TAKING STOCK OF THE ARMS TRADE TREATY: UNIVERSALIZATION

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I. Introduction

Eight years after the adoption of the 2013 Arms Trade Treaty (ATT), the pace at which states are joining the treaty has naturally slowed.[1] In addition, the global Covid-19 pandemic has hurt momentum to both universalize and implement the treaty. Universalization of the treaty refers to increasing the number of states parties to the highest possible level. At its core, universalization is about expanding the jurisdiction of the treaty to ensure as many states as possible are living up to one of its key aims: to reduce the human suffering that can result from international arms transfers.

Universalization efforts to date have focused on adding as many new states parties as possible. Metrics for success have centred simply around the number of states, not whether they are diverse or representative in terms of geography, arms exporters or importers, or their share of the arms trade. Universalization efforts have been rather ad hoc in nature and dependent on the preferences of the co-chairs of the Working Group on Treaty Universalization (WGTU).

Having been in force for six years, the timing is right to take stock of the treaty and its implementation and impact, in particular efforts to universalize the treaty.[2] The treaty was first negotiated among the full membership of the United Nations General Assembly, with the hope that a more universal, but less ambitious treaty would have a bigger impact on the detrimental consequences of the arms trade. By sacrificing a more ambitious treaty with limited membership, the goal was to achieve a universal treaty. Yet, universalization has been limited by major blocks of states remaining outside the treaty, including in particular states that insisted on weakening the text during the negotiations. Now states parties must consider ways in which universalization moves from an aspirational idea to a practical reality.

This paper continues by taking stock of the current state of ATT universalization (in section II). It then examines past, present and future universalization efforts (in section III) and identifies challenges to universal-

SUMMARY

● The rate at which states are joining the 2013 Arms Trade Treaty (ATT) has naturally slowed. Universalization efforts have been carried out through a variety of different frameworks, both within the ATT regime—including the Working Group on Treaty Universalization (WGTU), a sponsorship programme and the Voluntary Trust Fund (VTF)—and by the United Nations, regional organizations and civil society.

Universalization of the ATT contributes to the development of standards and norms in the international arms trade. If a party flouts the treaty's requirements, it undermines the treaty and makes universalization less meaningful. Thus, universalization means both expanding the number of states parties and ensuring that they live up to their obligations.

This is one of a series of five papers that are being produced as part of a wider project aimed at taking stock of specific aspects of the ATT—its scope, the application of the risk-assessment criteria, its processes and forums, universalization efforts, and international assistance to support ATT implementation.

[1] 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.

[2] Other aspects of the treaty are discussed in the other papers in this series: Holtom, P., 'Taking stock of the Arms Trade Treaty: Scope', Aug. 2021; Beijer, P., 'Taking stock of the Arms Trade Treaty: Application of the risk-assessment criteria', Aug. 2021; Dondisch, R., 'Taking stock of the Arms Trade Treaty: Processes and forums', Aug. 2021; and Maletta, G. and Bauer, S., 'Taking stock of the Arms Trade Treaty: International assistance to support implementation', Aug. 2021.

ization (in section IV). It concludes (in section V) by providing recommendations for future universalization efforts.

II. Current status

As of 30 June 2021, the ATT had 110 states parties and an additional 31 states had signed but not yet ratified the treaty. That means that 54 member states of the UN had neither signed, ratified nor acceded to the ATT. As with most treaties, most states parties to the ATT joined the treaty early on, and in particular in the first three years after the ATT's adoption (see figure 1). Since then, the rate of ratification has not fluctuated to any great extent.

The rate of membership of the ATT varies by region, ranging from 13 per cent in the Middle East to 85 per cent in Europe (see table 1). A high rate of treaty membership within a particular region is important as it helps to standardize state practices in arms export decision-making in the region, thereby promoting responsible arms transfer regulations and reducing the number of gaps and loopholes that may be exploited.

States in Asia and Oceania and the Middle East are greatly underrepresented among states parties—states in Asia and Oceania represent 22 per cent of UN membership but only 11 per cent of ATT membership, and the Middle East represents 8 per cent of UN membership but only 2 per cent of ATT membership. In contrast, Europe and, to a lesser extent, the Americas, are overrepresented.

According to a May 2018 presentation by the ATT Secretariat on the status of participation, 73 per cent of the world's 50 top exporters (by volume) in 2013–17, responsible for 71 per cent of arms exports, were either states parties or signatories.[3] Only 53 per cent of the 50 top importers, representing 36 per cent of arms imports, were states parties or signatories. While the ATT was not intended to be a treaty that represented only exporters' interests, there has been the impression that the treaty has benefited exporters more than importers since the ATT negotiations.

Two developments are notable in this context: China (a major importer and exporter of arms) acceded to the treaty in July 2020; and in July 2019 the United States (the world's leading exporter of arms) informed the treaty depositary that it did not intend to seek ratification of the treaty, despite signing it in 2013, and would no longer consider itself bound by its object and purpose.[4] While Joe Biden pledged to undo this decision as part of his platform in the 2020 US presidential election, his administration has thus far remained silent on the ATT.[5] This has provided cover to other states eager to stay outside the treaty.
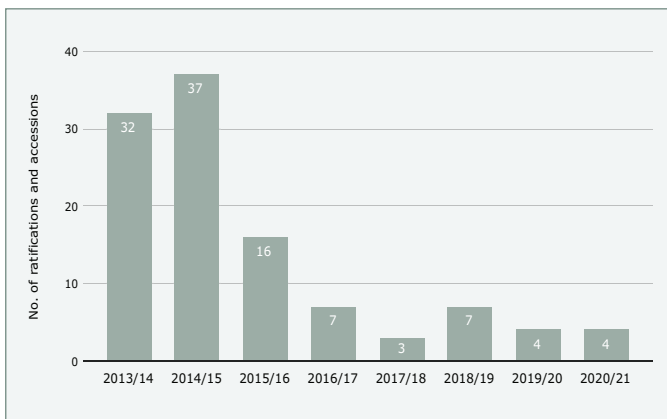
Figure 1. Number of ratifications of and accessions to the Arms Trade Treaty, by year

Note: Each year runs from the anniversary of the opening for signature on 3 June.

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[3] Dladla, D., Head of the ATT Secretariat, 'Arms Trade Treaty: Status of participation', Presentation, ATT Working Group on Treaty Universalization, 30 May 2018.

