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Summary report Brainstorming Workshop on “The role of interagency cooperation in effective implementation of Arms Trade Treaty provisions”

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About the research

The United Nations Institute for Disarmament Research (UNIDIR), Conflict Armament Research (CAR), and the Stimson Center have been engaged in a research Consortium since 2019 aimed at increasing knowledge and strengthening shared understanding on the Arms Trade Treaty (ATT) to support its effective implementation. In 2024, the Consortium is conducting research and facilitating dialogue events on “The role of interagency cooperation in effective implementation of Arms Trade Treaty provisions”, in support of Romania’s Presidency of the Tenth Conference of States Parties (CSP10) to the ATT.

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About the Consortium Partners

UNIDIR

The United Nations Institute for Disarmament Research (UNIDIR) is a voluntarily funded, autonomous institute within the United Nations. One of the few policy institutes worldwide focusing on disarmament, UNIDIR generates knowledge and promotes dialogue and action on disarmament and security. Based in Geneva, UNIDIR assists the international community to develop the practical, innovative ideas needed to find solutions to critical security problems.

Conflict Armament Research

Since 2011, Conflict Armament Research has established active field investigation capabilities to track weapons and military assistance supply networks in over 25 conflict-affected countries in Africa, the Middle East and Asia. Its investigation teams work on the ground in active armed conflicts alongside national defence and security agencies. The teams document weapons at the point of use and track their sources back through the chains of supply. Its teams investigate weapons in a variety of conflict-related situations – be they recovered by state security forces, surrendered at the cessation of hostilities, cached or held by insurgent forces. All of Conflict Armament Research’s data is housed in iTrace®, a project funded by the European Union and the German Government, which provides policymakers with the precise, verified information required to understand weapon transfers in detail and, thereby, to develop effective, evidence-based weapon management and control.

Stimson Center

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Acronyms & Abbreviations

ATT	Arms Trade Treaty
CSO	Civil society organization
CSP	Conference of States Parties (to the Arms Trade Treaty)
CSP10	Tenth Conference of States Parties (to the Arms Trade Treaty)
IHL	International humanitarian law
IHRL	International human rights law
NGO	Non-governmental organization
VTF	Voluntary Trust Fund
WGETI	Working Group on Effective Treaty Implementation
WGTR	Working Group on Transparency and Reporting
WGTU	Working Group on Treaty Universalization
UN	United Nations

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Executive summary

On Wednesday 17 January 2024, the United Nations Institute for Disarmament Research, Stimson Center, Conflict Armament Research, and the Romanian Ministry of Foreign Affairs organized a one-day brainstorming workshop on “The Role of Interagency Cooperation in the Effective Implementation of Arms Trade Treaty Provisions”, in support of Romania’s presidency of the Tenth Conference of States Parties to the Arms Trade Treaty (ATT CSP10). This summary report presents some of the workshop’s key discussion points and issues for consideration during the ATT CSP10 cycle of meetings. It is anticipated that this document can support the preparation of a working paper by the CSP10 Presidency that contains recommendations for concrete action to support effective implementation and universalization of the ATT.

This report provides some background information on the role of interagency cooperation in effective ATT implementation, based on a review of material shared by States. It highlights some of the common challenges for establishing and maintaining interagency cooperation, as well as lessons learned and key principles to support effective treaty implementation. Workshop participants shared concrete recommendations for consideration in the Working Groups on Effective Treaty Implementation, Transparency and Reporting, and Treaty Universalization, as well proposals to enable the sharing of effective practices to overcome challenges for establishing and maintaining interagency cooperation. In addition proposals were made for:

- ▶ Sharing concrete examples of the evolution of the role of interagency cooperation to support ATT implementation;
- ▶ Using regional meetings and other peer-to-peer opportunities for States with similar situations and traditions to share challenges and effective systemic and practical measures to establish or enhance interagency cooperation to support ATT implementation,
- ▶ Including material on the role of interagency cooperation in effective ATT implementation in voluntary guidance to support ATT implementation, with calls for including this in existing guidance on Article 5 and for annual reports,
- ▶ Elaborating a set of key principles for establishing or enhancing interagency cooperation,
- ▶ Providing training and encouraging States to apply for Voluntary Trust Fund projects to establish and enhance interagency cooperation for effective ATT implementation.



General Assembly Approves Global Arms Trade Treaty by © UN Photo

1. Introduction

The Arms Trade Treaty (ATT) does not explicitly mention interagency cooperation. Nevertheless, 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 interagency cooperation is a key factor for effective treaty implementation. Therefore, Romania has selected “The Role of Interagency Cooperation in the Effective Implementation of Arms Trade Treaty Provisions” as the theme for its presidency of the Tenth Conference of States Parties to the Arms Trade Treaty (ATT CSP10). 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.

