Implications and Consequences of the Arms Trade Treaty (ATT)

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Abstract

The international sales volume of conventional arms has been considerably increasing, making it necessary to create an international normative framework of regulations: the adoption of the ATT by the United Nations (U.N.) General Assembly (2013) represents a historical achievement to establish global standards for the arms trade, with the purpose of supporting international peace and security and curbing human-rights abuses. This paper describes the process aimed at regulating the legal arms trade and strengthening the fight against the illicit trafficking. Through the data of the U.N. Disarmament Affairs, the Stockholm International Peace Research Institute and the International Institute for Strategic Studies, the amount of conventional arms transfers worldwide has been analyzed. The articles of the ATT are illustrated focusing on the most innovative and critical dispositions. In conclusion, the Conference of the State Parties will face the turbulent developments and the different international perspectives for the future of the ATT.

Keywords

arms trade, ATT, conflict resolution, human rights, security studies, United Nations.

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Introduction

The Arms Trade Treaty establishes common international standards for the regulation of the international trade in conventional arms, ammunition, parts and components for the purpose of contributing to peace and security, reducing human suffering, and promoting cooperation and transparency. The global volume of trade linked to these arms is progressively increasing and it represents a potential menace to international peace and security (SIPRI Yearbook 2015). The international community is aware of the strong and intense scale of conventional arms trade worldwide and the member States of U.N. expressed their will and need to regulate it in the most efficient and appropriate way: the treaty aims to establish a certain number of criteria by which States will assess arms transfers applications; a ban on transfers likely to contribute to war crimes, to acts of genocide or to violations of international commitments and Security Council embargos; consideration of risks associated with violations of human rights or international humanitarian law; consideration of the risk of corruption in transactions and the risk of diversion into the illicit market. This treaty – which covers the seven categories of the UN Register on Conventional Arms as well as the SALW, ammunition, parts and components – entered into force on 31st December 2014 and its implementation is now essential in the fight against illicit trafficking and in the general regulation of this global trade, especially in the geographical areas most effected by trafficking of SALW.

"The need for the ATT remains abundantly clear. Deadly weaponry continues to find its way into irresponsible hands. Unscrupulous arms brokers defy UN arms embargoes. Ammunition depots are poorly guarded. End-use certificates are not standardized and can be easily forged […] In adopting the Arms Trade Treaty, Member States came together to support a robust, legally binding commitment to provide a measure of hope to millions of people around the world[15]".

Literature Review

Before describing the global volume of the trade linked to these specific arms, it is fundamental to identify what does the notion of "conventional arms" mean. A conventional arm is an arm which is neither nuclear, biological, nor chemical because these latter arms have stronger *magnitudo* and they are classified as "mass destruction arms" for this reason (Christian Ponti, 2013: p. 643).

The U.N. Register of Conventional Arms (hereafter Register) covers seven categories of arms, which are deemed the most offensive ones: battle tanks, armored combat vehicles, large-caliber artillery systems, combat aircraft, attack helicopters, warships, missiles and missiles launchers. The Register is a voluntary arrangement established on 1st January 1992 under General Assembly resolution[16]; this resolution called upon all member States to provide annually by 31st May of each year, to the Secretary General, relevant data on imports and exports of conventional arms to be included in the Register. In the same resolution of December 1991, the General Assembly declared its determination to prevent the excessive and destabilizing accumulation of arms in order to

[15] Remarks delivered by Angela Kane, 25 September, on behalf of the Secretary General to the 2014 Treaty Event, annually devoted to multilateral treaty advancement at the margins of the UNGA (United Nations General Assembly) in New York.
[16] UNGA (United Nations General Assembly), Doc A/46/36 L on 9th December 1991, *Transparency in Armaments*.

promote stability and strengthen international peace and security, taking into account the legitimate security needs of States and the principle of undiminished security at the lowest possible level of armaments.