[4] United Nations, Communication of 18 July 2019 from the United States, Reference C.N.314.2019. TREATIES-XXVI.8 (Depositary Notification), 19 July 2019.

[5] Democratic National Committee, '2020 Democratic Party Platform', 18 Aug. 2020.

Table 1. Regional representation in the Arms Trade Treaty

Region[a]	No. of states[b]	ATT states parties		No. of other ATT signatories	Parties as a share of ATT membership (%)
		No.	Share of region (%)		
Africa	53	28	*53*	12	*25*
Americas	35	27	77	3	*25*
Asia and Oceania	44	12	*27*	10	*11*
Europe	48	41	*85*	2	*37*
Middle East	16	2	*13*	4	*2*
Total	**196**	**110**	*56*	**31**	*100*

ATT = Arms Trade Treaty.

[a] The regions used here differ from those by the ATT Secretariat (e.g. the Secretariat's definition of 'Asia' includes most of the Middle East and many states usually considered to be European).

[b] This includes the 193 member states of the United Nations, the 2 non-member observer states of the UN (the Holy See and Palestine) and 1 other state that has ratified the treaty (Niue).

III. Universalization efforts to date

ATT universalization efforts have been carried out through a variety of different frameworks. Within the ATT regime, these include the Conference of States Parties (CSP) and its Working Group on Treaty Universalization. Important progress has also been made outside the CSP: the ATT Secretariat's sponsorship programme has facilitated participation of states in ATT processes, while the treaty's Voluntary Trust Fund (VTF) has supported outreach, ratification and accession. Other efforts are undertaken by the UN and regional organizations, through bilateral assistance programmes, and with the help of civil society.

Processes within the ATT regime

The Conference of States Parties

The ATT states parties meet each year in a CSP. According to the treaty, the CSP shall, among other things, 'consider and adopt recommendations regarding the implementation and operation of this Treaty, in particular the promotion of its universality'.[6] Indeed, most discussions on ATT universalization take place in the CSP framework. Universalization is also a key element of the operation of the CSPs: when choosing the venue for its sessions, the CSP must 'tak[e] into consideration the importance of promoting the universalization of the Treaty'.[7] However, only two of the first six CSP meetings have been held outside Geneva: the first CSP (CSP1) in Cancun, Mexico, and CSP4 in Tokyo, Japan.

The president of CSP2, Emmanuel E. Imohe of Nigeria, was the first to present a proposal to promote treaty universalization. In a working paper he spelled out what universalization means—'ensuring that the Treaty's jurisdiction stretches, as far as possible, to all parts of the universe'—and identified the CSP president as 'leading the process for Treaty universalization', with the help of a 'fully functional Secretariat'.[8] Imohe also stressed

[6] Arms Trade Treaty (note 1), Article 17.

[7] Arms Trade Treaty, 1st Conference of States Parties, 'Rules of procedure', ATT/CSP1/CONF/1, 25 Aug. 2015, Rule 11(2).

[8] Arms Trade Treaty, 2nd Conference of States Parties, 'Promotion of Arms Trade Treaty universalization', Submitted by CSP2 president, ATT/CSP2/2016/WP.4/Rev.1, 25 Aug. 2016,

Table 2. Co-chairs of the Arms Trade Treaty Working Group on Treaty Universalization

Year	CSP cycle	Chair (CSP president)	State	Region	Co-chair (immediate past CSP president)
2015/16	CSP2	Emmanuel E. Imohe	Nigeria	Africa	–
2016/17	CSP3	Klaus Korhonen	Finland	Europe	Emmanuel E. Imohe
2017/18	CSP4	Nobushige Takamizawa	Japan	Asia	Klaus Korhonen
2018/19	CSP5	Jānis Kārkliņš	Latvia	Europe	Nobushige Takamizawa
2019/20	CSP6	Carlos Foradori, replaced by Federico Villegas	Argentina	Americas	Jānis Kārkliņš
2020/21	CSP7	Lansana Gberie	Sierra Leone	Africa	Federico Villegas

CSP = Conference of States Parties.

the prominent role that the VTF would play in contributing to the treaty's universalization by 'supporting states lacking resources to overcome financial challenges standing in the way of their Treaty ratification and implementation'.[9]

Imohe suggested eight approaches to treaty universalization: (*a*) creating a momentum towards more ratifications by setting ratification targets; (*b*) using every opportunity for high-level statements on the ATT; (*c*) establishing a working group on universalization; (*d*) rotating the regional focus of universalization each year; (*e*) making universalization materials easily available and in multiple languages; (*f*) considering the role of regional organizations; (*g*) producing region-specific policy resources; and (*h*) coordinating with civil society.[10] An examination of where the ATT is now in terms of these universalization efforts shows that these eight approaches have been central to the strategy undertaken by the WGTU and the CSP presidents, although to varying degrees of success.

For example, while CSP presidents have regularly stressed universalization in the high-level statements on the ATT, no clear metrics or targets have been established for each presidency. While the WGTU was indeed established, the regional focus of universalization has not necessarily rotated each year, as different CSP presidents have focused on regions based on their political preference—often duplicating previous efforts. The CSPs have also produced materials that can be used for assisting universalization efforts, such as a universalization toolkit and a welcome pack for new states parties, which have both been translated into a number of languages.[11] While regional organizations in some regions have played a greater role in promoting universalization than any process of the ATT itself, and some have created region-specific policy resources, this has occurred on an ad hoc basis, rather than systematically. In terms of civil society coordination, some governments have worked closely with civil society to undertake universalization efforts, although civil society also works independently to foster increased membership and implementation of the ATT.

paras 6, 9.

[9] Arms Trade Treaty, ATT/CSP2/2016/WP.4/Rev.1 (note 8), para. 10.

[10] Arms Trade Treaty, ATT/CSP2/2016/WP.4/Rev.1 (note 8), para. 8.

[11] Arms Trade Treaty, 5th Conference of States Parties, Working Group on Treaty Universalization, 'ATT universalization toolkit', annex A of ATT/CSP5.WGTU/2019/CHAIR/532/ Conf.Rep, 26 July 2019; and Arms Trade Treaty, 5th Conference of States Parties, Working Group on Treaty Universalization, '"Welcome pack" for new states parties to the Arms Trade Treaty', annex B of ATT/CSP5.WGTU/2019/CHAIR/532/Conf.Rep, 26 July 2019.

