



26 July 2019

Issued by: the
Working Group on Effective Treaty Implementation

Original: English

Arms Trade Treaty
Fifth Conference of States Parties
Geneva, 26 – 30 August 2019

**ATT WORKING GROUP ON EFFECTIVE TREATY IMPLEMENTATION
CHAIR'S DRAFT REPORT TO CSP5**

INTRODUCTION

1. This Draft Report to the Fifth Conference of States Parties (CSP5) is presented by the Chair of the Working Group on Effective Treaty Implementation (WGETI) to reflect on the work carried out by the WGETI since CSP4 and to put forward both conclusions and recommendations for consideration by CSP5.

BACKGROUND

2. The Third Conference of States Parties (CSP3) decided to establish a *standing* Working Group on Effective Treaty Implementation to operate under the Terms of Reference contained in Annex A of the Co-chairs' report to CSP3 ([ATT/CSP3.WGETI/2017/CHAIR/158/Conf.Rep](#)), including a mandate to serve as an ATT continuous platform to:

- a. exchange information and challenges on the practical implementation of the Treaty at the national level;
- b. address, in detail, specific issues set by CSP as priority areas (topics) to take Treaty implementation forward; and
- c. identify Treaty implementation priority areas for endorsement by CSP to be used in Treaty implementation support decisions e.g. ATT Voluntary Trust Fund.

3. For its part, CSP4 underlined the importance that the WGETI take work forward in the intersessional period of the Fifth Conference of States Parties in particular on Articles 5, 6, 7 and 11 in dedicated sub-working groups.

Appointment of WGETI Chair

4. On 08 October 2018, the President of CSP5 appointed Ambassador Sabrina DALLAFIOR of Switzerland as Chair of the WGETI for the period between CSP4 and CSP5.

WGETI Sub-working Groups and appointment of facilitators

5. After careful consideration and guided by decisions of CSP4, the Chair of the WGETI decided to focus work until CSP5, first and foremost, on the three priority issues to be addressed in three Sub-working Groups led by dedicated facilitators as listed below:

- a. Article 5 (General Implementation) facilitated by Mr. Leonard TETTEY of Ghana.
- b. Articles 6 (Prohibitions) and 7 (Export and Export Assessment) facilitated by Mr. Daniel NORD and later Mr. Ulf LINDELL of Sweden.
- c. Article 11 (Diversion) facilitated by Ms. Samantha ALLEN of Jamaica.

FIRST MEETING OF THE WGETI

6. The WGETI Sub-working Groups held their first set of meetings from 29-30 January 2019 in Geneva, at the WMO Building. The WGETI meeting was attended by representatives of 46 States, 3 international organisations, 2 regional organisations, 23 civil society organisations and 5 industry organisations. A summary of this meeting was circulated to all ATT stakeholders on 21 February 2019.

Sub-working group on Article 5

7. Work focused on the first sections of the draft Basic Guide to establishing a national control system. The group heard from Saferworld on its experiences conducting gap analyses to help States Parties identify gaps and inconsistencies in their existing control systems, as well as presentations from Ghana on its experiences developing a national control list, and from Liberia with respect to establishing a national point of contact. These case studies helped in establishing a real understanding of some of the practical challenges faced by States in undertaking these Article 5 commitments.

8. Participants welcomed the draft Basic Guide to support states in their implementation efforts. While emphasizing that a 'one size does not fit all' approach needs to be reflected in the Guide, there was a general sense that it forms an excellent starting point. Participants also made some concrete suggestions for enhancing the draft Basic Guide and elaborating certain areas.

Sub-working group on Article 6 and Article 7

9. The meeting began with a presentation and discussion on working methods to implement Article 6 and 7 by the Serbian export control authority from the Ministry of Trade, Tourism and Telecommunications, which presented in detail the legal framework, the licensing process (including risk assessment and use of end user certificate), the post-licensing phase and record keeping, transport and transit, outreach to industry and legal sanctions to enforce the regulations.

10. The meeting held a discussion on the implementation of Article 7.4. Issues that were raised during the discussion included the challenge of getting data for risk assessment and if possible a regional approach could be helpful in applying the GBV criteria; what could be possible mitigating measures with regard to Article 7.4; the link between Article 7.4 with Articles 7.1 and 6.3; the definition of GBV as such and as relevant to the ATT; the value of access to relevant expertise, which included the issue of relevant training of licensing officers; States Parties' experiences of license denial based on Article 7.4 criteria, where no delegation said that they had had such a denial; and sources for GBV risk assessments. It was clear from the discussion that for many States Parties, practical implementation of Article 7.4 was still a work in progress with several issues that would benefit from further clarification.

Sub-working group on Article 11

11. The meeting focused on the draft multi-year work plan prepared by the Facilitator. Participants shared ideas on how the multi-year work plan could be further developed, especially in the context of exploring information exchange mechanisms. Comments received pointed towards a need to extend

the plan as some of the elements and topics to be discussed may require more time than is currently allocated to them. These elements were reflected in a revised multi-year work plan submitted to the second meeting of the sub-working group.

12. The meeting also held a discussion on the issue of import documentation, the first item on the multi-year work plan. UNIDIR presented its findings on research conducted on end use and end user documentation, and the common elements and challenges identified. This was followed by a comprehensive presentation from Bulgaria on its import documentation. There was an extensive Q/A session following these presentations. Suggestions were made regarding addressing the challenges of import documentation, including that States share their templates for this documentation. As time available was not sufficient to fully cover the issue, it was decided that it would be taken up again at the sub-working group second meeting.

SECOND MEETING OF THE WGETI

13. The WGETI Sub-working Groups held their second set of meetings from 02-03 April 2019 in Geneva, at the Centre International de Conférences Genève (CICG). The WGETI meeting was attended by representatives of 60 States, 2 international organisations, 1 regional organisation, 24 civil society organisations and 3 industry organisations. A summary of this meeting was circulated to all ATT stakeholders on 15 May 2019.

Sub-working group on Article 5

14. The meeting of the Sub-working Group on Article 5 reviewed the new draft section of the *Basic Guide to Establishing a National Control System* on record-keeping. The United Kingdom and Australia gave presentations on their record-keeping systems for exports and imports respectively. Many interventions were delivered on the different approaches taken and systems in place at the national level. Interventions were also made by States that have not yet established record-keeping systems and are looking for guidance on how to do so.

15. The discussions touched on issues of electronic record-keeping and options made possible by modern technology, including e-licensing. The discussions also acknowledged the relationship between the record-keeping obligations in Article 12 and the reporting obligations in Article 13, while confirming that this, of course, is not the only purpose of record-keeping under the Treaty, which has an important role to play in tracing and diversion detection and prevention. Participants welcomed the addition of the section on record-keeping to the *Basic Guide*, noting its practical focus, and commending its usefulness for States that are trying to establish record-keeping systems in particular.

16. In conclusion, the sub-working Group on Article 5 was able to make progress in taking forward its mandate via the elaboration of the *Basic Guide*. There is a general understanding and expectation that the Guide will be a living document that will continue to grow and be improved, as new topics and Articles are explored and discussed by the WGETI Sub-working Groups as well as other Working Groups. The Facilitator has prepared a revised version of the *Basic Guide* incorporating comments received and the discussions held during the April meeting, to be put to CSP5 for consideration and validation (see Annex A).

Sub-working group on Articles 6 and 7

17. South Africa gave an overview of its implementation of Articles 6 and 7, as well as the broader context of its export control system. The presentation sparked questions and interactive discussions. It was widely acknowledged that the presentation had provided valuable further insights into the ways in which the Articles can be implemented. In addition, the Geneva Centre for Security Policy (GCSP)

presented the results of a recent study of how States Parties are implementing Articles 6 and 7 in terms of legislation and regulations. The ICRC introduced a working paper on key concepts of International Humanitarian Law and gender-based violence in relation to the ATT.

18. Taking forward their discussion on Article 7.4, delegations underlined the importance of continued efforts towards its effective implementation. Delegations highlighted the value of training of licensing officials about gender-based violence in the context of Article 7.4, and noted that further discussions would be needed to identify possible approaches thereto. In this context, the sharing of existing material and practical experiences of States Parties was underlined as key. It was also pointed out that training activities would fall within the area of each State Party's national implementation. Finally, it was noted that discussions addressing interpretations of Article 7.4 implementation would need to be addressed in the broader context of the implementation of Articles 6 and 7 rather than in isolation.

19. In conclusion, the Sub-working Group agreed on the value for States Parties to be able to rely on guidance and to share experiences in relation to the implementation of Article 7.4. There was broad support for references being made to existing guiding documents on risk assessment under Article 7.4, to be used on a voluntary basis. Accordingly, the *List of Possible Reference Documents to Be Used by States Parties in Conducting Risk Assessments under Article 7* (included in ATT/CSP4.WGETI/2018/CHAIR/355/Conf.Rep, Annex B) has been updated with the inclusion of existing guidance documents relating to the implementation of Article 7.4. (see Annex B).

20. In view of the support for the development of a multi-year work plan pertaining to the Work of the Sub-working Group on Articles 6 and 7, there would be value in this task being taken forward in the period following CSP5. In view of exchanges in the Sub-working group, there could also be value in having this multi-year work plan include discussions on the interpretation States Parties give to key concepts in Article 7 [such as 'facilitate', 'serious' and 'overriding risk'] and the measures undertaken by States Parties to mitigate risks identified. Consideration could also be given to the elaboration by the Sub-working Group of a document setting out basic elements for a voluntary training guide on gender-based violence.

Sub-working group on Article 11

21. The Sub-working Group considered the revised draft multi-year work plan that was updated to reflect comments at January's Working Group Meetings. Delegations welcomed the revised work plan and there was reiteration of the need for focus on issues pertaining to re-transfers/re-exports, monitoring and post-delivery follow-up.

22. The Sub-Group continued discussions on import documentation, which were guided by a Background Paper that highlighted certain key findings of a UNIDIR study on End Use/r Documentation, as well as presentations from Dr. Paul Holtom and Mr. Himayu Shiotani, the two authors of the study. With respect to terminology, the group highlighted the lack of shared understandings on terminology for end use and end user documentation and there was general support for the development of a voluntary guide that serves as a repository of key terms used by States. This voluntary guide would provide States with an option to select the terms most suitable to their national systems and could also serve to systematize national practices.

23. With respect to the preparation of documents, there was reiteration of the fact that 'one size does not fit all' as different methods are used by States in the preparation of documents, based on their national systems. States were therefore encouraged to explore existing low-cost options to support the authentication of import documentation/EUCs, such as verifications by embassies, etc. With respect to the content of EUCs, there was general recognition of variations in the information of

certain groups within the transfer cycle, such as intermediaries. States were encouraged to use prior work done in this area, such as by the former Facilitator of the Sub-group, Australia, on identifying essential versus optional information on EUCs, to guide their decisions on the content of EUCs.

24. With respect to end use/r assurances and gaps relating to compliance with assurances, a key observation was the failure of compliance in moving from executive level down to the operational level. Inconsistent record keeping practices could also contribute to potential misunderstanding and diversion of arms. It was recommended that states explore the option of establishing national guidelines to assess compliance with end use/r assurances on a case-by-case basis.

25. In an effort to explore the role of the Private Sector in import documentation, the group heard from two (2) industry representatives who provided the perspective of industry. The need for effective internal compliance programmes was highlighted.

26. In conclusion, the Sub-working group was able to make practical progress in addressing diversion but much work remains to be done. In this context, the Facilitator is submitting a consolidated draft multi-year work plan on diversion for validation by CSP5 (see Annex C). The Facilitator also suggests that CSP5 validates the elaboration of a voluntary guide on end use/r documentation that serves as a repository of State Practice in this area on the basis of the annexed proposal (see Annex D) in the period between CSP5 and CSP6, and encourages States Parties to share information on end use/r documentation through the ATT Secretariat to inform this guide.

Other issues addressed

27. The WGETI held a focused discussion to identify the possible gender dimensions of ATT implementation besides those related to Articles 6 and 7 and covered by exchanges on Article 7.4. It underlined that the participation of women in the national control system, including national authorities, is an important element to take into account when implementing Article 5. Also, GBV experts should be included in the establishment of a national control system. There are multiple gender dimensions to Article 8, whether regarding the provision of relevant information by an importing State to the exporting Party or the regulation of arms by an importing States in view of its gendered impact.

28. Overall, exchanges indicated that gender is a largely crosscutting issue that has a bearing on various articles addressed by the WGETI. It will be important that the WGETI continue giving careful consideration to gender aspects of ATT implementation as it takes its work forward. Exchanging on national practice and seeking to generate the appropriate data will be two important aspects of this effort.

29. The WGETI also discussed its method of work and the focus of its efforts going forward. Exchanges underlined in particular that there would be value in the WGETI broadly maintaining the approach to its work that it has developed while seeking to improve it where possible. This applies notably to the development of multi-year work programmes for all Sub-Working Groups - as done for work on Article 11 - to possible intersessional work or seeking to better include efforts at the regional level in its work.

30. Regarding substance, exchanges underlined the merit of taking forward work on Articles 6 and 7 as well as on Article 11 based on the elaborated medium-term plan and of initiating work on Article 9. In this context, the WGETI Chair has drafted a list of proposed topics and elements for consideration for the elaboration of a programme of work and multi-year work plan on Article 9 in the period following CSP5 (see Annex E).

