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## 16 – 18 MARCH 2026 WGETI MEETING: WGETI CHAIR INTRODUCTORY LETTER

Dear delegates,

### *Introduction and organization of work*

1. In my capacity as Chair of the Working Group on Effective Treaty Implementation (WGETI), I have the pleasure to introduce the programme of work for the Working Group during the Twelfth cycle of the Conference of States Parties (CSP).

2. As delegations may recall, in accordance with its mandate and decisions adopted by CSP9 and CP10, the WGETI conducts three types of exchanges:

- structured discussions about practical Treaty implementation on the basis of the multi-year workplan welcomed by CSP10 and its list of topics and specific questions to be addressed;
- in-depth discussions and/or the elaboration of voluntary guidance documents or other tools to assist national implementation on issues identified as part of Conference decisions and/or recommendations; and
- ad hoc discussions on current or emerging Treaty implementation issues raised by States Parties or other ATT stakeholders upon invitation of the WGETI Chair.

3. To ensure an efficient and manageable organization of work, the discussions in the WGETI are held in two Sub-working Groups:

- The Sub-working Group on Exchange of National Implementation Practices; and
- The Sub-working Group on Current and Emerging Implementation Issues.

4. While discussions in the Sub-working Group on Current and Emerging Implementation Issues are facilitated by the Chair, the structured discussions in the Sub-working Group on Exchange of National Implementation Practices will continue to be facilitated by Ms. Essate WELDEMICHAEL and Mr. Edward KAWA of Sierra Leone. I would like to express my heartfelt appreciation to Ms. WELDEMICHAEL and Mr. KAWA for their willingness to continue serving in their role.

### *Substance of discussions*

5. Regarding the substance of discussions in the CSP12 meeting, the CSP11 provided significant guidance.

6. Regarding the **Sub-working Group on Exchange of National Implementation Practices**, the CSP11 noted that this Sub-working Group will address the following topics in its multi-year workplan:

“National control system relating to brokering” and “Risk assessment (covering Articles 6&7)”. This was also reflected in the communication of the CSP12 President of 4 December 2025, in which delegations were invited to express their interest in delivering presentations on these topics, based on the relevant practical implementation questions in the multi-year workplan. In the interest of transparency, the final list of delegations that have agreed to provide presentations will still be circulated ahead of the Sub-working Group meeting.

7. Regarding the **Sub-working Group on Current and Emerging Implementation Issues**, the CSP11 explicitly requested the Sub-working Group to consider several issues in the CSP12 cycle. These are: a) the scope of the Treaty (categories of conventional arms) and national control lists; b) the role of industry, in particular human rights and IHL due diligence and ATT implementation; c) guidance on the implementation of Article 7 (4) of the Treaty; and d) strengthening inter-agency cooperation. Where relevant, the Sub-working Group will consider these issues with a view to presenting concrete deliverables to CSP12.

8. Regarding possible ad hoc discussions in this Sub-working Group, CSP11 invited States Parties and other stakeholders to raise other issues that provide challenges in the practical implementation of the Treaty at the national level for an ad hoc discussion in the WGETI, in accordance with the relevant CSP9 decision on the WGETI configuration and substance ([ATT/CSP9.WGETI/2023/CHAIR/767/Conf.Rep](#)). In her letter of 4 December 2025, the CSP12 President invited delegations to raise such current or emerging Treaty implementation issues for an ad hoc discussion by 1 February 2026. By that deadline, three delegations had raised issues consistent with the CSP9 decision, regarding respectively: 1) risk assessment of arms exports to Sudan; 2) maritime security and the ATT; and 3) implementation of Article 7 (7) on the reassessment of granted authorizations. These issues will be all considered within the time allocated for ad hoc discussions.

#### *Preparation for the meetings*

9. To facilitate discussions during the WGETI meeting, documentation has been prepared in line with the tasks outlined above. Delegations are invited to make use of this documentation in preparing for the WGETI meeting and are strongly encouraged to participate actively in the respective sessions. I wish to underline that the effectiveness and success of our work depend entirely on the commitment and engagement of States Parties and other stakeholders.

10. For the meeting of the **Sub-working Group on Exchange of National Implementation Practices**, a draft annotated agenda ([Annex A](#)) has been prepared. I

11. To facilitate preparation for the meeting, the Facilitator has also provided the following question for delegations to consider:

- *Concerning the topics to be discussed, taking into account the practical implementation questions on pages 3-6 of the annex of the [Sub-working Group’s multi-year workplan](#), does your delegation have any national practices to share?*

- *Does your delegation have questions or comments about substantive issues, practical challenges or constraints regarding these topics or about opportunities for international cooperation and assistance in response to those?*

12. For the meeting of the **Sub-working Group on Current and Emerging Implementation Issues**, a draft annotated agenda ([Annex B-1](#)) has been prepared, as well as a working document outlining the proposed concrete elements of the discussions and their possible outcomes ([Annex B-2](#)).

13. To facilitate preparation, this working document also provides several questions for delegations to consider:

- With regard to **challenges related to the scope of the treaty and the establishment and maintenance of a national control list**, these questions are included in [paragraph 13](#) of the working document.

- With regard to **the role of industry in responsible international arms transfers**, the questions are included in [paragraph 21](#) of the working document.

- With regard to **the risk of conventional arms being used for gender-based violence or violence against women and children**, the questions are included in [paragraph 25](#) of the working document.

- With regard to **developing or strengthening inter-agency cooperation**, the questions are included in [paragraph 32](#) of the working document.

#### *Programme of Work for the WGETI Sub-working Groups*

14. The meeting of the WGETI will take place on 16 – 18 March 2026. In that respect, the WGETI has been given five three-hour sessions (fifteen hours) to conduct its meetings, which will be allocated as follows:

**Table 1. Schedule of WGETI Sub-working Group Meetings (16 – 18 March 2026)**

	Monday	Tuesday	Wednesday
10:00 – 13:00	WGETI Sub-working Group on Exchange of National Implementation Practices	WGETI Sub-working Group on Current and Emerging Implementation Issues	WGETI Sub-working Group on Current and Emerging Implementation Issues
15:00 – 18:00	WGETI Sub-working Group on Exchange of National Implementation Practices	WGETI Sub-working Group on Current and Emerging Implementation Issues	WGTU

15. Delegations are informed that this schedule is indicative. The meetings of the three ATT Working Groups will be **held on a rolling basis**. This includes the understanding that, should the WGETI conclude ahead of schedule, the WGTU will already commence its discussions on Wednesday morning.

I look forward to working closely with all of you in steering our work towards a successful CSP12.

Yours sincerely,

Colonel Philippe LEJEUNE  
Military Advisor to the Permanent Representative of France to the Conference on Disarmament  
**Chair of the ATT Working Group on Effective Treaty Implementation**

**Attached documents for the CSP12 WGETI meeting:**

- [ANNEX A](#): *Draft annotated agenda for the CSP12 meeting of the Sub-working Group on Exchange of National Implementation Practices (1 page)*
  - [ANNEX B-1](#): *Draft annotated agenda for the CSP12 meeting of the Sub-working Group on Current and Emerging Implementation Issues (2 pages)*
  - [ANNEX B-2](#): *Working document for the CSP12 meeting of the Sub-working Group on Current and Emerging Implementation Issues (8 pages)*
- [Appendix 1](#): *Possible draft elements for voluntary guidance linking human rights and IHL due diligence by industry actors and ATT implementation: Possible aspects and questions (3 pages)*
  - [Appendix 2](#): *Proposed additional guidance on the implementation of Article 7 (4) of the Treaty for integration in the Voluntary Guide on Implementing Articles 6 & 7 of the ATT (4 pages)*
  - [Appendix 3](#): *Proposed amendments to the sections of the Voluntary Guide to Implementing Articles 6 & 7 of the ATT which address the implementation of Article 7 (4) (1 page)*
  - [Appendix 4](#): *Possible steps and questions for developing or strengthening inter-agency cooperation (3 pages)*
  - [Appendix 5](#): *Explanatory memoranda regarding issues raised for an ad hoc discussion*

**ANNEX A****DRAFT ANNOTATED AGENDA FOR THE CSP12 MEETING OF  
THE WGETI SUB-WORKING GROUP ON EXCHANGE OF NATIONAL IMPLEMENTATION PRACTICES**

Monday, 16 March 2026, 10:00-18:00

**1. Structured discussions about practical Treaty implementation**

*The Facilitator will briefly present the multi-year workplan for the Sub-working Group and its annex with practical implementation questions, as well as the working arrangements for the structured discussions. In short, the Facilitator will open each session with a summary of the topic under discussion and the related practical implementation questions. After this, an invited speaker will kickstart the discussion with an introductory presentation. Next, States Parties will deliver presentations on their practical implementation and national practices regarding the topic, guided by the relevant questions. This will then be followed by a Q&A session and exchanges about other national practices, challenges and constraints, possibilities for international cooperation and assistance and issues that might benefit from further clarification in the WGETI.*

**2. National control system – Brokering**

*Under this topic, the Sub-working Group will address States Parties' measures undertaken to regulate arms transfers, focusing on their substance. The Sub-working Group will also look at their elaboration into legislation, administrative regulations and administrative measures and procedures (including the integration of the prohibitions and possible risk assessment criteria in those), as well as the competent authorities and inter-agency cooperation arrangements that States Parties have put in place. In this session, States will be requested to address these elements regarding their brokering controls.*

*The practical implementation questions to guide delegations' contributions/presentations on this topic are available on pages 3-4 of the annex of the [multi-year workplan](#).*

