

I. The Arms Trade Treaty

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The 2013 Arms Trade Treaty (ATT) is the first legally binding international agreement to establish standards for regulating the international trade in conventional arms and preventing their illicit transfers.¹ As of 31 December 2021, 110 states were party to the ATT and 31 had signed but not yet ratified it. There were no new states parties in 2021.²

The Covid-19 pandemic continued to affect the proceedings and meetings of the ATT, which had been severely impacted over the course of 2020.³ During 2021, the Working Group on Effective Treaty Implementation (WGETI), the Working Group on Transparency and Reporting (WGTR) and the Working Group on Treaty Universalization (WGTU) held only one set of preparatory meetings in a virtual format on 26–29 April.⁴ The WGTR and the presidency of the seventh conference of states parties (CSP7) also held an additional round of informal virtual consultations on 28–30 June.⁵ States parties continued to consult remotely in the run-up to CSP7, to finalize documentation for submission and consideration during the conference.⁶

CSP7 was held during 30 August to 3 September 2021 under the presidency of Ambassador Lansana Gberie of Sierra Leone, whose thematic focus was ‘strengthening efforts to eradicate the illicit trade in small arms and light weapons (SALW) and ensure efficient stockpile management’.⁷ Participating in CSP7 were 103 states and 40 delegations from regional and international organizations, non-governmental organizations (NGOs), research institutes, industry associations and national implementing agencies.⁸ In an attempt

¹ For a summary and other details of the Arms Trade Treaty see annex A, section I, in this volume. The 2001 UN Firearms Protocol is also legally binding but only covers controls on the trade in firearms. UN General Assembly Resolution 55/255, Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition, supplementing the UN Convention against Transnational Organized Crime (UN Firearms Protocol), adopted 31 May 2001, entered into force 3 July 2005.

² Arms Trade Treaty, ‘Treaty status’, accessed on 18 Dec. 2021; and Arms Trade Treaty, ‘States Parties to the ATT (in order of deposit of instrument of ratification, approval, acceptance, or accession)’, 7 Aug. 2020.

³ See Varisco, A. E., Maletta, G. and Robin, L., ‘The Arms Trade Treaty’, *SIPRI Yearbook 2021*, pp. 555, 563.

⁴ Arms Trade Treaty, CSP7 President, ‘Announcement: Confirmation of the format of the preparatory meeting for the seventh Conference of States Parties’, 22 Feb. 2021.

⁵ Arms Trade Treaty, ‘CSP7 informal consultations: 28–30 June 2021’, [n.d.].

⁶ Arms Trade Treaty, CSP7, ‘Final report’, ATT/CSP7/2021/SEC/681/Conf.FinRep.Rev1, 2 Sep. 2021, para. 5.

⁷ Arms Trade Treaty, CSP7 President, ‘Strengthening efforts to eradicate the illicit trade in small arms and light weapons and ensure efficient stockpile management’, Draft working paper, ATT/CSP7/2021/PRES/659/Conf.SALWPSSM.Rev3, 14 July 2021, p. 1.

⁸ CSP7 attendees comprised 86 states parties, 15 signatory states, 2 observer states, 7 observer organizations (including the European Union) and 33 civil society organizations. See Arms Trade Treaty, ATT/CSP7/2021/SEC/681/Conf.FinRep.Rev1 (note 6), paras 11–15.

to promote more interactive meetings and move away from the silence procedure format adopted for the sixth conference of states parties (CSP6), CSP7 took place in a hybrid format. This meant that a limited number of delegates were able to attend the conference in person in Geneva while others could participate virtually.⁹ Side events were conducted in a virtual format. Because December 2020 marked the sixth anniversary of the entry into force of the treaty, in accordance with Article 20 of the ATT, CSP7 was the first conference where states parties could propose amendments to the treaty. However, none was proposed.

CSP7 concluded with the election of Ambassador Thomas Göbel of Germany as the president of the eighth conference of states parties (CSP8) to be held in August 2022. Ambassador Göbel announced that the main themes of the German presidency will be universalization, post-shipment controls and ‘stocktaking with regard to achievements and shortcomings in implementation of the ATT’.¹⁰

This section summarizes key ATT-related developments during 2021 and at CSP7. First, it focuses on issues related to treaty implementation, including the thematic discussions on illicit SALW trade and stockpile management. Next, it looks at the status of ATT transparency and reporting, followed by the status of universalization and developments regarding the provision of international assistance. Finally, it analyses issues related to the financial health and functioning of the treaty, before concluding with a reflection on CSP7’s major achievements and shortcomings, and the prospects for CSP8.