The Working Group on Treaty Universalization

The establishment of a working group was a key element of the CSP's universalization strategy. CSP2 acknowledged Imohe's working paper in its final report and established an informal universalization working group under his proposed terms of reference.[12] It mandated the president of CSP3 with the responsibility for facilitating the work of the working group until CSP3, at which point the Working Group on Treaty Universalization became a permanent body.[13]

Italy and France submitted a proposal to CSP2 that aimed to improve the efficiency and sustainability of the universalization efforts of the CSP presidencies by forming an informal troika arrangement.[14] According to this proposal, the former, current and designated next CSP presidents would work together on universalization. In current practice, the WGTU is co-chaired by the current CSP president and the immediate past president (see table 2). This has meant that, while the two co-chairs undertake universalization efforts together, their efforts may look different depending on their activities and priorities. In some cases, the WGTU co-chairs have undertaken outreach activities (individually or together) such as bilateral visits or presentations on the ATT at relevant forums to promote universalization.

In the lead-up to CSP3, Imohe's working paper served as a guiding document for the work of the WGTU, which reaffirmed its support for his eight proposed approaches.[15] CSP3 then endorsed terms of reference for a standing WGTU and an initial work plan.[16] The initial work plan remains a checklist for current universalization efforts and has been endorsed repeatedly by subsequent reports of the WGTU. It laid out 14 activities to be undertaken in the pursuit of ATT universalization: (*a*) review the status of ratifications, accessions and signatures; (*b*) assess ATT membership levels and outreach activities by region and subregion (with the possibility of specific study groups for regions or subregions); (*c*) receive reports on recent and relevant events (conferences, workshops, etc.); (*d*) receive presentations of relevant activities of other working groups, relevant activities of the VTF, relevant research and policy reports, and relevant research and other project plans; (*e*) conduct expert hearings; (*f*) share lessons learned on universalization of other treaties and conventions; (*g*) develop cooperation and outreach with relevant UN agencies; (*h*) exchange views with relevant global and regional parliamentary organizations and parliamentarians; (*i*) exchange views with civil society on cooperation to promote ATT universalization; (*j*) develop cooperation with the three UN Regional Centres for Peace

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[12] Imohe proposed the terms of reference in his working paper. Arms Trade Treaty, ATT/CSP2/2016/WP.4/Rev.1 (note 8), annex.

[13] Arms Trade Treaty, 2nd Conference of States Parties, Final report, ATT/CSP2/2016/5, 26 Aug. 2016, para. 28.

[14] Arms Trade Treaty, 2nd Conference of States Parties, 'Increasing predictability for ATT CSP chairs: Proposal for a "troika" system', Food for thought paper submitted by Italy and France, ATT/CSP2/2016/OP.4, 17 Aug. 2016.

[15] Arms Trade Treaty, 3rd Conference of States Parties, Working Group on Treaty Universalization, Co-chairs' draft report, ATT/CSP3.WGTU/2017/CHAIR/160/Conf.Rep, 31 July 2017, para. 12.

[16] Arms Trade Treaty, 3rd Conference of States Parties, Final report, ATT/CSP3/2017/SEC/184/Conf.FinRep.Rev1, 15 Sep. 2017, para. 24; and Arms Trade Treaty, ATT/CSP3.WGTU/2017/CHAIR/160/Conf.Rep (note 15), annexes A and B.

and Disarmament; (*k*) exchange views with regional and subregional organizations on cooperation to promote ATT universalization in their area; (*l*) identify states for universalization outreach; (*m*) identify possible entities to conduct outreach activities (e.g. the CSP presidency, the WGTU co-chairs, CSP vice-presidents, regional and subregional organizations, states, or civil society representatives); and (*n*) report on consultations with states not party to the ATT on the prospects for their ratifying or acceding to the treaty.[17]

Diversion was the theme for CSP4, yet the Japanese presidency also focused on universalization in the Asia-Pacific region. CSP4 affirmed the continued support for Imohe's working paper and the initial work plan. It focused in particular on regions with fewer states parties; taking advantage of the states of origin of WGTU co-chairs or seeking assistance from states parties in target regions to facilitate access to high-profile stakeholders in states that had not yet joined the ATT; continuously engaging parliamentarians to facilitate domestic ratification processes; using regional events, if appropriate, to engage with stakeholders efficiently; and holding regular meetings of the CSP president and other ATT stakeholders on the margins of the ATT meetings and universalization trips.[18]

The co-chairs' report to CSP4 included a list of universalization activities that they had undertaken as part of their efforts for CSP3 and CSP4. These included reaching out to 84 countries through bilateral meetings around the world and taking advantage of gatherings of states for other regional and multilateral meetings.[19] The co-chairs also drafted elements to include in a universalization toolkit and provided links to the websites of regional organizations in order to identify meetings that could be used as opportunities to undertake ATT universalization activities. France and Italy also resubmitted their troika proposal to support universalization efforts.[20]

For the CSP5 cycle, in 2018/19, the co-chairs produced an ATT universalization toolkit and a welcome pack for new states parties, which CSP5 adopted.[21] On the recommendations of the WGTU, CSP5 also encouraged ATT stakeholders to translate the two documents and requested the ATT Secretariat to upload the translations to its website.[22] CSP5 also requested the ATT Secretariat to continue to analyse the trends and pace of universalization of the ATT and to continue to report annually to the CSP, which it had done since CSP3. Moreover, it encouraged continued regular exchanges of views among the CSP president, the co-chair of the WGTU, the VTF chairperson and civil society representatives on the promotion of ATT universalization.[23]

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[17] Arms Trade Treaty, ATT/CSP3.WGTU/2017/CHAIR/160/Conf.Rep (note 15), annex B.

[18] Arms Trade Treaty, 4th Conference of States Parties, Final report, ATT/CSP4/2018/SEC/369/Conf.FinRep.Rev1, 24 Aug. 2018, para. 25.

[19] Arms Trade Treaty, 4th Conference of States Parties, Working Group on Treaty Universalization, Co-chairs' draft report, ATT/CSP4.WGTU/2018/CHAIR/356/Conf.Rep, 20 July 2018.

[20] Arms Trade Treaty, ATT/CSP4.WGTU/2018/CHAIR/356/Conf.Rep (note 19), para. 9(h).

