

UNITED NATIONS REGIONAL CENTRE
FOR PEACE AND DISARMAMENT IN AFRICA



GENDER DIMENSION OF THE ARMS TRADE TREATY



UNSCAR
United Nations Trust Facility
Supporting Cooperation on Arms Regulation

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INTRODUCTION

Gender-based violence, violence against women and human rights violations taking place in Africa, are regularly reinforced through the use or the threat of use of conventional arms, in particular small arms and light weapons.

In the context of armed conflict, arms are frequently used to commit sexual violence against civilians as a tactic of war and terror. The latest report of the Secretary-General on conflict-related sexual violence (S/2015/203) elaborates on acts of sexual violence in conflict, post-conflict and additional situations of concern in 19 country scenarios, with more than half of the reported cases taking place in Africa. In non-conflict settings, domestic violence against women and ‘femicide’¹ are of concern in the region.

Through the adoption of the Arms Trade Treaty (ATT) on 2 April 2013, Member States of the United Nations took a decisive step towards fostering arms transfer control in order to address the consequences of irresponsible arms transfers. The treaty, which entered into force on 24 December 2014, aims to establish global common standards for responsible arms transfers and to provide a framework to prevent and eradicate the illicit trade in arms and their diversion. At the centre of the treaty obligations is the aim to stop the provision of conventional arms, ammunition, parts and components, to end-users that commit or facilitate human rights violations, including acts of gender-based violence, as specified in Articles 6 and 7 of the treaty.

¹ According to the World Health Organization, ‘femicide’ is the intentional murder of women because they are women.

The treaty, therefore, requires a State Party to prohibit any transfer of conventional arms, parts and components as well as their ammunition if “it has knowledge at the time of authorization that the arms or items would be used in the commission of genocide, crimes against humanity, 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” (Article 6). Furthermore, the treaty requires exporting States to “assess, in an objective and non-discriminatory manner, [...] the potential that the conventional arms or items [...] could be used to [...] commit or facilitate a serious violation of international human rights law” and “if, after conducting this assessment and considering available mitigating measures, the exporting State Party determines that there is an overriding risk” of this negative consequence, the exporting State Party shall not authorize the export (Article 7 (1, 3)). In addition, in acknowledgement of the gender dimension of the arms trade, the ATT calls on the exporting State Party to “take into account the risk of the conventional arms [...] being used to commit or facilitate serious acts of gender-based violence or serious acts of violence against women and children” (Article 7 (4)).

As at date², 17 African States have ratified or acceded to the ATT. Those include Burkina Faso, Central African Republic, Chad, Côte d’Ivoire, Ghana, Guinea, Liberia, Mali, Mauritania, Mauritius, Niger, Nigeria, Senegal, Seychelles, Sierra Leone, South Africa and Togo.

² 13 January 2016.

The ATT complements the existing framework on women and security issues, as established by, among others, the resolution A/RES/65/69 on women, disarmament, non-proliferation and arms control, the resolution S/Res/1325 (2000) on women, peace and security, and supplementing Security Council and General Assembly resolutions.

Furthermore, the resolution A/HRC/RES/24/35 on the impact of arms transfers on human rights in armed conflicts as adopted by the Human Rights Council on 8 October 2013 is part of this framework.

In a broader sense, the ATT complements existing disarmament and arms control instruments that are applicable to African States, including the United Nations Programme of Action, the International Tracing Instrument, the Firearms Protocol, as well as the ECOWAS and Kinshasa Conventions on SALW and the Nairobi and SADC Protocols.

THE NEED FOR ACTION

Considering the relatively low number of African States that ratified or acceded to the ATT, the United Nations Regional Centre for Peace and Disarmament in Africa (UNREC) and other stakeholders identified the need to promote universalization of the ATT and to assist States Parties in its implementation, including in its gender-relevant obligations.

In line with the broader disarmament framework, this need must be met through the assessment of gender-relevant risks that are linked to the transfer of conventional arms, as well as through the implication of

WHAT HAS BEEN DONE

Over the last years, UNREC has supported governmental representatives, international and regional organisations, parliamentarians, and civil society organisations in enhancing understanding of the ATT and its implications.

In December 2015, UNREC, together with the Office of the High Commissioner for Human Rights (OHCHR) and the African Union Commission (AU), organised a workshop specifically devoted to the human rights and gender obligations inscribed in the ATT. The workshop constituted a unique platform for governmental representatives, UN and AU offices and agencies, sub-regional intergovernmental organisations, and civil society organisation to engage in discussions on the role of different stakeholders in contributing to an effective implementation of the treaty, existing legislative frameworks and implementation measures, challenges inherent in the implementation, as well as the way forward.

The workshop was financed through the United Nations Trust Facility Supporting Cooperation on Arms Regulation (UNSCAR). Ten Member States of the United Nations, including Australia, Denmark, Finland, Germany, Ireland, Netherlands, Spain, Sweden, Switzerland, and the United States, had contributed to UNSCAR in 2014 to support the universalisation and implementation of the ATT and the UNPoA.

Workshop participants included representatives of the Governments of Chad; Liberia; Mali; and Togo; as well as UNDP; UN OCHA; UN Women; the AU Directorate of Women, Gender and Development; the AU Special Envoy on Women, Peace and Security; the ECOWAS Commission; RECSA; the ICRC; the Eastern African Sub-regional Support Initiative for the Advancement of Women (EASSI); Woman in Law and Development in Africa (WiLDAF); and independent experts.