Recently, member States decided that the SALW could be added to the seven arms of the Register, under the formula "7+1". The U.N. General Assembly gave a definition of the SALW[17]: "small arms" are weapons designed for personal use and they consist of: light machine guns, sub-machine guns, including machine pistols, fully automatic rifles and assault rifles, and semi-automatic rifles; "light weapons" instead include the following portable weapons designed for use by several persons serving as a crew, such as heavy machine guns, automatic cannons, howitzers, mortars of less than 100 mm caliber, grenade launchers, anti-tank weapons and launchers, recoilless guns, shoulder-fired rockets, antiaircraft weapons and launchers, and air defense weapons.

The SALW, unlike heavy weapons, circulate everywhere in both the military and civilian markets. These categories of arms are cheap, light, easy to handle, transport and use by civilians, so that there are different possible ways in which SALW find their way to fall into hands of civilians and into the illegal market: arms captured from enemies during fighting, soldiers defecting from armed groups, stolen or captured peacekeeping stocks, arms supplied by the armed forces, purchases through the open market, supply from government stockpiles of neighbouring States, inheritance from family or relatives or friends.

Before the adoption of the ATT, efforts to improve controls on international arms transfers have primarily been driven and directed by U.N. member States. At the international level there are three existing international instruments: the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition (the Firearms Protocol)[18], the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (PoA)[19] and the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons (ITI)[20]. These have all contributed to the development of a normative framework on small arms control (Sarah Parker, 2013: page 4), but they have some critical limits: no one of them cover all together the SALW, ammunition, parts and components in their activities and control measures, and the Firearms Protocol is the only legally binding instrument.

Before the adoption of the ATT, U.N. Security Council's arms embargoes were the only real international legally binding measures that aim to partly regulate but mostly to prohibit specific arms transfers: arms embargos are one type of sanctions that can be used to coerce States and

[17] UNGA(United Nations General Assembly), Doc. A/52/298 on 27th August 1997, *Annex, Report of the Panel of Governmental Experts on Small Arms.*

[18] UNGA (United Nations General Assembly), *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 ('Firearms Protocol')*. Resolution 55/255, adopted on 31st May 2001. A/RES/55/255 of 8th June 2001.

[19] UNGA (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 ('UN Programme of Action'). Adopted on 21st July 2001. A/CONF.192/15 of 20th July 2001.

[20] UNGA (United Nations General Assembly), International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons ('International Tracing Instrument'). Adopted on 8th December 2005. A/60/88 on 27th June 2005.

non-governmental actors to improve their behaviour in the interests of international peace and security (SIPRI Arms Embargoes Database). Under Chapter VII of the U.N. Charter, the Security Council can take enforcement measures to maintain or restore international peace and security. Such measures range from economic and/or other sanctions not involving the use of armed force to international military action. Based on article 41 of the U.N. Chapter, since the 1945-2006 the United Nations has imposed 27 arms embargoes (SIPRI, 2007, Table A.1).

Nevertheless, it is important to specify that arms embargos present some significant limits: States have not always applied with respected the embargoes measures, which can't prevent the supply of arms but can just limit or can just end illicit trades. In general, it is not the goal of arms embargos to regulate the international and national arms trade (Christian Ponti, 2013, p. 646).

Theoretical framework

The ATT is the culmination of numerous dedicated initiatives conducted over recent decades. The idea of an arms trade treaty first came from Nobel Peace Laureates, supported by civil society organisations worldwide: in May 1997 they launched the International Code of Conduct on Arms Transfers (Nobel Laureate Code, 1997): Costa Rican President and Nobel Prize laureate Oscar Arias led other notables in summoning international community support for ethical standards and transparency in arms trade (Sarah Parker, 2014: p. 78). This was to better protect human rights and promote government accountability. In 1998, the European Union concluded the EU Code of Conduct on Arms Exports (EU, 1998), a political measure designed to block member-state arms exports to locations provoking or prolonging armed conflict, risking human rights repression or fomenting state aggression.

