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**ATT WORKING GROUP ON TREATY UNIVERSALIZATION
CO-CHAIRS' DRAFT REPORT TO CSP7**

Introduction

1. This draft report to the Seventh Conference of States Parties (CSP7) to the Arms Trade Treaty (ATT) is presented by the Co-Chairs of the Working Group on Treaty Universalization (WGTU), Ambassador Lansana Gberie of Sierra Leone and Ambassador Federico Villegas of Argentina¹, and is intended to reflect the efforts carried out in support of ATT universalization and the Working Group in 2021. The report also proposes recommendations on steps to be taken with respect to ATT universalization beyond CSP7.

Background

2. Further the preambular section of the Treaty emphasises the desirability of achieving universal adherence to this Treaty. Article 17(4) (b) of the Treaty provides that the Conference of States Parties shall “consider and adopt recommendations regarding the implementation and operation of this Treaty, in particular the promotion of its universality”. These provisions of the Treaty highlight promotion of Treaty universality as a critical element of the Treaty deserving the attention of all ATT stakeholders.

3. The Working Group was established by the Third Conference of States Parties to the ATT (CSP3) with the objective of leading the process of harmonizing thoughts and ideas on the issue of Treaty universalization with a view to determining the best approaches for taking the issue forward. CSP3 also endorsed the ATT WGTU Co-Chairs' Draft Report, including Terms of Reference for the Working Group on Treaty Universalization and the Working Group on Universalization Initial Work Plan². The Fifth Conference of States Parties (CSP5) considered the ATT WGTU Co-Chairs' Draft Report³ and decided to adopt the ATT Universalization Toolkit and “Welcome Pack for New States Parties to the ATT”; encourage ATT stakeholders to translate these two documents into languages which would assist in promoting the understanding of the Treaty; requested the ATT Secretariat to upload both documents to the ATT website; and requested the ATT Secretariat to continue to analyse the trends and pace of universalization of the ATT and to report annually to the CSP.

¹ The appointment of the Co-Chairs of the WGTU follows the past practice of the President of the most recently completed CSP and the current President leading the work on ATT universalization.

² ATT/CSP3.WGTU/2017/CHAIR/160/Conf.Rep

³ ATT/CSP5.WGTU/2019/CHAIR/532/Conf.Rep

4. These are the foundational documents as it pertains to the work and mandate of the WGTU during the period prior CSP7.

Appointment of WGTU Co-chairs

5. CSP6 mandated the CSP7 President with the responsibility of facilitating the work of the Working Group until the next annual ordinary session of the Conference (CSP7). On 28 October 2020, the CSP7 President appointed Ambassador Federico Villegas of Argentina (CSP6 President) as the Co-chair of the WGTU with a view to build on the work of previous Co-chairs of the WGTU.

Update on outreach

6. As CSP7 President, one of Sierra Leone's priorities has been encouraging States that have not yet joined the Treaty to do so at the earliest. In this regard, CSP7 President facilitated the preparation and processing of the 2020 ATT Resolution⁴ at the First Committee of the United Nations General Assembly, which was voted in favour by 150 states. That resolution specifically, "Calls upon all States that have not yet done so to ratify, accept, approve or accede to the Treaty, in accordance with their respective constitutional processes, in order to achieve its universalization".

7. During this cycle, the WGTU Co-Chairs' efforts to promote the Treaty have been impacted by the COVID-19 health and travel restrictions. Despite this drawback, the Co-Chairs conducted individual and joint universalisation activities by engaging with Permanent Representatives of States that are not yet ATT-States Parties in order to ascertain their respective Government's interests and challenges in joining the ATT.

8. Sierra Leone's President, His Excellency Dr. Julius Maada Bio, wrote to Heads of States whose countries have not yet become ATT States Parties, encouraging them to join the Treaty. Sierra Leone adopted a strategy of strategic prioritization, separating non-States Parties into two groups. The first group included states considered to be close to joining the ATT based on advancements made at the national level, including but not limited to signing and not ratifying the treaty, and the second group being those states which have indicated that joining the ATT is a longer prospect. The letters for the first group were personalized and sought to address the circumstances of those particular states. The President of Sierra Leone's letter was personally hand delivered by Ambassador Gberie to 24 non-States Parties, including 13 states from Africa, 7 states from Asia, 1 state from Europe, 1 state from the Americas, and 2 states from Oceania. 29 letters were sent directly to Diplomatic Missions and Consular Offices of the remaining states.

9. In addition, the CSP7 Presidency has been working on a project to engage Members of Parliaments in the universalization of the ATT. To kick off the project in a concrete manner, a joint letter signed by the CSP7 President and IPU Secretary General, Mr. Martin Chungong, requesting parliamentarians to raise awareness about the Treaty and generate a constructive dialogue on the impacts of the illicit flows of Small Arms and Light Weapons SALW has been sent to 80+ parliaments of countries that have not yet joined the ATT.

10. During the ATT informal consultations held in July of this year, Argentina and Sierra Leone organised two online meetings on universalization to build momentum in the lead-up to CSP7. The first meeting was for a group of sixteen states that were assessed as being likely to join the

⁴ 2020 General Assembly Resolution, "Arms Trade Treaty", A/RES/75/64, adopted on 7 December 2020.