[21] Arms Trade Treaty, 'ATT universalization toolkit' (note 11); and Arms Trade Treaty, '"Welcome pack" for new states parties to the Arms Trade Treaty' (note 11).

[22] These 2 documents are each available in 15 languages: Arabic, Bengali, English, French, Hindi, Korean, Malaysian, Mongolian, Russian, Spanish, Thai, Turkish, Urdu, Uzbek and Vietnamese. Arms Trade Treaty, 'Tools and guidelines', [n.d.].

[23] Arms Trade Treaty, 5th Conference of States Parties, Final report, ATT/CSP5/2019/SEC/536/Conf.FinRep.Rev1, 30 Aug. 2019, para. 28.

In a working paper, the Republic of Korea (South Korea) suggested the translation into local languages of the ATT and documents on outreach activities in order to advance universalization, especially in Asia—an under-represented region (see table 1), where the six UN languages are not widely spoken.[24] To do so, it proposed that each state party use its budget for bilateral outreach activities or that a separate fund for translation be created. South Korea also suggested building a database to share translated documents. Although such a database does not yet exist, the toolkit and welcome pack have been translated into several Asian languages.[25]

For CSP6, the WGTU held a meeting on 5 February 2020 in Geneva, but the Covid-19 pandemic meant that its second meeting was cancelled. The Argentinian presidency, with the assistance of South Korea, launched a media campaign with an ATT outreach video. This video was played during the high-level segment of the Conference on Disarmament—the world's main multilateral disarmament negotiating forum—in late February 2020 and uploaded to YouTube.[26] In addition, as it had suggested at CSP5, South Korea made a commitment to translate the ATT universalization toolkit and welcome pack into Asian languages. The WGTU recommended that CSP6 encourage ATT stakeholders to translate these materials and to use them in their bilateral, multilateral and regional meetings and workshops when appropriate; request the ATT Secretariat to continue to analyse the trends and pace of universalization of the ATT and report annually to the CSP; and continue to conduct regular exchanges of views among the CSP president, WGTU co-chairs, the VTF chairperson and civil society representatives on the promotion of ATT universalization.[27]

CSP6 itself, held in July–August 2020, was conducted by silence procedure. The lack of in-person meetings and use of the silence procedure complicated the decision-making processes, and CSP6 took no decision on universalization. Momentum towards ATT universalization was curtailed during the pandemic as it was not a pressing priority.

The ATT Secretariat's sponsorship programme

A sponsorship programme facilitates the participation in ATT meetings of representatives of states that would ordinarily not have the resources to attend. The programme began in 2014, initially administered by the UN Development Programme (UNDP). Since a decision by CSP4 in 2018, it has been maintained by the ATT Secretariat.[28]

The programme helps further the process of universalization by sponsoring the attendance of states parties, signatories and non-party states at ATT meetings—including CSP preparatory and working group meetings and the CSPs themselves. CSP4 re-emphasized the programme's importance 'in facilitating broad participation in Conferences of States Parties and meet-

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[24] Arms Trade Treaty, 5th Conference of States Parties, 'Universalization & translation', Working paper presented by South Korea, ATT/CSP5/2019/ROK/537/Conf.WP, 25 Aug. 2019.

[25] Arms Trade Treaty (note 22).

[26] ATT Secretariat, 'Arms Trade Treaty (ATT): A short video introduction', YouTube, 30 Mar. 2020.

[27] Arms Trade Treaty, 6th Conference of States Parties, Working Group on Treaty Universalization Co-chairs' draft report, ATT/CSP6.WGTU/2020/CHAIR/608/Conf.Rep, 17 July 2020.

[28] Arms Trade Treaty, ATT/CSP4/2018/SEC/369/Conf.FinRep.Rev1 (note 18), para. 34.

Table 3. Voluntary Trust Fund projects in support of universalization of the Arms Trade Treaty, 2017–20

Year of VTF cycle	Beneficiary state	ATT status at time of VTF project	Change in ATT status
2017	Cameroon	Signatory	Ratified in June 2018
2019	Fiji	Non-party	–
	Kazakhstan (for Central Asia and Mongolia)	1 party, 1 signatory, 4 non-parties	–
	Palau	Signatory	Ratified in Apr. 2019
	South Sudan	Non-party	–
	Vanuatu	Signatory	–
2020	Kenya	Non-party	–
	South Sudan	Non-party	–

VTF = Voluntary Trust Fund; ATT = Arms Trade Treaty.

Sources: Arms Trade Treaty, ATT Secretariat, '1st Voluntary Trust Fund cycle (2017): Overview of projects approved for ATT VTF funding', 8 Nov. 2017; Arms Trade Treaty, ATT Secretariat, '3rd Voluntary Trust Fund cycle (2019): Overview of projects approved for ATT VTF funding', 2019; and Arms Trade Treaty, 6th Conference of States Parties, Report on the work of the ATT Voluntary Trust Fund (VTF) for the period August 2019 to August 2020, Submitted by the ATT Secretariat, ATT/VTF/2020/CHAIR/614/Conf.Rep, 17 July 2020, annex H.

ings of the Working Groups'.[29] Moreover, the programme's administrative guidelines, adopted by CSP5, clearly state the goal of universalization as the basis for the programme: 'The primary objective of the ATT sponsorship programme is to maximize the scale and diversity of participation of experts from States in ATT meetings to ensure representative and participatory discourse and decision-making during the meetings and, ultimately, contribute to strengthening implementation and universalization of the Treaty.'[30]

For CSP3, the programme sponsored 11 states signatories.[31] It also sponsored 31 states parties and 1 regional organization. For CSP5 in 2019, 13 per cent of the states supported by the programme were non-party states: five states signatories and one state that had not yet joined the ATT.[32] For the CSP6 preparatory meeting in February 2020, the programme again sponsored five states signatories and one state that had not yet joined the treaty, which represented 26 per cent of the states sponsored.[33] To put these figures in context, between 2014 and 2018, 497 delegates (including states, regional organizations and civil society) participated in CSP process events.[34]

The Voluntary Trust Fund

The VTF is another mechanism that helps promote ATT universalization by funding projects that focus on, among other topics, outreach and encouraging ATT ratification or accession. Since the first projects took place in 2017, encouraging treaty universalization has been one of the key elements of VTF projects.

[29] Arms Trade Treaty, ATT/CSP4/2018/SEC/369/Conf.FinRep.Rev1 (note 18), para. 34.