On Wednesday 17 January 2024, the United Nations Institute for Disarmament Research, Stimson Center, and Conflict Armament Research (jointly referred to as “the Consortium”) and the Romanian Ministry of Foreign Affairs organized a one-day brainstorming workshop on “The Role of Interagency Cooperation in the Effective Implementation of Arms Trade Treaty Provisions”, in support of Romania’s presidency of the Tenth Conference of States Parties to the Arms Trade Treaty (ATT CSP10).¹ The brainstorming workshop brought together representatives of states, NGOs, and research institutions to share challenges, effective practices, and key principles for the role of interagency cooperation in the effective implementation of the ATT. The meeting was held under the Chatham House Rule.

1 CSP10 will take place in Geneva from 19–23 August 2023, <https://www.thearmstradetreaty.org/csp-10.html>

Workshop participants shared their experiences and lessons learned regarding the role of interagency cooperation in different aspects of ATT implementation. The discussions identified priority issues for elaboration during the ATT CSP10 meeting cycle that can result in concrete recommendations and actions to support ATT universalization and effective treaty implementation, including strengthening reporting and transparency on the international arms trade. This summary report highlights some of the main challenges and opportunities shared during the workshop relating to the presidency theme. It is hoped that this report can inform CSP10 deliberations and stimulate creative thinking by key ATT stakeholders to support the development of a constructive and impactful presidency thematic paper on “The Role of Interagency Cooperation in the Effective Implementation of Arms Trade Treaty Provisions”. Section 2 of this report provides some background information on the role of interagency cooperation in ATT implementation. Section 3 outlines challenges and national approaches for effective interagency cooperation in relation to ATT implementation. Section 4 summarizes the workshop discussion on lessons learned and key principles for effective ATT implementation. Section 5 elaborates on ways in which the ATT working groups could consider the role of interagency cooperation. The final section presents several proposals for consideration during the ATT CSP10 to support effective implementation of ATT provisions.

2. Background

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”.² The starting point for such cooperation is when key individuals within the government entities 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”.³ While the benefits of interagency cooperation for addressing complex policy problems are widely recognized, particularly in the national security arena, there are many challenges for realizing these benefits. Yet, when an effective interagency mechanism is in place that facilitates cooperation between government entities, whether mandated by law or an informal approach, it is possible to utilize some of the benefits of interagency cooperation for working towards a common goal.

Participants in the ATT Working Group on Effective Treaty Implementation (WGETI) have shared information on interagency cooperation challenges and effective practices in national control systems. The information shared has been used in the preparation of guidance documents to support treaty implementation. For example, the Voluntary Basic Guide to Establishing a National Control

2 US Government Accountability Office (GAO), 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”.

3 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

System emphasized that while Article 5 does not prescribe all of the potential elements of a national control system, it emphasised the importance of “interagency cooperation and information sharing to undertake informed assessments of applications to export, import, transit or tranship, or broker conventional arms”.⁴ The various documents to support implementation of Article 11 on countering diversion have also 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.⁵

With regards to fulfilling reporting obligations under Article 13, an analysis of State Party record-keeping practices indicated that “inter-ministry and/or interagency 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”.⁶ In 2017 at ATT CSP3, a working paper was distributed by Sweden that emphasized the benefits of preparing a “national procedures document” to support effective collaboration between different government entities involved in the reporting process.⁷

Interagency cooperation can play an important role in the effective implementation of ATT Articles 5 through 14 (as well as Articles 2, 3, and 4 with regards to establishing and maintaining a national control list). However, the government entities involved in different aspects of ATT implementation can vary not only between States, but also within States depending on different aspects of ATT implementation. For example, a review of publicly available initial reports indicates that the main approaches for conducting interagency cooperation before authorizing (or denying) a transfer of conventional arms can be summarised as follows:

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- 4 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
 - 5 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-CSaP9_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-CSaP9_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>
 - 6 Voluntary Basic Guide to Establishing a National Control System, 2019, pp. 16-17.
 - 7 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

- ▶ Ad hoc interagency consultations or coordination to inform licensing decisions, investigate illicit transfers, etc.
- ▶ A standing interagency committee is responsible for assessing applications for exports, under which a consensus decision by multiple ministries is required before an application for export can be authorized or rejected.
- ▶ A dedicated government transfer control authority is required to consult with other government ministries, agencies and departments as part of the risk assessment process.
- ▶ One government entity is responsible for authorizing (or denying) transfers of conventional arms falling within categories a-g of ATT Article 2(1), while another is responsible for transfers of small arms and light weapons. This approach entails cooperation between the two lead government entities.
- ▶ One government entity is responsible for exports, another for imports, and another for transit/transshipment.

In addition, initial reports reveal that some States Parties utilise the following approaches for ensuring compliance with national legislation that implements the ATT:

- ▶ A dedicated government transfer control authority delivers training to government officials in other government entities to support not only the risk assessment and decision-making process, but also enforcement.
- ▶ Competent national authorities consult with embassies to authenticate documents submitted as part of an application for an export (or transfer) authorization, as well as to consider measures to mitigate risks in accordance with Articles 7 and 11 of the ATT.