**3. Risk assessment (covering Articles 6&7)**

*Under this topic, the Sub-working Group will take into account the draft elements for Chapter 3 of the proposed Voluntary Guide to Implementing Articles 6 & 7, with a primary focus on States Parties' substantive approach to risk assessment under Article 7, posing relevant questions such as which specific factors States Parties look at for each element in Article 7 (1), how they weigh the findings of different information sources, and how they balance the potentially positive and negative consequences of an arms export.. The Sub-Working Group will also seek to collect national practices on: i) how States Parties apply, in practice, the combination of prohibitions and export assessment criteria in Articles 6 & 7; ii) how States Parties monitor authorized exports and practically reassess authorizations in case of new relevant information; and iii) the extent to which States Parties apply similar risk assessments to brokering and transit and trans-shipment as those applied to exports.*

*The practical implementation questions to guide delegations' contributions/presentations on this topic are available on pages 4-6 of the annex of the [multi-year workplan](#).*

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## ANNEX B-1

### DRAFT ANNOTATED AGENDA FOR THE CSP12 MEETING OF THE WGETI SUB-WORKING GROUP ON CURRENT AND EMERGING IMPLEMENTATION ISSUES

Tuesday, 17 March 2026, 10:00-18:00  
Wednesday, 18 March 2026, 10:00-11:30

#### 1. Opening and adoption of the draft annotated agenda

*The Chair will recall the mandate of this Sub-working Group and give delegations the opportunity to share remarks on this draft annotated agenda.*

#### 2. Challenges related to the scope of the Treaty and the establishment and maintenance of a national control list

*The Chair will introduce the various aspects to be considered by the Sub-working on this topic. Regarding national control lists, invited beneficiaries and providers of international assistance will share their experiences, followed by an exchange of views on other national practices and on the role that the ATT process and international assistance opportunities could play in supporting States Parties in addressing identified issues. Regarding the relationship between the scope of the ATT and that of other instruments, invited delegates will discuss recent developments in relevant fora and address intersections with the ATT in terms of scope and regulation. The Chair will subsequently seek the views of delegations on several proposals for further work.*

#### 3. The role of industry in responsible international arms transfers

*The Chair will recall the discussions on human rights and IHL due diligence and ATT implementation during the CSP10 and CSP11 cycles and introduce his non-exhaustive outline of possible aspects and questions for consideration in the development of draft elements for voluntary guidance, contained in [Appendix 1](#) of the Chair's working document. He will then invite the Secretariat to brief the Sub-working Group on its engagement with industry actors and other relevant international fora on this topic. Subsequently a representatives of the Office of the High Commissioner for Human Rights (OHCHR) will brief the Sub-working Group on ongoing work within the UN framework related to arms transfers and human rights due diligence. Additionally, other invited speakers will continue to address concrete due diligence practices and share views regarding possible guidance for industry actors in the arms sector. Following these presentations, the Chair will seek the views of the Sub-working Group on his outline and possible further steps, and invite delegations to share examples of relevant due diligence practices.*

*The Chair will further seek the Sub-working Group's views on the viability of convening a virtual consultation with logistical actors and relevant organisations on the integration of compliance with arms transfers control regulations into existing international security instruments.*

#### 4. The risk of conventional arms being used for GBV or VAWC

*The Chair will invite the Gender Focal Points to present their initial workplan. Subsequently, they will propose additional guidance on the implementation of Article 7 (4) of the Treaty, contained in [Appendix 2](#) of the Chair's working document, which was developed for integration in the Voluntary Guide on Implementing Articles 6 & 7. The Gender Focal Points will also recall the existing guidance in the Voluntary Guide that is intended for release as a separate fact sheet, and will present the proposed minor amendments contained in [Appendix 3](#) of the Chair's working*

document. Following this presentation, the Chair will seek delegations' views on these documents.

**5. Developing or strengthening inter-agency cooperation**

*The Chair will seek the Sub-working Group's views on his proposed approach to discussing voluntary guidance about developing or strengthening inter-agency cooperation and will introduce the possible steps and questions set out in [Appendix 4](#) of the Chair's working document.*

**6. Ad hoc discussions on current and emerging implementations issues**

*The Chair will inform the Sub-working Group of the issues raised by delegations for an ad hoc discussion. The delegations concerned will then be invited to introduce the respective issues, followed by an exchange of views within the Sub-working Group.*

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## ANNEX B-2

**WORKING DOCUMENT FOR THE CSP12 MEETING OF  
THE WGETI SUB-WORKING GROUP ON CURRENT AND EMERGING IMPLEMENTATION ISSUES****INTRODUCTION**

1. This working document is intended to guide discussions during the meeting of the WGETI Sub-working Group on Current and Emerging Implementation Issues on 17 – 18 March 2026 and to facilitate delegations' preparation.
2. As recalled in the Chair's introductory letter for the Working Group's meeting, this Sub-working was established to conduct:
  - in-depth discussions and/or the elaboration of voluntary guidance documents or other tools to assist national implementation on issues identified as part of Conference decisions and/or recommendations; and
  - ad hoc discussions on current or emerging Treaty implementation issues raised by States Parties or other ATT stakeholders upon invitation of the WGETI Chair.
3. Regarding the first type of discussions, the CSP11 explicitly requested the Sub-working group to consider the following issues in the CSP12 cycle:
  - challenges related to the scope of the Treaty (categories of conventional arms) and the establishment and maintenance of a national control list, including the handling of parts and components (as per Article 4 of the Treaty);
  - the role of industry, including a list of reference materials for industry actors and possible draft elements, and their scope, for a voluntary guidance document linking the human rights and IHL due diligence responsibilities of industry actors with States Parties' primary responsibility to regulate arms transfers and industry actors involved in those, as well as their obligations under the ATT and their own due diligence requirements;
  - the integration of the additional guidance on the implementation of Article 7 (4) of the Treaty proposed during the CSP11 cycle in the relevant sections of the Voluntary Guide on Implementing Articles 6 & 7 of the ATT<sup>1</sup>; and
  - useful elements for developing or strengthening inter-agency cooperation to be integrated in the Voluntary Basic Guide to Establishing a National Control System<sup>2</sup> and, where relevant, other voluntary guidance documents developed in the WGETI.
4. The working document unpacks and contextualizes these issues in light of relevant CSP decisions and recommendations, as well as earlier discussions within the ATT process and beyond. It also provides concrete elements for consideration, guiding questions for delegations, and, where relevant, possible draft deliverables for CSP12. To facilitate preparation, the guiding questions are also included in the Chair's introductory letter.

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<sup>1</sup> The Voluntary Guide to Implementing Articles 6 & 7 was endorsed by CSP10 as Annex A of the WGETI Chair's Report to CSP10 and is available in all UN languages in the *Tools and Guidelines* section of the ATT website (<https://www.thearmstradetreaty.org/tools-and-guidelines.html>).

<sup>2</sup> The Voluntary Basic Guide to Establishing a National Control System was welcomed by CSP5 as Annex A of the WGETI Chair's Report to CSP5 ([ATT/CSP5.WGETI/2019/CHAIR/529/Conf.Rep](https://www.thearmstradetreaty.org/tools-and-guidelines.html)) and is also available in all UN languages in the *Tools and Guidelines* section of the ATT website (<https://www.thearmstradetreaty.org/tools-and-guidelines.html>).

5. Regarding ad hoc discussions, and consistent with the relevant CSP9 decisions, the following current and emerging Treaty Implementation issues were raised:

- risk assessment of arms exports to Sudan, raised by Maat for Peace, Development, and Human Rights;
- maritime security and the ATT, raised by Small Arms Survey; and
- implementation of Article 7 (7) on the reassessment of granted authorizations, raised by Control Arms.

The related explanatory memoranda, which describe the issues and outline the anticipated discussions are included in [Appendix 5](#).

## **CHALLENGES RELATED TO THE SCOPE OF THE TREATY AND THE ESTABLISHMENT AND MAINTENANCE OF A NATIONAL CONTROL LIST**

6. CSP11 added this topic to the agenda of this Sub-working Group following the structured discussion on scope and national control lists. The presentations and exchanges during that discussion brought to light several issues in need of further in-depth consideration during this CSP cycle.<sup>3</sup> The most pressing issue identified was the establishment and maintenance of a national control list, noting that many States Parties have yet to establish national control lists or have lists which do not cover the full mandatory scope of the Treaty. Other operational challenges included the correspondence between the arms categories in Article 2 (1) of the Treaty and existing national categories, their classification in the customs nomenclature, limited technical expertise for identifying controlled items and timely updating of control lists. Delegations also raised broader scope-related challenges, such as the regulation and handling of parts and components, the relationship between the ATT's scope and other instruments such as the UN Register of Conventional Arms (UNROCA), a possible review of the categories in Article 2 (1) and the implications of new technologies.

7. To improve understanding of the **challenges and potential good practices related to national control lists**, the Chair invited both beneficiaries and providers of international assistance in this area to share their experiences. At the same time, the Chair also invites other States and stakeholders to share their practices.

8. For these presentations and interventions, the guiding questions in the Sub-working Group's multi-year workplan on "Scope / National control list" remain pertinent, as they address several of the issues raised. The Chair nevertheless wishes to focus on: how national control lists are integrated into legislation or administrative regulations; how the mandatory categories in Article 2 (1) of the Treaty are harmonized with existing national categories; how national control lists apply across all transfer types covered by the Treaty; and how States approach the Treaty's qualification that parts and components are covered "*where the export is in a form that provides the capability to assemble the conventional arms covered under Article 2 (1)*".

