



# The Arms Trade Treaty at 10

Reflections and Recommendations

RECOMMENDATIONS

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Arms  
Trade  
Treaty

10  
YEARS

## THE ARMS TRADE TREATY AT 10 RECOMMENDATIONS



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### Living Up to Treaty Aspirations

- ▶ As part of their regular agendas, CSPs need to offer dedicated opportunities **for discussion of crises, conflicts, and arms transfer decisions, including those that may violate treaty provisions.** Although this transition may create some discomfort, it is essential for ensuring the treaty's continued relevance. Developing intersessional processes for these engagements aligned with Working Groups could help mitigate some of those discomforts. Possible formats include a dedicated Sub-Working Group on treaty compliance or peer-to-peer discussion forums. Whatever the form, these discussions must include views of both importing and exporting States.
- ▶ **The CSPs must evolve to meet the ambitions of the ATT's second decade.** First and foremost, the dissonance between the treaty's object and purpose and the substance of CSPs must be addressed. The fact that the most heated debates within the CSPs have been budgetary related suggests these convenings are not focused on the most essential imperatives of the treaty. Periodically moving the treaty meetings outside of Geneva and the traditional disarmament treaty environment could help re-orient discussions towards more substantive treaty implementation topics.

### Strategizing for the Future

- ▶ The **Secretariat, in consultation with ATT stakeholders, should develop a public five-year strategic plan outlining desired institutional arrangements, its scope of work, and the services it hopes to provide,** which should serve as the basis for budget development and resource allocations.
- ▶ The Secretariat should provide **annual public updates on its progress** in meeting the objectives set out in its strategic plan so that activities and resources can be adjusted accordingly.

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### Innovating for Global Challenges

- ▶ Under the agendas of the appropriate Sub-Working Group, CSPs should **review the scope of the treaty** to better understand States' interpretations and ensure that they remain in alignment with its object and purpose.
- ▶ **Develop models of good practice for ATT implementation.** The ATT community – including States Parties, CSPs, the Secretariat, and attendant subsidiary bodies – must be willing to innovate. The practice of treaty implementation will inevitably reveal shortcomings in the modalities and processes laid out in treaty texts or endorsed by CSPs. With few prospects, and no appetite, for treaty amendments, evolving the practices and interpretations of the treaty will be important to ensuring the treaty is fit for purpose over the next decade, especially with respect to changing norms, technologies, and political environments.

### Strengthening Stakeholder Partnerships

- ▶ States Parties should direct the Secretariat to **promote direct interaction among National Points of Contact and/or technical implementing bodies.** For the ATT to achieve its goals, its implementation must be carried out constantly by the technical experts dealing directly with the arms trade and trafficking. The expansion of day-to-day technical implementation is essential to achieve the goals of the ATT. If the Secretariat is unable to undertake this level of interaction, the list of national points of contact should be made public so that those with resources and capacity could take on these kinds of activities.
- ▶ **Include practitioners and technical experts, such as customs officials and civil society representatives,** as substantive experts at ATT meetings focused on experiences, challenges, and good practices for treaty implementation, including diversion.
- ▶ In order to enhance operational information sharing and facilitate the participation of licensing and enforcement officials in future DIFE meetings, **ancillary ATT forums at the regional or sub-regional level should discuss diversion-related issues.** These can be part of existing ATT process workshops, placed on agendas of regional meetings, and should involve relevant stakeholders in order to socialize the ATT and its priorities. Outreach conducted by the ATT Secretariat can offer diversion amongst its menu of available topics for discussion.
- ▶ **Enhance the participation of civil society within the ATT process,** including as expert presenters at Working Groups and CSP meetings. This should involve encouragement and space for consideration of civil society reports on treaty implementation and on arms transfers more generally. The expertise, accountability, and unique perspectives that civil society bring are invaluable, but their collective ability to participate has been drastically affected by the absence of financial resources and the lack of opportunities to share their insights in a formal setting.
- ▶ States, in their national capacities, should **recommit to core funding for civil society organizations** to allow for more responsive, innovative, and flexible activities to support ATT implementation and universalization. When project-based funding is the only option available for civil society, demands for immediate results and short-term impacts limit the ability of NGOs to (1) take a more holistic approach to supporting ATT implementation and (2) create ATT advocates at the national level who understand the value of the treaty.