ATT and the second meeting was for a group of thirty-eight states. Officials based in Geneva and capitals were invited to the meetings. Also participating were the ATT Secretariat, which spoke on the process to be undertaken to become a State Party and support that is available, and Control Arms, which spoke on why states should join the Treaty. The Co-Chairs welcomed the participation of all states, especially Colombia, Fiji, Kenya, Malaysia, the Philippines, Turkey, and Zimbabwe, all of which spoke on where they stand in terms of joining the Treaty, particularly the progress made, and challenges encountered towards joining the ATT. Some countries expressed the specific challenges they encounter in joining the treaty including, but not limited to, volatile neighborhoods and the security concerns posed by adjacent countries that have not yet joined the Treaty; bureaucratic hurdles, particularly changes in the composition of the legislature and key executive offices, delaying the domestic ratification process. Throughout its work on universalization, the WG has coordinated with other stakeholders, including civil society.

11. The Co-Chairs have met with a state, which has a significant role in the international arms trade, on its status in relation to the ATT. The Co-Chairs highlighted the importance of the participation and engagement of that state in the next CSP7 and invited that state to consider its status in relation to the ATT, mainly taking into account the importance of the participation of this state in the Diversion Information Exchange Forum (DIEF) meetings, in which, due to the confidentiality of the information that this subsidiary body shares, only the State Parties and Signatory States are able to participate.

Meeting of the Working Group on Treaty Universalization, 27 April 2021

12. This cycle, due to the COVID-19 pandemic and the consequent restrictions imposed on international travel and the holding of meetings, it was agreed by State Parties to hold one preparatory meeting virtually and to thereafter hold remote consultations intersessionally to finalise documentation arising out of the preparatory meeting.

13. Accordingly, the Working Group on Treaty Universalization held its meeting which was chaired by Sierra Leone and Argentina. States extended their support to the WGTU Co-Chairs in their universalization efforts. In providing an update on universalization, the ATT Secretariat said that there are 110 States Parties, five of which acceded in 2020: Afghanistan, China, Namibia, Niue, and Sao Tome and Principe. The rate of universalization has been decreasing, with fewer States joining the Treaty each year. Asia has the most non-States Parties of any region.

14. Key points from the discussions were:

- The EU announced that it is going to fund the publication of the ATT Universalization Toolkit. The Toolkit will be published in a brochure in advance of CSP7.
- The Republic of Korea reminded participants that in 2020 it had earmarked funds to translate the 'ATT Universalization toolkit' and the 'Welcome Pack' into several Asian languages. Japan expressed its gratitude for this work and the importance of increasing outreach to the Asia-Pacific region. The Philippines informed that it was making efforts to harmonize their national legislation with the Treaty's obligations and added that its Government is working on ratifying the Treaty as soon as the necessary conditions were met. It also encouraged greater outreach to the Asian region.
- Some States provided updates on their universalization activities undertaken since CSP6. They shared information on domestic legislative processes and their efforts to harmonize their national legislation with the Treaty's obligations, as a pre-condition to ratification.

They also discussed bilateral outreach meetings, regional workshops, as well as assistance received and provided to support their efforts to join the Treaty.

- Participants also highlighted the importance of international cooperation and assistance in assisting countries to strengthen their national capacities to fulfil their obligations under the Treaty, underlined the importance of carrying out outreach to Parliamentarians in countries who are likely to ratify or accede to the Treaty.
- Several proposals were made to strengthen the coordination of universalization efforts. For instance, a proposal was made to hold informal meeting(s) in advance of CSP7, to facilitate enhanced coordination and collaboration among ATT Office Holders and States Parties on Treaty universalization strategies.
- Others highlighted that the efforts should be focused on arms exporting and importing countries as well as in those regions with limited ATT engagement.
- Panama informed the participants of its contribution to Treaty universalization through the Human Right's Council Universal Periodic Review mechanism by recommending to states under review to positively consider ratifying the ATT.
- Some delegations highlighted the important role played by civil society in ATT outreach activities. And Control Arms presented efforts it has undertaken to promote ATT universalization in the regions of Asia Pacific, the Middle East, North of Africa and Sub-Saharan Africa, while highlighting the need for more assistance to be provided to countries of those regions. We were reminded that all stakeholders have an important role to play in promoting and achieving universalization of the ATT.

Moving forward on ATT universalization

15. Universalization is critical to achieving the objectives of the ATT. Although 2020 saw five new States Parties to the ATT, greater efforts will be needed in the future to maintain such momentum. From the work undertaken this year and especially the feedback received during the informal consultations and CSP7 President's bilateral meetings, the following points will be important towards making progress on universalization:

- On-going efforts are needed to promote understanding of the ATT's objectives amongst non-States Parties. All too often there is a misperception that this is a disarmament treaty.
- It is important to engage in dialogue addressing the benefits of the ATT at both the national and regional levels. Such dialogue can respond to concerns that states may have about how joining the ATT will impact on their security.
- For some states, cooperation and assistance will be essential to their joining and implementing the ATT. For this reason, ATT States Parties and stakeholders must continue to explore all avenues for promoting and supporting the Voluntary Trust Fund.
- Direct dialogue with non-States Parties is needed to understand what are the challenges to progressing universalization and where support could be provided.
- Coordination and information sharing amongst ATT officeholders, the VTF Committee, States Parties and ATT stakeholders will assist universalization efforts. Such coordination could be facilitated through informal exchanges led by future Presidents.

- ATT States Parties could make a significant contribution to Treaty universalization through the Human Right's Council Universal Periodic Review mechanism by recommending to states under review to positively consider ratifying the ATT.
