

**8th Conference of States Parties to the Arms Trade Treaty**  
22-26 AUGUST 2022 | GENEVA, SWITZERLAND

# Daily Summary Analysis Report

**26 August 2022**

## MATTERS PERTAINING TO CSP9

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The day was opened with Agenda item 13: Matters pertaining to CSP9. During the opening it was stressed that the next ordinary session will take place between **21-25 August 2023**. Provisional budget estimations were briefly provided by the ATT Secretariat, while the structure of the preparatory process will require a thorough discussion and that it is a task for the new Management Committee to look into the different proposals. In accordance with Rule 9, the **Republic of Korea** was nominated as the new Presidency. The Conference elected **Australia, Latvia, Uruguay and South Africa** as the four vice-Presidents for the Ninth Conference of States Parties.

It was also noted that the Republic of Korea will be replaced as a member of the Management Committee by **China** until the next session.

The Selection Committee shall consist of 15 countries contributing to the VTF. The nominations are **Australia, Canada, Finland, Germany, Japan, Latvia, Madagascar, Mexico, Panama, Republic of Korea, South Africa, Switzerland, and the UK**.

## CONSIDERATION AND ADOPTION OF THE FINAL REPORT OF THE CSP8

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**Ambassador Thomas Göbel** guided the Delegations through the final CSP8 report, looking specifically at some parts thereof. The introduction includes the mandate as of Article 17 and was adopted without any comments from delegations. Para 11 to 15 list all participants to the conference and in the absence of corrections from State Parties the second section was adopted. Similarly, decisions and recommendations of the conference (para 19 and para 20) were adopted.

Some Delegations provided comments on the decisions and recommendations. **South Africa** stressed that more time should have been spent on decisions and recommendations, in particular para 20. They also highlighted that during the intersessional period, Germany could convene a meeting to discuss follow-up work on the thematic focus of post-shipment controls. **Ghana** supported the proposal made by South Africa and felt that it is important to continue the engagement on post shipment controls (PSCs) beyond the conference.

**Panama** and **Control Arms** also supported South Africa's proposal, stressing that decisions taken on a given theme are not reviewed after the CSP cycle. According to Control Arms, PSCs in particular deserve close attention and continuous engagement.

On para 21, regarding the need to avoid the imposition of additional obligations, the UK stressed that language reflecting the point of not imposing obligations should be added. Also, on para 21b, the UK suggested the following language: states "could consider", add "in order not to set additional burden

to the States Parties". In the same vein, **Australia** expressed reservation to paragraph 21a and supported the UK amendments. **Panama** supported para 21 as the wording of the paragraph was deemed to be clear enough not to be interpreted as an obligation.

The CSP8 President was open to considering South Africa's proposal, stressing that Germany will continue working on the topic of PSCs within WGETI as well as within the sub-working group on Article 11. Regarding the amendments proposed by the UK, the CSP8 President stressed that the objective has never been to add a burden on States Parties, and that the word "encourage" is sufficiently open. Concerning para 21b, it was underlined that when it comes to "encouraging", it is strictly voluntary.

Subsequently, para 22 to para 36 were adopted. **Switzerland** asked whether their proposal on the Management Committee to bilaterally engage with States on arrears was adopted through para 36, which was confirmed by the CSP8 President. On para 36, **Palestine** asked to add the following language: "consultations should be made with civil society members". The CSP8 President was reluctant to re-open discussion on a paragraph that had already been adopted; however, he noted that he expected the Management Committee to come back to preparatory meetings with proposals with the full participation of the necessary stakeholders.

Paragraphs 43 - 45 were adopted, while paragraphs 21 and 31 were left open for further discussion. The meeting was suspended for an hour to allow for possible proposals with regard to paragraph 21.

**Uruguay** stressed again their concern with paragraph 31, mentioning that the VTF and the payment of contributions should not be linked together. They also expressed concern about the inclusion of guidance documents, which was not duly debated. **El Salvador** supported the proposal brought forward by Uruguay, stressing that the financial considerations should not be reiterated in paragraph 31.

**Canada** stressed that financial considerations are one of the many criteria used by the VTF Committee, and not one of the deciding factors. As such, Canada agreed with Switzerland to work bilaterally with States on arrears in order to encourage payment of contributions.

**Panama** reiterated that financial considerations shouldn't be part of the paragraph at all, and subscribed to Uruguay's proposal. They also agreed with the point made by **El Salvador**: the VTF is a subsidiary body that depends on decisions of CSPs, and for them the Terms of Reference are the first building block.

Similarly, **Liberia** and **Ghana** supported Uruguay's and Panama's view on paragraph 31. Costa Rica stated that para 31 is not in line with the spirit and intent of the Treaty and declared their concern about the implicit interpretation of a document that is not endorsed by States Parties. Other Latin American states including **Dominican Republic, Argentina, Guatemala, Honduras, Paraguay, and Peru** also supported Uruguay's proposal.

**Namibia** supported Uruguay and Panama, stressing that it is not only about a legal matter but also a political matter. If States are not complying, they added, engaging bilaterally is the best course of action.

**Austria** shared that they provide funding to the VTF and have no projects, reiterating that no punitive measures have been adopted and that contributions should be paid in full and on time. They also explained that in the VTF Committee there are various groups represented so that views from both donors and recipients are taken into account. **Liberia** responded to Austria stating that there is already financial punishment for financial liabilities.

**Ambassador Thomas Göbel** of Germany noted the support for amending paragraph 31, however he stressed that this would in no way answer the task set before to give guidance for the next cycle. He also stated that guidelines for the VTF Selection Committee for the upcoming year are very much needed.

