the thematic priorities of the fund have progressively expanded.¹⁸ For instance, with the adoption in 2015 of the 2030 Agenda for Sustainable Development and in 2018 of the UN Secretary-General's Agenda for Disarmament, their relevance to project proposals was embedded into UNSCAR's selection criteria.¹⁹ In addition, with the establishment of the VTF in 2016, UNODA has sought to increase cooperation with the ATT Secretariat to enhance synergies and avoid duplication between the VTF and UNSCAR.²⁰ As such, in its most recent call for UNSCAR proposals, UNODA explicitly encouraged applicants interested in the implementation of ATT-focused activities to apply to the VTF.²¹

Since its establishment and through a budget of \$12.5 million, UNSCAR has funded 94 projects in all regions of the world, with the majority in sub-Saharan Africa.²² Projects focused on the ATT have supported the capacity-building and outreach work of a diverse set of actors, including parliamentary associations, UNODA regional offices, and research institutes such as the Small Arms Survey and the Institute for Security Studies.²³

¹⁶ Council of the European Union, Council Decision (CFSP) 2017/915 (note 14), pp. 43–44.

¹⁷ UN Office for Disarmament Affairs (UNODA), 'United Nations Trust Facility Supporting Cooperation on Arms Regulation (UNSCAR): 2020 call for proposals', 2020, p. 1.

¹⁸ This is visible by comparing the projects approved for funding in 2013, 2014 and 2015 with those approved from 2016. See e.g. UN Office for Disarmament Affairs (UNODA), 'UNSCAR projects selected in 2013', [n.d.]; and UN Office for Disarmament Affairs (UNODA), 'UNSCAR projects selected in 2017', [n.d.].

¹⁹ UN General Assembly Resolution 70/1, 25 Sep. 2015; UN Office for Disarmament Affairs (UNODA), *Securing Our Common Future: An Agenda for Disarmament* (UNODA: New York, 2018); UN Office for Disarmament Affairs (UNODA), *UNODA Programmes Financed from Voluntary Contributions 2015–2016* (UNODA: New York, Oct. 2016), p. 2; UN Office for Disarmament Affairs (UNODA), *Programmes Financed from Voluntary Contributions 2016–2017* (UNODA: New York, Sep. 2017), p. 5; and UN Office for Disarmament Affairs (UNODA), *UNODA Programmes Financed from Voluntary Contributions 2019–2020* (UNODA: New York, Oct. 2020), p. 8.

²⁰ UN Office for Disarmament Affairs, *Programmes Financed from Voluntary Contributions 2016–2017* (note 19), p. 5; and UN Office for Disarmament Affairs (note 17), p. 2.

²¹ UN Office for Disarmament Affairs (note 17), p. 2.

²² UN Office for Disarmament Affairs (UNODA), 'United Nations Trust Facility Supporting Cooperation on Arms Regulation (UNSCAR): Call for contributions 2021–2022', [n.d.].

²³ E.g. SIPRI Mapping ATT-Relevant Cooperation and Assistance Activities database, 'Regional Seminar Africa—Connecting the dots: Supporting SDG 16, ATT and UN POA implementation through increased parliamentary engagement and action in international processes', 2–3 Mar. 2018, 'Building roadmaps for harmonized POA and ATT implementation in Africa', 1 Jan. 2015, 'Institute



The ATT Voluntary Trust Fund

The VTF was established in 2016 by the second ATT Conference of States Parties (CSP).²⁴ The VTF is supported by voluntary financial contributions from states parties. It is administered by the ATT Secretariat with the support of a selection committee, which identifies projects to be funded and oversees VTF operations.²⁵

The VTF was established primarily to ‘assist requesting States Parties requiring international assistance to implement [the ATT]’.²⁶ However, states that have signed but not yet ratified the treaty and non-states parties that have shown ‘clear and unambiguous political commitment to accede to the ATT’ can also apply for VTF funding.²⁷ Thus, VTF projects have also sought to promote universalization of the treaty. Only states are eligible to submit project proposals to the VTF, but these can be implemented in cooperation with UN agencies, international or regional organizations, and NGOs.

By April 2021, the VTF had secured nearly \$10 million in voluntary contributions from 28 states and has supported 52 assistance projects in 33 countries, the majority in sub-Saharan Africa.²⁸ VTF-funded projects have supported a variety of activities, including seminars and events to fast-track the treaty’s universalization; projects to help states identify the necessary steps to make their internal legislation comply with the ATT; and projects addressing specific issues such as customs and border control procedures.²⁹

IV. Other ATT-relevant assistance

A number of initiatives at the national, regional and international levels aim to support states in strengthening their control systems on arms transfers and small arms and light weapons (SALW) generally—without specific reference to the ATT—or to sustain the implementation of other relevant instruments (e.g. the POA, the 2001 UN Firearms Protocol or regional conventions on SALW controls).³⁰ There are also programmes that support

for Security Study (ISS) promotion of ATT and POA’, 1 Jan. 2015–11 Mar. 2016, and ‘Workshop on the implementation of the ATT for African small island states’, 29–30 May 2015.

