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DRAFT WORKING PAPER PRESENTED BY THE PRESIDENT OF THE TENTH CONFERENCE OF STATES PARTIES TO THE ARMS TRADE TREATY (ATT)

The Role of Interagency Cooperation in the Effective Implementation of Arms Trade Treaty Provisions

I. INTRODUCTION

1. The theme for Romania's presidency of the Tenth Conference of States Parties to the Arms Trade Treaty (ATT CSP10) is "The Role of Interagency Cooperation in the Effective Implementation of Arms Trade Treaty Provisions". This is a cross-cutting theme for the ATT, which serves as an important signal for a renewed focus in the ATT community on practical implementation of the treaty in order to achieve its object and purpose. The theme provides an opportunity to discuss challenges and identify effective measures that can help to achieve progress in previous presidency themes on countering diversion, exploring the role of the ATT to advance work on addressing the link between conventional arms transfers and the risk of serious acts of gender-based violence and serious acts of violence against women and children, information sharing, post-delivery cooperation, and the role of industry.

2. This theme is particularly important for Romania given the evolution of the national control system, in which interagency cooperation has played an important role in effective ATT implementation and the ability to ensure responsible and transparent international transfers of conventional arms. Successful national interagency cooperation contributes towards the effective domestication and implementation of treaty provisions. Therefore, the Romanian presidency of ATT CSP10 seeks to provide a platform for all key stakeholders to exchange information on challenges, lessons learned and effective practices on how States Parties implement the ATT. There is "no one size fits all approach" for ATT universalization and implementation, but via the exchanges enabled by the presidency theme, it should be possible to identify common themes and key concepts to support effective treaty implementation and identify new issues for consideration beyond the ATT CSP10 cycle of meetings.

II. INTERAGENCY COOPERATION AND EFFECTIVE ATT IMPLEMENTATION

3. Interagency cooperation can be defined as any joint activity between two or more government ministries, agencies, or departments (hereafter "government entities") that is "intended to produce more public value than could be produced when the organizations act alone".¹ The starting point for such cooperation is when key individuals within the agencies recognize for themselves, or under direction from policy-makers at a higher level, "that they have a common

concern and/or that they are often working with the same people”.² When an effective interagency mechanism is in place that facilitates cooperation between agencies to overcome these challenges, whether mandated by law or an informal approach, it is possible to utilize some of the benefits of interagency cooperation to effectively work towards a common goal.

4. Although the ATT text does not explicitly mention inter-agency cooperation, many States Parties have highlighted in presentations and interventions during Conferences of States Parties (CSP), as well as in initial reports on implementation of the treaty, that a key element of their national control system includes interagency cooperation. Documents developed under the Working Group on Effective Treaty Implementation (WGETI) contain references to inter-agency cooperation.

- The Voluntary Basic Guide to Establishing a National Control System emphasized that Article 5 does not prescribe all of the potential elements of a national control system as “no one-size-fits all”, but noted that “inter-agency cooperation and information sharing to undertake informed assessments of applications to export, import, transit or tranship, or broker conventional arms is important” – and therefore, interagency cooperation supports the effective implementation of Articles 6 through to 10.³
- Several voluntary guidance documents to support implementation of Article 11 on countering diversion have highlighted the benefits of using interagency information sharing mechanisms and interdepartmental or interagency examinations of requests for the export of conventional arms as part of a consistent and objective risk assessment.⁴
- State Parties’ record-keeping practices reveal that “inter-ministry and/or inter-agency cooperation is necessary to gather all relevant data from national records in order to compile annual reports on authorised or actual arms exports and imports”.⁵ Sweden distributed a working paper at CSP3 that emphasized the benefits of preparing a “national procedures document” to support effective collaboration between different government entities involved in the reporting process.⁶

5. No one size fits all for interagency cooperation to effectively implement the ATT, but publicly available initial reports on implementation of the ATT and presentations during CSP meetings indicate that States Parties utilise interagency cooperation in the following situations:

- For the development of national control systems, including the establishment or updating of a national control list in accordance with Article 5;
- For informing decisions to authorize or reject applications to export, import, transit/tranship or broker conventional arms in accordance with Articles 6-11;
- For enabling the compilation and submission of initial and annual reports, in accordance with Article 13;
- For ensuring compliance with national legislation to implement treaty provisions, including responding to diversion cases, in accordance with Article 14; and
- For outreach and training for those involved in the national control system.

