



22 July 2022

Issued by: the Working Group on Treaty Universalization

Original: English

Arms Trade Treaty
Eighth Conference of States Parties
Geneva, 22 - 26 August 2022

**ATT WORKING GROUP ON TREATY UNIVERSALIZATION
CO-CHAIRS' DRAFT REPORT TO CSP8**

Introduction

1. This draft report to the Eighth Conference of States Parties (CSP8) to the Arms Trade Treaty (ATT) is presented by the Co-Chairs of the Working Group on Treaty Universalization (WGTU), Ambassador Thomas GÖBEL of Germany and Ambassador Lansana GBERIE of Sierra Leone, and is intended to reflect the work undertaken by WGTU in advancing Treaty universalization. The report also proposes recommendations on possible steps that could be taken in promoting Treaty universalization beyond CSP8.

Background

2. The Working Group was established by the Third Conference of States Parties to the ATT (CSP3) with the objective of leading the process of harmonizing thoughts and ideas on the issue of Treaty universalization with a view to determining the best approaches for taking the issue forward. WGTU work is guided by its Terms of Reference as well as the Working Group's Initial Work Plan¹ endorsed by CSP3.

3. The Seventh Conference of States Parties to the ATT (CSP7) considered WGTU Co-Chairs' Draft Report to CSP7, contained in document ATT/CSP7.WGTU/2021/CHAIR/677/Conf.Rep, and noted the Co-chairs' findings that the following points are important in progressing Treaty universalization:

- a. On-going efforts are needed to promote understanding of the ATT's objectives amongst non-States Parties. All too often there is a misperception that this is a disarmament treaty.
- b. It is important to engage in dialogue addressing the benefits of the ATT at both the national and regional levels. Such dialogue can respond to concerns that States may have about how joining the ATT will impact their security.
- c. For some states, cooperation and assistance will be essential to their joining and implementing the ATT. For this reason, States Parties and other stakeholders must continue to explore all avenues for promoting and supporting the Voluntary Trust Fund.

¹ ATT/CSP3.WGTU/2017/CHAIR/160/Conf.Rep

- d. Direct dialogue with non-States Parties is needed to understand what are the challenges to progressing universalization and where support could be provided.
- e. Coordination and information sharing amongst ATT officeholders, the VTF Committee, States Parties and ATT stakeholders will assist universalization efforts. Such coordination could be facilitated through informal exchanges led by future Presidents.
- f. States Parties could make a significant contribution to Treaty universalization through the Human Right's Council Universal Periodic Review mechanism by recommending to states under review to positively consider ratifying the ATT.

Appointment of WGTU Co-chairs

4. CSP7 mandated the CSP8 President with the responsibility of facilitating the work of the Working Group until the next annual ordinary session of the Conference (CSP8). On 19 October 2021, the CSP8 President appointed Ambassador Lansana GBERIE of Sierra Leone (CSP7 President) as the Co-chair of the WGTU with a view to building on the work of previous Co-chairs of the WGTU.

First Meeting of the WGTU

5. The WGTU held its first meeting on 16 February 2022 in a hybrid format. The following aspects were discussed during the meeting:

- a. The CSP8 President highlighted that the German Presidency facilitated the preparation and processing of the 2021 ATT Resolution during the First Committee of the United Nations General Assembly, which was voted in favour by 151 states, with no votes against. The result in the General Assembly surpassed this with 162 votes in favour and no votes against the Resolution. He observed this as a strong signal of political support for the Treaty but reminded the ATT community that in order to keep the momentum going further outreach must be made to states that abstained from the ATT Resolution.

The CSP8 President reconfirmed that, based on current regional distribution of States Parties, the German Presidency will focus its Treaty universalization on the Asia-Pacific region. He informed the meeting that the German Presidency is engaging with 17 States in a round of demarches organized and coordinated in Berlin by the Head of the Export Control Branch and supported by other States Parties and the European Union. As responses were still coming in during the conference, no specific outcomes were briefed. However, the President indicated that there would be further discussions with States in the run-up to the second preparatory meeting.

The CSP7 President provided updates on activities undertaken since CSP7, including follow up bilateral engagements with States that were considered to be close to joining the Treaty based on advancements made at the national level. He also provided update on the joint project with the Inter Parliamentary Union aimed at engaging Members of Parliaments around the world in the universalization of the ATT in order to raise awareness among lawmakers around the Treaty. He highlighted the importance of direct interaction with the Parliaments of States that are not yet a party to the ATT as an innovative way to move forward the task of universalization and to meaningfully complement the WG's outreach strategy.

