

Arms Trade Treaty
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WORKING PAPER ON IMPLEMENTING CSP9 DECISIONS RELATING TO THE WORK OF THE WORKING GROUP ON TREATY UNIVERSALIZATION (WGTU)

INTRODUCTION

1. This working paper is presented by the WGTU co-chairs to facilitate discussions on implementing the CSP9 decisions relating to the work of the WGTU. This concerns, firstly, the decision of the CSP9 to adopt the proposal on “Enhancing the Work of the ATT Working Group on Treaty Universalization (WGTU)”, setting out recommendations to, inter alia, “[t]ask the WGTU to further elaborate details, as appropriate, regarding universalization efforts including a possible role of industry during the CSP10 cycle”.¹ The other decision concerns the adoption of the proposal on the Review of the ATT Programme of Work and the proposal on the WGETI configuration and substance.²

2. Concerning the enhancement of the work of the WGTU, the CSP9 accepted the recommendations set out in the proposal in terms of:³

- a. *endorsing the proposed approach of undertaking Treaty universalization efforts in a multi-year format.*
- b. *mandating the WGTU to focus its efforts primarily on Signatory States as they have already demonstrated political commitment to the Treaty, while remaining open and engaged with other States interested in joining the Treaty at any time, as well as taking into account developments relevant to the objectives of the Treaty.*
- c. *endorsing the additional role for the vice-Presidents as regional facilitators, supported by States Parties that wish, on a voluntary basis, to act as “Regional Champions” and share their experience in joining the Treaty.*
- d. *endorsing the proactive approach of the ATT Secretariat to make best use of established ATT supporting mechanisms.*
- e. *noting the need to coordinate, compile and disseminate information necessary to support Treaty universalization efforts.*

3. Concerning the Review of the ATT Programme of Work and the proposal on the WGETI configuration and substance, delegations are reminded of the following elements from the proposal on the

¹ See paragraph 23 (a) and (b) of the Final Report of CSP9 ([ATT/CSP9/2023/SEC/773/Conf.FinRep.Rev2](#)) and Annex A to the WGTU Co-chairs’ Draft Report to CSP9 ([ATT/CSP9.WGTU/2023/CHAIR/769/Conf.Rep](#)).

² See paragraphs 24 (f) and 35 of the Final Report of CSP9 ([ATT/CSP9/2023/SEC/773/Conf.FinRep.Rev2](#)), Annex D to the WGETI Chair’s Draft Report to CSP9 ([ATT/CSP9.WGETI/2023/CHAIR/767/Conf.Rep](#)), in particular paragraphs 8 and 11, and the Management Committee Draft Proposal on the Review of the ATT Programme of Work ([ATT/CSP9.MC/2023/MC/765/Conf.Prop](#)), in particular paragraphs 18 and 19.

³ Paragraph 23 (a) of the Final Report of CSP9 ([ATT/CSP9/2023/SEC/773/Conf.FinRep.Rev2](#)).

review of the ATT programme of work, which set out the focus of the WGTU in order for its discussions to facilitate prioritization of practical Treaty implementation and States Parties' efforts in that regard:⁴

"In the context of its proposed coordinated and practical approach to Treaty universalization, the Working Group on Treaty Universalization (WGTU), is expected to feed into WGETI discussions in so far as issues of Treaty universalization and related aspects are concerned. Whilst recognising that Treaty universalization is not per se Treaty implementation, it is noted that Treaty implementation support arrangements can influence ratification of and accession to the Treaty. In view of this, as part of the current discussion on enhancing the work of the WGTU, this working group is expected to explore possibilities of aligning its work with the mainstream work of WGETI."

Delegations are also reminded that the adopted proposal on the WGETI configuration and substance provides that the Treaty implementation discussions on the implementation phase/stage of "ATT ratification/accession and domestication" should take place in the WGTU, "with a feedback loop to WGETI".⁵

4. For background on the different CSP9 decisions, the co-chairs refer to the abovementioned documents that were submitted to CSP9. The co-chairs will focus on how the WGTU will integrate and conduct the discussions which States Parties agreed to at CSP9. The first part elaborates on future universalization efforts in line with the paper that was adopted. The second part addresses the alignment of the WGTU work with the mainstream work of the WGETI and the structured discussions on national ratification/accession and domestication practices which the WGTU will hold in that regard.