WGETI CONCLUSIONS AND RECOMMENDATIONS

31. On the strength of discussions during meetings and progress made between since CSP4, the WGETI Chair draws the following conclusions:
- a. Regarding substance, progress has been made regarding Article 5 implementation, notably with the drafting of the *Voluntary Basic Guide to Establishing a National Control System*. Going forward, work on Article 5 could be temporarily discontinued to start addressing other ATT Articles. Bearing in mind the priorities that CSP3 adopted for the WGETI, CSP5 could recommend that the Group initiates work on Article 9 (transit and transshipment) and develops a medium-term plan to that effect, bearing in mind the *Draft list of proposed topics and elements for consideration by a WGETI sub-working group on Article 9* (Annex E).
 - b. The development of a multi-year work plan pertaining to the Work of the Sub-working Group on Articles 6 and 7 seems warranted, which could notably provide for the further unpacking of the following aspects of Articles 6 and 7: the interpretation States Parties give to key concepts in Article 7[such as ‘facilitate’, ‘serious’ and ‘overriding risk’] and the measures undertaken by States Parties to mitigate risks identified. CSP5 may recommend that work on these Articles be taken forward. Consideration may also be given to the elaboration of elements of a voluntary training guide on gender-based violence.
 - c. Work undertaken on Article 11 has indicated that much remains to be done to address challenges posed by the implementation of this Article. CSP5 may recommend that efforts in this area should continue, guided by the medium-term work plan on Article 11 developed by the facilitator. As part of upcoming work on diversion, CSP5 could further recommend the development of a voluntary guide on end use/r documentation that serves as a repository of State Practice in this area on the basis of the annexed proposal *Elements of a guide to end use and end user documentation* (see Annex D), and encourage States Parties to share information on end use/r documentation through the ATT Secretariat to inform this guide.
32. On the basis of discussions during meetings and progress made between since CSP4, the following are presented for consideration by CSP5:
- a. To endorse the documents listed below, which have been consolidated on the basis of exchanges during the WGETI meetings and comments received:
 - i. The *Voluntary Basic Guide to Establishing a National Control System*, as living documents to be reviewed and updated regularly, (Annex A),
 - ii. The *List of Possible Reference Documents to Be Used by States Parties in Conducting Risk Assessments under Article 7* (included in ATT/CSP4.WGETI/2018/CHAIR/355/Conf.Rep, Annex B) with the inclusion of existing guidance documents relating to the implementation of Article 7.4, as living documents to be reviewed and updated regularly, (Annex B),

- iii. The *Multi-year workplan for the WGETI sub-working group on Article 11*, to guide continued work in this area, (Annex C).

33. To welcome the posting of these documents on the ATT website.

ANNEX A. VOLUNTARY BASIC GUIDE TO ESTABLISHING A NATIONAL CONTROL SYSTEM



26 July 2019
 Issued by the Working Group on Effective Treaty Implementation

Original: English

(DRAFT) VOLUNTARY BASIC GUIDE TO ESTABLISHING A NATIONAL CONTROL SYSTEM

1.	What is a national control system?	10
2.	Why is a national control system necessary?	10
3.	What are the elements of a national control system?	10
a.	Legal and regulatory framework	11
i.	Laws	11
ii.	Regulations and administrative procedures	12
iii.	National Control List	12
1.	What is a national control list?	13
2.	What are the requirements of the ATT?	14
b.	Institutions	17
i.	Competent national authorities	17
1.	What is the role of the competent national authority?	17
2.	Which ministries and agencies should be included?	17
ii.	National points of contact	18
1.	Who should be the national point of contact?	18
2.	What is the role of the national point(s) of contact?	19
3.	What resources are available to guide the work of the national point(s) of contact?	19
c.	Procedures	20
i.	Authorization process	20
ii.	Risk assessment	20
iii.	Mitigation measures	20
iv.	Decision-making	20
d.	Documentation	20
i.	Types of licences/permits	20
ii.	End use(r) documentation	20
iii.	Record-keeping	20
1.	What records need to be kept?	20

2.	What type of information should be retained in records?	22
3.	How may records be stored?	22
4.	How long should records be stored?	23
5.	Who is responsible for keeping records?	23
6.	What is the role of record-keeping in reporting?	23
e.	Training and capacity building	24
f.	Enforcement	24
i.	Laws, regulations and administrative procedures	24
ii.	Institutions	24
iii.	Procedures	24
iv.	International assistance	24
	Annex A. Competent national authorities for regulating international transfers of conventional arms in ATT States Parties	25
	Sources of information / references	44

[insert to cover page]

Aim of the Voluntary Basic Guide to Establishing a National Control System

The *Voluntary Basic Guide to Establishing a National Control System* was developed by the Sub-working Group on Article 5 (General Implementation), a sub-working group of the Working Group on Effective Treaty Implementation. The Guide is a voluntary, non-prescriptive and living document designed to help States Parties identify the elements they may wish to consider when establishing a national control system in accordance with Article 5(2) of the Arms Trade Treaty. The Guide is based on the decisions and recommendation of CSP4 as well as on information and experiences shared by States Parties during discussions and exchanges between States Parties that took place during meetings of the Sub-working Group on Article 5 in 2018 and 2019.

1. What is a national control system?

Article 5(2)

Each State Party shall establish and maintain a national control system, including a national control list, in order to implement the provisions of this Treaty.

One of the central requirements of the ATT is that each State Party establishes a national control system to implement the Treaty, including the regulation of the international transfer of conventional arms, related ammunition/munitions, and their parts and components.

2. Why is a national control system necessary?

A national control system is essential for a State Party to effectively regulate transfers of conventional arms, ammunition/munitions and parts and components, including assessing requests for authorization to transfer items in accordance with Articles 6, 7 and 11 of the Treaty.

A national control system ensures a State has oversight and control of transfers taking place under its jurisdiction, minimising the risks of diversion and/or illicit transfers of arms and other items taking place.

Establishing and maintaining a national control system is a cornerstone of compliance with the ATT.

3. What are the elements of a national control system?

A national control system comprises the national legislation, regulations, and administrative procedures established by a government both to administer the import, export, transit, trans-shipment, and brokering of arms and other items and to process applications for authorizations to conduct these activities and monitor their trade.

The main components of a national control system should include a legal and regulatory basis for licensing and enforcement, a corresponding institutional framework, and administrative procedure for implementation.

The ATT does not specify a ‘one-size-fits-all’ approach for the national control system and each State Party has discretion depending on its size, resources, and legislative as well as institutional/constitutional framework, although the core elements of a national control system are outlined in Article 5 as:

- A national control list;
- Competent national authorities; and
- National point of contact(s).

These constitute the minimum common requirements established by Article 5. In addition, States Parties are encouraged to take additional measures. The Preamble to the Treaty emphasizes that: ‘nothing in this Treaty prevents States from maintaining and adopting additional effective measures to further the object and purpose of the Treaty’ (paragraph 12 of the Preamble).

Details of the elements of a national control system are elaborated below.

a. Legal and regulatory framework

i. Laws

In practice, most States Parties that have established national control systems have done so through the adoption of legislation. Article 14 contains a provision on enforcement that requires States Parties to take ‘appropriate measures’ to enforce national laws and regulations that implement the Treaty, suggesting that a statutory regime is the appropriate means through which to establish a national control system.

[BOX] *States should ensure that they have an adequate system of national laws and/or regulations and administrative procedures to exercise effective control over armaments and the export and import of arms in order, among other goals, to prevent illicit arms trafficking (paragraph 23 of the Guidelines for international arms transfers in the context of General Assembly resolution 46/36 H of 6 December 1991.)*

Some States Parties to the ATT already had a national control system and relevant legislation in place before becoming States Parties to the Treaty, and accordingly did not need to adopt new legislation before joining the Treaty. Others had legislation in place, but determined that they needed to amend or adapt existing legislation before their statutory regime was fully compliant with the ATT requirements. And some States Parties did not have any or adequate legislation in place, and so have opted to enact new legislation to incorporate their ATT obligations into domestic law.

Each State that is a State Party, or that is contemplating joining the Treaty, must determine for itself whether and to what extent its existing legislation provides sufficient basis to implement and comply with the Treaty, or whether it will adopt new legislation. This process may involve conducting a ‘gap analysis’ whereby a State reviews all or any arms transfer control policies, legislation, regulations, and administrative procedures it has in place to assess the strengths, weaknesses, gaps, inconsistencies and general level of compliance of its existing system with the Treaty obligations.

Examples of the types of relevant legislation a State may already have in place that should be reviewed and assessed during the gap analysis include but is not limited to the following:

- Firearms legislation (e.g. Firearms Act or Arms and Ammunition Act)
- Import/export control/trade control legislation (e.g. Export and Import of Goods Act, Strategic Goods Act, Foreign Trade Act, War Weapons Act)
- Customs legislation (e.g. Customs Act, Transportation of Dangerous Goods Act)
- Armed forces legislation (e.g. Armed Forces Act or Defence Act)
- Legislation establishing relevant governmental structures e.g. National Commission on Small Arms
- Legislation to implement relevant obligations arising from membership of regional and international organisations
- Legislation that gives effect to the Geneva Conventions, the Additional Protocols, if applicable, and other international humanitarian law (IHL) treaties (including weapons treaties) the State may be party to, along with any legislation giving effect to the Rome Statute of the International Criminal Court. Where they exist, these laws often contain provisions that have the effect of prohibiting or regulating certain arms transfers (e.g. the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction and the Cluster Munitions Convention prohibit transfers of these weapons)
- Criminal code

Once this gap analysis or assessment is complete, a State can identify whether it requires new legislation; can amend or adapt existing legislation; and/or existing legislation is consistent with the ATT obligations.

The following Treaty obligations – and elements of the national control system – could be implemented through measures such as legislative provisions and administrative guidance:

- national control list(s) (as per Article 5(2));
- the designation of competent national authorities as part of a national control system (as per Article 5(5));
- the prohibition of certain transfers (as per Article 6);
- export assessments (as per Article 7 and Article 11);
- the regulation of imports of conventional arms (as per Article 8);
- the regulation of transit and trans-shipment of conventional arms (as per Article 9);
- the regulation of brokering of conventional arms (as per Article 10);
- information exchange and cooperation (Articles 5, 7, 8, 11, and 13);
- the maintenance of records (as per Article 12); and
- the enforcement of national laws and regulations to implement the provisions of the Treaty (as per Article 14).

ii. [Regulations and administrative procedures](#)

While, ideally, the national control system itself should have a statutory basis in primary legislation (laws), certain elements of the national control system may be better suited to secondary legislation (regulations) or administrative decisions because they may need to change over time or be updated regularly. A list of examples of the elements of a national control system that could be implemented through regulations, secondary legislation or administrative procedures follows:

- the content of the national control list;
- the criteria that a State Party applies to make decisions to grant or deny authorization of a transfer;
- the documents (include application forms) and information that must be submitted as part of an application for an authorization;
- details of the information that must be recorded with respect to transfers, including ‘the quantity, value, model/type, authorized international transfers of conventional arms covered under Article 2 (1), conventional arms actually transferred, details of exporting State(s), importing State(s), transit and trans-shipment State(s), and end users, as appropriate’ (as encouraged under Article 12(3)); and
- the penalties and sanctions for violations of legislation that implements the ATT.

iii. [National Control List](#)

Article 5(2)-(4)

2. Each State Party shall establish and maintain a national control system, including a national control list, in order to implement the provisions of this Treaty.

3. Each State Party is encouraged to apply the provisions of this Treaty to the broadest range of conventional arms. National definitions of any of the categories covered under Article 2 (1) (a)-(g) shall not cover less than the descriptions used in the United Nations Register of Conventional Arms at the time of entry into force of this Treaty. For the category covered under Article 2 (1) (h), national definitions shall not cover less than the descriptions used in relevant United Nations instruments at the time of entry into force of this Treaty.

4. Each State Party, pursuant to its national laws, shall provide its national control list to the Secretariat, which shall make it available to other States Parties. States Parties are encouraged to make their control lists publicly available.

1. What is a national control list?

Article 5(2) of the Arms Trade Treaty (ATT) requires States Parties to ‘establish and maintain’ a national control list as part of a national control system to implement the provisions of the ATT. A national control list provides definitions of categories of items for which the international transfer is to be controlled. It is a key element of a national control system because a national control list indicates which items are subject to national transfer controls – i.e. items that are prohibited from being exported or imported without the authorization of a competent national authority.

A state can have more than one national control list. The separate control lists may be differentiated by the types of arms they cover or the type of transfer involved. For example, some states have one national control list that defines items that are specifically designed for military use (i.e. conventional arms, ammunition, parts and components, and related military equipment, technologies) and another national control list that defines ‘dual-use items and technologies’ – i.e. items and technologies that are not specifically designed for military use but which can be used for military applications as well as civilian uses. Other states utilize a single national control list that contains both items designed for military use and dual-use items and technologies. Both options can be utilized to fulfil ATT obligations, as evidenced by national approaches used by ATT States Parties. States can also have one control list for arms that are imported and a separate list for arms that are exported.

It is a national responsibility to establish and maintain a national control list. The contents of a national control list can be expanded to cover new technologies and items, and definitions for categories of items already included in a national control list can be amended over time. As noted in section 3.a.ii., a national control list is not usually included in primary legislation but in secondary regulations.

Different government ministries and agencies can be involved in the process of establishing and maintaining national control lists. Technical expertise on items designed for military use is most commonly located in defence and security ministries and related agencies, but there is also a role for bodies responsible for maintaining national transfer control systems. Other entities that can play a role in national processes to establish and maintain a national control list include parliament, companies involved in the international arms trade, and NGOs/civil society.

The contents and definitions of items contained in national control lists can be influenced by multilateral efforts to develop lists of items and technologies to be subject to transfer controls. For example, the 42 participating States of the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies (Wassenaar Arrangement) have developed a Munitions List that provides definitions of military equipment, including conventional arms, which are to be subject to transfer controls and regulation in these participating states.

The definitions for items contained in the 22 categories of the Wassenaar Arrangement’s Munitions List are subject to regular review by technical experts from the participating states of the Wassenaar Arrangement. Any changes to the Wassenaar Arrangement’s Munitions List are announced publicly following the plenary meeting of the Wassenaar Arrangement, which takes place in December each year.

Changes to the Wassenaar Arrangement’s Munitions List are also incorporated into the European Union’s Common Military List, which is made available in 23 languages. The Wassenaar Arrangement’s

Munitions List serves as an important reference point for the national control lists of states that are not participating states of the Wassenaar Arrangement or Member States of the European Union. Some States Parties have indicated that both the Wassenaar Arrangement's Munitions List and the European Union's Common Military List are utilized as the basis for their national control list.