[30] Arms Trade Treaty, 5th Conference of States Parties, Report on the ATT sponsorship programme for the period 2018/2019, ATT/CSP5/2019/SEC/530/SponProgRep, 26 July 2019, annex A, 'Draft administrative guidelines', para. 3.

[31] Arms Trade Treaty, 3rd Conference of States Parties, 'ATT Sponsorship Programme', ATT/CSP3/2017/UNDP/186/Conf.SponsRep, 8 Sep. 2017.

[32] Arms Trade Treaty, ATT/CSP5/2019/SEC/530/SponProgRep (note 30), para. 23.

[33] Arms Trade Treaty, 5th Conference of States Parties, Report on the ATT sponsorship programme for the period 2019/2020, ATT/CSP6/2019/SEC/613/Conf.SponProgRep, 17 July 2020, para. 21.

[34] Arms Trade Treaty, 4th Conference of States Parties, 'ATT sponsorship programme', Issued by UNDP, ATT/CSP4/2018/UNDP/361/Conf.SponsRep, 20 July 2018, p. 3.

The VTF was established by CSP2.[35] According to the ATT, the purpose of the VTF is 'to assist requesting States Parties requiring international assistance to implement this Treaty'.[36] Moreover, 'Each State Party is encouraged to contribute resources to the fund'. The VTF's terms of reference extended the provision of assistance to 'Signatory States and other States having shown clear and unambiguous political commitment to accede to the ATT'.[37] Only states are eligible to apply for VTF funding, although they may have non-governmental organizations (NGOs) or other agencies as implementing partners. The VTF has also expanded eligibility for projects beyond ATT states parties: it has now financed 8 projects related to universalization in 11 states signatories or states that are not yet parties (see table 3).

The United Nations and regional organizations

UN bodies and agencies and regional organizations, such as the Caribbean Community (CARICOM) and the European Union (EU), have supported the treaty's universalization through targeted outreach and engagement.[38] Most prominently, each year the UN General Assembly adopts a resolution in support of the ATT. Each resolution since 2013 has called upon 'all States that have not yet done so to ratify, accept, approve or accede to the Treaty, in accordance with their respective constitutional processes, in order to achieve its universalization'. These resolutions pass with overwhelming majorities: typically, more than 150 states vote yes, no states vote no (although the USA did so in 2019 and 2020) and fewer than 30 states abstain.[39]

The United Nations Trust Facility Supporting Cooperation on Arms Regulations

The United Nations Trust Facility Supporting Cooperation on Arms Regulations (UNSCAR) helps promote universalization by funding projects on ATT ratification and outreach, although it also supports effective implementation of other arms regulation instruments. UNSCAR has funded projects since 2013, and thus was able to support ATT projects immediately following the ATT's adoption.

UNSCAR is a flexible, multi-donor, UN-managed fund in support of arms regulations. Unlike the VTF, only UN agencies, international or regional organizations, NGOs, and research institutes are eligible for funding. States are not eligible, and a government wishing to receive assistance must work with an eligible applicant to undertake a project. Between 2013 and 2020, UNSCAR funded 80 projects, at least 16 of which have focused on supporting ATT universalization (see table 4).

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[35] Arms Trade Treaty, ATT/CSP2/2016/5 (note 13), para. 23.

[36] Arms Trade Treaty (note 1), Article 16(3).

[37] Arms Trade Treaty, Voluntary Trust Fund, Terms of reference, ATT/VTF18/2018/SEC/251/ToR.Cons.Dr.v1.Rev1, 2018, attachment, para. 2.

[38] On all these and other outreach activities see Maletta and Bauer (note 2).

[39] The most recent is UN General Assembly Resolution 75/64, 7 Dec. 2020.

Table 4. UNSCAR projects in support of universalization of the Arms Trade Treaty, 2013–20

Year	Beneficiary	Project
2013	Chatham House, London	Maximizing the potential of the ATT: Supporting treaty ratifications leading to early entry into force and effective implementation
	Regional Centre on Small Arms in the Great Lakes Region, the Horn of Africa and Bordering States (RECSA)	Mobilizing RECSA member states to sign, ratify and implement the ATT
	Caribbean Community (CARICOM)	Technical support to CARICOM member states in ratification and implementation of the ATT
2014	UN Regional Centre for Peace and Disarmament in Africa (UNREC)	Ratification and implementation of the ATT
	UN Regional Centre for Peace and Disarmament in Asia and the Pacific (UNRCPD)	Promoting ATT ratification and POA implementation in the Asia-Pacific through building capacity and best practices
	UN Office on Drugs and Crime (UNODC)	Increased ratification and implementation of the ATT, POA and other relevant and complementary instruments
	Parliamentarians for Global Action (PGA), New York	Promoting the signing, ratification and implementation of the ATT in the Pacific Islands and Latin America
	Institute for Security Studies (ISS), Pretoria	Ratification and implementation of the ATT and POA in selected African states
	International Peace Information Service (IPIS), Antwerp	E-learning digital education package to support the early ratification and effective implementation of the ATT
2015	RAND Europe, Cambridge	Towards a globalized ATT: Understanding barriers and obstacles in South and East Asia
	Pace University and Control Arms Secretariat	Furthering ATT universalization through building knowledge via an ATT Academy
	PGA, New York	Parliamentary campaign to promote ratification & implementation of the ATT in Lusophone states and the Middle East and North Africa
	Instituto de Enseñanza para el Desarrollo Sostenible (IEPADES), Guatemala	Promoting ATT ratification in Guatemala and POA implementation in Central America
2017	RECSA	Support the ratification process of the ATT in selected RECSA members
	Nonviolence International, Washington, DC	Supporting ATT universalization and effective implementation in Latin America with a specific focus on reducing gender-based violence and diversion
2019	UNRCPD	Technical and Legal Assistance Project to Support the Implementation of the UN POA and ATT. [a]

ATT = Arms Trade Treaty; POA = UN Programme of Action on Small Arms and Light Weapons; UNSCAR = United Nations Trust Facility Supporting Cooperation on Arms Regulations.

[a] This project is included here as it aims to support the possibility of moving towards the accession to the Arms Trade Treaty.

Sources: United Nations, Office for Disarmament Affairs, 'UNSCAR: UN Trust Facility Supporting Cooperation on Arms Regulation', Projects selected in 2013–20.

