

Integrating Maritime Dimensions to Ensure the Effective Implementation of Articles 9 and 11 of the Arms Trade Treaty

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Summary

Maritime perspectives are essential to the effective implementation of the Arms Trade Treaty. Much of the global arms trade supply chain involves maritime routes, and maritime cargos of arms, their parts and components can be up to five times larger than those transported by land or air. Diversion and illicit arms trafficking along maritime shipping routes can have devastating impacts on coastal communities and fuel threats to international peace and security including violations of international humanitarian and human rights law. The effective implementation of articles 9 (transit and trans-shipment) and 11 (diversion) can be strengthened by engaging of maritime stakeholders in ATT-related discussions and implementation efforts, and through greater interagency and international cooperation between states parties in the maritime domain.

1. Introduction

The United Nations Convention on the Law of the Sea (UNCLOS) provides the foundational international legal framework for maritime activities.¹ The International Maritime Organization is the UN lead agency responsible for the safety and security of shipping and the UN Office on Drugs and Crime's Global Maritime Programme has a mandate to support Member States in improving and coordinating efforts against maritime crime, including firearms trafficking.² Alongside these state and institutional mandates, the UN Guiding Principles on Business and Human Rights (UNGPs) set out due diligence expectations for private-sector actors, such as shipping companies and brokers, operating within the maritime arms trade.³ ATT states parties can contribute to these efforts by incorporating maritime perspectives into the application of relevant provisions in the treaty, notably articles 9 and 11.

Previous discussions held during the CSP8 cycle⁴ on article 11 and CSP9 cycle⁵ on article 9 have benefitted from insights from experts on the regulation of maritime transport.⁶ Building on an ad-hoc discussion at the Working Group on Effective Treaty Implementation (WGETI) meeting in March 2026⁷, this working paper explores how including a wider range of maritime actors, such as port authorities, coast guards, and civil society organizations from coast communities can further enhance the effective implementation of these articles, especially through greater interagency and international cooperation across the arms trade supply chain. A deeper exploration of the maritime dimensions of articles 9 and 11 may also bolster universalization efforts, as diversion and illicit arms trafficking over maritime routes is a particular concern for many states that have yet to join the ATT.

2. Article 9: maritime security dimensions of transit and trans-shipment

Article 9 calls on states parties to regulate transit and trans-shipment under their jurisdiction where necessary and feasible. Seizures of firearms from marine vessels have been, on average, five times larger than those involving land or air conveyances, meaning that addressing this form of transport is especially important in implementing article 9 of the ATT.⁸

Arms trafficking over maritime routes takes many different forms and can vary significantly in terms of scale, the methods used, and the kinds of actors and vessels that are involved. For example, conventional arms can be trafficked using private shipping operators through commercial ports. In some cases, shipping companies or crew members may be complicit in these activities. In other cases, export documentation is falsified, goods are effectively concealed or information on suspicious consignors and consignees is not shared with shipping companies.⁹

At the same time, trafficking does not always involve large quantities. Organized criminal groups have applied the “ant trafficking” method by moving large numbers of small individual consignments of small arms hidden within packages of seemingly innocuous cargo, exploiting situations where customs officials are under pressure to process shipments quickly.¹⁰ There are also cases where traffickers avoid passing through major ports by transport arms on small fishing trawlers or jettisoning firearms offshore to be collected by small boats. This kind of trafficking can take place in both coastal areas but also as a means to circumvent border controls along rivers and lakes. Sometimes arms are transported by traffickers not necessarily to sell, but to protect other illicit goods such as drugs.¹¹

3. Article 11: diversion in the maritime domain

Article 11 requires cooperation and information exchange among exporting, importing, transit and trans-shipment States to prevent diversion. There are many other strategies used to divert arms along maritime routes to destinations different to the one listed on export documentation. These include illicit trans-shipment (ship-to-ship transfers) activities or “flag-hopping” whereby vessels switch flag registry to avoid detection. Another recent concern is the use of “shadow fleets” whereby vessels conceal or falsify their identity or location to circumvent arms embargoes. This highlights the need to consider potential diversion during transit and transshipment in export risk assessments, and not only diversion from the stated end-user.¹²

