

I. The Arms Trade Treaty

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The 2013 Arms Trade Treaty (ATT) is the first legally binding international agreement to establish standards for regulating the international trade in conventional arms and preventing their illicit transfers.¹ As of 31 December 2023, 113 states were party to the ATT and 28 had signed but not yet ratified it. For the second time in the last three years, there were no new states parties in 2023.

During 2023 the three established working groups in the ATT—the Working Group on Effective Treaty Implementation (WGETI), the Working Group on Transparency and Reporting (WGTR) and the Working Group on Treaty Universalization (WGTU)—held two sets of intersessional meetings on 14–17 February and 9–12 May 2023 in Geneva. Two informal meetings to prepare for the ninth Conference of States Parties (CSP9) were convened alongside the working groups on 17 February and 12 May 2023.²

CSP9 was held on 21–25 August 2023 in Geneva, under the presidency of South Korea. The presidency theme was the ‘role of industry in responsible international transfers of conventional arms’. Participating in the conference were 111 states and 52 delegations from non-state organizations (including regional and international organizations, civil society organizations, research institutes, industry associations and national implementing agencies).³

During the CSP9 cycle, states dedicated a substantial amount of time on the format and timing of ATT meetings, with the aim of aligning these with the level of maturity that discussions on treaty implementation have reached nearly a decade after the ATT was adopted. These exchanges were influenced by the work of the Management Committee which was tasked with developing a proposal to revise the ATT programme of work to address financial and time-related constraints. A temporary decision, to be revisited at the 10th Conference of States Parties (CSP10), was made to halve the number of ATT working groups meetings (from twice to once a year).

¹ For a summary and other details of the Arms Trade Treaty see annex A, section I, in this volume. The 2001 UN Firearms Protocol is also legally binding but only covers controls on the trade in firearms. UN General Assembly Resolution 55/255, Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition, supplementing the UN Convention against Transnational Organized Crime (UN Firearms Protocol), adopted 31 May 2001, entered into force 3 July 2005.

² Arms Trade Treaty, CSP9, ‘Final report’, ATT/CSP9/2023/SEC/773/Conf.FinRep.Rev2, 25 Aug. 2023, paras 5–6.

³ Arms Trade Treaty, ATT Secretariat, ‘List of participants’, ATT/CSP9/2023/SEC/772/Conf.PartList.Rev1, 25 Aug. 2023.

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CSP9 concluded with the election of Romania as president of CSP10.⁴ The Romanian presidency selected the ‘role of inter-institutional cooperation’ in implementing the treaty as the theme of CSP10.⁵

Treaty implementation

The role of industry in responsible international transfers of conventional arms

Industry was involved during the negotiation of the ATT and the treaty preamble recognizes industry’s contribution to its effectiveness. The activities conducted by the various actors involved in the international arms trade—e.g. arms manufacturers, brokers, freight forwarders and financial service providers—are subject to the regulation and processes that states put in place at the national level to meet their obligations under the ATT.⁶ Therefore, although states remain responsible for the implementation of the treaty, industry plays a key role in the fulfilment of its objectives and, more generally, in seeking to ensure the effective regulation of the international arms trade. Noting the increasing lack of engagement of industry with the ATT process, the South Korean presidency decided to focus on discussing the ‘role of industry in responsible international transfers of conventional arms’. The presidency produced a draft working paper that elaborated a series of recommendations for revitalizing industry’s engagement with the ATT and for promoting an exchange of national practices on ATT-related outreach to industry.⁷

States and other ATT stakeholders exchanged views on the contribution that industry could make in advancing treaty implementation and, conversely, how ATT processes could benefit from re-engaging with industry. These discussions included the role that industry could have in informing counter-diversion measures and their perspectives on trends in the international arms trade. Discussions also touched on responsible business conduct, especially in relation to human rights.⁸ In particular, representatives of non-governmental organizations (NGOs), along with many states, highlighted the obligations that arms companies have in conducting human rights

⁴ Arms Trade Treaty, ATT/CSP9/2023/SEC/773/Conf.FinRep.Rev2 (note 2), para. 39.

⁵ Romanian Ministry of Foreign Affairs, ‘Romania took over the presidency of the 10th Conference of the States Parties to the Arms Trade Treaty’, Press release, 4 Sep. 2023.

⁶ Holtom, P. and Mensah, A., *Brainstorming Workshop on ‘The Role of Industry in Responsible International Transfers of Conventional Arms’: Elaborating the Thematic Issue of the Ninth Conference of States Parties to the Arms Trade Treaty* (UNIDIR: Geneva, 2023), p. 12.

⁷ Arms Trade Treaty, CSP9 president, ‘The role of industry in responsible international transfers of conventional arms’, Draft working paper, ATT/CSP9/2023/PRES/766/Conf.WP.Ind, 21 July 2023.