²⁴ Arms Trade Treaty, 2nd Conference of States Parties, Final report, ATT/CSP2/2016/5, 26 Aug. 2016, para. 23.

²⁵ Members of the Selection Committee serve for two years and are eligible for reappointment. The current members are Albania, Australia, Canada, Finland, Germany, Japan, South Korea, Madagascar, Mexico, the Netherlands, New Zealand, South Africa, Sweden, Switzerland and the UK. See Arms Trade Treaty, ‘Voluntary Trust Fund (VTF)’, [n.d.]; and Voluntary Trust Fund, ‘The Arms Trade Treaty Voluntary Trust Fund (VTF): Administrative rules’, Sep. 2018, para. 12.

²⁶ Arms Trade Treaty (note 1), Article 16(3).

²⁷ Arms Trade Treaty, ‘Voluntary Trust Fund: Terms of reference’, ATT/VTF18/2018/SEC/251/ToR.Cons.Dr.v1.Rev1, 2018, pp. 1, 4.

²⁸ The total includes c. \$70 200 earmarked to specifically support VTF outreach activities. See Dladla, D., Head of the ATT Secretariat, ‘Arms Trade Treaty: Status of VTF finances’, 30 Apr. 2021.

²⁹ E.g. SIPRI Mapping ATT-Relevant Cooperation and Assistance Activities database, ‘CAMYOSFOP fast tracking the universalization and implementation of the ATT in Cameroon first coordination meeting’, 5 Sep. 2017, ‘UNLIREC supports El Salvador in ATT implementation’, 20–21 Nov. 2017, and ‘Third meeting of the Arms Trade Treaty: Clarifying customs and border controls in Central America’, 12–13 Sep. 2018.

³⁰ Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition, Supplementing the United Nations Convention against Transnational Organized Crime (UN Firearms Protocol), opened for signature 2 July 2001, entered into force 3 July 2005. On synergies between the ATT, the POA and the Firearms Protocol see UN Office on Drugs and Crime (UNODC), *Comparative Analysis of Global Instruments on Firearms and*



states in enhancing their export control systems and enforcement capacities for dual-use items—items with both military and non-military applications.

Such initiatives thus provide assistance that is directly relevant to the purpose and objectives of the treaty without specifically being linked to, or deriving its rationale from, the ATT.³¹ Indeed, some were in place prior to adoption of the ATT, and during its negotiation references were made to future implementation building on existing activities. The way in which Article 16 is formulated leaves open this possibility, both by encouraging cooperation with other assistance providers and by recognizing assistance in such fields as disarmament, demobilization and reintegration (DDR) and stockpile management as relevant to the ATT. Creating these synergies in practice has been a slow and painstaking process (see section V).

The following subsections provide a non-exhaustive overview of actors that are involved in providing or funding assistance in the field of transfer control that can be considered directly or indirectly relevant to ATT implementation.

ATT-relevant assistance provided at the international and regional levels

Several UN agencies are involved in providing assistance to strengthen states' conventional arms transfer controls and enforcement capacities. For instance, the relevant work of the UN Office on Drugs and Crime (UNODC) is focused on promoting the implementation of the Firearms Protocol. UNODA regional offices are often involved in relevant assistance activities addressing, among other things, stockpile management and trafficking in SALW and ammunition.³² UN peace support operations also contribute to relevant activities in the framework of DDR processes.³³

Regional organizations have also put in place mechanisms to assist their members or other states in the field of arms transfer and SALW controls. In the framework of the EU P2P Export Control Programme, the EU provides

other Conventional Arms: Synergies for Implementation (UNODC: Vienna, Apr. 2016); UN Office on Drugs and Crime (UNODC), *The Firearms Protocol and the Arms Trade Treaty: Divergence or Complementarity?*, Issue Paper (UNODC: Vienna, Mar. 2016); and Goldring, N. J., 'The Programme of Action, the Arms Trade Treaty, and the UN Register of Conventional Arms: Seeking synergy and overcoming challenges', International Action Network on Small Arms (IANSA), June 2016.