Treaty implementation

Tackling the illicit trade in small arms and light weapons

The decision of the Sierra Leonean presidency to make illicit trade in SALW and stockpile management the thematic focus of CSP7 aimed to link efforts to implement the ATT to the ‘global framework’ for arms control, disarmament and non-proliferation and, in particular, to instruments promoting effective SALW control and stockpile management. In a draft working paper circulated and reviewed during the CSP7 meetings cycle, the CSP7 president outlined the relevance of the ATT as a tool to prevent diversion and address the illicit trade in SALW. The working paper also described synergies between the treaty and the UN Programme of Action (UNPOA) on SALW as well as a number of other relevant international and regional instruments.¹¹ Issues related to diversion of SALW and stockpile management were also addressed during the seventh biennial meeting of states parties to the UNPOA (BMS7)

⁹ Arms Trade Treaty, ‘Participation in CSP7 and testing of platform’, [n.d.].

¹⁰ Arms Trade Treaty, ‘President’, [n.d.].

¹¹ Arms Trade Treaty, ATT/CSP7/2021/PRES/659/Conf.SALWPSSM.Rev3 (note 7), pp. 1–4.

that took place in July 2021.¹² The CSP7 president's paper suggested that states parties further strengthen the implementation of ATT provisions on diversion by increasing cooperation in the post-delivery phase, including through the promotion of effective security and management of national stockpiles.¹³ CSP7 positively received both the working paper and the thematic discussion that it generated, and endorsed the proposed set of possible areas for further consideration by states parties.¹⁴

The proposals included encouraging ATT stakeholders to map and make better use of existing guidelines and tools in the field of SALW control and stockpile management as developed in the context of other relevant instruments. CSP7 also decided that the WGETI should address 'post-delivery cooperation experiences' in its discussions and consider compiling a list of existing assistance programmes that address illicit trade in SALW and stockpile management, and make it available to states in need of support in this field.¹⁵

Developments in the Working Group on Effective Treaty Implementation

States parties adopted the revised multi-year workplans for the WGETI and its sub-working groups via silence procedure in February 2021, after failing to do so as part of the CSP6 decision-making process.¹⁶ The WGETI is divided into three sub-working groups covering specific areas of ATT implementation, namely Article 6 ('Prohibitions') and Article 7 ('Export and Export Assessment'), Article 9 ('Transit or Trans-shipment'), and Article 11 ('Diversion').

The sub-working group on Articles 6 and 7 continued to encourage states parties to share information on their interpretation of key treaty terms (such as 'serious', 'facilitate' and 'overriding' risk) and their national practices in relation to 'mitigating measures'.¹⁷ As part of these efforts, in 2020 the facilitator of the group developed a template to seek relevant inputs from states parties. These inputs will also inform the drafting of a voluntary guide to implementing articles 6 and 7, which is also part of the group's multi-year work programme for 2020–23. The facilitator presented results of this

¹² Developments in the UNPOA on SALW and BMS7 are addressed in chapter 13, section I, in this volume.

¹³ Arms Trade Treaty, ATT/CSP7/2021/PRES/659/Conf.SALWPSSM.Rev3 (note 7), p. 5.

¹⁴ Pytlak, A., 'CSP7 report: Thematic discussion', *ATT Monitor*, vol. 14, no. 4 (8 Sep. 2021), p. 5; and Arms Trade Treaty, ATT/CSP7/2021/SEC/681/Conf.FinRep.Rev1 (note 6), para. 21.

¹⁵ Arms Trade Treaty, ATT/CSP7/2021/SEC/681/Conf.FinRep.Rev1 (note 6), para. 21(b) and (e).

¹⁶ Arms Trade Treaty, ATT/CSP7/2021/SEC/681/Conf.FinRep.Rev1 (note 6), para. 23. See also Varisco, Maletta and Robin (note 3), p. 556.

¹⁷ Arms Trade Treaty, CSP7, Working Group on Effective Treaty Implementation (WGETI), Letter from the chair, ATT/CSP7/WGETI/2021/CHAIR/655/M.LetterWorkPlans, 31 Mar. 2021, pp. 4–5.