6. The above is an indicative rather than exhaustive list of the different ways in which States Parties utilize interagency cooperation to effectively implement treaty provisions. There may be other ways in which States have found interagency cooperation useful and necessary to fulfilling implementation of the ATT.

7. A brainstorming workshop on 17 January 2024 involving 26 participants from States Parties, researchers, and civil society, which was co-organized by the Romanian Ministry of Foreign Affairs and President of ATT CSP10, with the United Nations Institute for Disarmament Research, the Stimson Center and Conflict Armaments Research, identified a range of challenges for interagency

cooperation to effectively implement the ATT.⁷ For example, States that are at an early stage in the development of a national control system to implement the treaty request support from the ATT Secretariat, other States, and civil society to determine which government entities should work together to implement the treaty and how to ensure cooperation and coordination of efforts most effectively. There can also be rivalries between different entities seeking to “lead” on elements of ATT implementation, as well as cases where a critically important government entity for ATT implementation can act as a block on ratification or accession to the treaty.

8. Therefore, while the benefits of inter-agency cooperation for addressing complex policy problems are widely recognized, particularly in the national security arena, there are challenges for interagency cooperation to effectively implement the ATT, including:

- Different mandates, responsibilities, and priorities for government entities that should be involved in ATT implementation;
- The various government entities involved in ATT implementation have a limited understanding of each other’s mandates, responsibilities, and priorities;
- Government entities that should be involved in ATT implementation have different levels of awareness and understanding of the treaty and their responsibilities;
- Differences in power and influence or “ability to set the agenda” between different government entities;
- Poor or lacking communication channels between the government entities that should be involved in ATT implementation;
- Differences in available resources and capacity among the various government entities that may play some role in ATT implementation;
- Differences in the level of officials engaged in interagency cooperation (i.e. some entities might assign senior staff, while other assign junior representatives);
- Frequent changes in personnel involved in interagency cooperation for ATT implementation, which leads to a lack of institutional memory or prioritization of ATT obligations;
- Competition and siloing of expertise and resources for entities involved in interagency cooperation for ATT implementation;
- Different professional background and training of assigned personnel in various entities, with basic technical knowledge lacking in some entities; and
- Government entities can be involved in interagency coordination and cooperation for ATT implementation that do not need to be involved, while in other cases relevant government entities are not actively involved in interagency coordination and cooperation.

9. In addition, even in national control systems with well-established interagency cooperation and coordination mechanisms, new requirements introduced by the ATT can take time to be incorporated. This is particularly the case for new obligations for many States Parties, such as those introduced by Article 7(4) on preventing and mitigating the risk of gender-based violence and violence against women and children, or where a State Party has had to introduce regulations for arms brokering.

III. PROPOSALS MADE DURING ATT CSP10 MEETINGS TO SUPPORT STATES SEEKING TO STRENGTHEN INTERAGENCY COOPERATION FOR EFFECTIVE IMPLEMENTATION OF ATT PROVISIONS

10. The Romanian Presidency of ATT CSP10 seeks to provide a platform for all interested ATT stakeholders to support States to overcome the challenges listed above and identify and share systemic and practical measures to enable interagency cooperation to effectively implement ATT

provisions. Participants in all working group meetings that took place in February 2024 during the ATT CSP10 meeting cycle were invited to address questions on the role of interagency cooperation in the implementation and universalization of the ATT.⁸ The WGETI sub-working group on the exchange of national implementation practices had a series of specific questions to be addressed during its sub-session on “inter-agency cooperation”.⁹

11. During the February 2024 working group meetings, national presentations and exchanges noted that while “no one-size fits all” with regards to interagency cooperation to implement ATT provisions, there are benefits for all ATT stakeholders in the sharing of information on challenges, effective measures, and lessons learned in establishing and maintaining interagency cooperation mechanisms for effective treaty implementation.¹⁰ Participants also encouraged States to share experience and lessons learned on the role of interagency cooperation in ATT ratification and accession processes.