9. Regarding the **identification of controlled items in practice**, including parts and components as well as ammunition / munitions, the Chair acknowledges the importance of this issue, particularly for enforcement. On the related issue of classification within the customs nomenclature, the Chair recalls earlier consideration of this topic within the Working Group on Transparency and Reporting (WGTR) following a [presentation of the World Customs Organisation \(WCO\) on the Harmonized System](#) during the CSP4 cycle (2018), although without concrete

<sup>3</sup> See paragraphs 13-16, 34 and 40 of the WGETI Chair's Report to CSP11 ([ATT/CSP11.WGETI/2025/CHAIR/826/Conf.Rep/Rev.](#)) and the presentation on "[Scope of items and national control lists](#)", delivered by UNIDIR.

output. The Chair suggests re-engaging with the WCO as an important stakeholder, noting the vital role of customs authorities in controlling cross-border flows of goods and the WCO's capacity building & training activities under its [Security Programme](#). This re-engagement could be done as part of the structured discussion on "Enforcement arrangements", the seventh topic in the multi-year work plan for the WGETI Sub-working Group on Exchange of National Implementation Practices. To initiate this dialogue in a timely manner, the Chair proposes using the flexibility in the multi-year work plan to prioritize "Enforcement arrangements" for the next meeting.

10. Regarding the **relationship between the ATT's scope and that of other instruments** as well as the implications of new technologies, the Chair recognizes the need for the Sub-working Group to remain informed of developments in other relevant fora. In this regard, delegations are reminded of last year's briefing by the Chair of the Group of Governmental Experts on the continuing operation and relevance of UNROCA in the WGTR, and a presentation of the Wassenaar Arrangement's Munitions List and annual review process in the WGETI during the CSP4 cycle. Given the Conference's task under Article 17 (4)(a) of the Treaty to review developments in the field of conventional arms, the Chair considers it sensible to continue following up on work undertaken in such fora. Beyond the GGE on UNROCA and the Wassenaar Arrangement, interest was expressed in the GGE on Lethal Autonomous Weapon Systems (LAWS) and the Global Framework for Through-life Conventional Ammunition Management (GFA). Attention was also drawn to the scope of relevant regional instruments, such as the Common Military List of the EU, the ECOWAS Convention on Small Arms and Light Weapons, the Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons and the Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms. For the present meeting, the Chair decided to consider a number of relevant fora and discuss recent developments and intersections with the ATT in terms of scope and regulation.

11. For the Sub-working Group's work on issues of scope and national control lists to be meaningful, delegations should also consider how the ATT process and international assistance can support States Parties in addressing identified issues. In that respect, delegations are reminded that national control lists have already been addressed in existing ATT guidance documents.<sup>4</sup> The Chair encourages delegation to review this guidance and consider whether further work on this, such as adding practical examples or template lists, would be beneficial.

12. Given the broad and evolving nature of this topic, delegations could also consider options for structural follow-up. Drawing on last year's introductory presentation on the topic, one option could be an informal group of interested States and stakeholders mandated to: a) review (publicly available) national control lists and develop general recommendations for the Working Group; b) assess relevant questions raised by States Parties; c) clarify approaches to the handling of parts and components; and d) examine the continued relevance of the Treaty's scope.<sup>5</sup> Should interest emerge, specific terms of reference for such a group would need to be developed in the Working Group.

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<sup>4</sup> Section 3.a. iii. of the Voluntary Basic Guide to Establishing a National Control System explains what a national control list is and the related ATT requirements. Questions 12 to 21 and annexes 1-3 of the voluntary guidance document "Reporting Authorized or Actual Exports and Imports of Conventional Arms: Questions & Answers" address several aspects of the Treaty's scope. Both documents are available in all UN languages in the *Tools and Guidelines* section of the ATT website: <https://www.thearmstradetreaty.org/tools-and-guidelines.html>.

<sup>5</sup> Also see SIPRI, "[Taking Stock of the Arms Trade Treaty: Scope](#)", 2021.

13. In preparing their interventions for the Sub-working Group's meeting, delegations are requested to consider the following questions:

- *Would your delegation wish to share any experiences, challenges and possible good practices regarding establishing and maintaining national control lists and national approaches on: a) how national control lists are integrated into legislation or administrative regulations; how the mandatory categories in Article 2 (1) of the Treaty are harmonized with existing national categories; how national control lists apply across all transfer types covered by the Treaty; and the Treaty's qualification that parts and components are covered "where the export is in a form that provides the capability to assemble the conventional arms covered under Article 2 (1)"?*
- *How could the ATT process support States Parties in addressing issues regarding establishing and maintaining national control lists? Would further work on the guidance mentioned in [paragraph 11 \(footnote 4\)](#) of this working document, such as adding practical examples or template lists, be beneficial?*
- *What are your delegation's views on an informal group of interested States and stakeholders as outlined in [paragraph 12](#) of this working document?*
- *Does your delegation have any comments about the proposal to prioritize the topic of "Enforcement arrangements" for the next meeting and to re-engage with the World Customs Organisation in that context?*

## THE ROLE OF INDUSTRY IN RESPONSIBLE INTERNATIONAL ARMS TRANSFERS

*Human rights and IHL due diligence responsibilities of industry actors and ATT implementation*

14. This topic has been under consideration in the Sub-working Group since the CSP10 cycle following recommendations in the CSP9 Final Report arising from working papers submitted to CSP9.<sup>6</sup> During the Sub-working Group's CSP11 meeting, discussions were steered in a more practical direction through engagement with industry actors and consideration of the usefulness and feasibility of developing voluntary guidance linking industry human rights and IHL due diligence with States Parties' obligations under the ATT, reflecting key takeaways from the presentations and interventions.<sup>7</sup> Delegations reaffirmed that State responsibility remains paramount under the Treaty, while recognizing again that industry actors have a distinct responsibility in ensuring responsible arms transfers. Delegations therefore supported the request included in paragraph 25 (c) of the CSP11 Final Report ([ATT/CSP11/2025/SEC/834/Conf.FinRep/Rev.](#)):

*"continue [...] discussions on the role of industry, including discussions on a list of reference materials for industry actors and on possible draft elements, and their scope, for a voluntary guidance document linking the human rights and IHL due diligence responsibilities of industry actors with States Parties' primary responsibility to regulate arms transfers and industry actors*

<sup>6</sup> Working Paper submitted by the CSP9 President "The Role of Industry in Responsible International Transfers of Conventional Arms" ([ATT/CSP9/2023/PRES/766/Conf.WP.Ind](#)) and Joint working paper submitted by Austria, Ireland and Mexico "Responsible Business Conduct and the Arms Trade Treaty" ([ATT/CSP9/2023/AUT-IRL-MEX/774/Conf.WP](#)).

<sup>7</sup> See paragraphs 19-23, 35 and 41 of the WGETI Chair's Report to CSP11 and paragraphs 10-14 of the working document for the CSP11 meeting of the Sub-working Group on Current and Emerging Implementation Issues ([ATT/CSP11.WGETI/2025/CHAIR/808/LetterSubDocs](#); Annex B-2). Also see paragraphs 29-33, 43 and 49 of the WGETI Chair's Report to CSP10 and paragraphs 5-22 of the working document for the CSP10 meeting of the Sub-working Group ([ATT/CSP10.WGETI/2024/CHAIR/775/LetterSubDocs](#)); Annex C-2).

*involved in those, as well as their obligations under the ATT and their own due diligence requirements”.*

15. During the CSP11 discussions, delegations emphasized the importance of considering existing international frameworks and corporate practices in high-risk sectors and actively involving relevant actors. Further discussions could clarify linkages between such industry responsibilities and ATT implementation. Substantively, elements beyond the above-mentioned key takeaways that were proposed for inclusion in possible voluntary guidance included: practical information on basic due diligence requirements; indicators to identify suspicious transfers; modalities for information exchanges between governments and companies to support risk assessments; and awareness-raising about GBV and VAWC.

16. To involve relevant actors in this work, CSP11 encouraged States Parties and the Secretariat to continue outreach to industry actors, including logistical actors. During the meeting, the Secretariat will brief the Sub-working Group on its outreach efforts. The Secretariat also engaged other forums addressing human rights and IHL due diligence in relation to arms transfers.

17. As a result, a representative of the OHCHR will brief the Sub-working Group on ongoing work concerning arms transfers and human rights due diligence in the UN framework. Additionally, other invited speakers will continue to address concrete due diligence practices and share views regarding possible guidance for industry actors in the arms sector.

18. To support further discussions on voluntary guidance, the Chair has prepared a non-exhaustive outline of possible aspects and questions for consideration in the development of draft elements for voluntary guidance, contained in [Appendix 1](#). The outline draws on key takeaways from previous meetings and operationalizes the link between industry actors' human rights and IHL due diligence responsibilities and States Parties' implementation of ATT obligations. It is based on the understanding, reflected in the CSP11 Final Report, that States Parties have primary responsibility for regulating arms transfers *and industry actors involved in those* through the establishment of a national control system, including by setting conditions for industry engagement in arms transfers, which can entail due diligence expectations.

19. During the meeting, the Chair will seek the views of delegations on his outline and possible further steps, but he also continues to invite delegations to share examples of relevant human rights and IHL due diligence practices, taking into account the questions laid out in paragraph 12 of the Sub-working Group's CSP11 working document (see [footnote 6](#)).

