Second ATT Working Group and Informal Preparatory Meetings for the Eighth Conference of States Parties to the Arms Trade Treaty

Daily Summary Analysis

Second CSP8 Informal Preparatory Meeting

Friday, 29 April 2022

Video recording of ATT meetings 29 April 2022 Original (as delivered) Arabic Chinese English French Russian Spanish

The Second CSP8 Informal Preparatory Meeting was opened by CSP8 President, Ambassador Göbel of Germany who, acknowledging the continued limitations imposed by the COVID-19 pandemic in organizing these meetings, expressed hope that they will continue to serve as a transparent platform for consultations among ATT stakeholders. He noted that all CSP8 documents will be published on the ATT Secretariat website and circulated to all stakeholders in advance of CSP8 to ensure predictability in the expectations and outcomes of the conference. He went on to provide an overview of the CSP8 draft agenda, which will include a dedicated season on the CSP8 thematic focus - post-shipment controls (PSC), an update on Status of financial contributions, progress reports from the ATT Subsidiary bodies as well as an update on the ATT Secretariat’s project to support ATT implementation.

Agenda Item 2: Update on informal consultations: priority theme for the German Presidency

Speaking on the CSP8 thematic focus, CSP8 President Ambassador Göbel, recalled that the second workshop on this topic was held this week (see side event summary). The event explored the linkages between PSCs and Articles 7 (Export and Export Assessment) and 11 (Diversion), operational challenges, economic aspects of post-delivery verifications and industry opinion. The discussions pointed to the need for further work to explore the implementation of post-shipment controls. As a starting point, a paper summarizing the key findings and a toolkit for implementation of PSCs will be presented at CSP8.

Agenda Item 3: Status of ATT finances

The meeting began with a presentation by the ATT Secretariat on the state of ATT finances. Mr. Dumisani Dladla, the Head of the ATT Secretariat explained that assessed contributions are calculated based on the CSP approved budget, the number of States Parties, the number of other states in attendance at the last CSP, UN Scale of assessment and the ATT scale of effort. He went on to explain that while in previous years over 90% of the total budget needs were received via assessed contributions, in 2022 only 87% of the total budget was received to date, which means that over 13% of the 2022 budget remains uncovered (an outstanding balance of $148,000). Since 2015, half a million dollars have been accumulated in outstanding contributions. This poses great challenges for the ATT Secretariat as cash flow projections show that without further contributions funds will run out in December 2022. Mr. Dladla
also noted that to date no states in arrears have submitted a formal request for financial arrangements in accordance to Financial Rule 8 (1) d adopted by CSP7.

Amb Gőbel noted the urgent need to strengthen the financial stability of the Treaty and shared that his Presidency has conducted outreach to encourage settlement of financial issues. He reminded states that the commitment to the Treaty can be shown both through engagement in Treaty implementation as well as through timely payment of contributions, a sentiment echoed by the UK.

Mexico - noted that with the ability to hold in-person meetings, there might be new opportunities to discuss the implementation of the financial rules and to obtain certainty on the payment of outstanding contributions. Mexico also expressed disappointment that no funds have been received to date via the Reserve Fund as well as that no delegation has asked for financial arrangements, especially those based in Geneva who could easily coordinate with the ATT Secretariat.

The UK reminded states that this discussion has been a recurring one over the years and yet nothing has changed. It also stressed that the payment of assessed contributions is a legal obligation, and that for this Treaty to survive States Parties must make their payments in time and in full. Recalling that Financial Rule 8 (1) d was negotiated over two years at the request of the states in arrears, the UK expressed disappointment at the fact that no state has yet made use of it. The UK stressed that if no payments are received soon, states will be forced to make difficult decisions, including cutting the activities of the Treaty to prevent it from going bankrupt.

The EU, echoing the interventions by Mexico and UK, expresses concern over this situation stemming from the accumulation of non-payments of assessed contributions and warned of negative consequences for the stability of the institution.

The Chair concluded these discussions with a call for states to make payments in time and in full.

Item 4 - Progress reports of ATT subsidiary bodies
The Chair of WGETI, Ambassador Sang-beom Lim of the Republic of Korea commended the efforts of the sub-Working Group facilitators who have made great progress despite the unusual work environment.

