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INFORMATION

From:	European External Action Service
To:	Working Party on Conventional Arms Exports
Subject:	Saferworld's note on ATT

With reference to the panel discussion, "Fixing the ATT process" during COARM-NGO Forum on 4 July 2023, delegations will find attached Saferworld's briefing published on 4 July 2023, 'The Arms Trade Treaty: Preparing for the next decade'.



BRIEFING | JULY 2023

The Arms Trade Treaty Preparing for the next decade

Since the Arms Trade Treaty (ATT) entered into force in December 2014, a significant amount of work has taken place on Treaty implementation, transparency and reporting, and universalisation. However, over the last few years, the Treaty has faced several challenges that threaten its potential to deliver on its primary purposes of furthering peace, security and stability, reducing human suffering, and promoting transparency and responsibility in the international arms trade.

These challenges include: the Treaty's worsening financial position – largely arising from the failure by some States Parties to meet their obligations to fund the ongoing business of the Treaty (such as the annual Conference of States Parties and the work of the ATT Secretariat); declining levels of engagement in the formal ATT process; and a reluctance of States to discuss the widespread transfer of arms to situations where they are then misused. These issues raise questions about whether the process is now adequately meeting the needs of ATT stakeholders – primarily States Parties, States Signatories and civil society.

This has led to growing discontent with the Treaty process as it stands. The ATT programme of work is organised predominantly via three working groups – on Effective Treaty Implementation (WGETI), on Transparency and Reporting (WGTR), and on Treaty Universalization (WGTU). Usually meeting twice a year over three days, these working groups have produced a raft of guidance to support key aspects of Treaty life. Each three-day session is followed by a one-day preparatory committee (Prep Com) meeting which addresses administrative matters prior to the annual Conference of States Parties.

The ATT Management Committee¹ is now reviewing the ATT programme of work. This briefing offers recommendations for the Committee's and States Parties' consideration.

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The ATT process: challenges and responses

On the back of growing discontent with the annual Treaty process, in August 2022 the Eighth Conference of States Parties (CSP8) to the ATT tasked the ATT Management Committee to ‘review the ATT programme of work ... and to submit a proposal to CSP9 for a decision’.²

On 31 January 2023, the [Management Committee produced a paper](#) for consideration by ATT stakeholders; this was discussed at the first CSP9 Prep Com meeting held on 17 February. In this paper, the Management Committee raised three main challenges to the current ATT process:

- the busy arms control/disarmament calendar
- the global economic downturn
- the unfavourable financial situation surrounding the Treaty process

It also pointed to a number of possible responses:

- reduction of the number of preparatory meetings/days
- reduction of the number of working group meetings/days
- reconfiguration of current working groups and working methods
- reconsideration of the format of meetings (such as in-person, hybrid or virtual)
- development and increased use of the (restricted access) ATT Information Exchange Platform
- consideration of regional or other smaller group meetings

The ensuing Prep Com discussion elicited a variety of views. Some respondents emphasised the need to cut the overall number of days devoted to meetings – primarily to obtain cost-savings or to alleviate the burden on delegations created by a packed disarmament calendar. Other respondents did not support reducing the number of meeting days, pointing to the valuable contribution made by the working groups to the Treaty’s operationalisation. Some also suggested carrying out a review of the impact of the ATT programme of work to date, before decisions are taken regarding new arrangements. Other points raised reflected a desire to see a greater focus on States sharing their practical experience of Treaty implementation; the potential to learn from other Treaty processes; and support for some form of regional discussions.