2. *What are the requirements of the ATT?*

It is expected that a national control list defines items contained in Articles 2(1), 3 and 4. Article 5(3) of the ATT obliges States Parties to have national definitions for the categories of conventional arms indicated in Article 2(1) (a)-(h) that 'shall not cover less than the descriptions used in the United Nations Register of Conventional Arms at the time of entry into force of this Treaty' (i.e. 24 December 2014)(see Box 1), and 'descriptions used in relevant UN instruments' for small arms and light weapons (SALW)(see Box 2). Article 5(3) encourages 'each State Party to apply the provisions of the ATT to the broadest range of conventional arms'. Therefore, the national control list of an ATT State Party can include items that are not covered by the ATT provisions of Articles 2(1), 3 and 4.

Article 5(5) obliges ATT States Parties to take measures to regulate the transfer of items covered under Articles 2(1) and Articles 3 and 4. Article 3 covers 'ammunition/munitions fired, launched or delivered by the conventional arms covered under Article 2 (1)' and Article 4 covers parts and components 'in a form that provides the capability to assemble the conventional arms indicated in Article 2(1)'.

Article 5(4) also obliges ATT States Parties to provide their national control list to the ATT Secretariat, which shall make it available to other States Parties.

Article 5(4) also encourages States Parties to make their national control lists publicly available, this ensures that industry and the public can access it and know the requirements attached to the list. Making national control lists publically available would ensure that industry is aware of which items require export authorisation.

[Box 1]. Descriptions for the seven categories of the UN Register of Conventional Arms at the time of entry into force of the ATT

- I. Battle Tanks: Tracked or wheeled self-propelled armoured fighting vehicles with high cross-country mobility and a high-level of self-protection, weighing at least 16.5 metric tons unladen weight, with a high muzzle velocity direct fire main gun of at least 75 millimetres calibre.
- II. Armoured Combat Vehicles: Tracked, semi-tracked, or wheeled self-propelled vehicles, with armoured protection and cross-country capability, either (a) designed and equipped to transport a squad of four or more infantrymen, or (b) armed with an integral or organic weapon of at least 12.5 mm calibre or a missile launcher.
- III. Large-Caliber Artillery Systems: Guns, howitzers, artillery pieces combining the characteristics of a gun or a howitzer, mortars or multiple-launch rocket systems, capable of engaging surface targets by delivering primarily indirect fire, with a calibre of 75 mm and above.
- IV. Combat Aircraft¹: Fixed-wing or variable-geometry wing aircraft designed, equipped, or modified to engage targets by employing guided missiles, unguided rockets, bombs, guns, cannons, or other weapons of destruction, including versions of these aircraft which perform specialized electronic

¹ As a result of a recommendation of the 2016 GGE, the category heading "combat aircraft" was changed to "combat aircraft and unmanned combat aerial vehicles" and a new description was provided for the category, including the division into two sub-categories for reporting on manned and unmanned aircraft (A/71/259, para. 81). States Parties may update their national control lists to reflect such changes to the UNROCA descriptions, but they are not obliged to do so.

warfare, suppression of air defence or reconnaissance missions. The term “combat aircraft” does not include primary trainer aircraft, unless designed, equipped, or modified as described above.

V. Attack Helicopters: Rotary-wing aircraft designed, equipped or modified to engage targets by employing guided or unguided anti-armour, air-to-surface, air-to-subsurface, or air-to-air weapons and equipped with an integrated fire control and aiming system for these weapons, including versions of these aircraft which perform specialized reconnaissance or electronic warfare missions.

VI. Warships: Vessels or submarines armed and equipped for military use with a standard displacement of 500 metric tons or above, and those with a standard displacement of less than 500 metric tons, equipped for launching missiles with a range of at least 25 kilometres or torpedoes with a similar range.

VII. Missiles and Missile Launchers: (a) Guided or unguided rockets, ballistic, or cruise missiles capable of delivering a warhead or weapon of destruction to a range of at least 25 kilometres, and means designed or modified specifically for launching such missiles or rockets, if not covered by categories I through VI. For the purpose of the Register, this subcategory includes remotely piloted vehicles with the characteristics for missiles as defined above but does not include ground-to-air missiles. (b) Man-Portable Air-Defence Systems (MANPADS).

End of Box 1

[Box 2] Descriptions for small arms and light weapons in relevant UN instruments

The ‘Reporting Authorized or Actual Exports and Imports of Conventional Arms under the ATT: Questions and Answers’ booklet of the ATT Working Group on Transparency and Reporting indicates that relevant UN instruments for defining small arms and light weapons ‘could be’:

- International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons (International Tracing Instrument, ITI).
- United Nations Register of Conventional Arms’ 2014 standardized reporting form for international transfers of small arms and light weapons.

The ITI definition for small arms and light weapons is:

[A]ny man-portable lethal weapon that expels or launches, is designed to expel or launch, or may be readily converted to expel or launch a shot, bullet or projectile by the action of an explosive, excluding antique small arms and light weapons or their replicas. Antique small arms and light weapons and their replicas shall be defined in accordance with domestic law. In no case, however, shall antique firearms include small arms and light weapons manufactured after 1899:

- ‘small arms’ are broadly speaking, weapons designed for individual use. They include, inter alia, revolvers and self-loading pistols, rifles and carbines, assault rifles, sub-machine guns, and light machine guns’;
- light weapons are, broadly speaking, weapons designed for use by two or three persons serving as a crew, although some may be carried and used by a single person. They include, inter alia, heavy machine guns, hand-held under-barrel and mounted grenade launchers, portable anti-tank and anti-aircraft guns, recoilless rifles, portable launchers of anti-tank missile and rocket systems and anti-aircraft missile systems, and mortars of a calibre of less than 100 millimetres’

The United Nations Register of Conventional Arms' standardized reporting form for international transfers of small arms and light weapons lists six sub-categories of small arms and seven sub-categories of light weapons, as follows:

Small arms:

- 1) revolvers and self-loading pistols;
- 2) rifles and carbines;
- 3) sub-machine guns;
- 4) assault rifles;
- 5) light machine guns;
- 6) other.

Light weapons:

- 1) heavy machine guns;
- 2) hand-held under-barrel and mounted grenade launchers;
- 3) portable anti-tank guns;
- 4) recoilless rifles;
- 5) portable launchers of anti-tank missile and rocket systems;
- 6) mortars of calibres less than 75mm;
- 7) other.

The 'Reporting Authorized or Actual Exports and Imports of Conventional Arms under the ATT: Questions and Answers' booklet notes that it is for ATT States Parties to determine if their national definition of small arms and light weapons only covers 'conventional arms that are made of modified to military specifications', or if it also includes 'arms that are made or modified to civilian specification'.

End of Box 2

- b. Institutions
- i. Competent national authorities

Article 5(5)

Each State Party shall take measures necessary to implement the provisions of this Treaty and shall designate competent national authorities in order to have an effective and transparent national control system regulating the transfer of conventional arms covered under Article 2 (1) and of items covered under Article 3 and Article 4.

1. What is the role of the competent national authority?

Article 5(5) of the Treaty requires that each State Party designate competent national authorities in order to have an effective and transparent national control system to regulate transfers of conventional arms, ammunition/munitions and related parts and components.

States Parties exercise national discretion regarding the competent authorities' form, size, structure, and statutory basis. There is no 'one size fits all' approach to the establishment or designation of competent national authorities, and each State Party will need to determine the arrangement that best suits its needs, capacity, and circumstances. Some States Parties have established new agencies responsible for ATT-related matters, while others have adapted and expanded existing agencies to take on the role.

A transparent competent national authority has its roles and responsibilities clearly set out and makes information available on the administrative procedures for the regulation of international arms transfers.

A review of the national experience of ATT States Parties indicates that the broad roles and responsibilities of competent national authorities can include:

- the collection, verification, and analysis of information pertinent to regulation of international transfers of items covered by the ATT Articles 2(1), 3 and 4;
- assess applications for authorization to export, import, transit or tranship, or broker conventional arms;
- decide on whether to authorise or deny requests to export, import, transit or tranship, or broker conventional arms;
- ensure compliance with national legislation and regulations, including the decisions of the government on authorizations or denials for international transfers; and
- coordinate and share relevant information with other state organs as appropriate.

2. Which ministries and agencies should be included?

ATT States Parties determine which ministries or government agencies shall be established or designated to serve as competent national authorities for regulating the export, import, transit/transshipment and brokering of conventional arms. ATT States Parties utilize a variety of different national approaches for the organization of competent national authorities and the ministries and agencies are engaged as competent national authorities varies (see Annex A on the competent national authorities in ATT States Parties that have submitted an Initial Report on their ATT implementation).

The decision on whether to establish or designate one ministry or government agency to be responsible for authorizing all types of international transfers for all conventional arms, or appoint different ministries or government agencies to be responsible for different types of activities is left to

national discretion. For example, Annex A shows that some ATT States Parties have designated a department in one Ministry as the competent national authority, others have a dedicated national agency responsible for transfer controls or an inter-agency or inter-ministerial committee responsible for assessing and determining whether to authorize or refuse an application for an international arms transfer.

Some ATT States Parties have designated different government ministries or agencies as the lead for different activities, for example the Ministry of Defence is responsible for regulating exports and brokering, the Ministry of Interior for imports, and the National Customs Administration for transit and transhipment. ATT States Parties in their initial reports and interventions during Conferences of States Parties have emphasized that whichever approach is taken, inter-agency cooperation and information sharing to undertake informed assessments of applications to export, import, transit or tranship, or broker conventional arms is important.

The national experiences of ATT States Parties clearly shows that there is no 'one-size-fits all', but the types of Ministries and government agencies that are frequently involved in national systems to regulate international arms transfers, and enforce national laws and regulations in this regard, includes those that deal with: business, commerce, the economy and trade; border controls and customs; defence; development; interior or home affairs, including law enforcement; foreign affairs; intelligence and security services; justice, including the judiciary; SALW Commissions; and transportation.

Even in cases where a department in one Ministry or a dedicated agency have been established, such entities require information and input from other parts of government to make informed and responsible decisions on international arms transfers. In addition, another Ministry or government agency could be responsible for enforcement of the national control system, with law enforcement, customs, and intelligence services involved in detection and investigations of suspected violations of national legislation and the Ministry of Justice/Judiciary involved in civil and criminal cases arising from such investigations. States Parties should ensure that the designated national competent authority has the required expertise and technical knowledge to make informed decisions.

ii. National points of contact

Article 5(6)

Each State Party shall designate one or more national points of contact to exchange information on matters related to the implementation of this Treaty. Each State Party shall notify the Secretariat, established under Article 18, of its national point(s) of contact and keep the information updated.

Under Article 5(6), each State Party is required to designate a national point (or points) of contact and to notify the ATT Secretariat.

1. *Who should be the national point of contact?*

Each State Party is free to determine whether the national point(s) of contact should be an individual person or an institution, and in which Ministry or government agency the national point(s) of contact should be located.

Some States Parties have designated a specific individual or individuals to be their national point of contact(s) whilst others have designated a particular institution, such as a Ministry or Government agency, to be their national point of contact.

The individual or institution designated to be a State Party's national point of contact may have some direct role or engagement in (and therefore knowledge of) the ATT-related obligations and activities of the State. For example, the individual or institution may be part of the export control agency of the State (if the State has one), or the Ministry of Defence (which will be involved in the acquisition of defence-related equipment), or the Ministry of Foreign Affairs (which will be involved in representing the State at ATT meetings and related events).

Other international instruments, including the UN Programme of Action on Small Arms (UN Document A/CONF.192/15 of 20 July 2001) and the International Tracing Instrument (A/60/88 of 27 June 2005) also require States to establish or designate a national point of contact to exchange information and act as a liaison on matters relating to implementation. Some States have designated the same individual or institution as the national contact point for more than one of the conventional arms related instruments. This practice is encouraged as it acknowledges and facilitates synergies between instruments.

2. What is the role of the national point(s) of contact?

The role of a State Party's national point of contact is to facilitate the exchange of information on Treaty implementation. The national point of contact should act as the primary liaison on all matters related to Treaty implementation and should serve as a key source of knowledge and information on national implementation of the ATT.

This includes being a source of information on the ATT for persons in the State itself, as well as a source of information for the ATT Secretariat and other ATT stakeholders.

Some of the specific activities the national point of contact could engage in with respect to the ATT include:

- exchange information on matters related to the implementation of this Treaty (Article 5(6));
- first point of call for exchange of information regarding Articles 6, 7 and 11;
- assist in the provision of relevant information to a requesting exporting State Party (Article 8(1));
- assist in the provision of cooperation and exchange of information in the prevention, detection and mitigation of diversion (Article 11);
- serve as the liaison on matters related to the State Party's **reporting** under the ATT;
- serve as the liaison on matters related to the State Party's **financial contributions** to the ATT; and
- participate in the State Party's delegation at ATT meetings.

3. What resources are available to guide the work of the national point(s) of contact?

[The ATT Secretariat is in the process of developing a guide for National Points of Contact that will be referenced here. ###]

[The following section of the Basic Guide will be developed following discussions on these areas during the Sub-working Groups.]

- c. Procedures
 - i. Authorization process
 - ii. Risk assessment
 - iii. Mitigation measures
 - iv. Decision-making
- d. Documentation
 - i. Types of licences/permits
 - ii. End use(r) documentation
- iii. Record-keeping

Article 12

1. Each State Party shall maintain national records, pursuant to its national laws and regulations, of its issuance of export authorizations or its actual exports of the conventional arms covered under Article 2 (1).

2. Each State Party is encouraged to maintain records of conventional arms covered under Article 2 (1) that are transferred to its territory as the final destination or that are authorized to transit or trans-ship territory under its jurisdiction.

3. Each State Party is encouraged to include in those records: the quantity, value, model/type, authorized international transfers of conventional arms covered under Article 2 (1), conventional arms actually transferred, details of exporting State(s), importing State(s), transit and trans-shipment State(s), and end users, as appropriate.

4. Records shall be kept for a minimum of ten years.

1. What records need to be kept?

The obligations of Article 12 are laid out in the Box above. Article 12 obliges each State Party to keep records of export authorizations or actual exports of the conventional arms covered under Article 2(1) (see section 3.a.iii.2) and encourages them to keep records of conventional arms covered under Article 2(1) that are transferred into its territory and/or authorized to transit or trans-ship territory under its jurisdiction. The scope of Article 12 is explored in greater detail in the following sections.