In 2003, the Control Arms[21] campaign was launched and has since gathered support for the ATT from over a million people worldwide. Indeed, in 2006 Control Arms handed over a global petition called "Million Faces" to the U.N. Secretary General Kofi Annan. In December 2006, a group of States led by the United Kingdom began investigating the feasibility of an arms trade treaty with common international standards for the export, import, and transfer of conventional arms. The U.N. General Assembly then requested the U.N. Secretary General to canvass member States over the feasibility, scope and draft parameters of a comprehensive, legally binding instrument establishing common international standards for the import, export and transfer of conventional arms[22]. Following reports by a Group of Government Experts (GGE) in 2008, and a U.N. Open-Ended Working Group of government representatives in 2009, differences over a future treaty were narrowed to four main headings. They included goals and objectives (treaty application at its broadest level); feasibility (requirements for a universal, objective, non-discriminatory and clearly defined instrument); scope (intended weapons coverage and range of transactions, transfers and sales); and, most importantly, parameters (principles and criteria providing presumptions of denial of transfer and operational mechanisms). The U.N. General Assembly resolved to establish a

[21] Control Arms is a global civil society movement Non-Governmental Organisations (NGOs) campaigning for tough controls on the international arms trade. Control Arms represents organisations working in over 120 countries. It includes major international NGOs such as Oxfam, Amnesty International and Saferworld, as well as many regional and national level organisations.

[22] UNGA (United Nations General Assembly), Res 61/89 (6th December 2006), passed by 153 votes in favor, one opposed (the USA) and 23 abstentions.

negotiating conference in 2012 for the purpose of drafting a legally binding arms trade treaty. It mandated that negotiations be conducted on a basis of consensus. The global conference held in New York from July 2-27 2012 therefore failed because it was not possible to reach an agreement, based on consensus, on a final text, so a new meeting for the conference was scheduled for March 18-28 2013. The Final Conference took place but it once again failed to produce a successful agreement on a Treaty.

Nevertheless, a large number of member States moved to take the Treaty to the General Assembly in order to vote on it as quickly as possible. International non-governmental organizations (NGOs), including OXFAM, Amnesty International and the International Committee of the Red Cross, sharpened their public advocacy for legal restrictions deemed essential for fulfilment of international human rights and humanitarian law obligations.

On 2nd April 2013, the U.N. General Assembly adopted the ATT and opened for signature two months later[23]: the treaty failed to achieve unanimous support but it garnered the support of a majority member States during the vote: 154 votes in favor, 3 member States – Iran, Syria and North Korea – voted against, while 23 countries abstained, including some of the world's key arms exporters and manufacturers (China, Russia, India) and leading arms buyers (Egypt, India, Saudi Arabia and Indonesia). Nevertheless, "it is a historic diplomatic achievement – the culmination of long-held dreams and many years of effort" Secretary General Ban Ki-moon said in a statement issued after the Assembly's action, "This is a victory for the world's people"[24].

Ensuring that the Treaty fulfils its promises requires the widest possible adherence and implementations among States. The procedure that a State must follow in order to implement the dispositions of the text are the signature, the ratifications, the acceptance, the approval or the accession to the treaty. The ATT has opened for signature on 3rd June 2013 at the UN headquarters in New York. By signing the treaty, a States signals its intention to become a party to it in the future. Once it has signed the treaty, a State must not take any actions that would undermine its object and purpose (see Article 18, *Vienna Treaty on the Law of Treaties, 1969)*. Nevertheless, signature alone does not legally bind the signatory State or require it to begin to implement the provisions of the Treaty. To become legally bound by a multilateral treaty, a signatory State must subsequently deposit its instrument of ratification, acceptance or approval. To formally declare the consent to be bound by the Treaty, a State must follow two steps: action by the concerned State at a national level, and the notification to the depositary of the consent to be bound. The ATT enters into force 90 days after 50 States have deposited their instrument of ratification (acceptance, or approval) (Article 22 of the ATT). Nowadays 130 States have signed the treaty and 72 States have already ratified it[25].