Participants were convinced that the ATT can fulfil its objective of reducing human suffering under two crucial conditions:

- (1) Universalisation of the ATT
- (2) Effective implementation of the ATT

Participants noticed with concern the low number of African States which had ratified or acceded to the ATT. In order to allow for the African continent to have a stronger voice in global ATT discussions (such as the conferences of States Parties), and to be in a better position to set the thematic focus of those discussions, it is crucial that the number of African States Parties to the treaty increases.

Participants agreed that the ATT will only have a positive impact on human security if it is effectively implemented by all States Parties. With regard to the implementation of the treaty, three distinct roles of participants were identified:

- (1) Implementation of the ATT by States Parties;
- (2) Assisting States in the implementation of the ATT;
- (3) Lobbying for and monitoring effective implementation of the ATT.

UNREC and other stakeholders carried out many more activities which aimed at promoting the ATT and assisting States in its implementation. UNREC and the Stockholm International Peace Research Institute (SIPRI) are currently conducting a mapping exercise of relevant activities that have been carried out in sub-Saharan African States. The results of this exercise are displayed on the website: <http://www.att-assistance.org/>³. The website has two longer-term objectives. First, it will help key stakeholders to build upon past projects, plan joint activities, and avoid duplication of efforts. Second, it will help the ATT Secretariat to perform ‘the matching of offers and requests for assistance for Treaty implementation’ called for under the treaty.

³ The webpage is planned to go live on 31 January 2016.

WHAT NEEDS TO BE DONE

The participants at the above-mentioned workshop formulated the following recommendations with a view to fostering the fulfilment of the above-mentioned conditions:

1. In order to foster universalisation, the ATT momentum must be upheld and national stakeholders must be sensitized on its benefits and importance. Partners should seize the opportunity in all appropriate fora to promote the ATT and underline its human rights and gender dimensions.
2. African States should continue to participate in international meetings on disarmament, including the upcoming conference of ATT States Parties and the biennial meetings of States under the UNPoA. Where necessary, international partners should consider providing the financial and technical support to allow for their participation.
3. African States Parties to the ATT should continue to promote universalisation of the ATT. An African State Party and/or REC should be designated to champion the cause for universalisation of the treaty on the continent.
4. The potential of civil society organisations in promoting universalisation of the ATT and in monitoring its implementation should be efficiently realised. Enhanced interaction between the AU Peace and Security Cluster and the AU Economic, Social and Cultural Council (ECOSOC) could contribute to this effect.
5. Capacity building on the implementation of the ATT is required. Preparation of AU endorsed guidelines and the development of a regional model law would contribute to harmonised implementation of

the ATT. National ownership of the guidelines would constitute a crucial factor in that regard.

6. Enhanced incorporation of gender dimensions in SALW control programmes is important. This may relate to, among others, national security plans, legislations, and national commissions, as well as gender-responsive budgeting and collection of gender disaggregated data.

7. In addition to the reporting framework established by the ATT (Article 13), accountability and oversight mechanisms should be created to foster and ensure effective implementation of the ATT. Women should be actively involved in operationalising these mechanisms. Developed proposals include the establishment of a State-to-State peer mechanism and the setting of specific targets/indicators.

8. A study conducted by African field based research institutions on the impact of arms transfers and arms proliferation on human rights and women in African countries would complement information relevant to the export risk assessment under Article 7 of the ATT, and contribute to enhanced stakeholder understanding of the human rights and gender dimensions of the arms trade. Such a study could be carried out in the framework of the African Year of Human Rights with a particular focus on the rights of women, as commemorated in 2016.

WHAT YOU CAN DO

Workshop participants identified concrete steps on how they intend to contribute, in the near future, to the fulfillment of some of the above-mentioned needs. Most of the proposed action points are not specific to the referenced organisations. YOU can adapt these steps and be inspired to initiate YOUR actions.

- UNREC, with guidance from the UN Office for Disarmament Affairs (UNODA), will assist, as appropriate, the ATT Secretariat in the fulfilment of its task to continue promoting universalisation of the ATT;
- UNREC furthermore suggested to continue, together with its partners, exploring the possibility of promoting the ATT in the margins of the AU Summit of Heads of State and Government or a meeting of the Peace and Security Council of the AU;
- Participants suggested continuing efforts in promoting the ATT during the African Union Extraordinary Summit on Maritime Security and Safety and Development in Africa, tentatively scheduled to take place in March 2016 in Lomé, Togo.
- Other UN agencies offered to explore how the ATT could be incorporated in their work plans;
- The representative of the AU Special Envoy on Women, Peace and Disarmament proposed to include references to the gender-dimension of the ATT in its advocacy work and upcoming meetings;

- Representatives of civil society organisations suggested sharing the workshop outcomes with partner organisations in order to aggregate efforts in promoting universalisation of the ATT and its human rights and gender dimensions;
- The organisers agreed on the need to continue enhancing cooperation, and to further organise pertinent events.



