

Preparing For Entry Into Force: Next Steps For The Arms Trade Treaty

Chris Wright remarks:

We are here today looking at the next steps as we prepare for entry in to force of the Arms Trade Treaty. The fact that we are now talking about entry in to force demonstrates how far we have come. It has been just over a year since the treaty opened for signature and now 118 states have signed and 41 have ratified it. The UK did so alongside 16 other member states of the European Union on 2nd April this year. As our Foreign Secretary, William Hague, said at the time: "If these rules are implemented globally and effectively, they have the power to stop the arms from reaching terrorists and criminals, and fuelling conflict and instability around the world."

I'd like to concentrate on those two critical factors that will ensure the treaty has the impact we need it to have: global and effective implementation.

First: Global implementation

In one sense this is simple: the UK wants those States that haven't signed the treaty to sign it. And those that have not ratified the treaty to ratify it. Crucially, we want states to ratify it fully understanding their obligations. Countries need to know where they stand and what they need to do to comply with the obligations they are undertaking. For example, implementation requires countries to bring into line their systems to regulate export, import, transit and transshipment and brokering – and for those countries who have no such regulations, to create a new body of law and processes to establish these controls.

But we should not forget that there is plenty of expertise and existing guidance to draw on. Many countries have well-established arms export control architecture that they are willing to share. The control lists of the various export control regimes – especially Wassenaar and MTCR – provide ready-made guidelines that countries can apply, regardless of whether or not they are actually members of the regimes themselves.

Of course, establishing the control system is only one step. In addition, all countries will need to ensure that these systems are enforced and to take measures to prevent diversion.

That is one area where the project we are celebrating today comes in – allowing countries to assess themselves against the ATT standard so they know what ratification requires.

To be truly global, we also need an ATT process that is as inclusive as possible. Once the treaty has entered into force, Conferences of States Parties and Preparatory Committee meetings should be open to all signatory states regardless of whether they have yet ratified the treaty. Ratification can take time. Domestic procedures and politics can take a while to negotiate. Countries must not be excluded while they work on shepherding the treaty through that process.

That leaves the question of countries that have not yet signed up to the treaty. We will need to find a way to keep them engaged, whether by bilateral contact or by engagement through other fora and initiatives. And governments are not alone – let's not forget that industry and civil society are as strong a force in support of the ATT as governments, and we should continue to harness this commitment. Among the 23 countries that abstained from last year's resolution to adopt the Treaty are three particularly important players: Russia, China and India. These countries will make their own

decisions about joining the treaty, but let me offer a few thoughts about why it would be in their interests to do so.

- **Influence:** Only by being a State Party will countries be able to influence the developing norms and practices that will put the flesh on the bones of the Treaty.
- **Reputation:** Reputation matters. Signing and ratifying the Treaty demonstrates a commitment to international norms that no amount of rhetoric about being a responsible arms exporter can show.
- **Co-operation:** As industry in these countries develop, and potentially looks to collaborate with others on more sophisticated military and civilian technology, it will benefit from the enhanced reputation flowing from ATT membership.

Ultimately, the ATT is about setting norms for responsible export behaviour. The more universal the treaty becomes, the more difficult it will be for states to step outside those norms. So our focus should be on working towards universalisation, but also about ensuring those norms are put into practice effectively. I'll come to that in a second, but first one more point on global implementation.

Global doesn't mean just governments. Industry plays an important role both in the domestic debates in states and in implementing the commitments made by signatories. Civil society participation will also be vital. Because of the important role that NGOs and academia have played and are continuing to play in many aspects of the ATT. And particularly because of the vital support they have provided smaller Member States of the UN in particular. Many states and NGOs have organised, and will continue to hold, seminars, conferences and symposia in which options can be explored and discussed. Sometimes those options are too challenging for their time, but it is important that we continue to hear the new, the bold, and the ambitious to encourage ourselves always to strive to do a bit more.

Second: Effective implementation

There was a spike in interest when the treaty was concluded and opened for signature. There will be a lot of interest as we prepare and when we meet for the first Conference of States Parties. You could be forgiven for thinking that we are currently in a bit of a lull. But we are at a critical period setting the foundations for effective implementation. This is the time to think carefully about what our priorities are and what we can achieve.

If we want the Treaty to be credible and successful, it will have to start with something achievable and positive. These might be easy wins around establishing common minimum export control standards, or – as I have already covered – around helping those with no controls to create some. While we all know that there are many contentious issues in the Treaty, it would not be useful to air them and the arguments they bring at the start of the Treaty's life. We need to make steady progress, building credibility in the Treaty format and process in order to use the confidence it will create to make us feel able to tackle the difficult issues constructively without putting at risk everything that the years of negotiation worked to deliver.

Some key constructive areas include:

- **Assistance.** The treaty explicitly references assistance. And even before it enters into force there is much useful work that can be done to help States prepare for ratification and to implement effectively once they have done so. The UK, for example, is providing funding to NGOs to run projects in

regions of Africa to raise awareness of the Treaty and how it can be put into practise. We are also planning to run another Wilton Park conference to discuss how best to support the Treaty as it enters into force. We often speak about the ATT levelling the playing field and bringing other states up to the standards of the US and the UK. While the Treaty recognises that there cannot be a one-size-fits-all approach, sharing our best practice in relevant ways will play an important role. Again this is where the baseline assessment can help: by identifying gaps in individual countries' existing systems we will be able to target our limited resources in the most effective manner.

- Treaty structures – such as the secretariat. Not just where it should be located (weighing the current bidders, we see Vienna or Geneva as the most practical and cost-effective options, but have yet to reach a final conclusion), but also how it should be operated. It will be important to ensure that, above all, it is professional and objective. Leadership and staffing will be important factors in creating a balance between technical expertise and knowledge and the diplomatic skill to maintain balanced and productive work between formal meetings as well as delivering productive conferences.

- We will also need to pay close attention to ensure the first Conference of States Parties is a success. This will require effective PrepComs to deliver a well-balanced first Conference of States Parties, focusing on what has been achieved, on a few foundation achievables (and I mean achievables: we need some quick wins to show that the ATT can be a credible force). Possible examples could be minimum export control standards based on the regimes' control lists, and identifying the range and role of multipliers and supporters that can help (NGOs, industry etc).

- And of course, the first CSP will set the norm for reporting. So it is important that we start considering it early. Again this is where this project is potentially so valuable in that it provides an excellent starting point for the first state reports required by the ATT.