Preparatory Committee for the United Nations
Conference on the Arms Trade Treaty
Fourth session
New York, 13-17 February 2012

Draft Report of the Preparatory Committee for the United Nations
Conference on the Arms Trade Treaty

Submitted by the Chair

I. Introduction

1. By its resolution 63/240 entitled “Towards an arms trade treaty: establishing common international standards for the import, export and transfer of conventional arms”, the General Assembly decided to establish an open-ended working group, to meet for up to 6 one-week sessions starting in 2009, in order to facilitate further consideration on the implementation of the relevant recommendation contained in paragraph 27 of the Report of the Group of Governmental Experts to examine the feasibility, scope and draft parameters for a comprehensive, legally binding instrument establishing common international standards for the import, export and transfer of conventional arms,¹ on a step-by-step basis among all States Members of the United Nations, in an open and transparent manner.


3. At its sixty-fourth session, the General Assembly adopted resolution 64/48 of 2 December 2009, which read, inter alia, as follows:

¹ See A/63/334.
"The General Assembly,

"...

4. Decides to convene a United Nations Conference on the Arms Trade Treaty to meet for four consecutive weeks in 2012 to elaborate a legally binding instrument on the highest possible common international standards for the transfer of conventional arms;

5. Also decides that the United Nations Conference on the Arms Trade Treaty will be undertaken in an open and transparent manner, on the basis of consensus, to achieve a strong and robust treaty;

6. Further decides to consider the remaining sessions of the Open-ended Working Group in 2010 and 2011 as a preparatory committee for the United Nations Conference on the Arms Trade Treaty;

7. Requests the Preparatory Committee, at its four sessions in 2010 and 2011, to make recommendations to the United Nations Conference on the Arms Trade Treaty on the elements that would be needed to attain an effective and balanced legally binding instrument on the highest possible common international standards for the transfer of conventional arms, bearing in mind the views and recommendations expressed in the replies of Member States\(^2\) and those contained in the report of the Group of Governmental Experts\(^3\) and the report of the Open-ended Working Group\(^4\), and to present a report containing those elements to the General Assembly at its sixty-sixth session;

8. Decides to establish a fifth session of the Preparatory Committee in 2012 of up to three days' duration to decide on all relevant procedural matters, including the composition of the Bureau, the draft agenda and the submission of documents, for the United Nations Conference on the Arms Trade Treaty;

"...

10. Decides that intergovernmental organizations and specialized agencies, having received a standing invitation to participate as observers in the work of the General Assembly, may participate as observers in the sessions of the Preparatory Committee, and requests the Committee to take decisions on the modalities of attendance of non-governmental organizations at its sessions;

11. Stresses the need to ensure the widest possible and effective participation in the United Nations Conference on the Arms Trade Treaty in 2012."

\(^2\) See A/62/278 (Parts I and II) and Add.1-4.
\(^3\) See A/63/334.
\(^4\) See A/AC.277/2009/1.
4. At its sixty-sixth session, the General Assembly adopted decision 66/518 of 2 December 2011, by which it decided "to hold, within existing resources, the final session of the Preparatory Committee for the United Nations Conference on the Arms Trade Treaty from 13 to 17 February 2012 in New York, to conclude the Preparatory Committee's substantive work and to decide on all relevant procedural matters, pursuant to paragraph 8 of resolution 64/48."

II. Organizational matters

A. Opening of the Preparatory Committee

5. The Preparatory Committee held its first session at United Nations Headquarters, from 12 to 23 July 2010, which combined two of the four sessions requested in operative paragraph 7 of General Assembly resolution 64/48 into one two-week session. At the opening, the High Representative for Disarmament Affairs made a statement.

6. Timur Alasaniya, Chief, Disarmament and Peace Affairs Branch, Department for General Assembly and Conference Management, served as Secretary of the Preparatory Committee for the first, second and third sessions of the Preparatory Committee. Sergei Cherniavsky, Chief, Disarmament and Peace Affairs Branch, Department for General Assembly and Conference Management, served as Secretary of the Preparatory Committee for the fourth session of the Preparatory Committee.

7. The lists of participants of the four sessions of the Preparatory Committee are contained in documents A/CONF.217/PC/INF.1; A/CONF.217/PC/II/INF.1 and Add.1; A/CONF.217/PC/III/INF.1; and A/CONF.217/PC/IV/INF/..., respectively. The list of non-governmental organizations is contained in A/CONF.217/PC/IV/INF/... .