⁸ Control Arms, ‘ATT working group meetings and 1st CSP9 informal preparatory meeting: 14–17 February 2023, Geneva, Switzerland’, Summary Analysis Report, Mar. 2023, pp. 13–15; and Control Arms, ‘ATT working group meetings and 2nd CSP9 informal preparatory meeting: 09–12 May 2023, Geneva, Switzerland’, Summary Analysis Report, May 2023, pp. 16–17.

due diligence (HRDD) procedures in accordance with the requirements outlined in soft law instruments, such as the UN Guiding Principles on Human Rights (UN Guiding Principles).⁹ These interventions noted the synergies with discussions in other forums, such as the UN Human Rights Council.¹⁰

To have these issues more prominently reflected in this debate, on the eve of CSP9 Austria, Ireland and Mexico submitted a joint working paper on ‘Responsible business conduct and the Arms Trade Treaty’ for the conference to consider.¹¹ The paper elaborated on the ‘complementarities between the ATT and other relevant mechanisms, norms and standards’, particularly the UN Guiding Principles.¹² It also formulated recommendations for ATT states parties on ways to strengthen responsible business conduct in the arms trade, for example by sharing experiences of how states and industry are implementing the UN Guiding Principles, elaborating steps for how HRDD processes could embed measures to ensure ATT implementation, and developing operational guidance for different commercial actors to assess human rights-related risks in the conduct of their activities.¹³

CSP9 endorsed the presidency paper and its recommendations on measures to raise awareness about the ATT among industry and on developing and maintaining a living document compiling sources that could support industry compliance with the ATT or responsible conduct in the arms trade more generally.¹⁴ While taking note of the joint working paper submitted by Austria, Ireland and Mexico, CSP9 adopted only some of its recommendations in the conference final report. Some of its most ambitious proposals were omitted, including the development of the operational guidance mentioned above and an explicit reference to the information note by the UN Working Group on Business and Human Rights on responsible business conduct in the arms sector.¹⁵ These omissions reflected the different views among states parties on the role of industry in the ATT. Given that the paper was shared so late in the CSP9 cycle, some states argued that there was insufficient time to properly discuss the inclusion of language referencing UN-related documents in detail, and asked for the text to be removed from the final report.¹⁶

⁹ United Nations, Office of the High Commissioner for Human Rights (OHCHR), *Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework* (United Nations: New York, 2011; and OHCHR, Working Group on Business and Human Rights, ‘Mandatory human rights due diligence (mHRDD)’, [n.d.].

¹⁰ Control Arms, Summary Analysis Report, March 2023 (note 8), pp. 13–15; and Control Arms, Summary Analysis Report, May 2023 (note 8), pp. 16–17.

¹¹ Arms Trade Treaty, CSP9, ‘Responsible business conduct and the Arms Trade Treaty’, Working paper submitted jointly by Austria, Ireland and Mexico, ATT/CSP9/2023/AUT-IRL-MEX/774/Conf.WP, 10 Aug. 2023.

¹² Arms Trade Treaty, ATT/CSP9/2023/AUT-IRL-MEX/774/ConfWP (note 11), p. 1.

¹³ Arms Trade Treaty, ATT/CSP9/2023/AUT-IRL-MEX/774/ConfWP (note 11), pp. 2–3.

¹⁴ Arms Trade Treaty, CSP9, ATT/CSP9/2023/SEC/773/Conf.FinRep.Rev2 (note 2), paras 22–23; and Arms Trade Treaty, CSP9 president (note 7), pp. 3–4.

¹⁵ Arms Trade Treaty, CSP9, ATT/CSP9/2023/SEC/773/Conf.FinRep.Rev2 (note 2), para. 22.

¹⁶ Authors’ own notes based on meetings attendance.

Developments in the Working Group on Effective Treaty Implementation

In the context of ATT meetings and with a few notable exceptions, states have normally been reluctant to openly discuss arms transfers towards sensitive destinations or the impact of ongoing armed conflicts on states' arms transfer decisions. The Russian Federation's full-scale invasion of Ukraine in February 2022 prompted some substantial exchanges during CSP8 meetings.¹⁷ However, during the CSP9 cycle the conflict had a less visible impact on states' discussions. As discussed in more detail below, the conflict had an impact on transparency and reporting. In addition, a few states reiterated calls to other parties to refrain from exporting arms to Russia.¹⁸ However, Russia's absence from the ATT discussions (as a non-state party) also meant that relevant statements could be made without any substantive opposition.

During the CSP9 meeting cycle the WGETI continued to be divided into three sub-working groups encompassing different areas of ATT implementation, namely Article 6 ('Prohibition') and Article 7 ('Export and Export Assessment'), Article 9 ('Transit or Trans-shipment'), and Article 11 ('Diversion'). The facilitator of the sub-working group on articles 6 and 7 took on the role of WGETI chair in the absence of other candidates. He also acted as facilitator of the sub-working group on article 11 as 'no eligible and willing' state party had been identified for the role.¹⁹ The sub-working group on articles 6 and 7 advanced its work on developing a voluntary guide to assist states parties in the implementation of these articles, and completed the draft of chapter 2 ('Prohibitions').²⁰ Other activities included a joint meeting with the sub-working group on article 9 to discuss the relationship between articles 6, 7 and 9.²¹ Work on chapter 3 ('Export and Export Assessment') of the voluntary guide will begin in 2024 in the run-up to CSP10.