ANNEX 1 – The Arms Trade Treaty

Preamble

The States Parties to this Treaty,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling Article 26 of the Charter of the United Nations which seeks to promote the establishment and maintenance of international peace and security with the least diversion for armaments of the world's human and economic resources,

Underlining the need to prevent and eradicate the illicit trade in conventional arms and to prevent their diversion to the illicit market, or for unauthorized end use and end users, including in the commission of terrorist acts,

Recognizing the legitimate political, security, economic and commercial interests of States in the international trade in conventional arms,

Reaffirming the sovereign right of any State to regulate and control conventional arms exclusively within its territory, pursuant to its own legal or constitutional system,

Acknowledging that peace and security, development and human rights are pillars of the United Nations system and foundations for collective security and recognizing that development, peace and security and human rights are interlinked and mutually reinforcing,

Recalling the United Nations Disarmament Commission Guidelines for international arms transfers in the context of General Assembly resolution 46/36H of 6 December 1991,

Noting the contribution made by the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small

Arms and Light Weapons in All Its Aspects, as well as the 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, and the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons,

Recognizing the security, social, economic and humanitarian consequences of the illicit and unregulated trade in conventional arms,

Bearing in mind that civilians, particularly women and children, account for the vast majority of those adversely affected by armed conflict and armed violence,

Recognizing also the challenges faced by victims of armed conflict and their need for adequate care, rehabilitation and social and economic inclusion,

Emphasizing that nothing in this Treaty prevents States from maintaining and adopting additional effective measures to further the object and purpose of this Treaty,

Mindful of the legitimate trade and lawful ownership, and use of certain conventional arms for recreational, cultural, historical, and sporting activities, where such trade, ownership and use are permitted or protected by law,

Mindful also of the role regional organizations can play in assisting States Parties, upon request, in implementing this Treaty,

Recognizing the voluntary and active role that civil society, including nongovernmental organizations, and industry, can play in raising awareness of the object and purpose of this Treaty, and in supporting its implementation,

Acknowledging that regulation of the international trade in conventional arms and preventing their diversion should not hamper internatio-

nal cooperation and legitimate trade in materiel, equipment and technology for peaceful purposes,

Emphasizing the desirability of achieving universal adherence to this Treaty,

Determined to act in accordance with the following principles;

Principles

- The inherent right of all States to individual or collective self-defence as recognized in Article 51 of the Charter of the United Nations;
- The settlement of international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered in accordance with Article 2 (3) of the Charter of the United Nations;
- Refraining in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations in accordance with Article 2 (4) of the Charter of the United Nations;
- Non-intervention in matters which are essentially within the domestic jurisdiction of any State in accordance with Article 2 (7) of the Charter of the United Nations;
- Respecting and ensuring respect for international humanitarian law in accordance with, inter alia, the Geneva Conventions of 1949, and respecting and ensuring respect for human rights in accordance with, inter alia, the Charter of the United Nations and the Universal Declaration of Human Rights;

- The responsibility of all States, in accordance with their respective international obligations, to effectively regulate the international trade in conventional arms, and to prevent their diversion, as well as the primary responsibility of all States in establishing and implementing their respective national control systems;
- The respect for the legitimate interests of States to acquire conventional arms to exercise their right to self-defence and for peacekeeping operations; and to produce, export, import and transfer conventional arms;
- Implementing this Treaty in a consistent, objective and non-discriminatory manner,

Have agreed as follows:

Article 1

Object and Purpose

The object of this Treaty 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 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.

Article 2

Scope

1. This Treaty shall apply to all conventional arms within the following categories:
 - (a) Battle tanks;
 - (b) Armoured combat vehicles;
 - (c) Large-calibre artillery systems;
 - (d) Combat aircraft;
 - (e) Attack helicopters;
 - (f) Warships;
 - (g) Missiles and missile launchers; and
 - (h) Small arms and light weapons.

2. For the purposes of this Treaty, the activities of the international trade comprise export, import, transit, trans-shipment and brokering, hereafter referred to as “transfer”.

3. This Treaty shall not apply to the international movement of conventional arms by, or on behalf of, a State Party for its use provided that the conventional arms remain under that State Party’s ownership.

Article 3

Ammunition/Munitions

Each State Party shall establish and maintain a national control system to regulate the export of ammunition/munitions fired, launched or delivered by the conventional arms covered under Article 2 (1), and shall apply the provisions of Article 6 and Article 7 prior to authorizing the export of such ammunition/munitions.

Article 4

Parts and Components

Each State Party shall establish and maintain a national control system to regulate the export of parts and components where the export is in a

form that provides the capability to assemble the conventional arms covered under Article 2 (1) and shall apply the provisions of Article 6 and Article 7 prior to authorizing the export of such parts and components.

Article 5

General Implementation

1. Each State Party shall implement this Treaty in a consistent, objective and non-discriminatory manner, bearing in mind the principles referred to in this Treaty.
2. Each State Party shall establish and maintain a national control system, including a national control list, in order to implement the provisions of this Treaty.
3. Each State Party is encouraged to apply the provisions of this Treaty to the broadest range of conventional arms. National definitions of any of the categories covered under Article 2 (1) (a)-(g) shall not cover less than the descriptions used in the United Nations Register of Conventional Arms at the time of entry into force of this Treaty. For the category covered under Article 2 (1) (h), national definitions shall not cover less than the descriptions used in relevant United Nations instruments at the time of entry into force of this Treaty.
4. Each State Party, pursuant to its national laws, shall provide its national control list to the Secretariat, which shall make it available to other States Parties. States Parties are encouraged to make their control lists publicly available.
5. Each State Party shall take measures necessary to implement the provisions of this Treaty and shall designate competent national authorities in order to have an effective and transparent national control system regulating the transfer of conventional arms covered under Article 2 (1) and of items covered under Article 3 and Article 4.
6. Each State Party shall designate one or more national points of con-

tact to exchange information on matters related to the implementation of this Treaty. Each State Party shall notify the Secretariat, established under Article 18, of its national point(s) of contact and keep the information updated.