United Nations Office for Disarmament Affairs and regional offices

The UN Office for Disarmament Affairs (UNODA) and its three regional offices have supported treaty universalization through regional training events and workshops. These inform states of the ATT's requirements and educate government representatives on how their existing national transfer control systems may already align with the treaty's provisions.

The UN Regional Centre for Peace and Disarmament in Asia and the Pacific (UNRCPD) and the UN Regional Centre for Peace and Disarmament in Africa (UNREC) have undertaken projects funded by UNSCAR to advance treaty ratification and implementation (see table 4). The UN Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean (UNLIREC) has hosted practical training and seminars to support states in understanding and fulfilling treaty obligations. Each of these efforts has helped to socialize the treaty within the respective regions and subregions.

The European Union ATT Outreach Project

The EU has been conducting ATT outreach work since 2014. The EU ATT Outreach Project was formally established in 2013 to support the implementation of the ATT.[40] Between April 2014 and April 2017 the project was implemented by German Federal Office for Economic Affairs and Export Control (Bundesamt für Wirtschaft und Ausfuhrkontrolle, BAFA) and was co-financed by Germany. The project was then extended, with Expertise France (the French international technical cooperation agency) joining BAFA as an implementer.[41]

Among its goals and activities, the ATT Outreach Project focuses on working towards universalization and intends to 'promote wider interest in the ATT by engaging with countries that have not yet taken steps towards ATT . . . ratification or accession in order to support its universalization'.[42] Ratification assistance through the EU ATT Outreach Project has been provided to three signatory states: Cambodia, Colombia and the Philippines.[43] None of the three has subsequently ratified the ATT.

Civil society

NGOs play an important role in ATT universalization efforts. Some have promoted and facilitated treaty universalization efforts through research, training and other activities. Some NGOs and other non-state actors have also conducted research on barriers to universalization and have developed recommendations to encourage ATT ratification and accession.[44]

Civil society often identifies creative ways to encourage government engagement in the treaty. For example, in 2018 Control Arms translated

[40] Council of the European Union, Council Decision 2013/768/CFSP of 16 December 2013 on EU activities in support of the implementation of the Arms Trade Treaty, in the framework of the European Security Strategy, *Official Journal of the European Union*, L 341, 18 Dec. 2013.

[41] European Union, 'Arms trade control: EU P2P export control programme for arms—ATT', [n.d.]; and Council of the European Union, Council Decision (CFSP) 2017/915 of 29 May 2017 on Union outreach activities in support of the implementation of the Arms Trade Treaty, *Official Journal of the European Union*, L 139, 30 May 2017.

[42] BAFA, 'The EU ATT Outreach Project: EU activities in support of the implementation of the Arms Trade Treaty', 1 Aug. 2014, p. 5.

[43] For examples of ratification assistance provided through the EU ATT Outreach Project see the project's newsletters; and SIPRI's Mapping ATT-Relevant Cooperation and Assistance Activities Project database, <https://att-assistance.org/activities>.

[44] E.g. Stohl, R., *The Arms Trade Treaty and the Caribbean Community: Towards Comprehensive Implementation* (Arms Trade Treaty–Baseline Assessment Project: Washington, DC, Aug. 2018); Stohl, R. and Holtom, P., *Assessing ATT Implementation in the Asia-Pacific Region* (Arms Trade Treaty–Baseline Assessment Project: Washington, DC, May 2017); and Stohl, R. and Holtom, P., *Reporting Challenges and Assistance Needs in the Asia-Pacific Region* (Arms Trade Treaty-Baseline Assessment Project: Washington, DC, May 2017).

the text of the ATT into local languages of Sri Lanka and provided copies to major political stakeholders in order to get Sri Lanka to agree to accede to the ATT.[45] Sri Lanka has yet to do so.

Civil society also carries out workshops related to universalization. The Parliamentary Forum on Small Arms and Light Weapons conducts regional workshops on universalization.[46] It also organized a side event at CSP5 on universalization perspectives from Asia.[47] Parliamentarians for Global Action (PGA) campaigns to address the illicit trade in small arms and light weapons and to promote the ATT. This campaign 'mobilizes PGA and non-PGA Members of Parliament (MPs) worldwide with a demonstrated track record of success in promoting signature and ratification of international treaties to engage in promoting . . . Ratification of/ accession to and implementation [of the] Arms Trade Treaty'.[48] It claims to have contributed to advancing the ATT ratification or accession process in 49 governments that became ATT states parties.[49]

Control Arms is a coalition of NGOs that advocates for 'greater controls in the international arms trade to end the human suffering caused by the irresponsible arms trade'.[50] It has undertaken two major universalization campaigns: the Race to 50 and the Sprint to 100. In the Race to 50, civil society organizations encouraged their governments to be among the first 50 parties to the ATT and thus trigger the countdown to the treaty's entry into force.[51] The milestone was met in just over one year. The Sprint to 100 pushed for the target of 100 ATT parties. In this campaign, which was welcomed by the WGTU, civil society organizations again worked with governments to help them ratify or accede to the treaty and answer questions around the rationale for joining the treaty. Control Arms enlisted celebrities and notable individuals in its #100reasonswhy Twitter campaign to encourage states to join and to congratulate the ATT states parties when the milestone was reached, in 2018.[52]

The *ATT Monitor* is an annual report produced by Control Arms. In 2018, when CSP4 was held in Tokyo, the *ATT Monitor* contained a chapter that focused on universalization in Asia, with an emphasis on what it termed the 'bigger players' of the region: Bangladesh, India and Pakistan in South Asia, China, Japan and South Korea in East Asia, and Cambodia, Indonesia, Malaysia, the Philippines, Singapore and Thailand in South East Asia.[53] The *ATT Monitor* focused on regional obstacles to ratification and recommended that 'further efforts geared toward ATT universalization should include

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[45] Arms Trade Treaty, ATT/CSP5/2019/ROK/537/Conf.WP (note 24), p. 3.

[46] For examples of regional workshops, see Parliamentary Forum on Small Arms and Light Weapons, 'Events', [n.d.].

[47] Parliamentary Forum on Small Arms and Light Weapons, 'Promoting universalization and effective implementation of the Arms Trade Treaty—How can parliamentary action contribute? Perspectives from Asia', Side event at the 5th ATT Conference of States Parties, 29 Aug. 2019.

[48] Parliamentarians for Global Action, 'Campaign to address the illicit trade in small arms and light weapons (SALW) and to promote universality and implementation of the Arms Trade Treaty (ATT)', [n.d.].

