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DRAFT WORKING PAPER PRESENTED BY THE PRESIDENT OF THE TENTH CONFERENCE OF STATES PARTIES TO THE ARMS TRADE TREATY (ATT)

The Role of Interagency Cooperation in the Effective Implementation of Arms Trade Treaty Provisions

INTRODUCTION

1. The theme for Romania's presidency of the Tenth Conference of States Parties to the Arms Trade Treaty (ATT CSP10) is "The Role of Interagency Cooperation in the Effective Implementation of Arms Trade Treaty Provisions". This is a cross-cutting theme for the ATT, which serves as an important signal for a renewed focus in the ATT community on practical implementation of the treaty in order to achieve its object and purpose. The theme provides an opportunity to discuss challenges and identify effective measures that can help to achieve progress in previous presidency themes on countering diversion, exploring the role of the ATT to advance work on addressing the link between conventional arms transfers and the risk of serious acts of gender-based violence and serious acts of violence against women and children, information sharing, post-delivery cooperation, and the role of industry.

2. This theme is particularly important for Romania given the evolution of the national control system, in which interagency cooperation has played an important role in effective ATT implementation and the ability to ensure responsible and transparent international transfers of conventional arms. Successful national interagency cooperation contributes towards the effective domestication and implementation of treaty provisions. Therefore, the Romanian presidency of ATT CSP10 seeks to provide a platform for all key stakeholders to exchange information on challenges, lessons learned and effective practices on how States Parties implement the ATT. There is "no one size fits all approach" for ATT universalization and implementation, but via the exchanges enabled by the presidency theme, it should be possible to identify common themes and key concepts to support effective treaty implementation and identify new issues for consideration beyond the ATT CSP10 cycle of meetings.

INTERAGENCY COOPERATION AND EFFECTIVE ATT IMPLEMENTATION

3. Interagency cooperation can be defined as any joint activity between two or more government ministries, agencies, or departments (hereafter "government entities") that is "intended to produce more public value than could be produced when the organizations act alone".¹ The starting point for such cooperation is when key individuals within the agencies recognize for themselves, or under direction from policy-makers at a higher level, "that they have a common

concern and/or that they are often working with the same people”.² When an effective interagency mechanism is in place that facilitates cooperation between agencies to overcome these challenges, whether mandated by law or an informal approach, it is possible to utilize some of the benefits of interagency cooperation to effectively work towards a common goal.

4. Although the ATT text does not explicitly mention inter-agency cooperation, many States Parties have highlighted in presentations and interventions during Conferences of States Parties (CSP), as well as in initial reports on implementation of the treaty, that a key element of their national control system includes interagency cooperation. Documents developed under the Working Group on Effective Treaty Implementation (WGETI) contain references to inter-agency cooperation.

- The Voluntary Basic Guide to Establishing a National Control System emphasized that Article 5 does not prescribe all of the potential elements of a national control system as “no one-size-fits-all”, but noted that “inter-agency cooperation and information sharing to undertake informed assessments of applications to export, import, transit or tranship, or broker conventional arms is important” – and therefore, interagency cooperation supports the effective implementation of Articles 6 through to 10.³
- Several voluntary guidance documents to support implementation of Article 11 on countering diversion have highlighted the benefits of using interagency information sharing mechanisms and interdepartmental or interagency examinations of requests for the export of conventional arms as part of a consistent and objective risk assessment.⁴
- State Parties’ record-keeping practices reveal that “inter-ministry and/or inter-agency cooperation is necessary to gather all relevant data from national records in order to compile annual reports on authorised or actual arms exports and imports”.⁵ Sweden distributed a working paper at CSP3 that emphasized the benefits of preparing a “national procedures document” to support effective collaboration between different government entities involved in the reporting process.⁶

5. No one size fits all for interagency cooperation to effectively implement the ATT, but publicly available initial reports on implementation of the ATT and presentations during CSP meetings indicate that States Parties utilise interagency cooperation in the following situations:

- For the development of national control systems, including the establishment or updating of a national control list in accordance with Article 5;
- For informing decisions to authorize or reject applications to export, import, transit/tranship or broker conventional arms in accordance with Articles 6-11;
- For enabling the compilation and submission of initial and annual reports, in accordance with Article 13;
- For ensuring compliance with national legislation to implement treaty provisions, including responding to diversion cases, in accordance with Article 14; and
- For outreach and training for those involved in the national control system.

