

INSTITUT DES NATIONS UNIES POUR  
LA RECHERCHE SUR LE DÉSARMEMENT



UNITED NATIONS INSTITUTE  
FOR DISARMAMENT RESEARCH

Telephone : + 41 (0)22 917 19 71  
Fax : + 41 (0)22 917 01 76  
www.unidir.org

Palais des Nations  
CH-1211 Geneva 10

## **Analysis of States' Views on an Arms Trade Treaty**

**Sarah Parker**

October 2007



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## **Note**

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## **Acknowledgements**

The United Nations Institute for Disarmament Research (UNIDIR) would like to thank the Governments of Finland and the United Kingdom for financially supporting this project, and as well the UN Office for Disarmament Affairs (ODA) for its support and assistance.

## 1. Introduction

At the sixty-first General Assembly in 2006, Member States adopted resolution A/RES/61/89, *Towards an arms trade treaty: establishing common international standards for the import, export and transfer of conventional arms* (ATT Resolution).<sup>1</sup> The resolution called on the Secretary-General to “seek the views of Member States on the feasibility, scope and draft parameters for a comprehensive, legally binding instrument establishing common international standards for the import, export and transfer of conventional arms, and to submit a report on the subject to the General Assembly at its sixty-second session”.<sup>2</sup> It also called on the Secretary-General to establish a Group of Governmental Experts to address such a treaty and to report on its findings at the sixty-third session of the General Assembly. The text of the ATT Resolution appears in Annex A.

Following the adoption of the resolution, the Secretary-General invited Member States to submit their views on an arms trade treaty (ATT). Over 90 states have provided submissions.

With the assistance of the Governments of Finland and the United Kingdom, the United Nations Institute for Disarmament Research (UNIDIR) has undertaken a two-part study involving an in-depth analysis of states’ views on an ATT. The first part of the study, the results of which are contained in this report, provides a statistical analysis of states’ views and identifies the central ideas and dominant themes. The second part of the study aims to identify divergent approaches to an ATT, discuss the implications of specific proposals, and explore regulatory alternatives for the development of an ATT.

UNIDIR’s study will allow Member States and experts to compare the information and proposals contained in submitted views across themes, states and regions. UNIDIR’s analysis will advance discussions on an ATT through identification of areas of consensus and divergence, as well as underdeveloped areas. The analysis will also examine the possible scope of an ATT and therefore serve as a useful input to the Group of Governmental Experts, which will convene in 2008.

## 2. Methodology

This analysis is based on information contained in states’ submissions to the United Nations Office for Disarmament Affairs (ODA) in response to the Secretary-General’s request for views pursuant to the ATT Resolution.

States’ submissions were systematically reviewed and their content classified under the following thematic headings:

1. *Feasibility*—is an ATT possible or desirable?
2. *Scope*
  - a. Weapons—types or categories of weapons that should be addressed;
  - b. Transactions and activities—categories of transactions and activities that should be addressed; and
  - c. Restrictions—issues and activities that should *not* be addressed.

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<sup>1</sup> With 153 states voting in favour of the resolution, 1 against and 24 abstaining.

<sup>2</sup> Operational paragraph 1 of the ATT Resolution.

### 3. *Parameters*

- a. Restrictions on transfers/transfer criteria; and
- b. Operational mechanisms—this includes any operational and procedural elements that should be included (for example, enforcement measures and international cooperation).

### 4. *Other*

- a. Principles—the principles that should inform the development of an ATT (for example, the inherent right of self-defence); and
- b. Process—any process-related elements suggested (for example, including civil society in development of an ATT).

Details of how states' views were classified are provided in Annex B.

At the time of writing, 96 Member States, as well as the European Union, had officially submitted their views to ODA. It should be noted that, although a submission was made by the European Union, the views contained have not been incorporated in the statistical analysis in this report, although they have been noted in the footnotes. There are two reasons for this. First, all of the member states of the European Union provided independent submissions, therefore, if the submission from the European Union was incorporated in the analysis, this would effectively constitute “double counting” and might skew the results. Second, although it is undoubtedly helpful to see the views of a regional organization—and it is a welcome contribution to the process—the Secretary-General was called on to seek the views of Member States, and it is they that will ultimately be directly involved in the process to establish an ATT.

