

Japan's Comments

Japan highly appreciates efforts by the President of the Seventh Conference of the States Parties (CSP7) to progress the work of ATT and fully shares the sense of urgency with which the CSP7 President is working on preparing for the work of CSP7.

1. Issues on procedural aspects of proposed decision-making contained in the President's Announcement on 21 January 2021

Some of the proposals in the Presidential announcement on 21 January 2021 include reconsidering past CSP decisions. In our view, the ATT Rule of Procedure do not foresee any reconsideration of the past CSP decision. Nevertheless, Japan understands that extraordinary circumstances such as the COVID-19 pandemic sometimes oblige us to have recourse to an exceptional and alternative method of decision-making that is not necessarily foreseen by the ATT Rules of Procedure.

Japan is of the view that such an exceptional way of decision-making should be applied under the condition of a common understanding that it should not constitute a precedent to our future work and that its process should be conducted in a transparent and inclusive manner.

In this regard, it would be highly advisable that the above-mentioned common understanding should be presented by the CSP7 President to the ATT States Parties prior to commencing the proposed decision-making process.

2. Comments on the draft Multi-year Work Plans for the WGETI Sub-working groups

(1) Overview

- i. Japan attaches great importance to the ATT Working Group on Effective Treaty Implementation, the oldest among the three Working Groups, as a significant forum to promote and strengthen Treaty implementation.
- ii. Given the various constraints due to the COVID-19 pandemic, which eventually led to a reduction of the meeting days, Japan is of the view that it is advisable to streamline the multi-year work plans and avoid setting excessively ambitious goals for the sub-working groups. Japan recommends focusing on practical discussions such as information sharing in order to achieve concrete results in the short-term.
- iii. While having multi-year work plans is beneficial to anticipate expected work, the ATT needs to respond with agility to evolving interests and priorities based on the dynamism of the international community. In addition, we must take into account the fact that the tenure of office holders is twelve months. Therefore, Japan believes that the elements contained in the multi-year work plans are tentative and need to be revisited in the course of their works. In this regard, Japan welcomes the addition of footnotes "*as a living document of a voluntary nature to be reviewed and updated regularly by the Working Group on Effective Treaty Implementation*" in each work plan.
- iv. In particular, the work plans may need to be streamlined in order to make them realistic in

case it is decided to replace the second meeting for CSP7 with remote consultations.

(2) Multi-Year Work Plan for the WGETI sub-working group on Articles 6 & 7 (ANNEX A)

Topic 4: Unpacking key concepts

Japan would like to express its concern that the multi-year work plan includes a discussion on unpacking key concepts that are not defined in the Treaty. The interpretation of these key concepts is not something that can be easily determined by consensus.

Since States Parties, with no doubt, are responsible to fulfil their Treaty obligations, Japan cannot accept sending any message or implication that inability to find a common interpretation of the Treaty means waiving the obligation of Treaty implementation or potentially changing the rights and obligations stipulated in the Treaty as a result of WGETI discussions. We should be cautious of any effort that could risk establishing new norms.

Given this serious consideration, Japan believes that rather than the exercise of unpacking key concepts of the Treaty, information exchange on good practices related to each Article of the Treaty would be more suitable and effective to advance our common objective of enhancing Treaty implementation. We would like to see this Japanese view duly reflected in the work plan.

Topic 5 and 6: Voluntary Guide

As pointed out in the CSP6 intersessional consultations, any efforts to codify key concepts enshrined in significant international instruments will have serious implications. Japan is of the view that States Parties need to carefully consider the feasibility of this effort as codifying these key concepts would influence other treaties.

(3) Multi-year Work Plans for the WGETI sub-Working Groups on Article 9 (ANNEX B) and Article 11 (ANNEX C)

Japan supports the multi-year work plan for the Sub-Working Group on Article 9 and for the Sub-Working Group on Article 11 as proposed.