'unpacking' exercise during the CSP7 preparatory meetings in April 2021.¹⁸ The report prompted some scepticism and raised concerns among both states parties and NGO representatives, who cautioned against setting prescriptive definitions going beyond the text of the ATT and flagged the risks of unnecessary clarifications of basic notions already enshrined in international humanitarian law or already analysed by legal scholars.¹⁹ Taking into account the results of the exercise and the inputs shared in the discussion that followed, in the intersessional period leading up to CSP8 the facilitator of the sub-working group will continue leading this work by drafting and presenting the first chapter ('Key concepts') of the above-mentioned voluntary guide.²⁰

In the sub-working group on Article 9, states shared details on their national practices for implementing and enforcing transit and trans-shipment controls with a view to achieving a common understanding of the key terms of this provision.²¹ CSP7 confirmed that in the run-up to CSP8 the work of the group will focus on the measures to regulate the transit and trans-shipment of arms by land.²²

Finally, the sub-working group on Article 11 continued to promote the effective implementation of treaty provisions addressing the risk of diversion. Specifically, the facilitator of the group prepared a draft voluntary paper that outlined elements of a process for assessing the risk of diversion.²³ It was first presented during the preparatory meetings in the spring and later endorsed by CSP7 'as a living document of a voluntary nature to be reviewed and updated regularly' by the group.²⁴ Based on its multi-year work plan, the work of the sub-working group during the CSP8 cycle is expected to focus on the role of transit and trans-shipment states in preventing diversion.²⁵ Also relevant to the work of the sub-working group on Article 11 was the endorse-

¹⁸ Arms Trade Treaty, ATT/CSP7/WGETI/2021/CHAIR/655/M.LetterWorkPlans (note 17), annex A, pp. 8–10; and Arms Trade Treaty, CSP7, WGETI, Chair's draft report, ATT/CSP7/WGETI/2021/CHAIR/675/Conf.Rep, 22 July 2021, para. 7.

¹⁹ See Varisco, A. E., Maletta, G. and Robin, L., *Taking Stock of the Arms Trade Treaty: Achievements, Challenges and Ways Forward*, SIPRI Policy Report, Dec. 2021, pp. 20–21; Arms Trade Treaty, ATT/CSP7/WGETI/2021/CHAIR/675/Conf.Rep (note 18), para. 10; Pytlak, A. and Geyer, K., 'A whole lot of unpacking going on', *ATT Monitor*, vol. 13, no. 2 (11 Feb. 2020), p. 1; Geyer, K., 'Summary: Sub-working group on Articles 6 and 7', *ATT Monitor*, vol. 13, no. 2 (11 Feb. 2020), pp. 3–4; Pytlak, A., 'One more time for the people in the back—transparency (still) matters!', *ATT Monitor*, vol. 13, no. 4 (27 Aug. 2020); Geyer, K. and Pytlak, A., 'News in brief', *ATT Monitor*, vol. 13, no. 4 (27 Aug. 2020), pp. 5–6; and Rafferty, J., 'Summary: Sub-working group on Articles 6 and 7', *ATT Monitor*, vol. 14, no. 2 (5 May 2021), pp. 8–11.

²⁰ Arms Trade Treaty, ATT/CSP7/2021/SEC/681/Conf.FinRep.Rev1 (note 6), para. 24.

²¹ Arms Trade Treaty, ATT/CSP7/WGETI/2021/CHAIR/675/Conf.Rep (note 18), para. 12.

²² Arms Trade Treaty, ATT/CSP7/2021/SEC/681/Conf.FinRep.Rev1 (note 6), para. 24.

²³ Arms Trade Treaty, ATT/CSP7/WGETI/2021/CHAIR/675/Conf.Rep (note 18), annex A.

²⁴ Arms Trade Treaty, ATT/CSP7/WGETI/2021/CHAIR/675/Conf.Rep (note 18), annex A, p. 6; and Arms Trade Treaty, ATT/CSP7/2021/SEC/681/Conf.FinRep.Rev1 (note 6), para. 25.

²⁵ Arms Trade Treaty, 'Multi-year work plan for the WGETI Sub-working Group on Article 11', Mar. 2021, p. 5.

ment of the working paper presented by the Argentinian president of CSP6 on the role of transparency and information exchange in preventing diversion.²⁶ The paper, which was among the decisions that CSP6 did not adopt, identified the Diversion Information Exchange Forum (DIEF) as one of the tools through which states are recommended to share information that could help detect and prevent cases of diversion.²⁷

The Diversion Information Exchange Forum

The DIEF is a subsidiary body established by CSP6. In 2021 the DIEF was unable to convene as the Covid-19 pandemic prevented in-person meetings, something which states have identified as a necessary condition for discussing sensitive matters related to diversion. As recommended by the DIEF chair's report, CSP7 mandated the CSP8 president to arrange the first meeting of this body as soon as in-person meetings are possible. CSP7 also decided to postpone the review of the usefulness of the DIEF 'at the first CSP following two cycles of DIEF meetings'.²⁸