[23] UNGA (United Nations General Assembly), A/RES/67/234 B, *The Arms Trade Treaty.*
[24] Ban Ki-moon's Statement on the adoption of the Arms Trade Treaty available on http://www.un.org/sg/statements/index.asp?nid=6708.
[25] A complete list of ATT ratifiers and signatories is available on http://disarmament.un.org/treaties/t/att.

Data

The arms trade represents an important and massive international point of interest from an economic and political perspective: the following analysis focuses the attention on the exports and the imports of conventional arms of the major exporter and importer States of the world.

Table 1: The trend of transfers of conventional arms, 2005-2014.
Source: SIPRI Yearbook 2015.

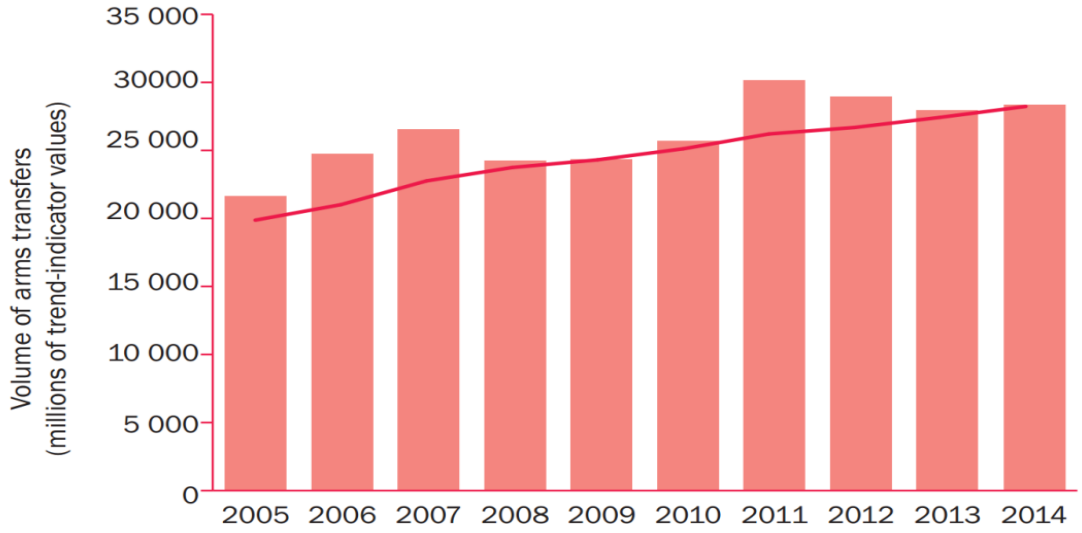


Table 2: The main exporters and importers of conventional arms, 2010-2014. Source: SIPRI Yearbook 2015.

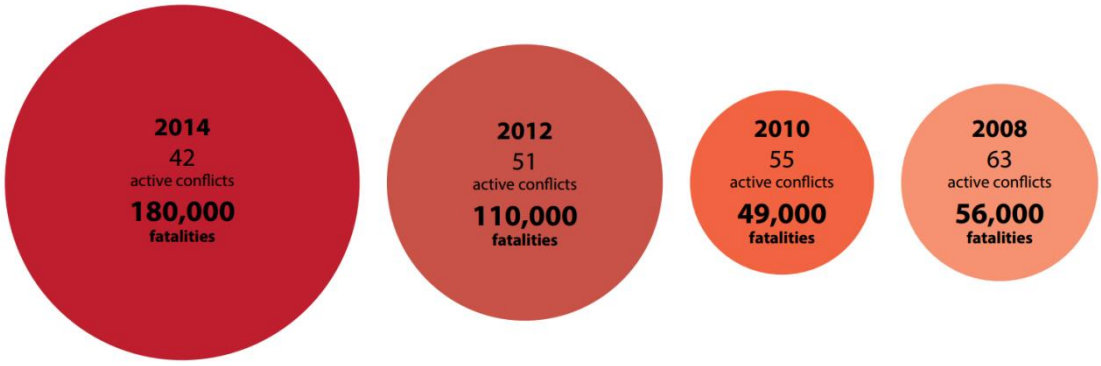
Exporter	Global share (%)	Importer	Global share (%)
1. USA	*31*	1. India	*15*
2. Russia	*27*	2. Saudi Arabia	*5*
3. China	*5*	3. China	*5*
4. Germany	*5*	4. UAE	*4*
5. France	*5*	5. Pakistan	*4*
6. UK	*4*	6. Australia	*4*
7. Spain	*3*	7. Turkey	*3*
8. Italy	*3*	8. USA	*3*
9. Ukraine	*3*	9. South Korea	*3*
10. Israel	*2*	10. Singapore	*3*

