

The 'Treaty Implementation Matrix': A Tool for Effective ATT Implementation

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The 'Working Group on Effective Treaty Implementation' of the Arms Trade Treaty (ATT) will hold its first meeting from 6 to 7 February 2017. Two years after the Treaty's entry into force, the time is ripe to foster effective treaty implementation. Current and future efforts, however, need prioritisation and coherence. The 'Treaty Implementation Matrix' provides an analytical tool to this end.

The ATT Process

The Arms Trade Treaty (ATT) is the first legally binding treaty to regulate the control of international arms transfers. Adopted in 2013, the ATT entered into force on 24 December 2014, and counts 91 States among its members. In 2016, the second Conference of State Parties established the Working Group on Effective Treaty Implementation (WGETI). The WGETI has the mandate to foster implementation of the ATT, and is co-chaired by Ambassador Sabrina Dallafior Matter of Switzerland, and Ambassador Elayne Whyte Gómez of Costa Rica. The first meeting of the WGETI will be held from 6 to 7 February 2017 in Geneva.

Two years after the ATT's entry into force, the time is ripe to discuss treaty implementation. The number of State Parties is significantly large, State Parties have undertaken legislative and administrative implementation measures during their ratification processes, and international assistance for capacity building has begun. In addition, the ATT Secretariat is now fully operational. State Parties have provided initial reports according to Article 13, and the ATT Voluntary Trust Fund was launched recently. Civil society has also started to monitor compliance and implementation of the ATT.

Need for Prioritization

Despite these remarkable achievements, actual policy changes regarding international arms transfers require concurrent efforts among State Parties. On the one hand, the ATT can only function as an international regime if States fulfil their obligations to cooperate at the international level, such as information exchange. On the other hand, the ATT's obligations at the domestic level, such as respecting the standards for export assessments, will only have the intended impact if other States implement the obligations in a similar manner. Accordingly, diplomatic efforts on ATT implementation, and in particular the work of the WGETI, are timely and crucial.

At this stage of the process, the most pressing and crucial challenge is to structure further diplomatic efforts. Otherwise, the many obstacles may obscure solutions and waste limited resources and political will. The complexity of multilateral diplomacy must be managed, technical details must be properly addressed, and inequality of resources among State Parties must be alleviated. Yet the crucial point is not the identification of tools to address these challenges, such as training, capacity building, and international assistance, but the strategic alignment and coherence of international and domestic efforts. Prioritisation is necessary for achieving impact and sustainability of the ATT.

The Treaty Implementation Matrix

The 'Treaty Implementation Matrix' (Figure 1) provides an analytical tool for prioritizing ATT implementation. It is based on the 'Eisenhower Decision Matrix' which helps individuals manage their time. The Eisenhower Decision Matrix distinguishes between the importance and the urgency of tasks. Important and urgent tasks are to be executed immediately, whereas important but not urgent tasks should be scheduled. Urgent but unimportant tasks should be delegated; non-urgent and unimportant tasks should be avoided. This categorisation enables decision-makers to achieve better results by focusing on the essential.

Similarly, the Treaty Implementation Matrix distinguishes between the importance and timeliness of implementation measures. The former reflects the impact of a measure on solving the problem addressed by the treaty. The latter reflects the measure's effects on the political momentum underlying the treaty. Both concepts are fundamental to multilateral institutions and multilateral diplomacy. Multilateral institutions, including international treaties, are created to solve problems. Achievements in multilateral diplomacy depend on political commitment over time. The fact that both 'impact on problem-solving problem' and 'effect on political momentum' are interrelated reinforces the typology proposed by the Treaty Implementation Matrix.