6. The above is an indicative rather than exhaustive list of the different ways in which States Parties utilize interagency cooperation to effectively implement treaty provisions. There may be other ways in which States have found interagency cooperation useful and necessary to fulfilling implementation of the ATT.

7. A brainstorming workshop on 17 January 2024 involving 26 participants from States Parties, researchers, and civil society, which was co-organized by the Romanian Ministry of Foreign Affairs and President of ATT CSP10, with the United Nations Institute for Disarmament Research, the Stimson Center and Conflict Armaments Research, identified a range of challenges for interagency

cooperation to effectively implement the ATT. For example, States that are at an early stage in the development of a national control system to implement the treaty request support from the ATT Secretariat, other States, and civil society to determine which government entities should work together to implement the treaty and how to ensure cooperation and coordination of efforts most effectively. There can also be rivalries between different entities seeking to “lead” on elements of ATT implementation, as well as cases where a critically important government entity for ATT implementation can act as a block on ratification or accession to the treaty.

8. Therefore, while the benefits of inter-agency cooperation for addressing complex policy problems are widely recognized, particularly in the national security arena, there are challenges for interagency cooperation to effectively implement the ATT, including:

- Different mandates, responsibilities, and priorities for government entities that should be involved in ATT implementation;
- The various government entities involved in ATT implementation have a limited understanding of each other’s mandates, responsibilities, and priorities;
- Government entities that should be involved in ATT implementation have different levels of awareness and understanding of the treaty and their responsibilities;
- Differences in power and influence or “ability to set the agenda” between different government entities;
- Poor or lacking communication channels between the government entities that should be involved in ATT implementation;
- Differences in available resources and capacity among the various government entities that may play some role in ATT implementation;
- Differences in the level of officials engaged in interagency cooperation (i.e. some entities might assign senior staff, while other assign junior representatives);
- Frequent changes in personnel involved in interagency cooperation for ATT implementation, which leads to a lack of institutional memory or prioritization of ATT obligations;
- Competition and siloing of expertise and resources for entities involved in interagency cooperation for ATT implementation;
- Different professional background and training of assigned personnel in various entities, with basic technical knowledge lacking in some entities; and
- Government entities can be involved in interagency coordination and cooperation for ATT implementation that do not need to be involved, while in other cases relevant government entities are not actively involved in interagency coordination and cooperation.

9. In addition, even in national control systems with well-established interagency cooperation and coordination mechanisms, new requirements introduced by the ATT can take time to be incorporated. This is particularly the case for new obligations for many States Parties, such as those introduced by Article 7(4) on preventing and mitigating the risk of gender-based violence and violence against women and children, or where a State Party has had to introduce regulations for arms brokering.

EXPLORING OPPORTUNITIES FOR THE ATT CSP10 TO SUPPORT STATES SEEKING TO STRENGTHEN INTERAGENCY COOPERATION FOR EFFECTIVE IMPLEMENTATION OF ATT PROVISIONS

10. The Romanian Presidency of ATT CSP10 seeks to provide a platform for all interested ATT stakeholders to support States to overcome these challenges and identify and share systemic and practical measures to enable interagency cooperation to effectively implement the ATT provisions. Given the cross-cutting nature of the issue of interagency cooperation, it is expected that participants in all working groups that take place during the ATT CSP10 meeting cycle can share

information on the role of interagency cooperation.

11. During the ATT CSP10 meeting cycle, the Working Group on Effective Treaty Implementation (WGETI) sub-working group on exchange of national implementation practices has already identified “inter-agency cooperation” as a topic for consideration and introduced a series of questions to be addressed by sub-working group participants in February 2024,⁷ while the role of interagency cooperation in implementing Article 7 will also be considered.