The volume of international transfers of major weapons grew by 16% between 2005-2009 and 2010-14 (SIPRI Yearbook 2015). The five largest suppliers in 2010-14 – the United States, Russia, China, Germany and France – accounted for 74% of the total global volume of arms exports. Since 1950 the USA and Russia have consistently been by far the largest suppliers. They, together with Western European suppliers, have historically dominated the top 10 list of suppliers, and there are no signs that there will be any major changes in the near future. However, China has now

firmly established itself as one of the top 5 suppliers: in 2010-14 it was the third largest supplier, narrowly surpassing Germany and France.

The flow of arms to Africa and Asia increased in 2010-14 when compared to 2005-2009. Flows to Europe decreased notably. States in Asia and Oceania received 48% of all imports of these arms in 2010-14. Of the five largest recipients, three were located in Asia and Oceania: India, China and Pakistan. There was also a marked increase in imports by States in the Middle East, two of which were among the five largest importers in 2010-14: Saudi Arabia and the United Arab Emirates. The significant growth in Saudi Arabia's imports and its rise to the position of second largest importer in 2010-14 was especially noteworthy. Saudi Arabia and several other Arab states of the Gulf have placed substantial orders in recent years. Deliveries of those orders have only just started and thus further growth in the region's imports is expected.

Table 3: Armed conflicts and fatalities in the world 2008-2014. Source: International Institute of Strategic Studies (IISS).



The IISS estimates that in 2008 there were 63 armed conflicts taking place around the world giving rise to a total of 56'000 fatalities, whereas in 2014 there were only 42 armed conflicts producing a total of 180'000 fatalities (Nigel Inkster, 2015: p. 2) . The number of armed conflicts around the world has been progressively declining since the Armed Conflict Database was launched and this is obviously something to be welcomed. But the decline in the number of conflicts has been more than compensated for by an inexorable rise in the intensity of violence associated with them. Tension and conflict were ongoing in large parts of the world during 2014, and these often had direct links to arms acquisitions from abroad. Arms imports by North East Asian countries, for example, are linked to various tensions in that region. These imports, along with acquisitions from growing national arms industries in the region, may well serve to increase such tensions.

Analysis and findings

The ATT establishes legally binding commitments governing the international trade – comprising the export, import, transit, transshipment and brokering – of conventional arms, including the SALW. The Treaty does not aim to interfere with the domestic regulation of arms trade: in the Preamble it is recognized the legitimate political, security, economic and commercial national interests in the international trade of conventional arms, as well as the sovereign right of any State to regulate and control conventional arms exclusively within its territory, pursuant to its own legal or constitutional system. States have an inherent right to individual or collective self-defence as

recognised in Article 51 of the U.N. Charter. Apart from arming their national armed and security forces, most countries allow private security companies and citizens, under conditions defined in national laws, to own certain firearms and weapons and use them for lawful purposes. So the ATT not aim to impede or interfere with the lawful ownership and use of weapons. However, common standards for arms transfers will help States assess the risk that transferred arms would be used by national armed and security forces, private security companies or other armed State or non-State actors to foment regional instability, to commit grave violations of international humanitarian law and human rights law, or to engage in other forms of politically or criminally motivated armed violence. These common standards also help States assess the risk that transferred arms will end up in areas proscribed by U.N. Security Council embargoes. Article 1 sets out the "object and purpose" of the treaty: the object of the ATT is to

- establish the highest possible common international standards for regulating or improving the regulation of the international trade in conventional arms;
- prevent and eradicate the illicit trade in conventional arms and to prevent their diversion;

For the purpose of:

- contributing to international and regional peace, security and stability;
- reducing human suffering;
- promoting cooperation, transparency and responsible action by States Parties in the international trade in conventional arms, thereby building confidence among States Parties.