³¹ For an overview of relevant programmes and actors providing assistance in the field before the entry into force of the ATT see Bauer, S. and Bromley, M., 'Implementing the Arms Trade Treaty: Building on available guidelines and assistance activities', SIPRI Background Paper, May 2015; Bromley, M. and Holtom, P., 'Arms Trade Treaty assistance: Identifying a role for the European Union', Discussion Paper, EU Non-Proliferation Consortium, Feb. 2014; Holtom, P. and Bromley, M., 'Implementing an arms trade treaty: Mapping assistance to strengthen arms transfer controls', SIPRI Insights on Peace and Security no. 2012/2, July 2012; and Maze, K., 'International assistance and cooperation in an ATT: Possibilities for a future treaty', UN Institute for Disarmament Research (UNIDIR) Resources, Jan. 2011.

³² E.g. SIPRI Mapping ATT-Relevant Cooperation and Assistance Activities database, 'UNREC training on new SOPs for physical security and stockpile management of weapons and ammunition in Mali', 22–26 Jan. 2018, and 'UNRCPD Southeast Asia regional outreach seminar on illicit trade and trafficking of conventional ammunition', 20–22 Mar. 2019.

³³ UN Office for Disarmament Affairs (UNODA), 'Conventional arms', [n.d.]; UN Office on Drugs and Crimes (UNODC), 'Global Firearms Programme', [n.d.]; UN Department of Peace Operations, 'Disarmament, demobilization and integration', [n.d.]; Casey-Maslen et al. (note 7), pp. 431–33; and Maletta, G. and Robin, L., *Supporting Small Arms and Light Weapons Controls through Development Assistance: The Case of Sub-Saharan Africa* (SIPRI: Stockholm, Feb. 2021), pp. 4–6.

assistance through the Conventional Arms Export Control Outreach Project (COARM OP).³⁴ This project was initiated in 2008 and is implemented by BAFA. It promotes effective arms export controls ‘in accordance with the principles set out in Common Position 2008/944/CFSP [defining common rules governing control of exports of military technology and equipment] and’—since the treaty’s adoption—‘with the ATT’.³⁵ Beyond the EU, the Organization for Security and Co-operation in Europe (OSCE) and the North Atlantic Treaty Organization (NATO) both provide assistance for activities related to SALW control (in Europe and elsewhere), such as destruction and stockpile management.³⁶

In Africa, the African Union (AU), the East African Community (EAC), the Economic Community of Central African States (ECCAS), the Economic Community of West African States (ECOWAS), and the Regional Centre on Small Arms in the Great Lakes Region, the Horn of Africa and Bordering States (RECSA) have all been involved in supporting the implementation of regional instruments for SALW control.³⁷ In the Americas, the Organization of American States (OAS) is a key actor supporting or mobilizing support to its member states to implement the 1997 Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials (CIFTA).³⁸ This support includes the production of model legislation and other forms of legal, capacity-building and technical assistance to address illicit SALW proliferation.

Other ATT-relevant assistance

Some governments contribute to transfer control-related assistance through national programmes. For instance, the United States Government funds the Export Control and Related Border Security (EXBS) and Conventional Weapons Destruction programmes through the US Department of State’s Nonproliferation, Anti-terrorism, Demining and Related Programs budget.³⁹

³⁴ European Union (note 14).

³⁵ Council of the European Union, Council Decision (CFSP) 2020/1464 of 12 October 2020 on the promotion of effective arms export controls, *Official Journal of the European Union*, L 335, 13 Oct. 2020, Article 1(1)(a). See also Council of the European Union, Council Common Position 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment, *Official Journal of the European Union*, L 335, 13 Dec. 2008.

³⁶ Organization for Security and Co-operation in Europe (OSCE), ‘Fighting illicit small arms and ammunition’, [n.d.]; OSCE, Forum for Security Co-operation, OSCE Document on Small Arms and Light Weapons, FSC.DOC/1/00/Rev.1, 24 Nov. 2000, Annex VI; OSCE, Forum for Security Co-operation, OSCE Document on Stockpiles of Conventional Ammunition, FSC.DOC/1/03/Rev.1, 19 Nov. 2003, pp. 6–7; North Atlantic Treaty Organization (NATO), ‘Small arms and light weapons (SALW) and mine action (MA)’, 15 Feb. 2021; and NATO, SALW & MA Information Sharing Platform.

³⁷ Maze (note 31), p. 15. Regional instruments such as the ECOWAS Convention on SALW (Art. 26), the Nairobi Protocol (Art. 14) and the Kinshasa Convention (Art. 33) include provisions encouraging or promoting mutual assistance or identifying a secretariat tasked to mobilize support.

³⁸ Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials (CIFTA), opened for signature 14 Nov. 1997, entered into force 1 July 1998; Organization of American States (OAS), ‘Reducing the threat of arms and munitions in the Americas’, [n.d.]; and Case, C. E. and De Luca, P. A., ‘The role of the OAS in tackling the illicit small arms trade’, Presentation, Taking Stock of Action on the Illicit Small Arms Trade Online Forum, Small Arms Survey, 19 June 2020.

