



Informal Preparatory Meeting on the First Conference of States Parties to the Arms Trade Treaty Vienna, 20-21 April

Summary

Overview

A fourth preparatory meeting took place in Vienna on 20-21 April for the ATT's First Conference of States Parties (CSP). It was attended by 90 governments, including both signatories and States Parties, as well as representatives from the UN, industry and over 40 non-governmental organisations.

The meeting had an informal status, and included two plenary panel discussions on Treaty implementation, as well as plenary discussion on the four core topics that will require decisions at the CSP: Rules of Procedure, ATT Secretariat, Financing and Reporting.

Positively, there is growing agreement among States on some of these topics. However in other areas there are new proposals being made that are proving divisive, and appear to cater to the interests of States not Party to the ATT. There continues to be differences between those States prioritizing the Treaty's universalization, and those favouring strong implementation.

The US, France, Finland and UK were among the most oppositional States, with proposals that were often not supported by the majority of other countries. These included consensus decision-making (US, France, Finland), minimal reporting, closed sessions for subsidiary bodies and financial contributions required from civil society.

For subsequent meetings the following issues are likely to remain the most contentious:

Rules of Procedure

- Decision-making: how to determine when consensus is not possible, and what voting thresholds will be.
- Participation, including for signatories, and modalities and categories for civil society attendance.

Finance

- Decision-making for financial issues.
- Contributions from different stake-holders (minimum and maximums), including whether NGOs will be charged an attendance fee.

ATT Secretariat

- The institutional framework for the ATT Secretariat and its relationship to the UN, other bodies and States Parties.

Reporting

- Templates for initial and annual reports, and how comprehensive these will be.

Rules of Procedure (RoP)

Mexico, the chair of the Working Group on RoP, circulated a new draft Rules of Procedure shortly before the Vienna meeting, which then formed the basis of discussion. This was developed from input received at a two day drafting committee that took place in Geneva earlier in the month.

Debate about the nature and extent of **civil society participation** continued, although to a lesser degree than in Port of Spain. Costa Rica, South Africa, CARICOM, and New Zealand stated their support for differentiated civil society participation, in which only organizations that support the object and purpose of the ATT should be able to actively participate in CSPs, such as through statements and circulating materials. The majority of interventions referenced when and how civil society and industry could deliver statements at CSPs – in a designated session, or thematically during plenaries. There was an increase in support for ‘active’ participation such as speaking in plenaries, particularly from European Union countries, which represents a welcome progression in position. Austria felt that the contributions of civil society are too important to be left to the end of a meeting; a few others such as Japan and France noted that such interventions should only happen after the speakers’ list has been exhausted.

The current draft RoP allows **signatory States** to participate in every aspect of the Conference, with the exception of decision-making. This is a higher level of participation than in many other treaties. The majority of governments supported how this is currently presented in the draft Rules, including the ability of signatories to participate in subsidiary bodies. There was also discussion about the participation of **non-signatories** in CSPs. France in particular stressed that non-signatories such as China, Russia and India should be able to be heard in order to “feel at home”, and were supported by the UK.

This overlapped somewhat with discussion about if **subsidiary bodies** should be open or closed to those who have not signed the Treaty and civil society. New Zealand, Uruguay and South Africa do not support closed sessions as this would send the wrong message about the transparency of the ATT process. Australia, France, Italy, Japan and the United States took the opposite view and would like that such bodies be closed with the possibility to invite others if needed, which appeared somewhat contrary to their general position on the participation of States not Party. Costa Rica felt it might be considered on a case by case basis.

On **decision-making**, the majority of government’s agree that CSPs should aim to take decisions by consensus, but that a vote must be possible where that is not possible. There are still differences of opinion as to the voting threshold for different types of issues – substantive, procedural and financial, with a few governments noting that financial falls under substantive. A 2/3 majority continues to be supported by many governments including Italy, Japan, South Africa, Switzerland and Uruguay. A simple majority vote was proposed by Poland, South Africa, and Uruguay on procedural matters while Australia, CARICOM, Ireland and the United States support a ¾ vote in general.

France continues to be a vocal opponent of voting, and suggested that a deferral period of 24 to 48 hours take place before moving to a vote. This did not receive support beyond Japan and the United States, although Sweden and the UK suggested that it could be one of a few options available to a Chair to apply. Costa Rica, Guatemala, Norway, Switzerland and CARICOM states explicitly opposed this suggestion, noting that it will create practical difficulties and hamper decision-making.

