

Arms Trade Treaty: Tenth Conference of States Parties, Geneva

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ATT@10 Celebration, Monday 19 August 2024

It is a great pleasure to be here at the ATT celebration session at the 10th Conference of States Parties. I particularly want to thank Ambassador Razvan for his gracious invitation to speak. But also for the drive and energy he has brought to the 10th anniversary as a way of celebrating what has been achieved, but more importantly to build momentum for what needs to be done over the next decade.

I also want to thank the Stimson Centre for bringing together many of the old battle scarred ATT negotiators last May to reflect on the Treaty's first decade and to explore some practical recommendations as to how it can be strengthened in the future.

Rachel Stohl from the Stimson Centre will speak in more detail about the report that came out of those discussions.

This was not an exercise in nostalgia.

It was an exercise in looking back to understand the forces that drove the ATT process and to think practically about implementation.

Implementation is hard. Made harder because this is such a unique treaty.

It is essentially about the regulation of the international conventional arms trade and with an overarching object and purpose to reduce human suffering and contribute to security and stability. It goes to core issues of sovereignty, national security and international humanitarian law.

We are in a time of rising strategic competition, strife and conflict.

These events have brought the purpose and functioning of the treaty right back into the spotlight. The increasing focus on arms transfers in the public consciousness and among policy makers provides an opportunity and a challenge.

Politics abhors a vacuum. Other multilateral instruments are increasingly scrutinising arms transfers and the ATT has work to do if it is to maintain its relevance and deliver on its promise.

So let's look back for a moment.

The idea behind the ATT was to establish a treaty setting out new standards for the international trade in conventional arms and in doing so providing a multilateral framework for transparency and accountability.

Australia and six others nations, the so-called co-authors, decided in 2006 to launch a process leading to the eventual negotiation of such a treaty. Civil society had been pushing strongly for such an outcome and would remain a critical driver throughout this process.

An enormous amount of methodical and well crafted diplomacy went into this exercise, but in July 2012 the negotiating conference collapsed.

The complexity of the negotiations made agreement hard. This encompassed the opposing interests of both arms exporting and importing nations, those states and much of civil society who favoured a strong humanitarian and human rights based approach, as well as those vulnerable states most affected by the ability of warlords and gangs to readily acquire deadly weapons. It was Kofi Annan who described the poorly and unregulated trade in small arms as Africa's "weapons of mass destruction in slow motion."

Squaring the circle was not a straightforward matter.

On 24 December 2012, the UN General Assembly decided to convene the Final UN Conference on the Arms Trade Treaty from 18 to 28 March 2013.

I was asked by the then UN Secretary General to preside over the Final Conference. The resolution which set up the terms for the Final Conference was well designed. It did four critical things: it gave negotiators a short time frame of 10 days; it decided to use the comprehensive July 2012 draft text as the basis for further discussions as well as its rules of procedure mutatis mutandis; and finally it provided an off ramp to the UN Assembly should consensus not eventuate.

We were thus able to build on the extraordinary efforts of Roberto Garcia Moritan.

I think one of the key lessons for any multilateral negotiation is to change the dynamics of the negotiation so as to get it away from a developed world versus developing world paradigm. The ATT learnt itself to this and we were able to build on strong African, Caribbean and Latin American support for an outcome. Their particular concerns were with issues of diversion and the ease with which an unregulated environment meant that small arms and ammunition readily found their way into the wrong hands thus undermining peace and security for many states. By strongly factoring these concerns into the negotiations they formed a loose coalition with the EU and other supporters of a strong outcome.

This was critical and should be kept front of mind 10 years after.

It was also seen as critical to have the big exporters and importers in the tent. This was not to be a treaty of just the like minded - which has its clear limitations.

While there was initially a considerable divergence of views, delegations ultimately demonstrated a preparedness to take ownership of the process and compromise in order to achieve an effective and balanced treaty.

In reality, there was considerable political will to collectively reach an outcome at the Final Conference.

On the penultimate day of the negotiations I produced the third and final text with the help of a range of facilitators. It was on a take it or leave it basis. There would be no further negotiations.

