

Making it Happen: The Role of Civil Society in Supporting and Promoting ATT Implementation and Universalisation

States did not do this alone. It is important we recognize the enormous contribution of civil society who have been advocating for this Treaty for many years, who informed our negotiations and who have an important role in the years ahead.

-- Ambassador Peter Woolcott, Australia, 2 April 2013

I want to congratulate everyone who has worked hard in order to help bring this agreement into fruition, including our international partners and the civil society organizations' whose commitment was absolutely vital to winning support for this treaty.

-- John Kerry, US Secretary of State, 25 September 2013

Je salue également la qualité de la coopération avec les organisations non gouvernementales, à l'origine de la mobilisation pour ce traité et dont l'engagement a été constant et le travail efficace tout au long du processus.

-- M. Gérard Araud, Permanent Representative of France to the UN, 3 June 2013

The length and breadth of the campaign was astonishing... you brought this case to the British government and together we took it to the UN.

-- William Hague, UK Foreign Secretary, May 2013

The adoption of the "ATT" is further testament to what can be accomplished when Governments and civil society work together through the United Nations...I commend the members of civil society for their tireless campaigns, expert contributions and unwavering support.

-- Ban Ki Moon, 3 June 2013

Today marks a milestone in the history of the Arms Trade Treaty. Less than two years after its adoption by the General Assembly, we have crossed the threshold of 50 ratifications needed to trigger the Treaty's entry-into-force...I salute the many civil society organizations that have helped make this speedy progress possible.

-- Secretary-General's message to the High-level event on the Arms Trade Treaty [delivered by Ms. Angela Kane, High Representative for Disarmament Affairs] 25 September 2014



Civil Society Engagement in the Conference of States Parties

For the Arms Trade Treaty Conference of States Parties (CSP) and associated preparatory and supplementary meetings, Control Arms believes that full participation of civil society will lead to more effective meetings, and therefore a more productive process. This short paper presents the arguments for full participation of those NGOs that support the object and purpose of the Treaty, and explains the background and activities of the Control Arms Coalition.

There have been many statements within the UN to encourage the greater participation of NGOs within Treaty processes, and there are many arguments to support such participation which include:

- Full NGO participation enhances the decision-making process by providing information, arguments and perspectives. NGOs add to the resources and expertise available and, thereby, enrich the policy debate.
- NGO participation increases the legitimacy of international institutions as they are seen to introduce elements of democratic governance by representing the interests of a global constituency. Public confidence increases when NGOs have the opportunity to observe and be heard in formal implementation processes. NGOs ensure a level of transparency in the Treaty implementation and play a key role in raising public awareness and support.
- NGOs represent certain transnational interests and concerns such as health, education and survivors' rights – areas in which government delegations may have limited interest or expertise.
- Giving NGOs the opportunity to participate in such international contexts can help compensate for the fact that NGOs may struggle to be heard in many cases in their national contexts.
- NGOs are often those dealing with the day-to-day impact of the irresponsible arms trade on the ground. Limiting the participation of such groups will potentially marginalise the views of those who witness – and in many cases must deal with – the human cost of the irresponsible arms trade.

The Control Arms Secretariat, established in 2011 by members of the Control Arms Coalition, is the coordination body for the movement. The Control Arms Secretariat is responsible for coordinating attendance at PrepComs for the first CSP from among the 330 non-governmental organisations, think tanks and academic institutions that are supportive of the object and purpose of the ATT.

Since the adoption of the ATT by the UN General Assembly on 2 April 2013, Control Arms Coalition members have encouraged, facilitated and supported States in all aspects of their engagement with the ATT – from signature, to ratification and implementation, and are now working towards both effective implementation and universalisation. Activities include:

Universalisation

- Engaging with national legislatures, MFAs and other government departments
- Providing legal assistance and technical expertise
- Increasing public education and awareness of the ATT

Support for National Implementation

- Assisting in the development of model legislation
- Assisting states in the identification of assistance needs
- Engaging the support of sub-regional and regional actors

Support for the development of a robust international regime

- Supporting the CSP Preparatory Process, through encouraging States attendance and contribution of papers and statements
- Development of a Treaty monitoring process through the launch of ATT Monitor, which will be published annually to coincide with CSP meetings
- Supporting the development of Reporting Templates
- Supporting the development of common standards on Treaty implementation



- Direct engagement with government officials from the vast majority of UN Member States

Background to the Control Arms Coalition

The Control Arms Coalition, launched in 2003, is the movement of organizations and networks from all over the world working together to reduce global armed violence by bringing the international arms trade under control. One person every minute dies as a result of armed violence and millions more see their lives and livelihoods destroyed as a result of arms transfers that fuel conflict, poverty and serious human rights violations. It is the determination to change this reality that brings together organisations, think tanks and academics spanning human rights, humanitarian, development, health, parliamentary, youth, anti-corruption, transparency, weapons-tracking, peace-building and conflict resolution.