Transparency and reporting

States parties to the ATT have two reporting obligations: under Article 13(1), within one year after entry into force at national level, to provide an initial report to the ATT Secretariat of 'measures undertaken in order to implement' the treaty and report when appropriate 'on any new measures undertaken in order to implement' the treaty; and under Article 13(3), to submit an annual report to the Secretariat on 'authorized or actual exports and imports of conventional arms'. As of 31 December 2021, 26 out of 110 (24 per cent) states parties that were due to submit an initial report had failed to do so.²⁹ Of the five states parties that were due to submit an initial report to the Secretariat in 2021—Afghanistan, China, Namibia, Niue, and Sao Tomé and Príncipe—only China fulfilled this requirement and it decided to restrict access to its initial report for states parties. Therefore, the total number of restricted access initial reports is 20 (24 per cent of total initial reports submitted).³⁰

²⁶ Arms Trade Treaty, ATT/CSP7/2021/SEC/681/Conf.FinRep.Rev1 (note 6), para. 28; and Arms Trade Treaty, CSP6 President, 'Transparency and exchange of information: Its role in the prevention of diversion', Working paper, ATT/CSP6/2020/PRES/611/Conf.TranspInfExch.Rev4, 6 July 2021.

²⁷ Arms Trade Treaty, ATT/CSP6/2020/PRES/611/Conf.TranspInfExch.Rev4 (note 26), p. 2.

²⁸ Arms Trade Treaty, ATT/CSP7/2021/SEC/681/Conf.FinRep.Rev1 (note 6), para. 27; and Arms Trade Treaty, Diversion Information Exchange Forum, 'ATT Diversion Information Exchange Forum chair's report to CSP7', ATT/CSP7/DIEF/2021/CHAIR/673/Conf.Rep, 16 July 2021.

²⁹ ATT Secretariat, 'Initial reports', Status at 10 Feb. 2022.

³⁰ The countries that submitted restricted access initial reports are Benin, Botswana, Burkina Faso, Cameroon, Chile, China, Cyprus, Greece, Guatemala, Honduras, Kazakhstan, Madagascar, Maldives, Malta, Mauritius, Nigeria, Saint Vincent and the Grenadines, Senegal, Palestine and Tuvalu. ATT Secretariat, 'Initial reports' (note 29).

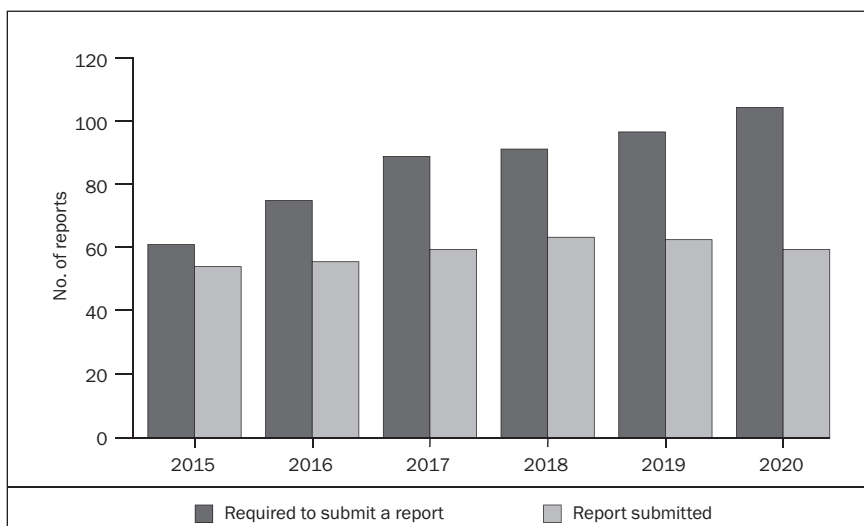


Figure 14.1. Number of Arms Trade Treaty states parties submitting annual reports, 2015–20

Source: ATT Secretariat, 'Annual reports', Status at 25 Oct. 2021.

Out of 105 states required to submit an annual report, 60 (57 per cent) submitted an annual report for 2020 and fulfilled their annual reporting obligations.³¹ The percentage of annual reports submitted by states parties for 2020 is lower than in 2019 (the year that had the lowest percentage of submissions before 2020) and represents the lowest compliance rate of any year so far.³² This downward trend in annual reporting means that a higher percentage of state parties failed to fulfil their annual reporting obligations and the number of annual reports due but not submitted has increased every year (figure 14.1).³³ Declining rates of report submissions are not unique to the ATT: the number of states submitting their reports to the UN Register of Conventional Arms (UNROCA) for the year 2020 also reached the lowest level in 2021.³⁴

Of the annual reports submitted, more than 75 per cent were on time, which represents the highest rate of timely submissions ever. This was a positive development compared to a significant drop in the timeliness of submissions

³¹ ATT Secretariat, 'Annual reports', Status at 25 Oct. 2021.