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## Promoting Compliance and Accountability

- ▶ CSPs need to create a **platform for showcasing national treaty implementation**. Article 13(1) of the treaty stipulates that, in addition to their initial reports, “each State Party shall report to the Secretariat on any new measures undertaken in order to implement this Treaty, when appropriate.” States Parties could then, on a rotating basis (every 5 years), provide regular reports on national measures they have taken to implement the treaty across all thematic and functional areas. This could be addressed within discussions of the WGETI Sub-Working Group on the exchange of national implementation practices.
- ▶ CSPs should include, as part of the regular WGTR agenda, **opportunities to raise questions and offer explanations on discrepancies, irregularities, or unusual elements in annual reports;** to discuss arms transfers; and to consider the application of risk assessments and criteria.
- ▶ CSPs should **provide a regular forum for States Parties to raise questions and offer explanations** related to their treaty implementation, including the status of their transfer control system, national control list, or brokering or transit regulations.
- ▶ **Develop a mechanism, such as a voluntary “peer review” process** for States Parties to discuss individual arms transfer cases and to offer exporting or importing States Parties the opportunity to explain their decisions in the context of treaty obligations. Such a process would reflect the original intent of the treaty to address issues of sovereignty with the expectation that States hold each other accountable for arms transfer choices. This peer review process could take place within the framework of the CSPs or as a regularized activity within one of the Working Groups. Whatever the mechanism, the platform should enable ATT stakeholders to engage in dialogue about arms transfers in the context of conflict and crises to support the treaty’s spirit and purpose.
- ▶ Within the context of the WGTR, **provide targeted strategies to address reporting fatigue,** including ways to leverage synergies with other reporting requirements.

## Aligning Resources and Objectives

- ▶ The **Secretariat should have the staff capacity, size, skills, and resources** necessary to implement the tasks set forth by the CSPs. This will require a more thoughtful consideration of the evolving demands being placed on the Secretariat and a less conservative interpretation of what is meant by “minimized structure” in Article 18(3) of the ATT.
- ▶ **Ensure finances are fit for purpose** and that all States Parties, Signatories, and Observer States meet their respective financial obligations to cover the cost of the CSPs and the work of the ATT Secretariat. The accumulation of non-payments of assessed contributions has had an impact on the ATT budget and the ability of the Secretariat to complete its activities.
- ▶ **Expand the reserve fund** to ensure resources are available, if needed, to complete all ATT activities. Revenue that is not spent should be put in a reserve fund. Monies that have been unspent for CSP meetings should not be returned.

## Measuring Impact Effectively

- ▶ With improved staff capacity and resource allocation, the **Secretariat should be mandated to undertake (or identify and provide the information to others to undertake) an analysis of State-level and regional progress on ATT implementation and identify good practice, gaps, and needs.** Assessing progress requires a more in-depth understanding of starting points, and while treaty reporting is meant to provide some insights in this regard, there remains a significant knowledge gap surrounding the national-level structures supporting treaty implementation. Using interviews with relevant stakeholders, the information in initial reports, and the proposed periodic national implementation presentations, the Secretariat can catalog the State-level infrastructure that has been developed in part or in whole to support participation in and compliance with the ATT, including the allocation of relevant national budgetary support.
- ▶ States Parties should direct the Secretariat to **undertake (or identify and provide the information to others to undertake) an analysis of global arms transfers and the impact of the ATT.** In evaluating the broad impact of the ATT, it is worth considering the behavior and engagements of non-State Parties and non-Signatories since the treaty came into force. Doing so may shed light on the normative impact of the treaty and how it is shaping the operating environment beyond its States Parties. Similarly, it is worth considering the extent to which the treaty has been successful in “stigmatizing” poor transfer practices, both for States Parties, Signatories, and non-affiliated States.
- ▶ **CSPs should mandate the Secretariat to develop clear metrics for measuring the treaty’s impact against its object and purpose.** Understanding where the ATT is meeting its objectives is essential to building the momentum to discuss actual arms transfers. These metrics could be discussed as part of a WGETI Sub-Working Group to ensure broad understanding of how the treaty is being evaluated.
- ▶ **Mandate the Secretariat to develop a methodology to evaluate the utility of the DIEF** and identify approaches to improve the DIEF’s impact as appropriate. New approaches should emphasize the need to quickly inform States of possible diversions, so action can be taken not just on future permits, but on investigating each situation and localizing the diverted weapons. The elements of the methodology could be discussed as part of the WGETI Sub-Working Group and should include ways in which States Parties and Signatory States can honor their commitment to share concrete diversion cases and related information in the DIEF.

