
Arms Trade Treaty
Ninth Conference of States Parties
Geneva, 21 – 25 August 2023

REVIEW OF THE ARMS TRADE TREATY PROGRAMME OF WORK MANAGEMENT COMMITTEE DRAFT PROPOSAL

BACKGROUND

1. The Eighth Conference of States Parties (CSP8) to the Arms Trade Treaty (ATT) held from 22 - 26 August 2022, ‘tasked the Management Committee to review the ATT programme of work, in consultation with States Parties and Signatory States, and to submit a proposal to the Ninth Conference of States Parties for a decision. In undertaking this task, the Management Committee is directed to take into account the following: foreseen ATT universalization and implementation objectives; optimisation of the ATT internal support processes; foreseen financial efficiencies; and the status of the disarmament calendar’.
2. Following the CSP8 decision, the Management Committee elaborated a background paper to support its internal deliberations and to facilitate consultations with States Parties and Signatory States as well as with other ATT stakeholders on the task of reviewing the efficiency of the ATT programme of work. The Management Committee background paper made visible the Committee’s approach to the task and highlighted some of the elements that the Committee would like to assess in its endeavour to prepare a draft proposal to CSP9 for consideration and decision.
3. On 31 January 2023, the Committee’s background paper was circulated to ATT stakeholders together with all other documents for the February 2023 ATT meetings. On 17 February 2023, the background paper was considered and discussed during the First CSP9 Informal Preparatory Meeting. At the conclusion of the relevant agenda item, the CSP9 President mentioned that that the Committee was going to consider inputs and comments received on the background paper and thereafter elaborate initial draft recommendations (proposal) to be submitted to the 12 May 2023 informal preparatory meeting.
4. On the basis of input from the 17 February 2023 meeting and its own observation of the current tempo of the ATT process, the level of participation and focus of ATT discussions, the Committee subsequently prepared a draft proposal with initial draft recommendations. Following regional consultations on the draft proposal facilitated by Committee members between 05 April - 28 April 2023, the draft proposal was circulated on 03 May 2023 for discussion during the Second CSP9 Informal Preparatory Meeting on 12 May 2023. In introducing the draft proposal, the Committee mentioned that while the current ATT institutional framework and process have functioned well thus far and produced positive and useful outcomes suitable for circumstances foreseen in the 2016/2017 period, the current context including Treaty membership and implementation challenges necessitates optimization of the current process in terms of meeting times, working methods and topics for discussions.

OVERVIEW OF MAIN THEMES EMERGING FROM THE 12 MAY MEETING

5. During the 12 May 2023 meeting, delegations considered and commented on the Management Committee's draft proposal in response to the initial background paper circulated in January and the discussion on the paper during the 17 February informal preparatory meeting. Hereunder is the Committee's general overview of main themes emerging from the 12 May 2023 meeting.

Approach to the review exercise

6. In terms of approach to the review exercise, some delegations reiterated that this task should not be taken lightly and that it may not be appropriate to take a rushed decision at CSP9 if the roles of the working groups, particularly the Working Group on Effective Treaty Implementation (WGETI), and their expected outcomes are not clear. It was submitted that the primary consideration (baseline) of the exercise should be to establish what is necessary for the effective implementation of the Treaty, in particular how to fulfill the mandate of the WGETI and other working groups. The discussion on the form of the working groups should not precede the discussion on their function and substantive focus (i.e. "*form follows function principle*"). Any reform of the ATT process should primarily seek to support the Treaty implementation and priorities set by the Conference in that regard.

Configuration and substance of the work in the working groups

7. On configuration and substance of work in the working groups, several delegations reiterated the need for the WGETI to have a holistic approach that facilitates national implementation. It was also emphasized that the Working Group should not discuss too many topics in parallel and that manageable priorities should be set in that regard.

8. A number of delegations called for more consistency and coherence between the working groups. Other delegations sought clarification regarding the possible integration of working groups, in particular the WGETI and the Working Group on Transparency and Reporting (WGTR). The ATT Secretariat responded to this question, indicating that the draft proposal does not provide for integration of working groups, but for improved cooperation and alignment of their work (cf. paragraph 24(b-d) of the Management Committee's draft proposal).

9. A few delegations called for an examination, to the extent possible, of possible synergies between the different bodies in ATT framework and other relevant international bodies.