Therefore, interagency cooperation can play an important role in effective ATT implementation. At the same time, there were two key messages from the workshop that underscored that this is not always straightforward to have effective interagency cooperation:

- ▶ “No one size fits all”; and
- ▶ The ATT provides an underutilised platform for sharing national approaches and lessons learned to overcome some of the common challenges for conducting effective interagency cooperation.



3. Challenges for effective interagency cooperation to implement the ATT

During the workshop, participants shared some of the benefits, challenges, and national approaches for interagency cooperation to effectively implement the ATT. Workshop participants emphasized that 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. Therefore, while the benefits of interagency cooperation for addressing complex policy problems are widely recognized, particularly in the national security arena, workshop participants elaborated an impressive list of challenges for interagency cooperation to effectively implement the ATT, including:

- ▶ **Lack of awareness or understanding of the ATT:** Interagency cooperation can be stymied if government entities are not aware of ATT obligations or do not understand the impact of the treaty on their entity.
- ▶ **Issues taking or sharing responsibility:** Government entities may be reluctant to share responsibility for the regulation of certain arms transfer activities with other entities, especially if such activities are within their mandate. On the other hand, some government entities could be reluctant to take ownership of a given issue area if particularly sensitive.

- ▶ **Uncertainties around the type of cooperation needed:** Government entities may struggle to develop or maintain a system for interagency cooperation if it is not clear what kind of system they need, who should participate in it, and how it should operate.
- ▶ **Tendency to approach issues from a single perspective:** Issues that could be addressed through interagency cooperation are sometimes approached in a more siloed fashion, due to limitations or differences in perspectives. “Illicit trafficking,” for example, could be viewed as primarily a law enforcement or judicial issue, whereas describing it as a case of “diversion” could also trigger the involvement of other government entities covering foreign affairs or defence.
- ▶ **Lack of awareness or communication outside of one’s own government entity:** Government entities are often not aware of each other’s activities and responsibilities as they relate to arms transfer controls. In some states, for example, there is a sense that the Ministry or Department for Foreign Affairs may be responsible for developing procedures, but that such officials do not have a good sense of how these procedures are operationalized by Customs and other entities. Similarly, lawmakers may be responsible for developing legislation for a state’s arms transfer controls, but they may not carry out the necessary oversight to understand whether and how it is implemented.
- ▶ **Lack of shared technical knowledge:** Members of interagency commissions or committees may lack the basic technical knowledge needed to understand the roles and responsibilities of different government entities involved in arms transfer processes. This appears especially likely in the context of large interagency commissions or committees whose members can be drawn from different government entities with varying levels of responsibility.
- ▶ **Staff turnover and changes in government:** Frequent staff turnover and changes in government can undermine the sustainability of interagency cooperation activities by resulting in shifts in expertise, capacity, and political will.

Several participants shared insights on their national approaches to interagency cooperation, explaining this cooperation can take place in an ad hoc manner, while in other cases it is formalized through interagency cooperation commissions or other mechanisms. Participants noted that States can still take a flexible approach to interagency cooperation even if they utilize formalized interagency cooperation mechanisms, for example by inviting specialists to participate in interagency meetings on an ad hoc basis when their expertise is required.

Even those participants whose governments had well-developed interagency cooperation systems in place described facing challenges to effective interagency cooperation. For example, several participants described how some government entities involved in international arms transfers have limited insight into what is happening elsewhere in government despite their participation in well-developed interagency cooperation mechanisms. In another example, a participant noted that their approach to interagency cooperation was developed prior to the ATT, and so required continued improvements following the ATT’s entry into force to align itself with the State’s new obligations under the treaty. Further, 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.

Thankfully, workshop participants shared different national approaches for overcoming these challenges, including:

- ▶ Peer-to-peer information sharing and cooperation;
- ▶ Awareness-raising to ensure officials have requisite technical knowledge;
- ▶ Discussion of roles and responsibilities to ensure mutual understanding;
- ▶ Consideration of when cooperation is necessary, to avoid meeting for the sake of meeting;
- ▶ Providing concrete examples of how other States established or developed their approaches to interagency cooperation tailored to the wants and needs of the State in question;
- ▶ Allowing plenty of time for discussion and accepting that there may be setbacks;
- ▶ Looking to promote sustainable cooperation, not just a one-off exchange;
- ▶ Securing buy-in and shared ownership (e.g., through a written, codified document); and
- ▶ Arranging regular regional national committee meetings to identify areas for bilateral cooperation.

Finally, participants discussed the possible role of the ATT in supporting national efforts to establish and strengthen their approaches to interagency cooperation. Participants noted that increased outreach and support, including training, on the topic of interagency cooperation in the ATT context could be helpful, as could informal information exchanges, potentially through regional meetings.