Control Arms has a strong track record of success. In 2003, only three governments publicly supported the idea of an ATT (Costa Rica, Mali, Cambodia). From this, the coalition helped move the ATT from an idea and aspiration among civil society into a UN process, involving all Member States, and culminating in the adoption of a treaty by overwhelming vote at the UN General Assembly, and its subsequent rapid entry into force.

The ATT is the first global treaty to regulate the trade in conventional arms and ammunition and has been widely hailed by governments and the UN as a major success. It is also the first arms treaty for decades to be successfully negotiated within the UN. The work of civil society significantly strengthened the final Treaty text, and ensured that the human suffering that the Treaty is meant to combat remained a central consideration of any future arms transfer. World leaders have frequently cited the crucial role of the Control Arms Coalition in this success.

Significantly, almost all governments that have signed and/or ratified the ATT so far (132) have cited both the role of civil society in achieving the Treaty, and the importance of continued engagement.

They were achieved in part through a targeted civil society strategy, which included:

- A sophisticated and effectively coordinated international advocacy campaign that combined evidence-based research with targeted advocacy at capital, regional and global levels.
- The production of over 50 policy reports, ranging from the case for the ATT through to specific papers on different Treaty aspects as well as implementation guides and technical briefs.
- Provision of technical support and capacity-building to States from the global South, including Africa, Caribbean, Pacific, Asia, Middle East and Latin America.
- Direct lobby and engagement with government officials from almost every UN Member State.
- Regular briefings to international media, which ensured that the ATT was in the media spotlight at key moments.
- Public education to raise awareness and maintain public pressure for an ATT
- Working closely with a wide group of like-minded governments to secure majority support for key Treaty provisions. This strategy proved particularly effective in strengthening the draft treaty text.
- The establishment of ATT Legal, a network of pro-bono lawyers from all regions of the world, through which the provision of neutral legal advice helped support smaller delegations, particularly from the global South, to participate fully in UN negotiations.



Frequently Asked Questions

Isn't it important to ensure transparency in the ATT process going forward?

Yes, Control Arms advocates that all meetings of the CSP should be open, and that main plenaries should be live-streamed, just as many UN meetings are, so that the global public may see the proceedings.

What does Control Arms want in the Rules of Procedure on participation?

Clear rules that give a standing invitation as Observers to the Control Arms Coalition, and all civil society that supports the object and purpose of the Treaty. The ability of such Observers to attend and participate in all sessions and subsidiary bodies of the CSP, and to make oral statements in plenary sessions.

What about those organisations which are opposed to the ATT and campaigning to prevent its implementation?

Control Arms understands the concerns of States who are worried about the activities of the minority of civil society actors who are campaigning against the ATT. These activities are primarily within the USA and focus on campaigns to prevent the US President from ratifying the ATT by Executive Order, push for withdrawal of US signature, and seek legislation that would further constrain US spending on any aspect of the ATT.

Control Arms believes that the majority of civil society actors engaged in the ATT – the overwhelming majority – should not be penalised for the actions of a small minority who oppose it. Instead, Control Arms believes that participation levels can be differentiated according to levels of active engagement to support the Treaty, which would allow all to observe the Treaty process and enable a meaningful contribution by those with clear value to add.

How is it possible to determine which NGOs support the object and purpose of the ATT, and those which do not?

A simple method would be self-certification. Those organisations supportive of the object and purpose would declare this in their registration, and, if required, detail their relevant activities.

Does Control Arms support the attendance of Industry?

Control Arms understands States' interest in including representatives from defence manufacturing companies and associations. We have reached out to and worked with these groups regarding the ATT and their involvement in the ATT process.

Why isn't Control Arms satisfied with the current EU proposal of a specific session for NGOs at the CSP?

The Control Arms Coalition has experience of specific "NGO informal panel sessions" at a variety of UN meetings, and believes that such sessions, while sometimes well-intended, do not allow for meaningful participation by civil society. Instead, they generally give credence to transparency, but actually limit meaningful engagement.

Control Arms is aware that some States feel that there is a choice that has to be made between participation by the US and by civil society. We find this to be an artificial "choice" that is sometimes presented. Control Arms members, particularly within the USA, campaigned hard for the USA to join the ATT, and Senator John Kerry acknowledged the role of civil society in securing the treaty when he signed in September 2013 – an event to which Control Arms representatives were invited. We also understand that the key concern of the US is that anti-ATT groups are allowed to attend, and that this can be accommodated without involving all the elements of participation described above.



PARTICIPATION AT THE CONFERENCE OF STATES PARTIES FOR THE ARMS TRADE TREATY – SPECIFIC LANGUAGE PROPOSALS

This memorandum sets out draft language that States may wish to reference to determine how to structure the attendance and participation of Non-Governmental Organisations (“**NGOs**”) and industry groups at the Conference of States Parties (“**CSP**”) of the Arms Trade Treaty (“**ATT**”).