12. The working group meetings underscored the importance of continued exchanges on interagency cooperation for many aspects of a national control system to implement ATT provisions, with specific reference made to: export risk assessment (including for gender-based violence and violence against women and children), diversion risk assessment and detection, enforcement of national transfer control legislation and regulations, record-keeping, reporting, and anti-corruption practices. The draft multi-year workplan for the WGETI Sub-Working Group on Exchange of National Implementation Practices explicitly includes the issue of interagency cooperation for consideration in forthcoming sessions on import, brokering, information management, and enforcement arrangements.¹¹ Several questions on the issue of interagency cooperation have been included in the indicated list of guiding questions for these sessions. The draft multiyear workplan for the WGTR exchange of national implementation practices regarding transparency also indicates that it will explore “inter-agency cooperation arrangements” in relation to the practical implementation of the annual reporting obligation in Article 13 (3) of the Treaty.¹² Moreover, the WGTU draft workplan for ATT universalization efforts indicates that the group will address inter-agency arrangements as part of the practical aspects of ratification, accession, and domestication processes.¹³

13. Continuing exchanges on the role of interagency cooperation in effective implementation of ATT provisions could contribute towards the updating of existing voluntary guidance documents developed within the ATT framework, as well as provide grounds for the development of new voluntary guidance materials. ATT voluntary guidance documents could be used in national capacity-building and training for interagency cooperation. These materials, as well as other information shared and made available by ATT stakeholders, could also be used to support the implementation of capacity-building projects supported by the ATT Voluntary Trust Fund (ATT VTF) to establish or strengthen interagency cooperation in States Parties, signatory States, and accession processes in other States. The use of ATT voluntary guidance documents and lessons learned during the implementation of ATT VTF projects could also be shared in national presentations and exchanges during future ATT CSP working group meetings.

14. Therefore, the February 2024 working group meetings emphasized the importance of continuing to ensure that ATT CSP cycles of meetings are used for sharing information on challenges, lessons learned, and effective measures for establishing, maintaining and strengthening interagency cooperation mechanisms and practices for effective ATT implementation, as well as for ratification and accession processes. Given the challenges noted above, and the presentations and exchanges that took place during the working group meetings of February 2024, ATT stakeholders should be encouraged to continue to share information in future ATT CSP meeting cycles, and use other platforms for exchanges on ATT implementation and universalization, on:

- The use of formal and informal approaches, institutionalised and ad hoc arrangements, for interagency cooperation;
- Lessons learned in ensuring clarity on roles and responsibilities in interagency cooperation and coordination for ATT implementation;
- The role of existing interagency cooperation committees, commissions and frameworks in ratification and accession processes, as well as implementation of treaty provisions;
- How to ensure the sustainability of interagency cooperation, especially in situations with frequent staff turnover or changes in government;
- How to build trust and confidence between different government entities involved in ATT implementation;
- How to ensure information is effectively and efficiently shared between different government entities involved in ATT implementation; and
- How interagency cooperation mechanisms function during “emergency” and dynamic situations.

15. Given that “no one size fits all”, States that have a well-established national control system, as well as those in the process of establishing such a system, are encouraged to share information on challenges and solutions for establishing and maintaining interagency cooperation arrangements to effectively implement ATT provisions. The Romanian presidency strongly encourages the sharing of concrete examples of how interagency cooperation has evolved in relation to experience in implementing the ATT. States that are not frequently involved in risk assessment and decision-making processes for items covered by Articles 2, 3, and 4 of the treaty, or processes to regulate their import, transit/transshipment and brokering of conventional arms are encouraged to share their national approach to interagency cooperation just as much as States that are recognized as major exporters and importers of conventional arms. ATT stakeholders are also encouraged to share information on the role of interagency cooperation and engagement with parliament/legislature, industry, and civil society in ATT implementation, where relevant.