³² The total number of annual reports submitted is not the lowest, but the percentage of reports submitted is the lowest due to a higher number of states parties. Barbados, Cameroon, Canada and Palau submitted an annual report for the first time. In previous years, they had either not submitted a report (Barbados and Cameroon) or no annual report was due (Canada and Palau).

³³ On compliance rate in 2019 see Varisco, Maletta and Robin (note 3), pp. 557–58.

³⁴ For UNROCA data see chapter 13, section IV, in this volume.

for 2019 reports, which was likely caused by the impact of Covid-19.³⁵ States parties can also submit reports belatedly and for several years' backlog: for example, in 2021 Antigua and Barbuda submitted annual reports covering six years from 2015 through 2020.³⁶

The number of annual reports that are available only for states parties is also increasing, as 18 states parties submitted a restricted access annual report for 2020.³⁷ This means that, of a total of 105 annual reports due for 2020, 63 reports were either not submitted (45) or not made public (18). Interestingly, the list of states parties that have submitted a restricted-access annual report for 2020 also includes countries that made their submission public in the context of other reporting instruments such as the UNROCA (e.g. Bulgaria, Cyprus, Greece and Lithuania). In addition, nine ATT states parties indicated in their annual reports that they had withheld some information that was commercially sensitive or related to national security, as allowed under Article 13.3.³⁸ At CSP7, South Africa voiced some concerns about reporting fatigue and reiterated that withholding this kind of information 'is permitted under, and consistent with' Article 13 'without prejudice and need not be the subject of further discussion or the need for any self-justification'.³⁹ Although making reports public is not a treaty obligation, this growing tendency goes against one of the treaty's main purposes of promoting transparency in the international arms trade.⁴⁰

CSP7 acknowledged the trends identified above in its final report by emphasizing 'the significance of transparency and reporting', recalling 'that transparency is a key purpose of the Treaty' and expressing 'its concern for the low rate of compliance with the reporting obligations'.⁴¹

Finally, during 2021 the WGTR completed its work on revisions of the initial and annual reporting templates. The changes introduced aim to provide clarifications to states parties and address issues of user friendliness,

³⁵ Parker, S., 'Arms Trade Treaty: Status of reporting', Presentation at the working group meetings and CSP8 informal preparatory meeting, 17 Feb. 2022. See also ATT Secretariat, 'ATT Working Groups' and 1st CSP8 informal preparatory meetings, day 3, as delivered', YouTube, 17 Feb. 22, 00:20:40–00:31:35.

³⁶ Stohl, R., Fletcher, R. and Dick, S., 'Taking stock of ATT annual reports', Stimson Center Arms Trade Treaty—Baseline Assessment Project report, Feb. 2022, p. 7.

³⁷ The 18 states are Albania, Antigua and Barbuda, Barbados, Benin, Bulgaria, Cameroon, Cyprus, El Salvador, Georgia, Greece, Kazakhstan, Lithuania, Maldives, Malta, Mauritius, North Macedonia, Panama and Palestine. Benin, Bulgaria, El Salvador and Panama had submitted public annual reports for 2019.

³⁸ The nine states are Argentina, Chile, Finland, Hungary, Republic of Korea, Mexico, Montenegro, Norway and Sweden.

³⁹ Arms Trade Treaty, ATT/CSP7/2021/SEC/681/Conf.FinRep.Rev1 (note 6), annex B: Statement by South Africa on the report of the Working Group on Transparency and Reporting (WGTR). See also Pytlak, A., 'The fuel that perpetuates conflict', *ATT Monitor*, vol. 14, no. 4 (8 Sep. 2021), p. 3.

⁴⁰ Arms Trade Treaty (note 1), article 1. See also Arms Trade Treaty, ATT Working Group on Transparency and Reporting (WGTR), Co-chairs' draft report to CSP7, ATT/CSP7/WGTR/2021/CHAIR/676/Conf.Rep, 22 July 2021, pp. 2, 6 and 7.

⁴¹ Arms Trade Treaty, ATT/CSP7/2021/SEC/681/Conf.FinRep.Rev1 (note 6), para. 26.

Table 14.1. Arms Trade Treaty numbers of ratifications, accessions and signatories, by region

Region	States	States parties	Signatories	Non-signatories
Africa	53	28	12	13
Americas	35	27	3 ^a	5
Asia	29	6	7	16
Europe	48 ^b	41	2	5 ^b
Middle East	16 ^c	2 ^c	4	10
Oceania	16 ^d	6 ^e	3	7 ^f
Total	197	110	31	56

Notes: The treaty was open for signature until it entered into force in Dec. 2014. Existing signatories may accept, approve or ratify the treaty in order to become a state party. A non-signatory state must now directly accede to the treaty in order to become a state party.