One submission has not been included in the analysis because the submitting state specifically requested that its views be kept confidential until the publication of the Secretary-General's report. Although the first part of the Secretary-General's report was published prior to UNIDIR's report, this state's submission was not included in the first part of the Secretary-General's report, and thus has not been included in UNIDIR's analysis. It should also be noted that although the submission of one state, Ghana, has been posted on the *Control Arms* website (see <[www.controlarms.org/peoples-consultation/submissions.htm](http://www.controlarms.org/peoples-consultation/submissions.htm)>), it has not been officially submitted, and therefore we have not been able to include it in the statistical analysis. Accordingly, a total of 95 states' submissions are reflected in the analysis that follows.

A degree of caution must be exercised when interpreting the statistical information generated by this analysis, particularly if using the information to make assumptions or predictions regarding what issues are likely to be included in an ATT, or which states are likely or unlikely to support certain issues. There are several reasons for this.

First, while it is encouraging that 96 states submitted their views on an ATT, this being a high number of submissions for a consultation process, there are still just under one hundred states that did not submit their views and that will be involved in negotiations on an ATT if and when they commence. While the majority of these voted in favour of the ATT Resolution and may share many of the views of other supporting states, there is no way of accurately predicting how many of these states will actively lend their support or vote to the issues raised.

Second, in providing their views on the “feasibility, scope and draft parameters” of an ATT, states were free to include or omit whatever issues, themes and categories they chose. For example, simply because they did not express support in their submission for the inclusion of a reporting mechanism does not mean that they would oppose such.

So, as a hypothetical example, a statement such as “sixty-three states think an ATT should cover brokering transactions” should not be interpreted as indicating that *only* 63 states think brokering should be included, or that the remaining 32 states think it should *not* be included. Instead, the interpretation should be that *at least* 63 states support the inclusion of brokering transactions in an ATT.

### **3. Statistical Analysis**

A total of 96 states submitted responses to the Secretary-General’s call for views on the feasibility, scope and draft parameters of an ATT. Of the 153 states that voted in favour of the ATT Resolution, 87 submitted their views for publication. Seven submissions were provided by states that had abstained from voting, while the remaining two submissions were provided by states that had not voted on the resolution. A list of submitting states according to how they voted on the ATT Resolution is provided in Annex B.

#### **3.1. Feasibility**

All but seven of the states whose submissions were reviewed are in favour of developing an ATT and believe that such a treaty is feasible. In other words, they agree that the creation of an ATT is both possible and desirable. A variety of reasons were given to support the assertion that an ATT is feasible, including:

- that an overwhelming majority of states voted in favour of the ATT Resolution;
- that a number of regional and international instruments already exist that refer directly or indirectly to controlling the arms trade; and
- that many of the fundamental principles that an ATT might include are already set out in customary international law and existing international agreements.

States in support of an ATT generally believe that awareness of the impact on human security and development of the illicit trade in conventional arms (and small arms and light weapons in particular) has been growing, and that the need for a set of common standards for the import, export and transfer of conventional arms has been gaining momentum in recent years, and the time is now ripe for action.

A number of states noted that there are several obstacles to an ATT, specifically:

- a lack of political will to negotiate an instrument that meets states’ different interests and concerns;
- a lack of capacity on the part of some states to implement such an instrument; and
- a concern that some of the major exporting states will not constructively participate in negotiations on an ATT.



The states that submitted their views but were sceptical or cautious about the feasibility or necessity of an ATT provided different explanations for their views. China, for instance, stated that “the necessity to negotiate a specific treaty to re-establish common guidelines for arms trade, and the relation between the treaty and the existing conventional arms transfer principles and mechanisms at the international, regional, subregional and national levels, need to be further discussed in a comprehensive and cautious way by the international community on the basis of universal participation”.