Arms diverted along maritime routes can be used by illicit end users and/or for illicit end uses to undermine peace and security and commit crimes listed under articles 6, 7(1) and 7(4) such as violations of international humanitarian and human rights law, terrorism, organized crime and gender-based violence. They can also have devastating security, social, economic, humanitarian and environmental consequences on coastal communities as well as on seafarers and those working in the fishing industry.¹³ States parties may therefore consider the risk of diversion during transit and trans-shipment as part of holistic export risk assessments. This can be supported by sharing information across the maritime supply chain and by developing risk indicators. One example would be checking whether vessels or companies involved in the transit have appeared on designated lists for suspected diversion or illicit brokering

4. Mainstreaming maritime perspectives into the work of the Arms Trade Treaty

Insights from the maritime domain highlight the need for transnational interagency cooperation across the arms supply chain, between exporting states, transit and trans-shipment states and importing states. Effectively preventing diversion there involves cooperation and information exchange between export licensing authorities, customs and port authorities, commercial shipping companies, as well as coast guards and navies. In addition, effectively mitigating the risks and impacts of diversion along maritime routes involves engaging with coastal communities to understand the land-based drivers and impacts of trafficking at sea.

The Law of the Sea outlines different rights and obligations for coastal states as a vessel travels between internal waters, territorial sea, contiguous zones, exclusive economic zones and the high seas. Ensuring the effective implementation of the Arms Trade Treaty across maritime arms supply chains therefore entails inter-state cooperation to prevent illicit actors from exploiting legal and regulatory gaps. This can be achieved by ensuring that different national agencies understand their respective roles in implementing the ATT and through identifying international assistance and cooperation modalities that are consistent with states parties' respective national laws.

5. Policy recommendations: integrating maritime dimensions to ensure the effective implementation of articles 9 and 11

In future ATT discussions, including those within the Working Group on Effective Treaty Implementation, states parties could consider:

- Exchanging views, seeking expert inputs and, if needed, producing additional guidance within the framework of the working group on effective treaty implementation on:
 - addressing maritime dimensions in the implementation of articles 9 and 11 through, *inter alia*, strengthened interagency and international cooperation across the supply chain;
 - considering the risk, potential impacts and possible mitigation measures of diversion during transit and transshipment in export assessments in line with articles 6 and 7;
 - coordinating activities to implement ATT articles 9 and 11 with efforts by designated bodies such as IMO and UNODC, which address other forms of maritime crime, such as trafficking in other illicit goods, piracy, and illegal, unreported and unregulated fishing, as well as strategies, policies and plans related to sustainable development in coastal communities;
 - ensuring the effective implementation of articles 9 and 11 in a manner consistent with the rights and obligations under relevant maritime frameworks, such as the UN Convention on the Law of the Sea (UNCLOS), and that aligns with the UN Guiding Principles on Business and Human Rights (UNGPR), and in a way that avoids creating disproportionate administrative burdens on legitimate trade.
- Examining the capacity gaps faced by maritime and transit states parties, including small island states and those with limited maritime capacity, in the effective implementation of articles 9 and 11, and identifying opportunities for international assistance in this regard.
- Identifying and including maritime stakeholders in relevant ATT-related discussions, policymaking and implementation processes. This could include naval institutions, coastguards, port authorities, maritime police, border and customs authorities, strategic trade control authorities, national maritime and ship registry authorities, commercial logistical and transport service providers.
- Encouraging constructive exchanges with industry, academia, media, and civil society to draw on relevant expertise on the maritime dimensions of effective ATT implementation.

The recommendations in this working paper are intended to facilitate the implementation of existing obligations under the Arms Trade Treaty. They are not intended to create new legal obligations for states parties beyond those already provided for under the Treaty.

References

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