Article 6 Prohibitions

1. A State Party shall not authorize any transfer of conventional arms covered under Article 2 (1) or of items covered under Article 3 or Article 4, if the transfer would violate its obligations under measures adopted by the United Nations Security Council acting under Chapter VII of the Charter of the United Nations, in particular arms embargoes.

2. A State Party shall not authorize any transfer of conventional arms covered under Article 2 (1) or of items covered under Article 3 or Article 4, if the transfer would violate its relevant international obligations under international agreements to which it is a Party, in particular those relating to the transfer of, or illicit trafficking in, conventional arms.

3. A State Party shall not authorize any transfer of conventional arms covered under Article 2 (1) or of items covered under Article 3 or Article 4, if it has knowledge at the time of authorization that the arms or items would be used in the commission of genocide, crimes against humanity, 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.

Article 7 Export and Export Assessment

1. If the export is not prohibited under Article 6, each exporting State Party, prior to authorization of the export of conventional arms covered under Article 2 (1) or of items covered under Article 3 or Article 4, under its jurisdiction and pursuant to its national control system,

shall, in an objective and non-discriminatory manner, taking into account relevant factors, including information provided by the importing State in accordance with Article 8 (1), assess the potential that the conventional arms or items:

(a) would contribute to or undermine peace and security;

(b) could be used to:

(i) commit or facilitate a serious violation of international humanitarian law;

(ii) commit or facilitate a serious violation of international human rights law;

(iii) commit or facilitate an act constituting an offence under international conventions or protocols relating to terrorism to which the exporting State is a Party; or

(iv) commit or facilitate an act constituting an offence under international conventions or protocols relating to transnational organized crime to which the exporting State is a Party.

2. The exporting State Party shall also consider whether there are measures that could be undertaken to mitigate risks identified in (a) or (b) in paragraph 1, such as confidence-building measures or jointly developed and agreed programmes by the exporting and importing States.

3. If, after conducting this assessment and considering available mitigating measures, the exporting State Party determines that there is an overriding risk of any of the negative consequences in paragraph 1, the exporting State Party shall not authorize the export.

4. The exporting State Party, in making this assessment, shall take into account the risk of the conventional arms covered under Article 2 (1) or of the items covered under Article 3 or Article 4 being used to commit or facilitate serious acts of genderbased violence or serious acts of violence against women and children.

5. Each exporting State Party shall take measures to ensure that all authorizations for the export of conventional arms covered under Article 2 (1) or of items covered under Article 3 or Article 4 are detailed and

issued prior to the export.

6. Each exporting State Party shall make available appropriate information about the authorization in question, upon request, to the importing State Party and to the transit or trans-shipment States Parties, subject to its national laws, practices or policies.

7. If, after an authorization has been granted, an exporting State Party becomes aware of new relevant information, it is encouraged to reassess the authorization after consultations, if appropriate, with the importing State.

Article 8

Import

1. Each importing State Party shall take measures to ensure that appropriate and relevant information is provided, upon request, pursuant to its national laws, to the exporting State Party, to assist the exporting State Party in conducting its national export assessment under Article 7. Such measures may include end use or end user documentation.

2. Each importing State Party shall take measures that will allow it to regulate, where necessary, imports under its jurisdiction of conventional arms covered under Article 2 (1). Such measures may include import systems.

3. Each importing State Party may request information from the exporting State Party concerning any pending or actual export authorizations where the importing State Party is the country of final destination.

Article 9

Transit or trans-shipment

Each State Party shall take appropriate measures to regulate, where necessary and feasible, the transit or trans-shipment under its jurisdiction of conventional arms covered under Article 2 (1) through its territory in accordance with relevant international law.

Article 10

Brokering

Each State Party shall take measures, pursuant to its national laws, to regulate brokering taking place under its jurisdiction for conventional arms covered under Article 2 (1). Such measures may include requiring brokers to register or obtain written authorization before engaging in brokering.

Article 11

Diversion

1. Each State Party involved in the transfer of conventional arms covered under Article 2 (1) shall take measures to prevent their diversion.

2. The exporting State Party shall seek to prevent the diversion of the transfer of conventional arms covered under Article 2 (1) through its national control system, established in accordance with Article 5 (2), by assessing the risk of diversion of the export and considering the establishment of mitigation measures such as confidence-building measures or jointly developed and agreed programmes by the exporting and importing States. Other prevention measures may include, where appropriate: examining parties involved in the export, requiring additional documentation, certificates, assurances, not authorizing the export or other appropriate measures.

3. Importing, transit, trans-shipment and exporting States Parties shall cooperate and exchange information, pursuant to their national laws, where appropriate and feasible, in order to mitigate the risk of diversion of the transfer of conventional arms covered under Article 2 (1).