5. One document is attached to this working paper:

- 1) [Annex A: Draft list of practical ratification/accession and domestication questions.](#)

FUTURE ATT UNIVERSALIZATION EFFORTS

6. The introduction includes the recommendations from the proposal on "Enhancing the Work of the WGTU" that were adopted by the CSP9. In the proposal itself, these recommendations are included in an overview of relevant elements to be considered, in addition to the status of those elements, their rationale, observations on how these elements could be taken forward and realized, as well as the resources that might be needed. This working paper focuses on those elements that explicitly provide a role for the WGTU itself, noting that other elements rather address States Parties and the ATT Secretariat.

7. Under the element of "**mid-term planning and coordination**" the proposal provides that the WGTU is to "develop a mid- or long-term work-plan, which would enable the WGTU to provide ongoing support to national ATT ratification or accession processes over an extended period". For that purpose, the WGTU "will focus its efforts on (a) dedicated region/s for a period of time (initial recommendation three years), and assess progress made".

8. Under the element of "**stepped approach**" the proposal provides that the WGTU is to "consider developing a structured, stepped approach that may focus [its efforts primarily] on Signatory States, and [subsequently] States ready to join the Treaty within a short time and other States, including those inclined towards joining the Treaty in the coming years". For that purpose, the WGTU needs to "take stock of the situation / status of ratification in the Signatory States within the previously agreed region of focus".

⁴ Paragraph 19 (c) of the Management Committee Draft Proposal on the Review of the Arms Trade Treaty Programme of Work ([ATT/CSP9.MC/2023/MC/765/Conf.Prop](#)).

⁵ Paragraph 8 [(a) and] (b) of the Draft proposal on the WGETI configuration and substance, included as Annex D in the WGETI Chair's Draft Report to CSP9 ([ATT/CSP9.WGETI/2023/CHAIR/767/Conf.Rep](#)).

9. Under the element of “**coordination of efforts inside the ATT**”, the proposal provides that the WGTU needs to “*decide on the information required to [approach and support States individually in a more targeted manner] and then take stock of the information available within the ATT and its subsidiary bodies*”. The proposal itself includes data generated through the VTF as an example and encourages regular exchanges between ATT office holders.

10. Under the elements of “**regional champions**”, “**demand driven vs. support oriented**” and “**cooperation with other entities**”, the WGTU is not the intended to be the main driver. These elements mainly focus on efforts of States Parties, including office holders in the ATT framework, and the ATT Secretariat, while the role of the WGTU is that of a platform for reporting on efforts made by these actors and for coordination. Concerning the element of “regional champions”, the WGTU is to receive briefings from the ATT Secretariat and States Parties acting as “Regional Champions”, in particular about contacts with regional organizations and their possible contribution to universalization efforts. The same would apply to exchanges of CSP Presidents and the ATT Secretariat with other relevant stakeholders, which are the focus of the element of “cooperation with other entities”. Concerning the element of “demand driven vs. support oriented”, it is intended that the more proactive approach of the ATT Secretariat to optimize the use of established ATT supporting mechanisms and render assistance to certain States during the early phases of accession, will allow the WGTU to “*support the coordination of work of the well-established assistance facilities, without duplicating them*”.

11. More generally, the WGTU will of course remain the platform for monitoring and supporting the overall implementation of the proposed new approach and all efforts made by ATT stakeholders in that regard. For that purpose, the co-chairs will include all relevant elements as recurring items in the WGTU agenda.

12. In order for the discussions in the 22 February 2024 meeting to provide relevant elements for the mid- or long-term workplan for ATT universalization efforts that is anticipated, the main questions the WGTU will need to address are the following:

- *On which regions should the ATT framework and the ATT Secretariat focus their universalization efforts in the coming three years?*
- *In which manner should the WGTU take stock of the situation / status of ratification in the Signatory States within the region(s) which the ATT framework and the ATT Secretariat will focus their universalization efforts on? Which parameters should the WGTU take into account? Should CSP Presidents and Vice-Presidents have a role in this?*
- *How should the WGTU identify States “ready to join the Treaty within a short time” or “inclined towards joining the Treaty in the coming years”? Which parameters should the WGTU take into account? Should CSP Presidents and Vice-Presidents have a role in this?*
- *What kind of information regarding potential States Parties should the ATT framework and the ATT Secretariat consider in their universalization efforts towards targeted States, in particular information that is “available within the ATT and its subsidiary bodies”? Which role should ATT office holders have in this process?*