During the CSP9 meeting cycle, the sub-working group on article 9 finalized the preparation of a voluntary guide on the implementation of this treaty provision and concluded its mandate.²²

The work of the sub-working group on article 11 was due to conclude at CSP8, but states parties decided to extend its mandate by one year to continue exchanges on the topic of post-delivery cooperation, one of the themes of the

¹⁷ Maletta, G. and Héau, L., 'The Arms Trade Treaty', *SIPRI Yearbook 2023*, pp. 514, 516–17.

¹⁸ See the following statements to the Arms Trade Treaty, CSP9, Geneva, 21–25 Aug. 2023: European Union, General Statement, 21 Aug. 2023, p. 2; Australia, General Debate Statement, p. 1; Canada, Statement to the General Debate, p. 1; Italy, General Debate Statement, 21 Aug. 2023, pp. 2–3; and Netherlands, Statement to the General Debate, 21 Aug. 2023, p. 2.

¹⁹ Arms Trade Treaty, WGETI, 'Chair's draft report to CSP9', ATT/CSP9WGETI/2023/CHAIR/767/Conf.Rep, 21 July 2023, p. 2.

²⁰ Arms Trade Treaty, ATT/CSP9WGETI/2023/CHAIR/767/Conf.Rep (note 19), para. 29.

²¹ Control Arms, Summary Analysis Report, Mar. 2023 (note 8), pp. 1–3.

²² Arms Trade Treaty, ATT/CSP9WGETI/2023/CHAIR/767/Conf.Rep (note 19), paras 15, 31–34.

German presidency of CSP8.²³ Discussions focused on the operational steps for the introduction and implementation of post-shipment control measures, as outlined in the CSP8 presidency paper on the topic of post-delivery cooperation. These steps were integrated as an annex to the ‘Voluntary paper outlining the elements of a process for assessing the risk of diversion’.²⁴ The work of the sub-working group on article 11 concluded at CSP9.²⁵

The chair of the WGETI initiated a reflection on next steps for states’ discussions on treaty implementation and presented a draft proposal for the reconfiguration of the group’s work, which was revised by states parties prior to CSP9.²⁶ The proposal built on the assumption that discussions on the implementation of the ATT are ready to move away from an article-based approach to one arranged along the lines of the general stages of treaty implementation, starting with ATT accession and national domestication and finishing with post-delivery measures.²⁷ States parties generally welcomed the initiative.²⁸ Notably, such exchanges occurred in parallel with discussions on a Management Committee proposal to reduce the working groups’ sessions (see below on the review of the ATT programme of work). The elaboration of the next WGETI workplan will continue in 2024. In the meantime, the WGETI agreed to continue focusing on completing the work of developing a voluntary guide on articles 6 and 7 while also initiating ad hoc practical discussions on specific aspects of treaty implementation.²⁹

The Diversion Information Exchange Forum

The Diversion Information Exchange Forum (DIEF) is a subsidiary body established by CSP6 to allow states to exchange, on a confidential and voluntary basis, information on cases of suspected or actual diversion of conventional weapons.³⁰ During the CSP9 cycle, the DIEF met twice. Although the contents of the DIEF’s discussions are not public, the chair of the DIEF reported to CSP9 that during these meetings four states (Argentina, Brazil, France and the Netherlands) volunteered to share information regarding cases of diversion. Based on the information that the DIEF chair could

²³ Arms Trade Treaty, ATT/CSP9/WGETI/2023/CHAIR/767/Conf.Rep (note 19), para. 20; and Maletta and Héau (note 17), p. 516.

²⁴ Arms Trade Treaty, WGETI, ‘Possible measures to prevent and address diversion’, Voluntary Paper, July 2018; and Arms Trade Treaty, ATT/CSP9/WGETI/2023/CHAIR/767/Conf.Rep (note 19), paras 35–37.

²⁵ Arms Trade Treaty, ATT/CSP9/WGETI/2023/CHAIR/767/Conf.Rep (note 19), para. 38.

²⁶ Arms Trade Treaty, WGETI, ‘Draft proposal: WGETI configuration and substance’, ATT/CSP9/WGETI/2023/CHAIR/756/M2.Prop, 3 May 2023; and Arms Trade Treaty, ATT/CSP9/WGETI/2023/CHAIR/767/Conf.Rep (note 19), annex D.

²⁷ Arms Trade Treaty, ATT/CSP9/WGETI/2023/CHAIR/767/Conf.Rep (note 19), annex D, para. 8.

²⁸ Control Arms, Summary Analysis Report, May 2023 (note 8), pp. 8–10.

²⁹ Arms Trade Treaty, ATT/CSP9/WGETI/2023/CHAIR/767/Conf.Rep (note 19), annex D, para. 11.