³⁹ US Department of State, *Congressional Budget Justification: Department of State, Foreign Operations, and Related Programs—Fiscal Year 2021* (Department of State: Foggy Bottom, 10 Feb. 2020), pp. 93–94; US Customs and Border Protection, ‘Export Control and Related Border Security



ATT-relevant assistance is also provided in other institutional and legal frameworks, such as assistance to fulfil the obligations under UN Security Council Resolution 1540 on the non-proliferation of weapons of mass destruction.⁴⁰ Finally, some organizations' capacity-building programmes in support of law enforcement agencies or to strengthen the enforcement capacities of customs administrations overlap with programmes focusing on conventional arms control. These include, for instance, assistance activities implemented by Interpol and the World Customs Organization (see box 1).

V. Supporting states' implementation of the ATT: Main challenges and good practices

Assistance donors, implementers and beneficiary countries have all dealt with a series of challenges in designing and delivering assistance in the field of arms transfer and SALW controls. This section explores these, focusing in particular on four: (a) addressing shortages in funding, technical expertise and human resources; (b) identifying key actors and addressing beneficiary state needs; (c) ensuring coordination among donors, implementers and beneficiaries; and (d) measuring the impact of assistance provided. While many of these challenges apply to assistance in the field more generally, the following subsections refer in particular to challenges encountered in supporting ATT implementation.

Addressing shortages in funding, technical expertise and human resources

Shortages of funding, technical expertise and human resources are key challenges in supporting the implementation of the ATT. Only a limited number of funding mechanisms and programmes specifically address the ATT. Moreover, in the case of UNSCAR, the focus has widened as to encompass a wider set of instruments and priorities. More generally, funding for arms transfer and SALW control-related assistance may have lost momentum. Much of the assistance described above—including the EU P2P Outreach Programme and contributions to UNSCAR and the VTF—can be supported through development financing. However, the share of Official Development Assistance (ODA) used for 'reintegration and SALW controls' remains small and only a handful of donors commit substantial resources in this field consistently.⁴¹

The issue of how funds are distributed is equally important. For instance, even though such instruments as the VTF and UNSCAR have successfully managed to secure funding over the years, they both apply a cap on the size of individual projects and are, therefore, limited to funding short-term

(EXBS) program overview', 24 Jan. 2014; and US Department of State, Office of Weapons Removal and Abatement, 'About us', [n.d.].

⁴⁰ UN Security Council Resolution 1540, 28 Apr. 2004.

⁴¹ AidAtlas, 'All donorstoallrecipientsfor conflict, peace & security during 2013–2018', Stockholm Environment Institute (SEI), accessed 18 Mar. 2021. See also Maletta and Robin (note 33); and UN Office for Disarmament Affairs (UNODA), 'Adequacy of assistance, enhanced funding and training opportunities related to implementing the Programme of Action and the International Tracing Instrument', Presentation, 3rd Review Conference on the UN Programme of Action on SALW, 18–29 June 2018.

Box 1. ATT-relevant customs assistance provided by the World Customs Organization

The World Customs Organization (WCO) originally established the Strategic Trade Control Enforcement (STCE) programme in 2013 as an ad hoc project. It covers chemical, biological, radiological, nuclear (CBRN) and other dual-use items as well as conventional weapons. The programme supports WCO members in establishing national controls to fulfil their international obligations, which explicitly includes the 2013 Arms Trade Treaty (ATT). The programme includes train-the-trainer workshops for experts, training based on the WCO training curriculum, operational exercises and industry outreach.^a The WCO has also published training materials such as the *STCE Implementation Guide*, which includes a section on the ATT.^b

The WCO established the Small Arms and Light Weapons (SALW) project in March 2015. This supports WCO member states in implementing their customs-related obligations under the ATT, the 2001 United Nations Programme of Action on SALW (POA) and the 2001 Firearms Protocol. The SALW project focuses on five areas: (a) awareness raising, legal analysis and development of guidance; (b) training and technical assistance; (c) operational coordination; (d) SALW-specific tools to support intelligence analysis and risk management; and (e) international cooperation. In providing this assistance, the WCO has worked closely with Interpol and the UN Office for Disarmament Affairs (UNODA), among others.^c

The STCE programme and the SALW project now form part of the WCO Security Programme, which was established in 2016 to ‘support strengthening customs administrations’ capacity to deal with specific security related risks’.^d

^a World Customs Organization (WCO), ‘Strategic Trade Control Enforcement (STCE) programme’, [n.d.].

^b World Customs Organization (WCO), *Strategic Trade Control Enforcement (STCE) Implementation Guide* (WCO: Brussels, 2019). The guide is available in Arabic, English, French, Russian and Spanish.