ALIGNMENT WITH THE MAINSTREAM WORK OF WGETI

Structured discussions on national ratification/accession and domestication practices

13. In the introduction it was indicated that the CSP9 mandated the WGTU to align its work with the mainstream work of the WGETI and that the structured discussions on the implementation phase/stage of “ATT ratification/accession and domestication” should take place in the WGTU, “*with a feedback loop to WGETI*”. In that regard, the abovementioned proposal on the WGETI configuration and substance also

includes an attachment with a graphic representation of implementation phases/stages, which lists the following topics to be discussed under the phase/stage of “ATT domestication”:

- *Executive role;*
- *Parliament role;*
- *Legislative processes; and*
- *National consultation processes.*

14. Because these four topics are interconnected, it is proposed that these topics will be discussed together rather than consecutively. The WGTU will thus address the practical aspects of ATT ratification/accession and domestication as a whole. Concretely, the WGTU will look at how States Parties approach the ratification or accession process, as well as the process to assess whether its national laws, regulations and policies are in accordance with the Treaty requirements and, if necessary, the process to ensure conformity with the Treaty. The role of the Executive and the Parliament, legislative processes national consultation processes will be the focal aspects.

15. When holding these discussions, the WGTU will also address the cross-cutting functions of “**international cooperation**” and “**international assistance**”, where appropriate, highlighting available opportunities to address national capacity constraints. If applicable, the WGTU will look at specific contributions that international cooperation between States (Parties) could make, and how States could leverage international assistance (including ATT internal support mechanisms like the Voluntary Trust Fund: <https://www.thearmstradetreaty.org/voluntary.html>) to support their efforts. This will also include awareness-raising about the ATT Needs and Resources Matching Database (<https://database.thearmstradetreaty.org/>).

Working arrangements for structured discussions on national ratification/accession and domestication practices

16. In line with the approach to discuss all ratification/accession and domestication topics together as a whole, there is no need for a multi-year workplan that arranges the topics in the order that they will be discussed (in contrast to the structured discussions in the WGTR and the in the WGETI Sub-working Group on Exchange of National Implementation Practices). It is proposed, however, that the discussion on the ratification/accession and domestication topics will not be limited to one WGTU meeting, but that “ratification/accession and national domestication practices” will be a recurring WGTU agenda item for at least three CSP cycles. This will allow different States Parties and other stakeholders to present on the topic. Noting that in principle, every meeting of the WGTU consists of one three-hour session, it is therefore proposed that one hour of each WGTU session will be dedicated to the structured discussions on “national ratification/accession and domestication practices”, taking into account that the WGTU also deals with a number of other items (see above). Going forward, after having addressed the topic in at least three WGTU meetings, the WGTU can then assess every year whether or not to take up the topic again in the next cycle.

17. The discussions themselves will be held in line with the working arrangements that are included in the proposal on the WGETI configuration and substance.

18. For each session, the co-chairs will invite one or two States Parties to give a presentation about their national ratification/accession and domestication practices. Across the different sessions in which the topic will be discussed, the co-chairs will ensure diversity in terms of geography and export/import profile of the States Parties which they invite to present. The co-chairs will also consider each time to invite a particular stakeholder to contribute to the session, focusing on stakeholders that have played a role in supporting States Parties’ ratification/accession and domestication efforts.

19. Concretely, in each session, the co-chairs will introduce the agenda item with a brief recap of the ratification/accession and domestication topic and the intended approach. After this, the States Parties that agreed to do so will give their presentations about their national ratification/accession and domestication practices. In their presentations, States Parties will be guided by the practical ratification/accession and domestication questions that have been prepared for each topic (see the following paragraph). If applicable for the particular session, the stakeholders invited to contribute to the session will then provide their contribution, also taking into account the practical ratification/accession and domestication questions. This will then be followed by a Q&A session and information exchanges, giving delegations the opportunity to engage with the presenting States Parties about their practices and challenges. If feasible, this exchange should also include information on possibilities for international cooperation and assistance in response to the challenges or constraints that were raised, for example through the Voluntary Trust Fund.

Practical ratification/accession and domestication questions

20. The Annex of this working paper includes a draft list of practical ratification/accession and domestication questions which delegations are to take into account in their contributions/presentations. These practical ratification/accession and domestication questions aim to guide States Parties to address their concrete practices, real-life proceedings, and not limit their presentations to an overview of their relevant national laws and regulations. The list is intended to be a living document, open for review and update. Nevertheless, for the initial discussion on the draft list during the CSP10 meeting of the WGTU, States Parties and other stakeholders are encouraged to use the opportunity now to take ownership of the process and propose amendments and additional questions which they deem important to be addressed. For that purpose, the co-chairs will call on States Parties and stakeholders to engage in this process.