Other topics that were discussed but in less detail include the establishment of a **credentials committee, languages, frequency and location of CSPs and the need for review conferences**. There is difference of opinion on the proposal made by Trinidad and Tobago about allowing **transitional states** (which would be those who ratify the Treaty less than 90 days before the first CSP and for whom it would not therefore have entered into force) to participate as full States Parties and be able to take decisions at the first CSP. There was support from Brazil and other CARICOM countries, but opposition from Sweden, Switzerland, and the US, among others who fear it will open a “Pandora’s box” of deviations from the Treaty. Mexico, as Chair, suggested that perhaps this discussion could take place separate from discussion on the Rules of Procedure since it would be a one-time occurrence. The political undercurrent of this debate is the implications it might have on which States can determine the decision on where the ATT Secretariat is located.

The Control Arms [statement](#) on RoP was delivered by Abjata Khalif from Kenya, who was one of the first persons to witness the aftermath of the terrorist attack in Garissa, Kenya earlier this month, where 147

students were killed. He stressed the need for governments to prioritise effective implementation and the creation of strong norms, and the need for rules that will enable timely and effective decision-making and promote openness and transparency.

ATT Secretariat

The discussion on the Permanent ATT Secretariat was led by France and premised on a working paper circulated in advance of the meeting, based on input received since Port of Spain. They opened the session by noting the growing convergence around having a “light structure” and that most governments feel that the tasks outlined in the ATT are sufficient to guide the work of the Secretariat initially.

States debated the **three institutional framework models** that have been proposed. These are as follows: having an ATT Secretariat that is anchored to the United Nations; a Secretariat that is anchored to an existing organization, but linked to the United Nations (a “hybrid”) and a stand-alone, independent Secretariat. Bulgaria, Germany, Greece, Italy and the United Kingdom spoke in favour of the first option, while Austria, Australia, the EU, Japan, South Korea, Sweden and Switzerland expressed support for either the first or second model, noting the need for some kind of institutional support either from the UN or elsewhere. Argentina, Brazil, Ghana, Guatemala, Lesotho, New Zealand, Trinidad and Tobago prefer a stand-alone and highly independent ATT Secretariat.

As in past meetings, some States expressed opinion on the **size** of the ATT Secretariat, its major tasks and key criteria in staffing decisions. The UK suggested that it would be acceptable for first CSP to mandate an evaluation committee to interview candidates for the role of a director and present a shortlist for the approval of States Parties in autumn 2015. Australia and others support having fixed terms for this role. Many delegations proposed three staff persons as sufficient.

A new concept that of establishing a **management committee** to assist with recruitment and initial management of ATT Secretariat staff was discussed. Lesotho stated that this needs to be an inclusive and diverse body. Sweden felt it could be useful but would need to avoid micro-management. The EU and Japan felt that the concept of this committee should be further explored and Norway felt it could be very helpful for the hiring process.

The question of the ATT Secretariat’s **location** is still unresolved, with Geneva, Port of Spain and Vienna continuing to be candidates. Opinion is very split with many Europeans favouring Geneva or Vienna, noting the presence of the many missions and the UN there, and many Africans, Caribbean and Latin American States supporting Trinidad and Tobago, citing the necessity of geographical balance of Treaty Secretariats. During his closing remarks, Ambassador Lomonaco proposed taking this decision without a vote, and said he is consulting widely in order to identify an appropriate method to take this decision at the first CSP.

Control Arms responded to the French working paper in a statement delivered by Nounou Bootu-Meeti, noting that it gives an effective overview of the pros and cons of an ATT Secretariat anchored to the UN, but becomes less detailed as it moves to consider the hosting of the Secretariat within an existing organisation and then even more so when it addresses the prospect of a stand-alone ATT Secretariat. A lot of the consideration given to options 2 and 3 focus on negative rather than positive aspects, and suggested that the paper would benefit from the same level of analysis of all three models.

Financing

The finance session was co-chaired by Australia and Ghana, who presented 10 questions that States had been asked to consider. The most controversial topics were the issues of **decision-making and financial contributions**. Japan continues to push for financial decisions to be made by consensus, and is supported by Finland and the US. Most other States favour voting if consensus is not reached. As the

representative from Lesotho noted, “That consensus that we like so much often eludes us and if such circumstances arise, definitely we should ensure that we are not deadlocked.”