12. The Working Group on Transparency and Reporting (WGTR) invites “States Parties that have complied with their reporting obligations to present their experiences in compiling and submitting reports, including beneficiaries of projects funded by the Voluntary Trust Fund (or other international assistance providers) related to improving reporting capacities”.⁸ For the CSP10 meeting cycle, ATT stakeholders are encouraged to share information on the role of interagency cooperation in enabling compliance with ATT reporting obligations.⁹ This can include remarks on whether the working paper on national-level measures to facilitate compliance with international reporting obligations and commitments has been useful, as well as interagency cooperation measures that have proven effective and which are not reflected in this working paper nor the “questions and answers” voluntary guidance document for reporting on exports and imports of conventional arms.¹⁰

13. The CSP9 co-chairs of the Working Group on Treaty Universalization (WGTU) noted that “no two states share the same challenges” for finalizing the process to become a State Party and called for individual, tailored assistance to support the finalization of ratification or accession processes.¹¹ The WGTU Working Paper for CSP10 asks for participants to share information on which government ministries, departments, and/or agencies were involved in ratification or accession processes, as well as inter-agency arrangements relating to preparations to implement the treaty.¹²

14. Given the challenges noted above, participants are encouraged to share information on:

- The use of formal and informal approaches, institutionalised and ad hoc arrangements, for interagency cooperation;
- Lessons learned in ensuring clarity on roles and responsibilities in interagency cooperation and coordination for ATT implementation;
- The role of existing interagency cooperation committees, commissions and frameworks in ratification and accession processes, as well as implementation of treaty provisions;
- How to ensure the sustainability of interagency cooperation, especially in situations with frequent staff turnover or changes in government;
- How to build trust and confidence between different government entities involved in ATT implementation;
- How to ensure information is effectively and efficiently shared between different government entities involved in ATT implementation; and
- How interagency cooperation mechanisms function during “emergency” and dynamic situations.

15. Given that “no one size fits all”, States that have a well-established national control system, as well as those in the process of establishing such a system, are encouraged to share information on challenges and solutions for establishing and maintaining interagency cooperation arrangements to effectively implement ATT provisions. The Romanian presidency strongly encourages the sharing of concrete examples of how interagency cooperation has evolved in relation to experience in implementing the ATT. States that are not frequently involved in risk assessment and decision-making process for items covered by Articles 2, 3, and 4 of the treaty, or processes to regulate their import, transit/transshipment and brokering of conventional arms are encouraged to share their

national approach to interagency cooperation. Participants are also encouraged to share information on the role of interagency cooperation and engagement with parliament/legislator, industry, and civil society in ATT implementation, where relevant.

16. To help gather input for the next draft of the presidency working paper, including the preparation of recommendations for consideration at ATT CSP10, ATT stakeholders are invited to exchange their national experience and lessons learned via ATT CSP10 meetings and written input to the ATT Secretariat with regards to the following questions:

1. In your State, did or does interagency cooperation play a role in the ATT ratification or accession process?
2. What is the role of interagency cooperation in the establishment and/or maintenance of a national transfer control system to implement the ATT in your State?
3. What role does interagency cooperation play in your national decision-making process for authorizations for arms transfers?
4. Which challenges related to interagency cooperation in the effective implementation of the ATT have you encountered?
5. In what way has the ATT helped to overcome interagency cooperation challenges?
6. In your experience, what are the key lessons learned from the role of interagency cooperation in effective ATT implementation?
7. What approach(es) could the ATT CSP meeting cycle utilize to share interagency cooperation challenges, lessons learned, and practices for effective ATT implementation?
8. What approach(es) could be taken outside the ATT CSP meeting cycle to share interagency cooperation challenges, lessons learned, and practices for effective ATT implementation – e.g. regional meetings?
9. Should ATT CSP10 recommend the elaboration of key principles for the role of interagency cooperation in the effective implementation of the ATT?
10. Should ATT CSP10 consider updating existing voluntary guidance documents to include additional guidance on the role of interagency cooperation or create new voluntary guidance documents on this issue?

Endnotes

¹ US Government Accountability Office, *Government Performance Management: Leading Practices to Enhance Interagency Collaboration and Address Crosscutting Challenges*, GAO-23-105520, May 2023, p. 3, <https://www.gao.gov/assets/gao-23-105520.pdf>. The report notes that interagency activities are described interchangeably as cooperation, collaboration, coordination, integration, or networking, with “no commonly accepted definitions for these terms”.

² Rob Canton, “Inter-agency Cooperation: How can it best enhance compliance with the law?”, Tokyo: *United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI) Annual Report for 2015 and Resource Material Series No. 99*, September 2016, p. 80, https://www.unafei.or.jp/publications/pdf/RS_No99/No99_VE_Canton_2.pdf.

