



## First Conference of States Parties to the Arms Trade Treaty Cancun, 24-27 August 2015 Summary and Analysis

### OVERVIEW

The first Conference of States Parties (CSP) to the Arms Trade Treaty (ATT) took place from 24-27 August 2015 in Cancun, Mexico. It followed five informal and formal preparatory meetings that took place over the previous 12 months, and represented a critical opportunity for States Parties to make decisions to guarantee that the ATT will be implemented robustly.

It was overall a successful meeting, with decisions made including the adoption of the Rules of Procedure; agreeing Financial Rules; agreeing the location, Head and remit of the ATT Secretariat, and agreeing the President, Vice-Presidents and Management Committee for CSP 2016.

Disappointingly, however, despite a considerable amount of work being done ahead of the CSP, States Parties could not agree on templates that they could use as the basis for either their initial or first annual reports that will be falling due starting from 24 December 2015 and on 31 May 2016 respectively. Additionally some debates and decisions highlighted political tensions and a North-South divide in approach and perspectives. Going forward, States must show greater ambition and courage if the ATT is to really make a difference and fulfill its potential.

### ANALYSIS

The Conference was chaired by Ambassador Jorge Lomónaco of Mexico, and was attended by 120 states, 67 of which were States Parties, 41 were signatories or recent ratifiers, and 11 were observers (Algeria, Botswana, China, Fiji, the Holy See, Jordan, Kenya, Qatar, Saudi Arabia, Viet Nam and Yemen). There were also 78 civil society representatives, whose attendance was facilitated via Control Arms, and around 10 other civil society observers, including two industry representatives.

The CSP opened with a High Level segment. The opening session featured remarks from then Mexican Foreign Minister José Antonio Meade, Nobel Peace Prize laureate Oscar Arias Sanchez, Roberto Borge Angulo, Governor of Quintana Roo, Kim Won-soo, the Under-Secretary-General and Acting High Representative of Disarmament Affairs, and for Control Arms, survivor and disability rights advocate, Alex Gálvez. It also featured video messages from UN Secretary-General Ban Ki-moon and Peter Maurer, President of the ICRC

Foreign Ministers of nine countries (Costa Rica, Luxembourg, Serbia, Switzerland, Trinidad and Tobago, Yemen, Saint Lucia, Jamaica, and Finland) contributed to the high-level session. Their statements largely reflected common themes of commitment to implementation and universalization, the Treaty's potential to save lives, and the need for multi-stakeholder approaches in bringing transparency to the arms trade.

The high level segment continued with statements from around 50 delegations, almost all of whom paid tribute to the positive role of civil society in supporting ATT implementation and universalisation. Several delegations used the opportunity to reiterate their positions on the issues relating to the ATT Secretariat, rules of procedure, financial rules, and reporting. Some, including **Thailand, Malaysia, Singapore, New Zealand, Nigeria, Iceland, Guyana, and the Bahamas** provided updates on progress towards ratification or steps taken to begin implementing the Treaty. Countries from **CARICOM, Central and South America, and West Africa** outlined how specific regional security concerns could be addressed by the ATT. **Sweden** and several others noted the connection between the arms trade and gender-based violence. Implementation support, both technical and financial, was requested from States of many regions.

## RULES OF PROCEDURE

The Rules of Procedure were adopted early on the second day, following further informal discussions during day one, and the many rounds of debate and informal consultations that had taken place throughout the CSP preparatory process.

On **decision-making** Rule 33 positively does not enable the power of veto, as it allows voting if consensus is not achieved with a two-thirds majority for decisions of substance, and a simple majority for procedural decisions. A clause stipulating that *“In a last attempt to reach consensus, the President shall consider deferring action on that decision for a period up to 24 hours, provided that a decision can be reached before the end of the current session of the Conference.”* demonstrates an improvement on earlier versions which had risked decisions being deferred to subsequent CSPs. Financial matters are subject to the same decision-making rules as substantive ones.

With respect to **participation**, Rule 5 was unchanged from the Geneva PrepCom, including that *“International coalitions of NGOs and associations representing industry may attend the Conference as observers, deliver statements at plenary meetings, receive official documents and submit their views in writing to the Conference.”*

The degree to which meetings – both CSPs and of subsidiary bodies - would be **open or closed** was an area of negotiation through the opening day of the Conference, particularly regarding subsidiary bodies. Some States, as well as Control Arms, advocated that such meetings should be open by default, as a way of increasing transparency and confidence in the ATT. The **UK** continued to push for meetings to be closed by default. The Chair was not willing to re-open this discussion, and others such as **Switzerland** and **Norway** noted that the compromise which had been agreed would be to take this on a case-by-case basis. Others such as **Romania and Cameroon** felt that a clearer definition of what ‘private’ means would be helpful as would be distinguishing between meetings that only require participation from key people, such as Bureau members, versus meetings of subsidiary bodies that might require thematic expertise.