*The integration of compliance with arms transfers control regulations in existing guidance, awareness-raising and training programs/documentation for the different types of industry actors that are involved arms transfer activities*

20. Although not explicitly mentioned in the CSP11 Final Report, this issue remains highly relevant within the broader focus on the role of industry, in particularly concerning logistical actors such as carriers, freight forwarders, shipping agents and customs service providers. Due to time constraints and the primary focus on the issue of human rights and IHL due diligence by industry actors, the Sub-working Group was not able to address this topic during previous meetings. To avoid overloading the agenda for the Sub-working Group's CSP12 meeting, the Chair has decided not to schedule a comprehensive discussion on this topic. However, invited logistical actors presenting on human rights and IHL due diligence have been requested to consider this issue in their presentations, guided by the questions set out in paragraph 16 of the

Sub-working Group's CSP11 working document (see [footnote 6](#)). To give the issue proper attention, the Chair now seeks delegations' views on the viability of convening a virtual consultation with logistical actors and relevant organisations on this topic. Alternatively, this topic could be further explored during the Sub-working Group on Exchange of National Implementation Practices' structured discussion on "General regulation of actors involved in arms transfers", in line with its multi-year workplan.

**21. In preparing their interventions for the Sub-working Group's meeting, delegations are requested to consider the following questions:**

- *Does your delegation have any input on the questions regarding which aspects should be addressed in possible draft elements for a voluntary guidance document on human rights and IHL due diligence by industry actors and ATT implementation, contained in [Appendix 1](#) of this working document?*
- *What are your delegation's views on possible further steps for a voluntary guidance document?*
- *Would your delegation wish to share any examples of relevant human rights and IHL due diligence practices?*
- *What are your delegation's views on the viability of convening a virtual consultation with logistical actors and relevant organisations on the integration of compliance with arms transfers control regulations into existing international security instruments, as outlined in [paragraph 20](#) of this working document?*

**Delegations wishing to submit written input are requested to send it to the ATT Secretariat via e-mail ([info@thearmstradetreaty.org](mailto:info@thearmstradetreaty.org)) by 05 March 2026.**

## THE RISK OF CONVENTIONAL ARMS BEING USED FOR GBV OR VAWC

22. During the CSP11 cycle, the Sub-working Group advanced discussions on a voluntary good practices guide for the prevention of GBV with a proposal to complement the current guidance on Article 7 (4) in the Voluntary Guide to Implementing Articles 6 & 7.<sup>8</sup> This proposal included a flowchart, "*incorporating GBV into conventional arms export risk assessment*", outlining steps for applying Article 7 (4), as well as guidance on each step.<sup>9</sup> Given broad agreement that the proposal could form the basis for supplementary guidance on this topic in the Voluntary Guide, CSP11 requested the Sub-working Group to discuss the integration of the proposed additional guidance in the relevant sections of the Voluntary Guide. CSP11 also requested the ATT Secretariat to release the sections of the Voluntary Guide which address the implementation of Article 7 (4) as a separate fact sheet to highlight the importance of assessing the risk of conventional arms being used for GBV or VAWC.<sup>10</sup>

23. To implement this mandate, the Chair worked closely with the newly appointed Gender Focal Points (GFPs), recognizing CSP11's landmark decision.<sup>11</sup> The resulting proposal, included

<sup>8</sup> See paragraphs 26, 28, 36 and 42 of the WGETI Chair's Report to CSP11 and paragraphs 18-23 of the working document for the CSP11 meeting of the Sub-working Group on Current and Emerging Implementation Issues.

<sup>9</sup> See the presentation on "[Guidance on the Implementation of ATT Article 7\(4\)](#)", delivered by Control Arms during the CSP11 meeting of the WGETI Sub-working Group on Current and Emerging Implementation Issues on 26 February 2025.

<sup>10</sup> See paragraph 25 (e)-(f) of the CSP11 Final Report.

<sup>11</sup> See paragraph 25 (h) of the CSP11 Final Report and the draft decision on the establishment of Gender Focal Points under the Arms Trade Treaty (Annex to the WGETI Chair's Report to CSP11, contained in document [ATT/CSP11.WGETI/2025/CHAIR/826/Conf.Rep/Annex](#)).

in [Appendix 2](#), contains a slightly amended version of the flowchart. Background notes in the appendix explain the amendments and propose incorporating the flowchart as an Annex B to the Voluntary Basic Guide, as well as amending paragraphs 108 and 135 to reflect the related discussions and decisions. The proposed minor amendments are provided in [Appendix 3](#). The Chair also coordinated with the ATT Secretariat and agreed to postpone the release of the GBV fact sheet until CSP12 decides on the proposed additional guidance.<sup>12</sup>

24. During the meeting, the Chair will invite the GFPs to first present their initial workplan, followed by a presentation of the proposed additional guidance for discussion. After this, the Chair will assess whether sufficient support exists for the proposal to serve as a deliverable for CSP12. Delegations will also be invited to comment on the sections of the Voluntary Guide proposed for release as a separate GBV fact sheet.

**25. In preparing their interventions for the Sub-working Group’s meeting, delegations are requested to consider the following questions:**

- *Does your delegation have comments or suggestions regarding the proposed additional guidance on the implementation of Article 7 (4) in [Appendix 2](#) of this working document and its proposed integration in the Voluntary Guide to Implementing Articles 6 & 7?*
- *Does your delegation have comments or suggestions regarding the proposed minor amendments to the existing guidance in the Voluntary Guide, contained in [Appendix 3](#) of this working document?*

**Delegations wishing to submit concrete text proposals are requested to send them in writing to the ATT Secretariat via e-mail ([info@thearmstradetreaty.org](mailto:info@thearmstradetreaty.org)) by 05 March 2026.**<sup>13</sup>

## **DEVELOPING OR STRENGTHENING INTER-AGENCY COOPERATION (IAC)**

26. The role of IAC in the effective implementation of ATT provisions was the priority theme of CSP10. The Conference encouraged States Parties and other interested parties “to develop, as a living document to be reviewed and updated regularly, as appropriate, a voluntary paper outlining useful elements for consideration by States when developing or strengthening interagency cooperation for effective ATT implementation”.<sup>14</sup> On the recommendation of the WGETI Chair, CSP11 subsequently requested this Sub-working Group “to discuss useful elements for developing or strengthening [IAC] to be integrated in the Voluntary Basic Guide to Establishing a National Control System and, where relevant, other voluntary guidance documents developed in the WGETI”.

<sup>12</sup> It is noted that the Chair and the Secretariat have identified the following guidance in the Voluntary Guide as directly relevant to the implementation of Article 7(4) and for inclusion in the fact sheet: paragraphs 26–35 and Boxes 1 and 2 of Chapter 1, addressing the key concept of “serious acts of gender-based violence or serious acts of violence against women and children”; as well as paragraphs 104–108 and 129–135, together with Boxes 3 and 7 of Chapter 3, which respectively address how States Parties conduct the risk assessment under Article 7 substantively regarding GBV and VAWC and with measures to mitigate the risk of GBV and VAWC.

<sup>13</sup> It is noted that the topic of assessing the risk of conventional arms being used for GBV or VAWC will be addressed as part of the structured discussion on risk assessment (covering Articles 6&7) in the Sub-working Group on Exchange of National Implementation Practices.

<sup>14</sup> Paragraph 26 (d) of the CSP10 Final Report ([ATT/CSP10/2024/SEC/807/Conf.FinRep](#)). Also see the Working paper of the CSP10 President on the Role of Interagency Cooperation in the Effective Implementation of Arms Trade Treaty Provisions ([ATT/CSP10/2024/PRES/798/Conf.WP.IAC](#)).

27. Reference was made to the Voluntary Basic Guide as it provides a comprehensive overview of elements to be considered when establishing a national control system, while leaving key elements under “procedures”, “documentation”, “training and capacity building” and “enforcement” requiring further elaboration. The Voluntary Basic Guide itself notes that these sections “*will be developed following discussions on these areas during the Sub-working Groups*”.

28. The elements identified as requiring elaboration correspond to topics highlighted during the CSP10-11 cycles as areas where developing or strengthening IAC would be particularly beneficial, especially “procedures,” “enforcement,” and “training”.<sup>15</sup> Additional priorities raised included diversion prevention and record-keeping for reporting.

29. The Chair nevertheless notes that several of these topics remain scheduled for discussion in the Sub-working Group on Exchange of National Implementation Practices, including with specific attention to IAC. This applies in particular to the topics of “authorization process”, “risk assessment”, “mitigation measures”, “decision-making” and “enforcement”. In light of this, the Chair suggests examining specific guidance on IAC for these topics only after the Sub-working Group on Exchange of National Implementation Practices has completed its structured discussion on risk assessment, in order to ensure that practical insights shared during those discussions are duly taken into account. The same approach would apply to potential additional guidance on IAC within the WGETI document with Possible Measures to Prevent and Address Diversion, given the close link with enforcement.

30. More generally, the Chair proposes the integration, at this stage, of a common set of possible steps and questions for developing or strengthening IAC into the Voluntary Basic Guide. This would provide States with a basic framework to support national efforts, while also serving a reference point for possible more topic-specific guidance in the future. The proposed set of possible steps and questions is included in [Appendix 4](#) for delegations’ consideration.

31. On record-keeping for reporting, finally, the Chair notes that the ATT Secretariat’s voluntary guidance document on the practice of annual reporting already provides sufficient advice on IAC, including relevant questions on assigning tasks and responsibilities.