³ *Voluntary Basic Guide To Establishing A National Control System*, Issued by the Working Group on Effective Treaty Implementation, 26 July 2019, p.11, [https://www.thearmstradetreaty.org/hyper-images/file/ATT_CSP5_WGETI%20Voluntary%20Basic%20Guide%20\(Annex%20A%20to%20WGETI%20Report%20to%20CSP5\)\(updated%2009.09.2019\)\(Rev%20WA\)/ATT_CSP5_WGETI%20Voluntary%20Basic%20Guide%20\(Annex%20A%20to%20WGETI%20Report%20to%20CSP5\)\(updated%2009.09.2019\)\(Rev%20WA\).pdf](https://www.thearmstradetreaty.org/hyper-images/file/ATT_CSP5_WGETI%20Voluntary%20Basic%20Guide%20(Annex%20A%20to%20WGETI%20Report%20to%20CSP5)(updated%2009.09.2019)(Rev%20WA)/ATT_CSP5_WGETI%20Voluntary%20Basic%20Guide%20(Annex%20A%20to%20WGETI%20Report%20to%20CSP5)(updated%2009.09.2019)(Rev%20WA).pdf). See also: *Voluntary Guide To Implementing Article 9 Of The Arms Trade Treaty*, Issued by the ATT Working Group On Effective Treaty Implementation, 21 July 2023, p. 9, https://www.thearmstradetreaty.org/hyper-images/file/ATT_CSP9_WGETI_Voluntary%20Guide%20to%20Implementing%20Article%209%20of%20the%20ATT_EN/ATT_CSP9_WGETI_Voluntary%20Guide%20to%20Implementing%20Article%209%20of%20the%20ATT_EN.pdf

⁴ *Possible Measures To Prevent And Address Diversion*, Issued by the ATT Working Group On Effective Treaty Implementation, 20 July 2018, [https://www.thearmstradetreaty.org/hyper-images/file/ATT_CSP4-CSP9_WGETI_Possible%20Measures%20to%20Prevent%20and%20Address%20Diversion%20\(\(incl.%20Annex%20on%20PSC\)_EN/ATT_CSP4-CSP9_WGETI_Possible%20Measures%20to%20Prevent%20and%20Address%20Diversion%20\(\(incl.%20Annex%20on%20PSC\)_EN.pdf](https://www.thearmstradetreaty.org/hyper-images/file/ATT_CSP4-CSP9_WGETI_Possible%20Measures%20to%20Prevent%20and%20Address%20Diversion%20((incl.%20Annex%20on%20PSC)_EN/ATT_CSP4-CSP9_WGETI_Possible%20Measures%20to%20Prevent%20and%20Address%20Diversion%20((incl.%20Annex%20on%20PSC)_EN.pdf); *Voluntary Paper Outlining The Elements Of A Process For Assessing The Risk Of Diversion*, Annex A to WGETI Chair’s Draft Report to the Seventh Conference of States Parties (CSP7) (ATT/CSP7.WGETI/2021/CHAIR/675/Conf.Rep), endorsed by CSP7 as a living document of a voluntary nature to be reviewed and updated regularly by the Working Group, <https://www.thearmstradetreaty.org/hyper-images/file/Article%2011%20-%20Elements%20of%20a%20process%20for%20assessing%20the%20risk%20of%20diversion/Article%2011%20-%20Elements%20of%20a%20process%20for%20assessing%20the%20risk%20of%20diversion.pdf>.

⁵ *Voluntary Basic Guide To Establishing A National Control System*, Issued by the Working Group on Effective Treaty Implementation, 26 July 2019, pp.16-17, [https://www.thearmstradetreaty.org/hyper-images/file/ATT_CSP5_WGETI%20Voluntary%20Basic%20Guide%20\(Annex%20A%20to%20WGETI%20Report%20to%20CSP5\)\(updated%2009.09.2019\)\(Rev%20WA\)/ATT_CSP5_WGETI%20Voluntary%20Basic%20Guide%20\(Annex%20A%20to%20WGETI%20Report%20to%20CSP5\)\(updated%2009.09.2019\)\(Rev%20WA\).pdf](https://www.thearmstradetreaty.org/hyper-images/file/ATT_CSP5_WGETI%20Voluntary%20Basic%20Guide%20(Annex%20A%20to%20WGETI%20Report%20to%20CSP5)(updated%2009.09.2019)(Rev%20WA)/ATT_CSP5_WGETI%20Voluntary%20Basic%20Guide%20(Annex%20A%20to%20WGETI%20Report%20to%20CSP5)(updated%2009.09.2019)(Rev%20WA).pdf)