4. If a State Party detects a diversion of transferred conventional arms covered under Article 2 (1), the State Party shall take appropriate measures, pursuant to its national laws and in accordance with international law, to address such diversion. Such measures may include alerting potentially affected States Parties, examining diverted shipments of

such conventional arms covered under Article 2 (1), and taking follow-up measures through investigation and law enforcement.

5. In order to better comprehend and prevent the diversion of transferred conventional arms covered under Article 2 (1), States Parties are encouraged to share relevant information with one another on effective measures to address diversion. Such information may include information on illicit activities including corruption, international trafficking routes, illicit brokers, sources of illicit supply, methods of concealment, common points of dispatch, or destinations used by organized groups engaged in diversion.

6. States Parties are encouraged to report to other States Parties, through the Secretariat, on measures taken in addressing the diversion of transferred conventional arms covered under Article 2 (1).

Article 12

Record keeping

1. Each State Party shall maintain national records, pursuant to its national laws and regulations, of its issuance of export authorizations or its actual exports of the conventional arms covered under Article 2 (1).

2. Each State Party is encouraged to maintain records of conventional arms covered under Article 2 (1) that are transferred to its territory as the final destination or that are authorized to transit or trans-ship territory under its jurisdiction.

3. Each State Party is encouraged to include in those records: the quantity, value, model/type, authorized international transfers of conventional arms covered under Article 2 (1), conventional arms actually transferred, details of exporting State(s), importing State(s), transit and trans-shipment State(s), and end users, as appropriate.

4. Records shall be kept for a minimum of ten years.

Article 13

Reporting

1. Each State Party shall, within the first year after entry into force of this Treaty for that State Party, in accordance with Article 22, provide an initial report to the Secretariat of measures undertaken in order to implement this Treaty, including national laws, national control lists and other regulations and administrative measures. Each State Party shall report to the Secretariat on any new measures undertaken in order to implement this Treaty, when appropriate. Reports shall be made available, and distributed to States Parties by the Secretariat.

2. States Parties are encouraged to report to other States Parties, through the Secretariat, information on measures taken that have been proven effective in addressing the diversion of transferred conventional arms covered under Article 2 (1).

3. Each State Party shall submit annually to the Secretariat by 31 May a report for the preceding calendar year concerning authorized or actual exports and imports of conventional arms covered under Article 2 (1). Reports shall be made available, and distributed to States Parties by the Secretariat. The report submitted to the Secretariat may contain the same information submitted by the State Party to relevant United Nations frameworks, including the United Nations Register of Conventional Arms. Reports may exclude commercially sensitive or national security information.

Article 14

Enforcement

Each State Party shall take appropriate measures to enforce national laws and regulations that implement the provisions of this Treaty.

Article 15

International Cooperation

1. States Parties shall cooperate with each other, consistent with their

respective security interests and national laws, to effectively implement this Treaty.

2. States Parties are encouraged to facilitate international cooperation, including exchanging information on matters of mutual interest regarding the implementation and application of this Treaty pursuant to their respective security interests and national laws.

3. States Parties are encouraged to consult on matters of mutual interest and to share information, as appropriate, to support the implementation of this Treaty.

4. States Parties are encouraged to cooperate, pursuant to their national laws, in order to assist national implementation of the provisions of this Treaty, including through sharing information regarding illicit activities and actors and in order to prevent and eradicate diversion of conventional arms covered under Article 2 (1).

5. States Parties shall, where jointly agreed and consistent with their national laws, afford one another the widest measure of assistance in investigations, prosecutions and judicial proceedings in relation to violations of national measures established pursuant to this Treaty.

6. States Parties are encouraged to take national measures and to cooperate with each other to prevent the transfer of conventional arms covered under Article 2 (1) becoming subject to corrupt practices.

7. States Parties are encouraged to exchange experience and information on lessons learned in relation to any aspect of this Treaty.

Article 16

International Assistance

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 rein-

tegration 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.

Article 17

Conference of States Parties

1. A Conference of States Parties shall be convened by the provisional Secretariat, established under Article 18, no later than one year following the entry into force of this Treaty and thereafter at such other times as may be decided by the Conference of States Parties.

2. The Conference of States Parties shall adopt by consensus its rules of procedure at its first session.

3. The Conference of States Parties shall adopt financial rules for itself as well as governing the funding of any subsidiary bodies it may establish as well as financial provisions governing the functioning of the Secretariat. At each ordinary session, it shall adopt a budget for the financial period until the next ordinary session.

4. The Conference of States Parties 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.

5. Extraordinary meetings of the Conference of States Parties shall be held at such other times as may be deemed necessary by the Conference of States Parties, or at the written request of any State Party provided that this request is supported by at least two-thirds of the States Parties.

Article 18

Secretariat

1. This Treaty hereby establishes a Secretariat to assist States Parties in the effective implementation of this Treaty. Pending the first meeting of the Conference of States Parties, a provisional Secretariat will be responsible for the administrative functions covered under this Treaty.

2. The Secretariat shall be adequately staffed. Staff shall have the necessary expertise to ensure that the Secretariat can effectively undertake the responsibilities described in paragraph 3.

3. The Secretariat shall be responsible to States Parties. Within a minimized structure, the Secretariat shall undertake the following responsibilities:

- (a) Receive, make available and distribute the reports as mandated by this Treaty;
- (b) Maintain and make available to States Parties the list of national points of contact;
- (c) Facilitate the matching of offers of and requests for assistance for Treaty implementation and promote international cooperation as requested;
- (d) Facilitate the work of the Conference of States Parties, including

making arrangements and providing the necessary services for meetings under this Treaty; and

(e) Perform other duties as decided by the Conferences of States Parties.