1.1. Export records

Article 12(1) requires States Parties to maintain national records of export authorizations (licences, permits, or other written documents granted permission to export conventional arms) or actual exports of conventional arms covered by Article 2(1). States Parties can choose to maintain records of both authorizations and actual exports of conventional arms covered by Article 2(1), which sets the minimum base for records to be kept. Maintaining records of conventional arms authorized for export or exported from its territory will enable a State Party fulfil its obligation to report on exports. ATT States Parties can also maintain records for items beyond the scope of Article 2(1).

1.1.1. Sources of information for records on export authorizations and actual exports

Article 7(5) requires that export authorizations are ‘detailed and issued prior to export’. Such authorizations may be in a format that can be retained as records for the national export control system. Documentation supplied in support of an application for an authorization to export conventional arms may also include information that can be retained for use by competent authorities in the national system when considering subsequent applications for export authorizations. For example, this could include an end use or end user certificate supplied by the importing country and/or an import licence. The ATT does not specify the documentation and sources of information required to fulfil record-keeping obligations under Article 12(1) for actual exports.

National customs administrations could explore options for record-keeping in accordance with ATT categories for conventional arms contained in Article 2(1).

Another option is for commercial or government entities, which have received authorization to export conventional arms, to report to the competent authority on the use of export authorizations – i.e. to report on items delivered.

Where applicable, a third option is the receipt of a delivery verification certificate (DVC) or comparable document provided by the customs authorities or competent authority in the importing state, which is provided to the commercial or government entity involved in the transfer, and subsequently provided to the competent authority responsible for the export control system. In some instances, this option would only apply if receipt of DVC were to be a condition of the export authorisation, and if the recipient complies with the condition.

1.2. Import records

Article 12(2) encourages each State Party to maintain national records of conventional arms covered by Article 2(1) that are ‘transferred to its territory as the final destination’. Maintaining records of conventional arms authorized for transfer into or transferred into its territory will enable a State Party to report on imports.

1.2.1. Sources of information for records on import authorizations and actual imports

Article 12(2) does not indicate the documents that could be, where appropriate, maintained on imports of conventional arms covered under Article 2(1). Copies of issued licences, permits, end-user documentation associated with licences or permits that have been authorized, and other documents that grant permission for the import of conventional arms as well as customs data represent another format for records to be maintained on import authorizations.

Records of actual imports could be taken from the same sources as those used for maintaining records of actual exports: customs, commercial and government entities authorised to import conventional arms, and delivery verification documents. In addition, national security agencies (army, navy, air force, paramilitary forces, police, etc.) may maintain records of conventional arms imported for national security purposes.

1.3. Transit and trans-shipment records

Article 12(2) encourages record-keeping for conventional arms covered by Article 2(1) that are authorized to transit or trans-ship across territory under the State Party’s jurisdiction.

1.3.1. Sources of information for records on transit and trans-shipment

Article 9 does not mention documentation to be submitted to the competent authority as part of a system to regulate transit or trans-shipment, or authorizations issued by the competent authority.

Where a State requires advanced notification of or prior authorization (such as a transit permit) for arms being transited or trans-shipped through its territory, information submitted as part of the notification or authorization procedure could be retained as national records for the authorization of transit and/or trans-shipment.

1.4. Brokering records

Article 12 neither requires nor encourages States Parties to maintain records of registered arms brokers or arms brokering activities. Article 10 requires each State Party to take measures to regulate brokering under its jurisdiction. It explicitly indicates that a State Party could require brokers to be registered or require a written authorization to be issued for brokering activities.

1.4.1. Sources of information for records on brokering

For States Parties that wish to retain brokering records, a national register of arms brokers will contain records of the natural and legal persons that have been registered as brokers, as well as perhaps also containing information on brokers that have had their permission revoked or applications refused. Information is likely to cover the registered entity, and might also address countries and types of conventional arms and other items on the national control list that it is permitted to broker. For records of brokering authorizations, similar information could be retained as for export authorizations.

2. What type of information should be retained in records?

Article 12 does not indicate what information or what types of documents must be maintained, but does encourage States Parties, as appropriate, to include information on 'the quantity, value, model/type' and authorizations of international transfers of conventional arms covered under Article 2(1), along with 'conventional arms actually transferred, details of exporting State(s), importing State(s), transit and trans-shipment State(s), and end users' for conventional arms covered under Article 2(1).

3. How may records be stored?

Article 12 of the ATT does not prescribe how records should be stored. Records can be maintained in manual or electronic filing systems. Whichever option is chosen, it is advisable that records are organized and maintained in such a way that the State Party can access the records for use in risk assessments and also for collating for reporting purposes, either in accordance with obligations laid out in Article 13(3) of the ATT or in national reports for domestic accountability before a national parliament and public.

According to information provided by ATT States Parties in their initial reports, different government ministries and agencies are responsible for controlling exports and regulating other types of transfers. Therefore, a State Party will not necessarily have all records for exports, imports or other transfer activities located in a database or centralized repository in single ministry or agency. If there are multiple government ministries and/or agencies responsible for record-keeping and data collection, it is important for all of these different ministries and/or agencies to agree on definitions for covered items and activities. Good practices in record-keeping include the use of a single database for all relevant records and/or a single template for all relevant records. It is also worth considering the establishment of clear national guidelines for the division of competences in record-keeping.

Training to build capacity and the provision of equipment to help with record-keeping and facilitating the sharing of information between relevant ministries and agencies should be explored to address deficiencies in States that currently lack capacity and infrastructure.

4. *How long should records be stored?*

States Parties are obliged to keep some form of national records for 10 years on exports of conventional arms. Storing records electronically facilitates the keeping of records for long periods of time, and many States that keep records in electronic format do so indefinitely[although this is not required by the Treaty]. In Article 12(2), each State Party is encouraged but not obliged to keep records of conventional arms covered under Article 2(1) that are transferred to its territory as the final destination or that are authorized to transit or trans-shipment territory under its jurisdiction. If such records are maintained, they must be kept for a minimum of 10 years.

5. *Who is responsible for keeping records?*

In practice the competent government agency and/or ministry responsible for assessing and issuing authorizations for export and (where applicable) import, transit/trans-shipment and brokering activities is usually responsible for maintaining records for authorizations, and in some cases actual transfers. As noted above in section 3.b.i., in many States Parties responsibilities fall on more than one agency or ministry. For example, the Ministry of Defence could be responsible for authorizations for exports and imports of military list items and the Ministry of the Interior for authorizations for exports and imports of civilian firearms. Customs agencies also maintain records on items that cross national boundaries, including exports and imports of conventional arms. National legislation may require the storage of records in a central archive.

National legislation may also require that entities that have received an authorization to export or import conventional arms can be legally obliged to report on their activities. For example, a company could be required to provide information to the body that issued the authorization as soon as the company has exported or imported the authorised items This information could then be entered into the agency or ministry's records. This system requires the entity to maintain its own records on authorizations and actual imports and exports.

6. *What is the role of record-keeping in reporting?*

Keeping records in accordance with Article 12 will help States Parties fulfil their reporting obligations under Article 13(3).

It is also important to bear in mind that the Reporting Authorized or Actual Exports and Imports of Conventional Arms under the ATT: Questions and Answers' booklet states that: 'The Treaty provides a list of information that States Parties are encouraged to include in their national *records* of authorized or actual exports (and, possibly, of imports and authorized transits and trans-shipments). It should be clear, however, that this list does NOT apply to the annual reporting obligation'. Therefore, the ATT annual report on exports and imports will utilize only some of the information contained in national records and it will also require a degree of aggregation. The 'Working paper on national-level measures to facilitate compliance with international reporting obligations', submitted by Sweden at CSP2 recommends the creation of a 'national procedures document' for reporting purposes, which can help to indicate which information is to be extracted from the records for reporting purposes, and also national processes for compiling the ATT annual report using information contained in national records. It also recommends the 'Creation and maintenance of a repository, electronic or otherwise, for all reporting data'.²

As noted above, it is likely that relevant records for reporting purposes will be maintained by different government ministries and agencies. Therefore, a division of competences and inter-ministry and/or

² ATT Secretariat. 2016. Working paper on national-level measures to facilitate compliance with international reporting obligations. Submitted by Sweden. ATT/CSP2/206/OP.3, 13 August 2016

inter-agency cooperation is necessary to gather all relevant data from national records in order to compile annual reports on authorised or actual arms exports and imports. With regards to inter-agency cooperation to fulfil reporting requirements under the ATT, the central collection point for the relevant data should also be responsible for the preparation of the annual report.

[The following section of the Basic Guide will be developed following discussions on these areas during the Sub-working Groups.]

- e. Training and capacity building
- f. Enforcement
 - i. Laws, regulations and administrative procedures
 - ii. Institutions
 - iii. Procedures
 - iv. International assistance

Annex A. Competent national authorities for regulating international transfers of conventional arms in ATT States Parties³

	State	Export control ministry/agency	Import control ministry/agency	Transit control ministry/agency	Brokering control ministry/agency
1.	Albania	The Leading Agency is the State Export Control Authority, Ministry of Defense, Ministry of Foreign Affairs, Security Agencies (Civil and Military) General Directorate Customs	The Leading Agency is the State Export Control Authority, Ministry of Defense, Ministry of Foreign Affairs, Security Agencies (Civil and Military) General Directorate Customs	The Leading Agency is the State Export Control Authority, Ministry of Defense, Ministry of Foreign Affairs, Security Agencies (Civil and Military) General Directorate Customs	The Leading Agency is the State Export Control Authority, Ministry of Defense, Ministry of Foreign Affairs, Security Agencies (Civil and Military) General Directorate Customs
2.	Argentina	CONCESYMB (Comisión Nacional de Control de Exportaciones Sensibles y Material Bélico) y RENAR (Registro Nacional de Armas)	Registro Nacional de Armas (RENAR) dependiente del Ministerio de Justicia y Derechos Humanos; Ministerio de Seguridad (for SALW)	Para armas pequeñas y ligeras (artículo 2.1 H): Registro Nacional de Armas (RENAR) dependiente del Ministerio de Justicia y Derechos Humanos	El Estado a través del RENAR controla todas las operaciones de comercio. Al no encontrarse permitida la intermediación, la misma es vista como una falta
3.	Australia	Defence Export Control Office (DECO), which sits within the Department of Defence	Attorney-General's Department, Australian Department of Immigration and Border Protection	Attorney-General's Department, Australian Department of Immigration and Border Protection, Department of Defence	Department of Defence
4.	Austria	Ministry of the Economy for defence goods Ministry of the Interior for war material	Ministry of the Economy for defence goods Ministry of the Interior for war material	Ministry of the Economy for defence goods Ministry of the Interior for war material	Ministry of the Economy for defence goods Ministry of the Interior for war material

³ Information included in the following table is taken from Initial Reports that are *publicly* available only.

	State	Export control ministry/agency	Import control ministry/agency	Transit control ministry/agency	Brokering control ministry/agency
5.	Belgium	The Ministry of Economic Affairs (for Federal licences)	The Ministry of Economic Affairs (for Federal licences)	The Ministry of Economic Affairs (for Federal licences)	The Ministry of Justice
6.	Bosnia and Herzegovina	The Ministry of Foreign Trade and Economic Relations of BIH The Ministry of Foreign Affairs of Bosnia and Herzegovina The Ministry of Security of Bosnia and Herzegovina The Ministry of Defence of Bosnia and Herzegovina The Ministry of Civil Affairs of Bosnia and Herzegovina The State Regulatory Agency for Radiation and Nuclear Security of Bosnia and Herzegovina	The Ministry of Foreign Trade and Economic Relations of BIH The Ministry of Foreign Affairs of Bosnia and Herzegovina The Ministry of Security of Bosnia and Herzegovina The Ministry of Defence of Bosnia and Herzegovina The Ministry of Civil Affairs of Bosnia and Herzegovina The State Regulatory Agency for Radiation and Nuclear Security of Bosnia and Herzegovina	The Ministry of Security of Bosnia and Herzegovina	The Ministry of Foreign Trade and Economic Relations of Bosnia and Herzegovina
7.	Bulgaria	The national control of exports is organised at 2 levels with the following authorities: 1 Interdepartmental Council on Defence Industry and Security	Interdepartmental Council Interministerial Commission	Interministerial Commission with the Minister of Economy	Interdepartmental Council with the Council of Ministers Interministerial Commission with the Minister of Economy

	State	Export control ministry/agency	Import control ministry/agency	Transit control ministry/agency	Brokering control ministry/agency
		(hereafter Interdepartmental Council) - 2. Interministerial Commission for Export Control and Non-Proliferation of Weapons of Mass Destruction (WMD)	Ministry of Economy – in case of import from EU member state	Ministry of Interior (for the territory of the Republic of Bulgaria)	
8.	Costa Rica	La Direccion General de Armamento del Ministerio de Suguridad Publica	El Ministerio de Suguridad Publica mediante La Direccion General de Armamento, como instantia principal en lo referente a las mercenarias especificaments en el terma de armas, municiones, mercenarias relacionadas; y por su parte el Ministerio de Hacienda mediante la Direccion General de Aduanas, en lo referente a los termas generals aduaneros en los movimientos fronterizos	El Ministerio de Suguridad Publica mediante La Direccion General de Armamento, como instantia principal en lo referente a las mercenarias especificaments en el terma de armas, municiones, mercenarias relacionadas; y por su parte el Ministerio de Hacienda mediante la Direccion General de Aduanas, en lo referente a los termas generals aduaneros en los movimientos fronterizos	El Ministerio de Suguridad Publica mediante La Direccion General de Armamento, como instantia principal en lo referente a las mercenarias especificaments en el terma de armas, municiones, mercenarias relacionadas; y por su parte el Ministerio de Hacienda mediante la Direccion General de Aduanas, en lo referente a los termas generals aduaneros en los movimientos fronterizos
9.	Côte D'Ivoire	Not Specified	Ministère en charge de l'Intérieur et de la Sécurité le Ministère en charge de la Défense le Conseil National de Sécurité(CNS).	Ministère en charge de l'Intérieur et de la Sécurité et le Ministère en charge de la Défense	Ministère en charge de l'Intérieur et de la Sécurité

