

Costa Rica – email received on 17 August 2020

Sixth Conference of States Parties (CSP6) to the Arms Trade Treaty

President of the Conference, CSP6,

Dear Ambassador Villegas,

I am addressing myself to you following instructions received from our capital, and I take the opportunity to make some comments on the decisions of the Conference of States Parties which are subject to a procedure of silence as an exceptional mechanism during this Conference of States Parties due to the COVID pandemic.

Firstly, I would like to say in general terms that, for the delegation of Costa Rica, decisions 15 and 16 of CSP6 (relating to paragraphs 35 and 36 of the final report of CSP 5) are intrinsically linked, and as such we are of the view that they should be analysed and considered together and as amply as possible. In addition, Costa Rica wishes to express its impossibility of supporting decision 16 as graciously presented by the President, and submitted for consideration by this Conference which is taken place in written form for the reasons explained.

Indeed, the development by the Management Committee of some draft guidelines for the procedure of “arrangements” with the Secretariat as set out in Financial Rule 8 (1) d of the Treaty, States are presented with a proposal for consideration on a **balanced and clear instrument** concerning the possibility that a State with outstanding contributions should have a reasonable period of time to reach a financial arrangement to bring its contributions up to date, and continue to enjoy the right to vote and nominate members to represent it in subsidiary organs. We consider that this draft mechanism is a valuable instrument which strengthens the application of the financial regulations, and furthermore, the inclusive participation of States in the work of the Treaty.

However, it is my country’s position that there is no legal basis for considering that Rule 8 (1) d bars States from accessing the Sponsorship Programme or Voluntary Trust Fund, as the Rule does not contain such restrictions. In this regard, as proposed in decision 16 in paragraph b, it means that the Management Committee will prepare a report on the application of Rule 8 (1) d and its scope. As expressed by several delegations during CSP 5 and the substantive discussions on this subject, if some States Parties wish to propose the conduct of a study and legal analysis of Rule 8 (1) d, they must say so. This work could not be transferred to the Management Committee itself. Furthermore, any decision in this regard must be fully discussed and agreed between the High Contracting Parties to the Treaty.

Consequently, the recommendation by my country is that decision 16 (in accordance with paragraph 35 of the final report of CSP5) should indicate the permanent suspension or elimination in the guidelines of the Sponsorship Programme and the Trust Fund of any mention of application of the provisions of Rule 8 (1) d. Thus no country with outstanding contributions would see its participation in and access to both programmes affected, as provided by CSP5. We consider that the matter should be discussed in a transparent and inclusive manner during CSP7, and by all the membership, as indicated in paragraph a of decision 16.

In conclusion Costa Rica considers that the decision(s) must be revised based on the foregoing, and we could not support the current wording.

Thank you very much for your attention.
Please kindly acknowledge receipt of this message.

Shara Duncan-Villalobos

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