**32. In preparing their interventions for the Sub-working Group’s meeting, delegations are requested to consider the following questions:**

- *Does your delegation have comments or suggestions regarding the Chair’s proposed approach to discussing voluntary guidance about developing or strengthening IAC?*
- *Does your delegation have comments or suggestions regarding the possible steps and questions in [Appendix 4](#) of this working document, and their possible integration into the Voluntary Basic Guide to Establishing a National Control System?*

**Delegations wishing to submit concrete text proposals are requested to send them in writing to the ATT Secretariat via e-mail ([info@thearmstradetreaty.org](mailto:info@thearmstradetreaty.org)) by 05 March 2026.**

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<sup>15</sup> In addition to the CSP10 Working paper, see UNIDIR, Conflict Armament Research and the Stimson Center, “The Role of Interagency Cooperation in the Effective Implementation of Arms Trade Treaty Provisions: Brainstorming Workshop Summary”, available at <https://unidir.org/publication/the-role-of-interagency-cooperation-in-the-effective-implementation-of-arms-trade-treaty-provisions-brainstorming-workshop-summary/>.

## APPENDIX 1

### POSSIBLE DRAFT ELEMENTS FOR VOLUNTARY GUIDANCE LINKING HUMAN RIGHTS AND IHL DUE DILIGENCE BY INDUSTRY ACTORS AND ATT IMPLEMENTATION

#### POSSIBLE ASPECTS AND QUESTIONS

##### *Introduction*

This document responds to the request of CSP11 for the Sub-working group on Current and Emerging Implementation Issues “*to continue its discussions [...] on a list of reference materials for industry actors and on possible draft elements for a voluntary guidance document linking human rights and IHL due diligence by industry actors with States Parties’ primary responsibility to regulate arms transfers and industry actors involved in those, as well as their obligations under the ATT and their own due diligence requirements*”.

The document builds on the key takeaways from the CSP10 discussions on this topic, suggested for reflection in a voluntary document, and the related discussions and presentations during the CSP10 and CSP11 cycles.<sup>1</sup> It invites delegations to provide views on aspects that possible draft elements could usefully address and on how these might be further developed. To help define the scope of possible draft elements (and resources), and to gather input on their potential elaboration, possible aspects and questions are presented below in four sections, addressing respectively possible measures by States, possible measures by industry actors, possible risk indicators and possible resources, thereby enabling the Working Group to advance its work in this area.

, The aspects and questions outlined are not exhaustive, nor mandatory. The discussion during the meeting of 17–18 March 2026 would provide further material on this topic which could also be developed afterwards. Delegations are encouraged to submit written input both in advance of, and following, the meeting, in order to further inform the Chair’s draft report to CSP12, which will be presented at the Informal Preparatory Meeting on 27–28 May 2026.

##### *Possible measures by ATT States Parties to facilitate, support and/or require human rights and IHL due diligence by industry actors involved in conventional arms transfers*

1. *In light of the takeaway that “as [the human rights and IHL due diligence] responsibilities [of industry actors] and [their parallel] obligations [to comply with arms transfer laws and regulations] interact, States can partially enforce human rights and IHL due diligence through their arms transfer control framework”, delegations are invited to consider which aspects possible draft elements might address and what voluntary guidance could be provided, including the following:*
  - Effective integration of human rights and IHL due diligence into Internal Compliance Programmes (ICPs),;
  - Demonstration upon request by licence applicants of due diligence steps undertaken, including identified risks and possible mitigation measures;

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<sup>1</sup> See the full outline of these takeaways in paragraph 10 of the working document for the CSP11 meeting of the Sub-working Group on Current and Emerging Implementation Issues ([ATT/CSP11.WGETI/2025/CHAIR/808/LetterSubDocs](https://www.un.org/2025/08/ATT/CSP11.WGETI/2025/CHAIR/808/LetterSubDocs)).

2. In light of the takeaway that “*human rights and IHL due diligence by industry actors complement and reinforce the obligation of States Parties to regulate arms transfers and the actors that are involved in those*”, would it be useful for possible draft elements to place particular emphasis on dialogue and information exchange between competent authorities and industry actors, in particular with regard to human rights and IHL risks?
3. In light of the takeaway that “*States need to raise more awareness about human rights and IHL due diligence among industry actors and support industry’s capacity to conduct due diligence*”, would it be useful for possible draft elements to address basic expectations of this responsibility as on obligation of means, taking into account industry actors’ involvement and leverage?
4. Would possible draft elements usefully address options for awareness-raising and, if so, what might these entail?
5. With specific regard to “*increasing knowledge about the possible adverse human rights or IHL impacts of (transfers of) conventional arms, in reference to Articles 6 & 7 of the Treaty, as well as providing guidance about transaction screening*”, delegations are invited to consider which aspects possible draft elements might address and what voluntary guidance could be provided.

*Possible human rights and IHL due diligence measures by industry actors involved in conventional arms transfers*

6. Taking into account the takeaway that “*industry instruments to facilitate compliance with arms transfer laws and regulations, such as internal compliance programmes, can also be useful instruments to implement human rights and IHL due diligence responsibilities*”, delegations are invited to consider which aspects possible draft elements might address and what voluntary guidance could be provided, including the following:
  - Identification of possible adverse human rights or IHL impact of transfer of products;
  - Gathering of end-user and end use information with possible human rights or IHL impact, including regarding specific end-user, intended use, deployment area, and storage arrangements;
  - Risk assessment procedures and mechanisms (recipients/end-users and transactions), including relevant questions and sources, red flags and possible consultations;
  - Decision-making process for transfers with possible human rights or IHL impact;
  - Risk mitigation measures;
  - Contractual clauses on information provision, incident reporting and/or human rights and IHL compliance, including follow-up procedures;
  - 
  - Communication/reporting of post-transfer information with possible human rights or IHL impact to competent authorities
  - Internal awareness-raising, training and resourcing?
7. Would it be useful for the possible draft elements to consider a principle whereby industry actors actively seek information about recipients / end-users and use of their products and possible adverse human rights or IHL impact and, within their means and leverage, monitor this throughout the life cycle of their products, share relevant information with competent

authorities, while taking all reasonable measures within to prevent or mitigate (further) misuse or adverse impacts?

*List of human rights and IHL due diligence reference materials for industry actors*

8. Would it be useful to incorporate into the list of reference materials any of the documents already identified in the Annex to the CSP9 President's *Working Paper on The Role of Industry in Responsible International Transfers of Conventional Arms* ([ATT/CSP9/2023/PRES/766/Conf.WP.Ind](#))?
9. Which additional materials would be useful to facilitate the implementation of human rights due diligence, including conducting human rights and IHL risk assessments?

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**APPENDIX 2****PROPOSED ADDITIONAL GUIDANCE ON THE IMPLEMENTATION OF ARTICLE 7 (4) OF THE TREATY FOR INTEGRATION IN THE VOLUNTARY GUIDE ON IMPLEMENTING ARTICLES 6 & 7 OF THE ATT***Background notes*

The flowchart below is a slightly revised version of that included in [Control Arms' presentation on "Guidance on the Implementation of ATT Article 7\(4\)"](#) during the meeting of the WGETI Sub-working Group on Current and Emerging Implementation Issues on 26 February 2025. Control Arms delivered this presentation on invitation of the WGETI Chair as one of the advocates for developing voluntary guidance and/or good practices guide for GBV risk assessments. Control Arms prepared a proposal to complement the current guidance on Article 7 (4) in the Voluntary Guide to Implementing Articles 6 & 7, which concerns the following sections:

