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**DRAFT DISCUSSION PAPER  
PROMOTION OF TREATY UNIVERSALIZATION**

**BACKGROUND**

The Arms Trade Treaty (ATT), is about the regulation of the trade in conventional arms. Adopted by UN Member States on 2<sup>nd</sup> April 2013, the primary objective of the Treaty is to ensure common international standards for the import, export and transfer of conventional arms. The Treaty was negotiated by the UN Member States, in recognition of the security, social, economic and humanitarian consequences of the illicit and unregulated trade in conventional arms. Before this landmark Treaty came into being, the global trade in these weapons of war and national defence, remained poorly regulated, as no internationally agreed standards existed. ATT came into force on 24 December 2014 when the ratification threshold set for its entry into force was reached.

2. By way of a recap, the Treaty stipulates as its objective, the prevention and eradication of illicit trade in conventional arms and the prevention of their diversion. As part of its purpose, it specifically aims to reduce human suffering and contribute to international and regional peace, security and stability.

3. The object of the Treaty rides on the conscious assumption that States, as players in the international system, will adopt and conduct themselves according to these international trade norms. To enable us understand the importance of the Treaty as part of international law, the preambular section of the ATT emphasises the desirability of achieving universal adherence to this Treaty. It is common cause in international law that adherence to any Treaty is founded on States giving consent to be bound by the Treaty provisions through the formalised legal process of ratification, accession or acceptance.

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## THE STATUS OF RATIFICATIONS

4. The current membership of the Treaty is standing at 80 States Parties, two ratifications waiting to enter into force (Greece, 29 May 2016 and Peru 16 May 2016), and a further 51 Signatories that have not yet ratified. The numbers are, no doubt, impressive if viewed against the backdrop that the Treaty is hardly two years in force. This is, however, not a picture to be complacent about, considering that the United Nations has 193 Member States. If the Treaty is to be truly universal, the current level of membership needs to increase through the creation of a momentum towards more ratifications, accessions or acceptance. There is a need to move signatory states to full-fledged states parties and more importantly, there is need to make forays into the ranks of the 60 UN Member States that remain outside of the Treaty.

### PROMOTING THE UNIVERSALITY OF THE TREATY.

5. Article 17 (4) of the Treaty outlines what Conferences of States Parties must consider at its formal sessions. Article 17(4) (b) specifically provides that the Conference of State Parties shall “consider and adopt recommendations regarding the implementation and operation of this Treaty, in particular the promotion of its universality”. The Treaty, through its text, as quoted, identifies the promotion of Treaty universality as a critical element that deserves consideration by the Conference of States Parties. The question is not whether the promotion of the Treaty’s universality should to be discussed. The text of the Treaty answers that question in the affirmative. Rather, what should form part of the CSP2 preparation process is how Treaty universality should be considered and what approaches would best yield the desired results.

6. In the course of deliberating on how best to handle promotion of Treaty universalization at CSP2, there are factors to consider. These include, but are not limited to the following:

- The recognition of the unique opportunity that CSP2 presents to States Parties to set the right tone for future CSPs’ focus and discussion and keep that as consistent as possible to the Treaty directive contained in Article 17 (4).
- The appreciation of the Treaty maturity level to ensure that realistic expectations continue to be set for sessions of the CSP, through a careful determination of Treaty priorities. It needs be recognised that the universality of an instrument like the ATT,

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cannot be achieved overnight, rather, it would evolve with time, depending on measures put in place to promote it.

- The determination of achievable and measurable interventions over a set period of time.

## **SUGGESTED APPROACHES**

7. Taking the foregoing into account, the following may be considered as interventions to promote ATT's universalization. These suggestions derive from consultations with a variety of stakeholders. To the extent possible, efforts have been made to represent these views in as wholesome a manner as possible.

- Creating a Momentum Towards More Ratifications by Setting Ratification/Accession Targets: The aim is to raise the number of Treaty Ratifications from the current 82 to a higher number e.g. 120 over a two year period ( 2016 to 2018), by undertaking the following specific actions, among others:
  - Deliberate Treaty propagation and advocacy, to be anchored by States Parties, civil society and advocacy groups, with the aim of giving the Treaty the status of a universal instrument. Propagation and advocacy could be through multilateral as well as bilateral engagement.
  - Partner with UN agencies, regional organisations, civil society and friendly donor agencies to conduct outreach programs with signatory states with a view to identifying the impediments standing in the way of ratification and helping such states resolve identified impediments.
- Utilising every opportunity for High Level statements on the ATT: A big challenge the process of universalization may face is the issue of political will of States to remain engaged on the ATT at high level, now that the initial high-profile phase of year one of the Treaty is over. States Parties should seek all opportunities to remind other States of the need to join the Treaty, by ensuring their leaders and Ministers make apt references to the

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ATT in international fora such as UN meetings, World Summits, Regional Conferences and key bi-lateral meetings. Keeping the ATT high on the political agenda will be the fastest route to universalization.

- Establishing a working group on universalization: The Working Group could include both States and civil society, and meet to generate new ideas and strategies for advancing universalization. Target numbers can be an incentive to speed up the processes, as was done by civil society during the campaign to reach the 50 ratifications needed for the Treaty to enter into force. Similarly, there could be a focus now on reaching 100 States Parties by the time of CSP 2016. It would be extremely positive to announce a 100th States Party this year.
- Rotating the regional focus for universalization each year: A different region could be prioritised each year for a particular focus on universalization, perhaps by using the region of the President each year.
- Making universalization materials easily available, and in multiple languages: There is need to ensure that guides to ratifying and acceding to the ATT are clearly available on the ATT Secretariat website along with links to practical resources, such as those from the ICRC and civil society, as well as UN. Consideration may be given to translations beyond the 6 UN languages where this may be helpful. An additional suggestion is that the menu on the ATT Secretariat website <[thearmstradettreaty.org](http://thearmstradettreaty.org)> may include a universalization tab, where users can click and access relevant materials, as well as see the current lists of States Parties and signatories.
- Regional Approach: The role of (sub-) regional actors/institutions and the benefits of a (sub-) regional approach should be recognised. Relevant regional bodies have been important actors right through the Treaty process (from pre-negotiation to implementation) and this should continue and be explicitly supported going forward. Where feasible, synergies between these regional bodies and the Presidency should be exploited. For example, up to and at CSP2, Africa could be a particular regional focus, with donor States encouraged to support activity in Africa at national and sub-regional levels.

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- Producing region-specific policy resources: Each region has different challenges with regard to the negative effects of the arms trade, and with regard to their universalization needs. Tailored resources, which focus on the precise nature of challenges will be much more useful than generic ones. Examples: the model law that has been produced by New Zealand for Small Island States, and UNLIREC training materials that are tailored to the needs of Latin American countries.
  - Coordinating with Civil Society: Civil society continues to be engaged on universalization sustaining targeted activities at national and regional levels in support of universalization, with the objective of providing high-quality, targeted advocacy and information sharing to maintain political prioritization of the Treaty. States Parties may have to decide on a list of priority countries.

8. Lastly, effective Treaty Implementation will promote the universality of the ATT. It would seem that a number of States are still sitting on the fence, not knowing how the implementation and effectiveness of the ATT are going to be. An ATT, the implementation of which, is able to make a telling and fulfilling impact in resolving the problems posed by the poorly regulated trade in conventional arms, will itself become an incentive to encourage those yet sitting on the fence, to become States Parties.

May, 2016.