22 FEBRUARY 2024 MEETING AND NEXT STEPS

21. During the 22 February 2024 WGTU meeting, the co-chairs will seek the views of delegations on:
- a. the questions concerning the proposed mid- or long-term workplan for ATT universalization efforts, included in the box under paragraph 11, as well as other aspects of the proposed approach for ATT universalization efforts; and
 - b. the proposed approach for the structured discussions on national ratification/accession and domestication practices in the WGTU, included in paragraphs 13-19, and the draft list of practical ratification/accession and domestication questions, included in Annex A.

22. The co-chairs also welcome any written input before the meeting, via e-mail to the co-chairs and the ATT Secretariat or via the Information Exchange Platform.

23. In terms of next steps following the 22 February 2024 meeting, the co-chairs will prepare a first draft of the anticipated mid- or long-term workplan for ATT universalization efforts, as well as a draft report to CSP10 that will also include draft recommendations regarding the structured discussions on national ratification/accession and domestication practices and a revised list of practical ratification/accession and domestication questions, if necessary. This draft will then be circulated to ATT stakeholders with a view to have a discussion on it during the CSP10 Informal Preparatory Meeting on 16-17 May 2024 or during virtual informal consultations (as the 22 February 2024 meeting is the only meeting of the WGTU in the CSP10 cycle).⁶ During the 22 February 2024 WGTU meeting, delegations will have the opportunity to share their views on these next steps.

⁶ It is noted in that respect that the opportunity to do so during the CSP10 Informal Preparatory Meeting is currently still unclear.

ANNEX
WGTU STRUCTURED DISCUSSIONS ON NATIONAL RATIFICATION/ACCESSION AND DOMESTICATION PRACTICES
LIST OF PRACTICAL RATIFICATION/ACCESSION AND DOMESTICATION QUESTIONS

Draft

Initial remark

1. As indicated in paragraphs 19 and 20 of the working paper for the WGTU meeting of 22 February 2024, the practical ratification/accession and domestication questions are provided to guide delegations' contributions/presentations on national ratification/accession and domestication practices.

General scope of discussions

2. The WGTU will address the practical aspects of ratification/accession and domestication as a whole. Concretely, the WGTU will look at how States Parties approach the ratification or accession process, as well as the process to assess whether its national laws, regulations and policies are in accordance with the Treaty requirements and, if necessary, the process to ensure conformity with the Treaty. The role of the Executive and the Parliament, legislative processes national consultation processes will be the focal aspects.

Questions

Ratification / accession

1. Can you explain your State's process of ratifying or acceding to the ATT and any challenges your State had to overcome? Which ministries, departments and/or agencies were involved in the process? Who initiated the process? Was there any involvement of civil society or industry in the process?
2. Did ratification or accession require formal involvement of the Parliament?
3. Was your State's ratification or accession conditional on the conformity of your State's national laws, regulations and policies with the Treaty?

Implementation

4. How were conformity of your State's national laws, regulations and policies with the Treaty and your State's implementation needs assessed? Was a formal assessment process set up? If so, which ministries, departments and/or agencies were involved in this process? Was there also involvement of the Parliament, civil society and/or industry? What was the outcome of this process (e.g. a concept paper, roadmap or action plan)?
5. Did your State's implementation of the Treaty involve the development of new laws and regulations and/or amending existing laws and regulations? Can you explain the steps taken in the legislative process, including the involvement of relevant ministries, departments and/or agencies and consultations of civil society and/or industry?

6. -Did the development of new laws and regulations and/or amending existing laws and regulations include the formal establishment of new institutions to deal with Treaty implementation or formally mandating existing institutions with that task (including the possible provision of inter-agency arrangements)?

International cooperation and international assistance

7. Are there specific contributions that international cooperation between States (Parties) and/or further discussions within the ATT process could make to facilitate or support ratification/accession and domestication of the Treaty?
8. Is your State in a position to provide assistance to other States Parties on Treaty ratification/accession and domestication? Does your State need assistance on Treaty ratification/accession and domestication or has your State already received assistance on this in the past, via the VTF or another international assistance provider? In case of the latter, could you elaborate on this?
