

Ad Hoc ATT Working Group on Effective Treaty Implementation
Co-chairs' Summary Report from the meeting held on 6-7 February

Introduction

The Ad Hoc Working Group on Effective Treaty Implementation (WGETI) held its first meeting over the period 06-07 February 2017 in Geneva, at the WMO building, the premises of the ATT Secretariat. The meeting was opened by the President of the Third Conference of States Parties, Ambassador K. Korhonen.

Over the two days, the WGETI meeting was attended representatives of 70 States, 3 international organisations and 12 civil society organisations.

The work of the WGETI was guided by the rolling programme of work and initial work plan developed and circulated by the WGETI Co-chairs.

The purpose of the 1st meeting of the WGETI was to address, in particular, the first two items of the mandate set forth by CSP2 for the working group, that is 1) *exchange knowledge on the practical issues related to the national implementation of the ATT, including difficulties encountered* and 2) *identify priority areas for capacity building and outreach with regard to the implementation of the ATT*.

The WGETI meeting had five sessions in total, each with a dedicated objective. The first session provided an opportunity for the WGETI to take a general overview of the current status of ATT implementation by States Parties through overview presentations by the ATT Secretariat, experts and practitioners, and civil society. These presentations highlighted implementation trends arising from Initial Reports submitted by States Parties, findings from ATT implementation assistance projects as well as reflections on ATT implementation experience in the field. The second session provided States with an opportunity to share their own experiences of Treaty implementation.

The third session explored the implementation obligations under the ATT, with reference to the practical requirements (consideration or steps) for implementing Articles 5 to 13 of the Treaty.

The fourth and fifth sessions looked at whether there are priority areas for Treaty implementation and capacity building, that could lead to a logical sequence to the national implementation of the Treaty obligations, or whether there are issues more pressing than others that require early attention. It also provided an initial opportunity for consideration of options available for planning the work of the WGETI in the period running up to CSP3 and recommendations to CSP3 on the future WGETI program and work content.

Exchanges on Treaty Implementation

The meeting provided for an initial in-depth exchange on treaty implementation. Discussions underlined notably the following elements.

The meeting helped to confirm the initial assumption that Treaty implementation is a complex subject with diverse approaches and practices. Treaty implementation is a long term endeavor that requires an adoption of a reasonable level of ambition with clearly defined priorities to be executed over time.

A number of ATT States Parties had national control systems in place before the ATT entered into force. This applies in particular to States Parties falling in the category of traditional arms exporters. They could rely on preexisting structures instead of having to build them from the ground up, which facilitate efforts in implementing the ATT.

These States had to make some adjustments to meet the requirements of the ATT, such as in implementing Articles 6 and 7. For some, question marks remain regarding the practice to follow regarding the implementation of some criteria, such as gender-based violence. Guidance in a number of other domains such as import, transit and transshipment, would also be welcome.

Many states not falling in the category of traditional exporting states have to build national control systems from the ground up. This constitutes a demanding task, even if they can rely on outside support. The national control systems to be established do not need to be as elaborate as those of major exporting States. They have to be set up to meet the particular needs and challenges that these States Parties face, for instance diversion, transshipment or import.

The meeting was able to identify some of the challenges that non-exporting countries face in implementing ATT, but additional inputs and further discussion are needed to obtain a comprehensive picture of these challenges and corresponding needs.

Exchanges also underlined that different approaches are and can be followed in implementing the ATT. National approaches differ when it comes to addressing requirements under the Treaty. For instance, different national actors are involved when it comes to making an export assessment or deciding on an import. In other words, there is no one size fits all in implementing the Treaty.

Exchanges on Work under the WGETI

Exchanges on Treaty implementation formed the basis for an initial discussion on implementation work under the Treaty after CSP3. Discussions focused on the identification of priority issues as well as on the form and mandate of the WGETI post CSP3, the Co-chairs of the Ad Hoc WGETI being tasked to formulate recommendations to that effect.

The establishment by CSP3 of the WGETI as a permanent working group to create a continuous platform for the exchange of views, practices and approaches to Treaty implementation was supported by numerous participants. The WGETI should also provide an opportunity for detailed discussion on various Treaty implementation aspects that require more focused discussions on identified topics, and consideration could be given to the establishment of ad hoc specific smaller sub-working groups. In other words, to balance its work and create a conducive discussion platform for all states, consideration should be given to the discussion of both specific issues as well as cross-cutting issues.

Attention was also paid to the fact that given the complexity of Treaty implementation, the WGETI should carefully identify manageable priorities (specific topics) for discussion each year. A number of Treaty obligations appeared to enjoy the broad support among participants as priority areas. This includes Article 5 obligations, interagency cooperation or communication, transit and transshipment, diversion and record-keeping.

Consideration was also given to the importance of the WGETI being as inclusive as possible in its work. Leveraging the ATT sponsorship programme to ensure as wide a geographical participation as possible was underlined. Consideration was also given to the possibility of regionally organized meetings to discuss regional dynamics and synergies.

Concluding elements

The Ad Hoc WGETI Co-chairs foresee the period running up to CSP3 as the period to be used to take the work of the group forward, including the development of a set of recommendations to CSP3 on future implementation work under the ATT.

They intend to convene at least one more meeting of the group before CSP3. They will endeavour to circulate a discussion paper in order to guide and structure the discussions of the meeting. To facilitate broad participation, they will also seek to hold this working group meeting alongside meetings of the other working groups and preparatory meetings.