- b. The Head of the ATT Secretariat provided an update on the status of ratifications of the Treaty, as well as accessions and signatures. He observed that the rate of ATT universalization has slowed down in the recent past and called for consistent and focused effort by all ATT stakeholders to change this trend.
- c. The Philippines informed the meeting that it was in the final stages of ratifying the Treaty as all its national processes to ratify the Treaty have been concluded. The Gambia also informed the meeting that it was making good progress with its national processes for joining the Treaty. The meeting welcomed this information update.
- d. Representatives of some States Parties provided updates on their universalization activities since CSP7 to date. They shared information on domestic legislative processes and status, bilateral meetings on export controls, regional workshops, as well as assistance received and provided.
- e. Civil society presented on its efforts to promote ATT universalization in different parts of the world through public awareness campaigns, roundtables with parliamentarians, workshops and other events.

Second Meeting of the WGTU

6. The WGTU held its second meeting on 28 April 2022 in a hybrid format. Building on the exchange of views and discussions during the WGTU's first meeting, the second meeting of the WGTU focused on the following aspects:
- a. The CSP8 President led the chorus to welcome the Philippines for ratifying the Treaty on 24 March 2022 thus becoming the 111th State Party to the Treaty.
 - b. The Head of the ATT Secretariat provided an overview of the current status of ATT participation in terms of the number of States Parties and Signatory States as well as the regional distribution of States Parties.
 - c. The Co-chairs shared lessons learned from their universalization efforts and reaffirmed their commitment to working tirelessly towards an increased number of States Parties.
 - d. Recalling information provided during the February meeting, the CSP8 President indicated that the German Presidency remains in engagement with targeted 17 states, and is supported by other States Parties and the EU. He also informed the meeting about follow up activities conducted in Geneva with a number of states that are contemplating to ratify or accede to the Treaty.
 - e. The representative of the Philippines, a new State Party to the Treaty, shared their experience in becoming a State Party, highlighting the role of domestic stakeholders and support from states and civil society.
 - f. Representatives of some States Parties provided updates on their universalization activities shared information on national efforts.

- g. Control Arms Coalition presented on civil society efforts to promote ATT universalization globally through focused engagements with states contemplating to ratify or accede to the Treaty.

7. At the conclusion of the meeting, the CSP8 President shared some initial thoughts concerning what he considers as possible future work in the field of Treaty universalization. He observed that the term of office of WGTU Co-chairs as contemplated in the WGTU Terms of Reference allows the Co-chairs to have a short-term view of Treaty universalization and to structure their efforts within this timeframe. The short-term view of Treaty universalization is, however, inconsistent with the long lead time for states to ratify or accede to the Treaty. He indicated there is a need for Treaty universalization to be viewed in long term so that the support provided to states wishing to join the Treaty is well structured and sustained over time for better results. He concluded by stating that the German Presidency is brainstorming internally how this apparent misalignment in Treaty universalization efforts could be addressed. Depending on how the internal brainstorming progresses, the German Presidency will consider to submit to CSP8 for consideration some written thoughts on this subject.

Intersessional work of the WGTU

8. Following the two WGTU meetings in the CSP8 cycle, the WGTU Co-chairs reflected on exchange of views conducted and felt that though the WGTU work has progressed well thus far, there is an opportunity for the WGTU work to be enhanced for improved results. To that end, the WGTU Co-chairs have elaborated a draft paper reflecting elements to consider in enhancing the work of WGTU. To take this forward, the WGTU Co-chairs would like to submit the draft paper to CSP8 for a decision.

WGTU Recommendations

9. On the basis of the WGTU mandate and on the strength of the exchange of views and discussions during the two WGTU meetings, the WGTU Co-chairs recommend the following to CSP8 for adoption:
 - a. Adoption of the draft paper “Enhancing the work of the Working Group on Treaty Universalization” (Annex A), and mandating Germany to further work on the issue as WGTU Co-chair during the next CSP cycle and to present recommendations to CSP9.
 - b. Continuation of regular exchanges of views between the CSP President, WGTU Co-Chairs, Chairs and Facilitators of the various ATT subsidiary bodies, states and civil society on the promotion of ATT universalization.