B. Officers

8. The Preparatory Committee elected the following as officers of the Preparatory Committee for the duration of the Preparatory Committee:

Chair:

Roberto García Moritán (Argentina)

Vice-Chairs:
Australia
Bulgaria
France
Japan
Mexico
Nigeria
Republic of Korea
Romania
South Africa

C. Documentation

9. The documents of the Preparatory Committee are listed in Annex ___ to the report.

D. Adoption of the agenda and proceedings of the sessions of the Preparatory Committee

10. At the 1st meeting of the first session on 12 July 2010, the Preparatory Committee adopted the agenda of the first session as contained in document A/CONF.217/PC/L.1, as amended, as follows:

1. Opening of the session.
2. Adoption of the agenda and other organizational matters.
3. Welcome and opening remarks by the High Representative for Disarmament Affairs.
4. Election of members of the Bureau.
5. Recommendations on the elements that would be needed to attain an effective and balanced legally binding instrument on the highest possible common international standards for the transfer of conventional arms in accordance with operative paragraph 7 of General Assembly resolution 64/48.
6. Other matters.

11. The Preparatory Committee held a total of 11 plenary meetings at its first session, at which statements on Recommendations on the elements that would be needed to attain an effective and balanced legally binding instrument on the highest possible common international standards for the transfer of conventional arms in accordance with operative paragraph 7 of General Assembly resolution 64/48 were
made by a total of 64 States and 4 observers. At the 6th meeting of the first session, on 14 July 2010, the Chairperson appointed three Facilitators to preside over informal meetings on the following issues: Scope (Trinidad and Tobago), Criteria and Parameters (Australia) and Implementation (Egypt).

12. At the 1st meeting of the first session, on 12 July 2010, the Committee adopted a decision on the modalities of attendance of non-governmental organizations at the sessions of the Preparatory Committee as contained in document A/CONF.217/PC/II.2.

13. The Preparatory Committee held its second session at United Nations Headquarters in New York, from 28 February to 4 March 2011. At the first meeting of the second session, the Committee adopted the following agenda, as contained in document A/CONF.217/PC.II/L.1:

1. Opening of the session.
2. Adoption of the agenda and other organizational matters.
3. Recommendations on the elements that would be needed to attain an effective and balanced legally binding instrument on the highest possible common international standards for the transfer of conventional arms.
4. Other matters.

14. The Preparatory Committee held a total of 9 plenary meetings at its second session, at which statements on "Recommendations on the elements that would be needed to attain an effective and balanced legally binding instrument on the highest possible common international standards for the transfer of conventional arms" were made by a total of 84 States and 4 observers.

15. The Preparatory Committee held its third session at United Nations Headquarters in New York, from 11 to 15 July 2011. At the first meeting of the third session, the Committee adopted the following agenda, as contained in document A/CONF.217/PC.III/L.1:

1. Opening of the session.
2. Adoption of the agenda and other organizational matters.
3. Recommendations on the elements that would be needed to attain an effective and balanced legally binding instrument on the highest possible common international standards for the transfer of conventional arms.
4. Other matters.

16. The Preparatory Committee held a total of ten plenary meetings at its third session, at which statements on "Recommendations on the elements that would be needed to attain an effective and balanced legally binding instrument on the highest possible common international standards for the transfer of conventional arms" were made by a total of 82 States and 4 observers.
17. At its sessions, the Committee discussed, inter alia, the following elements: preamble, principles, goals and objectives, scope, criteria and parameters, implementation, international cooperation and assistance, final provisions, and transactions and activities to be covered by the Treaty.

18. At the 8th meeting of its first session on 16 July 2010, the 8th meeting of its second session on 3 March 2011, the 8th meeting of its third session on 14 July 2011 and the 6th meeting of its fourth session of 15 February 2012, the Preparatory Committee suspended the meeting for an informal exchange of views with representatives of non-governmental organizations.

19. The Preparatory Committee held further discussions on the elements of the Arms Trade Treaty, including its principles, goals and objectives, scope, criteria, international cooperation and assistance, implementation and final provisions. To assist in the Committee's work, the Chair provided non-papers to inform the debate. These non-papers were submitted under the Chair's own responsibility without prejudice to the position of any delegation or the final outcome of the Preparatory Committee's work. During each Preparatory Committee meeting, divergent views were expressed by Member States.

20. The Chair produced a non-paper under his own responsibility dated 14 July 2011, which is annexed to this report and serves as one of the background documents for the Conference. Nothing within the Chair's non-paper has been agreed and not all views are reflected in it. The Chair's non-paper was produced without prejudice to the views and positions of Member States and their right to put forward proposals on the Treaty in the Conference.

21. Pursuant to General Assembly resolution 64/48 and decision 66/518, the Preparatory Committee held its fourth session at United Nations Headquarters in New York, from 13 to 17 February 2012, to conclude its substantive work and consider all relevant procedural matters.