The Treaty does not give a definition of "conventional arms", but it refers to the seven categories of the U.N. Register. Since 2003, SALW have been added to the Register as an optional category (the list of conventional arms included in the ATT is often referred to the "7+1" formula, referring to the seven categories of the U.N. Register plus the SALW). Article 2 specifies each arm on which the treaty is applied:

1. battle tanks;
2. armoured combat vehicles;
3. large-calibre artillery systems;
4. combat aircraft;
5. attack helicopters;
6. warships;
7. missiles and missile launchers; and
8. small arms and light weapons.

Article 3 and Article 4 include other items linked to these arms: the ammunition/munitions and the parts and components of the conventional arms. Each State party shall establish and maintain a national control system to regulate the export of them and shall apply the provisions of Article 6 and Article 7 prior to authorizing the export of such ammunition/munition, parts and components. The text of the Treaty includes specific provisions regarding the control of international transfers and implementation. In order to implement the provisions of the treaty, each State party shall establish a national control system, a national control list to provide to the ATT Secretariat and shall designate competent national authorities in order to have an effective

and transparent national control system, including one or more national points of contact to notify the ATT Secretariat (Article 5 of the ATT).

Article 6 regards one of the most important element of the treaty: prohibitions. It identifies the standards to which the trade in conventional arms should be globally tested. Article 6 presents the criteria to which the greatest weight is given: it concerns violations of international treaties which are particularly important in light of armed conflicts and arms trade. State parties to the ATT shall not authorize any transfer (imports, exports, brokering or transit) of conventional arms, ammunition, munitions, parts and components if:

> 1. the transfer would violate measures adopted under Chapter VII of the Charter of the United Nations, in particular concerning arms embargoes.
> 2. the transfer would violate its relevant international obligations, namely international agreements to which it is a Party, in particular those relating to the transfer of, or illicit trafficking in, conventional arms.
> 3. the transfer shall be used for the purpose of facilitating the commission of genocide, crimes against humanity, or war crimes constituting grave breaches of the Geneva Conventions of 1949, attacks directed against civilian objects or civilians protected as such, or other war crimes as defined by international agreements to which it is a party.

If the export is not prohibited under Article 6, each exporting State party, prior to authorize the export of conventional arms or of items covered under Article 3 or Article 4, as established by Article 7, shall assess whether:

> (i) the export would contribute to or undermine peace and security
> (ii) the export could be used to commit or facilitate a serious violation of international humanitarian law (IHL);
> (iii) to commit or facilitate a serious violation of international human rights law (IHR);
> (iv) to commit or facilitate an act constituting an offence under international conventions and protocols relating to terrorism;
> (v) to commit or facilitate an act constituting an offence under international conventions or protocols relating to transnational organized crime.

There is always a terrible human cost caused by a poorly regulated and controlled global trade in conventional arms and it manifested itself in in several ways: in the killing, wounding and rape of civilians – including children, the most vulnerable of all – and the perpetration of other serious violations of international humanitarian law and human rights law, in the displacement of people within and across borders and in the endurance of extreme insecurity and economic hardships by those affected by armed violence and conflict (UNODA, 2013). When there is a risk of violations of Article 7.1 (humanitarian law, human rights or terrorism), the exporting State can take additional measures – so-called "risk mitigation measures" – in consultation with the importing State in order to mitigate the risk (Article 7.2). When the risks of one (or more) of the stipulations are 'overriding' – despite the potential to take additional measures and in compliance with Article 7.1 – the export shall not be authorized (Article 7.3). Article 7 also specifies that if there is a risk that the conventional arms and their items could be used to commit or facilitate serious acts of gender-

based violence or serious acts of violence against women and children, each exporting State shall not authorize the export.

