

**Email received on 17 August 2020**

Dear colleagues,

Please find attached a joint response to draft decisions 15 and 16 on behalf of Canada, France, Netherlands and United Kingdom.

As per the instructions provided, this is submitted to the CSP6 Presidency via the ATT Secretariat to “specify the nature of our objection” to draft decisions 15 and 16 as they were presented to CSP6 for adoption via silence procedure.

I am adding in Cc our colleagues from the States Parties that joined this response.

Thank you very much and kind regards,

Jérôme Collard-Proulx

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**JOINT RESPONSE TO DRAFT DECISIONS 15 AND 16**  
**Sixth Conference of the States Parties to the Arms Trade Treaty**

Submitted on behalf of Canada, France, Netherlands and United Kingdom.

**Draft decision 15: Management Committee proposal on the draft elements for a Secretariat's procedure regarding Rule 8 (1) d**

In order to be able to support **draft decision 15**, we seek modifications to the following paragraphs in the "Potential Process" section of document [ATT/CSP6.MC/2020/MC609/Conf.PropFinArr8\(1\)d](#) (pages 3, 4 and 5):

- **Paragraphs 12 and 13 (page 5):**

In case of non-compliance by a State Party with its approved financial arrangement, the State Party will be subject to the application of Rule 8 (1) d and we do not believe that the possibility to go in and out of a financial arrangement should be planned for in this reference paper. This would equate to re-writing Rule 8 (1) d and could potentially create a way for States Parties to avoid the consequences of Rule 8 (1) d without fulfilling their financial obligations (e.g. by going in and out of a financial arrangement and meanwhile not be subject to the consequences of Rule 8 (1) d). We see a need for a firm deadline so that the non-compliance cannot continue indefinitely. In other words, the paragraphs should be adjusted to ensure that Rule 8 (1) d clearly applies by default, unless it is expressly waived by the CSP.

- **Paragraph 4 (page 4):**

The mandate given to the Management Committee regards guidelines on the issue of "arrangements with the Secretariat in relation to the discharge of [...] financial obligations". Therefore, there is no need to refer to the issue of the "conditions beyond control" in the "Potential Process". If deemed necessary, this issue, which is indeed part of Rule 8 (1) d could be noted in the "Context" section of the paper.

- **Paragraphs 9, 10 and 11 (page 4):**

The CSP should approve a proposed payment arrangement in a single decision. The current wording, including the use of "necessary decisions" (plural) in paragraph 9, seems unclear. Also, there is no need to refer to "any other financial rule related decision", as this paper only covers entering into payment arrangements with the Secretariat

We view paragraph 10 as implying that concluding a financial arrangement is sufficient to avoid the consequences of Rule 8 (1) d. It should be reflected in this paper that the first instalment will initiate the arrangement (as currently stated in paragraph 11), and that only after this will the State Party in a payment arrangement be waived from the application of Rule 8 (1) d.

In paragraph 10, we believe it is unnecessary to copy the text which lays out in full the restrictions of 8 (1) d into the draft process document. A simple reference that "the state would be subject to the restrictions of financial rule 8 (1) d", or similar, is sufficient.

We suggest combining the language of paragraphs 9, 10 and 11 to make clear that the CSP decides on the approval (or not) of the payment arrangement, which becomes active upon the receipt of the first instalment by the Secretariat hence allowing Rule 8 (1) d to be waived at that point.

- **Other point:**

We believe that the proposed process must make clear that states entering into an arrangement will be expected to keep up their annual contributions in addition to any payments made under a payment plan. It must be unequivocal that future arrears are not part of the arrangement, and that 8 (1) d would apply separately, even if a state has an active arrangement.

Our delegations remain available to provide specific language suggestions to the Management Committee if helpful.

**Draft decision 16: Application of Rule 8 (1) d on the ATT Sponsorship Programme and the Voluntary Trust Fund**

Our possible support for elements of decision 16 will depend on whether we can find a way to adopt Decision 15 and thereby agreeing on a process for financial arrangements for States Parties in arrears under rule 8 (1) d. If we can agree on a process for financial arrangements under rule 8 (1) d, there is in our view no need to adopt decision 16. Paragraph 36 of the Final Report of CSP5 is linked to paragraphs 35 and 30 of that report. Our understanding is that no State shall be prejudiced by Financial Rule 8 (1) d in applying for support from the ATT Voluntary Trust Fund or the ATT Sponsorship Programme until the guidelines on "arrangements with the Secretariat in relation to the discharge of financial obligations" are considered by the CSP. Once the matter is considered by the CSP, it follows automatically that the Guidance for the Selection Process of the Voluntary Trust Fund and the Administrative Guidelines of the Sponsorship Programme will be applied without caveats. The Guidance for the Selection Process of the VTF and the Administrative Guidelines for the Sponsorship Programme have already been adopted, and paragraph 36 of the Final Report of CSP5 cannot be read as suggesting to reopen that discussion.

If we cannot adopt decision 15, we can only support 16 a, i.e. the continuation of the agreement as stated in paragraph 36 of the Final Report of CSP5.

We cannot support 16 b, as we do not think that conducting a report on the operations of the VTF is within the remit of the Management Committee.