Following these discussions a set of [Initial Draft Recommendations](#) was circulated on 3 May 2023 and discussed at the second CSP9 Prep Com meeting on

12 May. Drawing upon the February meeting, this paper made a number of observations and recommendations, including:

- The institutional framework of the ATT has ‘functioned well’ to date, and has ‘produced positive outcomes’.
- The current ‘low level of participation’ in working groups and Prep Coms necessitates a review of working methods and their substantive focus.
- There is a need to carefully consider the impact of any potential changes and to keep these under review.
- The review should not be a cost-cutting exercise but should focus on practical Treaty implementation, with the [Diversion Information Exchange Forum](#)³ (DIEF) identified as a potential model.
- The Working Group on Effective Treaty Implementation (WGETI) could ‘benefit from a more holistic mandate’ but this should focus on ‘limited topics’.
- The Working Group on Transparency and Reporting (WGTR) does not require a full day for its discussions and is expected to explore possibilities for ‘aligning its work with the mainstream work of WGETI’.
- The Working Group on Treaty Universalization (WGTU) should feed into relevant discussions of the WGETI.
- The format and working methods of the working groups need to allow for ‘inclusive, collaborative, effective, efficient, and broad participation’.

Such views and assertions – together with the challenges identified in February – subsequently provided a basis for the final Management Committee proposal: to reduce the current two working group and Prep Com sessions (currently four days each) to one five-day session, ‘supplemented by informal intersessional consultations’ such as ‘small group meetings of interested delegates or regional meetings’.

The discussion at the 12 May Prep Com once again reflected a range of views. Five States expressed support for cutting the number of working group and Prep Com sessions, while nine were either opposed or expressed reservations. Those supporting the proposal argued that fewer face-to-face meetings would yield efficiencies, thereby reducing pressure on delegations. Some also noted that one annual working group session and one Prep Com meeting could be supplemented by informal, small group, virtual or hybrid meetings. Those opposed said that the cuts would weaken the Treaty and reduce the

effectiveness of the working groups. Several also argued that ‘form should follow function’ – implying that the first task should be to identify the objectives of the process, before determining the best ways of working to achieve these objectives. A few States also argued that informal, small group, hybrid or virtual consultations are not a suitable replacement for the wider face-to-face working group discussions, while some also raised questions

regarding the format, status and utility of the outcomes of any such groups. Finally, some States had concerns about the speed with which the review was proceeding, arguing that more time was required to enable an in-depth consideration of how the ATT programme of work could best meet the requirements and priorities of ATT stakeholders – particularly States with the least capacity for effective implementation.

The ATT programme of work: typical time allocation

EXISTING PROCESSⁱ

1st Working Group & Preparatory Committee Session

	M	T	W	T	F
AM	No session	WGETI	WGETI	WGTR	Preparatory Committee/administrative matters
PM	No session	WGETI	WGTU	WGTR	Preparatory Committee/administrative matters

2nd Working Group & Preparatory Committee Session

	M	T	W	T	F
AM	No session	WGETI	WGETI	WGTR	Preparatory Committee/administrative matters
PM	No session	WGETI	WGTU	DIEF	Preparatory Committee/administrative matters

Conference of States Parties

	M	T	W	T	F
AM	Opening and general debate	Opening and general debate	WGETI WGTR	Preparatory Committee/administrative matters	Preparatory Committee/administrative matters
PM	Opening and general debate	WGTU WGETI	DIEF	Preparatory Committee/administrative matters	Preparatory Committee/administrative matters

ABBREVIATIONS

WGETI Working Group on Effective Treaty Implementation

WGTU Working Group on Treaty Universalization

WGTR Working Group on Transparency and Reporting

DIEF Diversion Information Exchange Forum

The DIEF is a closed session for States Parties and Signatory States only

MANAGEMENT COMMITTEE PROPOSALⁱⁱ

Working Group & Preparatory Committee Session

	M	T	W	T	F
AM	Undetermined	Undetermined	Undetermined	Undetermined	Undetermined
PM	Undetermined	Undetermined	Undetermined	Undetermined	Undetermined

Conference of States Parties

	M	T	W	T	F
AM	Undetermined	Undetermined	Undetermined	Undetermined	Undetermined
PM	Undetermined	Undetermined	Undetermined	Undetermined	Undetermined

ⁱ The existing structure is based on an understanding of the ATT programme of work at the end of the 2nd Working Group and Prep Com session, on 12 May 2023.

ⁱⁱ This structure reflects an understanding of the proposal outlined in the Management Committee paper dated 3 May 2023, which did not specify relevant time allocations.

The key issues

It is worth examining in more detail a number of the main points raised during discussions of the Management Committee proposals.