4. Lessons learned and key principles for interagency cooperation for effective implementation of the ATT

The end of 2024 commemorates the tenth anniversary of the entry into force of the ATT. The ATT CSP10 cycle is therefore an opportune moment for gathering lessons learned in treaty implementation. Workshop participants took this opportunity to share lessons learned on effective interagency cooperation and explored the potential for identifying key principles for interagency cooperation for effective implementation of the ATT. Drawing upon their national and regional experiences, the group identified five key lessons learned for promoting and facilitating effective interagency cooperation to implement treaty provisions:

First, **setting and defining the objectives for interagency cooperation**. Participants considered it important to define ‘why’ government entities should cooperate to implement the ATT, avoiding ‘coordination for the sake of coordination’. Some participants emphasized that the objectives of the ATT and its effective implementation should be the main objective for establishing interagency cooperation mechanisms, while others noted that in some contexts the purpose for interagency cooperation can include factors that relate to implementation of other international and regional arms control instruments. Therefore, participants noted the benefits of States sharing information on how they established or adjusted their interagency cooperation practices and mechanisms to support ATT implementation.

Second, **determining which stakeholders should be involved in interagency cooperation.** Building on the objectives set for interagency cooperation, participants noted that it was essential to subsequently identify which government entities should be involved in interagency cooperation (i.e. the ‘who’). In connection with this point, participants acknowledged that there can be different levels of authority involved in interagency cooperation. Some participants highlighted that stakeholder mapping could be considered an example of good practice when determining which government entities should be involved in national control systems to implement the ATT.

Third, **ensuring clarity and understanding on roles and responsibilities.** Participants emphasized that it is of critical importance to clearly define roles and responsibilities to ensure the effective use of interagency cooperation in support of ATT implementation. They noted that each government entity should understand the roles, responsibilities, and functions of other government entities involved in the implementation of the ATT. Some participants noted that sustaining institutional knowledge on roles and responsibilities posed a particularly acute challenge for some States, highlighting the negative impact of frequent staff turnovers.

Fourth, **identifying ways to operationalise interagency cooperation.** Many participants acknowledged that they utilised several mechanisms to operationalise interagency cooperation. Of note is that effective interagency cooperation requires both formal processes (e.g. interagency cooperation as established by domestic regulation) and informal processes (e.g. informal information sharing and discussion among participating government entities). For the formal processes, some participants noted the importance of establishing a legal basis to help convene and facilitate interagency cooperation. Other participants emphasized that informal processes and personal contacts between different government entities helped to ensure efficiency for day-to-day operations.

Fifth, **reviewing and adjusting interagency cooperation practices.** Some participants noted the importance of reviewing and adjusting, as appropriate, interagency cooperation mechanisms and procedures to ensure effective ATT implementation. For example, one participant noted the benefits of conducting a practical review of how information shared by various government entities was being used to implement the ATT. Several participants emphasized that review activities helped to identify vulnerabilities and gaps in information sharing and decision-making processes pertaining to interagency cooperation.

These reflections led the participants to identify several key principles, elements, and approaches that merit further elaboration to promote the effective use of interagency cooperation in supporting the implementation of the ATT. These included:

- ▶ 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;

- ▶ Promoting considerations to ensure sustainability of interagency cooperation, especially in situations with frequent staff turnover;
- ▶ Investing in building trust and confidence between different government entities involved in ATT implementation in order to strengthen interagency cooperation;
- ▶ Supporting the review of information sharing processes within interagency cooperation to promote effective and efficient sharing of information between different government entities involved in ATT implementation; and
- ▶ Considering how existing interagency cooperation mechanisms function during “emergency” and dynamic and rapidly evolving situations.



5. Preparations for ATT CSP10 Working Groups

The third ATT CSP, which took place in 2017, decided to establish three standing Working Groups on Effective Treaty Implementation (WGETI), Transparency and Reporting (WGTR), and Treaty Universalization (WGTU). States Parties at ATT CSP9 adopted the proposal for enhancing the work of the WGTU, endorsed the mandate for the WGTR in the period between CSP9 and CSP10, and adopted the draft proposal for a new approach for the WGETI's configuration and approach to discussions on practical treaty implementation in relation to priority stages/phases of treaty implementation.⁸ Since ATT CSP10 represents a moment of renewal for the WGETI and WGTU and the cross-cutting nature of the Presidency theme for ATT CSP10 itself, the workshop provided space for participants to have an informed exchange of ideas and proposals for issues to be considered by the CSP10 meeting cycle for each working group on the Presidency theme of the role of interagency cooperation in the effective implementation of ATT provisions.

