

**Working Group on Treaty Universalization
Co-chairs' Draft Discussion Paper**

Introduction

1. This discussion paper is presented by the Co-chairs of the Working Group on Treaty Universalization (WGTU) to reflect on the work carried out by the WGTU so far and to suggest issues to be considered for future discussions on Treaty universalization, including those beyond the Third Conference of States Parties (CSP3). The paper seeks to facilitate discussion on the possible terms of reference for a permanent WGTU and on identifying specific activities and targets for the WGTU, for consideration by the CSP3.

Background

2. The Second Conference of States Parties (CSP2) established an Informal Working Group on Treaty Universalization (WGTU) with the objective of leading the process of harmonizing thoughts on the issue of universalization with a view to determining the best approach for taking the issue forward.

Appointment of WGTU Co-chairs

3. CSP2 mandated the CSP3 President, Ambassador Klaus Korhonen (Finland), with the responsibility of facilitating the work of the Working Group up until the next annual ordinary session of the Conference (CSP3). On 21st September 2016, the CSP3 President appointed Ambassador Emmanuel Imohe (Nigeria) as the Co-Chair of the WGTU.

Preparation for the Work of the WGTU

4. In order to facilitate the work of WGTU, on 14 January 2017, the Co-chairs issued the draft WGTU Initial Work Plan for comments. On 31 January 2017, the Co-chairs issued the WGTU Initial Work Plan as well as the Working Paper Promotion of Arms Trade Treaty Universalization (ATT/CSP2/2016/WP.4/Rev.1), which would serve as a basic document for WGTU work. The WGTU Initial Work Plan set out the preliminary work of the WGTU and possible deliberations for the WGTU meetings.

First Meeting of WGTU

5. The WGTU held its first meeting on 09 February 2017 in Geneva, at the WMO building, the premises of the ATT Secretariat. The meeting was attended by representatives of 70 States, 3 international organisations and 12 civil society organisations.

6. The primary purpose of the first WGTU meeting was to discuss treaty universalization with a view to determining the best approach for taking the issue forward using the Initial Work Plan provided by the Co-chairs as a basis for planning the work ahead. Additionally, an update on the current status of participation in the ATT – the number of States Parties and Signatories - was provided by the Head of Secretariat.

Discussion

7. The sense of the first WGTU meeting was that there is continued support for the suggested approaches to promoting ATT universalization outlined in the Annex to the Initial Work Plan (*Working Paper Promotion of Arms Trade Treaty Universalization (ATT/CSP2/2016/WP.4/Rev.1)* ('Working Paper')), namely:

- a. Creating a momentum towards more ratifications by setting ratification/accession targets;
- b. Utilising every opportunity for High Level statements on the ATT;
- c. Establishing a working group on universalization;
- d. Rotating the regional focus of universalization each year;
- e. Making universalization materials easily available, and in multiple languages;
- f. Role of Regional Organizations;
- g. Producing region-specific policy resources;
- h. Coordinating with Civil Society.

8. Participants agreed that these elements should inform the development of the work plan for the Group. There was also a sense among meeting participants of a need for the WGTU to unpack the elements and identify and prioritize outreach activities to be carried out at the international, regional and national levels. This includes identifying relevant partners and agencies to engage in universalization activities, such as UN agencies, regional organisations, parliamentarians, and civil society. It also involves identifying and grouping the states that have not ratified the Treaty according to their levels of support for and interest in the ATT, and designing and implementing universalization outreach activities and strategies according to the different groupings identified.

9. The discussions during the first meeting of the WGTU, which is still in an exploratory phase of its work, highlighted the need to factor into its work and deliberations consideration of how to ensure the continuity and sustainability of universality efforts throughout the life of the Treaty.

10. The WGTU discussions also underscored the importance of a carefully crafted set of recommendations to CSP3, by the Co-chairs, articulating the WGTU terms of reference beyond CSP3 as well as specific activities and targets to guide and inform the work of the Group.

