



**Statement by H.E. Dell Higgle
Ambassador for Disarmament**

**Third Conference of States Parties to
the Arms Trade Treaty**

**Treaty Implementation
12 September 2017**

Thank you Mr President, and our thanks go, too, to the co-chairs of the Working Group on Effective Treaty Implementation for their leadership on this issue over the past year.

In light of the time limit, I wish to turn directly to the recommendations put forward in the report of the Working Group on Effective Treaty Implementation.

The first of these is for the establishment of the Working Group as a *standing body* to operate under the Terms of Reference contained in Annex A of the report. That Annex refers to the Working Group as a *continuous platform*. We appreciate that the phrases "standing Working Group" and "continuous platform" have replaced the term "permanent", to which New Zealand and so many other delegations objected during the Working Group meetings over the past year.

From our perspective, however, it should be made clear in the Terms of Reference that the Conference of States Parties can review the "standing" nature of the Working Group at any point. We would therefore wish to request additional language on the mandate of the Working Group possibly along the following lines: "(d) review the standing nature of the Working Group and its Terms of Reference as required."

We would also request the same insertion to be made into the Terms of Reference of all ATT Working Groups in order to ensure that no ATT body can outlast its sensible expiry date, that all ATT Working Groups continue to serve a useful purpose, and to ensure that there is space for a new

Working Group or Groups if it becomes clear at any point that a new Working Group would better advance the object and purpose of the ATT.

Mr President,

We note that the Working Group is mandated to "*identify Treaty implementation priority areas ... for example the ATT Voluntary Trust Fund*". We consider that this formulation is somewhat inconsistent with the actual Terms of Reference of the VTF and we would request the deletion of the reference to the VTF.

Turning to the composition and membership of the Working Group, New Zealand remains concerned that there are insufficient protections around the ability of non-States Parties and Signatories to attend the Group's meetings. Although we appreciate the addition of the phrase "on an exceptional basis", paragraph 7 as drafted provides that any meeting or part thereof can be closed at the request of a *single* State Party. There is no requirement for a reason to be given nor indeed for any advance notice to be provided (such that non-State Parties and Signatories could for instance have made preparations to attend a Working Group meeting only to find that that meeting is closed to them).

We would like to see the addition of the following sentence to paragraph 7: "*Any State Party or Parties intending to do so must notify the Secretariat of its request, including the reason for the request, no later than four weeks prior to the relevant session of the Working Group.*" It is New Zealand's view that this addition does not unduly restrict the ability to hold a closed meeting but rather seeks to ensure that any request for a closed meeting is made judiciously. We request that the same language be added to the Terms of References of the other Working Groups too.

I also note that there is some inconsistency as to whether closed meetings can be attended by Signatory States as well as States Parties – or simply by States Parties only. This needs to be clarified.

With respect to working methods we would like to request that paragraph 10 of the Terms of Reference include an encouragement for the *early* circulation of documentation. An early deadline for the submission of

papers would facilitate the ability of small delegations not physically present in Geneva to engage on the issues electronically so that their views can still be reflected in the Working Group outcomes. This is a proposal that also applies to the Terms of the Reference of the other two Working Groups.

With the agreement of this Conference on the structure and operation of the Working Group on Treaty Implementation, we can expect, and look forward to, a greater focus on issues of substance – on *substantive* implementation - in the future.

Thank you.