## Crafting Responsive Outreach

- ▶ All ATT stakeholders, including the Secretariat, should **strengthen outreach to non-reporters to identify obstacles to ATT reporting and make the results of that outreach public.** The reasons for non-reporting or underreporting are numerous and will require context-specific solutions tailored to the circumstances of individual States Parties. Existing outreach efforts should be publicly shared so that a variety of ATT stakeholders can support transparency efforts.
- ▶ **Universalization efforts should appeal to the individual priorities of potential States Parties.** Under the auspices of the WGTU, universalization efforts should be targeted and specific. Rather than utilizing one single universalization strategy, universalization should focus on the impact that treaty compliance and associated assistance could have on addressing law enforcement expertise, improving border control capacities, strengthening stockpile management practices, or complying with assessment requirements of arms exporting countries that facilitate responsible access to defense equipment.
- ▶ As part of the WGETI agenda, **identify synergies across various multilateral, bilateral, and non-governmental assistance programming** that can enable governments to use existing processes and leverage the depth and responsiveness of civil society expertise.
- ▶ The Secretariat, in partnership with the Selection Committee, implementing partners, and recipient States, should **undertake a review of the VTF** and identify ways in which it can improve in terms of its process and engagement with relevant stakeholders. The VTF and other assistance providing bodies should build on lessons learned from their years of experience to **develop assistance mechanisms that are more flexible and responsive** to the needs of recipients. This should include allowing VTF funding to be provided directly to civil society organizations to support a project in partnership with a State and with the agreement of the host government; raising budget ceilings; supporting multi-year projects; providing opportunities for rapid response activities; and permitting initiatives that focus on continuous engagement alongside immediate deliverables.

## Enhancing Transparency

- ▶ The Secretariat should be mandated to provide a **detailed and public activity-based budget on what resources are required to complete their activities and a subsequent accounting of actual spending against that budget.** Consistent with the Secretariat's mission and plans, finances should match the resources required to undertake the ATT process and associated programming.
- ▶ **Encourage States Parties to make initial and annual reports publicly available.** The downward trend in private/restricted reporting presents a worrying development in States Parties' commitment to the treaty's transparency objectives and requirements. Private/restricted reporting undermines the ability to assess and evaluate the ATT and its impact in the future.
- ▶ **The Secretariat should improve publicly available information on reporting,** including by listing the date of report submissions and uploads as well as anonymized and aggregated data from restricted reports. Much of the research on treaty compliance, implementation, and impact has been generated by civil society organizations, which depend on transparency and public reporting for their work.

- ▶ **Develop a methodology to analyze the impact of ATT transparency measures** and provide an analysis of ways in which the ATT has improved global arms trade transparency, challenges faced by States in fulfilling their ATT obligations, and opportunities to strengthen ATT reporting. The methodology and the mandate to the Secretariat to complete the analysis could be discussed within the WGTR.
- ▶ As part of the WGTR agenda, **develop a process to measure the utility of the reporting template and metrics for whether the new template is meeting objectives** and fulfilling the ATT's reporting obligations. The WGTR should also **develop a process to measure the utility of the online reporting tool,** including an analysis as to why States are not utilizing it regularly.
- ▶ **Develop metrics to measure the impact of the train-the-trainer workshops** to identify if the effort is supporting treaty implementation. For example, tracking whether these trained experts are involved in ATT VTF projects or the ways in which they support ATT implementation nationally could be one way to measure impact. The evaluation of the impact of these workshops should be shared within a dedicated forum at the CSP.



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## Empowering Treaty Champions

- ▶ **Further develop the idea of “regional champions” to promote treaty compliance and universalization.** Regional champions, made up of States Parties, are likely to have familiarity with the unique challenges or obstacles faced by other States in their region and could provide unique insights and tailored support for their neighbors in overcoming challenges to become a State Party and fulfill treaty obligations. These regional champions should also share regional experiences, challenges, and opportunities at dedicated forums during the CSP process.
- ▶ **Develop creative partnerships and find influential allies to promote universalization.** “Regional champions” can be used to influence potential States Parties in their respective “neighborhoods” and can help identify the challenges or obstacles to treaty accession for potential States Parties and undertake outreach to diverse agencies and ministries. In addition, developing a “Group of Friends” of the ATT, which crosses regional boundaries and includes exporting and importing States and other ATT stakeholders, could be a tool to promote treaty universalization and support broader implementation efforts, as well as emphasize that the treaty has benefits to all States.

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