Firstly, the mandate given to the Management Committee by CSP8 and reinforced in the 31 January paper – alongside concerns regarding the **financial position** of the ATT – suggest that the need to save costs was a major driver behind the current review of the Treaty's programme of work. This paper referred to, for example, the 'global economic downturn' and the 'unfavourable ATT financial situation' among the 'emerging challenges to the ATT process and programme of work'. However, in response to pushback, the [3 May Management Committee](#) paper avoided reference to these financial issues; while in his presentation of the paper at the 12 May Prep Com, the UK Ambassador and Permanent Representative to the Conference on Disarmament in Geneva, Aidan Liddle, speaking on behalf of the Management Committee, stressed that the review was "*not* a cost-cutting exercise" (emphasis added). This point was also made by CSP9 President, Republic of Korea Ambassador Yoon Seong-mee. Nevertheless, the overall substance of the May paper in terms of possible ways forward was very similar to the version drafted in January. This raises questions about how much the original financial concerns are still in play, despite the impression – as reflected in many statements during the May 2023 discussions – that financially driven reductions to the ATT programme of work are proving unpalatable to a significant number of States.

This is not to downplay the serious nature of the growing financial deficit within the Treaty process. It is crucial that all States pay their ATT contributions on time and in full. However, the deficit situation demands its own response, potentially involving direct consultation with individual States that have fallen into arrears to identify the specific reasons for this and the development of bespoke solutions. In the meantime, there is no reason to assume that reducing the number and/or duration of ATT working group meetings in future years would result in States paying their dues that are outstanding from previous years. Nor is there any evidence that such a change would lead to an increase in the number of States meeting their financial obligations to the Treaty in future.

Secondly, while the recent **low level of engagement and participation** in the ATT is concerning, it does not follow that because the process is not working optimally it should be shrunk by nearly 40 per cent. In some respects, this appears more like giving up than working to improve Treaty implementation. For example, reporting rates have been falling for several years: so how does it make sense to reduce the time available to the WGTR

to advance transparency and reporting, as proposed in the Management Committee paper? Nor should the 'packed disarmament calendar' be put forward as a reason for shrinking the process. The ATT is not a disarmament Treaty, it is an arms transfer control Treaty, and its meetings would benefit from greater attendance by national officials with responsibilities in this specific field. Further, while the Prep Com discussions yielded broad support for a shift in focus towards addressing practical implementation challenges, this renewed purpose is unlikely to be served by a substantial reduction in working group time.

Thirdly, a headlong charge to significantly reduce the **face-to-face meetings** of the ATT working groups is completely at odds with the aim of generating 'inclusive, collaborative, effective, efficient, and broad participation' in the process. Indeed, some of the suggestions for how this loss of in-person interaction may be recovered are contrary to the notion of an inclusive process. For example, the DIEF has been put forward as a possible model for future work – yet this is only open to States Parties and Signatories, meaning that civil society, as well as Observer States engaging with the ATT process prior to accession, would not be party to the discussions. Further developing the Information Exchange Platform – which has similar restrictions on access – to facilitate additional exchanges was also suggested. However, use of the IEP has reportedly been limited, raising doubts over its viability as a mechanism for enhancing dialogue even among ATT States Parties.

Fourthly, as was evident from the 12 May discussions, there are some concerns about the status, functioning and value of the suggested informal, **small group meetings**. Such meetings could be useful, for example, in supporting the official ATT working groups if they are convened at the regional level to discuss regional issues and concerns, with a process for feeding those deliberations back into the plenary setting. It is, however, questionable whether small group meetings – particularly if they are held online only – would fully compensate for a reduction in working group sessions. The experience of the COVID-19 pandemic strongly suggests that, while online engagement is better than none, it is not an effective substitute for face-to-face interactions and the consequent development of personal relationships, spontaneous and/or serendipitous conversations 'in the margins', and common understandings that are the lifeblood of any Treaty process.