³⁰ Arms Trade Treaty, Diversion Information Exchange Forum, ‘Terms of reference’, Aug. 2020, p. 2, para. 1.

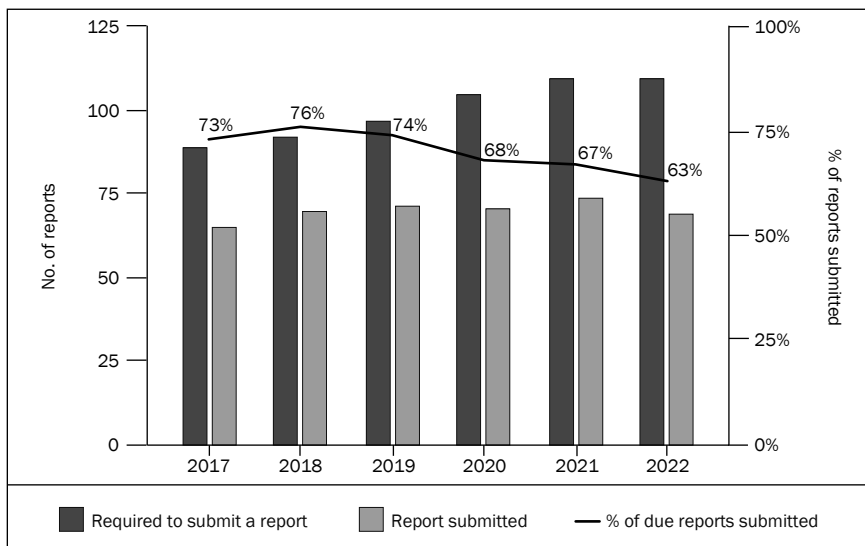


Figure 12.1. Number of Arms Trade Treaty states parties submitting annual reports, 2017–22

Source: ATT Secretariat, 'Annual reports', accessed 4 Jan. 2024.

publicly share, which was more than in previous reports, these cases affected both importing and exporting states and thus highlighted the importance of their cooperation in preventing or mitigating the risk of diversion.³¹ International cooperation as well as cooperation among different agencies at the national level was also indicated as essential in addressing diversion.³² However, representatives of these agencies are often not directly involved in ATT meetings.

CSP9 tasked the DIEF with a review of the usefulness of its meetings and its terms of reference, and submission of a report to CSP10 for a decision.³³

Transparency and reporting

Article 13 of the ATT requires states parties to provide both an initial report and annual reports to the ATT Secretariat. Initial reports are required to contain details of the 'measures undertaken in order to implement' the treaty and be submitted within one year after the treaty's entry into force at the national level. Two states, the Philippines and Gabon, were due to submit their initial report to the Secretariat in 2023 following their accession to the ATT in 2022 but only the Philippines did so.³⁴ Three states—Barbados, Brazil

³¹ Authors' own notes based on meetings' attendance.

³² Control Arms, Summary Analysis Report, May 2023 (note 8), p. 19.

³³ Arms Trade Treaty, ATT/CSP9/2023/SEC/773/Conf.FinRep.Rev2 (note 2), para. 27.

³⁴ ATT Secretariat, 'Initial reports', Status at 12 Jan. 2024.

and Lesotho—also submitted overdue initial reports in 2023.³⁵ As a result, as of 31 December 2023, 91 states parties—of the 112 required to do so—have submitted their initial report.³⁶ Article 13 also requires states to report when appropriate ‘on any new measures undertaken in order to implement’ the treaty, but no state submitted an updated initial report in 2023.³⁷

Annual reports are required to contain details of ‘authorized or actual exports and imports of conventional arms’ during the calendar year and are due by 31 May of the following year. Of the 110 states required to submit an annual report in 2023, 69 (63 per cent) had done so by 31 December 2023 (figure 12.1). This is one more than at the same date in 2022. However, because several states submitted overdue annual reports in 2023 covering previous years, the figures for previous years are now higher. In particular, the Secretariat received 5 new annual reports covering 2020 (now totalling 71) and 6 new annual reports covering 2021 (now totalling 74).³⁸ As in previous years, several states continued to aggregate data (e.g. on importing and exporting destinations, type of weapons), which limited the transparency of their reports.³⁹ Moreover, the rate of on-time reporting also markedly decreased, from 71 per cent in 2022 to 55 per cent in 2023 (with 38 annual reports submitted on time).⁴⁰ Several states cited the Russia–Ukraine war as a reason for delaying reports, for restricting access to their annual reports to other states parties, and for withholding certain information for national security purposes.⁴¹

Despite these circumstances, the trend towards restricting public access to the reports appears to have slowed. While access to 9 of the 13 initial reports submitted between 2018 and 2022 was restricted, the four states that submitted initial reports in 2023 chose to make them public. Regarding annual reports, there was also a slight improvement with 28 per cent of the reports due and submitted in 2023 not made public, compared to 32 per cent in 2022. Moreover, three states parties (El Salvador, Cyprus and Bulgaria) made their annual report publicly available after sending restricted-access reports in the past.