IV. CONSIDERATIONS FOR CSP10 RECOMMENDATIONS

16. Following the exchanges on interagency cooperation during the ATT CSP10 meeting cycle, the Romanian presidency of ATT CSP10 proposes the following items for consideration to be included as ATT CSP10 recommendations to further enhance the effective implementation of ATT provisions. These items take into account elements contained in the draft multiyear workplans of the WGETI, WGTR, and WGTU.

- a. States Parties and other interested parties are encouraged, where appropriate and on a strictly voluntary basis, to share their experiences, lessons learned, and effective practices on the role of interagency cooperation in the effective implementation of ATT provisions, as well as ATT ratification and accession processes. The information exchanged can also include interagency cooperation experiences, lessons and practices for implementing related arms control instruments. This information could be shared through various means, such as Initial Reports and updates to their Initial Reports; statements during relevant working group sessions, preparatory committee meetings, side events, or the Conference of States Parties; the information exchange platform on the ATT website; and regional meetings and peer-to-peer exchanges on ATT implementation and universalization.
- b. In accordance with multiyear workplans, ATT working groups should, where appropriate, include the cross-cutting issue of interagency cooperation in the agenda and guiding questions for working group and sub-working group sessions. All working group chairs and sub-working group facilitators are encouraged to request presenters and participants in working group meetings to continue to share their interagency cooperation experiences,

lessons learned, and effective practices to support the effective implementation of ATT provisions and ATT ratification and accession processes.

- c. States Parties and other interested parties are encouraged to contribute, where appropriate, to the updating of existing voluntary guidance developed within the ATT framework specifically on interagency cooperation mechanisms and practices that can support effective implementation of ATT provisions. As a first step, elements for interagency cooperation could be included in updated versions of the following voluntary guidance documents:
 - [Voluntary Basic Guide to Establishing a National Control System](#).
 - [Reporting Authorized or Actual Exports and Imports of Conventional Arms under the ATT](#).
- d. States Parties and other interested parties are encouraged to develop, as a living document to be reviewed and updated regularly, as appropriate, a voluntary paper outlining useful elements for consideration by States when developing or strengthening interagency cooperation for effective ATT implementation.
- e. States Parties, signatory States, and States in the process of acceding to the ATT are encouraged to utilize the ATT VTF, where appropriate, to support national efforts to establish or strengthen interagency cooperation mechanisms and practices to effectively implement the ATT. States that utilize the ATT VTF for such purposes are also to be encouraged to share their experience and lessons learned during relevant working group sessions, preparatory committee meetings, side events, or the Conference of States Parties.
- f. Encourage States Parties, the ATT Secretariat, and other interested parties to develop and deliver training on interagency cooperation to support effective implementation of ATT provisions. The training would recognize that “no one-size-fits-all”. It could draw upon voluntary guidance developed within the ATT framework and information shared by States Parties and other interested parties on experiences, lessons learned, and effective practices for effective ATT implementation and ATT ratification and accession procedures.