Reduction of (in-person) meetings (meeting rounds and meeting times) and format of working group meetings and working methods

10. Most intervening delegations supported the recommendation to hold one in-person session of up to five days of ATT Working Groups and CSP preparatory meetings per cycle. Some delegations indicated that having only one in-person session might generate more focused discussions and allow for broader participation of capital experts (as delegations would only have to travel to Geneva once). It was stated that such participation of capital technical experts is key for the working groups to have meaningful discussions on national implementation. Some delegations also mentioned that a reduction to one in-person session might free up the capacity of the ATT Secretariat to conduct more support to national implementation efforts.

11. Several delegations emphasized that the main priority of the review of the programme of work is to ensure that future discussions in the ATT process are efficient, inclusive and effective. That is why

any decision on possibly holding only one in-person session is intrinsically linked to the format of working group meetings and working arrangements, which includes enhancing (the opportunities for) intersessional work.

12. In that respect, intervening delegations welcomed paragraph 26 of the Management Committee's draft proposal and the recommendation in paragraph 27(d) to allow the proposed single session of ATT meetings to be supplemented by informal intersessional consultations that could include small group meetings of interested delegates and regional meetings, possibly in virtual or hybrid format. This could also enhance involvement of technical experts.

13. Some delegations shared some reservations and questions about informal meetings in terms of decision-making (who can call informal meetings?), planning horizon (how will the times for informal meetings be scheduled?), the relationship between informal and fixed meetings (for which topics and purposes can informal meetings be called?), budget outlay and multilingualism (will informal meetings benefit from interpretation services?). These elements should be clarified in the Management Committee's draft proposal. The ATT Secretariat responded to some of these questions. In this regard, it was stated that for now, there will be no changes to the ATT budget estimates and that will remain so until the Conference would agree to new variables. In so far as the budget can allow, informal meetings will be supported by the ATT Secretariat, including the provision of interpretation. In that respect in response to a question, it was confirmed that fully virtual meetings are more cost effective than hybrid meetings, as fully virtual meetings only involve interpretation costs (if interpretation would be required). Concerning the purpose of informal consultations contemplated in paragraph 27(d), the Management Committee's draft proposal provides a possibility for ATT office holders to conduct intersessional informal consultations in their workstreams on selected topics that require further discussion. The meeting calendar and the multi-year workplan will still provide predictability about working group meetings, but the possibility of informal meetings intends to provide some flexibility, for example, to dive deeper into certain issues that are discussed in the working group.

14. Some delegations did still raise some concerns about the reduction of (in-person) meetings and mentioned that the benefits of the current two sessions ATT meetings concerning effective preparation of Conference outcomes should not be lost. In that regard, informal meetings should not be the driving force of the ATT process but rather a support mechanism. It was further stated that if timing is an issue, a review of the meeting calendar could be looked into, possibly considering to hold a meeting at the end of the year. Concerning the latter, however, it was submitted that this will not be financially feasible in the context of the current ATT budgeting cycle and might necessitate amending the ATT Financial Rules.

15. While most delegates focused their interventions on the working group meetings, in particular the WGETI, one delegation also raised a question about the informal preparatory meetings - whether these could be decoupled from the Working Groups meetings. Paragraph 25 of the Management Committee's draft proposal, however, clarifies that the one in-person session of up to five days would include a CSP preparatory meeting next to ATT Working Group meetings.

16. One delegation also advocated for more use of the Information Exchange Platform in the restricted area of the ATT website (which was discussed specifically in the WGTR).

MANAGEMENT COMMITTEE'S REVISED DRAFT PROPOSAL

17. On the basis of input from the 12 May 2023 meeting and its own further considerations, the Management Committee would like to present the revised draft proposal below.

Centrality of practical Treaty implementation

18. To meaningfully assist States Parties in the effective implementation of their Treaty obligations, practical Treaty implementation issues at a national level must take a centre stage in the ATT programme of work. In this regard, the content and type of discussions should shift from current model to practical Treaty implementation measures and exchanges on national implementation cases and experiences.