While other treaty regimes provide examples of differentiated access and participation as between NGOs, the proposed model below allows broad access, but provides for differentiated participation rights based on whether the NGO in question is committed to the object and purpose of the ATT.

The proposed language allows all relevant NGOs and industry representatives the opportunity to attend the Conference of States Parties as observers. Once accredited as observers, the NGOs whose aims and objectives are in conformity with the object and purpose of the ATT and who have a record of “raising awareness of the object and purpose” of the ATT (Preambular para. 15) are further permitted to attend and participate in all of the meetings of the CSP and its subsidiary bodies.

Proposed Rule [*]

1. The United Nations, the International Committee of the Red Cross, the International Federation of the Red Cross and Red Crescent Societies and the Control Arms Coalition may attend the Conference as Observers.
2. Inter-governmental, regional and non-governmental organizations whose purpose, aims and activities are in conformity with Preambular paragraph 15 and the object and purpose of the treaty may apply for Observer status, which may be granted by the Conference of States Parties. Such applications should be submitted to the Secretariat before the opening of the session.
3. Representatives of defense manufacturing companies may apply for Observer status, which may be granted by the Conference of States Parties. Such applications should be submitted to the Secretariat before the opening of the session.
4. Observers under this Rule may participate in all meetings of the Conference of States Parties and its subsidiary bodies and deliver oral and written statements, submit and receive the documents of the Conference, submit their views orally and in writing to the Conference and participate in the deliberative process of the Conference.

Proposed Rule []**

1. Other relevant non-governmental organisations may apply for Observer status, which may be granted by the Conference of States Parties. Such applications should be submitted to the Secretariat before the opening of the session.
2. Observers under this Rule may attend the public meetings of the Conference of States Parties.
3. The Conference of States Parties may review the accreditation of each organization or entity granted Observer status at its regular sessions to determine the desirability of maintaining its Observer status.

BASIS FOR DIFFERENTIAL PARTICIPATION BASED ON THE OBJECT AND PURPOSE OF THE TREATY

The foundation for this approach is drawn from the WHO Framework Convention for Tobacco Control (“**FCTC**”). The FCTC differentiates between NGOs with regard to access to the Conference of States Parties based on commitment to the object and purpose of the treaty.

The relevant paragraph in the FCTC provides:

Rule 31.2¹

Other international and regional nongovernmental organizations whose aims and activities are in conformity with the spirit, purpose and principles of the Convention, may apply for observer status, which may be granted by the Conference of the Parties, based on the report of the Secretariat, and taking into account the 17th and 18th preambular paragraphs² as well as Article 5.3 of the Convention.³ Such applications should be submitted to the Secretariat not later than ninety days before the opening of the session.

The reference in the FCTC's rules of procedure to the preambular and other paragraphs of the treaty itself require the CSP to consider **at the point of entry** whether the NGO in question subscribes to the object and purpose of the treaty as well as other more prescriptive sections of the treaty. This strict access rule enables access only to groups whose aims conform to the object and purpose and other specific sections of the FCTC.

The proposed language draws from the FCTC by distinguishing between NGOs based on conformity with the object and purpose of the treaty, but does so more moderately with regard to **degree of participation**, rather than at the point of entry.

Unlike the FCTC, the proposed language above for the ATT CSP **allows attendance to all relevant industry representatives and non-governmental organizations**, irrespective of whether their aims are in conformity with the object and purpose of the ATT.

Instead, to ensure that efficiencies at the CSP are maintained, the proposed language differentiates among NGOs with regard to **degrees of participation** based on conformity with the object and purpose and preambular paragraph 15 of the ATT, which specifically recognizes "civil society, including non-governmental organisations, and industry" who play a role "in raising awareness of the object and purpose" of the ATT.

¹ Rules of Procedure of the Conference of the Parties to the WHO Framework Convention of Tobacco Control. Available at http://www.who.int/fctc/cop/rules_procedure/en/

² 17th Preambular Paragraph: *Emphasizing* the special contribution of nongovernmental organizations and other members of civil society not affiliated with the tobacco industry, including health professional bodies, women's, youth, environmental and consumer groups, and academic and health care institutions, to tobacco control efforts nationally and internationally and the vital importance of their participation in national and international tobacco control efforts.

18th Preambular Paragraph: *Recognizing* the need to be alert to any efforts by the tobacco industry to undermine or subvert tobacco control efforts and the need to be informed of activities of the tobacco industry that have a negative impact on tobacco control efforts.

³ Article 5.3: In setting and implementing their public health policies with respect to tobacco control, Parties shall act to protect these policies from commercial and other vested interests of the tobacco industry in accordance with national law.