The afternoon session was opened with the adoption of para 21 with edits. **Ambassador Thomas Göbel** of Germany and CSP8 President proposed that decisions on paragraph 31 should be postponed to CSP9 in order to allow time for further discussions and negotiations. **Liberia** and **Guatemala** opposed the draft text proposed by the CSP8 President.

The **Netherlands** intervened to say that the quality of projects has always been the dominant selection criteria, with a view to securing the long-term stability of the Treaty. **Ghana** stressed that shifting the matter to CSP9 will not be beneficial and will only further the distance between donor states and other states. **Argentina** supported Ghana and **Mexico** stressed that nowhere in rule 8.1.d there is a link to the VTF and proposed alternative language.

Likewise, **Uruguay** was disappointed by the new draft paragraph and did not accept Mexico's proposal. While the UK accepted Mexico's proposal, **Panama** reiterated that it is dangerous to link the financial rules with the VTF. **Ghana** expressed that in their view the financial considerations are discriminatory, a point echoed by Guatemala.

The **Netherlands** were open to accept Mexico's proposal but following the previous statements they realized that no consensus would be reached at CSP8, and agreed with the CSP8 President on the need to postpone a decision on this matter to CSP9.

**Kazakhstan** supported all delegations who believe that the VTF and the financial assessed contributions should not be linked. They reminded that according to Article 16 the VTF was created to help States implement the ATT and stressed the importance of not creating a precedent for other fora that may experience similar financial strains.

**Mali** endorsed the proposal from Ghana and Liberia stressing that financial considerations which will represent a handicap for the future universalisation of the Treaty. **Namibia** highlighted that the VTF and the mechanism of financial contributions are two distinct mechanisms.

**Sierra Leone** stressed that they align themselves with the points raised by states from their region

On the other hand, **Canada** also stressed that as a member of the VTF Committee, they consider the quality of submissions first.

**Ghana** called the Presidency to adjourn the meeting and constructively engage colleagues from other delegations in order to reach consensus, stressing that there is no value in postponing the discussion to CSP9. **Panama** and **Liberia**, as well as **Costa Rica**, aligned with Ghana calling for further discussion. Liberia recalled that the VTF is the only place where the poor can make equal decisions without any prejudice.

The **UK** noted the continued divergence of positions, and yet the importance of compromise. Both the UK and the **Netherlands**, followed by **Canada**, stated that they could accept the language proposed by Uruguay.

**Ambassador Thomas Göbel** of Germany, noting consensus on the proposal made by Uruguay earlier during the day, stated that on the final document paragraph 31 will include only the first sentence from the initial text which states that the VTF Selection Committee will continue to be guided by the VTF Terms of Reference.

**Ghana** and **Japan** appreciated the Presidency as well as the UK and Netherlands' effort to seek consensus. **Uruguay**, while thanking delegations for accepting their proposal, recalled that the VTF Terms of Reference do not take into account the financial considerations.

**Ambassador Thomas Göbel**, thanking states for their spirit of compromise, read the final version of the draft paragraph: *"Following deliberations regarding selection of projects for VTF Selection Committee, and in reference to previous CSPs, the Conference decided that VTF Selection Committee will continue to be guided by the VTF Terms of reference."*

Ambassador **Göbel** also reminded states that **while the composition of the VTF Selection Committee was decided, two places remain available** and encouraged delegations to bring candidates to the knowledge of the ATT Secretariat.

## CLOSURE OF THE CONFERENCE

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Japan expressed their gratitude to the German Presidency for their leadership throughout the CSP8 cycle. The European Union (EU) and its Member States welcomed the adoption by consensus of the CSP Final Report and look forward to a continuation of debate on PSCs, as set by the Presidency. The EU also pointed out that there are areas where CSP8 could have been more ambitious, and encouraged everyone to submit their ATT Annual and Initial reports publicly and on time. The EU also welcomed inputs from international organizations, civil society, and industry who shared commitments and aspirations.

The **Republic of Korea**, as the incoming CSP President, explained that the appointment of the new Ambassador was still in progress and as such the name of CSP9 President will be communicated later. As a reliable and long standing supporter of the Treaty, Korea underlined that it has served as Vice Presidents in CSP5 and as Chair of WGETI in 2021/2022. Additionally, Korea has contributed 100,000 dollars to VTF in 2019 and 2021, and noted an increased contribution this year.

In closing, the Republic of Korea outlined their priorities for the year ahead, including 1) universalisation, in particular in the Asia-Pacific region which has a low accession rate; 2) effective implementation, with a focus on the role of industry in terms of arms trade; 3) post delivery cooperation as an essential tool to prevent diversion, following up on CSP8 paper; and 4) cooperation with all stakeholders.

## SIDE EVENTS

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### **The role of civil society in the universalization of the Convention on the Arms Trade Treaty**

*Organizers: Maat for Peace, Development and Human Rights and Global Coalition for Limitation of Armaments -GCLA and Permanent Mission of Madagascar to the United Nations*

The event brought together panelists and experts to discuss the role of civil society in encouraging new countries to join the ATT. The GCLA, launched in February 2022 on the sidelines of the first preparatory series of CSP8, now includes 26 civil organizations, and has developed a specific programme of action to help achieve the universality of the Treaty in the Arab Region and the Middle East, despite the various restrictions imposed by some countries on the work of civil society.

The debate revolved around the recognition of the importance of the knowledge and expertise shared by civil society organizations, ways to overcome the civil society-government dichotomy in the Arab region, and the repressive policies undertaken by a number of Governments to undermine civil society organizations and human rights defenders. Litigation was addressed by delegates from State Parties in the Arab region as an important area of work for civil society; for instance, CSOs could use litigation tools to promote human rights protection and make Governments accountable to the ATT.