³⁵ ATT Secretariat, ‘Initial reports’ (note 34).

³⁶ Data covering previous years (i.e. reports submitted in 2022 and before) might differ from data provided in previous editions of the *SIPRI Yearbook*. This is because ATT states parties can submit reports after the initial submission deadline, i.e. late reports are accepted.

³⁷ Arms Trade Treaty, ‘Arms Trade Treaty: Status of reporting’, Presentation by T. Nijs, Policy Officer of the ATT Secretariat, 23 Feb. 2024, slide 3.

³⁸ ATT Secretariat, ‘Annual reports’, Status at 13 Mar. 2024.

³⁹ Arms Trade Treaty–Baseline Assessment Project (ATT-BAP), ‘2022 Arms Trade Treaty annual reporting: In the shadow of Ukraine’, Stimson Center, Nov. 2023, p. 24.

⁴⁰ Arms Trade Treaty, CSP9, ‘Arms Trade Treaty: Status of reporting’, Presentation by D. Dladla, Head of the ATT Secretariat, 23 Aug. 2023, slide 11.

⁴¹ See e.g. Arms Trade Treaty, CSP9, ‘Transparency and reporting’, Statement delivered by the United Kingdom, Aug. 2023. See also ATT-BAP (note 39).

Table 12.1. Numbers of Arms Trade Treaty ratifications, accessions and signatories, by region

Region	States	States parties	Signatories	Non-signatories
Africa	53	29	11	13
Americas	35	27	3 ^a	5
Asia	29	7	6	16
Europe	48 ^b	42	1	5 ^b
Middle East	16 ^c	2 ^c	4	10
Oceania	16 ^d	6 ^e	3	7 ^f
Total	197	113	28	56

Notes: The treaty was open for signature until it entered into force in Dec. 2014. Existing signatories may accept, approve or ratify the treaty in order to become a state party. A non-signatory state must now directly accede to the treaty in order to become a state party.

^a This figure includes the United States. On 18 July 2019, the USA announced its intention not to become a state party to the treaty.

^b This figure includes the Holy See.

^c This figure includes Palestine.

^d This figure includes Niue and the Cook Islands.

^e This figure includes Niue.

^f This figure includes the Cook Islands.

Source: United Nations Treaty Collection, Status of treaties, 'ch. XXVI Disarmament: 8. Arms Trade Treaty'.

Because no state was able or willing to chair the WGTR, the ATT Secretariat chaired the meetings of the working group. During the CSP9 cycle, the WGTR discussed the implementation of tools which have been developed to strengthen ATT transparency and reporting. The group noted that the online platform that enables states parties to exchange information and submit their reports remains under-used (e.g. in 2023 only 10 states used the online reporting tool for their annual reports covering 2022).⁴² For the second year, ATT states parties were given the option to check a box in their ATT annual report to allow its use as the basis for their submission to the UN Register of Conventional Arms (UNROCA).⁴³ By the time of CSP9, 31 states had used this option for their annual report covering 2022, following 29 for 2021, which demonstrates a positive uptake of this new feature.⁴⁴

To address ongoing reporting challenges, the WGTR encouraged states to make use of available assistance programmes, including the funding provided by the ATT Voluntary Trust Fund (VTF). Since 2017, 12 states have received VTF funding for projects with a focus on reporting, which likely contributed to supporting some states addressing their report backlog.⁴⁵ In addition, the ATT presidency and the Secretariat are jointly implementing an outreach

⁴² Arms Trade Treaty, 'Arms Trade Treaty: Status of reporting' (note 40), slide 12.

⁴³ For more on the UNROCA and rates of reporting see chapter 10, section VI, in this volume.

⁴⁴ Arms Trade Treaty, 'Arms Trade Treaty: Status of reporting' (note 40), slide 15.

⁴⁵ ATT Secretariat, 'Voluntary Trust Fund (VTF)—Projects', Status at 31 Dec. 2023.

strategy on reporting engagement, targeting states that have not fulfilled their reporting obligations and facilitating peer-to-peer exchanges in the sidelines of working group meetings. The ATT Secretariat is also developing a new project on ‘voluntary bilateral and regional assistance with reporting (peer-to-peer)’, which CSP9 expressed its support for and requested be developed further.⁴⁶ Finally, in 2023 the European Union (EU) adopted a second Council Decision in support of the ATT Secretariat, which includes funding for capacity-building for ATT reporting.⁴⁷

In the CSP9 final report, states parties reiterated their ‘concern for the continuing low rate of compliance’ with reporting obligations and endorsed the proposed renewal of the mandate of the WGTR for the next CSP cycle.⁴⁸ CSP9 also requested the WGTR to ‘explore possibilities of aligning its work with the mainstream work of WGETI’.⁴⁹

