

***Ad Hoc* ATT Working Group on Effective Treaty Implementation**

Co-chairs' Summary Report from the meeting held on 29 May 2017

Introduction

The *Ad Hoc* Working Group on Effective Treaty Implementation (WGETI) held its second meeting on 29 May 2017 in Geneva, at the WMO building, the premises of the ATT Secretariat. The WGETI meeting was attended by representatives of 50 States, 3 international organisations and 11 civil society organisations.

The purpose of the 2nd meeting of the WGETI was to consider the Co-chairs discussion paper reflecting the work carried out by the WGETI thus far and putting forward proposals to be considered for future Treaty implementation discussions in the period after the Third Conference of States Parties (CSP3). In this regard, the meeting addressed the following issues crucial to the WGETI's recommendations to CSP3, as contained in Annexes A and B of the discussion paper:

1. The possibility of establishing a working group to provide a continuous platform for discussion of practical Treaty implementation issues at a national level.
2. Possible terms of reference for the working group to be established by CSP3, including its mandate, composition and membership, working methods, duration and budgetary implications.
3. Possible Treaty implementation priority issues (topics) to be addressed by the Working Group in its work after CSP3.

The second WGETI meeting was characterized by active participation of many delegations from diverse backgrounds. This brought about a robust and balanced dialogue on how the Working Group's recommendations to CSP3 could be framed in a manner that allows for fruitful Treaty implementation discussions in the period leading up to CSP4.

Considerations of Co-Chairs' Discussion Paper (with Annexes A and B)

The meeting exchanges during the meeting underscored the viewpoints listed hereunder.

On the proposal for the establishment of a *permanent* working group, clear support was expressed by many delegations for the establishment of a subsidiary body to serve as a continuous platform focused on discussion of practical Treaty implementation issues at a national level. General consensus emerged on the accountability of the working group to a CSP which will have the power to review the work of the working group. However, many delegations felt that the use of the word '*permanent*' in the title of the working group was not appropriate as it could be mistaken for a structure that cannot be reviewed by a

CSP. Instead of the use of the term '*permanent*' in the title of the working group, proposals were made for the working group to be referred to as a '*standing*', '*rolling*', '*continuous*', or '*renewable*' working group.

With respect to the proposed terms of reference for the Working Group, there was overwhelming support that the mandate of the working group should be to serve as the platform to:

- a. exchange information and challenges on the practical implementation of the Treaty at the national level;
- b. address, in detail, specific issues defined as priority areas (topics) to take Treaty implementation forward; and
- c. identify Treaty implementation priority areas for endorsement by CSP to be used in Treaty implementation support decisions e.g. ATT Voluntary Trust Fund.

In addition to this, the meeting adopted a common view that:

- a. the mandate of the working group should be subject to annual review by the CSP;
- b. the appointment of the working group Co-chairs should be undertaken by the President of CSP;
- c. the working group's priority areas (topics) must be set by a CSP on a yearly basis on recommendation by the working group. However, the working group must enjoy a possibility to address technical priorities that may arise in the course of its work; and
- d. the working group should make recommendations and, where possible, elaborate direction on practical national Treaty implementation for consideration and adoption by the Conference of States Parties.

With regards to the working group's composition and membership, the meeting was of a common view that working group's must be open to participation by States Parties, Signatory States and Observer States, as well as by representatives of international organisations, regional organisations, civil society and industry. Under exceptional circumstances, the working group can have a closed session or part of a session. In so doing, the working shall rely on the relevant provisions of the ATT Rules of Procedure.

In so far as the proposed working methods of the working group are concerned, the elements proposed in the Annex A received general support. Furthermore, the following elements were supported for inclusion in the working group's working methods:

- a. though the working group meetings shall primarily be held in Geneva, an option will be left open for some meetings to be held outside of Geneva, where possible;
- b. the importance of the ATT sponsorship programme was highlighted in promoting diverse participation in the work of the working group;

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- c. the use of Spanish and French languages in addition to English should be carefully considered in promoting participation.

On the question of possible Treaty implementation priority issues (topics) to be addressed by the Working Group in its work after CSP3, delegations expressed different views. Some delegations expressed support for the prioritisation of matters related to the establishment of national institutions and processes for Treaty implementation; other delegations expressed a preference to see all matters addressed, including the implementation of Article 6 and 7.

In the spirit of accommodating all expressed preferences on Treaty implementation priorities, the following priorities (topics) are to be recommended to CSP3:

- a. Article 5 obligations (National control system, National Control Lists, Legislative framework, National Competent Authorities and National Points of Contact).
- b. Interagency cooperation or communication.
- c. Transit and transshipment.
- d. Diversion.
- e. Record keeping.
- f. Articles 6 and 7.

To further enhance the Treaty implementation discussion in the period after CSP3, the meeting highlighted the importance of linking the working group discussions with the work of the Voluntary Trust Fund. In addition, delegations should be able to participate in the work of the working group through submission of written inputs.

With respect to the format of information exchange, the meeting supported the proposed set of structured questions with a possibility of refinement of some questions.

Process Forward

The WGETI Co-chairs foresee that the period running up to CSP3 will be used to develop the Working Group's report to CSP3 putting forward recommendations for the establishment of a standing Working Group on Effective Treaty Implementation to: 1) operate under a defined set of terms of reference; and 2) pursue a defined set of Treaty implementation priorities (topics).

To facilitate this work, the Co-chairs will circulate the WGETI draft report by the end of June 2017 for comments by mid-July, prior to it being submitted as a Conference document for CSP3.