Article 19

Dispute Settlement

1. States Parties shall consult and, by mutual consent, cooperate to pursue settlement of any dispute that may arise between them with regard to the interpretation or application of this Treaty including through negotiations, mediation, conciliation, judicial settlement or other peaceful means.

2. States Parties may pursue, by mutual consent, arbitration to settle any dispute between them, regarding issues concerning the interpretation or application of this Treaty.

Article 20

Amendments

1. Six years after the entry into force of this Treaty, any State Party may propose an amendment to this Treaty. Thereafter, proposed amendments may only be considered by the Conference of States Parties every three years.

2. Any proposal to amend this Treaty shall be submitted in writing to the Secretariat, which shall circulate the proposal to all States Parties, not less than 180 days before the next meeting of the Conference of States Parties at which amendments may be considered pursuant to paragraph 1. The amendment shall be considered at the next Conference of States Parties at which amendments may be considered pursuant to paragraph 1 if, no later than 120 days after its circulation by the Secretariat, a majority of States Parties notify the Secretariat that they support consideration of the proposal.

3. The States Parties shall make every effort to achieve consensus on

each amendment. If all efforts at consensus have been exhausted, and no agreement reached, the amendment shall, as a last resort, be adopted by a three-quarters majority vote of the States Parties present and voting at the meeting of the Conference of States Parties. For the purposes of this Article, States Parties present and voting means States Parties present and casting an affirmative or negative vote. The Depository shall communicate any adopted amendment to all States Parties.

4. An amendment adopted in accordance with paragraph 3 shall enter into force for each State Party that has deposited its instrument of acceptance for that amendment, ninety days following the date of deposit with the Depository of the instruments of acceptance by a majority of the number of States Parties at the time of the adoption of the amendment. Thereafter, it shall enter into force for any remaining State Party ninety days following the date of deposit of its instrument of acceptance for that amendment.

Article 21

Signature, Ratification, Acceptance, Approval or Accession

1. This Treaty shall be open for signature at the United Nations Headquarters in New York by all States from 3 June 2013 until its entry into force.

2. This Treaty is subject to ratification, acceptance or approval by each signatory State.

3. Following its entry into force, this Treaty shall be open for accession by any State that has not signed the Treaty.

4. The instruments of ratification, acceptance, approval or accession shall be deposited with the Depository.

Article 22

Entry into Force

1. This Treaty shall enter into force ninety days following the date of the deposit of the fiftieth instrument of ratification, acceptance or approval with the Depositary.

2. For any State that deposits its instrument of ratification, acceptance, approval or accession subsequent to the entry into force of this Treaty, this Treaty shall enter into force for that State ninety days following the date of deposit of its instrument of ratification, acceptance, approval or accession.

Article 23

Provisional Application 1

Any State may at the time of signature or the deposit of instrument of its ratification, acceptance, approval or accession, declare that it will apply provisionally Article 6 and Article 7 pending the entry into force of this Treaty for that State.

Article 24

Duration and Withdrawal

1. This Treaty shall be of unlimited duration.

2. Each State Party shall, in exercising its national sovereignty, have the right to withdraw from this Treaty. It shall give notification of such withdrawal to the Depositary, which shall notify all other States Parties. The notification of withdrawal may include an explanation of the reasons for its withdrawal. The notice of withdrawal shall take effect ninety days after the receipt of the notification of withdrawal by the Depositary, unless the notification of withdrawal specifies a later date.

3. A State shall not be discharged, by reason of its withdrawal, from the obligations arising from this Treaty while it was a Party to this Treaty, including any financial obligations that it may have accrued.

Article 25

Reservations

1. At the time of signature, ratification, acceptance, approval or accession, each State may formulate reservations, unless the reservations are incompatible with the object and purpose of this Treaty.

2. A State Party may withdraw its reservation at any time by notification to this effect addressed to the Depositary.

Article 26

Relationship with other international agreements

1. The implementation of this Treaty shall not prejudice obligations undertaken by States Parties with regard to existing or future international agreements, to which they are parties, where those obligations are consistent with this Treaty.

2. This Treaty shall not be cited as grounds for voiding defence cooperation agreements concluded between States Parties to this Treaty.

Article 27

Depositary

The Secretary-General of the United Nations shall be the Depositary of this Treaty.

Article 28

Authentic Texts

The original text of this Treaty, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

ANNEX 2 – Resources

The following resources can help you to learn more about the ATT, other international disarmament instruments, and pertinent activities carried out in Africa.