In the end it was agreed that Plenary Meetings would be Open “unless the conference decides otherwise” and that the status of Extraordinary Sessions and Subsidiary Bodies will be decided by States Parties at each relevant meeting.

Throughout the last year, Control Arms has advocated for Rules of Procedure that are fair, transparent and not constricted by consensus decision-making. The rules that were adopted reflect the hard work and sustained advocacy from civil society and progressive States toward those objectives, as well as compromise from all States Parties in order to reach agreement.

## ATT SECRETARIAT

The decision on the **location of the ATT Secretariat** was among the most intense aspects of the CSP, in many ways an expression of the division among states and in how they view the role and set-up of the UN system more broadly. Three cities – **Geneva, Port of Spain, and Vienna** - had announced their candidature shortly after the Mexico City Prep Com and had maintained active campaigns to win support for their bid. In statements delivered at preparatory meetings, States that supported Geneva or Austria often spoke of the necessity of the ATT Secretariat being within a European diplomatic hub, while those that favoured Port of Spain argued that it is time for such entities to also be established in the global South.

Despite the recently adopted Rules of Procedure stipulating the format of procedural and substantive votes, the 3 candidate States agreed to a bespoke two-stage voting mechanism, referred to as a “gentleman’s agreement” whereby the first vote would eliminate one candidate (and any that received two

thirds majority in the first round would be the outright winner). A second round would then agree the winner by simple majority. Both votes were by secret ballot, with a somewhat theatrical presentation of integrity through the display of a clear plastic voting box, and a slow, state-by-state distribution and collection of ballot papers.

The first vote took place Wednesday morning (Port of Spain 32, Geneva 21, Vienna 14). Vienna subsequently withdrew its candidature. As no candidate received the two-thirds majority necessary to declare a clear winner a second round of voting was conducted late in the afternoon, where Geneva won in by 35 votes to Port of Spain's 32, and was subsequently confirmed as the Seat of the ATT Secretariat. While the decision was formally recorded as a "consensus decision" in the Conference report, it was clear that this was a close-run vote, reflecting the vigorous campaigns that had been run by Port of Spain and Geneva in particular.

A decision was also taken on the Head of **ATT Secretariat** on a provisional basis until CSP 2016. The three candidates, Sweden's Ambassador Paul Beijer, South Africa's Dumisani Dladla and Guy Pollard, running as independent, gave presentations to the plenary on the on the third day of the Conference that outlined their qualifications and vision for the Secretariat. Intense regional consultations took place with the majority of regions favouring African candidate Dladla. Ambassador Lomónaco formally recommended his appointment, which the CSP adopted by consensus. The CSP agreed that Dladla will serve until the 2016 CSP, at which time a full-scale, merit-based selection process will be undertaken to select a longer term Head of the Secretariat.

A **Management Committee** to support the work of the ATT Secretariat was also established, including the **Czech Republic, Cote d'Ivoire, France, Jamaica and Japan**. A terms of reference to guide their work continued to be developed through informal consultations. A key issue was if, and how, signatory States could join the Committee, as an earlier draft had suggested that they could be invited to join "if appropriate", an issue that the US in particular called for. **New Zealand, Portugal and Australia** felt that this required clarification and were skeptical. **Barbados** noted that the responsibility of ensuring that "no irregularities arise" in the budgetary and financial management puts a burden on the Committee, and that it would be more efficient that the Committee instead be asked to investigate an irregularity or make recommendations. There were also requests to clarify other aspects such as renewal of its mandate and that it will not be a decision-making body. The terms of reference was agreed as was a Directive from States Parties to the ATT Secretariat, but more work is required to elaborate the new body's exact functions. The draft budget allows for three staff positions. Control Arms has advocated that size should be determined only after the ATT Secretariat's mandate is agreed, in order to enable flexibility, and will continue to highlight the importance of a transparent and merit-based recruitment process that avoids politicization and establishes an effective Treaty support mechanism.