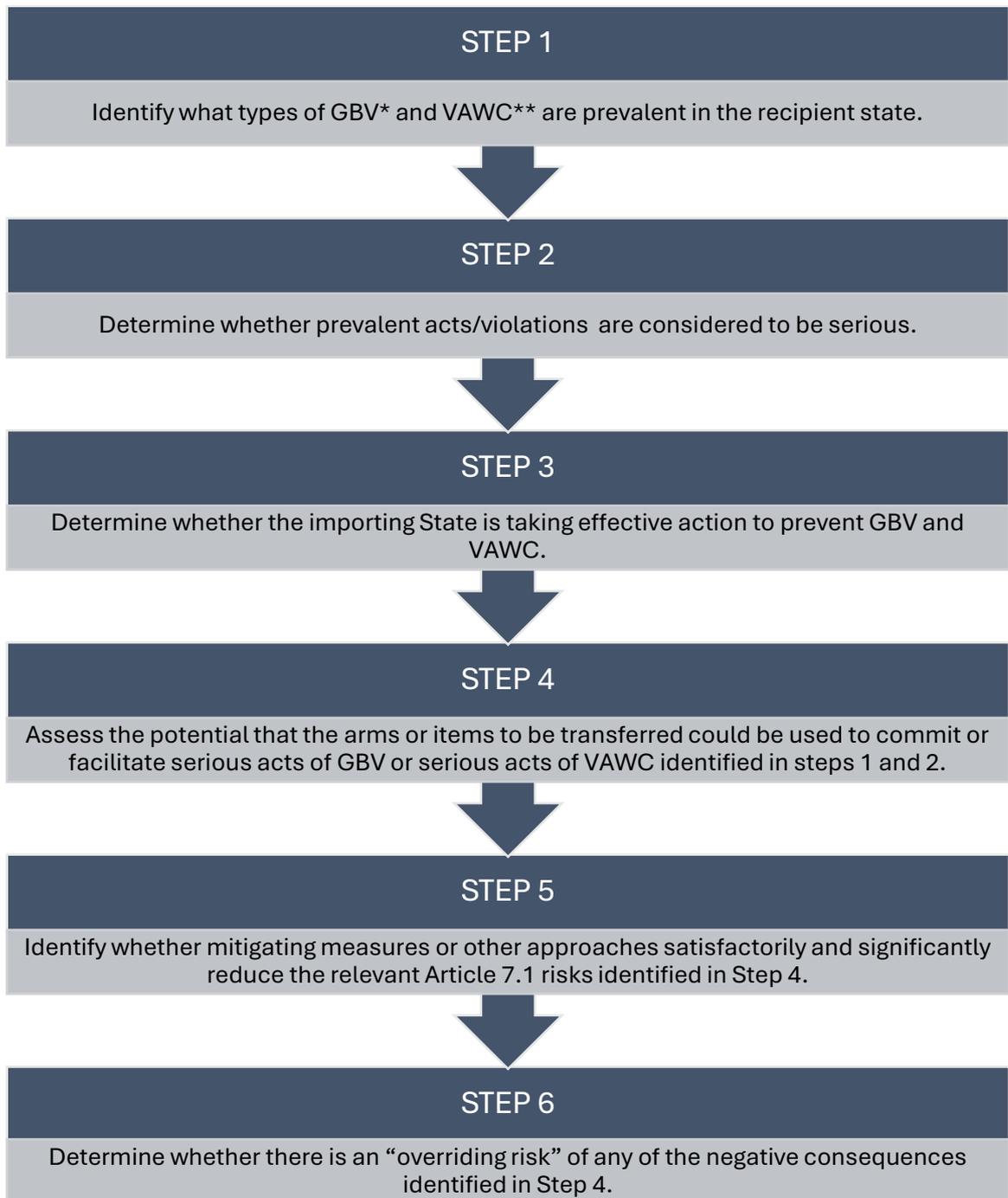
- Paragraphs 26-35 and boxes 1 and 2 in Chapter 1 (Key Concepts), on the key concept of “*serious acts of gender-based violence (GBV) or serious acts of violence against women and children (VAWC)*”;
- Paragraphs 104-108 and box 3 in Chapter 3 (Export and Export Assessment), on how States Parties conduct the risk assessment under Article 7 substantively regarding GBV and VAWC; and
- Paragraphs 129-135 and box 7 in Chapter 3, on measures to mitigate the risk of GBV and VAWC.

The proposed integration of the flowchart into the relevant sections of the Voluntary Guide responds directly to the request made by CSP11.

The amendments to the flowchart reflect the comments in the WGETI Chair’s Report to CSP11, noting that contrary to the steps in the original flowchart, Article 7 requires the determination of an “overriding risk” of any of the negative consequences in Article 7 (1) to be done *after* the consideration of possible mitigating measures, not before. To align the flowchart with the Treaty, in step four “determine whether there is an overriding risk” has been revised to “assess the potential” and a sixth step has been added to place the determination of an overriding risk in its correct sequence. Additionally, references to “violence against women (and girls)” were revised to “violence against women and children” and the term “serious acts” was standardized to reflect Treaty language.

Regarding integration into the Voluntary Guide to Implementing Articles 6 & 7, it is noted that paragraph 108 of the Guide already refers to possible further discussions and the development of dedicated voluntary guidance. Accordingly, it is proposed to amend paragraph 108, as well as paragraph 135, to reflect the discussions and decisions on additional guidance, and to include the flowchart as an Annex B to the Guide. The proposed minor amendments to paragraphs 108 and 135 are included in [Appendix 3](#) of the working document.

Flowchart



\* GBV = gender-based violence

\*\* VAWC = violence against women and children

*Step-by-step comments*

## STEP 1

Identify what types of GBV and VAWC are prevalent in the recipient state.

- Δ Licensing officials must remain alert to changes in the nature of GBV and VAWC within countries.
  - GBV includes both sexual violence and acts committed due to sex and/or socially constructed gender roles.
- Δ WGETI Reports emphasize the broad scope of GBV and VAWC.

## STEP 2

Determine whether prevalent acts/violations are considered to be serious.

- Δ Assess whether the violation is serious based on its gravity and the extent of harm to victims.
  - The threshold is low, but requires a careful, case-by-case and holistic assessment.
- Δ Some States Parties may consider violations serious if they are widespread and systematic.
  - This approach risks overlooking the serious harm to a smaller number of victims.

## STEP 3

Determine whether the importing State is taking effective action to prevent GBV and VAWC.

- Δ ICRC recommends that exporting states consider whether the recipient State has complied with obligations under international law, and what steps has it taken to prevent, end or punish serious violations of GBV and VAWC.  
Potential questions to consider:
  - Does the recipient have laws to address these violations?
  - Are violations adequately punished?
  - Have military, security, and police forces received training on preventing GBV and VAWC?

#### STEP 4

Assess the potential that the arms or items to be transferred could be used to commit or facilitate serious acts of GBV or serious acts of VAWC identified in steps 1 and 2.

- Δ The use of a weapon to “commit or facilitate” a human rights violation can encompass a wide range of acts, including actions taken by non-state actors
  - “facilitate” includes situations where arms may make human rights violations easier, even if the arms/items transferred are not directly involved.
  - Example: the mere presence of a weapon can intimidate vulnerable groups increasing the risk of violations.

#### STEP 5

Identify whether mitigating measures or other approaches satisfactorily and significantly reduce the relevant Article 7.1 risks identified in step 4.

- Δ GBV and VAWC and girls often represent long-term, entrenched issues, making short-term mitigation measures challenging.

#### STEP 6

Determine whether there is an "overriding risk of any of the negative consequences identified in step 4.

- Δ If it is determined that there is an “overriding risk”, the export shall not be authorized.

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### APPENDIX 3

#### PROPOSED AMENDMENTS TO THE SECTIONS OF THE VOLUNTARY GUIDE TO IMPLEMENTING ARTICLES 6 & 7 OF THE ATT WHICH ADDRESS THE IMPLEMENTATION OF ARTICLE 7 (4)

*Below are the proposed minor amendments to the sections of the Voluntary Guide to Implementing Articles 6 & 7 which directly address the implementation of Article 7 (4).<sup>1</sup>*

104. Going forward, CSP9 encouraged States Parties to keep the risk of conventional arms being used to commit or facilitate serious acts of GBV or serious acts of violence against women and children as an important topic of attention and to initiate the discussion and exchange of information and good practices on this topic in the CSP10 cycle. In that respect, the Conference also took note of the working papers presented on this topic by [Argentina](#) and by [Mexico, and Spain supported by Small Arms Survey](#). Based on further discussions in the CSP10 and CSP11 cycles, including a presentation by Control Arms on “Guidance on the Implementation of ATT Article 7(4)” during the CSP11 WGETI meeting, States Parties agreed to complement the existing guidance on Article 7 (4) in this Voluntary Guide with a flowchart applying the export assessment in Article 7 (1)-(3) to GBV and violence against women and children. The flowchart is included in Annex B of this Voluntary Guide and outlines steps for States to undertake in conducting the GBV export assessment as well as guidance on each step.

135. The [Argentina working paper](#), finally, is mentioned in this Chapter following its presentation in the session about mitigating measures, even though it does not contain national practices regarding mitigating measures itself. The working paper proposes a good practice guide that would provide States Parties with the necessary tools to carry out effective risk assessments of exports of small and light weapons ammunition and parts and components. Like the Small Arms Survey presentation, the proposal focuses on processes, policies and data-gathering in the recipient State and therefore includes a questionnaire about States Parties’ practices in that domain. In response to the proposal, reference was made to existing guidance of ATT stakeholders that could be taken into account in this process.<sup>2</sup> As explained in paragraph 108, further discussions in the CSP10 and CSP11 cycles led to the integration of the flowchart in Annex B.

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<sup>1</sup> As noted, the sections directly addressing the implementation of Article 7 (4) concern paragraphs 26–35 and Boxes 1 and 2 of Chapter 1, addressing the key concept of “serious acts of gender-based violence or serious acts of violence against women and children”; as well as paragraphs 104–108 and 129–135, together with Boxes 3 and 7 of Chapter 3, which respectively address how States Parties conduct the risk assessment under Article 7 substantively regarding GBV and VAWC and with measures to mitigate the risk of GBV and VAWC.

<sup>2</sup> Concretely mention was made of: Control Arms, [“How to use the Arms Trade Treaty to address Gender-Based Violence: A Practical Guide for Risk Assessment”](#), 2022; Control Arms, [“ATT Gender Action Plan: Operationalizing CSP5 Decisions on Gender and Gender-based Violence”](#), 2022; Women’s International League for Peace and Freedom (WILPF), [“Preventing gender-based violence through arms control: tools and guidelines to implement the Arms Trade Treaty and UN Programme of Action”](#), 2016, and [“Preventing Gender-Based Violence through Effective Arms Trade Treaty Implementation”](#), 2017.

## APPENDIX 4

### POSSIBLE STEPS AND QUESTIONS FOR WHEN DEVELOPING OR STRENGTHENING INTER-AGENCY COOPERATION (IAC)

#### STEP 1

#### Assessing IAC needs and establishing a process to develop and adopt IAC (including sensitization of political actors and other decision-makers)

- Δ Which ministries, departments, agencies or other entities should be involved in the IAC development or strengthening process?
- Δ Which entity will lead the process and how will decision-making be organized?
- Δ Will a needs assessment be conducted?
- Δ Will stakeholder consultations be undertaken?
- Δ Will a roadmap with clear milestones and timelines be developed?
- Δ Is there political support from relevant political actors and other decision-makers for the IAC process?