Conclusion

11. On the basis of WGTU mandate issued by CSP2 and on the strength of the exchange of views and discussions during the WGTU's first meeting, in the Co-chairs' view, the second meeting of the WGTU should focus on the following two issues:

- a. Possible terms of reference for a permanent WGTU to be established by CSP3, including its mandate, composition and membership, working methods, duration and budgetary implications.

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- b. Development and prioritisation of specific activities and targets based on the Revised Initial Work Plan and the Annex to the Initial Work Plan (Working Paper), to be taken forward by the permanent WGTU in its work after the Third Conference of States Parties.

12. Annexes A. and B. to this document have been prepared as a basis for the discussions on the two issues raised above.

ANNEX A

PROPOSAL FOR TERMS OF REFERENCE FOR THE PERMANENT WORKING GROUP ON TREATY UNIVERSALIZATION

1. On 31 May 2017, during the second meeting of the Informal Working Group on Treaty Universalization (WGTU) established by CSP2, the Co-chairs of the Working Group - the CSP3 President, Ambassador Klaus Korhonen of Finland, and the CSP2 President, Ambassador Emmanuel Imohe of Nigeria – recommended that CSP3 establishes a permanent working group on Treaty universalization. The Co-chairs proposed that the permanent working group operate under a set of terms of reference detailing the mandate of such a group based on the Revised Initial Work Plan and its Annex (*Working Paper Promotion of Arms Trade Treaty Universalization* (ATT/CSP2/2016/WP.4/Rev.1) as well as the outcomes of the WGTU meetings held in 2017.
2. Rule 42.2 of the ATT Rules of Procedure provides that “the Conference shall determine the matters to be considered by each subsidiary body, including its mandate, officers, composition, size, duration and budgetary issues and may authorise the President to make appropriate adjustments in the allocation of work”. In line with these procedural requirements, the following terms of reference are proposed for the permanent Working Group on Treaty Universalization.

Mandate

3. The permanent Working Group shall generate and share views and implementation measures on Treaty universalization and where appropriate, place in context vital lessons from other Treaties and Conventions. The Working Group will develop specific activities and targets to realise the Treaty universalization objectives. The Working Group’s mandate shall last until such time that it is revoked or adjusted by the Conference of States Parties.

Composition and Membership

4. The permanent Working Group shall be open as a general rule to participation by States Parties, Signatory States and Observer States whilst ensuring an appropriate geographical diversity, as well as by representatives of civil society and other advocacy groups, and be under the chairmanship of the President of the current Conference of States Parties.
5. At the request of a State Party, and in accordance with Rule 43, a particular session of the Group may be limited to government representatives only. Experts may be invited to attend such a session, pursuant to Rule 42.3 of the Rules of Procedure.

Working Method

6. The permanent Working Group shall operate in accordance with the ATT Rules of Procedures with particular reference to Rule 42 and 43.
7. The permanent Working Group shall hold its meetings on the back of major events in Geneva for cost saving purposes and for ensuring maximum participation.

8. Information exchange amongst participants shall be processed through the ATT Secretariat which shall provide administrative support to the permanent Working Group.

9. The working language of the permanent Working Group shall be English.

Budgetary Implications

10. Direct meetings costs, such as for conference, technical support and documentation shall be covered by the budget of the Conference of States Parties. Indirect meeting costs, such as travel and accommodation, shall be borne by participants.

ANNEX B

Working Group on Universalization

Initial Work Plan, Rev. 2

Introduction

The Arms Trade Treaty (ATT) is a legally-binding instrument which seeks to establish the highest possible common international standards for regulating or improving the regulation of the international trade in conventional arms. The ATT came into force on 24 December 2014 when the ratification threshold of 50 signatories set for its entry into force was attained. Currently, the Treaty has 92 States Parties ratifications or accessions and a further 41 Signatories whose ratifications are still pending. Considering that the Treaty has been in force for just over two years, these numbers are impressive. However, if the Treaty is to be truly universal, the current level of membership needs to increase through the creation of a momentum towards more ratification, accessions or acceptance.