⁶ *Working Paper On National-Level Measures To Facilitate Compliance With International Reporting Obligations And Commitments*, Annex B to the ATT Working Group on Transparency and Reporting Co-chairs’ Draft Report to CSP3 (ATT/CSP3.WGTR/2017/CHAIR/159/Conf.Rep), [https://www.thearmstradetreaty.org/hyper-images/file/WGTR%20-%20National%20level%20measures%20\(Annex%20B%20to%20WGTR%20Report%20to%20CSP3\)%20-%20EN/WGTR%20-%20National%20level%20measures%20\(Annex%20B%20to%20WGTR%20Report%20to%20CSP3\)%20-%20EN.pdf](https://www.thearmstradetreaty.org/hyper-images/file/WGTR%20-%20National%20level%20measures%20(Annex%20B%20to%20WGTR%20Report%20to%20CSP3)%20-%20EN/WGTR%20-%20National%20level%20measures%20(Annex%20B%20to%20WGTR%20Report%20to%20CSP3)%20-%20EN.pdf). See also: *The ATT National Point of Contact Guidance Document*, n.d., p. 18, https://www.thearmstradetreaty.org/hyper-images/file/ATT_Guidance_Document_EN_for_web/ATT_Guidance_Document_EN_for_web.pdf

⁷ Letter from the Chair of the Working Group on Effective Treaty Implementation, 22 January 2024, ATT/CSP10.WGETI/2024/CHAIR/775/LetterSubDocs, pp. 2-3.

⁸ *ATT Working Group On Transparency And Reporting Draft Report To CSP9*, 21 July 2023, ATT/CSP9.WGTR/2023/CHAIR/768/Conf.Rep, p. 2, https://www.thearmstradetreaty.org/hyper-images/file/ATT_CSP9_WGTR_Chair_Draft%20Report%20to%20CSP9_EN/ATT_CSP9_WGTR_Chair_Draft%20Report%20to%20CSP9_EN.pdf

⁹ Working Group on Transparency and Reporting, *Introductory Paper for Meeting of 23 February 2024*, 22 January 2024, ATT/CSP10.WGTR/2024/CHAIR/779/IntroPaper, p. 12.

¹⁰ *Working Paper On National-Level Measures To Facilitate Compliance With International Reporting Obligations And Commitments*; Working Group on Transparency and Reporting, *Reporting Authorized or Actual Exports and Imports of Conventional Arms under the ATT: Questions and Answers*, 22 July 2022, ATT/CSP8.WGTR/2022/CHAIR/734/Conf.Rep, [https://www.thearmstradetreaty.org/hyper-images/file/ATT_WGTR_Co-](https://www.thearmstradetreaty.org/hyper-images/file/ATT_WGTR_Co-Chairs_Draft%20Report%20to%20CSP8_%20Annex%20_EN%20(website)/ATT_WGTR_Co-Chairs_Draft%20Report%20to%20CSP8_%20Annex%20_EN%20(website).pdf)

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¹¹ “Annex A To WGTU Report To CSP9 Draft Proposal Enhancing The Work Of The ATT Working Group On Treaty Universalization (WGTU)”, *ATT Working Group On Treaty Universalization Co-Chairs’ Draft Report To CSP9*, 21 July 2023, ATT/CSP9.WGTU/2023/CHAIR/769/Conf.Rep, p. 4, https://www.thearmstradetreaty.org/hyper-images/file/ATT_CSP9_WGTU_Co-Chairs_Draft%20Report%20to%20CSP9_EN/ATT_CSP9_WGTU_Co-Chairs_Draft%20Report%20to%20CSP9_EN.pdf

¹² Working Group on Treaty Universalization, *Working Paper on Implementing CSP9 Decisions Relating to the Work of the Working Group on Treaty Universalization*, 22 January 2024, ATT/CSP10.WGTU/2024/CHAIR/777/DrWP, p. 7.