#### STEP 2

#### Identifying relevant entities

- Δ Which ministries, departments, agencies or other entities can contribute concrete and meaningful operational experience, expertise and / or information?
- Δ Can existing structures or coordination mechanisms be leveraged?
- Δ Will oversight bodies and / or external stakeholders have a role?

#### STEP 3

#### Defining mandates, roles, responsibilities and processes (and involvement ATT National Point(s) of Contact)

- Δ How will clear mandates be developed?  
Which entity will be responsible for which tasks or workstreams and which concrete outputs will be expected? How will decision-making be organized? Which entities will participate in which decisions and at what level? Will decision-making be consensus-based and how will disagreements be addressed?
- Δ Which tools and information sources will be made available to relevant entities?
- Δ Which standards, processes, templates and guidance will be developed to ensure the comprehensive, consistent and compliant fulfilment of assigned responsibilities?
- Δ How will an expertise- and competence-based allocation of tasks among staff be ensured?

- Δ How will the ATT National Point(s) of Contact be integrated into the workflow?
- Δ How will accountability of the relevant entities be ensured?

#### STEP 4

### Designating or establishing a lead entity and/or committee

- Δ Which entity is best placed to coordinate the overall process?
- Δ Will coordination be led by single entity or a coordinating committee?
- Δ What will the role of the coordinator entail, including in decision-making?

#### STEP 5

### Establishing arrangements / mechanisms for coordination, operational cooperation and information processing and exchange

- Δ How will coordination be conducted (systematic, ad hoc; formal, informal)?
- Δ How will contact points within the relevant entities be maintained kept up-to-date?
- Δ How will urgent coordination, joint operations, and decision-making needs be addressed?
- Δ What protocols will be applied to joint actions?
- Δ How will relevant information be collected and stored (e.g. shared databases)?
- Δ How will sensitive or classified information be handled?
- Δ Which communication channels will be used?

#### STEP 6

### Allocating resources and providing contingency measures

- Δ What human, financial and technical resources will be required to implement steps 2 to 5, and are these resources available within the relevant entities?
- Δ What IT and back-up arrangements will need to be developed or improved?
- Δ Will contingency plans for crisis situations be developed? Are tools and expertise for responding to crisis situations available?
- Δ How will staff shortages, absences and turnover be managed? How will institutional memory be preserved and maintained?

STEP 7

Formalizing agreements in legislative and/or regulatory framework

- Δ Do any specific legislative or regulatory instruments need to be adopted or amended to carry out steps 2 to 6?

STEP 8

Elaborating agreements in Standard Operating Procedures (SOP) and/ or Memoranda Of Understanding (MoUs)

- Δ Which processes, joint actions and information exchanges will require MoUs between relevant entities?
- Δ Which processes, joint actions and information exchanges will benefit from SOPs, including workflows and timelines?
- Δ How will such MoUs or SOPs be developed and adopted? And by whom?

STEP 9

Training of relevant staff

- Δ Which staff members will require training and on which topics?
- Δ Which competencies will need to be developed or strengthened?

STEP 10

Regularly reviewing agreements

- Δ How will the implementation of steps 2-9 be assessed and reviewed?
- Δ Will processes and arrangements be subject to audit?
- Δ How will lessons learnt be captured and applied?
- Δ How will MoUs and SOPs be reviewed and updated?

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**APPENDIX 5**

**EXPLANATORY MEMORANDA REGARDING ISSUES RAISED FOR AN AD HOC DISCUSSION**



## Clarifying Note to the Secretariat of the ATT Regarding Risk Assessment of Arms Exports to Sudan

### I. Issue at Hand

The ongoing armed conflict in Sudan since April 2023 has devastated the lives of civilians. Armed non-state actors have committed acts of genocide, war crimes, and crimes against humanity against civilians, including direct attacks on individuals and essential civilian infrastructure, particularly medical centers, markets, food and water systems, and displacement camps. This has resulted in the deaths and injuries of a large number of civilians, with over 21 million people in Sudan suffering from severe food insecurity or high levels of malnutrition.

Moreover, there has been a deliberate imposition of living conditions aimed at the physical destruction of the Sudanese people, particularly in the Darfur region, including areas like El Fasher and Zamzam Camp. Some non-state armed groups have used starvation as a method of warfare by denying civilians access to essential supplies needed for survival, including food, medicine, and humanitarian aid. As a result, approximately 638,000 people, especially children and women, are facing the risk of catastrophic famine, an unprecedented hunger crisis. Citizens have also been targeted on ethnic, social, and political grounds, particularly from the Zaghawa, Fur, Masalit, and Tunjur tribes, with many being executed in summary killings and forcibly displaced from their homes. Additionally, economic, social, and cultural rights have been violated due to the looting and destruction of civilian property by various armed factions, further hindering access to necessary humanitarian aid to save lives. Widespread sexual violence crimes, including gang rapes and sexual slavery, have also been perpetrated, all of which rise to the level of war crimes and crimes against humanity.



Without the continuous flow of arms, military equipment, and ammunition, almost without restrictions to these armed groups in Sudan, the scale of the horrific destruction, war crimes, and crimes against humanity would not have been possible. Numerous documented pieces of evidence, video clips, photographs, and posts available on social media, referenced by Maat, indicate that certain armed groups possess weapons and military equipment produced by states that are parties to and signatories of the Arms Trade Treaty (ATT).

In this context, the influx of arms without clear standards and irresponsibly reaching untrained civilian hands has led to a rise in crimes across numerous regions of Sudan, representing a significant threat to community security, especially after the end of the armed conflict.

Conversely, after more than two years since the armed conflict in Sudan erupted in April 2023, an increasing threat to regional and international peace and security has begun to emerge, stemming from the vast and uncontrolled flow of weapons, ammunition, and military equipment to the parties in the conflict. This threatens stability in the Horn of Africa and the Sahel by illegally transferring and diverting weapons across open borders to many other conflict areas, particularly in the Democratic Republic of the Congo, Libya, and other countries. This contributes to prolonging armed confrontations and worsening humanitarian suffering, as well as committing a series of grave human rights violations that may amount to war crimes and crimes against humanity, endangering the fundamental rights of civilian populations.

These concerns arise concurrently with compelling evidence reflecting the inability to track and monitor the final destination of weapons and military equipment flowing into Sudan. Despite imposed international obligations, modern weapons and military technologies have been found in the hands of irregular armed factions, indicating the failure of national control



systems in exporting states to prevent the diversion of these supplies. Furthermore, field reports indicate numerous attempts to smuggle weapons across neighboring borders and divert their intended use from supposed defensive to offensive operations targeting civilian infrastructure, markets, and displacement camps, particularly in the Darfur region, amidst fears of transnational networks contributing to the supply of armed conflict parties away from formal international oversight.

These states are expected to adhere to the necessity of alleviating the humanitarian suffering resulting from the transfer of illegal or irresponsible arms by assessing the risks of arms exports under Article 7 of the ATT and considering whether such transfers would lead to or facilitate the commission of serious crimes under international humanitarian law, including serious violence against women, girls, and children. They should also take measures to prevent the diversion of conventional arms and their use in human rights violations under Article 11.

These states have failed to fulfill their legal and moral obligations under Articles 7 and 11 of the ATT, which emphasize the importance of assessing arms exports to countries, ensuring that they are not used to commit or facilitate serious human rights violations and breaches of international humanitarian law.

## **II. Challenges Related to Implementing ATT Obligations**

The situation in Sudan presents challenges to many fundamental provisions of the ATT, hindering its application and implementation and acting as a barrier to achieving the ATT's goal of reducing humanitarian suffering caused by the illegal and irresponsible transfer of arms, as follows:

### **1. Failure to Assess Arms Export Risks**



The ATT's preamble states that it should not impede international cooperation and legitimate trade in equipment; however, this does not exempt States Parties from their binding obligations to ensure that their military exports are not used in serious human rights violations, such as those occurring in Sudan. Article 7 of the ATT necessitates the evaluation of arms export operations and consideration of whether such arms will contribute to the consolidation of international peace and security or be used to commit or facilitate violations of international humanitarian law or serious violence against women and girls, thereby preventing exports if such circumstances are verified.

Despite armed non-state actors committing crimes against humanity and war crimes in Sudan, advanced weapons from States Parties to the ATT have ended up in the hands of their combatants. This indicates a need for stricter standards on export control systems for arms to include parties involved in armed conflicts or states and entities supporting combatants in conflicts without directly participating.

## **2. Diversion and Illegal Spread of Arms**

Under Article 11 of the ATT, States Parties are required to take measures to prevent the diversion of conventional arms covered by the ATT, including risk assessment and mitigation measures. Furthermore, States Parties must address documented cases of diversion and are encouraged to share relevant information among themselves regarding effective measures to handle these cases. The diversion of arms, especially to non-governmental actors, can have severe consequences for human rights, particularly in the Sudanese context, where the diversion of arms has contributed to escalating armed violence, including gender-based violence.



In this context, military equipment reaches irregular armed factions, indicating weaknesses in destination control measures and the failure of States Parties to take effective action to prevent conventional arms from falling into the hands of those who use them to terrorize civilians and destroy infrastructure, thus undermining the primary goal of the ATT to promote international peace and security.

### **3. Facilitation of Serious Violations Against Vulnerable Groups**

The continuous flow of arms without restrictions poses a moral and legal challenge concerning facilitating the commission of crimes. The availability of various weapons has enabled armed factions to commit acts of sexual violence and gang rapes, and to use starvation as a weapon of war by targeting food and water centers. This reality tests the practical application of the ATT, as legal obligations fail to mitigate the horrific humanitarian suffering of women and children in areas such as Darfur and El Fasher.