	State	Export control ministry/agency	Import control ministry/agency	Transit control ministry/agency	Brokering control ministry/agency
10.	Croatia	Ministry of Economy	Ministry of Economy	Ministry of Economy	Ministry of Economy
11.	Czech Republic	The system of arms export control involves several national subjects: Foreign trade with military equipment falls under the competence of the Ministry of Industry and Trade Licensing Office, which works closely the Ministry of Foreign Affairs, Ministry of Interior and Ministry of Defense.	The system of arms import control involves several national subjects: Foreign trade with military equipment falls under the competence of the Ministry of Industry and Trade Licensing Office, which works closely the Ministry of Foreign Affairs, Ministry of Interior and Ministry of Defense.	The transit/transshipment of defense related products falls under the responsibility of Ministry of Interior Police as well as Ministry of Defence	The system of arms brokering control involves several national subjects: Foreign trade including brokering of military equipment falls under the competence of the Ministry of Industry and Trade Licensing Office, which works closely the Ministry of Foreign Affairs, Ministry of Interior and Ministry of Defense.
12.	Denmark	The Danish Ministry of Justice and the Danish National Police.	The Danish Ministry of Justice and the Danish National Police.	The Danish Ministry of Justice and the Danish National Police.	The Danish Ministry of Justice.
13.	Dominican Republic	NOT APPLICABLE – The Dominican Republic does not manufacture nor export firearms, parts or amunitions.	Ministry of Interior and Police, with the support of the Ministry of Defense, Ministry of Foreign Affairs and the General Directorate of Customs.	Ministry of Interior and Police, with support from the Ministry of Defense, Ministry of Foreign Affairs and the General Directorate of Customs.	When the new law takes effect, national authority will be the Ministry of Interior and Police.
14.	El Salvador	Ministerio de la Defensa Nacional a traves de la Direccion de Logistica, unicaments de las armas pequenas y ligeras	Ministerio de la Defensa, unicaments de las armas pequenas y ligeras	Not specified	Not specified

	State	Export control ministry/agency	Import control ministry/agency	Transit control ministry/agency	Brokering control ministry/agency
15.	Estonia	Strategic Goods Commission working under auspices of the Ministry of Foreign Affairs	Strategic Goods Commission working under auspices of the Ministry of Foreign Affairs with the exception of civilian arms. Police and Border Guard Board issues import licenses for civilian arms.	Strategic Goods Commission working under auspices of the Ministry of Foreign Affairs	Strategic Goods Commission working under auspices of the Ministry of Foreign Affairs
16.	Finland	<p>Ministry of Defence is the licencing authority for defence material as defined by the Act on Export of Defence Material</p> <p>The government Plenary Session shall make decision in certain exports that are of considerable value or the foreign and security policy significance so require.</p> <p>Nation al Police Board is the licencing authority forarms for civil use as defined in the Firearm Act.</p> <p>If necessary, the Ministry for Defence and National Police Board establish with the Ministry for Foreign Affairs that there is no foreign and security policy obstacle to granting a licence.</p> <p>This assessment is based on EU criteria defined in the Council Common Position 2008/944/CFSP of 8 December 2008 and meets the requirements of the ATT.</p>	National Police Board (licencing) and The Finnish Customs (enforcement)	<p>Ministry for Defence</p> <p>National Police Board</p> <p>The Finnish Customs</p>	Ministry for Defence

	State	Export control ministry/agency	Import control ministry/agency	Transit control ministry/agency	Brokering control ministry/agency
		To deal with matters concerning the exports of defence material, the Ministry of Defence has set up a Working Group for Exports of Defence Material. This includes all relevant authorities. The WG is tasked to submit a statement to the Ministry for Defence on licence applications.			
17.	France	<p>Exportation (hors UE) de matériels de guerre et matériels assimilés</p> <p>Transfert intracommunautaire de produits liés à la défense</p> <p><i>Autorité délivrant les autorisations:</i> Premier Ministre après avis de la Commission interministérielle pour l'étude des exportations de matériels de guerre. Rem.: Notification par le ministre chargé des douanes</p> <p><i>Ministères / Services consultés pour avis :</i> -Secrétariat Général de la Défense et de la Sécurité Nationale</p>	<p><i>Autorité délivrant les autorisations:</i> Ministre chargé des douanes</p> <p><i>Ministères / Services consultés pour avis :</i> - Ministère de la Défense -Ministère de l'Intérieur -Ministère des Affaires étrangères et du Développement international</p>	<p><i>Autorité délivrant les autorisations:</i> Ministre chargé des douanes</p> <p><i>Ministères / Services consultés pour avis :</i> -Secrétariat Général de la Défense et de la Sécurité Nationale -Ministère de l'Economie, de l'industrie et du numérique -Ministère des Affaires étrangères et du Développement international -Ministère de la Défense -Ministère de l'Intérieur</p>	<p>Avant d'exercer leurs activités, les intermédiaires doivent faire une déclaration auprès du préfet et obtenir une autorisation du ministre de la défense.</p>

	State	Export control ministry/agency	Import control ministry/agency	Transit control ministry/agency	Brokering control ministry/agency
		<p>-Ministère des Affaires étrangères et du Développement international</p> <p>-Ministère de la Défense</p> <p>-Ministère des Finances et des comptes publics</p> <p>-Ministère de l'Economie, de l'industrie et du numérique</p> <p>Exportation (hors UE) d'armes à feu dites «civiles», munitions et leurs éléments</p> <p><i>Autorité délivrant les autorisations:</i></p> <p>Ministre chargé des douanes</p> <p><i>Ministères / Services consultés pour avis :</i></p> <ul style="list-style-type: none"> - Ministère de la Défense - Ministère de l'Intérieur - Ministère des Affaires étrangères et du Développement international 			
18.	Georgia	Ministry of Defense – Licensing authority; Interagency coordination for decision-making; Ministry of Foreign Affairs, Ministry of Finance	Ministry of Defence	Ministry of Defence as a licensing body and Ministry of Finance (Customs) as an enforcement.	Ministry of Defence.

	State	Export control ministry/agency	Import control ministry/agency	Transit control ministry/agency	Brokering control ministry/agency
		(Customs Department), State Security Service, Ministry of Justice, Ministry of Environment and Natural Resources Protection, Ministry of Economy and Sustainable Development			
19.	Germany	Federal Ministry for Economic Affairs and Energy Federal Office for Economic Affairs and Export Control	Federal Ministry for Economic Affairs and Energy and Federal Ministry of Defence Federal Ministry of the Interior Federal Ministry of Finance (Customs / Border Goods Controls)	Federal Ministry for Economic Affairs and Energy Federal Ministry of Finance (Customs / Border Goods Control)	Federal Ministry for Economic Affairs and Energy, Federal Office for Economic Affairs and Export Control)
20.	Hungary	Hungarian Trade Licensing Office	Hungarian Trade Licensing Office	The competent national authority for Transit / trans-shipment through land territory (including internal waters) and Transit / trans-shipment through territorial waters and is the Hungarian Trade Licensing Office. The competent national authority for Transit / trans-shipment through national air space is the Aviation Authority of the National Transport Authority.	
21.	Iceland	The Ministry for Foreign Affairs of Iceland, Directorate for Legal and Executive Affairs The Ministry of the Interior	The Ministry of the Interior	The Ministry of the Interior and the Ministry for Foreign Affairs	The Ministry for Foreign Affairs The Ministry of the Interior

	State	Export control ministry/agency	Import control ministry/agency	Transit control ministry/agency	Brokering control ministry/agency
22.	Ireland	Department of Jobs, Enterprise and Innovation/ Department of Justice; Revenue, Irish Tax & Customs	An Gardai Siochana; Department of Jobs, Enterprise and Innovation; Revenue, Irish Tax & Customs	Revenue, Irish Tax & Customs	The Department of Jobs, Enterprise and Innovation is responsible for the regulation of brokering of controlled goods from—(a) one third country to another third country,(b) from the State to a third country, or(c) From another Member State to a third country.
23.	Italy	The National Authority for the Armament Licensing and Controls (acting under the auspices of the Ministry of Foreign Affairs and International Cooperation) is competent for the export of defence products and armaments. The National Authority gathers input coming from all the agencies and ministries involved in the authorization process (Ministry of Defense, Ministry of Interior, Ministry of Economic Development, Ministry of Environment, Custom Agency and Intelligence Services).The National Authority dealing with arms for hunting and sporting purposes (i.e. “arms for civil use”) is the Ministry of Interior.	The National Authority for the Armament Licensing and Controls deals with the import of spare parts and components needed by the Italian defense enterprises and industrial groups in order to complete their production processes. The National Authority for the Armament Licensing and Controls covers also the temporary re-import for reparation of Italian-made items. It does not cover the procurement of the Italian armed forces which is directly handled by the Ministry of Defense. It does not cover the import of arms for hunting and sporting purposes which is tackled by the Ministry of Interior.	The competent Authorities for transit and trans-shipment in the Italian control system are the prefects (i.e. the State's representatives in a province). Prefects belong to the Ministry of Interior. National Police Boards and Italian Customs Agency could be involved in the process too (as well as the Judicial Authority in case of illicit transits)	The National Authority for the Armament Licensing and Controls is competent for the regulation of legal brokering activities. The competence for countering illicit brokering and conducting the related investigations belongs to the judicial authority in coordination with enforcement and public order entities.
24.	Jamaica	Ministry of National Security (MNS) Firearm Licensing Authority (FLA)	Ministry of National Security (MNS) Firearm Licensing Authority (FLA)	The current legislation does not explicitly address the transit of	The Firearms Act does not explicitly provide for Brokers or brokering

	State	Export control ministry/agency	Import control ministry/agency	Transit control ministry/agency	Brokering control ministry/agency
		Trade Board Limited(TBL) Jamaica Customs Agency(JCA	Trade Board Limited (TBL) Jamaica Customs Agency (JCA)	these items. However, Section 38 of the Firearms Act 1967 empowers the National Security Minister to grant, amend or revoke any Trans-shipment Permit for SALWs. The Commissioner of Customs is also responsible to regulate the movements of such items at our ports as well as through our borders	activities. However, some of the activities performed by Firearm Dealers constitute brokering-type activities, and are governed by the existing regulatory framework. The Firearms Act provides for the Firearm Licensing Authority (FLA)to regulate the activities of Firearm Dealers as well as ensure the general enforcement of the Act.
25.	Japan	Ministry of Economy, Trade and Industry(METI)	Ministry of Economy, Trade and Industry(METI)	Ministry of Economy, Trade and Industry(METI) Japan Customs	Ministry of Economy, Trade and Industry(METI)
26.	Latvia	Ministry of Foreign Affairs, Ministry of Defense, Latvian State Police, Security Police, Latvian Customs	Ministry of Foreign Affairs, Ministry of Defense, Latvian State Police, Security Police, Latvian Customs	Ministry of Foreign Affairs, Ministry of Defense, Latvian State Police, Security Police, Latvian Customs	Ministry of Foreign Affairs, Ministry of Defense, Latvian State Police, Security Police, Latvian Customs
27.	Liberia	Liberia is developing a national control system for export and the competent national authority (ies) will be identified.	The Ministry of Justice, Ministry of Defense and the Liberia National Commission on Small Arms	The competent national authority (ies) will be identified in collaboration with the Liberia National Commission on Small Arms(LiNCSA).	The Liberia National Police and the Liberia National Commission on Small Arms but only for regulating national brokering activities. National authority (ies) for the regulation of international trade will be identified

	State	Export control ministry/agency	Import control ministry/agency	Transit control ministry/agency	Brokering control ministry/agency
28.	Lichtenstein	The State Secretariat for Economic Affairs (SECO) is the licensing authority. Decisions are taken in agreement with the relevant offices of the Federal Department of Foreign Affairs (FDFA).	The State Secretariat for Economic Affairs (SECO) controls the import of War Material within the scope of the War Material Act; The Federal Office of Police (fedpol) controls the import of explosives, pyrotechnic devices, propellant powder and firearms as well as their accessories, ammunitions, parts and components within the scope of the Weapons Act.	The State Secretariat for Economic Affairs (SECO) is the licensing authority. Decisions are taken in agreement with the relevant offices of the Federal Department of Foreign Affairs (FDFA). The Federal Office of Civil Aviation (FOCA) and the Federal Department of Defense Civil Protection and Sport are the licensing authorities for transit through Swiss airspace with governmental vessels. Decisions are taken in consultation with the relevant offices of the Federal Department of Foreign Affairs (FDFA).	The Lichtenstein Government is the licensing authority
29.	Lithuania	Ministry of Economy and Police Department under the Ministry of Interior are licensing authorities depending on the goods in question and the end-user. Other competent institutions participate in licensing procedures within their respective competence, e.g. the Ministry of Foreign Affairs, Ministry of Defense, State Security Department, Customs Department under the Ministry of Finance, Police Department (in case licensing	Ministry of Economy, Ministry of National Defense, Police Department, depending on the goods in question and the end-user, other competent institutions participate in licensing procedures within their respective competence, e.g. the Ministry of Foreign Affairs, State Security Department, Customs Department under the Ministry of Finance.	Ministry of Economy, Ministry of National Defense, Police Department, depending on the goods in question and the end-user, other competent institutions participate in licensing procedures within their respective competence, e.g. the Ministry of Foreign Affairs, State Security Department, Customs Department under the Ministry of Finance	Ministry of Economy and Police Department, depending on the goods in question, are the leading authorities; other competent institutions participate in licensing procedures within their respective competence, e.g. the Ministry of Foreign Affairs, State Security Department, Ministry of National Defense, etc.

