Statement of Norway on the Rules of Procedure for the ATT Diplomatic Conference

13 February 2012

Mr. Chair,

As many have pointed out, operative para. 5 of the GA resolution decides that the diplomatic conference will be: “undertaken in an open and transparent manner, on the basis of consensus, to achieve a strong and robust treaty;”.

In our view, the general point of departure in international law requiring a two-thirds majority for adopting treaties, would be the best way of proceeding. We agree with much of what was said by CARICOM and Mexico and others on this point. Irrespective, however, of how this question will be solved in the rules of procedure, we believe that the wording of the GA resolution already allows for a variety of approaches.

First, the wording of the GA resolution does not specify which decisions must be taken by consensus. Second, it does not specify what is meant by the term consensus.

As a minimum, we could accept the view that only the very final adoption of the treaty needs to be undertaken by consensus.

We would also like to concur with the EU and others in the understanding that consensus does not necessarily mean that one or two States may veto a text which otherwise enjoys broad agreement by the diplomatic conference.

Mr. Chair,

In the words of the former Secretary General of the UN, Kofi Annan, “the relationship between the United Nations and NGOs is as old as the Charter itself”.

General Assembly resolution 64/48, in its preambular paragraph 11, “takes note of the role played by non-governmental organisations and civil society to enhance cooperation, improve information exchange and transparency, and assist States in implementing confidence-building measures in the field of responsible arms trade”.

There is no doubt that civil society organisations have been in the forefront in the work for bringing about negotiations of an international Arms Trade Treaty. They are important stakeholders and partners in this process. They represent extensive expertise and know-how, expertise that is needed in order to maintain the focus of our work, and to achieve an ATT that will make a difference from a humanitarian point of view.

It would, in our opinion, therefore be counterproductive, both in terms of political legitimacy as well as with regard to the content and scope of such a treaty, to unnecessarily limit NGO attendance at the Diplomatic Conference.
Mr. Chair, on this background, we would like to propose that draft rule 57, para 2, is reversed, so that the default solution will be that unless the Conference decides otherwise, NGOs are allowed at other meetings of the Conference as well as in the Plenary and the Committee of the Whole. This could be done by exchanging the word “private” by the word “public”. The Conference would still have the option of deciding to close meetings.

Mr. Chair,

Since I have the floor, I would also like to support Sweden, UK, Mexico and others in proposing a change to rule 63 d, saying that NGOs will be allowed to address the Conference at one meeting during the diplomatic conference. This wording could be taken to mean that the NGOs will be allowed to speak at only one meeting during the entire diplomatic conference. (The second sentence of rule 63 d seems to indicate the opposite, as it refers to meetings in plural, but we assume that this is a technical error.)

We think that the notion of allowing NGO statements at only one meeting during a month of negotiations in which the NGOs also are important stakeholders is very unfortunate, and we would propose to delete the words “one meeting” and insert the word “meetings”.

Thank you, Mr. Chair