Endnotes

- ¹ US Government Accountability Office, Government Performance Management: Leading Practices to Enhance Interagency Collaboration and Address Crosscutting Challenges, GAO-23-105520, May 2023, p. 3, <https://www.gao.gov/assets/gao-23-105520.pdf>. The report notes that interagency activities are described interchangeably as cooperation, collaboration, coordination, integration, or networking, with “no commonly accepted definitions for these terms”.
- ² Rob Canton, “Inter-agency Cooperation: How can it best enhance compliance with the law?”, Tokyo: United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI) Annual Report for 2015 and Resource Material Series No. 99, September 2016, p. 80, https://www.unafei.or.jp/publications/pdf/RS_No99/No99_VE_Canton_2.pdf.
- ³ [Voluntary Basic Guide To Establishing A National Control System, Issued by the Working Group on Effective Treaty Implementation](#), 26 July 2019, p.11. See also: [Voluntary Guide to Implementing Article 9 Of The Arms Trade Treaty](#), Issued by the ATT Working Group On Effective Treaty Implementation, 21 July 2023, p. 9.
- ⁴ [Possible Measures To Prevent And Address Diversion, Issued by the ATT Working Group On Effective Treaty Implementation, Including Operational Steps for the Introduction and Implementation of Post-Shipment Control](#), 20 July 2018 and August 2023; [Voluntary Paper Outlining The Elements Of A Process For Assessing The Risk Of Diversion](#), Annex A to WGETI Chair’s Draft Report to the Seventh Conference of States Parties (CSP7) (ATT/CSP7.WGETI/2021/CHAIR/675/Conf.Rep), endorsed by CSP7 as a living document of a voluntary nature to be reviewed and updated regularly by the Working Group.
- ⁵ [Voluntary Basic Guide To Establishing A National Control System, Issued by the Working Group on Effective Treaty Implementation](#), 26 July 2019, pp.16-17.
- ⁶ [Working Paper On National-Level Measures To Facilitate Compliance With International Reporting Obligations And Commitments](#), Annex B to the ATT Working Group on Transparency and Reporting Co-chairs’ Draft Report to CSP3 (ATT/CSP3.WGTR/2017/CHAIR/159/Conf.Rep). See also: [The ATT National Point of Contact Guidance Document](#), n.d., p. 18.
- ⁷ Paul Holtom, *The Role of Interagency Cooperation in the Effective Implementation of Arms Trade Treaty Provisions: Brainstorming Workshop Summary*, Geneva: United Nations Institute for Disarmament Research, Conflict Armament Research, Stimson Center, Ministry of Foreign Affairs of Romania, 28 March 2024, <https://unidir.org/publication/the-role-of-interagency-cooperation-in-the-effective-implementation-of-arms-trade-treaty-provisions-brainstorming-workshop-summary/>.
- ⁸ [Letter from the Chair of the Working Group on Effective Treaty Implementation](#), 22 January 2024, ATT/CSP10.WGETI/2024/CHAIR/775/LetterSubDocs, pp. 2-3; [Working Group on Transparency and Reporting, Introductory Paper for Meeting of 23 February 2024](#), 22 January 2024, ATT/CSP10.WGTR/2024/CHAIR/779/IntroPaper, p. 12; Working Group on Treaty Universalization, [Working Paper on Implementing CSP9 Decisions Relating to the Work of the Working Group on Treaty Universalization](#), 22 January 2024, ATT/CSP10.WGTU/2024/CHAIR/777/DrWP, p. 7.
- ⁹ [Letter from the Chair of the Working Group on Effective Treaty Implementation](#), 22 January 2024, ATT/CSP10.WGETI/2024/CHAIR/775/LetterSubDocs, pp. 2-3.
- ¹⁰ ATT Working Group On Effective Treaty Implementation, Chair’s Report To CSP10, 16 April, ATT/CSP10.WGETI/2024/CHAIR/783/Conf.Rep, para. 22-25 ; Working Group On Transparency And Reporting : Chair’s Report to CSP10, 16 April 2024, ATT/CS P10.WGTR/2024/CHAIR/784/Conf.Rep, para. 5.
- ¹¹ ‘Annex B. Draft Multi-year Workplan for the WGETI Sub-Working Group on Exchange of National Implementation Practices’, ATT Working Group On Effective Treaty Implementation, Chair’s Report to CSP10, 16 April, ATT/CSP10.WGETI/2024/CHAIR/783/Conf.Rep.
- ¹² ‘Attachment A. Workplan for the WGTR Exchange of National Implementation Practices Regarding Transparency’, Working Group On Transparency And Reporting : Chair’s Report to CSP10, 16 April 2024, ATT/CS P10.WGTR/2024/CHAIR/784/Conf.Rep, para. 5.
- ¹³ ‘Annex B. WGTU structured discussions on national ratification/accession and domestication practices. List of practical ratification/accession and domestication questions’, ATT Working Group on Treaty Universalization Co-Chairs’ Report to CSP 10, 16 April 2024, ATT/CSP10.WGTU/2024/CHAIR/785/Conf.Rep