



Centre for Peace, Security and Armed Violence Prevention

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## The Arms Trade Treaty

### Summary report of the second round of informal consultations held in Berlin on 27-28 November 2014

Prepared by  
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Representatives of 90 signatory and ratifying States of the Arms Trade Treaty (ATT), officials from regional and international organizations and members of civil society organizations that have been supportive to the Treaty, met on November 27-28 in Germany to discuss substantive issues and the roadmap towards the First Conference of the States Parties (1CSP).

#### Opening Remarks

The meeting was opened by the Germany State Secretary. In his speech, he underscored Germany's commitment to the Arms Trade Treaty. He reminded delegates that the Treaty obliges states to cooperate and assist regarding implementation. He stressed the importance of bringing in those with key expertise-particularly industry.

Ambassador Jorge Lomónaco from Mexico, Acting Chair of the Preparatory Process towards the First Conference of States Parties to the Arms Trade Treaty (ATT-1CSP), highlighted the need to discuss on the following: when and where to meet before the 1CSP; to discuss at this point upon participation in the preparatory process; to decide upon provisional secretariat; to discuss rules and procedures and reporting templates.

#### Report on the status of signatures and ratifications

Mr. Daniel Prins from the UN Office for Disarmament Affairs, on behalf of the depositary of the Treaty, provided the current status of the signatures and ratifications. He underlined that the signatories now stand at 123 and ratifications at 54.

Mr. Prins remarked the break-down of deposits per regional group at the moment: African Group 6, Asia-Pacific Group 4, Eastern European Group 10, Latin American and Caribbean Group 15, Western European and Others Group 19.

He also informed that UNODA made a legal assessment of the Arms Trade Treaty and can provide advice if requested.

#### General Statements

**Costa Rica** stressed the need to ensure that the Arms Trade Treaty is implemented and universalized properly. **Liberia** did thank the host and informed that they have ratified. **Swaziland** mentioned the ongoing ratification process in Swaziland. **Mali** thanked the hosts and mentioned the problems caused by arms in Africa.

## **Date of the first Conference of States Parties (1CSP) and sequence of preparatory meetings**

The Germany Co-chair opened the discussion by recalling that States parties need to hold CSP and there are only few days left open. 1CSP should be held between mid-June and mid-September 2015. Further preparatory meetings will be required and there is a need to determine the sequence of Preparatory Committees (PrepComs) and outline the substance of the meetings. Switzerland and Trinidad and Tobago have made formal offers to host further preparatory meetings.

**Switzerland** reiterates its offer to host a Preparatory Committee. They have flexibility on the date. This will be decided by the date of the CSP. **Austria** informed that they are offering a free standing informal meeting. Not part of the formal Preparatory Committees. The meeting will focus on transparency, civil society and industry. They are working on the timing and an invitation will be forthcoming.

On the date of the Conference of States Parties, **Japan** prefers early September, in view of the disarmament calendar. They expressed the need to decide on the topics for the CSP, and then can decide upon the PrepComs. Maybe have two or three PrepComs.

**United Kingdom** gave a pragmatic suggestion, would like CSP as soon as preparatory process is ready. For the UK, Mid-June to Mid-September is acceptable. They welcomed Trinidad and Tobago and Switzerland offers for a PrepCom and Austria offer of an informal meeting. The UK suggested that each PrepCom could have specific theme. Discussion on Rules and Procedures at the first PrepCom. The final PrepCom to focus on Financing and Secretariat.

For **Guatemala**, there is no need to rush for the 1CSP as States have a full year. The earliest date should be in September. Also the need of equitable geographical distribution as many States might ratify from now to the CSP.

**Italy** was in favor of a rapid CSP. They support September 2015 and are flexible with regard to PrepComs.

**France** prefers CSP in June 2015 as September is usually devoted to General Assembly meetings. They stressed that the implementation is priority and there is need to maintain momentum. The preparatory process should be as wide as possible. And promote universalization.