22. At the 1st meeting of its fourth session, on 13 February 2012, the Committee adopted the draft agenda as contained in document A/CONF.217/PC.IV/L.1, as orally amended, as follows:

1. Opening of the session.
2. Adoption of the provisional agenda and organization of work.
3. Adoption of recommendations on all relevant procedural matters, including the composition of the Bureau, the draft agenda and the submission of documents, for the United Nations Conference on the Arms Trade Treaty.
4. Substantive matters
5. Other matters.
6. Adoption of the report of the Preparatory Committee.
23. At its ...to .. meetings, from .. to .. February, the Preparatory Committee considered agenda item 3, entitled “Adoption of recommendations on all relevant procedural matters, including the composition of the Bureau, the draft agenda and the submission of documents, for the United Nations Conference on the Arms Trade Treaty”.

III. Adoption of the report of the Preparatory Committee

24. At its ...meeting, on ... February 2012, the Chairperson introduced the draft report of the Preparatory Committee as contained in document A/CONF.217/PC/IV/CRP.1.

25. At the same meeting, the Preparatory Committee adopted its report.

IV. Decisions and recommendations of the Preparatory Committee

26. At its .. meeting on .. February 2012, the Preparatory Committee made the following decisions and recommendations:

A. Nomination of the President of the Conference

To request the Secretary-General of the United Nations to undertake consultations for the nomination of the President-designate of the Conference.

B. Nomination of Secretary-General of the Conference

To invite the Secretary-General of the United Nations, in consultation with Member States, to nominate an official to act as Secretary-General of the Conference.

C. Background documentation of the Conference

To request the United Nations Secretariat to make available the following background documents for the United Nations Conference on the Arms Trade Treaty: General Assembly resolutions 61/89, 63/240 and 64/48; the report of the Secretary-General containing the views expressed by Member States on the feasibility, scope and draft parameters for a comprehensive, legally binding instrument establishing common international standards for the import, export and transfer of conventional arms (A/62/278 (Part I), A/62/278 (Part II), A/62/278/Add.1, A/62/278/Add.2, A/62/278/Add.3 and A/62/278/Add.4); the report of the Group of Governmental Experts to examine the feasibility, scope and draft parameters for a comprehensive, legally binding instrument establishing common international standards for
the import, export and transfer of conventional arms (A/63/334); the report of the Open-ended Working Group towards an Arms Trade Treaty (A/AC.277/2009/1); the report of the Secretary-General containing the views expressed by Member States on proposed treaty elements and other relevant issues relating to the United Nations Conference on the Arms Trade Treaty (A/66/166, A/66/166/Add.1 and A/66/166/Add.2); and the Report of the Preparatory Committee for the United Nations Conference on the Arms Trade Treaty (A/CONF.217/...).

The Preparatory Committee invited those Member States wishing to do so to submit focused views, of no more than 1500 words, on the elements of an Arms Trade Treaty, such as those enumerated in paragraph 17 of this report, by 31 March 2012. This would be done without prejudice to their right to put forward additional proposals during the Conference.

The Preparatory Committee further requested the Secretary-General to put together, as a background document for the Conference, a compilation of these views to be made available no later than 31 May 2012.

D.
Draft provisional agenda of the Conference

To recommend for adoption by the United Nations Conference on the Arms Trade Treaty the following draft provisional agenda:

Draft provisional agenda of the Conference

1. Opening of the Conference by the Secretary-General of the United Nations.
2. Election of the President.
3. Statement by the President.
4. Address by the Secretary-General of the United Nations.
5. Adoption of the rules of procedure.
6. Adoption of the agenda.
7. Organization of work.
8. Election of officers other than the President.
9. Credentials of representatives to the Conference:
   (a) Appointment of the members of the Credentials Committee;
   (b) Report of the Credentials Committee.
10. Confirmation of the Secretary-General of the Conference.
11. Submission of the report of the Preparatory Committee by the Chair of the Preparatory Committee.

12. General exchange of views.

13. Statements by:
   (a) Representatives of intergovernmental organizations;
   (b) Representatives of non-governmental organizations.

14. Reports of the Main Committees.

15. Consideration and adoption of the final documents of the Conference.

16. Other matters.

17. Adoption of the report of the Conference to the General Assembly.

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E. Other officers of the Conference

To recommend that the United Nations Conference on the Arms Trade Treaty elect 14 Vice Presidents, comprising two representatives from the regional group of the President-designate and three from each of the other regional groups. Nominations should take place at an early stage in order to permit the President-designate to benefit from the support of the Bureau during his/her preparations for the Conference.

The rules of procedure as contained in document A/CONF.217/PC/IV.L.3 shall be amended accordingly.

F. Draft provisional rules of procedure of the Conference

[To be added.]
Annex

List of documents

[To be added.]