



# TAKING STOCK OF THE ARMS TRADE TREATY: A SUMMARY OF POLICY OPTIONS

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Seven years have now passed since the entry into force of the 2013 Arms Trade Treaty (ATT) in December 2014.<sup>1</sup> The treaty is the first legally binding international agreement that aims to establish the highest possible common standards for regulating the international trade in conventional arms, to eradicate their illicit trade and prevent their diversion. These past seven years have started to test the strength of the ATT, in particular its capacity to measure up to the expectations of its various stakeholders and the ability of its states parties to effectively transition from a negotiation to an implementation framework.

A stocktaking exercise by SIPRI focused on five main aspects of the treaty: its scope, the application of its prohibitions and the risk-assessment criteria, its processes and forums, promotion of its universalization, and support for states' implementation.<sup>2</sup> This has shown that, while numerous achievements can be ascribed to the ATT, problematic aspects remain and there are several areas in

which the ATT can be improved or strengthened.

As a result, SIPRI has elaborated a series of policy options to further strengthen the above five aspects of the treaty.<sup>3</sup> These policy options, which are addressed to relevant ATT stakeholders, are summarized below. Taken together, the proposed measures represent a menu of options for ATT stakeholders.

## SCOPE

The scope of the ATT refers to the items and activities that the treaty requires states parties to regulate through their national control systems. Three sets of policy options can be proposed in relation to the scope of the ATT (see table 1).

A first proposal calls for the establishment of a platform to regularly exchange views on the scope of the treaty. Such a platform could provide an indication of the willingness of states parties to engage with issues related to scope. It could be used for technical exchanges related to national control systems and national control lists. It could also be used to clarify current language and provisions of the treaty on transfers, ammunition

<sup>1</sup> Arms Trade Treaty (ATT), adopted by the United Nations General Assembly 2 Apr. 2013, opened for signature 3 June 2013, entered into force 24 Dec. 2014, Article 1.

<sup>2</sup> In parallel, the Stimson Center is conducting a review of the implementation of the transparency and reporting obligations of the ATT, a major aspect of the treaty that is not covered here.

<sup>3</sup> See Varisco, A. E., Maletta, G. and Robin, L., *Taking Stock of the Arms Trade Treaty: Achievements, Challenges and Ways Forward* (SIPRI: Stockholm: Dec. 2021).

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## SUMMARY

● Many achievements can be ascribed to the entry into force of the Arms Trade Treaty (ATT) seven years ago. At the same time, there remain areas in which the treaty can be improved or strengthened. A stocktaking exercise conducted by SIPRI has resulted in the elaboration of a series of policy options to further strengthen five aspects of the treaty: its scope, the application of its prohibitions and the risk-assessment criteria, its processes and forums, promotion of its universalization, and support for states' implementation. Taken together, these proposed measures represent a menu of options for ATT stakeholders—a first, important step to reflect on the achievements of the treaty and propose ideas that can be adopted, discussed and refined for further implementation.

**Table 1.** Policy options on the scope of the Arms Trade Treaty

Policy option
1. <i>Establish a platform to regularly exchange views on the scope of the treaty</i>
1.1. The states parties could establish a platform on scope to (a) clarify the language on transfers; (b) clarify provisions on ammunition/munitions and on parts and components; (c) issue guidance materials to states parties; and (d) look at the feasibility of extending all of the treaty provisions to articles 3 and 4
2. <i>Increase harmonization in states' national control lists</i>
2.1. The Conference of States Parties (CSP) and the Working Group on Effective Treaty Implementation could review the national control lists submitted to the ATT Secretariat in accordance with Article 5(4)
2.2. Assistance mechanisms such as the ATT Voluntary Trust Fund and the European Union ATT Outreach Project should keep supporting states parties' efforts to establish and maintain national control lists
3. <i>Establish a mechanism to review and adjust the scope of the treaty</i>
3.1. The CSP could adopt measures to maintain the scope of the treaty in line with other existing instruments
3.2. The CSP could explore options to review and amend the scope of the treaty on a regular basis within the ATT framework

and munitions, and parts and components, and to issue guidance materials to states parties.

