

## Working Group on Effective Treaty Implementation (WGETI), 29 May 2017

The second meeting of the Working Group on Effective Treaty Implementation (WGETI) had a more diverse attendance than at its first meeting, hosted on 06 - 07 February, although the discussions remained focused on procedural and technical issues with very little substance. The meeting followed the [Co-Chairs' Draft Discussion Paper](#), which outlined the terms of reference and priority areas for the group, to be put forward for consideration by the third Conference of States Parties (CSP 2017).

Many states, including South Africa, Sweden, Japan, New Zealand and Ghana expressed concerns with using the term “permanent” in defining the mandate of the working group. While noting that the Treaty’s implementation is a long-standing process which will ensure the Working Group’s continuity, these states also wanted to ensure that this body can be dis-established by the CSP if/when needed. Sweden, Belgium, USA, Australia and Ireland suggested using the term “standing” to reflect that the WGETI’s mandate can be reviewed or revoked by the CSP.

Discussing the WGETI’s mandate, some states (South Africa, Sweden, NZ, Ghana, France) expressed preference for the CSP to decide on the priority areas to be considered in the WGETI’s deliberation. Ireland proposed WGETI as the main decision-maker, noting the potential for priority areas to be “overrun by political interests” in the CSP. USA and Australia proposed a hybrid option where the CSP should provide guidance but it should not prevent WGETI from pursuing “hot topics” that might arise in its meetings. South Africa, Netherlands, Switzerland and Japan agreed that WGETI should “*make recommendations and, where possible, elaborate guidance on practical national Treaty implementation for consideration and possible adoption by the Conference of States Parties*”. Sweden, USA, Belgium, Australia, Germany, France and Bulgaria noted the need for more adequate language to avoid the risk that this guidance is viewed or interpreted as legally binding or applicable to all States Parties equally.

A majority of states agreed that in order to ensure inclusiveness and transparency, WGETI “*should be open to participation by States Parties, Signatory States and Observer States, as well as by representatives of civil society and industry*”. Japan and Switzerland also called for the inclusion of regional groups as some have taken concrete steps towards supporting the Treaty’s universalization and implementation in their respective regions. Some discussions arose around the option for States to invoke the provisions of Rule 42 (2) of the [ATT Rules of Procedure](#) that allows a subsidiary body to decide whether its meetings are public or private. A majority of states, including South Africa, France, Bulgaria, Belgium, Ireland, Netherlands, agreed that this option should be retained but should only be applied in exceptional cases. New Zealand and Sweden clarified that it would only be applied to agenda items or partial sessions, not to whole meetings. Mexico suggested the development of criteria for deciding on closing a session (e.g. will the decision be made by WGETI as a whole or by its Co-Chairs) but this proposal was rejected by Sweden who cautioned against developing additional rules.

Diverse views were also expressed on how the working group’s Co-Chairs should be appointed, with France and Cote D’Ivoire preferring them to be selected by the CSP in order to ensure transparency while Sweden, USA, Belgium, and Ghana preferring them to be selected by the President of the CSP in order to ensure flexibility and better cooperation. Sweden, France, Switzerland and Mexico were in favor of establishing smaller sub-working groups (regional or

thematic) in order to facilitate more thematic discussions on the Treaty's implementation. Guatemala, Ghana, Cote d'Ivoire, France, Togo and Control Arms called for the translation of official documents and interpretation to be made available in France and Spanish in order to facilitate active participation of experts from the Global South.

Ghana, New Zealand and Palau raised the possibility that the sponsorship program be extended to cover the costs of participation to the working group meetings, not just the preparatory meetings. Sweden however noted that only the donor countries could make these decisions.

The afternoon session discussed a possible work plan for the WGETI in the post CSP2017 period as outlined in Annex B of the [Co-Chairs' Draft Discussion Paper](#). A majority of states showed support for the topics identified for prioritization in the period leading up to the fourth CSP. These key areas are: Article 5 obligations, interagency cooperation or communication, transit and transshipment, diversion and record keeping. New Zealand, Ghana, Ireland, Guatemala, Sweden, Germany, Mexico, ICRC and Control Arms noted their concern that Articles 6 and 7 of the Arms Trade Treaty were not listed under priority areas. Control Arms and Ireland also called for discussions on other areas including the Sustainable Development Goals and gender based violence risk assessment.

