

BACKGROUND PAPER

DRAFT ELEMENTS FOR CONSIDERATION: REVIEW OF THE ARMS TRADE TREATY PROGRAMME OF WORK

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. This background paper has been prepared by the Management Committee to support its internal deliberations and to facilitate consultations with States Parties and Signatory States as well as other ATT stakeholders on the task of reviewing the efficiency of the ATT programme of work. In this regard, the background paper makes visible the Management Committee's approach to the task and highlights 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.

ELEMENTS FOR CONSIDERATION

3. The CSP8 decision referenced in paragraph 1 above directs the Management Committee to consider various factors in reviewing the ATT programme of work. In accordance with this directive, the Management Committee would like to present the items below as some of the draft elements for consideration during its work.

Considerations behind the current ATT informal preparatory process

4. The Treaty was adopted by a UN General Assembly Resolution on 02 April 2013 and entered into force on 24 December 2014. The First Conference of States Parties to the ATT (CSP1) held from 24 - 27 August 2015 primarily focused on the establishment of institutional framework and working methods to sustain the new ATT process. These included the designation of Geneva as the seat of the ATT Secretariat and the establishment of the ATT Secretariat to perform specific functions set out in Article 18 of the Treaty. Furthermore, CSP1 also established certain ATT subsidiary bodies and initiated the ATT administrative and informal preparatory processes.

5. The current informal preparatory process including the Working Groups meetings was established with a view to support the following primary priorities of the ATT: a) the universalization of the Treaty contemplated in the preambular section and Article 17(4) (b) of the Treaty, and b) the effective implementation of the Treaty at a national level contemplated in various implementation focused Articles of

the Treaty. In addition, the current informal preparatory process was created to support Conferences of States Parties (CSPs) in meeting their mandatory responsibilities set out in Article 17 of the Treaty, in particular: a) to review the implementation of this Treaty, including developments in the field of conventional arms; b) to consider and adopt recommendations regarding the implementation and operation of this Treaty, in particular the promotion of its universality; c) to consider amendments to this Treaty in accordance with Article 20; and d) to consider issues arising from the interpretation of this Treaty.

6. To operationalize the new ATT institutional framework and process supporting the ATT priorities and CSP responsibilities outlined above, financial and other resources including time were committed to the process. The working assumption at that time was that an adequately-resourced ATT institutional framework and process were necessary to give momentum to the new ATT framework to support the attainment of foreseen universalization and implementation objectives of the Treaty.

7. In reviewing the thinking and assumptions behind the current ATT informal preparatory process, questions to consider include the following:

- a. Has the ATT institutional framework and process stabilized and matured sufficiently in the intervening period (2016 – 2022)?
- b. Has the ATT priorities and objectives on Treaty universalization and implementation changed?
- c. Do we need to review the ATT scale of effort including resources allocated to support this scale of effort, if so, what elements deserve attention?
- d. Is the current ATT programme of work sustainable?
- e. Are there any efficiency measures that can be implemented in the design or practice of the current ATT programme of work?
- f. Can the current ATT institutional framework be optimised?
- g. Do the Terms of Reference of the ATT Working Groups provide flexibility and to what extent?

Progress and Benefits of the ATT process thus far

8. Since the establishment and operationalization of the current ATT institutional framework and process in the 2016/2017 period, it is assessed that positive progress has been made and demonstrable achievements realized, and these are outlined below:

- a. Creation of a platform for an all-inclusive and transparent consultation among ATT stakeholders.
- b. Creation of a continuous platform for information exchange on practical implementation of the ATT at national level.
- c. Generation of a series of assistance tools and guidance documents to support efforts by States to implement the Treaty at national level.
- d. Creation of an environment within which confidence and consensus among ATT stakeholders is being cultivated.
- e. Creation of a climate supporting certainty, predictability and ownership of conference outcomes.

- f. Creation of a platform for continuous accountability of ATT subsidiary bodies, structures and office holders.
- g. Creation of an ongoing ATT momentum supporting the ATT profile.

9. In assessing the adequacy or otherwise of the progress and benefits of the ATT process thus far, the following questions could be considered:

- a. Is the ATT progress discussed above adequate?
- b. Should the benefits and progress outlined above be sustained?
- c. Should the benefits and progress outlined above be downscaled, if so, what elements and to what extent?
- d. Can the benefits and progress mentioned above be sustained on a different ATT process and programme of work?
- e. Do we need to review the impact of the output of the current ATT process?

Emerging challenges to the ATT process and programme of work

10. Constant changes in the strategic environment present challenges to the implementation of the ATT process and programme of work. Some of the emerging challenges are of external origin whereas others are internal to the ATT process. The origin of emerging challenges has a bearing on the ability of the ATT process to influence such challenges.

11. The recent past has seen the configuration of the disarmament calendar change from what it was in the 2016/2017 period when the ATT process and programme of work was conceptualised. The scale of the disarmament calendar has been complicated by the increased number of treaties/ conventions and processes that delegations have to service, for example, the Treaty on the Prohibition of Nuclear Weapons (TPNW) and Conventional Ammunition process.

12. The global economic downturn impacts the capacity of various delegations. As a result, some delegations have seen reduction in the capacity of Mission and Capital staff handling the ATT and other disarmament conventions and processes.

13. The unfavorable ATT financial situation presents a practical challenge to the sustainability of the ATT process and programme of work. This situation is caused by delayed financial contributions and/or non payment of financial contributions. In practical terms, the ATT accumulates, on average, a 8% deficit on annual basis. To date the accumulated financial deficit stands at half a million US dollars and rising. The immediate result of non-payment of financial contributions include liquidity and cash flow challenges, which compromise the execution of planned ATT work including convening of meetings.

14. In assessing the impact of emerging challenges to the ATT process and programme of work, the following questions could be considered:

- a. Can the ATT process influence the external emerging challenges outlined above?
- b. Can the ATT process influence the internal emerging challenge outlined above?

- c. If the ATT process cannot influence the impact of the emerging challenges discussed above, should the ATT programme of work be revised and, if so, what elements?

Alternative options to consider

15. The review of the ATT institutional framework and process including the ATT programme of work may necessitate a rethink of certain elements of work in terms of design and/or implementation. To facilitate this exercise, it is important to assess if there are options and working methods that could be brought forward as practical alternatives to current arrangements.

16. Below are some of the practical alternatives that could be considered for feasibility and efficiency assessment:

- a. Reduction of the number of preparatory meetings.
- b. Reduction of the number of days of preparatory meetings.
- c. Reduction of the number of Working Groups meetings.
- d. Reduction of the number of days of Working Groups meetings.
- e. Reconfiguration of current Working Groups and working methods.
- f. Reconsideration of the format of meetings (i.e. in-person meetings, hybrid meetings, virtual meetings).
- g. Further development and increased use of the Information Exchange Platform, currently included in the restricted area of the ATT Website.
- h. Consideration of regional or other smaller group meetings.