^a This figure includes the United States. On 18 July 2019, the USA announced its intention not to become a state party to the treaty.

^b This figure includes the Holy See.

^c This figure includes Palestine.

^d This figure includes Niue and the Cook Islands.

^e This figure includes Niue.

^f This figure includes the Cook Islands.

Source: United Nations, UN Treaty Collection, Status of Treaties, ch. XXVI Disarmament: 8. Arms Trade Treaty.

inconsistencies and omissions identified in the previous templates.⁴² The revisions received broad support from states and other delegates at CSP7, which endorsed the revised templates and recommended they be used by states parties in compiling their initial and annual reports.⁴³

Treaty universalization and international assistance

Status of universalization

During 2021 no new state joined or ratified the ATT, leaving the number of states parties at 110 (table 14.1). In presenting the status of treaty participation, the ATT Secretariat noted that the overall picture remains positive, but also stressed continued regional disparities and the decreasing ratification rate since adoption of the ATT.⁴⁴ During the high-level opening panel of CSP7, Gambia announced its decision to join the treaty.⁴⁵ However, by the end of 2021 it had still not become a state party. During the CSP7 session on universalization, the United States announced that the Biden administration was 'determining the proper relationship' of the USA with the ATT as part of

⁴² Arms Trade Treaty, ATT/CSP7WGTR/2021/CHAIR/676/Conf.Rep (note 40), para. 26, annexes C and E. Annexes B and D of the document include all adjustments to the reports in track changes.

⁴³ Arms Trade Treaty, ATT/CSP7/2021/SEC/681/Conf.FinRep.Rev1 (note 6), para. 26(g)–(h).

⁴⁴ Rafferty, J., 'CSP7 report: Treaty universalization', *ATT Monitor*, vol. 14, no. 4 (8 Sep. 2021), p. 13.

⁴⁵ Faye, S. O., Gambian Minister of Defence, Statement at the opening session of CSP7, Geneva, 30 Aug. 2021.

a wider process of revising its conventional arms transfer policy.⁴⁶ Still, by the end of 2021 the USA had not finalized this revision process and therefore its official position—which is that the USA ‘does not intend to become a party to the treaty’ and therefore ‘has no legal obligations arising from its signature’—remained unchanged.⁴⁷

Despite the challenges created by pandemic-related restrictions on travel and meetings, the WGTU and the CSP7 president conducted limited outreach activities whenever possible.⁴⁸ The Sierra Leonean presidency adopted a universalization strategy which differentiated non-party states into countries that were close to joining the ATT and countries that indicated joining the treaty as a long-term prospect. Outreach activities were therefore tailored accordingly. These included the organization of two online outreach meetings targeting states that are not yet part of the ATT, of which one specifically addressed states that were considered likely to join the treaty. The president of Sierra Leone, Julius Maada Bio, also wrote to the heads of non-states parties to encourage them to join the treaty.

Further, the CSP7 presidency cooperated with the Inter-Parliamentary Union to engage parliamentarians around the world in the universalization of the ATT. The European Union (EU) also contributed to universalization efforts by sponsoring the printing of copies of the Universalization Toolkit in all United Nations languages. CSP7 adopted recommendations, formulated by the WGTU, to further strengthen universalization efforts.⁴⁹ These included continued outreach and coordination among relevant stakeholders and making use of the UN Human Rights Council’s Universal Periodic Review mechanism to make the case for treaty accession.⁵⁰

International assistance

The ATT Secretariat reported to the CSP7 on the activities implemented by the Voluntary Trust Fund (VTF) over the previous year.⁵¹ The VTF continues to have a good financial basis for carrying out its work. Since its establishment in 2016, the VTF has received over \$10 million in voluntary contributions from 28 states.⁵² These contributions have supported, or are supporting, 65 projects aimed at helping states to strengthen or build capacity to comply

⁴⁶ US Department of State, Statement to CSP7, 30 Aug.–3 Sep. 2021.

⁴⁷ See United Nations, UN Treaty Collection, Status of Treaties, ch. XXVI Disarmament: 8. Arms Trade Treaty, endnote 3.

⁴⁸ Arms Trade Treaty, CSP7, Working Group on Treaty Universalization (WGTU), ATT/CSP7. WGTU/2021/CHAIR/677/Conf.Rep, 27 July 2021, paras 6–9.

⁴⁹ Arms Trade Treaty, ATT/CSP7/2021/SEC/681/Conf.FinRep.Rev1 (note 6), para. 22.