In summarizing the work carried out this week he noted that the facilitator of the sub-Working Group on Articles 6 & 7, Ambassador Ignacio Sanchez de Lerin, circulated a document containing possible draft elements of the Voluntary Guide. These were developed based on States Parties submissions to the survey circulated last year as well as on the discussions from the February 2022 WGETI meeting. The facilitator emphasized that the purpose of the Guide is not to reinvent interpretation of agreed terms in international law, a concern raised by a number of delegations. The meeting also included a discussion on Article 6, during which States Parties shared their national experiences with the implementation of this article, including their
understanding of the term “knowledge”. Dr. Maya Brehm from the ICRC delivered a presentation on ‘Article 6.3: Knowledge and related terms’. The presentation was centered on the practical application of Article 6 and 7 provisions, with a focus on genocide, crimes against humanity, and war crimes.

The meeting of the sub-Working Group on Article 9 focused on two key topics 1) measures to regulate the transit and trans-shipment of arms by sea and 2) the role of the private sector, including arms manufacturers/industry and shipping companies and agencies, in the transit and trans-shipment of arms by land, air and sea. The conference began with a presentation by Dr Julia Hörnig on transport and transit of arms by sea to help delegations understand the existing laws and regulations relevant to this topic. Participants then shared examples of national regulations and legislation put in place to regulate transit and transhipment. In the second part of the meeting Mr Richard Patterson of the Fair Trade Group detailed the challenges that come with the import and export of arms and ammunition followed by a discussion on the deviation of cargo due to emergency/weather and efforts to avoid this becoming a case of diversion. The facilitator emphasized that the development of guidance on the implementation of Article 9 requires further input from States.

The sub-working Group on Article 11, facilitated by Ms. Stela Petrovic covered three agenda items in accordance with the groups' multi-year plan: 1. the role of importing states in preventing diversion - 2. post-delivery cooperation and 3. the role of private sector and civil society in mitigating diversion risk. Several stakeholders stressed the role played by importing states in preventing diversion and emphasized the importance of cooperation between importers and exporters. States also shared examples of national systems and legislation adopted to prevent diversion, including reliance on research and resources developed by civil society on illicit supply chains to inform robust risk assessments of diversion.

Going forward the sub-working groups on Articles 6 and 7 and the sub-working group on Article 9 will take into account input submitted in writing by participants. Reminding participants that the sub-working group on Article 11 has reached the end of its work plan, the WGETI Chair recommended extending its mandate by one year, as further work is needed on this topic.

Next, the co-Chairs of the Working Group on Transparency and Reporting (WGTR) provided an overview of the discussions which took place on Thursday, 28 April. Following a presentation from the ATT Secretariat on the states of ATT reporting, the group learned that, while multiple States Parties have submitted outstanding ATT annual reports from past years, the growing trend towards private reporting remains a concern. Two presentations by Ms. Rachel Stohl of Stimson Center and Carina Solmirano of ATT Monitor illustrated the importance of improving both reporting rates as well as the quality of reports to ensure compliance with the Treaty’s transparency purpose. One delegation stressed the importance of transparency in countering diversion while another recommended the establishment of a “group of friends” to the Chair who could provide ongoing support to other states in the completion of their annual and initial reports. The chairs also reminded participants that the deadline for submitting the
ATT annual reports is 31 May and that a number of online tools, including the new reporting templates, are available for them on the ATT Secretariat website.

The WGTR also benefited from a presentation by Dr. Paul Holtom Head of the Conventional Arms Division at UNIDIR, on the ‘Aggregation of Data in Annual Reports’ which stressed the need for transparent information on items imported by states. One delegation detailed the type of information provided in its national report while another noted its work on stockpile management. Another delegation recommended having a special session on the FAQ Document and the completion of ATT annual reports.

In conclusion, the WGTR Co-Chairs invited States Parties to register online on the restricted area of the website in order to gain access to the online portal, noting that the use of the IT platform remains modest.

Ambassador Göbel, one of the two co-Chairs of the Working Group on Treaty Universalization (WGTU) and CSP8 President congratulated the Philippines as the newest ATT States Party and welcomed the announcement by Gambia on its plans to join the Treaty. He also used this opportunity to remind ATT States Parties that every member can engage with non-State Parties within their reach. Going forward, the WG will discuss how to better tailor its efforts to support the Treaty’s universalization and a proposal will be put forth for endorsement at CSP8.