**Romania** thinks that CSP should take place in September, to give time for more signatory states and ratifications. **Costa Rica** prefers CPS in or after September in order to have more signatures and ratifications.

For **Finland** the period between Mid-June to Mid-September is acceptable. And supported the United Kingdom idea on provisional aim for each preparatory meeting, Rules and procedures first, financial last. **Spain** welcomed Austria, Trinidad and Tobago and Swiss offers. They want to take advantages of all opportunities, for Spain, June is the best date for the CSP. **Slovenia** prefers autumn over spring. November is their best choice as they want to have as much ratification as possible.

**New Zealand** endorsed Mid-June to Mid-September; later date will clash with the 1<sup>st</sup> Committee. There might be risk of going over the expiry period if scheduled for later date. They liked a distinct emphasis upon each PrepCom as suggested by United Kingdom.

**Zambia** agreed with June to September, but cautious of September as clashes with the UN General Assembly preparation.

**Trinidad and Tobago** proposed the preparatory meeting on 23-24 February in Trinidad and Tobago. They liked the idea of each preparatory meeting having a topic.

**Colombia** emphasized that it's best to arrive at CSP with deep commitments. Suggested that implementation begins before the CSP. Preferred September for the CSP date.

For **ControlArms**, the implementation should begin immediately, including Articles 6 and 7. ControlArms believes that CSP should happen as soon as possible. Focus should move from procedure to substances as soon as possible. **Lesotho** endorsed UK suggestion for each PrepMeets with its topic. **Ghana** supported UK proposal on topic by PrepMeets. Preferred CSP in late June 2015. **Mali** highlighted that September is inconvenient as it overlaps with UN General Assembly. **South Africa** endorsed June to September period for CSP, not later. There are a lot of issues to resolve, so any delay will not assist addressing uncertainties. They want immediate full and effective implementation. South Africa supported the UK proposal for thematic outcomes.

**Nigeria** supported UK proposal for thematic PrepMeets. For Nigeria June is most appropriate, as September has an overlap with the General Assembly. For **Argentina**, the momentum should be maintained and agreed with June to September period, but preferred June as people who can make decisions are fully booked in September.

**Austria** stressed that the free standing meeting as part of the process, will focus upon implementation with an emphasis upon transparency and compliance. **Sweden** thinks that the CSP needs good preparation. Although they agreed with June –September window, Sweden favors September over June, and thinks that a later CSP will promote a successful CSP. **Australia** supported the June-September window and wants to avoid the CMC Review Conference on 7-11 September 2015. They agreed on Rules of Procedures to be discussed at first PrepMeets then Secretariat followed by financial.

**Honduras** endorsed June-to September window and wanted a wide deeper process. The September date will aid Ratification. **Luxembourg** agreed with June-September Period. But doesn't need to clash with CMC conference. **Peru** endorsed September CSP or later. Also, they adopted UK proposal on thematic PrepComs. **For Ireland**, Mid-June to Mid-September date is pragmatic. Don't want a clash with CMC review conference. Endorsed UK suggestion on the importance to focus upon themes at PrepMeets. And wanted the preparatory process to be open, transparent and inclusive.

**Denmark** endorsed September but don't want clash with CMC and other events. Supported UK proposal for sequencing. **Djibouti** welcomed June to September period and endorsed UK suggestion for sequencing PrepMeets. **Côte d'Ivoire** informed that they will ratify soon, supported CSP in June so, it doesn't overlap with UNGA. **Belgium** was open to the date between June and September. But preferred Mid-June. Endorsed UK proposal for thematic PrepMeets. For **Guinea Bissau**, CSP needs to be after a deep round of consultation. Stressed the need of more ratification. **Togo** will host an African regional consultation in March 2015 prior to the CSP.

After delegations statements, the Co-chairs, wrapped up by suggesting that the chair will sound out involved parties. A proposal from the chair will be done on Friday on the dates and thematic sequencing.

