STATEMENT

by

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On behalf of CARICOM

at the

Fourth Session of the Preparatory Committee on the Arms Trade Treaty

on

Draft Rules of Procedure

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United Nations Headquarters

February 13, 2012
Mr. Chairman

I make this intervention on behalf of the fourteen (14) Member States of the Caribbean Community ("CARICOM") on the draft Rules of Procedure, which have been formulated to guide our deliberations at next July’s United Nations Conference on the Arms Trade Treaty ("the Conference").

We have examined the draft Rules of Procedure, and in the main, have found them to be consistent with what is employed at diplomatic conferences charged with the responsibility to negotiate multilateral treaties or conventions. Nevertheless, we wish to beg your indulgence to make some preliminary comments on a few areas of the text, which in our view, would assist in the finalization of the document.

On the question of decision-making, CARICOM recognizes your attempts to reflect a balance on issues of procedure as compared to those of substance. We do not foresee any particular difficulty as far as your proposals on decision-making on procedural issues are concerned. We hold that the adoption of decisions on procedural issues by majority voting, where this becomes necessary, as is contemplated in Rule 35(2) would serve to accelerate progress on these issues.

With regard to substantive issues, we note that Rule 33(1) provides that the Conference shall make every effort to arrive at decisions on substance by consensus. It should be noted that matters of substance go to the heart of treaty-making and as such, progress on these issues should not be allowed to remain stagnated due to a failure to arrive at consensus as a result of unreasonable political or other divisive schemes. Consequently, we welcome the inclusion in the text of Rule 35(1), which would give the Conference the opportunity to adopt a decision by a vote agreed to by a 2/3 majority at the request of a representative if all reasonable attempts at achieving consensus have failed.

Mr. Chairman

In July our aim should be the adoption of a text on the Arms Trade Treaty ("the ATT"), which is acceptable to all parties involved or to an overwhelming majority of the representatives attending the conference. In this regard, CARICOM notes your attempts in Rule 33(3) to have the final text of the instrument adopted by consensus. CARICOM, however, would like to see a more balanced approach to decision-making for the adoption of the final text of the treaty. We are conscious that the word, "consensus" could be interpreted very restrictively by those who do not subscribe to a strong treaty. For us, consensus does not mean unanimity or the conferment of the power of veto to any State or States, which could
effectively block the adoption of a text, which finds favour with an overwhelming majority of representatives. For these reasons, we would welcome a duplication in Rule 33 (3) of the requirement for the adoption of the final text of the treaty by majority voting if consensus is not achieved. A provision for majority voting if consensus is not achieved may help in arriving at consensus. We submit this proposal to you in order to ensure that progress on the adoption of the ATT is not stymied due to unreasonable or untenable considerations.

Mr. Chairman

While CARICOM holds that States are the primary subjects of international law and are invested with the powers to negotiate and adopt treaties, within recent times we have witnessed the involvement of other actors in deliberations for the conclusion of treaties. Of course, such involvement does not confer the right to vote on these entities, a right, which remains solely with sovereign States. In Rule 59, we have witnessed the standard provisions on the participation of intergovernmental organizations and other bodies, which have standing invitations to participate in the General Assembly. Similarly, we note with appreciation Rule 63 on the participation of Non-Government Organizations (“NGOs”). The involvement of NGOs at every stage of the PrepCom has served as an important catalyst in the advancement of the process. We therefore call for access by NGOs to other areas of the Conference and not limited to what is provided under Rule 63. As a result, CARICOM is requesting a re-examination of Rule 57(2) so that NGO participation could be enhanced. Precedent for such greater involvement by NGOs can be found in the negotiation of environmental treaties.

Mr. Chairman

The effective participation in the work of the Conference by all States represented would not only address issues related to transparency, but would also add the requisite legitimacy needed for the negotiation of a treaty as important as the ATT. CARICOM is therefore requesting that consideration is given to the limitations faced by small delegations if critical meetings are held simultaneously. We therefore call for Rules 47 and 48 to be implemented in a way so as not to limit the involvement of all States, in particular, small States, and States that are directly affected by the illicit trade in conventional weapons, which the ATT would ultimately address.

To this end, we would request that where simultaneous meetings of the conference subsidiary bodies cannot be avoided, a mechanism be established that would facilitate such bodies reporting back to the plenary at the end of each day.
Mr. Chairman

One month has been set aside for the Conference to negotiate and finalize the text of the ATT. It is CARICOM’s expectation that the Conference would be a success. The question is how we maximize the limited time available to us in July. We submit that this PrepCom must forward a text, which represents all of our efforts on the ATT so far. While we note that the draft Rules of Procedure are silent on the issue, its opportune to recall that the PrepCom is mandated with making recommendations to the Conference 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, and those contained in the report of the Group of Governmental Experts and the report of the Open-Ended Working Group' and to present a report containing those elements to the General Assembly at its sixty-sixth session'. (GA Resolution 64/48 12 Jan 2010). CARICOM is of the view that the body of work represented in the Chair’s draft text represents a very good compromise of the divergent views put forward and should be recommended as the basis for negotiations to the Conference.

Finally Mr. Chairman

I wish to assure you of the continued commitment of CARICOM to the success of this PrepCom. It is our hope that you would continue to serve us in another capacity as President of the Conference.