Ambassador Göbel also shared the efforts undertaken by Germany towards Treaty universalization, including the advancement of the UNGA ATT resolution and engagement with 70 signatory and non-state parties. He noted that a follow up activity to this work is currently being planned in partnership with BAFA.

Paraguay, who took the floor for the first time this week, congratulated regional and sub-regional initiatives attempting to fight the illicit arms trade and noted that these efforts have been translated into national legislation. While Paraguay has adopted new legislation compatible with all international and regional commitments, it is struggling with its implementation. For instance, Paraguay noted the need for further capacity training for officials and inspections. Paraguay, who has not yet submitted its 2020 ATT annual report, also clarified that the delay is due to an update to its national legislation and rotation of staff and reaffirmed its commitment to transparency.

Brazil, who also spoke for the first time this week, shared that in accordance with its Federal Constitution, the government is responsible for the control of military goods. While the Brazilian Army is responsible for issuing authorizations on the export of controlled goods, other national agencies are involved and consulted in the decision-making process. Brazil also shared that it has consolidated its national control system, but long porous borders remain a primary challenge to efforts to prevent diversion. In this regard, Brazil noted that it is motivated by and interested in the Diversion Information Exchange Forum (DIEF).
The Second Informal Preparatory Meetings for the Eighth Conference of States Parties to the Arms Trade Treaty continued with a presentation on the ATT Secretariat project to support ATT implementation. The project, made possible by European Union Council Decision 2021/649, includes three key activities:

1) capacity building of ATT national points of contact (NPCs),
This activity includes the development of guidance documents, NPC briefings, a dedicated webpage on the ATT Secretariat website and ongoing outreach to NPCs. It seeks to increase knowledge of ATT obligations, increase awareness of the ART process and disseminate materials about the ATT to NPCs. To date, two briefings were held - in February and April 2022 and 2 additional briefings are planned for 2023.

2) capacity building of local and regional ATT experts to avoid reliance on international experts
The activity began with the design of a train-the-trainers workshop, including the development of training materials, recruitment of trainees in targeted regions and eventually the organization of 6 workshops in different regions. This project seeks to increase the number of regional experts and their names and contact information will be posted on the website for ease of access to those States seeking assistance with ATT implementation or implementing partners for VTF projects.

3) a database to match needs and resources - this project is underway and an interim report will be available in June 2022.

These efforts were welcomed by CSP8 President, Ambassador Göbel and Côte d’Ivoire.

Agenda Item 6: CSP8 Agenda
Ambassador Göbel noted that the draft agenda for CSP8, as presented in February, contained items agreed upon by the conference and was consistent with agendas from previous CSPs. Recalling that some delegates recommended the inclusion an agenda item focussed on reviewing priority themes of previous presidencies, the Ambassador noted that this recommendation was considered but three considerations took precedence:

1. All CSP decisions based on priority themes were framed in a manner that allowed them to be carried forward either independently by States Parties or by the ATT Working Groups.
2. In February 2022, the ATT Secretariat started to present updates to the ATT Working Groups on the implementation of previous CSP meetings as well as on the status of projects arising from previous priorities (e.g. gender balance presentation provided in February 2022).
3. In drawing up a CSP agenda, it must be ensured that a dedicated process is established during the intersessional period. This will ensure that agenda items are derived solely from dedicated channels and processes.

Given these considerations, Ambassador Göbel noted that it would not be ideal for the CSP8 agenda to be revised at this point and urged States Parties to support the draft agenda.
presented in February. He also encouraged stakeholders to take advantage of the CSP8 General Debate to engage in discussions regarding previous priority themes.

No objections were raised and the agenda was approved as presented.

The meeting concluded with a brief farewell ceremony for long-term ATT Secretariat staff member, Ms. Sarah Parker who moved on from her role as Senior Policy Officer to pursue other opportunities. Mr. Dumisani Dladla, Ambassador Göbel as well as Control Arms recalled Mr. Parker’s contributions to the establishment and work of the ATT Secretariat and wished her the very best in her future endeavors.