	State	Export control ministry/agency	Import control ministry/agency	Transit control ministry/agency	Brokering control ministry/agency
		authority is the Ministry of Economy) and other.			
30.	Luxembourg	Office des Licences	Office des Licences	Office des Licences	Office des Licences
31.	Mexico	La Secretaria de la Defensa Nacional	La Secretaria de la Defensa Nacional	La Secretaria de la Defensa Nacional La Secretaria de Hacienda y Crédito Publico	La Secretaria de la Defensa Nacional
32.	Monaco	Ministère d'Etat	Ministère d'Etat	Not specified	Ministère d'Etat
33.	Montenegro	Ministry of Economy, Ministry of Foreign Affairs and European Integration, Ministry of Defense Ministry of Interior	Ministry of Economy, Ministry of Foreign Affairs and European Integration, Ministry of Defense Ministry of Interior	Ministry of Interior	Ministry of Economy
34.	The Netherlands	Ministry of Foreign Affairs of the Kingdom of the Netherlands is overall responsible. The Ministry works with the Central Agency of Imports and Exports (CDIU), which falls under the Ministry of Finance of the Netherlands	Ministry of Security and Justice of the Netherlands	Ministry of Foreign Affairs of the Kingdom of the Netherlands is overall responsible. The Ministry works with the Central Agency of Imports and Exports (CDIU), which falls under the Ministry of Finance of the Netherlands	Ministry of Foreign Affairs of the Kingdom of the Netherlands is overall responsible. The Ministry works with the Central Agency of Imports and Exports (CDIU), which falls under the Ministry of Finance of the Netherlands
35.	New Zealand	New Zealand Ministry of Foreign Affairs and Trade	New Zealand Police	New Zealand Ministry of Foreign Affairs and Trade and the New Zealand Police	New Zealand Ministry of Foreign Affairs and Trade

	State	Export control ministry/agency	Import control ministry/agency	Transit control ministry/agency	Brokering control ministry/agency
36.	Norway	Ministry of Foreign Affairs/ Section for Export Control	Ministry of Justice	The Ministry of Justice and the Ministry of Foreign Affairs	National Police Directorate
37.	Panama	La Dirección Institucional en Asuntos de Seguridad Pública (DIASP) del Ministerio de Seguridad Pública, es la Institución facultada para controlar y supervisar todo lo relacionado a armas de fuego, municiones y materiales relacionados.	La Dirección Institucional en Asuntos de Seguridad Pública (DIASP) del Ministerio de Seguridad Pública, es la Institución facultada para controlar y supervisar todo lo relacionado a armas de fuego, municiones y materiales relacionados.	La Dirección Institucional en Asuntos de Seguridad Pública (DIASP) del Ministerio de Seguridad Pública, es la Institución facultada para controlar y supervisar todo lo relacionado a armas de fuego, municiones y materiales relacionados.	La Dirección Institucional en Asuntos de Seguridad Pública (DIASP)
38.	Paraguay	Registro Nacional de Armas (RENAR) Direccion de Material Bélico (DIMBEL), Fuerzas Armadas del Paraguay	Direccion de Material Bélico (DIMBEL), Fuerzas Armadas del Paraguay Direccion Nacional de Aduanas	Direccion de Material Bélico Direccion Nacional de Aduanas	Direccion de Material Bélico Direccion Nacional de Aduanas
39.	Peru	El Ministerio de Defensa, a través de sus instituciones armadas (Ejército del Peru, Marina de Guerra del Peru y Fuerza Aérea del Peru (Armamento militar o de « guerra ») La Superintendencia Nacional de Control de Servicios de Seguridad, Armas Municiones y Explosivos de Uso Civil (SUCAMEC) (Armas de fuego de uso civil)	Armamento militar o de « guerra » : El Ministerio de Defensa, a través de sus instituciones armadas (Ejército del Peru, Marina de Guerra del Peru y Fuerza Aérea del Peru El Ministerio del Interior se encarga del control del armamento que importa para el uso en cumplimiento de sus funciones de la Policía Nacional del Peru	En materia del control de armas de uso civil : La Superintendencia Nacional de Control de Servicios de Seguridad, Armas Municiones y Explosivos de Uso Civil (SUCAMEC) En materia de transferencias : Superintendencia Nacional de Aduanas y de Administración Tributaria (SUNAT, a través de la	Armas de fuego para uso civil : La Superintendencia Nacional de Control de Servicios de Seguridad, Armas Municiones y Explosivos de Uso Civil (SUCAMEC)

	State	Export control ministry/agency	Import control ministry/agency	Transit control ministry/agency	Brokering control ministry/agency
		Superintendencia Nacional de Aduanas y de Administracion Tributaria (SUNAT, a través de la Intendencia NAcional de Desarrollo Estragógico Aduanero (en materia de transferencias)	Armas de fuego para uso civil : La Superintendencia Nacional de Control de Servicios de Seguridad, Armas Municiones y Explosivos de Uso Civil (SUCAMEC) En materia de transferencias : Superintendencia Nacional de Aduanas y de Administracion Tributaria (SUNAT, a través de la Intendencia NAcional de Desarrollo Estragógico Aduanero	Intendencia NAcional de Desarrollo Estragógico Aduanero	
40.	Poland	Ministry of Development (before November 2015 – Ministry of Economy) – as the licensing body, and advisory authorities – minister responsible for foreign affairs, Minister of Interior, minister responsible for public finance, Head of Military Counterintelligence Service, Head of Military Intelligence Service, Head of Internal Security Agency Head of Intelligence Agency.	Ministry of Development – for legal persons and Ministry of Interior – for natural persons.	Ministry of Development as a licensing body and Ministry of Finance (Customs) as an enforcement	Ministry of Development

	State	Export control ministry/agency	Import control ministry/agency	Transit control ministry/agency	Brokering control ministry/agency
41.	Portugal	Ministry of Defence for military goods and technologies Ministry of Interior for firearms for sporting and hunting purposes Ministry of Finance for customs procedures	Ministry of Defence for military goods and technologies Ministry of Interior for firearms for sporting and hunting purposes Ministry of Finance for customs procedures regarding dual-use items	Ministry of Defence for military goods and technologies Ministry of Interior for firearms for sporting and hunting purposes Ministry of Finance for customs procedures	Ministry of Defence for military goods and technologies Ministry of Interior for firearms for sporting and hunting purposes Ministry of Finance for customs procedures regarding dual-use items
42.	Republic of Korea	Ministry of Foreign Affairs Defense Acquisition Program Administration (DAPA) Ministry of Trade, Industry and Energy (MOTIE)	Defense Acquisition Program Administration (DAPA) Police Agency	Ministry of Trade, Industry and Energy (MOTIE) (Licensing Authority) · Defense Acquisition Program Administration (DAPA) (Licensing authority)	Ministry of Trade, Industry and Energy (MOTIE) Defense Acquisition Program Administration (DAPA)
43.	Republic of Moldova	Ministry of Economy of the Republic of Moldova	Ministry of Defence, Customs Service/Ministry of Finance Ministry of Foreign Affairs and European Integration Ministry of Internal Affairs, Information and Security Service Licensing Chamber	Ministry of Defence, Customs Service/Ministry of Finance Ministry of Foreign Affairs and European Integration Ministry of Internal Affairs, Information and Security Service Licensing Chamber	Moldovan legislation doesn't define such a term as brokering of strategic goods. At the moment, the national procedure has started for the introduction of license for brokering services related to strategic goods. By the end of 2017 all necessary amendments to legislation are expected to be finalised
44.	Romania	Ministry of Foreign Affairs through its Department for Export Controls(ANCEX)is the national	Ministry of Foreign Affairs through its Department for Export Controls is the national authority for import controls of military goods.	Ministry of Foreign Affairs Ministry of Interior Ministry of Defense	Ministry of Foreign Affairs through its Department for Export Controls

	State	Export control ministry/agency	Import control ministry/agency	Transit control ministry/agency	Brokering control ministry/agency
		<p>authority for the export controls of military goods</p> <p>Ministry of Interior through its General Inspectorate of Romanian Police, Directorate Weapons, Explosives and Hazardous Substances is the national authority for the export controls of firearms, their parts and essential components and ammunition for civilian use.</p>	<p>Ministry of Interior through its General Inspectorate of Romanian Police, Directorate Weapons, Explosives and Hazardous Substances is the national authority for import controls of firearms, their parts and essential components and ammunition for civilian use</p>	<p>Customs Authorities</p> <p>Ministry of Transportation</p>	
45.	Samoa	<p>The Ministry of Foreign Affairs is the main competent Authority, however, we have other stakeholders that are involved in the process such as the following:</p> <ul style="list-style-type: none"> - Ministry for Revenue (Customs Division) - Airport Authority - Samoa Ports Authority - Ministry of Works Transport and Infrastructure - Ministry of Police - Ministry of the Prime Minister and Cabinet 	<p>The Ministry of Foreign Affairs is the main competent Authority, however, we have other stakeholders that are involved in the process such as the following:</p> <ul style="list-style-type: none"> - Ministry for Revenue (Customs Division) - Airport Authority - Samoa Ports Authority - Ministry of Works Transport and Infrastructure - Ministry of Police - Ministry of the Prime Minister and Cabinet 	<p>The Ministry of Foreign Affairs is the main competent Authority, however, we have other stakeholders that are involved in the process such as the following:</p> <ul style="list-style-type: none"> - Ministry for Revenue (Customs Division) - Airport Authority - Samoa Ports Authority - Ministry of Works Transport and Infrastructure - Ministry of Police - Ministry of the Prime Minister and Cabinet 	N/A
46.	Serbia	<p>Ministry of Foreign Affairs</p> <p>Ministry of Defense</p>	<p>Ministry of Foreign Affairs</p> <p>Ministry of Defense</p>	<p>Ministry of Foreign Affairs</p> <p>Ministry of Defense</p>	<p>Ministry of Foreign Affairs</p> <p>Ministry of Defense</p>

	State	Export control ministry/agency	Import control ministry/agency	Transit control ministry/agency	Brokering control ministry/agency
		Ministry of Internal Affairs Security Information Agency Ministry of Trade, Tourism and Telecommunications	Ministry of Internal Affairs Security Information Agency Ministry of Trade, Tourism and Telecommunications	Ministry of Internal Affairs Civil Aviation Directorate	Ministry of Internal Affairs Security Information Agency Ministry of Trade, Tourism and Telecommunications
47.	Sierra Leone	Sierra Leone is not an exporting country for conventional arms	ECOWAS Secretariat and Sierra Leone National Commission on Small Arms (SLeNCSA)	None	None
48.	Slovakia	The Ministry of Economy	The Ministry of Economy	The Ministry of Interior of the Slovak Republic, Customs Office	The Ministry of Economy
49.	Slovenia	The Ministry of Defence is a competent national authority for the control of exports of military conventional weapons. The Ministry of Interior is a competent national authority for the control of exports of non-military weapons (responsible for control of exports of firearms, sports and hunting weapons).	The Ministry of Defence is the competent authority for control of imports of military weapons and the Ministry of Interior is responsible for the control of imports of non-military weapons, mainly firearm, sports and hunting weapons	Ministry of Defence (military weapons) Ministry of Interior (non-military weapons).	Ministry of Defence (military weapons) Ministry of Interior (non-military weapons).
50.	South Africa	The National Conventional Arms Control Committee (NCACC) supported by the Secretariat located within Defence Department.	The National Conventional Arms Control Committee (NCACC) supported by the Secretariat located within Defence Department.	The National Conventional Arms Control Committee (NCACC) supported by the Secretariat located within Defence Department.	The National Conventional Arms Control Committee (NCACC) supported by the Secretariat located within Defence Department.

	State	Export control ministry/agency	Import control ministry/agency	Transit control ministry/agency	Brokering control ministry/agency
51.	Spain	El titular de la Secretaría de Estado de Comercio previo informe preceptivo y vinculante de la Junta Interministerial Reguladora del Comercio Exterior de Material de Defensa y de Doble uso (JIMDDU)	El titular de la Secretaría de Estado de Comercio previo informe preceptivo y vinculante de la Junta Interministerial Reguladora del Comercio Exterior de Material de Defensa y de Doble uso (JIMDDU) Para armas de fuego de uso civil, además es necesario el informe favorable de la Comisión Interministerial Permanente de Armas y Explosivos (CIPAE)	Ministerio de Asuntos Exteriores y Cooperación	Igual que la autoridad competente para regular las exportaciones: el titular de la Secretaría de Estado de Comercio previo informe preceptivo y vinculante de la Junta Interministerial Reguladora del Comercio Exterior de Material de Defensa y de Doble uso (JIMDDU)
52.	Sweden	The Inspectorate of Strategic Products (ISP)	The Swedish Police and the Swedish Civil Contingencies Agency are responsible for regulating the import of civilian firearms and ammunition	The Inspectorate of Strategic Products (ISP)	The Inspectorate of Strategic Products (ISP)
53.	Switzerland	The State Secretariat for Economic Affairs (SECO) is the licensing authority. Decisions are taken in agreement with the relevant offices of the Federal Department of Foreign Affairs (FDFA).	The State Secretariat for Economic Affairs (SECO) controls the import of War Material within the scope of the War Material Act The Federal Office of Police (fedpol) controls the import of explosives, pyrotechnic devices, propellant powder and firearms as well as their accessories, ammunitions, parts and components within the scope of the Weapons Act	The State Secretariat for Economic Affairs (SECO) is the licensing authority. Decisions are taken in agreement with the relevant offices of the Federal Department of Foreign Affairs (FDFA). The Federal Office of Civil Aviation (FOCA) and the Federal Department of Defense Civil Protection and Sport are the licensing authorities for transit through Swiss airspace with governmental vessels. Decisions are taken in consultation	The State Secretariat for Economic Affairs (SECO) is the licensing authority. Decisions are taken in agreement with the relevant offices of the Federal Department of Foreign Affairs (FDFA)

	State	Export control ministry/agency	Import control ministry/agency	Transit control ministry/agency	Brokering control ministry/agency
				with the relevant offices of the Federal Department of Foreign Affairs (FDFA)	
54.	The former Yugoslav Republic of Macedonia	Ministry of Economy Ministry of Foreign Affairs Ministry of Interior Ministry of Defense Customs Administration	Ministry of Economy Ministry of Foreign Affairs Ministry of Interior Ministry of Defense Customs Administration	Ministry of Economy Ministry of Foreign Affairs Ministry of Interior Ministry of Defense Customs Administration	Ministry of Economy Ministry of Foreign Affairs Ministry of Interior Ministry of Defense Customs Administration
55.	Togo	Ministères en charge de la défense et de la sécurité	Ministère de la défense nationale	Ministères en charge de la défense et service des douanes	Ministères de la défense, de la sécurité, du commerce et douanes
56.	Trinidad and Tobago	Minister of National Security Commissioner of Police Comptroller of Customs and Excise	Minister of National Security Commissioner of Police Comptroller of Customs and Excise	Minister of National Security Commissioner of Police Comptroller of Customs and Excise	In accordance with the current firearms legislation, the Commissioner of Police is the competent national authority for the regulation of activities of firearms dealers as defined under the Firearms Act
57.	United Kingdom	The Export Control Joint Unit (ECJU) Department for International Trade	Import Licensing Branch of the Department for International Trade	The Export Control Joint Unit (ECJU)	The Export Control Joint Unit (ECJU)
58.	Uruguay	Servicio de Material y Armamento – Ministerio de Defensa Nacional	N/A	Servicio de Material y Armamento – Ministerio de Defensa Nacional	Servicio de Material y Armamento – Ministerio de Defensa Nacional

Sources of information / references

LIST OF POSSIBLE REFERENCE DOCUMENTS TO BE CONSIDERED BY STATES PARTIES IN ARTICLE 5 IMPLEMENTATION⁴

The following public documents with associated links are referenced as optional sources that States Parties may choose to draw from, when relevant and useful in implementing Article 5. Use of these documents is not as mandatory. A State Party may also draw from other sources of information to assist in implementing its obligations under this article.