^c World Customs Organization (WCO), ‘Small Arms and Light Weapons (SALW) project’, [n.d.].

^d World Customs Organization (WCO), ‘Security Programme’, [n.d.].

projects. This means that the amount of funding available for more longer-term and sustainable efforts is limited.

Further, assistance donors, implementers and beneficiaries can all face a shortage of human resources and expertise.⁴² For instance, experts involved in ATT-focused assistance have noted insufficient technical expertise and personnel as weaknesses in the functioning and management of the VTF.⁴³

For implementers, it has been difficult to find experts working on export controls who can make the long-term commitment to participate in international assistance programmes over several months or years. This gap has sometimes been filled by representatives of NGOs, with mixed results: in some cases, the high standards that some of these NGOs advocate have had the potential to be discouraging for recipient states;⁴⁴ in other cases, assistance programmes led by these actors has been effective and cost-efficient.⁴⁵ In an attempt to address the reliance on international experts, in April 2021 the Council of the EU approved funding for a project that seeks to build the capacity of local and regional consultants to provide training and implementation assistance with a view to establishing a roster of experts endorsed by the ATT Secretariat.⁴⁶

From the perspective of a beneficiary country, the limited number of expert staff hampers its ability to identify gaps and needs. This reduces the likelihood of a successful assistance programme from the outset. One result could be poor quality applications for funding assistance projects, as has

⁴² Holtom and Bromley (note 31), pp. 11–13.

⁴³ Independent expert, Communication with authors, 29 Jan. 2021.

⁴⁴ Government official, Communication with authors, 10 Dec. 2020.

⁴⁵ Independent expert (note 43).

⁴⁶ Council of the European Union, Council Decision (CFSP) 2021/649 of 16 April 2021 on Union support for activities of the ATT Secretariat in support of the implementation of the Arms Trade Treaty, *Official Journal of the European Union*, L 133, 20 Apr. 2021.



occurred in the case of the VTF.⁴⁷ This limitation can continue through the lifetime of a programme since limited staff means that recipient countries may have limited capacity to fully absorb assistance. Moreover, unless skills and knowledge are systematically passed on, the staff turnover within key actors involved in programmes in beneficiary countries, such as licensing and customs authorities, undermines the long-term sustainability of ATT assistance.

Identifying key actors and addressing beneficiary state needs

In order to be effective, assistance programmes should involve all relevant agencies in the beneficiary country from the outset. This is particularly important at the stage of identifying the country's requirements and assessing the extent to which external involvement is needed. However, the above-mentioned shortages of expertise in recipient countries can undermine this process.

In addition, it is often difficult for assistance implementers to identify the correct counterparts in the relevant agencies.⁴⁸ Doing so is crucial to mobilize support around the ATT and, eventually, ensure its effective and sustained implementation. In some cases, this challenge is linked to a lack of inter-agency coordination in the beneficiary country due either to insufficient awareness of the role of different actors or a sense of competition. This complexity can partly be attributed to the uniqueness of each national transfer control system in terms of which agencies and ministries, and which departments and units within them, are involved. Identifying who has a given function can therefore be time intensive and counterintuitive. Further, those implementing ATT-focused assistance programmes have sometimes struggled to overcome the particular reluctance of certain ministries or departments (e.g. defence) in beneficiary countries to engage, due to concerns about certain treaty obligations (e.g. reporting).⁴⁹ Navigating strict hierarchies and ensuring gender balance among the recipients of the assistance programmes are also challenges that implementers face in the process of identifying their counterparts on the ground.⁵⁰

Involving key local actors is a precondition for determining the specific needs and gaps that assistance efforts should address. Some ATT assistance implementers have approached this process by designing initial road maps or by collecting beneficiary inputs through preliminary surveys.⁵¹ Allowing only states to submit applications to the VTF was intended to support this process by increasing the ownership of projects by countries in need of assistance. However, in some cases this has proven to be counterproductive

⁴⁷ Maletta, G., 'Coordinating arms transfer and SALW control assistance: What role for the Arms Trade Treaty?', WritePeace blog, SIPRI, 27 Mar. 2019.

⁴⁸ Representative of the German Federal Office for Economic Affairs and Export Control (BAFA), Communication with authors, 18 Feb. 2021.

⁴⁹ Representative of the German Federal Office for Economic Affairs and Export Control (note 48); and Representative of Control Arms, Communication with authors, 12 Mar. 2021.

⁵⁰ Representative of Control Arms (note 49).

⁵¹ Representative of the German Federal Office for Economic Affairs and Export Control (note 48); and Representative of Control Arms (note 49).



since some states lack the resources to directly managing assistance projects and would prefer to delegate this entirely to implementing partners.⁵²

More generally, some recipients may be reluctant to openly discuss needs since doing so may reveal vulnerabilities and gaps in their capacity to regulate arms transfers. Because the largest arms-producing countries are among the main providers of funds and experts for ATT-relevant assistance programmes, these recipients fear that this transparency may have an impact on the donors' willingness to grant export permits.