A second set of policy options is aimed at increasing the harmonization of states' national control lists. It includes proposals that build on existing efforts in this direction, such as current assistance activities to establish and maintain national control lists.

A third set of policy options highlights possible steps to establish a mechanism to review and update the scope of the treaty in future years. Such measures might be more difficult to achieve but could have a lasting impact on the treaty. They include the alignment of the scope with existing instruments (e.g. the United Nations Register of Conventional Arms) or the creation of processes and mechanisms within the ATT itself to regularly update and review its scope.

### **PROHIBITIONS AND RISK-ASSESSMENT CRITERIA**

States and non-governmental organizations (NGOs) have both made steps to promote a better application of Article 6 (on prohibitions) and Article 7 (on risk-assessment) of the ATT. However, as states parties have different practical experiences in the field of

arms transfer controls and different roles in the international arms trade, implementation challenges remain. In addition, different views have emerged on what substantive discussions on the obligations in articles 6 and 7 should focus on in the context of ATT meetings. While the states parties have focused so far on the regulatory and more formal aspects of treaty implementation, the NGO community has advocated for discussion of the most difficult questions on the legitimacy of arms transfers to specific destinations or on arms transfer decisions more generally.

There are two main sets of policy options that could address these discrepancies and promote meaningful discussions on how to effectively implement obligations on prohibitions and risk assessment (see table 2).

The first aims to increase transparency and information sharing on the way states implement these provisions. This could be done by focusing on aspects of implementation of articles 6 and 7 that states already share in public settings, address in their statements in ATT meetings or discuss in relevant side events. In addition, states could raise concerns related to arms transfers

**Table 2.** Policy options on implementation of prohibitions and the risk-assessment criteria of the Arms Trade Treaty

Policy option
1. <i>Increase transparency and information sharing</i>
1.1. States parties could be more transparent on aspects of the implementation of articles 6 and 7 that could be discussed in a public setting (e.g. aspects on which they already share information publicly; issues that emerge from their statements; issues that they are willing to discuss at side events)
1.2. States parties could raise issues related to arms transfers to a destination of concern (e.g. a country in conflict) by calling extraordinary meetings under Article 17(5) or in their statements in regular ATT meetings
2. <i>Improve the quality of existing discussions</i>
2.1. States parties should involve professional and technical experts on transfer controls in ATT-relevant meetings, including in the meetings of the Working Group on Effective Treaty Implementation (WGETI) sub-working group on articles 6 and 7
2.2. The WGETI sub-working group on articles 6 and 7 could promote exchanges on states' general practices and policies covering non-controversial aspects of articles 6 and 7
2.3. The WGETI sub-working group on articles 6 and 7 should complement its 'unpacking' exercise with exchanges on the practical applications of these provisions (e.g. case studies)
2.4. The WGETI sub-working group on articles 6 and 7 should make sure that drafting the voluntary guide to implementing articles 6 and 7 builds on existing work
2.5. The WGETI sub-working group on articles 6 and 7 could discuss the implementation of other aspects of these provisions that have received less attention

to specific destinations by calling extraordinary meetings under Article 17(5) or by voicing such concerns through their statements.

The second set of policy options involves ways to improve the quality of the existing discussions on implementation of prohibitions and risk-assessment criteria, specifically in the context of the Working Group on Effective Treaty Implementation (WGETI) sub-working group on articles 6 and 7. Initiatives that could be taken range from including specific expertise in these meetings, to orientating discussions towards more practical but still uncontroversial aspects of implementing articles 6 and 7.

Acting on these measures would be of paramount importance in maintaining the relevance and value of the ATT as an instrument to regulate arms transfers for the purpose, among other things, of 'reducing human suffering'—one of the key objectives of the treaty.