The Matrix' differentiation between importance and timeliness leads to four different categories of implementation measures, namely 'Immediate Congruence', 'Step-by-Step Approach', 'Jump Start', and 'Containment'. Every existing or potential implementation measure, be it at the international or the domestic level, should fit into one of the four categories.

momentum are necessary. Accordingly, State Parties and other actors should pay attention to technical and practical details of the Treaty, and invest in exploring and researching best possible options. From a political point of view, inclusiveness among State Parties should be guaranteed to provide broad ownership. Furthermore, State Parties should aim for equilibrium of commitments and responsibilities in order to ensure sustainable progress. Examples of measures in the 'Step-by-Step Approach'-category could be guiding principles on export assessments or best practices on diversion. Both measures largely contribute to the goals of the ATT yet are very complex and politically sensitive.

Jump Start

Implementation measures which advance political momentum albeit have a limited impact on solving the problem addressed by the ATT demand a 'Jump Start'. These measures are politically so important that State Parties cannot ignore them without hampering the entire ATT process. Thus, State Parties should start the respective efforts quickly. Yet since these measures have limited relevance for problem-solving, and might concern only a fraction of State Parties, the task should be delegated to State Parties and experts that are willing to invest in them. Such delegation to a 'group of friends' or 'subject-matter experts', however, requires a high level of transparency. A 'Jump Start' could be best practices on mitigation measures according to Article 7, for instance. Mitigation measures have limited value, and are eventually not implementable for many States. However, discussions on mitigation measures support the political momentum related to diversion.

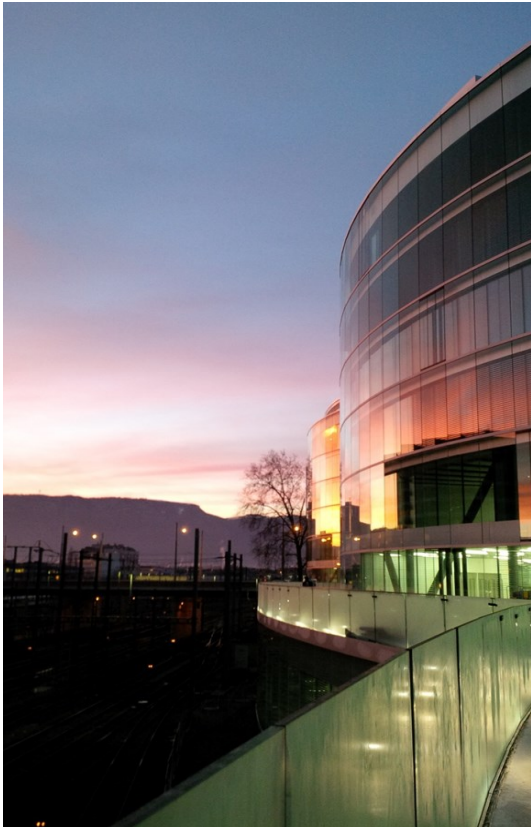
Containment

Measures with low impact on problem-solving and low effect on political momentum necessitate 'Containment'. State Parties should not waste scarce time and resources on such measures. Accordingly, States should properly identify measures which have the potential to disrupt the implementation process. Moreover, States should openly address their concerns, and explain how dealing with such measures would entail high opportunity costs. This allows States to avoid distractions, and prevent ineffective and untimely efforts. At this stage of the ATT process, measures which call for 'Containment' could be the proposition of new elements to be incorporated by the ATT or a formal review of national export control decisions. Both measures are ineffective as long as fundamental ATT obligations are not yet implemented. In addition, they are too ambitious since they could distract, and ultimately hamper, political support among State Parties.

Conclusion

The impact of the ATT depends largely on compliance and implementation by State Parties. At this initial stage of the process on ATT implementation, State Parties need to agree on how to structure their future efforts. The Treaty Implementation Matrix provides an analytical tool for prioritisation. Eventually, the Matrix can help State Parties agree on a road map for implementa-

tion to be adopted by the third Conference of State Parties. The Matrix can also foster coherence of collective, bilateral, and unilateral implementation efforts. At the very least, the Matrix cautions State Parties from letting the process on ATT implementation become an end in itself. To ensure the success of the ATT, implementation efforts need to both solve the problems addressed by the treaty, and satisfy the need for sustainable political support.



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