Ghana, Guatemala, New Zealand and Belgium requested flexibility in the frequency of the working group's meetings and noted that they should be spaced out in order to allow for adequate preparations and coordination with experts from capitals. New Zealand and Mexico also called for priority areas to be addressed in parallel as some are interconnected while Belgium opted for sequencing discussions on priority areas. Several states including New Zealand, Germany, Japan, and Switzerland also called for close coordination with the other working groups as well as with the Voluntary trust Fund (VTF).

In a statement delivered by Cesar Jaramillo of Project Ploughshares, Control Arms also raised the issue of arms transfers to Saudi Arabia by ATT States Parties and signatories, despite the numerous international human rights and humanitarian law violations documented in Yemen. He also noted that *"The contracts are highly profitable and the willing suppliers are apparently many. While exports to Saudi Arabia are particularly egregious, there are other instances across the world where civilians are being affected by armed violence fueled by irresponsible arms deals every single day."*

## Working Group on Transparency and Reporting (WGTR), 30 May 2017

The third meeting of the WGTR was co-chaired by Sweden (Amb. Paul Beijer), and Mexico (Guillaume Michel). Sixteen States took the floor during discussions, as well as contributions from Control Arms members at several points throughout the day. This timely meeting took place the day before the deadline for states to submit their 2016 Annual Reports to the ATT Secretariat. Control Arms gave a strong statement calling for full public reporting from all States Parties in time for the deadline, and naming the three governments (Bosnia-Herzegovina, Senegal and Uruguay), that had made all or part of their reports private. Uruguay later informed the meeting that they would be changing to make their report fully public, and explained that a mistake had been made.

The rest of the meeting was focused on reviewing several documents produced to aid states in meeting their reporting obligations, and to find new ways to create information exchanges as required by the ATT.

Belgium presented a new Q&A document that they have developed to guide states in fulfilling their ATT annual reports. The document is based on the ATT Treaty text, and incorporates existing guidance produced by the UN Register of Conventional Arms (UNROCA). It outlines a comprehensive overview of questions that states might have about their legal reporting obligations under Article 13.3. States were broadly positive about the work done to produce this resource, with the Netherlands, New Zealand, France, Australia, Uruguay, and Germany among those speaking in its favour. States focused mostly on procedural issues including:

- The status of the document (whether it could/should be endorsed by states at CSP 2017, raised by the USA, Finland and New Zealand)
- Whether it could be translated (raised by Finland, Mexico, Switzerland and Uruguay)
- If wording in the document suggested additional reporting obligations for states, instead of just advice of optional good practice (France, Australia, USA).

Few states addressed substantive issues in the document, which was circulated shortly before the meeting. Control Arms highlighted the need for the advice in the document to be strengthened at key points, including informing states that they could report on end-use (as well as end-users) in the 'comments' section of their annual reports, and the need to emphasize throughout that the legal obligations for states were the absolute minimum, and not good practice.

It was agreed that states and civil society would be invited to provide written inputs to the Co-Chairs of the WGTR, and a revision of this [Q&A document](#) would be re-circulated before CSP 2017. This is expected to be a 'living' document that will continue to be amended in the future.

The WGTR revisited the document produced by Sweden to help states [reduce any reporting fatigue](#) by better organizing their workload. This revised document had been presented at the previous meeting of the WGTR in April, and, with no major changes recommended in this round of discussions, is now ready to be presented for consideration at CSP 2017.

Mexico presented a revised version of their paper on developing an [information exchange mechanism to prevent diversion](#). This latest version has introduced several new progressive ideas, like creating an annual meeting of national points of contact for states. Switzerland, the

Netherlands and Control Arms welcomed this initiative. As Control Arms pointed out, this draft of the paper has significantly weakened its initial recommendations for the outcome information generated through this mechanism (i.e. denials or authorizations of transfers) should be made available, including in a report to CSPs. Some governments (Switzerland, Germany) continued to express concerns with the idea that outcome information should be shared, and the utility of a formalized template for information exchange (Netherlands, New Zealand, Germany), and these will continue to be topics for debate at CSP 2017. It was agreed that Japan and Mexico should draft a new proposal to create a database of national points of contact that can be shared with CSP 2017.