### **Provisional Secretariat**

**Mexico** recalled that it has been proposed as provisional secretariat. They stressed that the key issues are cost and tasks for the provisional secretariat. Mexico circulated a proposal for a provisional secretariat that would be effective until the CSP. Should have support from others including UNDP. Mexico paper recognizes that there will be costs that need to be covered with voluntary contributions.

**Netherlands** supported the involvement of UNODA and would like stronger linkage between secretariat and UNODA. They took note that additional costs are necessary and welcomed budget for extra costs presented as soon as possible. **Norway** liked Mexico's paper. They have agreed on how the provisional secretariat can carry out. Supported roles for UNDP and preparatory meetings.

Norway will contribute its share. Although **Portugal** supported Mexico's paper, they have commented on Action 23-4. For Portugal, once the treaty is in force, let's not have a report covering one week. So, the permanent secretariat should cover reporting and not the provisional one. **Sweden** liked Mexico's paper and appreciated the language on UNODA. But they had two remarks. First was on financial aspect. For Sweden, the provisional Secretariat will require financing; therefore there is a need to have a budget very quickly. Sweden believes that Mexico has a broad list of functions appended to the paper. Second, they thought that items 6,9,10 are going beyond administrative functions. **Mexico** informed that they are willing to contribute in kind. **Japan** supported Mexico's paper but needed clarification on roles. **Switzerland** welcomed Mexico proposal and wished that it cooperate with UN system. They welcomed the proposal to cooperate with UNDP and associate with UNODA, Switzerland encouraged synergy. And informed that they are willing to take share of financial and organizational aspects.

For **France**, decision on provisional secretariat doesn't pre-judge modalities for permanent. But any decision taken on provisional may be viewed by states considering signing and ratifying. France reminded that the Mexico meeting concluded with a secretariat organized by Mexico with support by the UN. Therefore, it's essential to operate with UN. France supported Sweden remarks on the tasks in annex the function should be administrative and shouldn't go beyond that. **Greece** supported the involvement of UNODA since the ATT was negotiated within the UN. **Italy** liked the cooperation with UNDP and UNODA, wanted a larger role for the UNODA. **Italy** thinks that some tasks in the annex need to be reviewed. **Guatemala** Suggested what happens after CSP and before permanent secretariat. Needs a continuing secretariat during transition. They express the needs of stronger role for UN. And the need of support functions after CSP and before permanent secretariat. **Cost Rica** supported the role of UNDP and UNODA. And wanted stronger role of UNODA in the process. They joined Guatemala on transitional period between end of CSP and Permanent secretariat.

**United Kingdom** welcomed Mexico's paper. They liked the UNDP role in the paper, appreciated UNODA advisory role. Also welcomed Mexico proposal for a steering committee for CSP and Preparatory Meetings. Secretariat should handle registration of industry and civil society. The UK needed clarification with financial issues. Also thinks there is no need for provisional secretariat to receive the initial reports. **Mexico** suggested the inclusion of a deadline that the provisional secretariat will not extend past CSP unless specifically tasked to do so in the CSP.

### **Participation in the preparatory process and 1CSP**

**EU, Costa Rica, Argentina, Italy, Japan, Luxembourg and Guinea- Bissau** were in favor of Participation of non-signatory countries in the Conference of States Parties. **Sweden, Slovenia, Nigeria, Finland, France, Lesotho, Guatemala and Norway** suggested that there should be some restricted access.

Concerning the participation of Non-Governmental Organisations, **Costa Rica, and New Zealand** supported NGO participation with full speaking rights. **European Union, United Kingdom, Japan, France and Colombia** supported NGO participation with a restricted and limited speaking rights. Italy and Sweden suggested clear rules, obligation for speaking criterias. Costa Rica, Trinidad- Tobago, Lesotho and New Zealand were against the participation of pro-gun lobby groups.