⁵⁰ United Nations Human Rights Council, ‘Universal periodic review’, [n.d.].

⁵¹ ATT Secretariat, ‘Report on the work of the ATT Voluntary Trust Fund (VTF) for the period August 2020 to August 2021’, ATT/VTF/2021/CHAIR/678/Conf.Rep, 20 July 2021.

⁵² ATT Secretariat, ATT/VTF/2021/CHAIR/678/Conf.Rep (note 51), para. 7.

with their ATT obligations. African states continue to be the largest group among beneficiaries of the VTF.⁵³

Notwithstanding the limitations imposed by the pandemic, the Secretariat and the VTF continued to conduct limited outreach activities to promote the objectives of the fund and support the submission of good quality proposals. These activities included the production of two additional instructional videos on how to complete the grant application and budget forms.⁵⁴ In order to limit the pandemic-related disruptions to the implementation of assistance activities, the Secretariat also provided guidance to states, on the sidelines of CSP7, on how to apply for VTF funding in a way that makes provision for the impact of the pandemic on project implementation.⁵⁵

Two other developments in 2021 could have a positive impact on the co-ordination of efforts in support of ATT implementation and support the Secretariat's task to 'facilitate the matching of offers of and requests for assistance' as defined in Article 18. In April, the Council of the EU approved funding for a project to provide support for various activities implemented by the Secretariat, including the creation of a database to match assistance needs and resources. The project also foresees a 'training the trainers' programme to support the creation of a pool of ATT experts at the regional and local level.⁵⁶ In addition, the amended template to submit the ATT initial report adopted at CSP7 (discussed earlier in this section) will now allow states parties to provide additional details on requests and offers of assistance.

The financial situation of the ATT

All ATT states parties and signatories, as well as states attending CSPs as observers, are required to make financial contributions to cover the costs of organizing the CSPs, subsidiary body meetings and the work of the ATT Secretariat.⁵⁷ However, the ATT is facing a difficult financial situation caused by partial or delayed payment of assessed contributions, which was noted with concern at CSP7.⁵⁸ As of 29 October 2021, 64 out of the 153 states that

⁵³ For a complete list of projects and beneficiaries see annexes B, C, D, E and H of ATT Secretariat, ATT/VTF/2021/CHAIR/678/Conf.Rep (note 51).

⁵⁴ ATT Secretariat, 'Arms Trade Treaty (ATT)—Voluntary Trust Fund (VTF) grant application form overview', YouTube, 6 Jan. 2022; ATT Secretariat, 'Arms Trade Treaty (ATT)—Voluntary Trust Fund (VTF) budget form', YouTube, 7 Jan. 2022.

⁵⁵ Remarks by the ATT Secretariat at the CSP7 side event 'The ATT Voluntary Trust Fund (VTF): VTF projects in the time of Covid', 31 Aug. 2021.

⁵⁶ Council Decision (CFSP) 2021/649 of 16 Apr. 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*, L133, 20 Apr. 2021, p. 60.

⁵⁷ Arms Trade Treaty, First Conference of States Parties (CSP1), 'Financial Rules for the Conferences of States Parties and the Secretariat', ATT/CSP1/CONF/2, 25 Aug. 2015, Rules 5.1, 5.2 and 6.

⁵⁸ Arms Trade Treaty, ATT/CSP7/2021/SEC/681/Conf.FinRep.Rev1 (note 6), para. 31. See also Varisco, Maletta and Robin, 'The Arms Trade Treaty' (note 3), pp. 562–63; and Varisco, Maletta and Robin (note 19), pp. 27, 29–30.

have been obliged to make contributions since 2015 were behind with their payments, creating an accumulated deficit of \$473 432.⁵⁹ Solutions to the financial situation proposed in past years include the full application of Financial Rule 8.1(d) which—among other things—would potentially lead to limitations being placed on the voting rights of states in financial arrears for two or more years that have not entered into arrangements with the Secretariat in relation to the discharge of their financial obligations.⁶⁰

To solve this problem the fifth conference of states parties (CSP5) mandated the ATT Management Committee to prepare guidelines on the implementation of Financial Rule 8.1(d).⁶¹ CSP6 rejected the initial procedure proposed by the committee and deferred the matter to CSP7.⁶² As mandated by states parties in February 2021, the committee prepared a revised draft procedure regarding Rule 8.1(d) which was considered and adopted at CSP7.⁶³ The procedure approved allows states in arrears to comply with their financial obligations through a single- or multi-year payment plan. It foresees a series of steps to follow when making such financial arrangements with the ATT Secretariat.⁶⁴

Conclusions

The ATT continues to face long-standing challenges posed by downward trends in reporting, ratifications and financial contributions. In addition, the Covid-19 pandemic continued to have an impact on ATT meetings and processes. The hybrid format adopted for CSP7 represented an improvement compared to CSP6, enabling more interaction among participants and, more generally, allowing a larger attendance from capitals or from stakeholders

⁵⁹ ATT Secretariat, 'Status of contributions to ATT budgets', 29 Oct. 2021.

