

**Control Arms Coalition Virtual Consultation Series 2020:****ARMS DIVERSION****02 December 2020**

The fourth Control Arms Coalition virtual consultation was focused on arms diversion. Following a brief overview of the elements of arms diversion provided by ATT Monitor Coordinator Carina Solmirano, Control Arms members shared information about the impact of diversion on their countries and communities. During the breakout session, participants also described efforts their organizations are taking to raise awareness of and combat diversion and explored how the COVID-19 pandemic has affected efforts to prevent diversion and the proliferation of arms and ammunition.

**Diversion and the Arms Transfer Cycle**

Using the new factsheets launched by the ATT Monitor in October 2020 - "[Diversion, Transparency And Information Sharing In The Arms Trade Treaty](#)" and "[Diversion-prevention Measures](#)" - Carina Solmirano outlined the key characteristics of diversion. She stressed that diversion is one of the the main channels through which arms and ammunition are being supplied to non-state actors, including terrorist groups, transnational criminal organizations, and criminal networks. While no universal definition exists, diversion is generally understood as the transfer of items from an authorized owner or user to unauthorized owner or user. The [Arms Trade Treaty \(ATT\)](#) text specifies in its preamble that diversion may occur in three ways:

- from the legal to the illicit market
- for unauthorized end-use - when an owner uses the goods for purposes not previously authorized
- to unauthorized end-users - when the goods are transferred to a 3rd party not previously authorized

Article 11 of the Treaty contains key obligations and provides recommendations for ATT States Parties to prevent and reduce diversion of conventional arms and ammunition. Building on these initial prescriptions, the ATT Sub-Working Group on Article 11, [developed a comprehensive list of possible measures that states can take to prevent diversion](#) at each of the four stages of transfer chain: before the transfer, during transfer, post-delivery (at or after importation), and post-delivery storage (in national stockpiles).

Due to the complex nature of diversion, tackling this issue requires comprehensive and coordinated approaches by all states involved in the transfer: importers, exporters, transit and transshipment states and other third parties. Among the key mitigation measures that States can implement in order to prevent diversion are:

- The adoption and implementation of robust and comprehensive export controls, in line with national, regional, and international laws and regulations
- The establishment of authorization processes which should include a license application process, the provision of documentation such as contracts and certificates, checks that user has a legitimate need for the arms and the capacity to secure adequate control and storage
- The verification of registration of all goods entering ports, checks of cargo, and law enforcement by customs and law enforcement authorities
- Verification mechanisms to ensure that the arms remain in the hands of the authorized user(s)
- Ensuring the security to the shipment of arms while in transit

These measures and policies require states to share accurate and timely information with each other and participate in mutual assistance programmes to ensure that all states involved have the capacity to engage in efforts to tackle diversion. In this regard, Article 16, outlines opportunities for assistance to ATT States Parties to implement the Treaty and mandates the establishment of the Voluntary Trust Fund.

To exemplify the impact of diversion, Sara San Martin of Centro de Estudios EcuMénicos shared findings included in a new report titled "[Deadly Trade: How European and Israeli Arms Exports are Accelerating Violence in Mexico](#)". Published by 8 organizations from 7 countries, the report establishes a link between the sales of European and Israeli arms to Mexico and the rise in gun homicides and violence perpetrated by state forces and criminal organizations. San Martin stressed that almost 100 people are killed every day in Mexico, 70% of which are killed by guns. 52% of these victims are women. Despite these worrisome statistics, policies in arms exporting countries have neglected these human rights violations and continue to sell weapons that fuel these abuses.

### **Breakout Group Discussion**

The participants were then divided into four regional breakout groups - Africa, Asia Pacific, Europe and Latina America and the Carribean - to discuss the impact of diversion on their countries and communities and to explore potential measures that can be taken by governments to address this challenge. During these discussions participants also made recommendations for programs and actions that the Control Arms coalition could undertake in the coming year to assist in efforts to tackle diversion.

The Asia Pacific breakout group shared information about the illegal flow of arms between India and Nepal which resulted in violence and instability in Indian towns located near the border. Diversion and the proliferation of arms across Asia has led to a rise in crime and insecurity in a number of countries. For instance in the Philippines, human rights violations and the killing of journalists has increased in recent years.

The Africa breakout group discussed the impact of diversion in Kenya where small arms proliferation has led to a rise in violence. This is especially visible among pastoralist communities in the northern areas, where cattle raiding has become deadly following the flow of arms into Kenya from Somalia and Sudan. The proliferation of arms and ammunition coupled with high unemployment rates have also led to an increase in the number of youth who join armed militias in urban areas and terrorist groups within Kenya such as Al-Shabab. The participants have recommended that Control Arms continue its engagement with Kenya in order to encourage Kenya's accession to the Treaty and to provide support towards its effective implementation.

The Europe breakout group discussed key factors that contribute to diversion of arms from European arms manufacturing countries. Among them, the participants highlighted:

- the lack of comprehensive and timely information-sharing between among the government, parliament and general public, with importing states or with regional institutions such as the European Union;
- inconsistent reporting on arms exports and imports (e.g. French export reports, Mali and Senegal import reports);
- Lack of accounting for risks of diversion in export decisions of military goods or parts and components of arms to other EU countries. For instance, many such exports from the Netherlands to other EU countries end up in UAE, Israel or other third countries.

The Latin America regional group discussed in further detail the impact of diversion in Mexico particularly on women and girls. Participants also discussed the case of Colombia, which is not yet Party to the ATT, and from where arms are often diverted into other countries. Diversion from national stockpiles, an issue not often discussed to date, is a great concern in Argentina, which has increasingly made efforts to procure arms in recent years.

The Control Arms secretariat thanked all participants for their input and noted that the information contributed in this consultation would be used in the development of the Control Arms Coalition 2021 advocacy strategy.