### **Financial Rules**

**European Union** was in favor of assessed contributions. The core tasks of the secretariat should not be extensive. Voluntary contribution should be given for core tasks. Additional tasks can be funded by voluntary contributions. The EU is interested in a hybrid of voluntary and assessed contributions and would like meetings to be funded by all states participating in the meetings. CSP should be funded by

assessed contributions based on UN assessment scale adjusted to take into account differences between participants in this process and UN membership. States parties contribute if they attend or not. Signatories just pay if there and Non signatories contribute with a fixed amount of they attend.

**Bangladesh** supported that the Core task of 1<sup>st</sup> CSP should be agreed upon a financial model. They have also supported practice of states parties and others attending in accordance with the UN scale. Supported hybrid of assessed plus voluntary contributions. Regarding administration of trust fund, the admin cost must be included in costs. Bangladesh also supported the sponsorship programme for LDC participation.

For **Greece**, the structure of the secretariat is decisive. It should be based within existing UN structures, should be responsible to states parties of the treaty. They endorsed Norway paper.

**Sweden** liked the paper but believed that much work needs to be done in regard with the voluntary trust fund. They have mentioned the experience of UNSCAR. Sweden is pleased that the sponsorship programme has been touched upon. For Sweden, the Chair's paper gives a good picture of running meetings. But valid for cases where there is a piggybank arrangement with another organization. The paper doesn't include administrative costs. Swedish contribution is an attempt to describe costs of a stand-alone Secretariat. They fear that secretariat is underfunded.

**United Kingdom** suggested if it possible to have a cap on higher contributors, or a minimum payment model, that would have to be set at above the cost of recovering the funds. UK is committed to a low cost model. **Japan** believed that sound and sustainable financial models are crucial. Model is unsound and unsustainable as 60 % of burden on four main contributors. Cap should be placed on assessed contributions. Japan wants the benefit of increased global ownership.

**Trinidad and Tobago and CARICOM** are among first to advocate for an independent secretariat. For them, it must be truly independent if owned by States Parties. Therefore, should be detached from any pre-existing institution. CARICOM is in favor with assessed contributions based upon UN model adjusted to take into account different numbers. States Parties should also contribute to CSPs. With regard to core functions, the costs should be met by states parties. For the CARICOM, sponsorship programme is a useful instrument.

**Italy** supported EU statement and liked the assessed contribution based upon UN system and voluntary. **France** supported UN systems for assessed contributions. For France, all states parties should contribute to financing of CSPs. Signatories should contribute according to UN regime. Non-signatories should make a fixed contribution. They supported a hybrid system. Activities regarding promotion and universalization should be financed via a voluntary trust fund.

**Norway** agreed with assessed contributions based upon UN system. States parties should contribute. All participants should share the financial burden. Meeting organization expenses should be included in core costs. Sponsorship should be covered by voluntary contributions.

For **Australia**, first few years the numbers of state parties are low. UN scale has a disproportionate burden on some states. Over time this is reduced. Key responsibility to match needs and resources. Shall the Secretariat administer the trust fund? Could be done via a committee of States Parties or a subsidiary body. Supported a cap on assessed contributions. Especially upon secretariat and assessed contributions by adjusted UN scale.

**Finland** didn't support French idea of a fixed amount for non-Signatories. All should have payments on same footing. **Netherlands** supported EU statement and for them, the voluntary Trust fund is essential. There should be an additional task to manage the trust fund. Also sponsorship programme is important.

According to **Romania**, CSP should be funded by assessed contributions based upon pay to participate.

**Nigeria** supported that there should be collective ownership and funding by all that participate. They have also, supported voluntary funded ATT trust Fund. **Austria** supported EU statement, Liked the hybrid model. Assessed contributions on UN Scale and voluntary.

After countries interventions, the Mexico co-chair's summary was as follow.

Discussion confirms emerging consensus for:

- Model. Unanimous support.
  - Assessed contributions based upon an adjusted UN scale for core activities.
  - Voluntary contributions.
- CSP participants should contribute, including to Secretariat. States Parties contributions should be mandatory. For non-States Parties contribution based upon adjusted UN scale.
- Link between financing model and Secretariat.