The list is not exhaustive and the fact that an organization is referenced on the list does not in itself imply that States Parties endorse its findings.

A. General references pertinent for Article 5

ATT

- ATT Secretariat. 2016. Exchange of views on the treaty implementation: Guidance for Discussion. ATT – Second Conference of States Parties. Submitted by Costa Rica and Finland, ATT/CSP2/2016/WP/2, 16 June 2016, http://thearmstradetreaty.org/images/Discussion_Guiding_Paper-Treaty_Implementation-16_June_2016.pdf

UN agencies

- UNODA (United Nations Office for Disarmament Affairs). n.d. ATT Implementation Toolkit. Access via: <https://www.un.org/disarmament/convarms/att/>
- UN CASA (United Nations Coordinating Actions on Small Arms). 2014. National Controls over the International Transfer of Small Arms and Light Weapons. International Small Arms Control Standard (ISACS) 03.20 (Version 1.0), 17 June 2014, <http://www.smallarmsstandards.org/isacs/0320-en.pdf>
- UNLIREC (United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean). n.d. Arms Trade Treaty Implementation Course (ATT-IC). (Available from UNLIREC)

Non-governmental

- Casey-Maslen, Stuart, Andrew Clapham, Gilles Giacca, and Sarah Parker. 2016. The Arms Trade Treaty: A Commentary. Oxford: Oxford University Press.
- Da Silva, Clare and Brian Wood (eds.). 2015. Weapons and International Law: The Arms Trade Treaty. Brussels: Larcier.

⁴ Annex A to the Draft Report to the Fourth Conference of States Parties (CSP4) (<ATT/CSP4.WGETI/2018/CHAIR/355/Conf.Rep>) presented by the Chair of the Working Group on Effective Treaty Implementation (WGETI).

- GCSP (Geneva Centre for Security Policy). 2017. The 'Treaty Implementation Matrix': A Tool for Effective ATT Implementation. Working Paper by Geneva Centre for Security Policy (GCSP), 3 February 2017.
http://thearmstradetreaty.org/images/CSP3_Documents/GCSP_Working_Paper_Implementation_Matrix.pdf
- ICRC (International Committee of the Red Cross). 2016. Understanding the Arms Trade Treaty from a Humanitarian Perspective. September 2016.
- Parker, Sarah (ed.). 2016. The Arms Trade Treaty: A Practical Guide to National Implementation. Geneva: Small Arms Survey, August 2016. <http://www.smallarmssurvey.org/publications/by-type/handbooks/att-handbook.html>
- Saferworld. 2016. Ensuring effective implementation of the Arms Trade Treaty: a National Assessment Methodology. London: Saferworld, August 2016.
<https://www.saferworld.org.uk/resources/publications/1085-ensuring-effective-implementation-of-the-arms-trade-treaty-a-national-assessment-methodology>
- Saferworld. 2016. Implementing the ATT: Essential elements of an effective arms transfer control system. Expert Group on ATT Implementation Briefing No. 5. London: Saferworld, July 2016.
<https://www.saferworld.org.uk/resources/publications/1081-implementing-the-att-essential-elements-of-an-effective-arms-transfer-control-system>
- Spano, Laura and Philip Alpers. 2017. Implementing the Arms Trade Treaty and the UNPoA. A Guide to Coordinating an Effective Arms Control System. Sydney, Australia: The Centre for Armed Violence Reduction, October 2017. <http://www.armedviolencereduction.org/wp-content/uploads/2017/10/Implementing-the-Arms-Trade-Treaty-and-the-UNPoA-A-Guide.pdf>
- IPIS (International Peace Information Service). n.d. Arms Trade Treaty E-Learning Modules. Access via: <http://ipisresearch.be/e-learning/>
- WILPF (Women's International League for Peace and Freedom). 2017. [Preventing gender-based violence through effective Arms Trade Treaty implementation](#). Briefing Paper. September 2017.
- WILPF. 2016. [Preventing gender-based violence through arms control: tools and guidelines to implement the Arms Trade Treaty and UN Programme of Action](#). April 2016.

B. National control lists

[See relevant sections in materials listed in general references.](#)

Government

- New Zealand Government, Modes control list of *List of Goods controlled under the ATT*

ATT

- ATT website – link to national control lists provided by States Parties [forthcoming]

UN agencies

- UNODA (United Nations Office for Disarmament Affairs). n.d. United Nations Register of Conventional Arms: Categories. <https://www.unroca.org/categories>
- UNGA (United Nations General Assembly). 2005. International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons. Report of the Open-ended Working Group to Negotiate an International instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons. UN Document A/60/88, 27 June 2005, Article 4. [http://www.un.org/events/smallarms2006/pdf/A.60.88%20\(E\).pdf](http://www.un.org/events/smallarms2006/pdf/A.60.88%20(E).pdf)

Regional and other multilateral organizations/mechanism

- EU (European Union). 2018. Common Military List of the European Union adopted by the Council on 26 February 2018 (equipment covered by Council Common Position 2008./944/CFSP defining common rules governing the control of exports of military technology and equipment). Official journal of the European Union, C 098, 15 March 2018. https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1521098021619&uri=OJ:JOC_2018_098_R_0001
- Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies. 2017. Munitions List. http://www.wassenaar.org/wp-content/uploads/2017/12/2017_List_of_DU_Goods_and_Technologies_and_Munitions_List-1.pdf

C. References regarding national authorities

[See relevant sections in materials listed in general references.](#)

UN agencies

- UNLIREC (United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean). n.d. Conformation of National Control Authority Guidelines. (Available in Spanish from UNLIREC)

D. References regarding national legislation

[See relevant sections in materials listed in general references.](#)

Non-governmental

New Zealand and the Small Arms Survey. 2014. Arms Trade Treaty: Model Law for Pacific States.
<http://www.smallarmssurvey.org/fileadmin/docs/E-Co-Publications/SAS-NZ-Gov-Arms-Trade-Treaty-Model-Law.pdf>

ANNEX B.**LIST OF POSSIBLE REFERENCE DOCUMENTS TO BE CONSIDERED BY STATES PARTIES
IN CONDUCTING RISK ASSESSMENT UNDER ARTICLE 7**

The following public documents with associated links are referenced as optional sources that States Parties may choose to draw from, when relevant and useful in conducting risk assessment process under Article 7. Use of these documents is not mandatory. A State Party may also draw from other sources of information to assist in implementing its obligations under this article, such as reports from Government agencies, Embassies, foreign Government as well as international and regional organisations.

The list is not exhaustive and the fact that an organization is referenced on the list does not in itself imply that States Parties endorse with its findings.

A. Information provided by importing state party upon request by exporting state party - Art 8.1

Upon request, the importing state party shall ensure that appropriate and relevant information is provided, pursuant to its national laws, to assist the exporting state party in its national export assessment.

A.bis General resources on risk assessment

- **The Wassenaar Arrangement best practices and guidelines on arms transfers, <https://www.wassenaar.org/best-practices/>**
- **European Union User's Guide to Council Common Position 2008/944/CFSP defining common rules governing the control of exports of military technology and equipment, <http://data.consilium.europa.eu/document/ST-10858-2015-INIT/en/pdf>**

B. Contribute to or undermine peace and security – Art 7.1.a

- United Nations, <http://www.un.org>
- UNSC 1540 Committee , <http://www.un.org/en/sc/1540/>
- Center for Systemic Peace 'State Fragility Index', <http://www.systemicpeace.org/inscr/inscr.htm>
- Institute for Economics and Peace "Global Peace Index", <http://economicsandpeace.org/>
- International Crisis Group CrisisWatch and country reports, <http://www.crisisgroup.org/>
- Uppsala University Conflict Data Programme, <http://www.pcr.uu.se/research/UCDP/>

C. Commit or facilitate a serious violation of international humanitarian law – Art. 7.1.b.i

- United Nations, <http://www.un.org>
- International Committee of the Red Cross, <http://www.icrc.org>

- International Committee of the Red Cross, 'Arms Transfer Decisions: Applying IHL and IHRL criteria: A practical guide' (available in all UN languages), September 2017, <https://www.icrc.org/en/publication/0916-arms-transfer-decisions-applying-international-humanitarian-law-criteria>

- Human Rights Watch 'World Report' and country reports, <http://www.hrw.org/home>

- International Criminal Court, <http://www.icc-cpi.int/>

- Coalition to Stop the Use of Child Soldiers, <http://www.child-soldiers.org/>

D. Commit or facilitate a serious violation of international human rights law – Art. 7.1.b.ii

- United Nations Development Programme (UNDP) Human Development Reports, <http://hdr.undp.org/en>

- United Nations Human Rights Council reports as part of the Universal Periodic Review, <http://www.ohchr.org/EN/HRBodies/HRC/Pages/HRCIndex.aspx>

- United Nations Office of the High Commissioner for Human Rights Report, <http://www.ohchr.org>

- Amnesty International Annual Report 'The State of the World's Human Rights' and country, reports, <http://www.amnesty.org/en/human-rights>

- International Commission of Jurists, <http://www.icj.org>

- Association for the Prevention of Torture, <http://www.ap.t.ch>

- Cingranelli-Richards (CIRI) Human Rights Dataset, <http://ciri.binghamton.edu/>

- Fédération internationale des ligues des droits de l'homme, <http://www.fidh.org>

- Human Rights Watch 'World Report' and country reports, <http://www.hrw.org/home>

- Organisation mondiale contre la torture, <http://www.omct.org>

- Political Terror Scale Database, <http://www.politicalterrorsscale.org>

E. Commit or facilitate an act constituting an offence under international conventions or protocols relating to terrorism to which the exporting State is a Party – Art. 7.1.b.iii

- UN Security Council Counter Terrorism Committee, <http://www.un.org/en/sc/ctc/>

- UN Office of Counter Terrorism, <http://www.un.org/en/counterterrorism/>

- UNSC 1540 Committee, <http://www.un.org/en/sc/1540/>

F. Commit or facilitate an act constituting an offence under international conventions or protocols relating to transnational organized crime to which the exporting State is a Party – Art. 7.1.b.iv

- United Nations Convention against Transnational Organized Crime

- UN Office on Drugs and Crime, <http://www.unodc.org/>
- Interpol, <https://www.interpol.int/en/Internet>
- Small Arms Survey, <http://www.smallarmssurvey.org/>

G. Commit or facilitate serious acts of gender based violence or serious acts of violence against women and children – Art. 7.4

- International Convention on the Elimination of Discrimination Against Women (CEDAW) and other relevant UN human rights treaty monitoring bodies, for Reports and concluding observations
- Office of the Special Representative on Sexual Violence in Conflict, including the early warning matrix for sexual violence and its Annex
- UNICEF data on sexual violence prevalence among girls and boys, <http://dataunicef.org/topic/child-protection/violence/sexual-violence/#>
- UN Team of Experts on the Rule of Law/Sexual Violence in Conflict reports, <https://www.un.org/sexualviolenceinconflict/wp-content/uploads/Team-of-Experts-on-Rule-of-Law-Sexual-Violence-in-Conflict-Annual-Report-2017.pdf>
- UN Security Council resolution 1325 (2000) and related resolutions, for reports on national implementation
- UN Secretary General annual reports on conflict related sexual violence (pursuant to paragraph 18 of UNSCR 1960 (2010)).
- UN Special Rapporteur on violence against women, its causes and consequences
- UN Women Global Database on Violence against Women, <http://evaw-global-database.unwomen.org>
- International Committee of the Red Cross: Working Paper: International Humanitarian Law and Gender-Based Violence in the Context of the Arms Trade Treaty, April 2019, <https://www.thearmstradetreaty.org/hyper-images/file/CSP5%20-%20working%20paper%20-%20GBV%20and%20IHL/CSP5%20-%20working%20paper%20-%20GBV%20and%20IHL.pdf>
- International Committee of the Red Cross Reports on Sexual Violence, <https://www.icrc.org>
- OECD data on sexual violence, <https://data.oecd.org/inequality/violence-against-women.htm>
- Control Arms: How to Use the Arms Trade Treaty to address Gender-Based Violence: A Practical Guide to Risk Assessment, August 2018, https://controlarms.org/wp-content/uploads/2018/08/GBV-practical-guide_ONLINE.pdf
- WILPF (Women's International League for Peace and Freedom): Preventing Gender-Based Violence through Effective Arms Trade Treaty Implementation, 2017, <http://reachingcriticalwill.org/resources/publications-and-research/publications/11843-preventing-gender-based-violence-through-effective-arms-trade-treaty-implementation>

- WILPF: Gender-based violence and the Arms Trade Treaty, 2015,
www.reachingcriticalwill.org/images/documents/Publications/GBV_ATT-brief.pdf

- WILPF. 2016. Preventing gender-based violence through arms control: tools and guidelines to implement the Arms Trade Treaty and UN Programme of Action, April 2016,
<http://reachingcriticalwill.org/images/documents/Publications/preventing-gbv.pdf>

H. General information on international arms transfers

- Reports of the UN-appointed groups or panels of experts that monitor UN Security Council sanctions, <http://www.un.org/sc/committees/>