⁶⁰ Arms Trade Treaty, ATT/CSP1/CONF/2 (note 57), Rule 8.1; Varisco, Maletta and Robin (note 19), pp. 29–30; and Maletta, G. and Bromley, M., 'The Arms Trade Treaty', *SIPRI Yearbook 2019*, pp. 529–31.

⁶¹ Arms Trade Treaty, Fifth Conference of States Parties (CSP5), 'Final report', ATT/CSP5/2019/SEC/536/Conf.FinRep.Rev1, 30 Aug. 2019, para. 35.

⁶² Arms Trade Treaty, Sixth Conference of States Parties (CSP6), 'Final report', ATT/CSP6/2020/SEC/635/Conf.FinRep.Rev1, 21 Aug. 2020, para. 42; and Varisco, Maletta and Robin (note 3), p. 563. See also Arms Trade Treaty, CSP6 President-designate, 'Decision 15: Management Committee proposal on the draft elements for a Secretariat's procedure regarding Rule 8(1)D', ATT/CSP6.MC/2020/MC/631/Decision.FinArr8(1)d, 29 July 2020; Arms Trade Treaty, Management Committee, 'Draft elements for a Secretariat's procedure regarding Rule 8(1)d (reference paper)', ATT/CSP6.MC/2020/MC/609/Conf.PropFinArr8(1)d, 17 July 2020; and Arms Trade Treaty, CSP6 President-designate, 'Decision 16: Application of Rule 8(1)d on the ATT Sponsorship Programme and Voluntary Trust Fund', ATT/CSP6.MC/2020/MC/632/Decision.ImpFR8(1)d, 29 July 2020.

⁶³ Arms Trade Treaty, Management Committee, 'Draft elements for a procedure regarding Rule 8(1) d (revised version based on comments received during the CSP6 cycle, the CSP7 informal preparatory meeting and intersessional consultations)', ATT/CSP7.MC/2021/MC/674/Conf.PropFinArr8(1)d, 16 July 2021; and Arms Trade Treaty, ATT/CSP7/2021/SEC/681/Conf.FinRep.Rev1 (note 6), para. 32.

⁶⁴ Arms Trade Treaty, Management Committee, 'Elements for a procedure regarding Rule 8(1)d', Sep. 2021; and Arms Trade Treaty, 'Procedure to follow when applying to make a financial arrangement with the ATT Secretariat in terms of Rule (1)d of the ATT Financial Rules', [n.d.].

with limited travel budgets. However, hybrid and virtual meetings present some limitations in terms of inclusivity and transparency. For example, some delegations have limited access to stable and secure internet connections or find it difficult to participate due to differences in time zones. While the ATT Sponsorship Programme will continue to provide financial support to delegates with limited means to attend ATT meetings in Geneva in person, current travel restrictions, disparities in Covid-19 vaccination roll-out around the world and differences in vaccine authorization policies are factors likely to limit in-person participation in the foreseeable future. This risks creating ‘a hierarchy’ that privileges delegates in the room (who, e.g., will be more able to engage in informal diplomatic interactions) over those attending online.⁶⁵ The reduced meeting times imposed by the virtual and hybrid formats also risk shrinking opportunities for meaningful discussion of issues related to treaty implementation. For instance, stricter time management at CSP7 led statements and interventions being cut short while the conference ended up concluding one day earlier than originally scheduled. This raises questions about the current format and length of CSPs and whether more time could instead be dedicated to intersessional work.

Finally, representatives of civil society organizations participating in the conference—although still stressing the existence of a discrepancy between states’ commitments under the ATT and their practices—positively noted how discussions at CSP7, mostly as a result of the efforts made by Sierra Leone, appeared to be more substantial than in the past.⁶⁶ In addition, they also welcomed the ‘stocktaking’ initiative launched by the incoming German CSP8 presidency as the opportunity to assess, among other things, the outputs of previous meetings cycles.⁶⁷

⁶⁵ Varisco, Maletta and Robin (note 19), pp. 27 and 33.

⁶⁶ See e.g. Pytlak (note 39), pp. 1–4.

⁶⁷ Women’s International League for Peace and Freedom, ‘Statement to the preparatory meeting of the seventh Conference of States Parties to the Arms Trade Treaty’, 30 Apr. 2021.