Treaty universalization and international assistance

Status of treaty universalization

During 2023 no new state joined or ratified the ATT, which left the number of states parties at 113 (table 12.1). In presenting the status of ATT participation during the working group meetings and at CSP9, the ATT Secretariat noted that the overall rate of universalization has dropped significantly in recent years and that the Asia-Pacific region has the lowest level of participation in the ATT.⁵⁰ The WGTU—co-chaired by the CSP9 and CSP8 presidents—continued its work to promote the treaty’s universalization, including in the Asia-Pacific region. Outreach and other relevant activities included the organization of a workshop for the ASEAN region in Indonesia and continued efforts, led by South Korea, to support the translation of the ATT Universalization Toolkit and Welcome Pack in all ASEAN countries’ languages.⁵¹

Following discussions during the CSP8 cycle on the role and functioning of the WGTU, the German co-chair drafted a paper on ‘Enhancing the work of the ATT Working Group on Treaty Universalization’.⁵² This paper proposed a multi-year plan approach for the WGTU and called for tailor-made

⁴⁶ Arms Trade Treaty, ATT/CSP9/2023/SEC/773/Conf.FinRep.Rev2 (note 2), para. 26(f).

⁴⁷ Council Decision (CFSP) 2023/2296 of 23 October 2023 on Union support for activities of the Arms Trade Treaty Secretariat in support of the implementation of the Arms Trade Treaty’, *Official Journal of the European Union*, L2023/2296, 24 Oct. 2023.

⁴⁸ Arms Trade Treaty, ATT/CSP9/2023/SEC/773/Conf.FinRep.Rev2 (note 2), para. 26(c), (h).

⁴⁹ Arms Trade Treaty, ATT/CSP9/2023/SEC/773/Conf.FinRep.Rev2 (note 2), para. 26(h).

⁵⁰ Control Arms, Summary Analysis Report, March 2023 (note 8), p. 7; Control Arms, Summary Analysis Report, May 2023 (note 8), p. 11; and Arms Trade Treaty, ATT Secretariat, ‘Arms Trade Treaty: Status of participation’, Presentation by D. Dladla, Head of the ATT Secretariat, 22 Aug. 2023.

⁵¹ Arms Trade Treaty, WGTU, ‘Co-chairs draft report to CSP9’, ATT/CSP9/WGTU/2023/CHAIR/769/Conf.Rep, 21 July 2023, para. 5(a).

⁵² Arms Trade Treaty, ATT/CSP9/WGTU/2023/CHAIR/769/Conf.Rep (note 51).

approaches to support ratification and accession that would consider the long-term nature of these processes, as well as more regionally targeted universalization efforts through the establishment of ‘regional champions’.⁵³ The first draft of the paper generated some concerns among states parties regarding the financial implications of these measures and the risk of regional coordinators being overburdened.⁵⁴ CSP9 eventually adopted a revised version of the paper—indicating that the role of regional champions would be voluntary—and mandated the WGTU to focus its efforts primarily on signatory states. CSP9 also endorsed other WGTU recommendations, including reflecting on how industry could be more involved in universalization activities.⁵⁵

International assistance

The VTF was established in 2016 to support national implementation of the treaty. In 2023 the ATT Secretariat selected 13 new assistance projects, out of 28 applications, for funding under the VTF, bringing the total number of such projects to 81.⁵⁶ Since 2016 the VTF has received nearly US\$12 million in voluntary financial contributions from 28 states parties, including \$127 850 earmarked for outreach activities to raise awareness around the scope and functioning of the VTF.⁵⁷

The ATT Secretariat concluded its evaluation of the 2017 cycle of VTF-funded projects in 2023.⁵⁸ The evaluation highlighted the lessons that could be learned by each project as well as how shortcomings had been addressed, and noted that these VTF-funded projects were welcomed by their beneficiaries.⁵⁹ The Secretariat’s report stated that evaluation of VTF projects funded in other cycles may focus on specific issues such as lessons learned from Covid-19 and the implementation of multi-year projects.⁶⁰

As part of the EU-funded ATT implementation support project, the ATT Secretariat conducted regional training workshops in Africa and the Americas to build capacity for national and regional ATT experts.⁶¹ These work-

⁵³ Arms Trade Treaty, ATT/CSP9/WGTU/2023/CHAIR/769/Conf.Rep (note 51), paras 5–7 and annex A.

⁵⁴ Control Arms, Summary Analysis Report, March 2023 (note 8), p. 6; and Control Arms, Summary Analysis Report, May 2023 (note 8), p. 12.

⁵⁵ Arms Trade Treaty, ATT/CSP9/2023/SEC/773/Conf.FinRep.Rev2 (note 2), para. 23.

⁵⁶ Since the first VTF funding cycle was launched a total of 81 project applications were initially approved for funding, including 9 later withdrawn and 2 discontinued. See ATT Secretariat, ‘Voluntary Trust Fund (VTF)—Projects’ (note 45).

⁵⁷ ATT Secretariat, ‘Report on the work of the ATT Voluntary Trust Fund (VTF) for the period August 2022 to August 2023’, ATT/VTF/2023/CHAIR/770/Conf.Rep, 21 July 2023, para. 7 and annex A.

⁵⁸ ATT Secretariat, ATT/VTF/2023/CHAIR/770/Conf.Rep (note 57), annex L.