Some stressed a cap on contributions.

Rules of Procedure will benefit from intercessional work and facilitators should be appointed. Ask for volunteers.

France will facilitate the Secretariat issue.

## Reporting

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**Sweden** who drafted the working paper on reporting, reminded that Reporting element in ATT is an important part of the whole. There is need to demonstrate compliance, confidence building, useful examples. Annual reporting is stipulated and helps to enhance confidence. Looking for a proposal on how to work on it at 1<sup>st</sup> CSP. Then have templates for first reports. Want to arrive at CSP 1 with well thought through and politically well-grounded proposals. Also Sweden expressed the wish to create open ended working group. Open to all. Such a group could not meet very often. Well to foresee that group meets in margins of prep meetings. Communicate by email. Meeting in the margins of Preparatory Meetings gives the opportunity for direct dialogue with States and civil society. End of paper allusion to second issue for a requirement to report in May 2015. Different schools of thought. One is that language in treaty is clear. 1<sup>st</sup> is due in May, before templates. Even if an obligation, postpone the report until after CSP, will allow States to benefit from templates.

**UNODA** recalled the overview of info on depository. 31 May 2015 due date for first report. UN has no ambition to steer the debate. Just disregard that date. The UN stands ready to contribute to the reporting group.

**France, Netherlands, Bangladesh, Costa Rica, Norway, Australia, Trinidad and Tobago, Japan, Switzerland, United Kingdom, Argentina, Slovenia and Austria** agreed on Standardized reporting templates. For **New Zealand**, the agreement of a template mustn't jeopardize more important things. Templates desirable not essential. Rules of Procedure are essential.

**Austria, Argentina, Switzerland, France, Costa Rica and Norway** supported that first report should cover year 2015, to be submitted by 31<sup>st</sup> May 2016.

After delegation interventions, both Co-chairs wrapped up the topic as follow:

For the **Germany Co-chair**, There is no secretariat operational in 31 May 2015. Only six day report. Reading of Article 13 views addressed but inconclusive. Issue needs to be revisited in Trinidad and Tobago. Delegations should seek legal advice and have an informed debate. The Co-chair shared

views expressed on other issues, like voluntary and relationship with UN Register of Conventional Arms (UNROCA). On Templates, there is an acceptance of Swedish offer to coordinate. Email – [paul.beijer@gov.se](mailto:paul.beijer@gov.se) to be part of the working group. Civil society should provide proposals.

**Mexico Co-chair** announced that Ghana will be facilitator on financial issue. UNDP manages sponsorship programme for delegates at Preparatory Meetings. The Co-chair thanked donors for contributing to the sponsorship programme. On working languages, the co-chair stressed that official languages are all UN languages.

**Guatemala and Sweden** supported that interpretation and translation of documents to be in English, French and Spanish.

Next round of Preparatory Meetings is in Port of Spain in Trinidad and Tobago on 23-24 February 2015. The African regional consultation in March 2015.

### **Closing remarks**

German co-chair highlighted that the understandings reached there are:

- Roadmap to 1<sup>st</sup> CSP and sequencing of prep meetings.
- Indication of meetings in Trinidad and Tobago, Austria, Switzerland
- Conference of States Parties to be end of August or early September 2015.
- Mexico is provisional secretariat.
- Mexico will revise paper provided on Provisional Secretariat, and will circulate. To include financial requirements of voluntary requirements as agreed.
- Established a group of friends of the chair.
- Participation – want to gradually open up all participation to all relevant actors. The need to consider how to put it into practice is left to the hosts – Mexico and Preparatory Meetings hosts.
- On Secretariat and financial facilitation process. Rules of Procedures facilitation process: Ghana will facilitate on finance; Get legal guidance on Art 13
- To get legal guidance on Article 13 of the Arms Trade Treaty
- Accept Sweden offer to coordinate working group on reporting.

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