Mandate given by CSP2

CSP2 established an Informal Working Group on Treaty Universalization (WGTU) with the objective of leading the process of harmonizing thoughts on the issue of universalization with a view to determining the best approach for taking the issue forward. The Informal Working Group shall generate and share views and implementation measures on Treaty universalization and where appropriate, place in context vital lessons from other Treaties and Conventions. It shall convene meetings in a public format and include States, civil society and advocacy groups to generate new ideas and strategies for advancing universalization.

The Working Paper *Promotion of Arms Trade Treaty Universalization* (ATT/CSP2/2016/WP.4/Rev.1) will serve as a basic document for WGTU work at least until CSP3. Stakeholders will be invited to present other working papers and documents to facilitate the deliberations.

CSP2 mandated the President with the responsibility of facilitating the work of the Working Group up until the next annual ordinary session of the Conference. On 21st September 2016, the CSP3 President appointed Ambassador Emmanuel Imohe (Nigeria) as the Co-Chair of the WGTU.

WGTU will present reports on its deliberations to CSP3 and to CSP3 Preparatory Meetings.

Meetings / Terms of Reference

The WGTU will hold one or two meetings before the CSP3, as deemed appropriate by the Co-Chairs. The envisaged duration of a meeting is from ½ to 1 working day.

Whenever possible, the meetings will be scheduled back to back with other WG and ATT meetings. The first meeting of the WGTU was held on 9th February 2017, following the meetings of working groups on Effective Treaty Implementation (6-7 February) and Reporting and Transparency (8 February).

The meetings will be held in Geneva, where they may be supported by the Secretariat. To minimize budget implications, English shall be the working language of the meetings. Direct meetings costs, such as for

conference, technical support and documentation shall be covered by the budget of the CSP3. Indirect meeting costs, such as travel and accommodation, shall be borne by participants.

The meetings shall be open as a general rule to participation by ATT States Parties, Signatory States and other States, as well as by representatives of international and regional organizations, civil society, industry, and other groups.

At the request of a State Party, and in accordance with Rule 43, a particular session of the Group may be limited to government representatives only. Experts may be invited to attend such a session, pursuant to Rule 42.3 of the Rules of Procedure.

Draft outline of the WGTU Work Plan and possible deliberations

Review membership status

- 1) Review the status of ratifications, accessions, and signatures.
- 2) Assess ATT membership level and outreach activities by region/sub-region (possibility of specific study groups for regions/sub-regions).

Outreach activities

A. International level

- 3) Receive reports on recent and relevant events (Conferences, Workshops, etc.).
- 4) Receive presentations of:
 - a. relevant activities of other WGs;
 - b. relevant activities of the VTF;
 - c. relevant research and policy reports; and
 - d. relevant research and other project plans.
- 5) Conduct expert hearings.
- 6) Share lessons learned on universalization of other treaties and conventions.
- 7) Develop cooperation and outreach with relevant UN agencies.
- 8) Exchange of views with relevant global and regional parliamentary organizations and parliamentarians.
- 9) Exchange of views with Civil Society on cooperation to promote ATT Universalization.

B. Regional level

- 10) Develop cooperation with UN Regional Centres for Peace and Disarmament.
- 11) Exchange of views with regional/sub-regional organizations on cooperation to promote ATT universalization in their area.

C. National level

- 12) Identify states for universalization outreach.
- 13) Identify possible entities to conduct outreach activities (e.g. ATT Presidency, WGTU Co-Chair, Vice Presidents, regional and sub-regional organizations, States, civil society representatives).
- 14) Report, as appropriate, on consultations with non-State Parties on the prospects of their ratification of/accession to the Treaty.

In order to realise the Treaty universalization objectives set out above, the Working Group will develop specific activities and targets.

Annex. Working paper *Promotion of Arms Trade Treaty Universalization* (ATT/CSP2/2016/WP.4/Rev.1).