## PROCESSES AND FORUMS

The main challenges and concerns in relation to the processes and forums of the ATT are the need

to ensure that all states parties and other stakeholders are able to attend the annual Conferences of States Parties (CSPs); that the broader ATT process has sufficient financial resources; and that the focus of CSPs can shift from procedural questions to issues of implementation.

Some concrete policy options can be implemented with limited changes to the current processes and forums (see table 3). These include measures aimed at improving the efficiency of current meetings through increased participation of technical experts, a more regular exchange among ATT stakeholders and the adoption of follow-up mechanisms to ensure implementation of recommendations made under thematic discussions. A second set of policy options would ensure more inclusive participation from different stakeholders by expanding the scope and funding of the sponsorship programme, by holding CSPs outside Geneva, and by adopting an annual meeting plan. A final set of policy options includes

**Table 3.** Policy options on processes and forums of the Arms Trade Treaty

Policy option
1. <i>Improve meeting efficiency</i>
1.1. The Working Group on Effective Treaty Implementation (WGETI) sub-working groups should increase the participation of technical experts in their meetings
1.2. ATT stakeholders could consider having a more regular exchange by scheduling intersessional meetings earlier in the Conference of States Parties (CSP) cycle or through regional consultations
1.3. States parties and ATT stakeholders should develop follow-up mechanisms and activities to ensure implementation of recommendations made under thematic discussions
2. <i>Ensure inclusive participation</i>
2.1. States parties could expand the scope and funding of the sponsorship programme
2.2. The CSP could consider holding its annual meeting outside Geneva
2.3. The CSP should adopt an annual meeting plan
3. <i>Use virtual tools</i>
3.1. States parties and ATT stakeholders could consider holding some meetings in hybrid or virtual format
3.2. States parties could have consultations on how to improve the use of the internal messaging system and establish a messaging system for the WGETI sub-working groups

**Table 4.** Policy options on promoting universalization of the Arms Trade Treaty

Policy option
1. <i>Fund and promote capacity building for non-party states</i>
1.1. Donor states should continue to fund programmes for capacity-building assistance for signatories and other non-party states
1.2. States that have benefitted from the ATT Voluntary Trust Fund (VTF) could contribute to outreach initiatives, reach out to non-party states, provide testimonials and promote the VTF to their peers
1.3. VTF donors could send letters to non-party states about access to assistance
2. <i>Improve the Working Group on Treaty Universalization (WGTU) system</i>
2.1. The chair of the WGTU could appoint former presidents of the Conference of States Parties (CSP) as WGTU co-chairs for two years instead of one
2.2. The CSP could enhance the role of the ATT Secretariat in activities related to universalization
2.3. The CSP could consider appointing a figure of high political standing as CSP president
2.4. The WGTU should adopt a workplan
2.5. The WGTU should establish regional universalization coordination teams with key states parties or vice-presidencies
3. <i>Implement good outreach practices</i>
3.1. The various actors that implement outreach activities should involve key actors such as high-level officials, industry representatives, parliamentarians and the leaders of national non-governmental organizations in their activities
3.2. The various actors that implement outreach activities should involve countries at different stages of ATT implementation or accession in outreach activities
3.3. The various actors that implement outreach activities should hold virtual outreach events open to all to engage with non-party states
3.4. ATT stakeholders should continue to translate the ATT documents in different languages
4. <i>Adopt a targeted universalization strategy</i>
4.1. The WGTU could concentrate universalization efforts on countries that have indicated an interest in the treaty (e.g. countries that voted in favour of adoption of the ATT in the United Nations General Assembly in 2013, countries involved in similar regional agreements, or signatory states)
4.2. The WGTU could focus on key countries such as key regional players or large exporters that have not joined the treaty

proposals aimed at conducting some ATT work using virtual tools.