Article 12 establishes obligations for record keeping (Sibylle Bauer and Mark Bromley, 2015: page 20): each State Party maintains national records in accordance with national legislation concerning export authorizations or actual export data (real exports) of conventional arms which fall under the scope of the ATT (excluding ammunition and components). These records are saved for ten years and they include: the quantity, value, model/type, authorized international transfers of conventional arms, conventional arms actually transferred, details of exporting State(s), importing State(s), transit and trans-shipment State(s), and end users, as appropriate. In order to improve the transparency of the records, each State Party shall submit more reports: an initial report within the first year after entry into force of this Treaty for that State Party of the measures undertaken in order to implement it. These report shall be made available, and distributed to States Parties by the Secretariat. Another annually report shall be submit to the Secretariat by 32nd May for the preceding calendar year concerning authorized or actual exports and imports of conventional arms covered under Article 2 (1). The article does not mention public reporting and does not include the ammunitions, parts and components of conventional arms.

The Treaty then proceeds to tackle its implementation and control of implementation by establishing an "organ" responsible to assist the State Parties in the effective implementation of the ATT: the Secretariat, established by Article 18, adequately staffed, has the responsibility to receive, make available and distribute the national reports, to maintain the list of national points of contact and, among its functions, to establish the Conference of State Parties. Article 17.1 of the treaty stipulates that a Conference of States Parties shall be convened by the provisional Secretariat no later than one year following the entry into force of the Treaty: the Conference will be held in Cancun, Mexico, from the 24th to the 27th August 2015. In this occasion, the rules of procedure will be adopted by consensus as disposed by the article 17.2 and the Conference will be responsible for the financial provisions governing the functioning of the Secretariat and shall

> (a) Review the implementation of this Treaty, including developments in the field of conventional arms;
> (b) Consider and adopt recommendations regarding the implementation and operation of this Treaty, in particular the promotion of its universality;
> (c) Consider amendments to this Treaty in accordance with Article 20;
> (d) Consider issues arising from the interpretation of this Treaty;
> (e) Consider and decide the tasks and budget of the Secretariat;
> (f) Consider the establishment of any subsidiary bodies as may be necessary to improve the functioning of this Treaty; and
> (g) Perform any other function consistent with this Treaty.

This Conference offers an opportunity for States Parties to promote and to improve the implementation of the treaty, and it is a global initiative since participating States will come from all regions of the world in order to take part to the First Conference of State Parties. Whatever the outcome of discussions on global criteria, arguably the critical challenge is the implementation of such principles: the ATT does not have an end use monitoring mechanism to anticipate potential

circumvention strategies holding to eliminate the illegal transfers of conventional arms that allows exporting States to check where the arms they have transferred are finally sent to, or how they are used.

The article 17.2 establishes the formal procedures to adopt the rules: the Conference shall adopt by consensus its rules of procedure. The consensus *modus operandi* means voting a disposition is formally adopted if there is no opposition, and decisions are not made officially by majority voting but when all the participating and present States are called to declare their position in favor or opposition to the vote. The last two diplomatic Conferences held in New York in July 2012 and March 2013, demonstrated the failure of this rule of procedure and consensus could well inflame rules of procedure discussions in these and future meetings of States parties. The Treaty has therefore thrown into sharper relief the primary importance of State responsibility for effective implementation, but that begs the questions of issues the ATT could not realistically confront since, in order to ensure transparency and equity, all States parties shall have the same and manifest possibility to effective express their opinions.

Conclusions

Implemented effectively, this Treaty can help transform the way the arms trade operates. It will set new global standards and enshrine in international law strict control on the arms trade, which has been poorly regulated for long time. This international trade of conventional arms, especially of the SALW, can lead to human rights abuses and violations of humanitarian law. These results are not only caused by illegal trade in arms, but also by the arms trade which flows through legal channels.