Volatility in needs and levels of engagement is another factor that can make responsiveness difficult. Assessing the level of commitment to the treaty by a beneficiary country can be quite challenging, as has been experienced by the VTF and also in the context of other assistance programmes.⁵³ ATT assistance providers engaged in longer-term programmes have also often witnessed that needs evolve over time. This has an impact on the type and number of activities initially planned and requires a degree of flexibility that donors often lack.⁵⁴ Experts engaged in various ATT assistance programmes have also noted that, while needs assessments are often conducted at project-management level, this information is not always passed on to the experts participating in relevant missions.⁵⁵ All of this can have a negative impact on effectiveness.

Ensuring coordination among donors, implementers and beneficiaries

Effective coordination of assistance efforts would avoid overlap and duplication, maximize available resources and create synergies. It is among the biggest challenges to ATT implementation. Effective coordination requires experience in the field and in-depth knowledge of different programmes and activities to detect both unnecessary duplication and opportunities for synergies. This experience and knowledge may not always be found among those tasked with coordination. Given the inevitable geographical and thematic overlap between the different instruments and programmes described in sections III and IV, the need for assistance coordination is crucial.

An example of good practice in this regard is provided by UNSCAR, which requires implementing partners 'to coordinate with other finalists, building on existing efforts and creating synergies'.⁵⁶ To support these coordination efforts and prevent duplication of work, since 2015 SIPRI has collected publicly available data on ATT-relevant cooperation and assistance activities.⁵⁷

As seen above, the ATT assigns a key role to the ATT Secretariat in this field. The Secretariat has responded to this responsibility by regularly

⁵² Representative of the Geneva Centre for Security Policy (GCSP), Communication with authors, 5 Feb. 2021.

⁵³ Maletta (note 47).

⁵⁴ Representative of the German Federal Office for Economic Affairs and Export Control (note 48).

⁵⁵ Government official (note 44).

⁵⁶ UN Office for Disarmament Affairs, UNODA Programmes Financed from Voluntary Contributions 2015–2016 (note 19), p. 2.

⁵⁷ SIPRI Mapping ATT-Relevant Cooperation and Assistance Activities database, 'About the project', 2016.



consulting with UNSCAR and implementers of the EU ATT OP in its role as VTF administrator, as required by the terms of reference of the VTF. The Secretariat liaises with UNSCAR while screening and short-listing received VTF project proposals. Informal consultations with BAFA also occur through email correspondence or meetings on the sidelines of ATT events.⁵⁸

However, the ATT Secretariat is far from being the type of ATT-assistance coordination entity that some hoped it would be.⁵⁹ This role is made difficult by the Secretariat's lack of capacity. It also lacks the institutional infrastructure that would allow it to fulfil its 'matchmaking' duties—linking requests for a certain type of assistance with a donor that is able to supply it. For instance, no system or platform is in place to collect details of states parties' assistance needs. Information 'relevant to the provision or receipt of implementation assistance' may be shared on a voluntary basis in states' initial reports to the ATT.⁶⁰ But these details are not always provided, nor are they systematically analysed. In contrast, UNSCAR specifically uses national POA reports when assessing project proposals.⁶¹

Challenges to assistance coordination are not new, nor are they exclusive to the ATT Secretariat and the VTF—they affect the provision of international assistance in arms control and non-proliferation more generally (e.g. in assistance in implementing UN Security Council Resolution 1540 or the POA). The existence of multiple efforts to coordinate the provision of assistance in areas that relate to arms transfer and SALW controls, while different in scope, also risks creating some overlaps.⁶²

Finally, coordination efforts may be limited by factors such as the reluctance of some donors to engage in peer-to-peer coordination. This may be due to broader overarching policy priorities. A significant reason for this reluctance may be the complexity of transfer control assistance, including assistance in the field of dual-use export controls, and the fact that it overlaps with 'many different areas of government activity'.⁶³

Measuring the impact of assistance provided

There are a number of obstacles to assessing the success of assistance instruments and programmes and measuring the changes that they trigger. Among these, experts involved in the implementation of ATT assistance programmes have identified a lack of proper systems of external evaluation and quality control in the assistance delivered in these contexts.⁶⁴

Evaluations can take place in the form of project-specific performance monitoring based on a logical framework. This can apply to programmes providing assistance to implement the ATT, where concrete outputs are often measured against specific indicators (e.g. number of officials from relevant entities trained, the adoption of a control list etc.). However,

⁵⁸ Maletta (note 47).