- Small Arms Survey, <http://www.smallarmssurvey.org/>

- Stockholm International Peace Research Institute (SIPRI), <http://www.sipri.org/>

- Other research institutes

I. Other sources of information

- Judgments and reports by the International Criminal Court and ad hoc tribunals

- International agencies operating in the recipient state

- Local media reports

- Reports by NGOs on country situations, which may include relevant information regarding compliance with international humanitarian law

- Military doctrine, manual and instructions

- Importing/exporting state law, policy, and extent of implementation, as well as similar information from national and international civil society

- Reports from national diplomatic missions in the recipient states

- Open and closed source information from international agencies in the recipient state

- NGO reports (for example, Human Rights Watch, Amnesty International, the International Federation for Human Rights)

- Reports by research institutes on weapons/arms transfer issues (i.e. regarding illicit trafficking, national controls on arms and ammunition)

- UN Programme of Action national reports

- Virtual Knowledge Center on violence against women and girls (VAWG)

- IGAD's Conflict Early Warning and Response (CEWARN) Mechanism

- National Crime statistics

ANNEX C. MULTI-YEAR WORK PLAN FOR THE WGETI SUB-WORKING GROUP ON ARTICLE 11 (DIVERSION)

1 st CSP5 Preparatory Meeting, 30 January 2019		
10.00-11.00		<p>Draft Multi-year Work Plan</p> <p>Introduction by facilitator</p> <p>Open discussion</p> <p><i>In reviewing the draft proposed multi-year plan, participants are invited to consider, amongst others, the following questions:</i></p> <ol style="list-style-type: none"> a. <i>Has sufficient time has been allocated to each topic?</i> b. <i>Have any topics been omitted that should be included?</i> c. <i>Has any consideration been omitted?</i>
Transfer chain stage 1: Before the transfer	11.00-13.00	<p>1. Import documentation⁵</p> <p><i>This discussion will explore the types of written documentation submitted as part of an application for an export licence from the exporting State (such as contracts or agreements, international import certificates, transit approvals, end-use/r certificates (EUCs), and various other assurances). It will consider:</i></p> <ul style="list-style-type: none"> - <i>What types of written documents exist?</i> - <i>How are such documents prepared? Which ministries and agencies are involved?</i> - <i>What is the role and/or responsibilities of the importing State regarding such documents?</i> - <i>What is the role and/or responsibilities of the transit/transshipment State(s)?</i> - <i>What is the role and/or responsibilities of the brokering State(s)?</i> - <i>What is the role of the exporting State (i.e. verification and authentication as part of diversion risk assessment)?</i> - <i>In practice, what are the common elements of such documents? What assurances are provided? What is the minimum that should be required?</i> <p><i>It will also examine the role of information exchange in verifying and authenticating import documentation and identify the types of information exchange that are relevant and necessary.</i></p>

⁵ Paragraphs 3, 6 and 7 of the Sub-working group paper : [Possible measures to prevent and address diversion](#) (available in other languages [here](#)).

2 nd CSP5 Preparatory Meeting, 03 April 2019		
Transfer chain stage 1: Before the transfer	3 hours	<p>2. Import documentation⁶ (continued)</p> <p><i>This discussion will continue to explore the types of written documentation submitted as part of an application for an export licence from the exporting State (such as contracts or agreements, international import certificates, transit approvals, end-use/r certificates (EUCs), and various other assurances). The Facilitator will circulate a background paper in advance of the 2nd series of CSP5 meetings to facilitate discussion, including the following elements:</i></p> <ul style="list-style-type: none"> - <i>What types of written documents exist?</i> - <i>How are such documents prepared? Which ministries and agencies are involved?</i> - <i>What is the role and/or responsibilities of the importing State regarding such documents?</i> - <i>What is the role and/or responsibilities of the transit/transshipment State(s)?</i> - <i>What is the role and/or responsibilities of the brokering State(s)?</i> - <i>What is the role of the exporting State (i.e. verification and authentication as part of diversion risk assessment)?</i> - <i>In practice, what are the common elements of such documents? What assurances are provided? What is the minimum that should be required?</i> - <i>What sanctions do exporting States impose for non-compliance with end-use/r assurances and undertakings?</i> <p><i>It will also examine the role of information exchange in verifying and authenticating import documentation and identify the types of information exchange that are relevant and necessary.</i></p> <ul style="list-style-type: none"> - <i>How do exporting States verify and authenticate import documents as a part of a broader risk assessment framework?</i> - <i>What mechanisms are used?</i> - <i>Which agencies are involved?</i> - <i>How long does it take?</i> - <i>What steps are taken if the documentation is found to be fraudulent?</i>

⁶ Paragraphs 3, 6 and 7 of the Sub-working group paper : [Possible measures to prevent and address diversion](#) (available in other languages [here](#)).

	1 hour	<p>3. The role of the private sector in import documentation</p> <p><i>This discussion will explore the role of the private sector, including arms manufacturers/industry and civil society, in mitigating diversion risk before the physical transfer takes place. It will also examine the role of internal export control compliance programmes.</i></p> <ul style="list-style-type: none"> - <i>What is the role of industry in helping State agencies verify and authenticate import documentation?</i> - <i>What could be done to encourage industry to develop internal control compliance programmes?</i>
1 st CSP6 Preparatory Meeting, (date TBC)		
Transfer chain stage 1: Before the transfer	3 hours	<p>4. Assessing the risk of diversion⁷</p> <p><i>This discussion will explore the practicalities (including resource requirements and challenges) associated with assessing the risk of diversion of an export and the possible establishment of mitigation measures. The Facilitator will circulate a background paper in advance of the 1st series of CSP6 meetings to facilitate discussion, including the following elements:</i></p> <ul style="list-style-type: none"> - <i>How to undertake consistent and objective transfer risk assessments that take into account the risk of diversion (Articles 7(1) and 11(2));</i> - <i>How to identify certain diversion risk indicators;</i> - <i>How to establish the legitimacy and credibility of all parties involved in the transfer, such as the exporter, brokers, shipping agents, freight forwarders/intermediate consignees and stated end-use/r (Article 11(2));</i> - <i>How to examine the risks arising from the proposed shipment arrangements;</i> - <i>How to assess the reliability of controls in the importing country and the transit country (if applicable); and</i> - <i>How to examine the risk that a conventional arms transfer would increase the risks of diversion of the existing holdings of the end-user.</i> - <i>What are the options for mitigating detected risk(s)?</i> <p><i>It will also examine the role of information and information exchange in conducting a risk assessment and identify the types of information and mechanisms of information exchange that are relevant and necessary.</i></p>

⁷ Paragraph 5 of the Sub-working group paper : [Possible measures to prevent and address diversion](#) (available in other languages [here](#)).

	1 hour	5. The role of the private sector in mitigating diversion risk <i>This discussion will explore the role of the private sector, including arms manufacturers/industry and civil society, in mitigating diversion risk before the physical transfer takes place. It will also examine the role of internal export control compliance programmes.</i>
--	---------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

2nd CSP6 Preparatory Meeting, (date TBC)

Transfer chain stage 1: Before the transfer	3 hours	<p>6. Assessing the risk of diversion⁸ (continued)</p> <p><i>This discussion will continue to explore the practicalities (including resource requirements and challenges) associated with assessing the risk of diversion of an export and the possible establishment of mitigation measures, including the following elements:</i></p> <ul style="list-style-type: none"> - <i>How to undertake consistent and objective transfer risk assessments that take into account the risk of diversion (Articles 7(1) and 11(2));</i> - <i>How to identify certain diversion risk indicators;</i> - <i>How to establish the legitimacy and credibility of all parties involved in the transfer, such as the exporter, brokers, shipping agents, freight forwarders/intermediate consignees and stated end-use/r (Article 11(2));</i> - <i>How to examine the risks arising from the proposed shipment arrangements;</i> - <i>How to assess the reliability of controls in the importing country and the transit country (if applicable); and</i> - <i>How to examine the risk that a conventional arms transfer would increase the risks of diversion of the existing holdings of the end-user.</i> - <i>What are the options for mitigating detected risk(s)?</i> <p><i>It will also examine the role of information and information exchange in conducting a risk assessment and identify the types of information and mechanisms of information exchange that are relevant and necessary.</i></p>
	1 hour	<p>7. Discussion on paper outlining elements of a process for assessing the risk of diversion</p> <p><i>The Facilitator will circulate a paper in advance of the 2nd series of CSP6 meetings outlining the elements of a process for assessing the risk of diversion, based on the discussion that took place during the 1st meeting, for consideration and possible adoption at CSP6.</i></p>

⁸ Paragraph 5 of the Sub-working group paper : [Possible measures to prevent and address diversion](#) (available in other languages [here](#)).

1st CSP7 Preparatory Meeting, (date TBC)

Transfer chain stage 2: During the transfer	3 hours	<p>1. The role of transit and transshipment States in preventing diversion</p> <p><i>This discussion will explore the measures that can and are being taken by transit and transshipment States to mitigate the risk of diversion during a transfer. The Facilitator will circulate a background paper in advance of the 1st series of CSP7 meetings to facilitate discussion, including the following elements:</i></p> <ul style="list-style-type: none"> - <i>Issuing delivery notification (through delivery receipts signed by the importations customs service, delivery verification certificate, etc.) (Article 11(3));</i> - <i>Conducting routine risk assessment or due diligence checks on conventional arms shipments, in cooperation with local, regional or international law enforcement organizations and other regulatory agencies, prior to approval of transfers; and</i> - <i>Monitoring and protecting conventional arms shipments, in cooperation with customs service, law enforcement and other industry parties involved (e.g. freight forwarders/intermediate consignees, transporters etc).</i> <p><i>It will also examine the practical and legal challenges faced by transit and transshipment States in preventing diversion during transit (by sea, air or land – road and rail), as well as the role of cooperation and information exchange among States involved in a transfer during the transfer phase and identify the types of information exchange that are relevant and necessary.</i></p> <ul style="list-style-type: none"> - <i>What mechanisms are used in ensuring cooperation and information exchange to mitigate diversion?</i> - <i>Which ministries or agencies are involved in the information exchange process?</i> - <i>Are there national legal restrictions that can impact the information exchange process?</i>
	1 hour	<p>2. The role of the private sector in mitigating diversion risk</p> <p><i>This discussion will explore the role of the private sector, in particular transporters (road, rail, air and sea), freight forwarders/intermediate consignees, etc mitigating diversion risk during transfer.</i></p>

2 nd CSP7 Preparatory Meeting, (date TBC)		
Transfer chain stage 3: At or after importation / Post-delivery	2 hours	<p>1. The role of importing States in preventing diversion</p> <p><i>This discussion will explore the measures that can and are being taken by importing States to mitigate the risk of diversion post-delivery, including</i></p> <ul style="list-style-type: none"> - <i>Issuing delivery notification by the importing State (through delivery receipts signed by the importations customs service, delivery verification certificate, etc.) (Articles 8(1) and 11(3));</i> - <i>Registering and maintaining records of conventional arms entering their national territory, as well as the secure transfer of these to the authorised end-user (Article 12 (2)); and</i> - <i>Ensuring robust stockpile management procedures (including routine security inspections and audits of the conventional arms stockpiles of all end users). Note: it is anticipated that the topic of post-delivery storage and stockpile management would be discussed as part of a future multi-year work plan that will address Transfer chain 4.</i> - <i>Effective legislation for investigating and/or punishing diversion-related offences.</i>
	2 hours	<p>2. Post-delivery cooperation</p> <p><i>This discussion will explore the possibility of exporting States conducting post-delivery checks in cooperation with competent authorities in the importing State to verify compliance with end-use conditions, such as the condition that no re-export can take place without prior notification to the country of origin. It will examine the political and resource implications of such checks.</i></p> <ul style="list-style-type: none"> - <i>What are some challenges/concerns regarding post-delivery cooperation?</i>

ANNEX D. ELEMENTS OF A GUIDE TO END USE AND END USER DOCUMENTATION*1. What will the guide consist of?*

The guide to end use and end user documentation will consist of a repository of terminology used by States in this area, as well as types of assurances States include in their EUCs and common approaches to verification and authentication. The guide will be organized under the following areas:

- Terminology
- Types of assurances
- Approaches to verification and authentication
- Examples of EUCs
- [Other]

States that are new to this area or are developing their systems could use this guide in developing their national systems.

2. Where will the guide be located?

The guide will be available to States Parties online in the restricted area of the ATT website.

3. How will the guide be established and developed?

The guide will be established by the ATT Secretariat, which will compile State practice in this area through:

- Research using open-source information
- Regular invitations and reminders to States Parties to share their information – on a voluntary basis - with other States Parties through the dedicated webpage
- Targeted engagement with States Parties' national points of contact to encourage the sharing of information on end use and end user documentation
- [Other]

The guide will be a 'living' document that is updated as new information is submitted or becomes available.

ANNEX E. DRAFT LIST OF PROPOSED TOPICS AND ELEMENTS FOR CONSIDERATION BY A WGETI SUB-WORKING GROUP ON ARTICLE 9 (TRANSIT AND TRANS-SHIPMENT)

The following topics and elements for consideration have been compiled to guide the work of a WGETI Sub-working Group on Article 9 to be established after the Fifth Conference of States Parties to the Arms Trade Treaty (ATT). They are designed to provide a general framework for the Facilitator of the Sub-working Group, once appointed, to develop a programme of work and multi-year work plan for the Sub-working Group.

1. Scope of Article 9
 - a. Exchange of understandings on the scope of transit and trans-shipment covered by Article 9
 - b. Definitional issues
 - i. What is transit?
 - ii. What is trans-shipment?
 - c. Jurisdictional issues
 - i. How do States understand/interpret the phrase 'under its jurisdiction' in Article 9?
 - ii. What are the obligations of flag states in the context of Article 9?
 - iii. What are the implications of the United Nations Convention on the Law of the Sea (UNCLOS) on State jurisdiction over transit?
2. Options for regulating transit and trans-shipment (including an exchange of State practice in the following areas, as well as an overview of international and regional instruments governing transit and transportation of goods)
 - a. Transit by road
 - b. Transit by rail
 - c. Transit by air
 - d. Transit by sea
3. Who has responsibility for complying with transit and trans-shipment obligations?