## REPORTING

This was the weakest outcome of the CSP. Considerable effort was spent ahead of and during the CSP in developing draft reporting templates, with the intention that the CSP would recommend these for use by States Parties when preparing their national initial and annual reports. However, in the draft final report of the CSP, States Parties decided instead only to "**take note ... of the reporting templates**" and to "**establish an informal working group on reporting**" to continue template development. While it was disappointing that the CSP did not make a stronger recommendation in support of the templates, a number of significant problems still existed with the substance of the latest drafts, and further work by a working group is clearly needed.

One of the complicating factors around the potential use of the templates related to confusion over the status the templates might have. Several states, most notably **South Africa**, commented that as the text of the Treaty made no reference to reporting templates, it was not appropriate for the Conference to 'adopt' the templates, and that they could only ever be, at most, informal guidance. This view was



subsequently reflected by the facilitator of the Working Group on reporting in his final address to the Conference.

Control Arms is concerned there is now a substantial risk that the first reports submitted by States Parties will be highly variable and potentially of little or no analytical or transparency value. While the situation should improve following additional work by the working group, this is likely to come too late for the 61 States Parties obliged to file their initial report (which States Parties submit only once) by the end of 2015.

A useful fallback option for these States would be to complete and submit the baseline survey developed by the [Arms Trade Treaty-Baseline Assessment Project \(ATT-BAP\)](#) as or attached to their initial report. While not perfect the baseline survey is a useful transparency and analytical tool, and it has already been completed by 50 States Parties, and referred to by a number of them as sufficient for initial reporting purposes.

A critical point of contention during the CSP was that the **initial**-report template was divided into mandatory reporting and voluntary reporting sections. While Control Arms and others frequently highlighted that the ATT text obliges States Parties to report on **all** measures taken to implement the Treaty, regardless of whether those measures are themselves mandatory, contingent or voluntary. By the end of the CSP this point was generally acknowledged and agreed, however despite clear and unambiguous language being circulated to address the issue, the language included in the final template was unduly complicated and ambiguous and would benefit from further refinement.

Other problems with the latest draft of the **initial** report template included a lack of specificity and detail regarding questions addressing individual provisions for ATT implementation. Instead a large amount of discretion was left to States Parties to decide how much information to provide under a number of broad headings. The template for the **annual** report is based on the reporting template for the UN Register of Conventional Arms (UNROCA), but gives States various options for how they report, which will make comparative analysis among States and over time more difficult, and complicate efforts to build a comprehensive picture of the arms trade. For example, the template allows States to provide transfer information on either quantities or value, and on either actual transfers or authorizations.

Also problematic was the question of whether or not national reports will be made publicly available, or only shared among States Parties. **Costa Rica, Chile, Denmark, El Salvador, Hungary, Iceland, Liechtenstein, Luxembourg, the Netherlands, Peru and Poland** among others spoke in the main plenary of the Conference, including during the high-level and opening segments, about the importance of transparency and public reporting. Others, including **Jamaica**, referenced a need for comprehensive reporting. **Thailand** called for transparency to be a "guiding principle" in Treaty implementation and **Guyana** recalled the ground-breaking role of the ATT in bringing transparency to the arms trade.

In the informal sessions, however, it was argued that the language in the Treaty (Article 13) on whether reports must be made public is ambiguous and the decision must therefore be left to the discretion of each State Party. Given that States when they report to the UNROCA do so with the certainty that their reports will be made public, and that those reports require all States to report on quantities, it could be the case that the ATT will lead to a **reduction** in transparency around arms transfers, which runs counter to a stated purpose of the Treaty to **promote** transparency.

Lastly, **Argentina** is leading work on a template for reporting on initiatives to prevent diversion of weapons, in line with ATT Articles 11 and 13 (2), but this did not progress further at the CSP. It is not clear if this will be a priority for the Working Group.

## FINANCIAL RULES

Going into the CSP, **Ghana and Australia**, as co-chairs of a working group on financial matters, had prepared both draft financial rules as well as draft budgets for both future CSPs and the ATT Secretariat.



One of the primary outstanding issues with respect to the financial rules are the establishment of minimum and maximum contributions. During informal consultations in Cancun, the most divisive issue was the establishment of a minimum contribution of \$100 USD for both CSPs and the Secretariat. **Guatemala and Trinidad and Tobago** pointed out that this figure seems arbitrary and it would be best to keep within the UN Scale of Assessment. There was also a lot of discussion about how to ensure consistency between Rule 4, which is about the Management Committee, with the contents of the newly developed TOR for the Management Committee. Finally, there was also some differences of opinion between **Japan, Sweden and the UK** as whether all States Parties, or only participating states, should contribute funds to the costs of the CSPs.