#### **Guiding Questions for Delegations Regarding This Issue**

To enable delegations to prepare for the dedicated discussion, we present the following questions for consideration during the working group meeting:

1. How can States Parties enhance the “Risk Assessment” mechanisms under Article 7 to ensure that arms and military equipment do not reach armed factions in Sudan that are involved in besieging civilians and obstructing aid?
2. In light of the documented evidence of the use of newly manufactured weapons in ongoing conflicts (such as the Sudanese case), what practical measures can States Parties take to verify "end-user certificates" and prevent diversion through third countries under Article 11?



3. What legal responsibilities do States Parties hold when their weapons are used to commit starvation as a method of warfare, and does the ATT require an update to national standards to include weapons and equipment that may appear defensive but facilitate offensive operations?
4. How can States Parties and international organizations enhance cooperation to exchange intelligence and field-documented images to prevent the ongoing flow of munitions and military equipment to conflict areas experiencing ethnic cleansing?
5. What role can the military industry sector in States Parties play to ensure that "spare parts," "training systems," and engines that keep military equipment of irregular groups operational in conflict areas are not supplied?
6. What additional standards should be integrated into the national control systems of States Parties to ensure that arms transfers do not contribute to "prolonging ethnic conflicts" or destabilize fragile regions such as the Horn of Africa and the Sahel?

### Proposed Speaker

Referring to paragraph four of the invitation from the conference chair, Maat for Peace, Development, and Human Rights is honoured to nominate the following speaker to present the issue and the aforementioned challenges on its behalf:

- **Name:** Mr. Ayman Okeil
- **Title:** Chairman of Maat for Peace, Development, and Human Rights
- **Position:** Deputy Presiding Officers for ECOSOCC

## **Explanatory Memorandum on Maritime Security for the ATT Working Group on Effective Treaty Implementation**

### **Description of the issue**

The diversion of conventional arms during maritime transit and trans-shipment can have serious implications for international and regional security. Maritime interceptions of illicit arms consistently involve significantly larger quantities of weapons than seizures conducted through other modes of transport. For example, seizures of firearms from vessels have been, on average, five times larger than those involving land or air conveyances, as traffickers usually use sea transport for larger shipments ([UNODC, 2020](#)). Trafficking techniques at sea are evolving, including concealment in containers, the use of falsified or misleading shipping documentation ([CAR, 2020](#)), and the jettisoning of weapons at pre-arranged locations for later recovery by smaller boats ([Dahari et al., 2019](#)). Geographic hotspots with high maritime security threats include the Gulf of Guinea, Gulf of Aden, Southeast Asian Maritime Region and Caribbean Sea. Arms trafficking in these regions often characterized by an organized crime-piracy-terrorism nexus, result in devastating humanitarian consequences for surrounding communities including conflict, community violence and gender-based violence (GBV). Maritime routes are also used to circumvent arms embargoes adopted by the United Nations Security Council. To date, discussions on diversion under the Arms Trade Treaty have largely focused on export controls and end-user risks, with comparatively limited attention given to vulnerabilities arising during maritime transit and trans-shipment.

### **Implementation Challenges**

The ATT provides a clear basis for addressing diversion risks at sea. Article 9 calls on States Parties to regulate transit and trans-shipment under their jurisdiction where necessary and feasible, while Article 11 requires cooperation and information exchange among exporting, importing, transit and trans-shipment States to prevent diversion. In addition, Article 6 prohibits states from transfers that would violate UN arms embargoes, relevant international obligations and or may be used to commit (inter alia) crimes against humanity. Article 7 requires exporting States to consider the risk that arms transfers could be used to commit or facilitate serious violations of international humanitarian and human rights law, terrorism and transnational organised crime, as well as serious acts of GBV.

Past discussions at the ATT WGETI in 2021–2022 and CSP9 have laid the foundations for strengthening engagement on maritime aspects of treaty implementation. CSP10 also highlighted value in strengthening interagency cooperation, and established the importance of regional cooperation. These have identified the need to better integrate maritime security actors into relevant ATT policy discussions and implementation activities to address, for example:

- Effective implementation of transit and trans-shipment provisions by maritime actors;
- Understanding, assessing and mitigating the risk of diversion in maritime contexts;
- Coordinating implementation between export control, customs, port and maritime security authorities.

Enhancing the implementation of existing ATT obligations in maritime contexts by strengthening the engagement of maritime actors would not only support more effective implementation but also encourage universalization, noting that maritime security is a key concern for many non-States Parties.

## Guiding questions for delegations

- When conducting risk assessments under Articles 6 and 7, what kinds of maritime security-related threats are of particular concern to your State?
- Does your State have good practices to share in identifying and mitigating diversion risks (Article 11) during transit and trans-shipment of arms by sea (Article 9), including through ports, harbours, or coastal waters and on commercial vessels under your jurisdiction, without disrupting legitimate trade?
- Does your State actively involve maritime actors in interagency cooperation efforts to implement the ATT? If so, which ones? Do you have any good practices or suggestions to better integrate maritime security actors in ATT-related policy-making and implementation?
- What types of capacity-building, technical assistance, or regional cooperation would be most helpful in strengthening maritime-related controls, particularly for States with extensive maritime zones or limited enforcement resources, within an ATT framework?
- Has your State identified gender dimensions to arms-related maritime crime, including the impacts it can have on coastal communities?

## Proposed Speaker(s) (Maximum of three speakers)

- Chair: Panama (TBC)
- UNIDIR (TBC)
  - o See, for example, [Securing the Seas: A Comprehensive Assessment of Global Maritime Security](#).
- Small Arms Survey
  - o See, for example, [Pathway to Policy: Firearms Trafficking and Public Health in the Caribbean](#)
- Maritime Security Team and the Centre for Trust, Peace and Social Relations, Coventry University (TBC)
  - o See, for example, [Is Maritime Security Gender-blind?](#)



The President of the 12th Conference of States Parties to the Arms Trade Treaty  
Deputy Permanent Representative, Ms. Tsholofelo Tsheole  
Permanent Mission of South Africa

The Chair of the Working Group on Effective Treaty Implementation  
Col. Philippe Lejeune  
Permanent Mission of France

1 February 2026

Dear Ms. Tsholofelo Tsheole,  
Dear Col. Philippe Lejeune,

I have the honour to write to you on behalf of the Control Arms Coalition.

I set out below the issues that Control Arms wishes to propose for discussion during the upcoming Arms Trade Treaty (ATT) Sub-Working Group on Current and Emerging Implementation Issues.

Since the outset of the ad hoc discussions, Control Arms has highlighted different contexts of concern, including for example the transfer of arms to the conflicts in Israel-Palestine and Sudan. Given the ATT's core objective of preventing human suffering, it is deeply troubling that conventional weapons originating from ATT States Parties and Signatory States continue to be transferred, either directly or through re-transfers or diversion, to parties engaged in conflicts where Human Rights Council special procedures and other United Nations international mechanisms have documented serious violations of international law, including international human rights and international humanitarian law. In such situations, ATT States Parties and Signatory States are on notice regarding the serious risk of violations of Articles 6 and 7 of the Treaty.

In this context, Control Arms is gravely concerned by the practice among ATT States Parties of maintaining existing arms transfer authorisations when a State becomes aware of new information regarding the serious risk of violations of Articles 6 and 7 of the Treaty. This approach risks undermining both the effective implementation and the credibility of the Treaty.

It also appears that States Parties hold differing interpretations regarding the circumstances that should trigger a reassessment of licences under Article 7(7). The absence of unequivocal

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language in this provision may be contributing to interpretations that treat it as merely permissive, rather than as an obligation requiring active consideration and potential action. For these reasons, a focused discussion on Article 7(7) would be both timely and constructive. Accordingly, and in light of ongoing conflicts marked by grave humanitarian consequences, Control Arms proposes an ad hoc discussion on States Parties' interpretation and application of Article 7(7), with particular emphasis on the practice of maintaining existing arms transfer authorisations without review.

We will be in contact shortly to share the names of the two speakers on these issues. At this stage, the proposed speakers include representatives of the Control Arms Coalition and an academic institution.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Hine-Wai Loose".

Hine-Wai Loose  
Director, Control Arms

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The President of the 12th Conference of States Parties to the Arms Trade Treaty  
Deputy Permanent Representative, Ms. Tsholofelo Tsheole  
Permanent Mission of South Africa

The Chair of the Working Group on Effective Treaty Implementation  
Col. Philippe Lejeune  
Permanent Mission of France

17 February 2026

Dear Ms. Tsholofelo Tsheole,  
Dear Col. Philippe Lejeune,

As outlined in my letter of 1 February 2026, for this year's Arms Trade Treaty (ATT) Sub-Working Group on Current and Emerging Implementation Issues, Control Arms proposes a focused discussion on States Parties' interpretation and application of Article 7(7) of the Treaty, with particular emphasis on the practice of maintaining existing arms transfer authorisations without review.

To help initiate and frame the discussion, we are pleased to propose the following speakers:

- Mr. Geoffrey L. Duke, African Scholar in Peace, Security and Development Fellow, African Leadership Center, King's College London
- Dr. Stuart Casey-Maslen, Special Advisor to the International Humanitarian Law in Focus Project, Geneva Academy

I will provide brief introductory remarks at the start of the session.

Please do not hesitate to let me know if any further information would be helpful.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Hine-Wai Loose".

Hine-Wai Loose  
Director, Control Arms

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