Fifthly, while the continuation of the WGETI remains critical to monitoring and promoting the effectiveness of States Parties' Treaty implementation efforts, there are questions about the proposal to closely **'align' the work**

of the WGTR and WGTU with the WGETI. Each of these working groups has a distinct remit, serves different facets of the ATT regime, and faces its own challenges. For example, as noted earlier, a major priority for the WGTR is to reverse the decline in rates of reporting in general, and public reporting in particular; whereas the WGTU is faced with a situation of stubbornly low ATT participation in certain regions. While complementarities could (and should) be identified, the three working groups should also be allowed to continue to set their own agendas and priorities.

Finally, in both Management Committee papers – and during the subsequent discussions at the February and May Prep Com sessions – it was stressed that any changes made would need to be **kept under review**. While this is a prerequisite of any future changes to the ATT process, it is an undeniable reality that it is much easier to destroy than it is to build. As such, if there is a reduction in the number of working group sessions from two to one, then the prospects for a subsequent reinstatement of a second session would be remote, regardless of need or value.

Charting a way forward

Next year – 2024 – will mark ten years since the ATT entered into force. Rushing the review of the ATT programme of work is in nobody's interest: if it is not done well, it raises the prospect of having to return to the issue in a few years' time. Instead, given the real concerns that exist in relation to the speed, focus and proposed outcomes of the current review, it would be better for States Parties to mark the ten-year anniversary of the ATT by carrying out a thorough 'root-and-branch' assessment of all aspects of the Treaty's operation and implementation. This assessment should consider the needs and wishes of all ATT stakeholders, in particular States with the least capacity for Treaty implementation. Such a holistic approach should also facilitate a 'form follows function' methodology, whereby the identified requirements of the ATT process determine the configuration of the working groups. This should greatly enhance the prospects of agreeing on how the ATT process should be adapted while ensuring that it is fit for purpose. The focus on practical aspects of ATT implementation has, rightly, been identified as a priority for the WGETI; however, efforts to bolster transparency, accountability and universalisation on the part of the other working groups are also imperative.

Finally, and most importantly, the global backdrop to these discussions is one of conflict, instability, and humanitarian crises in almost every region. Significant quantities of conventional arms continue to be transferred into situations where they are used in contravention of the ATT – notably in violations of international humanitarian law and international human rights law. Many of the ATT's architects, within governments and from civil society, envisioned the Treaty as a forum where the role of the arms trade in fuelling international crises could be debated and addressed. Unfortunately, in recent years the ATT process has become bogged down in stilted exchanges on technical issues. With renewed focus, however, a revamp of the process could play an important part in helping deliver on the ATT's object and purpose. But this will almost certainly not occur if the time available for these crucial discussions is cut, almost by half, before a full assessment of the ATT's operation is made.

Notes

¹ The ATT Management Committee was established by States Parties to provide oversight on financial matters as well as on other matters related to the Secretariat, with the aim of ensuring maximum accountability, efficiency and transparency. It currently comprises the CSP9 President, China, Costa Rica, the Czech Republic, South Africa and the UK.

² ATT Secretariat (2022), 'Final Report of CSP8 to the ATT', 26 August, para. 36 (https://www.thearmstradetreaty.org/hyper-images/file/ATT_CSP8_%20Final%20Report_Rev2_EN/ATT_CSP8_%20Final%20Report_Rev2_EN.pdf)

³ According to the ATT website: 'The Diversion Information Exchange Forum (DIEF) is a *sui generis* body for informal voluntary exchanges between States Parties to the Arms Trade Treaty (ATT) and signatory States concerning concrete cases of detected or suspected diversion and for sharing concrete, operational diversion-related information.' See: <https://www.thearmstradetreaty.org/diversion-information-exchange-forum.html?templateId=1386528>



About Saferworld

Saferworld is an independent, not-for-profit international organisation working to prevent violent conflict and build safer lives in countries and territories across Africa, Asia and the Middle East. We work in solidarity with people affected by conflict to improve their safety and sense of security, and conduct wider research and analysis. We use this evidence and learning to improve local, national and international policies and practices that can help build lasting peace. Our priority is people – we believe in a world where everyone can lead peaceful, fulfilling lives, free from fear and insecurity.

Acknowledgments

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