Ultimately, a minimum of \$100 was accepted once the formula used to reach this amount, and why it is being levied was explained and included as a footnote in the rules. It will also be subject to review every three years. A maximum of 22 per cent was agreed, which is in accordance with UN standards. **Japan** had proposed 12 per cent, but did not receive wide enough support for this cap.

In Geneva, Control Arms had expressed concern about draft rule 5 which would have provided for the **postponement of CSPs** should 80 per cent of required funds not be received within two months of the meeting. Several governments were also concerned about what this would mean for the ATT. Although this was not discussed extensively during informals in Cancun, the draft rules was removed. Instead, the ATT Secretariat will be required to advise the President of the CSP on the status of contributions received 90 days in advance of a CSP, but there is no suggestion of a CSP being cancelled.

Separate from the financial rules were efforts to finalize **budgets**. As it is still unclear what the tasks of the ATT Secretariat will be in its first year, no decisions could be taken and the discussion therefore revolved largely around what sort of budget flexibility the ATT Secretariat would have. **Australia** noted that it has not been agreed yet that universalization would be within the mandate of the Secretariat, so questioned how costs for related activities be included. Issues included the number and seniority of staff to be included in the budget, with **CARICOM and Sweden** questioning the job level of the Head of the Secretariat. **Japan and the UK** prefer two rather than three staff persons and the **UK** warned against the dangers of setting up 'empty positions' that are not yet clearly defined. Other points of discussion included the extent of staff travel and how the transition from UNDP to operational independence would happen, as it was agreed that UNDP would provide initial administrative and fiscal support. **New Zealand** asked for more clarity about how UNDP will be compensated for this support from within the ATT budget.

Since more detail and information is required before the budgets can be finalized, the Conference agreed to finalize them during a one day **Extraordinary Session** scheduled to take place in **Geneva in January 2016**.

The final day included the **election of the President and vice- Presidents** for the second CSP. Ambassador Emmanuel Imohe of **Nigeria** was confirmed as the President-designate, and **Costa Rica, Finland, Montenegro and New Zealand** will serve as Vice Presidents.

## **CONTROL ARMS PARTICIPATION**

Control Arms coordinated the participation of a diverse delegation of 78 civil society representatives from 49 organisations and 34 countries.

A press conference organized by Control Arms in Mexico City the week before the CSP opened helped generate [media interest](#) that continued through to the end of the Conference. Media clippings from the CSP are available [here](#) in various languages. A campaign action on the first morning of the Conference featuring a [sand sculpture](#) of a former 30 tank helped to highlight the message to "Save Lives" and stop irresponsible arms transfers.

Reacting to the discussions on Reporting templates, Control Arms organised a [public reporting action](#)



inviting governments to take a photo indicating their support for treaty reports to be made public. The action was popular, with 28 governments participating so far. Mexican NGOs organised a “[Save Lives](#)” [photo exhibition](#), which featured powerful images from Latin America and Africa to remind delegates of the human cost of the arms trade,

## SIDE EVENTS

There were side events throughout the CSP that presented opportunities to explore matters of substance and present new information, these included:

- A presentation from [Oscar Arias](#), one of the original proponents of an ATT, who reflected on the many years that went into making the Treaty a reality.
- Control Arms launched the first edition of its new monitoring project, the [ATT Monitor](#), which will track the implementation and impact of the ATT through independent research and analysis.
- Oxfam led a side event focussed on the need for more [ratifications in Africa](#).
- Mexico and the ICRC hosted an event examining key challenges to ensure effective implementation of Articles 6, 7, and 11 of the ATT.
- Saferglobe presented a new report on Nordic arms transfer controls and the ATT.
- GRIP and France presented lessons learned from arms transfer control in French-speaking countries.
- Amnesty International explored how to apply the ATT to ensure the protection of international security and human rights.
- A panel organized by UNIDIR examined options for strengthening end user control systems.
- The ATT-Baseline Assessment Survey Project team launched two reports during the CSP,
- Saferworld and Costa Rica presented the third briefing output of the Expert Group on the ATT implementation process.

Presence on social media was high, with the #10reasons and #10provisions countdown twitter campaign organized by Control Arms and Mexico building up interest online in advance. Main hashtags performed well with **#armstreaty** having 8.2k tweets, 180.9k retweets and a 56.46 million twitter reach. **#csp2015** had 8.2k tweets, 71.1k retweets and 60.96 million twitter reach, and **#Savelives** had 1,060 tweets, 3,693 retweets and a 3.7 million twitter reach.

You can see a Storify of the CSP [here](#).