Each of the three texts had been progressively stronger and were presented with the goal of broadening the supportive constituency and bringing everyone along.

On the final day of the conference only three states, Iran , Syria and the DPRK expressed an unwillingness to endorse the final text. But we would not let the actions of a few stop the commitment of the many. The final text was then taken to the UN General Assembly where it was adopted on 2 April 2013.

Although the Conference itself did not adopt the treaty, the negotiating process produced a robust text with almost universal acceptance. It was the willingness of states to stay the course that helped guarantee the broadest possible constituency of states for the treaty - adding to its legitimacy and potential for effective action into the future.

It was a complex negotiation and compromise leads to some ambiguity and vagueness. Yet critical to the negotiations and the future functioning of the Treaty was transparency and recognising that this would be a powerful new tool in our efforts to prevent gross human rights abuses and violations of international humanitarian law.

As I said, the hard bit is always implementation. Negotiators then and now well understood that the ATT's impact and effectiveness was always going to be measured by how it was implemented and how it made a difference on the ground.

Negotiators also understood that many states would need to allocate resources to strengthen their own national systems for controlling imports and exports and to meet the reporting requirements set out in the Treaty. And for many states, they would not be able to do this alone.

So let's turn to the present and the future. Much has been done.

Unsurprisingly, the attention has been on the development of Treaty structures and subsidiary bodies, the rules of procedure, the role of the Secretariat, the organisation of CSPs and the establishment of financial regulations.

We must also recognise the ATT's achievements in norm-setting, universalisation, and the development and enhancement of national control systems. In my view, the existence of the ATT and the institutionalisation of the link between the arms trade, international law, and human suffering is a crucial normative achievement. Additionally, the ATT has catalysed the adoption or reforming of numerous national-level regulations and statutes related to the trade in conventional weapons.

That said, we now need to move the ATT to the next level. This requires us to go back to the object and purpose of the Treaty. The focus should increasingly be on transparency, accountability and cooperation.

I don't believe there is a need to re-negotiate or amend the ATT framework.

But there is much work to do within the existing framework. If we don't there is a real danger that the Treaty will fall well short of its expectations.

I hope the Stimson Report on our May discussions will assist you in this task. We have sought to be practical and provide a pathway for what will not necessarily be easy discussions.

Rachel Stohl will talk more about this today. I will briefly highlight a couple of thoughts.

Firstly, reporting is a core tenet of the ATT, but momentum is waning alongside an increase in the use of the privacy provisions. The discussions around substantive implementation topics need to go deeper and encourage accountability under the Treaty.

It is now time to think about the use of peer review and one example might be to have State Parties voluntarily report on how they have implemented the treaty, their export/import process, risk mitigation, their interagency workings, as well as answer questions on implementation.

Those States Parties with a greater focus on diversion could also talk about what they need from the international system.

Secondly, there is a need to give greater space to technical experts, defence and customs ministries and national points of contact. Effective implementation requires that practitioners participate actively around cooperation, lessons learned, and good practice. The DIFE shows promise.

There is also a fair bit of silo busting to do in the international system where we should be looking to identify synergies to utilise existing processes to deepen responsiveness.

Thirdly, assistance remains crucial and here there is a need for greater flexibility, for ensuring that funding follows through and doesn't just end precipitously, and that the VTF is reviewed to see how it can be more responsive and directly use civil society to support a project in partnership with a State.

And lastly, universalisation where our efforts should be targeted and specific and use regional champions. We need to re-iterate the importance of the ATT framework to importers as well.

So to conclude, the collaboration between States, civil society, and industry that existed during the original negotiations needs to be further harnessed to ensure that the treaty reaches its full potential.

While each plays a different role in the treaty's implementation, a decade into the treaty's operation, that cooperation remains essential for the treaty's future.

It was a privilege to work with so many of you on the ATT. These are not easy times and there is much at stake in ensuring the ATT fulfills its promise and we get to the next level of our work. I wish you well in your endeavours.