8 Final Report of the Ninth Conference of States Parties to the Arms Trade Treaty, 25 August 2023, ATT/CSP9/2023/SEC/773/Conf.FinRep.Rev2, pp. 6-9, https://www.thearmstradetreaty.org/hyper-images/file/ATT_CSP9_ATTTS_Final%20Report_%20rev2_EN/ATT_CSP9_ATTTS_Final%20Report_%20rev2_EN.pdf

5.1 Working Group on Effective Treaty Implementation

The Working Group on Effective Treaty Implementation (WGETI) during the ATT CSP10 meeting cycle will focus on three objectives:

1. Finalisation of the current workplan of the WGETI sub-working group on Articles 6 and 7;
2. Development of a multi workplan for the reconfigured WGETI; and
3. Initiation of practical discussions on a few selected general phases/stages of treaty implementation in no chronological order, taking into account the balanced interests of States Parties.⁹

The draft proposal for a new approach for the WGETI identified nine phases/stages of practical treaty implementation (see Box 1). “Interagency coordination” was mentioned explicitly in two of these phases/stages – “establishment and maintenance of a national control system” and “enforcement arrangements” – and implicitly covered by many of the other phases/stages. Therefore, workshop participants considered the linkages between the Presidency theme and these two phases/stages, although other phases/stages were also addressed. Participants agreed that the CSP 10 Presidency theme serves as useful means to examine the treaty holistically, acknowledging that interagency cooperation is cross-cutting in nature, and enables continuous development of previous themes. They maintained that discussions should be inclusive, involving input from government entities at all levels of government.

While interagency cooperation requires accountability at all levels of government and enables a whole-of-government feedback loop to bolster responsible decision-making, there is **no one-size-fits-all approach to identifying and applying best practices**. However, it should be possible to achieve consensus across States Parties on essential elements and principles for interagency cooperation.

Participants agreed that any **guidance on interagency cooperation would need to be voluntary and open-ended rather than prescriptive or compulsory**. The group noted that many States Parties would welcome voluntary guidance on this issue, but cautioned against developing voluntary guidance that is too abstract or theoretical. Rather, participants proposed the **use of case studies to engage States seeking support on how to establish interagency cooperation processes and mechanisms for effective treaty implementation**. In terms of how to prepare such guidance, it is worth considering integrating interagency cooperation principles and elements into other existing voluntary guidance and documents under the ATT.

9 “Annex D. Draft Proposal: WGETI Configuration And Substance”, ATT Working Group On Effective Treaty Implementation Chair’s Draft Report To CSP9, 21 July 2023, ATT/CSP9.WGETI/2023/CHAIR/767/Conf.Rep, p. 55, https://www.thearmstradetreaty.org/hyper-images/file/ATT_CSP9_WGETI_Chair_Draft%20Report%20to%20CSP9_EN/ATT_CSP9_WGETI_Chair_Draft%20Report%20to%20CSP9_EN.pdf

Workshop participants also noted the importance of ensuring that discussion and guidance on **interagency cooperation should cover exporting and importing functions for States Parties**, thus ensuring relevance and applicability to all States Parties. Indeed, the group expressed a general observation that, to date, there has been more focus on elaborating interagency cooperation in support of export control processes rather than other parts of the transfer chain. Discussions during the ATT CSP10 meeting cycle could address this perception by also examining import, transit, transshipment and brokering.

Additionally, several methods for supporting the interested States in establishing or further developing their interagency cooperation practice for effective treaty implementation were highlighted, including, inter alia:

- ▶ ATT Secretariat Voluntary Trust Fund (VTF);
- ▶ ATT Secretariat Needs-and-Assistance database;
- ▶ Regional mechanisms, such as ECOWAS's exemption procedures (Articles 4-6 of the ECOWAS Convention); and
- ▶ Peer-to-peer exchange.

In conclusion, participants agreed that outreach to States Parties on the theme of interagency cooperation would be vital in building appropriate engagement from a broad range of States. To achieve this, the Presidency may seek to invite the views and experiences of all States Parties, especially those facing challenges to develop and implement interagency cooperation in support of implementing the ATT.

Box 1. Draft general stages/phases of Treaty implementation¹⁰

ATT domestication

- ▶ Executive role
- ▶ Parliament role
- ▶ Legislative process
- ▶ National consultation processes

Establishment and maintenance of a national control system

- ▶ Infrastructure
- ▶ National control list
- ▶ Competent authority
- ▶ National point of contact

¹⁰ "Annex D. Draft Proposal: WGETI Configuration and Substance", p. 57.

- ▶ Legislation
- ▶ Interagency coordination

General regulation of role players in arms transfer

- ▶ Registration measures
- ▶ Outreach programmes
- ▶ Internal compliance programmes
- ▶ Documentation for regulation

Application and authorisation of arms transfers

- ▶ Prohibitions
- ▶ Risk assessment
- ▶ Mitigations
- ▶ Decision making
- ▶ Review of decisions
- ▶ Verification of documentation
- ▶ Undertakings and cooperation of role players

Enforcement arrangements

- ▶ Legal framework
- ▶ Interagency coordination
- ▶ Legal and administrative procedures

Information management.