Configuration and substance of the work in the working groups

19. To facilitate prioritisation of practical Treaty implementation, discussions within the Working Groups should focus on national implementation efforts by States Parties including successes and challenges, and the real impact that the Treaty makes as contemplated in Article 1 of the Treaty (object and purpose). To sustain this approach to ATT discussions and to place in context international cooperation and assistance amongst States Parties, the configuration and substance of the ATT working groups should be revisited and focused as follows:

- a. The Working Group on Effective Treaty Implementation (WGETI) should adopt a more holistic agenda/mandate and allow for a progressive discussion on implementation efforts by States Parties and bring to bear national practices. To streamline its ongoing work on practical implementation and underscore the interconnectedness of Treaty articles in practice, the discussion topics of this working group should be arranged along the general phases/stages of Treaty implementation. At the same time, the working group should also provide a space for States Parties and other stakeholders to raise any current implementation issue for discussion, as appropriate.
- b. The Working on Transparency and Reporting (WGTR) could retain the current discussion topics but within a rationalised time allocation and established interface arrangements with WGETI. To that end, this working group is expected to feed into WGETI discussions in so far as transparency and reporting is concerned with a view to highlighting that transparency and reporting are important features of Treaty implementation effort. Post CSP9, this working group is expected to explore possibilities of aligning its work with the mainstream work of WGETI.
- c. In the context of its proposed coordinated and practical approach to Treaty universalization, the Working Group on Treaty Universalization (WGTU), is expected to feed into WGETI discussions in so far as issues of Treaty universalization and related aspects are concerned. Whilst recognising that Treaty universalization is not per se Treaty implementation, it is noted that Treaty implementation support arrangements can influence ratification of and accession to the Treaty. In view of this, as part of the current discussion on enhancing the work of the WGTU, this working group is expected to explore possibilities of aligning its work with the mainstream work of WGETI.
- d. The Diversion Information Exchange Forum (DIEF) is of a different nature than the WGETI. The purpose of the DIEF is not to discuss measures that States (should) take to implement the Treaty, but to share *operational information* about concrete cases of suspected or detected diversion. In that respect, the work of the DIEF would remain complementary with that of a reconfigured

WGETI. The Terms of Reference of the DIEF also address the relationship between the DIEF and the WGETI, allowing the DIEF Chair to orally brief the WGETI on any major trends and general lessons learnt that came out of a DIEF meeting, and on general issues that could benefit from policy discussions within the WGETI (Rule 22). The DIEF and its usefulness is scheduled to be reviewed at CSP10. This review could allow to further align the work of the DIEF with the mainstream work of the WGETI.

Number of ATT Working Groups and CSP preparatory meetings

20. The current status of operation of the ATT in terms of membership, implementation challenges, congested disarmament calendar, constrained capacity of delegations, and envisioned rigour of foreseen ATT discussions motivate for the rationalization of ATT meetings per each CSP cycle. In this context, **the Management Committee recommends, on trial basis for a year, the following:**

- a. **holding one *in-person* session of up to four days of ATT Working Groups per cycle, with livestream option; and**
- b. **holding one *in-person* session of up to two days of CSP preparatory meetings per cycle, with livestream option. To avoid duplication, this meeting should be decoupled/disconnected from the meeting of the ATT Working Groups.**

21. The two *in-person* sessions of ATT meetings will have in built flexibility to allow for:

- a. CSP Presidents to set dates for ATT meetings that account for the disarmament calendar and other UN related main events.
- b. CSP Presidents to, in consultation with relevant ATT office holders and the ATT Secretariat, set the number of meeting days and times that suit the agenda for discussions.
- c. Integration of workstreams of the various ATT subsidiary bodies for purposes of improved efficiency and outcomes.
- d. Elimination of duplication of efforts and avoidance of repetition of discussions.

22. To allow for inclusive, collaborative, efficient, and broad participation in ATT discussions, the proposed two sessions of ATT meetings could be supplemented, if necessary, by informal intersessional consultations that could include small group meetings of interested delegates and regional meetings. In this regard, informal intersessional consultations should take place, as appropriate, virtually or using the Information Exchange Platform located in the restricted area of the ATT website.

23. It is foreseen that the proposed two sessions of ATT Working Groups and CSP preparatory meetings will bring to bear the following advantages:

- a. In-built flexibility to accommodate changes in circumstances, ATT priorities, topics for discussion and level of participation.
- b. Timely circulation of meetings documentation
- c. Possibility for delegations to utilise time at their disposal to prepare adequately for meetings, and to encourage (more) capital experts involved in the practical implementation of the Treaty

to attend the meetings, in particular those of the ATT Working Groups.

- d. Possibility for ATT office holders to conduct intersessional informal consultations, as appropriate, virtually and/or through the Information Exchange Platform.
- e. Realisation of efficiencies in resource allocation and utilisation.

CONCLUSION

24. The Management Committee is more generally of the view that the draft proposal on the review of the ATT programme of work does not constitute a final end product on this subject. Rather this remains a work in progress that should be further adjusted, refined and reviewed in the period ahead taking into account practical experience gained in implementing this model of ATT programme of work.