⁵⁹ Holtom and Bromley (note 31), pp. 13–14.

⁶⁰ Arms Trade Treaty, 'Reporting template: Initial reporting template on measures undertaken to implement the Arms Trade Treaty, in accordance with Article 13(1)', annex 1 of ATT/CSP2/2016/WP.6, 7 July 2016, section 12.

⁶¹ UN Office for Disarmament Affairs (note 17), p. 1.

⁶² Bauer and Bromley (note 31), p. 23.

⁶³ Bauer and Bromley (note 31), p. 23.

⁶⁴ Independent expert (note 43).



a practical constraint here relates to the ‘attribution gap’, that is, the difficulty of attributing with certainty some of these changes to a specific project. Moreover, the results of these assistance programmes are often intangible, making them difficult to capture in quantitative terms, or may take considerably longer than the duration of a project (e.g. when legislative processes are involved).

Given the relatively young age of the ATT and the ATT-focused assistance programmes, it may still be too early to assess their long-term impact. In the future, this could be done by tasking external, independent organizations with gathering relevant data and information in countries that have received assistance.⁶⁵ The Council of the EU’s decisions in support of the EU ATT OP task the EU to provide an impact assessment of the programme against a set of specific criteria.⁶⁶ The ATT Secretariat has elaborated Guidance for VTF Project Evaluation to ‘better assess the results of VTF-funded projects’.⁶⁷ However, the guidance is not meant to look into the long-term impact of projects but specifies that this will be considered ‘in due course’.⁶⁸ The Covid-19 pandemic has delayed the Secretariat’s plans to evaluate the VTF projects of 2017–19 on the basis of this guidance. Its assessment of both the results of previous VTF projects and the usefulness of the guidance are thus yet to be seen.⁶⁹

VI. Conclusions and recommendations

The following recommendations are directed specifically at the ATT Secretariat and ATT-related processes. They cover ways to enhance sustainability and effectiveness, including by ensuring that assistance efforts match actual needs, and ways to improve coordination.

Enhance sustainability and effectiveness

Ensuring from the outset of an assistance activity that the entities involved in the beneficiary country have a sense of ownership is a key factor in ensuring sustainability and effectiveness. As described above, some ATT assistance implementers have worked with the recipients to identify needs and the strategies to address them. However, some implementers have also noted that, to achieve the best results, donors should allow the flexibility to review the initial assessment and adjust planning.

Effectiveness and sustainability also depend on the quality and specificity of assistance provided. Larger ATT assistance programmes implemented by bigger entities have the advantage of a well-equipped administrative infrastructure to manage assistance projects. In such cases, subcontracting

⁶⁵ Independent expert (note 43).

⁶⁶ Council of the European Union, Council Decision 2013/768/CFSP (note 13), p. 67; and Council of the European Union, Council Decision (CFSP) 2017/915 (note 14), p. 48.

⁶⁷ Arms Trade Treaty, 5th Conference of States Parties, Report on the work of the ATT Voluntary Trust Fund (VTF) for the period August 2018 to August 2019, ATT/VTF/2019/CHAIR/531/Conf. Rep, 26 July 2019, para. 20 and annex H.

⁶⁸ Arms Trade Treaty, ATT/VTF/2019/CHAIR/531/Conf. Rep (note 67), annex H, p. 25.

⁶⁹ Arms Trade Treaty, 6th Conference of States Parties, Report on the work of the ATT Voluntary Trust Fund (VTF) for the period August 2019 to August 2020, ATT/VTF/2020/CHAIR/614/Conf. Rep, 17 July 2020.



smaller organizations with more specific technical expertise could make the assistance effort more effective and cost-efficient.⁷⁰ In the context of the VTF, giving NGOs and other entities the opportunity to apply for funding may improve the effectiveness of VTF-funded projects since states are often not equipped to directly manage such activities and some projects could benefit more than one state.⁷¹ As noted above, in some cases they also need support to clearly identify their gaps and needs.

Indeed, ensuring that assistance efforts match actual needs is a key element of effectiveness. Ideas to achieve this goal floated during ATT negotiations included, for instance, the preparation of national action plans (as in the case of the POA) or the establishment of a peer review process to identify assistance gaps and design assistance efforts accordingly.⁷² None of these suggestions materialized in the context of the ATT and no formal mechanism is currently in place to identify states' assistance needs. The original design of the initial report represents a missed opportunity to gather this information systematically. The ATT Working Group on Transparency and Reporting (WGTR) has proposed amendments to the initial reporting template to add two more sections in which new states parties could elaborate at more length about their assistance needs or the assistance that they could provide.⁷³ According to the WGTR, the addition of these items would help states parties and the ATT Secretariat to identify 'assistance needs, with a view to seeking such, for example through the VTF'.⁷⁴ If accepted, these amendments could represent a step forward in matching assistance to needs. However, changing reporting obligations will not represent a solution in itself if states parties do not provide the Secretariat with adequate resources to collect, analyse and make use of this information and fulfil its task of facilitating the matching of offers and requests for assistance. A package of support for the ATT Secretariat adopted by the EU in April 2021 also aims to fill this gap.⁷⁵ One of the projects the EU will fund is for the establishment of a database or another suitable mechanism to match assistance needs and resources. This, combined with the proposed amendments in the initial reporting template, could enhance the ability of the Secretariat to fulfil its obligations in the field of international cooperation and assistance.