[49] Parliamentarians for Global Action (note 48).

[50] Control Arms, 'Join', [n.d.].

[51] Control Arms, 'The Race to 50 is won!', 25 Sep. 2014.

[52] Control Arms, 'Mozambique becomes the 100th ATT state party', 14 Dec. 2018.

[53] Control Arms Secretariat, 'Exploring the ATT's "Asian frontier"', *ATT Monitor Report 2018* (Control Arms: New York, 2018).

emphasis on political dialogue mechanisms in the region in addition to capacity-building programmes'.[54]

IV. Challenges to universalization

At the CSP7 working group and preparatory meetings in early 2021, the CSP7 president, Lansana Gberie of Sierra Leone, mentioned several challenges to universalization of the ATT.[55] He noted that states have expressed reservations about joining the ATT for several reasons, some of which vary by region. In Africa, for example, volatile security environments, especially in groups of adjacent countries that have not yet joined the treaty, are a particular concern. According to Gberie, many states, and in particular importing states, are concerned that the ATT will diminish their ability to acquire arms for legitimate national defence purposes. As Gberie noted, in many countries, bureaucratic hurdles, particularly changes in legislatures and key executive offices, delay the domestic ratification process even when the hurdle of political will is overcome. All of the challenges identified by Gberie represent specific areas that future universalization efforts could address.

The global Covid-19 pandemic has further challenged universalization efforts. First, it has prevented travel to prospective states parties by both the CSP6 and CSP7 presidents. Second, holding CSP6 via silence procedure meant that only crucial decisions were on the meeting agenda, and thus universalization efforts took a back seat to more pressing concerns. Third, the lack of in-person meetings, shortened meeting times, and the virtual format of CSP7's preparatory process has also meant a more streamlined agenda for all the working groups, and the WGTU has not returned to its pre-pandemic level of effort.

States have discussed—bilaterally or regionally—the importance of their governments undertaking measures to promote universalization, including at a national level. In addition, states can approach the issue of joining the ATT in two different ways. Some want to have all procedures and mechanisms in place before ratifying or acceding to the treaty in order to ensure full compliance immediately upon becoming a party. Other states ratify or accede first, and then put procedures into place.

Moreover, states have discussed how universalization is not just about ratifying or acceding to the ATT, but also about complying with treaty obligations. To that end, the need for cooperation and assistance has emerged as a central theme of the universalization process. Several states have indicated that they need assistance with reviewing and amending legislation, establishing controls for record keeping, and preventing diversion. All of these obligations under the ATT require resources and technical expertise, which some countries may not yet have.

Throughout the discussions of challenges to universalization, four categories of key concerns have emerged: (*a*) political will and prioritization; (*b*) lack of technical skill or knowledge; (*c*) lack of capacity; and (*d*) procedural obstacles. Political will and politicization refer to how states prioritize the

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[54] Control Arms Secretariat (note 53), p. 29.
[55] ATT Secretariat, 'ATT CSP7 prepreparatory [*sic*] meeting, Day 2, English', YouTube, 28 Apr. 2021.

ATT among other competing national priorities. While diplomats working on the ATT may understand the treaty's significance, it is often difficult for politicians to recognize the role of the ATT in larger geopolitical affairs. Moreover, political issues—such as a change in government—may make it difficult to convince a new administration to take on the ATT and its obligations. Lack of technical skill and knowledge may plague those countries that have little or no experience of participating in a global arms control regime. Governments may not be prepared to take on the full suite of responsibilities associated with the ATT and may require significant assistance to develop their national systems and comply with ATT provisions. A lack of capacity may particularly challenge developing countries that have limited staff to meet the ATT's obligations and participate in numerous meetings. Moreover, those staff in place may not have experience with multilateral trade treaties or the capacity to take on additional responsibilities. Finally, procedural obstacles include the ways in which states organize themselves in terms of requiring full adherence to the treaty before ratification or accession and the difficulties in updating laws, policies and procedures required to comply with the treaty. They can also include over-bureaucratization of the ratification or adherence process, which may make joining the ATT difficult.

V. Conclusions and recommendations

Eight years after the adoption of the ATT, great strides have been taken towards universalization of the treaty. While the momentum has waned, worsened by the global Covid-19 pandemic, the ATT's 110 states parties continue to engage with the treaty, while several others have expressed their interest in or intention to join.

Yet, more needs to be done to ensure that the process of universalization of the treaty continues in order to ensure development of standards and norms in the international arms trade and ensure that the treaty is more than just inspirational words on paper. Regional gaps in membership plague the treaty as does an over-bureaucratization of the treaty infrastructure guiding universalization. Moreover, there is an imbalance in the treaty membership, with more major exporting states than major importing states. Thus, one area of focus for treaty universalization should be on increasing ATT membership among some of the larger arms importing states to demonstrate that the ATT has benefits to all stakeholders in the arms transfer process. In addition, there are major geographical gaps in treaty membership that could be sorted with a more deliberate universalization strategy. The CSPs and the WGTU have important roles in ATT universalization efforts, but civil society and regional organizations will also continue to play a significant role in bringing new states to the ATT.

Considerable challenges also face the ATT. States have discussed the numerous ways in which to make progress towards universalization, and the WGTU chairs themselves have developed numerous action plans to address these challenges. In addition, NGOs and research organizations have also conducted research on universalization challenges and potential strategies to overcome them. These provide excellent starting points for new approaches to ATT universalization.

For example, Control Arms has conducted research on obstacles facing some of the countries in Africa that are yet to become states parties to the ATT, focusing on Botswana, Burundi, Cameroon, the Democratic Republic of the Congo (DRC), Kenya and Uganda.[56] The study formulated a set of recommendations to overcome these challenges that provide specific activities for universalization efforts. These are perhaps a good starting point for a deliberate universalization strategy focused on greater geographical diversity and an increase in the treaty membership of importing states. They can be summarized as follows.[57]

1. Through research, media, briefings and meetings, civil society can help raise the priority of the ATT with non-party states and can help to fill informational gaps and point out to key stakeholders the relevance and benefits of joining the ATT.

2. NGOs and research organizations can identify the linkages between the ATT and potential national or regional conflicts and crises, which often have an arms dimension. This can demonstrate the utility of the ATT for the country or subregion.