### UNIVERSALIZATION

Several positive steps have already been taken by various ATT stakeholders—such as the Working Group on Treaty Universalization (WGTU), states parties and

NGOs—to increase the number of ATT states parties, but obstacles remain. Their efforts have included the provision of capacity-building assistance to signatory and other non-party states committed to joining the treaty. In addition, outreach activities have raised awareness around the purpose

**Table 5.** Policy options on supporting implementation of the Arms Trade Treaty

Policy option
1. <i>Further support coordination of efforts through the effective implementation of both new and existing tools</i>
1.1. The ATT Secretariat could make use of existing expertise and previous similar experiences when developing new coordination tools
1.2. States parties should support these developments by providing relevant information about the assistance that they have already received or that they can offer
1.3. Implementing organizations, states and donors should contribute to coordination efforts by making use of this information to properly plan and build on existing work
2. <i>Stimulate sharing of relevant information</i>
2.1. States parties could improve the quality of existing dedicated discussions on international assistance at Conferences of States Parties by focusing on specific regional or thematic aspects
2.2. States parties could examine trends emerging from the future assistance database and initial reports as part of these dedicated discussions
3. <i>Embed lessons learned from the Covid-19 pandemic</i>
3.1. When considering the impact of the Covid-19 pandemic on the design and implementation of assistance activities in the medium-to-long term, states parties should more systematically seek the inputs of donors, implementers and beneficiary countries

and objectives of the treaty and have sensitized national actors in countries that have not yet joined or ratified the ATT.

Measures to support universalization could build on these existing efforts (see table 4). These include to continue to support and further promoting capacity-building in signatories and other non-party states. Additional initiatives could improve the work of the WGTU by, for example, adopting a workplan and make strategic changes in the way the chair and co-chairs of the group are appointed and organize their activities.

Other possible policy options suggest ways in which the WGTU could adopt a targeted universalization strategy. Possible measures to support universalization also include a series of good practices that the various actors that implement outreach activities could implement to maximize their efforts and results (e.g. through the involvement of key actors or the use of specific tools).

## IMPLEMENTATION

As universalization of the treaty progresses, it is particularly

important to support the implementation of the ATT and provide international assistance to states to establish or strengthen their national control systems. Numerous initiatives and positive steps have already been taken in this respect.

Three sets of policy options could further strengthen these efforts (see table 5). These measures are aimed at ensuring an even better coordination of efforts through the implementation of new and existing tools. These include SIPRI's Mapping ATT-relevant Cooperation and Assistance Activities database and the database for matching needs and resources that the ATT Secretariat will develop as part of a support package funded by the European Union (EU).

Further proposed measures aim at stimulating an exchange of relevant information among stakeholders—while building on existing channels they could focus on specific regional or thematic aspects. The final set of policy options encourages stakeholders to embed lessons learned from the Covid-19 pandemic in future assistance programmes, for instance in budgeting and implementation.



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## ABOUT THE PROJECT

The SIPRI project 'The first six years: Taking stock of the Arms Trade Treaty' aimed to take stock of the current status of the ATT and to stimulate a discussion among different stakeholders to generate new ideas and offer policy options that could strengthen the treaty and its implementation.

The activities conducted in the course of the project included an extensive data-collection exercise, a series of interviews with key stakeholders and, in collaboration with the Stimson Center, a survey of states to collect their views on key aspects of the ATT and their level of support for different measures that could be taken to strengthen the treaty. Five preliminary papers published in the course of the project provided important insights on the content, functioning and implementation of the treaty and possible recommendations and ideas on how to strengthen it. The project concluded with three closed virtual webinars involving a total of 50 ATT stakeholders and the publication of a SIPRI Policy Report *Taking Stock of the Arms Trade Treaty: Achievements, Challenges and Ways Forward*. This report elaborated a series of policy options to further strengthen the ATT in future years and was published with a companion policy brief summarizing the options.

The project has been conducted with funding generously provided by the German Federal Foreign Office.

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