⁵⁹ ATT Secretariat, ATT/VTF/2023/CHAIR/770/Conf.Rep (note 57), annex L, para. 38.

⁶⁰ ATT Secretariat, ATT/VTF/2023/CHAIR/770/Conf.Rep (note 57), annex L, para. 39.

⁶¹ Arms Trade Treaty, CSP9, ‘Report on the ATT Secretariat’s work for the period 2022/2023’, ATT/CSP9/2023/SEC/762/Conf.SecRep, 21 July 2023, para. 17.

shops included a component on how the VTF could be used to support both ATT implementation and universalization.⁶² In the framework of the same project, the Secretariat launched an ‘ATT needs and resources matching database’ at CSP9.⁶³ The database allows states to submit both assistance requests and offers of support in implementing the ATT. It aims to support the ATT Secretariat in fulfilling its mandated task to ‘Facilitate the matching of offers and requests for assistance for Treaty implementation’.⁶⁴ A second phase of the ATT implementation support project will be funded under the EU’s second Council Decision to support the Secretariat (see above discussion under ‘transparency and reporting’).

Other issues related to the functioning of the treaty

The financial situation of the ATT

In 2023 the financial situation of the ATT deteriorated further. As of 31 October 2023, 56 of 155 states failed to make their obligatory contributions, creating an accumulated deficit of \$530 636, compared to 58 states in 2022.⁶⁵ However, 12 states paid their overdue contributions in 2023, while 10 states that were previously in compliance with their financial obligations failed to pay their 2023 contribution.⁶⁶ CSP9 continued to express ‘deep concern’ for the ATT’s financial situation and highlighted ‘the risks that the ATT process and its essential activities, including the organization of future ATT meetings, will face’ if states do not meet their financial obligations.⁶⁷ CSP9 called on states to make ‘prompt and timely’ payments and to enter into a financial arrangement, in accordance with the procedures agreed at CSP7, to assist in settling arrears.⁶⁸

The review of the ATT programme of work

At CSP8 the Management Committee—composed of the CSP president and one state party representative for each UN regional group—was tasked with

⁶² ATT Secretariat, ATT/VTF/2023/CHAIR/770/Conf.Rep (note 57), para. 26.

⁶³ Arms Trade Treaty, ATT Needs and Resources Matching Database, [n.d.]; ATT Secretariat and the EU, Invitation to launch of the Arms Trade Treaty Needs and Resources Matching Database, 22 Aug. 2023; and Council Decision (CFSP) 2021/649 of 16 April 2021 on Union support for activities of the ATT Secretariat in support of the implementation of the Arms Trade Treaty, *Official Journal of the European Union*, L133, 20 Apr. 2021.

⁶⁴ Arms Trade Treaty, Article 18(3)(c).

⁶⁵ ATT Secretariat, ‘Status of contributions to ATT budgets’, Status at 31 Oct. 2023.

⁶⁶ Benin, Burkina Faso, Côte d’Ivoire, Ghana, Guyana, Jamaica, Lebanon, Mozambique, Nigeria, Panama, Paraguay and Tuvalu each paid their overdue contributions in 2023, in some cases for several years of arrears. Bahrain, Cabo Verde, Gambia, Honduras, Iceland, Kiribati, Madagascar, Montenegro, Palau, the United Arab Emirates and Zimbabwe failed to pay their 2023 contribution despite paying previous contributions.

⁶⁷ Arms Trade Treaty, ATT/CSP9/2023/SEC/773/Conf.FinRep.Rev2 (note 2), para. 34.

⁶⁸ Arms Trade Treaty, ATT/CSP9/2023/SEC/773/Conf.FinRep.Rev2 (note 2), para. 34.

reviewing the efficiency of the ATT programme of work and submitting a proposal to CSP9 for decision.⁶⁹ The review was to specifically take into account ways to optimize ATT internal support processes; ensure financial efficiency; fit proceedings into a busy disarmament calendar; and allow for the ATT's universalization and implementation objectives.⁷⁰

Exchanges related to the review of the ATT programme of work took place throughout the CSP9 cycle, and focused both on changing the structure and content of meetings and on their duration. Many statements stressed the need to shift the content of discussions to more practical implementation measures and exchanges on national experience and good practices.⁷¹ Delegations also discussed the future of the three working groups and, while retaining these bodies was the preferred option, suggestions were made on how they could better serve the concrete implementation of the ATT and increase cooperation.⁷² One of the main disagreements centered on the format of the meetings. Some states pointed to the deteriorating financial situation of the ATT and the lack of participation in current meetings as reasons to reduce their number and duration. Other states and many civil society organizations stressed that the desired objectives of the treaty—not its financial situation—should determine the outcome of the review exercise.⁷³