3. Civil society groups can address technical concerns by looking to the experiences of other countries, particularly neighbouring countries or those in other regions, for information and examples. They can also encourage information exchanges between ATT states parties and non-party states.

4. Civil society can encourage states to demonstrate their intention to join and comply with the ATT, and to apply for support under the VTF.

5. NGOs and research organizations can develop inter-agency and inter-ministerial dialogue on the ATT. Engaging a wider group of national stakeholders that will have a role to play in ATT implementation will increase understanding of the treaty's object, purpose and requirements.

6. Civil society can identify the relationship between future ATT implementation and the existing policies or practice that stem from other arms control agreements and look for synergies that could ease the accession or ratification process.

7. Non-parties to the ATT can participate in and keep informed about ATT-related meetings, such as the annual CSP. Doing so as observers enables non-party states to obtain a better understanding of the treaty and the progress made towards its implementation while also allowing them to learn from the experiences of other states.

RAND Corporation, a US think tank, conducted a similar project in 2016, funded by UNSCAR, to support universalization of the ATT by identifying barriers and obstacles to ATT ratification or accession in Asia. It focused on 10 states: Cambodia, India, Indonesia, South Korea, Malaysia, the Philip-

[56] Control Arms, 'Achieving ATT universalization in Africa', Aug. 2016, p. 2. Botswana and Cameroon subsequently became states parties.
[57] Control Arms (note 56), pp. 14–15.

pines, Singapore, Sri Lanka, Thailand and Viet Nam. The report identified six recommendations to support ATT ratification and accession efforts: the first three for states to undertake at the national level, and the second three for relevant actors and organizations at the regional and international levels.[58] These recommendations provide important steps for states to take internally to work towards ratification or accession and could provide some guidance for the WGTU as it resumes post-pandemic universalization work.

1. States that are not yet party to the ATT should identify or appoint an ATT national champion (either an agency or a senior figure in the civil service). This could act as a catalyst for the ATT process at the national level by bridging the gaps between different stakeholders, including civil society and industry, and maintaining a positive pressure on the political leadership to ensure that the ATT remains among the national priorities.

2. Such states should conduct a full audit of national capabilities and regulations (either internally or with the support of external actors) to identify specific areas requiring further development for which assistance could be requested. This audit should also identify areas of particular strength that could be exploited to assist other countries in the region.

3. These states should take advantage of their engagement in regional and international organizations and meetings dedicated to promoting ATT universalization to draw on the experiences of other member states and disseminate lessons learned.

4. Relevant actors and organizations at the regional and international levels should build on current platforms and forums or creating new ones to extend dialogue, sharing of information and best practices, and confidence building beyond the realm of defence or foreign affairs ministries. They should also reach out to a wider community of relevant stakeholders in ATT matters such as law enforcement, customs and border control forces, trade organizations (e.g. from the shipping sector) and industry.

5. These actors and organizations should plan and conduct national-level engagements to support the ATT process in a manner that is better synchronized with political election cycles to ensure that the treaty remains on the agenda of national governments as leadership changes.

6. They should also provide assistance to their member states by means of both basic and specialist training and capacity building to support both the skills of individuals and organizational learning. Capacity-building initiatives should be open to the application of novel approaches such as scenario-based exercises (at different levels of complexity) with the involvement of all relevant national stakeholders.

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[58] Paoli, G. P. and Kytomaki, E., *Towards a Universal Arms Trade Treaty Understanding Barriers and Challenges in South-East Asia* (RAND Corp.: Santa Monica, CA, 2016), pp. 30–31.

Within the ATT context and at meetings of the WGTU, states often discuss the need to build on the synergies with other related international instruments, such as the 1981 Certain Conventional Weapons (CCW) Convention, the 1997 Anti-Personnel Mine (APM) Convention, the 2008 Convention on Cluster Munitions (CCM), and the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual Use Goods and Technologies.[59] Lessons learned in these contexts can also be used to enhance ATT universalization efforts. Similar to the ATT regime, states parties to other international treaties are tasked with universalization efforts and are sometimes helped in this process by an implementation support unit (ISU) or other institutional body. Pursuing synergies with other related instruments strengthens not only the ATT's goals and objectives, but also creates a greater body of norms and standards for the international arms trade. The WGTU could adopt strategies to encourage greater synergies with other international instruments in a more structured and deliberate way.

The various actions to promote universalization identified by related international instruments include outreach activities (e.g. demarches, bilateral visits, presentations at relevant forums, outreach to parliamentarians); assistance to signatory and non-party states; sponsoring the attendance of non-party states at meetings; prioritizing approaches to signatory states, states parties to similar treaties and states in low-participation regions; conducting research on remaining barriers; producing model laws; and increasing the geographic spread of meetings. With further study, lessons can be learned from other international instruments to support ATT universalization efforts. The WGTU could address lessons learned from other international instruments and incorporate some good practice into its efforts.

While suggestions from NGOs and research organizations, such as those above, provide a framework to encourage universalization, and other instruments may provide lessons learned or good practice, it is states themselves that must make the political decision to pursue joining the ATT and fulfilling its treaty obligations. As such, developing strong inter-agency processes to address political will and provide structure and feedback for implementation efforts are paramount to ensuring that states have the infrastructure to support the ATT and are necessary to ensure greater treaty universalization.

Universalization is not simply a talking point at annual CSPs. Rather, universalization of the ATT should be a priority for all states parties in a variety of international forums and bilateral engagements. Until the ATT is a priority, momentum towards universalization will continue to wane.

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[59] E.g. Griffiths, P., Head of the Wassenaar Arrangement Secretariat, Presentation to the 3rd Conference of States Parties to the ATT, 11–15 Sep. 2017; and Vestner, T., *Synergies between the Arms Trade Treaty and the Wassenaar Arrangement*, Strategic Security Analysis no. 5 (Geneva Centre for Security Policy: Geneva, May 2019).

Abbreviations

ATT	Arms Trade Treaty
BAFA	Bundesamt für Wirtschaft und Ausfuhrkontrolle (German Federal Office for Economic Affairs and Export Control)
CSP	Conference of States Parties
EU	European Union
NGO	Non-governmental organization
PGA	Parliamentarians for Global Action
UN	United Nations
UNSCAR	United Nations Trust Facility Supporting Cooperation on Arms Regulations
VTF	Voluntary Trust Fund
WGTU	Working Group on Treaty Universalization

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