The Arms Trade Treaty:

<http://www.un.org/disarmament/ATT/>

The United Nations Programme of Action:

<http://www.poa-iss.org/Poa/poa.aspx>

International Tracing Instrument:

<http://www.poa-iss.org/InternationalTracing/InternationalTracing.aspx>

Firearms Protocol:

https://www.unodc.org/pdf/crime/a_res_55/255e.pdf

ECOWAS Convention on SALW:

<http://www.poa-iss.org/RegionalOrganizations/ECOWAS/ECOWAS%20Convention%202006.pdf>

Kinshasa Convention:

<http://disarmament.un.org/treaties/t/kinshasa/text>

Nairobi Protocol:

<http://www.poa-iss.org/RegionalOrganizations/RECSA/Nairobi%20Protocol.pdf>

SADC Protocol:

<http://www.poa-iss.org/RegionalOrganizations/SADC/Instruments/SADC%20Protocol.pdf>

A/RES/65/69 on women, disarmament, non-proliferation and arms control:

http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/65/69

S/Res/1325 (2000) on women, peace and security:

[http://www.un.org/Docs/journal/asp/ws.asp?m=S/RES/1325\(2000\)](http://www.un.org/Docs/journal/asp/ws.asp?m=S/RES/1325(2000))

A/HRC/RES/24/35 on the impact of arms transfers on human rights in armed conflicts:

http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/24/L.32/Rev.1

Webpage mapping ATT-relevant assistance and outreach activities:

<http://www.att-assistance.org/>⁴

⁴ The webpage is planned to go live on 31 January 2016.

Homepage of the website

The screenshot shows the homepage of the Arms Trade Treaty (ATT) website. The browser address bar displays www.att-assistance.org/?page_id=10. The website header features the logo "Arms TradeTreaty" with the tagline "Mapping ATT-relevant Cooperation and Assistance Activities". The navigation menu includes "HOME", "ABOUT", "DOCUMENT DATABASE", "ACTIVITY DATABASE", and "FEEDBACK FORM".

The main content area is titled "About the project" and features a central section for the "ACTIVITY DATABASE". This section includes a descriptive paragraph: "The activity database contains past and ongoing cooperation and assistance activities focused on building state capacity in areas relevant to ATT implementation. These include arms transfer controls, stockpile management, surplus destruction and border controls. The database currently includes information on activities involving partner States in sub-Saharan Africa during 2011-2015. We aim to expand the database to also cover other regions." Below the text is a blue button labeled "SEARCH THE ACTIVITY DATABASE". The text is flanked by two images of a person in military gear standing in a field with various firearms and equipment scattered on the ground.

Below the "About the project" section is a section titled "Activity database" which contains four placeholder cards, each with a location pin icon and a blue background.

The Windows taskbar at the bottom shows the system tray with the date "14/01/2016" and time "09:34".

Activity Search Engine

The screenshot shows a web browser window displaying the Arms Trade Treaty (ATT) Activity Search Engine. The browser's address bar shows the URL www.att-assistance.org/?page_id=49. The page header includes the Google logo, the Arms Trade Treaty logo with the tagline "Mapping ATT-relevant Cooperation and Assistance Activities", and navigation links for HOME, ABOUT, DOCUMENT DATABASE, ACTIVITY DATABASE, and FEEDBACK FORM. A search icon is also present.

The main content area is titled "Activity database" and features several filter categories: Focus of Activity, Type of Activity, Partners, Implementors, Donors, and Year. A "Clear all filters" button is also available. Below the filters, the active filters are listed as "UN" and "UNREC". The search results are displayed as a grid of cards, with the first row showing four results:

- IATG Training for East/Southern Africa**
14/04/2014 - 17/04/2014
- African ATT Prep. Seminar**
07/03/2013 - 08/03/2013
- AU DDR Compendium/Manual Workshop**
12/05/2015 - 13/05/2015
- Briefing on the ATT in Togo**
27/06/2013 - 27/06/2013

Each result card includes a location pin icon, a blue header with a blurred image, the title and dates, and a "FIND OUT MORE" button. The browser's taskbar at the bottom shows various application icons and the system clock indicating 09:19 on 14/01/2016.

Example of activity

The screenshot shows a web browser window displaying the Arms Trade Treaty website. The URL is www.att-assistance.org/activity=african-seminar-to-prepare-for-the-final-conference-on-the-arms-trade-treaty. The page features a blue header with the logo and navigation links: HOME, ABOUT, DOCUMENT DATABASE, ACTIVITY DATABASE, and FEEDBACK FORM. The main content area is divided into sections: 'Activity Title' with the title 'AFRICAN SEMINAR TO PREPARE FOR THE FINAL CONFERENCE ON THE ARMS TRADE TREATY' and dates '07/03/2013 - 08/03/2013'; 'Background' with an 'Activity description' paragraph; 'Focus of Activity' with two boxes for 'INTERNATIONAL INSTRUMENTS' and 'REGIONAL COOPERATION'; and 'Type of Activity' with a box for 'SENSITIZATION AND OUTREACH'. The Windows taskbar at the bottom shows the date as 14/01/2016 and the time as 09:20.

Activity Title

AFRICAN SEMINAR TO PREPARE FOR THE FINAL CONFERENCE ON THE ARMS TRADE TREATY

07/03/2013 - 08/03/2013

Background

Activity description
The African Seminar to Prepare for the Final Conference on the ATT was an opportunity for African states to identify gaps and consider in-depth the contents of the draft ATT. The seminar also provided a platform for African states to give input in order to achieve a robust ATT in line with the concerns and interests of the African region. It also enabled African governmental experts to further deepen their understanding with regard to the scope, criteria, parameters and implementation of the Treaty and to prepare for the Final Conference. The seminar was held in Addis Ababa, Ethiopia.