At CSP9 states parties reached a temporary compromise. They agreed, on a trial basis for one year, to hold only one set of working groups meetings, lasting four days. The preparatory meetings will still last two days but these will be held consecutively in the same week. In addition, the working groups and preparatory meetings will be decoupled, taking place at different times to 'avoid duplication'.⁷⁴ This decision was in line with the Management Committee's draft proposal submitted in July 2023.⁷⁵ CSP9 tasked the Management Committee with reviewing this revised ATT programme of work during the CSP10 cycle.⁷⁶ No major change was made to the structure of the working groups, but CSP9 mandated the WGETI—which had already initiated a parallel discussion on how to advance discussions on treaty implementation—to

⁶⁹ Arms Trade Treaty, 'Management Committee', [n.d.]; and Arms Trade Treaty, CSP9, 'Draft elements for consideration: Review of the Arms Trade Treaty programme of work', Background paper submitted by the Management Committee, ATT/CSP9.MC/2023/MC/747/PM1.BackgrPaper, 31 Jan. 2023, para. 1.

⁷⁰ Arms Trade Treaty, ATT/CSP9.MC/2023/MC/747/PM1.BackgrPaper (note 69), para. 1.

⁷¹ Arms Trade Treaty, CSP9, 'Review of the Arms Trade Treaty programme of work', Management Committee Initial Draft Recommendations (Proposal), ATT/CSP9.MC/2023/MC/754/PM2.Prop, 3 May 2023.

⁷² Arms Trade Treaty, CSP9, 'Review of the Arms Trade Treaty programme of work', Management Committee Draft Proposal, ATT/CSP9.MC/2023/MC/765/Conf.Prop, 21 July 2023, paras 7–9.

⁷³ Arms Trade Treaty, ATT/CSP9.MC/2023/MC/765/Conf.Prop (note 72), paras 10–14; and Control Arms, 'Management Committee paper response', ATT Preparatory Conference Statement delivered by C. Ebbs to the Arms Trade Treaty, CSP9, 12 May 2023.

⁷⁴ Arms Trade Treaty, ATT/CSP9/2023/SEC/773/Conf.FinRep.Rev2 (note 2), para. 35.

⁷⁵ Arms Trade Treaty, ATT/CSP9.MC/2023/MC/765/Conf.Prop (note 72).

⁷⁶ Arms Trade Treaty, ATT/CSP9/2023/SEC/773/Conf.FinRep.Rev2 (note 2), para. 36.

elaborate a new multi-year workplan and start focusing on practical treaty implementation matters.⁷⁷ Further, CSP9 endorsed the WGTR's mandate leading up to CSP10 and highlighted the need for the WGTR to explore ways to align its work with that of the WGETI.⁷⁸

Conclusions and prospects for CSP10

During 2023 and the CSP9 meeting cycle, the ATT continued to experience recurring shortcomings—such as declining trends in reporting and a worsening financial situation. Meetings were poorly attended and the increasing number of states in arrears with their financial obligations also narrowed the pool of states eligible to be office holders, which made it even more difficult to find chairs and facilitators for the working groups. As the ATT approaches its 10th anniversary since entering into force in 2014, it also faces a stagnating universalization process.

In these difficult circumstances, the revision of the ATT programme of work and meetings format became a main topic of discussion during CSP9. Options emerged to both advance discussion on treaty implementation and increase the efficiency of meetings. On the one hand, parallel discussions on the format (led by the Management Committee) and treaty implementation (within the WGETI) risk creating discrepancies between the scope of ATT meetings and their actual format. On the other hand, reform of the format and scope of ATT meetings offers an opportunity to move on to substantive discussions on treaty implementation, something that many NGOs and other stakeholders have often advocated and that is still lacking.

Discussions on substance will require participation from national experts who work daily with the practical aspects of treaty implementation. However, ATT meetings, not least due to resources constraints, are often attended by Geneva-based diplomats that lack such practical expertise. It remains to be seen whether a new format will be able to address one of the main shortcomings of the ATT, namely the absence of states' substantial engagement with the impact of the current security situation on the international arms trade and the ability of the ATT to have a meaningful influence in this regard.

A few, mostly Western, states and the EU called for a halt in arms transfers to Russia. However, as neither Russia nor the states from which it acquires weapons are parties to the ATT, the normative impact of these actions is unclear. A more challenging test to the treaty will emerge in 2024 when NGOs and some states are likely to raise the issue of arms transfers to Israel, a signatory state, as a consequence of the Israel– Hamas war that reignited in

⁷⁷ Arms Trade Treaty, ATT/CSP9/2023/SEC/773/Conf.FinRep.Rev2 (note 2), para. 24(f).

⁷⁸ Arms Trade Treaty, ATT/CSP9/2023/SEC/773/Conf.FinRep.Rev2 (note 2), para. 24(h).

October 2023.⁷⁹ ATT signatories and states parties are among the suppliers of major conventional weapons to Israel and Palestine is a state party. This context is likely to make discussions far more difficult and contentious.

Finally, another issue on the agenda of ATT states parties during the CSP10 cycle will be the appointment of a new head of the Secretariat.

⁷⁹ On the Israel– Hamas war see chapter 1, chapter 2, section I, and chapter 10, section II, in this volume.