Despite the long and successful process which led to the adoption of the first ATT, there are a number of gaps that will need to be addressed in order to help States to effectively implement particular aspects of the ATT: there is a lack of useful guidelines and good practice documents focused on how to establish and implement effective controls on import, transit and trans-shipment of conventional arms. Therefore, States Parties should discuss on including also the items of Article 3 and Article 4 – ammunition/munitions, parts and components – in the dispositions of each article of the text: regulation of the international arms trade should not be limited to regulating transfers of conventional arms but also to their items. There should also be some legal and binding consequences in case of violations or non-implementation of the dispositions of the ATT, both from State and non-state actors. There are some dispositions linked to non-state actors and the need to prevent and eradicate the illicit trade in conventional arms, the illicit market and the unauthorized end use and end users, including in the commission of terroristic acts (Preamble of the ATT, paragraph 3); but there are no specific dispositions concerning the rules to adopt in case of illicit activities made by non-states actors. It obviously urges the ratification and implementation of the treaty, as well as the cooperation, capacity assistance and support of States Parties and, *inter alia,* of the United Nations of international, regional, sub-regional or national organizations, and of NGOs (Article 16.2 of the ATT).

States Parties have taken part in the first Conference of States Parties to the ATT in Cancun (Mexico) from the 24th August to the 27th August 2015. The Conference was attended by 120 States, a number of international and regional intergovernmental organisations and representatives

of civil society, including NGO, and industries. This important meeting represented the initial way to effectively depart from an unregulated and illegal arms trade, which has been responsible for so much human suffering during the past decades. It was deemed necessary to adopt the best possible set of rules of procedure in order to build enough confidence among the State Parties, so that a smooth and proper implementation of the treaty could be possible and in order to cooperate with the Civil Society in a transparent manner (Ferit Hoxha, (2015), pp 1-2). The Draft Final Report (available online on the home page of the Arms Trade Treaty Provisional Secretariat http://www.thearmstradetreaty.org/index.php/en/) has been concluded by the States Parties to the Conference. They decided, *inter alia,* to establish, according to Article 17 paragraph 4 (f), a Management Committee to provide oversight of financial matters as well as on other matters related to the Secretariat with the aim of ensuring maximum accountability, efficiency and transparency of certain functions of the Secretariat and of financial matters on its behalf.

The Conference also decided to hold an Extraordinary Meeting – to be held early in 2016 – to review and consider for adoption the draft proposal concerning the administrative arrangements of the Secretariat and, subsequent to this, a revision of the provisional budgets concerning its matters. States Parties agreed to consider actions and activities of its Program of Work – as contained in ATT/CSP1/2015/WP.8.Rev.1 – as well as further suggestions by the President relevant to Article 17 paragraph 4 (f) such as:

- Identifying and assessing developments in the field of conventional arms,
- Collating best practice on the implementation and operation of the Treaty,
- Promoting universalization of the Treaty
- Identifying lessons learnt and need for adjustments in implementation,
- Collate practice among states designed on the basis of Treaty interpretation

Thanks to the contribution and work made by the ambassador of Sweden Paul Beijer, Facilitator on matters pertaining to reporting, the Conference decided to take note with appreciation of the reporting templates, as found in ATT/CSP1/2015/WP.4/Rev.2, and as orally amended, submitted by Sweden, to establish an informal working group on reporting. The Conference also approved by consensus to designate Geneva (Switzerland) as the geographical location of the Secretariat. The wish is to gold continuous work on the implementation and to encourage the future works for the Second Conference of States Parties: a successful conference will help to maintain the positive political momentum that the ATT has enjoyed so far. "It will reinforce the arguments for universalization and help convince governments that are still hesitant towards the ATT that this Treaty is here to stay. It will demonstrate to colleagues working in other sensitive areas within the UN framework that progress is possible if states are prepared to re-examine their traditional positions and join in a shared effort. A strong and well-functioning ATT will also be a support to those States currently engaged in implementing their obligations under the Treaty[26]".

[26] Opening statement of Sweden at the ATT First Conference of States Parties, Cancun, Mexico, 24-27 August 2015.

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