- ▶ Record management
- ▶ National coordination
- ▶ Litigation arrangements

Accounting and reporting

- ▶ Transfer reports to the ATT Secretariat
- ▶ Reports to cabinet
- ▶ Reports to parliament
- ▶ Audit enquiries
- ▶ Public request for information

Post delivery measures

- ▶ Transfer undertakings
- ▶ Delivery verification certificates
- ▶ Post-shipment cooperation
- ▶ Verification
- ▶ Stockpile management

5.2 Working Group on Transparency and Reporting

The mandate for the Working Group on Transparency and Reporting (WGTR) to August 2024 includes inviting “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”.¹¹ During the CSP9 cycle of meetings, the ATT Secretariat made reference to the working paper on national-level measures to facilitate compliance with international reporting obligations and commitments to help overcome reporting challenges identified by States Parties.¹² As noted above, this document highlights the preparation of a written national procedures document to help support effective interagency cooperation in the preparation of an annual report in accordance with ATT Article 13. Examples of interagency cooperation measures that can facilitate to fulfil ATT reporting include:

- ▶ Clearly identifying reporting roles and responsibilities, including by identifying a competent national authority for reporting;
- ▶ Developing specific modalities for interagency communication and data sharing, including interagency working groups;
- ▶ Developing and circulating a reporting calendar to ensure all national parties are aware of due dates and timelines;
- ▶ Maintaining holistic data management systems to enable arms transfer data to be collected, stored, and accessed by officials across various government entities.

Participants noted that inter-agency cooperation is important in the context of ATT reporting, as the information required to complete ATT reports is often collected and retained by multiple government entities (and in some cases private actors) and needs to be shared to facilitate ATT reporting.

Participants discussed national approaches for interagency cooperation on ATT reporting. It was noted that while some States have formal mechanisms in place to facilitate the exchange of reporting information, informal and ad hoc information exchanges can be an important—and more efficient—means of sharing data for inclusion in ATT reports. Information sharing processes do not have to be complex and could, for example, simply be a matter of sharing draft reports for approval through bilateral discussions. Other measures participants described using to facilitate interagency cooperation on reporting include clearly established reporting calendars and written procedures, which are shared with all parties involved, and notifications to interagency partners regarding upcoming reporting deadlines, including informal, internal deadlines.

11 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

12 ATT Working Group on Transparency and Reporting Draft Report To CSP9, p. 6.

The group discussed how interagency cooperation on reporting can suffer from many of the same challenges that undermine ATT reporting more broadly, including limited capacity, a lack of political will, and a desire for secrecy. During the session, it was suggested that some of these challenges could be overcome by making it clear why government entities should care about and invest resources in reporting. For example, governments may be able to generate increased buy-in for reporting from the police by highlighting how reports on arms transfers play an important role in facilitating weapons tracing.

The session also considered how the ATT could be leveraged to support interagency cooperation on reporting. It was suggested that the WGTR, VTF, and Secretariat's regional champions initiative be used to advise and assist States Parties in developing and strengthening interagency cooperation measures around ATT reporting. It was suggested that the WGTR include guidance on the role of interagency cooperation in reporting in its existing ATT reporting guidance.

5.3 Working Group on Treaty Universalization

The CSP9 co-chairs' proposal to enhance the work of the WGTU included a series of recommendations to support States that are seeking to become States Parties, with a focus on taking a medium- to long-term perspective on treaty universalization, with a short to medium-term focus on supporting signatory States to become States Parties. The co-chairs noted that "recent experience demonstrates that it usually takes a longer period for States to finalize national political processes necessary to ratify or accede to the Treaty" and that "no two states share the same challenges" for finalizing the process to become a State Party.¹³ While the call for individual, tailored assistance to support the finalization of the process was widely welcomed, ATT initial reports, as well as VTF applications and successful projects, have highlighted the importance of establishing an interagency committee (council or commission) to support preparations to become an ATT State Party. Thus the CSP10 cycle of meetings of the WGTU could provide an opportunity for States Parties to pick up on the first phase/stage listed in the WGETI list of treaty implementation – ATT domestication.

Participants introduced a key question for the ATT community regarding universalization: should there be a prioritization of efforts to universalize the treaty (e.g. increasing membership), or to strengthen the effective implementation of the treaty by current States Parties? Some argued that there is merit in increasing the membership, as it seeks to establish a norm and demonstrates the international community's commitment to achieving the purpose and objectives of the treaty. Others argued that, if the treaty is not effectively implemented by States Parties, its significance or value decreases. One participant noted that the ATT is not unique and that it is common for universalization to slow down

13 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

at the ten-year mark. In their view, this underlined the need for the ATT CSP10 cycle to come up with “tailor-made solutions” for universalization in the next decade of the treaty’s life.