New processes could also build on existing requirements. For instance, the ATT requires that each state party designate a national point of contact 'to exchange information on matters related to the implementation of this Treaty'.⁷⁶ In a recipient country, this point of contact could also gather information on assistance needs and the assistance received; and the point of contact in a provider country could clarify whether it is able to respond to requests.

⁷⁰ Independent expert (note 43).

⁷¹ Representative of the Geneva Centre for Security Policy (note 52).

⁷² Maze (note 31), p. 17; and Saferworld, *An Implementation Framework for the Arms Trade Treaty* (Saferworld: London, July 2011), p. 13.

⁷³ Arms Trade Treaty, 6th Conference of States Parties, Co-chairs draft report to CSP6, Working Group on Transparency and Reporting (WGTR), ATT/CSP6.WGTR/2020/CHAIR/607/Conf.Rep, 17 July 2020, pp. 25–26.

⁷⁴ Arms Trade Treaty, ATT/CSP6.WGTR/2020/CHAIR/607/Conf.Rep (note 73), para. 15.

⁷⁵ Council of the European Union, Council Decision (CFSP) 2021/649 (note 46).

⁷⁶ Arms Trade Treaty (note 1), Article 5(6).



Improve coordination of assistance efforts

Improved coordination of assistance efforts could be achieved through the establishment of a mechanism involving both donors and recipients. It must pursue coordination at both the macro level of strategy and policy and the micro level of detailed regional and thematic coordination of individual projects.

During treaty negotiations, several ideas were advanced for establishing such a process in the framework of the ATT and regarding the role the ATT Secretariat could play. Six years after entry into force, some of these suggestions may still be valid and could be tailored to the processes that have emerged within the framework of the treaty and to the actual role that the Secretariat has assumed.

One idea referred to the inclusion of ‘some procedural elements in the ATT’—such as regional or intersessional meetings or special sessions on the sidelines of CSPs—to discuss available resources and needs as well as ‘lessons learned in the implementation of assistance’.⁷⁷ Today, such discussions could take place within the Working Group on Effective Treaty Implementation (WGETI). The mandate of the WGETI and its role in compiling resources and guidance to support ATT implementation puts the group in a good position to undertake this task. It could formalize informal exchanges that are already occurring between the ATT Secretariat and other major assistance providers. Relevant discussions could build on information included in existing platforms—such as those created by UNODA to monitor the implementation of the POA, the SIPRI assistance database or the future ‘matchmaking’ platform that the Secretariat intends to build.⁷⁸

⁷⁷ Maze (note 31), p.17. See also Stohl, R. and Holtom, P., *International Cooperation and Assistance: Capacity, Experience, and Practices* (ATT Baseline Assessment Project: Coventry, Aug. 2015), pp. 28–29; and Holtom (note 2).

⁷⁸ Programme of Action on Small Arms and Light Weapons, ‘International assistance’, [n.d.]; and SIPRI Mapping ATT-Relevant Cooperation and Assistance Activities database (note 57).



Abbreviations

APM	Anti-personnel mine
ATT	Arms Trade Treaty
BAFA	Bundesamt für Wirtschaft und Ausfuhrkontrolle (German Federal Office for Economic Affairs and Export Control)
CCM	Convention on Cluster Munitions
CSP	Conference of States Parties
DDR	Disarmament, demobilization and reintegration
EU	European Union
EU ATT OP	European Union Arms Trade Treaty Outreach Project
NGO	Non-governmental organization
P2P	Partner-to-Partner
POA	United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects
SALW	Small arms and light weapons
UN	United Nations
UNODA	United Nations Office for Disarmament Affairs
UNSCAR	United Nations Trust Facility Supporting Cooperation on Arms Regulation
VTF	Voluntary Trust Fund
WCO	World Customs Organization
WGETI	Working Group on Effective Treaty Implementation
WGTR	Working Group on Transparency and Reporting



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TAKING STOCK OF THE ARMS TRADE TREATY: INTERNATIONAL ASSISTANCE TO SUPPORT IMPLEMENTATION

GIOVANNA MALETTA AND SIBYLLE BAUER

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