Focus of Activity

- INTERNATIONAL INSTRUMENTS
- REGIONAL COOPERATION

Type of Activity

- SENSITIZATION AND OUTREACH

Document Search Engine

The screenshot shows a web browser window displaying the Arms Trade Treaty (ATT) Document Search Engine. The browser's address bar shows the URL www.att-assistance.org/?page_id=47. The website header includes the logo for Arms Trade Treaty, with the tagline "Mapping ATT-relevant Cooperation and Assistance Activities". Navigation links for HOME, ABOUT, DOCUMENT DATABASE (highlighted), ACTIVITY DATABASE, and FEEDBACK FORM are visible.

Below the header, a "Document database" tab is active. A search interface includes four filter dropdown menus: "Focus of document", "Type of document", "Publisher", and "Year". Below these filters, the results are displayed as "Filter results / Showing 1- 16 of 120 result(s)".

The search results are presented in a grid of eight cards, each representing a document:

- Model Regulations on Brokering** (13/11/2003): 'Amendments to the Model Regulations for the Control of the International Movement of Firearms, their Parts and Components, and Ammunition - Broker Regulations', Organisation of American States (OAS), 2003.
- Andean Plan on SALW** (25/06/2003): 'Andean Plan to Prevent, Fight and Eradicate Illicit Trafficking in Small Arms and Light Weapons in all its Aspects', Andean Community of Nations (CAN), 2003.
- Human Rights Standards and Arms Transfers** (01/01/2008): 'Applying Human Rights Standards to Arms Transfer Decisions', Amnesty International, 2008.
- Applying IHL Criteria** (01/06/2007): 'Applying International Humanitarian Law Criteria', International Committee of the Red Cross (ICRC), 2007.
- Development and Arms Transfers** (01/04/2009): 'Applying Sustainable Development to Arms Transfer Decisions', Oxfam, 2009.
- Arab Model Law on Weapons** (01/01/2002): 'Arab Model Law on Weapons, Ammunitions, Explosives and Hazardous Material', Arab League, 2002.
- ATT Model Law for the Pacific Region** (01/01/2014): 'Arms Trade Treaty - Model Law for the Pacific Region by the New Zealand Government', New Zealand and Small Arms Survey (SAS), 2014.
- ATT Guide for African States** (03/11/2014): 'ATT: Ratification and Implementation Guide for African States', Institute for Security Studies (ISS), 2014.

The Windows taskbar at the bottom shows the system tray with the date 14/01/2016 and time 09:20.

ANNEX 3 – INFORMATION ON UNREC AND ITS FUTURE ACTIVITIES

The United Nations Regional Centre for Peace and Disarmament in Africa (UNREC) was established by the United Nations General Assembly in 1986 in Lomé, Togo through resolution 40/151 G. UNREC, as a regional centre of the United Nations Office for Disarmament Affairs (UNODA), is mandated to provide substantive support for initiatives and other efforts of Member States in Africa towards the realization of measures of peace, arms limitations and disarmament.

The Centre assists African Member States in their efforts to effectively implement their obligations inscribed in various disarmament and arms control instruments. In this context, the Centre conducts activities to build confidence and to reform defence and security sectors. UNREC also supports States, the African Union and subregional organisations by strengthening their capacity and providing them with the technical, legal and substantive assistance necessary to achieve sustainable peace and security.

This year, the Centre is celebrating its 30th anniversary.

In the near future, some of the focus areas of the Centre will include the following projects:

PSSM in the Sahel

Physical Security and Stockpile Management (PSSM) activities to reduce the risk of the illicit trade in Small Arms and Light Weapons (SALW) and their ammunition in the Sahel region – supported by the European Union.



- Ensures responsible management of arms to strengthen peace and security
- Prevents weapons from falling into the wrong hands
- Promotes regional and global stability

... Stop the illicit proliferation of arms

Disarming the Mind

The overall objective of the Disarming the Mind project is to bridge political, regional and socio-cultural divides by bringing together ideas, concepts, people, groups and institutions to promote concerted national and international efforts towards disarmament, non-proliferation and a peaceful and non-violent Africa.



Disarming the mind, in particular of youths

- Promotes peaceful conflict resolution
- Educates the leaders of the future

... Create a peaceful tomorrow

Women, Disarmament, Non-proliferation and arms control

The project aims to increase national implementation of A/RES/65/69 and the main arms control instruments in Africa by generating evidence-based dialogue, improving the access of female members of the security sector to professional training, incorporating gender risk criteria in arms transfer, and increasing cross regional awareness on gender-related peace and security issues.



- Enhancing women's role in security matters
- Empowering women to sit and speak at the table
- Acknowledging the gender dimension of peace and security questions

... give women a stronger voice

Maritime Security in the Gulf of Guinea

Project Maritime Security in the Gulf of Guinea aims at contributing towards the strengthening of national and regional policy and legal frameworks to effectively bolster efforts to combat illicit arms trafficking in a maritime context in the Gulf of Guinea.



Maritime Security in the Gulf of Guinea

- Control proliferation of arms at sea
- Prevent arms from falling into the hands of pirates and criminals
- Promote regional collaboration to counter transnational threats

... Safer waters contribute to the development of states

For further information on UNREC please visit the Centre's website
or contact the Centre at mail@unrec.org .

B.P. 2705 Lomé - Togo
Tél. : +228 22 53 50 00
mail@unrec.org - www.unrec.org



odaunrec



@odaunrec



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Tél. : +228 22 53 50 00
mail@unrec.org - www.unrec.org