It is necessary to recognize that national constitutional or legal systems relating to joining a treaty differ from one State to another and variations can be observed across regions. More generally, it was noted that there may be internal factors (e.g. elections of Heads of State or parliaments, political will, etc.) and external factors (including, for example, the level of confidence between States) that influence decisions for States to become parties to the ATT. Further, one participant noted that there are the “quick ratifiers and acceders” for which, once a State Party, subsequent implementation can initially be more challenging, and “the advance preparers” for which, once a State Party, initial implementation can be comparatively easier. For example, for Commonwealth States, where legislation needs to be in place before a State can become a party to the ATT, interagency coordination and consultations before becoming a State Party are crucial. Respecting and taking such national and regional variations and approaches into account is therefore important for those actors engaged in universalization efforts, which requires awareness and understanding of the national legal system and culture of the State in a ratification or accession process.

Generally, workshop participants agreed that, if the process that led to the ATT ratification or accession was driven by one government entity only, subsequent implementation of the treaty by the State Party will generally face significant challenges. In one region, for example, the Ministry of Foreign Affairs played a key role in the process of ratification, acceptance or approval, or accession to the ATT. However, once a State Party, the Ministry of Defence took the lead for treaty implementation. Due to insufficient earlier involvement in the ratification and accession process, the Ministry of Defence held up implementation because of a lack of familiarity with treaty provisions. Such examples show why it can be important for States to already consider interagency cooperation and coordination during the ATT ratification or accession process.

One of the key challenges raised by the group for universalization is a situation in which, within the government of a State in the process of ratifying or acceding to the ATT, there can be one or two key government entities that block or hold up the efforts of other government entities to advance and become an ATT State Party. Participants shared several examples of States where such challenges are currently encountered. It was noted that in countries where formal interagency coordination and cooperation mechanisms exist that should facilitate the flow of information, “blockers” can have a particularly strong influence on impeding ratification or accession efforts. The group noted some of the challenges for external engagement in such situations, noting that “naming and shaming” the blockers is not a constructive approach, while external support to a government entity (or entities) that are strongly supportive of becoming an ATT State Party can also have negative consequences for removing the block. Nevertheless, workshop participants considered two methods to help to remove the block in such situations:

- ▶ Rather than approach joining the ATT directly, utilise other mechanisms that could be used by government entities that are strongly in favour of becoming an ATT State Party, for example by making use of the UN Human Rights Council’s Universal Periodic Review (UPR) about a UPR recommendation adopted by States in the UNHRC for the State to ratify or accede to the ATT.

- ▶ Using the ATT VTF to support awareness raising activities for engaging government entities that are holding up ratification or accession. This could include, for example, bringing representatives of Ministries of Defence from neighbouring countries to share their experience of being an ATT State Party to address concerns of a Ministry of Defence that is sceptical of the benefits of becoming an ATT State Party for their country. In relation to the issue of using the ATT VTF for universalization efforts, several participants called for there to be two calls for proposals per year rather than just one.

Several participants noted that regional approaches have had a positive influence on States' ratification or accession to the treaty and increasing ATT membership. States in a given region or sub-region often have a similar history, face similar challenges, and share similar experiences in overcoming them. Involving States Parties, signatories, and others, under relevant regional frameworks and processes can strengthen existing, mutually re-enforcing synergies with the ATT. In addition, similarities in national legal and regulatory frameworks regulating transfers, can spill-over and positively impact States hesitant to join the treaty.

Specific examples of good, effective programmatic or project-based practices were shared, including:

- ▶ Peer-to-peer processes, exchanges of experiences and lessons learned;
- ▶ Thematic/sectoral approaches (e.g. focused on the transfer control system, diversion, illicit-trafficking, or other thematic that falls within the scope of both the ATT and the respective regional instruments);
- ▶ The composition and type of beneficiaries of such programmes or projects (for example, inviting, still through the Ministry of Foreign Affairs, participants from different government entities of the same State, as well as ATT States Parties, signatories, and States not party); and
- ▶ Needs-based approaches, and focus on national and/or regional ownership.

There are existing interagency coordination and cooperation mechanisms at the national level that can support and have played a role in the process of ATT ratification or accession. Different examples that were shared during the workshop by participants included:

- ▶ National SALW Focal Points and/or Commissions established at the national level in support of the implementation of the UN Programme of Action on Small Arms (UN PoA) and the International Tracing Instrument (ITI);
- ▶ National interagency coordination and cooperation mechanisms established in support of the implementation of the export control regimes (e.g., operating under councils or committees tasked with export control decision-making);
- ▶ Some States have also established interagency coordination or cooperation mechanisms for the implementation of UN Security Council resolution 1540.

It was noted that the extent and usefulness of such existing interagency coordination and cooperation mechanisms for the purposes of ATT ratification or accession depended to a large extent on the scope of their mandate, sitting within the national institutional architecture, and whether such coordination and cooperation mechanisms were informal or formal. One example included, for example, the West African region, where the national lead authorities and national coordination mechanisms are responsible for,

and respectively used for, the implementation the UN PoA/ITI, and have also been used in support of efforts towards the ratification and accession to the ATT, in combination with the framework also provided by the ECOWAS Convention and as part of the implementation of this regional arms control instrument. However, while these National SALW Commissions have now expanded to also cover the ATT (i.e., international transfers), not all Commission members need to be involved in transfer-related interagency cooperation and coordination. Therefore, existing interagency coordination and cooperation mechanisms can be used in efforts to support ATT ratification or accession, but there is no one-size-fits-all approach.