A new proposal for civil society to pay an **attendance fee** for CSPs was advocated by France (who specifically suggested \$500 per organization), Finland and the US who all felt this would “demonstrate commitment” from NGOs, and was also supported by the UK. Many States opposed this, including a number who stated “strong opposition” including CARICOM countries, Comoros, Guatemala, Iceland, Lesotho, Mozambique, New Zealand, Nigeria, Norway, Thailand and South Africa. Germany said it is “still considering” this. These countries noted that this would discourage the participation of civil society and that it lacks precedent in other UN processes.

There is agreement among States to use a **‘hybrid’ funding model** that would combine assessed and voluntary contributions to support the costs of the Secretariat and Treaty meetings such as CSPs. Most States are in favour of adjusting the UN scale of assessment to determine the amount of contributions but there is disagreement about instituting a minimum or maximum amount. Japan, France and the UK support a minimum of \$500; very many other States spoke against this. Japan has further proposed a cap, or maximum amount that any one State would contribute. They were supported by Colombia and Sweden. The UK and Germany feel this warrants more consideration. There was opposition to a cap from Antigua and Barbuda, Chile, Dominican Republic, France, Guatemala, Lesotho, Peru, Republic of Korea, Trinidad and Tobago, among others. There was also disagreement over the institution of penalties for late payments.

Other key topics were the **Voluntary Trust Fund (VTF)** and proposal for a **budget management committee**. States are divided as to whether or not the VTF should be used to facilitate other voluntary contributions. Most States present are open to establishing a budget management committee but more work is needed to develop this concept further.

Italy proposed that Australia and Ghana work with France to prepare a paper for the next consultations that would link the subjects of financing and the Secretariat.

The Control Arms intervention, delivered by Francisco Noe Dominguez on financing, reiterated points made in previous sessions regarding decision-making, and also argued against the institution of a minimum amount.

Reporting

The session on reporting presented a **new draft template** for the annual report that States Parties will submit on their transfers/authorizations of conventional arms. It was presented by Sweden, Chair of the Working Group on Reporting, and was developed with significant input from civil society and based existing reporting requirements under the UN Register of Conventional Arms (UNROCA).

The response from States to the template demonstrates the growing divide between those in favour of a strong norm and broad application of the Treaty, versus those countries that are pre-occupied with its universalization. Japan noted concern that the draft template includes items that do not need to be reported on, per the ATT; similarly, France questioned the inclusion of parts and components as well as a section for ‘financial value’ of items being reported, a concern echoed by the United States and the United Kingdom. Belgium, Poland and Portugal emphasized the need for reports to be as simple as possible and close to the UNROCA.

Ireland however, stated that they would like to be given the opportunity to report on additional items such as “other light weapons” and Colombia expressed a similar perspective. Costa Rica emphasized that the ATT needs a reporting mechanism that will allow for transparency. There were also suggestions made to improve the draft template that were more practical and less political in nature.

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The Control Arms intervention, delivered by David Anyanwu focused on the need for reports to be as detailed as possible, and publicly available in order to aid Treaty implementation and effective assessment on progress.

Control Arms Coalition participation

Control Arms coordinated the attendance of 42 civil society representatives from all world regions. Most participated in an NGO day on Sunday 18th prior to the conference, which enabled in-depth discussion of the topics to be discussed, and collective planning on activities to support implementation and universalization.

Several Control Arms representatives had a short meeting with Austrian Foreign Minister Sebastian Kurz, where they called on the Minister to use his influence in the EU to push for stronger ATT implementation, and effective Rules of Procedure.

Four representatives also attended from US and European industry. Eight members of pro-gun anti-ATT groups also attended as “other observers”, mostly from the US.

Anna Macdonald, Maria Pia Devoto and Elizabeth Kirkham gave presentations during the first segment on implementation. Collectively they described some of the activities that civil society has undertaken in the last year to support States with implementation, and stressed the importance of establishing new international norms, and not pursuing universalization at the expense of effective implementation.

On the second day, Rachel Stohl and Paul Holtom presented the ATT Baseline Assessment Project. The project includes a survey that helps States to assess their current practice against Treaty obligations as a first step towards implementation and to identify and share good practices. The survey has also informed the draft report template for the initial report on Treaty implementation.

For additional information and reporting:

- Control Arms Issue Briefs (available via email on request)
- Reaching Critical Will's report of the meeting (available online <http://www.reachingcriticalwill.org/disarmament-fora/att/csp-prep/vienna>)

Next meetings

The next meeting in the preparatory process will be in Geneva, Switzerland from 6-8 July. It will be a formal PrepCom.