ANNEX A

**ENHANCING THE WORK OF THE WORKING GROUP ON TREATY UNIVERSALIZATION:
INITIAL CONSIDERATIONS**

Brief assessment of the current situation

1. Supporting the universalization of the Arms Trade Treaty has been a standing task for CSP Presidents since the Treaty came into force. The Third Conference of States Parties to the ATT (CSP3) formally established the “**Working Group on Universalization (WGTU)**”, which is co-chaired by the current and previous CSP Presidents. Since then, the Co-chairs have coordinated efforts undertaken to promote the ATT and ultimately enlarge the number of ATT State Parties. Currently, the WGTU seeks to guide **the focus** of these efforts based on stakeholders’ inputs without the benefit of a **medium to long-term view of how Treaty universalization could be advanced**. Consequently, the WGTU work is based on a **short-term perspective** as each CSP Presidency has at most two years within which to undertake its universalization efforts.

2. Current assessment demonstrates that **national processes** required to ratify or accede to the Treaty **can take several years**. The extended nature of time required to ratify or accede to the Treaty stems from the unique national circumstances of each state. Those states who can benefit from assistance to support domestic ATT ratification or accession processes often indicate the need for an individually tailored approach. Despite this, **currently** there is **little coordination from within the ATT process** to better focus efforts in support of domestic ATT ratification or accession processes.

Elements for further discussion

3. Considering the situation above and taking into account initial discussions held in the context of the WGTU concerning coordinated Treaty universalization efforts, **the following proposed elements of WGTU work** may be considered and elaborated further during the next CSP cycle:

a. Mid-term planning and coordination

In order to **establish and sustain continuity**, it is necessary to develop a **long-term work-plan, which** would enable the WGTU to provide ongoing assistance in support of national ATT ratification or accession processes. The proposed long-term work-plan should be predicated on up-to-date information on the status of domestic ATT processes, including key challenges to the Treaty’s domestication for each country. With this information at hand, the ATT Universalization Toolkit could be complemented by **individual packages** and outreach strategies **tailored to the needs** of each state. Given that no two states share the same challenges, this would ensure that those states that remain outside of the ATT membership benefit from targeted assistance from the WGTU as well as ATT States Parties in a position to provide support.

b. Stepped approach

In order to better utilize available resources, the WGTU should consider developing a **structured, stepped approach**. Building on information collected for each state, such an approach may initially focus on Signatory States as well as states most likely to ratifying or acceding to the Treaty in the coming

years. This stepped approach would then be expand to include other States as circumstances change at the national level and other states move closer to ratification or accession.

c. Regional champions

States who are considering ratifying or acceding to the Treaty often require assistance in initiating the necessary steps required for joining the Treaty. A **regional roadmap or approach** may be helpful in fostering exchanges and cooperation among states operating in the same regional context. Accordingly, consideration could be given to the establishment of a program of **“Regional Champions”** which would enable States Parties from respective regions to take a leading role in support of the Treaty’s universalization. These States would be in a position to share information regarding their own experience with the national ATT ratification/ accession process, and by may provide assistance and support which includes considerations of regional challenges and dynamics.

d. Demand driven vs. support oriented

To date, only the Voluntary Trust Fund (VTF) serves as an internal mechanism through which assistance is provided to States seeking to join the ATT. However, this program is in a position to provide support only if a State has applied for funding. Yet, project proposals are often written and submitted by States, built on limited information about available programs or sequence of programs. With the above-mentioned individual information, it may be possible to change this approach and **offer tailored assistance** that directly addresses the individual needs of states, taking into account national circumstances. With this approach, the **WGTU could support** the coordination of work between established assistance facilities, and help avoid **duplication of work**.

e. Coordination of efforts inside the ATT

A lot of helpful information is available within the ATT and its subsidiary bodies. Through **better compilation, coordination, and dissemination of the available information** the collaboration within the ATT framework could be enhanced, thus avoiding duplication of work.

f. Cooperation with other entities

At this stage, there are various entities supporting Treaty implementation and universalization. These entities operate at national and regional levels, and their work could be enhanced through better information exchange amongst them. Based on isolated cases of **cooperation between civil society, regional and international organizations**, it could be beneficial for this cooperation experience to be increased through improved information exchange, and establishment of a common knowledge base accessible to all role players.

Proposed way ahead

4. **It is proposed that CSP8** mandates **the WGTU** (under the stewardship of the WGTU Co-chairs) to elaborate further the proposed elements of work with a view to **presenting a proposal to CSP9**.