During the CSP5 cycle, the WGTU developed an ATT Universalization Toolkit, a “living document designed to assist those wishing to promote universalization of the ATT”, and a Welcome Pack, “designed to give a basic overview of the [ATT] process and obligations to States that are new States Parties [...] or that are interested in learning more about the Treaty”, which were adopted by CSP5.¹⁴ Given the role the interagency cooperation plays in processes for ATT ratification and accession, and increased membership since the last version of the Welcome Pack, workshop participants discussed if CSP10 could consider updating these voluntary guidance materials, or develop new guidance material, in order to provide guidance to those wishing to promote universalization of the ATT (e.g. States, ATT office holders, non-governmental organizations and civil society organizations interested in supporting universalization efforts). One participant noted that the ATT Universalization Toolkit, and the Welcome Pack, were “developed at a specific time, in a specific context, and for a stated purpose and objective”. While there was no agreement by the group of participants regarding this question, all agreed that the upcoming ATT CSP10 preparatory meetings provided an opportunity for deliberations in this regard.

In connection to the above, and with the years ahead for ATT universalization efforts certainly not becoming easier, several workshop participants referred to a proposal (made by the co-chairs of the WGTU at CSP9), for the CSP10 cycle to have representatives of States Parties that have recently joined the treaty to share their experiences regarding:

- ▶ the role interagency coordination and cooperation;
- ▶ the different types of (legal, bureaucratic, coordination, other) challenges faced and how these were overcome; and
- ▶ lessons learned from ratification or accession processes that have taken almost ten years in some cases.

14 See ATT Tools and Guidelines, Documents annexed to the Draft Report to the Fifth Conference of States Parties (CSP5) (ATT/CSP5.WGTU/2019/CHAIR/532/Conf.Rep) presented by the Co-chairs of the Working Group on Treaty Universalization (WGTU), <https://portal.thearmstradetreaty.org/tools-and-guidelines.html>



6. Priorities for ATT CSP10 Presidency theme

The priority theme of the Romanian Presidency of the Tenth Conference of States Parties to the ATT – “The Role of Interagency Cooperation in the Effective Implementation of Arms Trade Treaty Provisions” – provides an opportunity to discuss challenges and identify effective measures that can help to achieve progress in effective treaty implementation, as well as universalization, at a critical point in the treaty’s life. Workshop participants made several proposals to enable the sharing of effective practices to overcome challenges for establishing and maintaining interagency cooperation, including:

- ▶ 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.

Workshop participants highlighted the benefits of sharing concrete examples of the evolution of the role of interagency cooperation to support ATT implementation, which could relate to the role of the ATT VTF in supporting national efforts to establish or enhance interagency cooperation to support ATT implementation. Some participants highlighted the potential for using regional meetings and other peer-to-peer opportunities for States with similar situations and traditions to share challenges and effective systemic and practical measures to establish or enhance interagency cooperation to support ATT implementation.

Participants agreed that exchanges at CSP10 and experience gathered over the past decade on the role of interagency cooperation in effective ATT implementation should be captured in voluntary guidance to support ATT implementation, with calls for including this in existing guidance on Article 5 and for annual reports. At the same time, there is merit in elaborating a set of key principles for establishing or enhancing interagency cooperation. Such material would be particularly useful for training and VTF projects to support States seeking international assistance on this issue.



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Summary Report

Brainstorming Workshop on “The role of interagency cooperation in effective implementation of Arms Trade Treaty provisions”

Elaborating the Thematic Issue of the Tenth Conference of States Parties to the Arms Trade Treaty.

This report summarizes the key discussions of a brainstorming workshop on the theme “The role of interagency cooperation in effective implementation of Arms Trade Treaty provisions”.

It is intended to inform deliberations for the Tenth Conference of States Parties (CSP10) to the ATT and stimulate creative, forward-looking thinking by key ATT stakeholders to support the development of a constructive and impactful presidency thematic paper for the ATT CSP10.

The Brainstorming workshop and report were delivered by the United Nations Institute for Disarmament Research (UNIDIR), Conflict Armament Research and Stimson Center (the Consortium). Since 2019, the Consortium has engaged in joint research aimed at increasing knowledge and strengthening shared understanding on the ATT among diverse stakeholders to support its effective implementation. In 2024, the Consortium is conducting research and facilitating dialogue events on “The role of interagency cooperation in effective implementation of Arms Trade Treaty provisions”, in support of Romania’s Presidency of the Tenth Conference of States Parties (CSP10) to the ATT.



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