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Letter from the Chair of the Preparatory Process, Ambassador Jorge Lomónaco, to delegations participating in the First Conference of States Parties of the Arms Trade Treaty

The First Conference of States Parties (CSP1) of the Arms Trade Treaty (ATT) will officially be opened in a few days' time, on 24 August, in Cancun, Mexico. The preparatory process, launched less than one year ago in Mexico City, is coming to an end, giving way for the States Parties to focus their attention towards the full and effective implementation of the Treaty.

This transition will not be automatic. It requires that the Conference of States Parties adopts the necessary set of decisions that will provide the ATT regime with a sound and solid institutional framework -including the establishment of the ATT Secretariat- that can support States Parties, as well as other engaged actors, to effectively tackle any challenges in implementing the Treaty.

The question on how to frame those decisions has been at the core of the work that States Parties and Signatory States undertook in the framework of the Preparatory Process; a process that has had to navigate through and find solutions to a number of difficult questions and faced some challenges. Among these challenges was the exceptionally short timeframe available within which an important number of complex issues had to be discussed and provisionally agreed.

During the two rounds of informal consultations held in Mexico City (September, 2014) and Berlin (November, 2014), States Parties and signatory States had to set up the basic understandings under which the preparatory process would operate as well as define a clear roadmap that would lead to the CSP1. This included administrative issues such as establishing the provisional Secretariat, as mandated by the Treaty, organizing formal and informal meetings and establishing a mechanism that could steer the discussions with the assistance of facilitators.

With the entry into force of the Treaty on 24 December, 2014, the formal Preparatory Process was launched. Two formal Preparatory Meetings (Port of Spain in February, and Geneva in July, 2015) and one informal preparatory meeting (Vienna in April, 2015) took place. These meetings were complemented with numerous informal consultations led by facilitators or by myself as Chair of the Preparatory Process. Such consultations allowed States Parties and signatory States to identify converging views, common ground, and to narrow down the options for the different issues under discussion, e.g. Rules of Procedure, Financial Rules and matters related to the Secretariat, including its location, its head and its overall structure.

The time has now come for us to leave behind our initial positions and make the necessary compromises that will allow the ATT machinery to start operating. To start with, no decision can be adopted without an agreement on the rules that will govern the functioning of the Conference. As provided by the Treaty, the Conference of States Parties shall adopt by consensus its rules of procedure at its first session. Subsequently, the Conference will have to elect the officials that will preside over this first regular session.

The Treaty also provides for the establishment of a Secretariat to assist States Parties in the effective implementation of the ATT. For this Secretariat to be functional and to perform the tasks assigned to it by the Treaty and by the CSP, a number of decisions have to be adopted. In particular, a clear definition of the mandate of the Secretariat, its structure, its location, its personnel and an operative budget to allow the Secretariat to carry out its mandate must be decided upon.

Adopting a budget implies that financial resources will need to be provided by States following specific rules. It also means that the administration of these resources needs to comply with financial provisions to be adopted by the Conference. These provisions should not be limited to the operation of the Secretariat and will need to cover also the activities of the Conference of States Parties and its subsidiary bodies. In order to oversee the preparation of administrative decisions and ensure a proper management of resources, the establishment of Management Committee has been proposed.

Beyond the administrative matters, the Conference also needs to start looking ahead and consider questions related to the implementation of the Treaty, in particular with regards to the reporting obligations of States Parties to the Treaty. As States Parties will soon start compiling their national reports on arms transfers, there is a proposal to adopt templates for these reports, with a view to ensure transparent, homogeneous and comparable data. Although such templates cannot be mandatory, working towards unifying the reports can only be beneficial to the Treaty and its Parties.

In my capacity as Chair of the Preparatory Process, I must acknowledge the challenges that the simultaneous adoption of all these decisions at the First Conference of States Parties entail, particularly as most of the issues are interlinked. The absence of a clear and logic sequence set out by the Treaty, together with the limited time to prepare for these decisions, has obliged us to work on a number of important issues in parallel despite the evident interdependence. Notwithstanding, I am convinced that the CSP1 will achieve groundbreaking results that will allow the ATT machinery to begin functioning. I am also convinced that whatever result we achieve, they may not be perfect, and further adjustments may be required to ensure that the Secretariat structure and the administrative arrangements for the functioning of the ATT regime correspond effectively to the mandate we are entrusting to the Secretariat and to the objectives we are pursuing.

Once the Conference has reached an agreement on its governing rules and administrative arrangements for the Secretariat including its Head and location, the Conference will have to concentrate on its future work. This includes a roadmap towards the Second Conference of States Parties, the appointment of a President who will lead us through the adopted roadmap and, finally, a decision on the location and the venue for the next Conference of States Parties.

In order to assist delegations in preparing for the forthcoming first session of the Conference, I have identified a list of decisions (annex) that States Parties should be in a position to adopt in the next few days, in order to launch the next phase towards the effective implementation of the Treaty. I am fully convinced that our common interest in making the ATT a successful instrument to save lives across the world is much stronger than the differences of views on minor technicalities. I therefore encourage all delegations to actively participate in CSP1, keeping in mind the historical responsibility that lies upon us to make the greater common good prevail.

Ambassador Jorge Lomónaco
Chair of the Preparatory Process

Indicative list of decisions to be adopted by the First Conference of States Parties**Prepared by the Chair of the Preparatory Process**

1. Adoption of the Rules of procedure (Article 17.2 of the Arms Trade Treaty).
2. Election of the President and four vice-Presidents of the Conference (according to the current draft Rules of Procedure).
3. Adoption of financial rules for the Conference as well as financial provisions governing the functioning of the Secretariat (Article 17.2 of the Treaty).
4. Adoption of a budget for the activities of the CSP for the financial period up to the next ordinary session, including a cost estimate for the 2CSP, (Article 17.3 of the Treaty).
5. Decision on the tasks of the Secretariat (Article 17.4 (e) of the Treaty).
6. Adoption of a budget for the Secretariat for the financial period up to the next ordinary session (Article 17.4 (e) of the Treaty).
7. Decision on the permanent seat of the Secretariat.
8. Appointment on the head of the Secretariat for a short term period.
9. Decision on the establishment of a Management Committee (Article 17.4 (f) of the Treaty).
10. Election of the 5 members of the Management Committee (according to the current draft Terms of Reference).
11. Consideration and possible adoption of the Reporting Templates.
12. Program of work up to the next regular session of the CSP.
13. Decision on the dates and venue of the next regular session of the CSP.
14. Election of the incoming President and four vice-Presidents (according to the current draft Rules of Procedure).