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Presented by: Facilitator on Secretariat, **France**

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Arms Trade Treaty  
**First Conference of States Parties**  
Cancun, 24-27 August 2015

## **Secretariat of the Arms Trade Treaty**

### **Facilitator's report**

#### **1. Background**

At the preparatory meeting held in Berlin on 27-28 November 2014, participants to the Preparatory process towards the 1st Conference of States Parties agreed to appoint France as facilitator on issues related to the Secretariat of the ATT meeting. The Berlin meeting already provided for an opportunity to discuss issues pertaining to the Secretariat, based on a working paper prepared by Norway.

Following this meeting, France circulated a questionnaire to all States Parties, aimed at receiving preliminary remarks on the issue of the Secretariat. On the basis of answers received to the questionnaire, and of a first round of consultations, preliminary avenues for work were identified.

The purpose of the facilitation was to provide elements and options for discussion, on the basis of discussion papers, regarding the different parameters of the secretariat. These elements were provided independently from the issue of the seat of the secretariat, as every option proposed was possible in all three candidate cities.

#### **2- Discussions to date**

In parallel to the meetings of the preparatory process, a number of informal consultations were organized both in Geneva and in New York. They provided for an opportunity to discuss the following points:

- **Responsibilities of the Secretariat:** a working paper on the responsibilities of the secretariat was circulated on the basis of relevant articles of the Treaty. The discussions held on this point underlined the fact that the provisions of the Treaty were seen by delegations as sufficient at this stage, and that the idea of a directive from States Parties to the Secretariat, which purpose would be to precise the responsibilities mentioned in the text of the Treaty, was worthwhile being explored.

- **Administrative arrangements for the secretariat:** the discussion provided for an opportunity to discuss various administrative arrangements and models possible for the secretariat. A working document presenting three main options was circulated:

- an ISU-type option (anchored within the UN) which would allow to benefit from services and administrative support from the UN, thus allowing the secretariat to focus on responsibilities mentioned in the Treaty ;

- a hybrid option, which would consist of anchoring the secretariat within an existing structure (other than the UN). This option would also allow the secretariat to benefit from services an administrative support provided by this structure;

- the option of a stand-alone secretariat, which would require the creation of an ad-hoc structure.

Those different models allowed for variants, according to the possibilities available in the three candidate cities.

- **Staff issues:** the discussions underlined the fact that the issue of the number of staff was to be seen in relation to the issue of the responsibilities of the secretariat, but also in light of administrative arrangements envisioned. The necessity to remain true to the provisions of the Treaty was also repeatedly underlined.

All those elements were generic ones: they were inspired from what already exist while proposing adaptations in order to take into account the specificities of the ATT Secretariat. But more focused data could only be provided by candidates themselves. The facilitator therefore proposed to elaborate a questionnaire inviting candidates, on a voluntary basis, to refine their offer while taking into account the results of the discussions held in the framework of the preparatory process. Responses to the questionnaire were circulated to all delegations. The facilitator would like to seize this opportunity to thank candidates for their cooperation.

During the discussions, the need for the secretariat to be **politically independent** was mentioned many times, as well as the importance of the **principle of responsibility to States parties**.

In order to translate these principles in a very operational way, facilitators on finances and on the secretariat proposed to establish a **management committee** in charge with the oversight of the activities of the secretariat and to prepare decisions to be taken by the Conference of States parties. Draft terms of reference were proposed for consideration and adoption at the first Conference of States parties.

In the same vein, a draft **directive from States parties to the secretariat** was proposed for consideration and adoption at the first Conference of States parties. The purpose of this document is to elaborate in a very operational way, on the responsibilities of the secretariat, as provided for in the treaty. This document will be fundamental in guiding the secretariat, especially in its set-up phase.

### **3- Recommendation by the facilitator**

On the basis of discussions held during the preparatory process and the informal consultations, the facilitator recommends that the Conference of States Parties:

- **Establishes a management committee:** this body would provide for guidance to the secretariat in its set-up phase and would allow a better ownership of decisions pertaining to the secretariat by States parties;

- **Adopts a directive from States parties to the secretariat** in order to elaborate on the concrete implications of the responsibilities given to the secretariat by the Treaty and the expectations of States parties in this regard;

Regarding the administrative arrangements of the secretariat, and in the light of discussions held, the following parameters would be most likely to meet consensus:

- A secretariat of 3 staff members in charge with implementing substantive responsibilities as set out in the Treaty, including the Head of the secretariat, his/her deputy and a junior officer.
- Regarding the level of secretariat staff, the facilitator recommends a P4, a P3 and one P2.
- The establishment of the secretariat, as an independent body, within an existing structure (be it the UN or another structure) able to provide for support functions or allowing to outsource them easily. The establishment of a stand-alone secretariat appears for a number of delegations as too heavy from an administrative point of view, and inefficient from a budgetary perspective, for such a small structure.

More broadly, it is recommended - for administrative and cost-efficiency reasons, as well as for the purpose of establishing a structure of secretariat which best serves the objectives of the Treaty - to establish a structure relying on a team in which the number of administrative and support staff would not exceed the number of staff in charge with effectively implementing the responsibilities as set out in the Treaty.

## **Annex**

### **List of documents circulated in the framework of the facilitation of secretariat**

#### **Preparatory meeting in Port of Spain**

ATT/CSP/2015/PM.1/WP.3: interim report on the secretariat presented under the responsibility of the facilitator

#### **Preparatory meeting in Vienna**

ATT/CSP/2015/IM.1/WP.2: points for discussion concerning various possible models

ATT/CSP/2015/IM.1/WP.3: points for discussion concerning the profiles and selection modalities of the personnel of the ATT secretariat

#### **Preparatory meeting in Geneva**

ATT/CSP/2015/PM.1/WP.7: points for discussion concerning possible models (updated version)

ATT/CSP/2015/PM.1/WP.2: discussion paper on the tasks of the permanent secretariat

ATT/CSP/2015/P.2/WP.6: ATT secretariat: proposal by the facilitator.