Sweden also introduced a new food-for-thought paper that [maps out all types of information exchanges that are called for in the ATT](#), so that the WGTR can explore other requirements that are not yet being pursued by States Parties.

The WGTR discussed a proposed mandate for its work after CSP 2017, with priorities including:

- Exchanges of lessons learned from reporting experiences and identification of common areas of difficulty,
- Structured information exchange in other areas (e.g. diversion, corrupt practices)
- Tracking the ATT Secretariat's development of a new web platform, with a possible reporting database,
- How to use the data generated by reports to help States implement the ATT.

Control Arms urged the WGTR to ensure that its mandate explicitly addressed improving compliance by states with their reporting obligations, and to continue to explore ways to incentivize public reporting.

Both the proposed mandate for the WGTR, and a report on work done this year with recommendations for CSP 2017, will be revised by the Co-Chairs and re-circulated in coming weeks.

#### **Side event**

UNIDIR and Small Arms Survey hosted the second meeting of the [Arms Transfers Dialogue](#), focused on exploring linkages between the ATT and the Sustainable Development Goals (SDGs). Presentations addressed the overlap in commitments relating to preventing gender-based violence and acts of violence against women and girls, and on increasing transparency. The Arms Transfers Dialogue is a new forum for discussion between arms control practitioners and stakeholders to build common understandings of key issues and identify synergies between different multilateral instruments and processes.



## Working Group on Treaty Universalization (WGTU), 31 May 2017

The Working Group on Treaty Universalization (WGTU) was chaired by Nigeria (Amb. Imohe, President of CSP 2016) and Finland (Amb. Korhonen, President of CSP 2017). Amb. Korhonen provided information about his outreach trips in April to Asia Pacific and the Russian Federation as well as plans of his upcoming ATT universalization meetings in Brazil and US and his participation at the Wassenaar meeting in July. Amb. Imohe and Ghana both noted efforts among ECOWAS member states to establish national commissions or to build on the framework of current national commissions on firearms to also include responsibility for conventional weapons and ATT. Australia also raised the need for regional engagement in ATT universalization efforts and called for a review of the universalization narrative. They also announced a joint publication with the Center for Armed Violence Reduction on "*Reinvigorating the Narrative*", aiming to make the ATT "universally unobjectionable".

Control Arms members from Africa, Asia, Americans, MENA and Pacific provided updates on ATT universalization progress, offered information about current ATT related projects and raised issues and provided suggestions for consideration by WGTU. The civil society statements were initially cut off when China entered the room and requested the floor. After support from New Zealand and Sweden, Control Arms was given the floor again to continue.

The European Union announced a new EU Resolution agreed on 29 May, which will continue the current EU Outreach Program activities in nine countries. ICRC briefed the meeting on past activities to support the Treaty's universalization including regional international humanitarian law committee meetings in Papua New Guinea, Costa Rica, Nigeria and Uganda. It also took the opportunity to underscore the need for ATT States Parties to "*implement and demonstrably comply with the ATT in order to ensure credulity in the Treaty and encourage other to join*".

In one of the few substantive interventions, Fiji stressed the need for further transparency in the arms trade calling on States Parties to weigh all transfers against the Treaty's criteria, especially on international human rights and humanitarian law. Fiji, a non-State Party, announced that it is in the process of creating a centralized database as well as reviewing existing laws in order to incorporate the Treaty's provisions into its national legislation.

China, also a non-State Party, provided an overview of its "*prudent arms control policy*" and recommended that the Treaty's provisions should be amended to include prohibitions on exports to non-state actors in order to increase the Treaty's attractiveness. It also highlighted its discontent with the high dues and limited participation of non-states parties at official ATT meetings. It gave no indication of plans to accede to the ATT.

No objections were raised to the [Co-chairs' Draft Discussion Paper](#) or to the [Working paper Promotion of Arms Trade Treaty Universalization](#). Similar discussions over the permanence of the working group, the working languages as well as the need to hold meetings back to back with other ATT meetings were carried out as in the previous Working Groups. Strong support was shown towards civil society with several countries noting either the important role of civil society in the Treaty's universalization (Ireland, Argentina, Guatemala, New Zealand or joint collaborations with civil society (Australia, Fiji and Palau).