Egypt, noting the success of the UN Programme of Action to combat the illicit trade in small arms, suggested “regulating trade in conventional arms through a politically binding document, but not necessarily a legally binding convention”. India stated that “it is premature to begin work on a comprehensive, legally binding instrument establishing common international standards for the import, export and transfer of conventional arms”, and emphasized the need to implement existing obligations, in particular those under the UN Programme of Action, and to enhance transparency in transfers of conventional weapons.

Israel expressed concern that an ATT might be too ambitious, and that it “may prove very difficult to adopt an agreed legally binding standard which would, on the one hand, reflect responsible and robust norms and on the other hand, be agreeable to states with varying levels of control of arms. An agreement that would reflect a very low common denominator may be counter productive to the goals set out in the ATT initiative”. Pakistan stated that “an Arms Treaty which addresses the transfer of arms but not their development, production and deployment will be internationally inequitable against countries which do not themselves produce conventional armaments. It will, therefore, prove difficult to conclude or implement.”

Russia pointed out that “disagreements between States have made it impossible to achieve appreciable results” in the context of efforts to combat the illicit trade in small arms and light weapons, citing the outcome of the 2006 Review Conference as an illustration of this. Russia went on to conclude that “it is obvious that it is still more difficult to agree on global rules for legal transfers of all types of conventional weapons without jeopardizing legal trade and the right of States to self-defence.”

Venezuela stated that it “does not support this initiative” in part because the Programme of Action “already provides a platform for harmonizing international cooperation efforts in this area” and they therefore doubt that “the negotiation of an arms trade agreement can provide a genuinely effective means of addressing this issue”. In addition, Venezuela noted that “the introduction of controversial initiatives such as this one, on which there is, as yet, no consensus and whose effectiveness is open to doubt, might be counterproductive to consolidation of the ongoing efforts at this level” in the form of existing regional instruments.

For the purposes of this report, this is the extent of the analysis carried out with regard to the feasibility of an ATT. Analysis of such is of limited value because it provides no insight into what an ATT might look like, only whether or not one is likely to be agreed. What is of greater relevance is not an assessment of whether an ATT is feasible but rather what kind of ATT is feasible in light of states’ attitudes. The second part of this study will seek to address this question in greater detail.

## 3.2. Scope

States provided a range of comments on the scope of an ATT including suggestions for the categories of weapons and the types of transactions and activities that should be covered. Several states also noted there were principles or issues that an ATT should not address. A detailed discussion of each of these categories follows.

### 3.2.1. Categories of Weapons

Most states indicated that an ATT should cover “all conventional weapons”. Many gave specific examples such as “tanks and other armoured vehicles”, “combat aircraft”, “helicopters”, “warships” and so on. Most states included “small arms and light weapons”,<sup>3</sup> “landmines” and “Man Portable Air Defence Systems (MANPADS)” in their lists. Since most of the references to specific weapon types were illustrative rather than exhaustive, and since many states did not list specific weapon types, a statistical analysis of the specific weapon types mentioned by states has not been provided.

In addition to conventional weapon types, states nominated the following items for consideration or inclusion in the list of categories an ATT should cover:

- ammunition;
- parts and components;
- manufacturing technology;
- dual-use goods;
- explosives;
- technology;
- arms for internal security;
- manufacturing equipment; and
- technological development.

An explanation of these terms and their use by states can be found in Annex B.

Additionally, a number of states suggested including or adopting an existing list, such as the UN Register of Conventional Arms,<sup>4</sup> the *International Instrument to enable States to identify and trace, in a timely and reliable manner, illicit small arms and light weapons*,<sup>5</sup> the European Union Munitions List or Common Military List or the Wassenaar Munitions List.

Chart 1 provides an overview of the extent to which states supported the inclusion of the above categories in an ATT. The column titled *Existing list* shows the number of states that explicitly referred to the inclusion of one or more of the existing lists of weapons categories discussed in the previous paragraph. A detailed list of the states that included each of the categories of weapons shown in the chart is provided in Annex D.

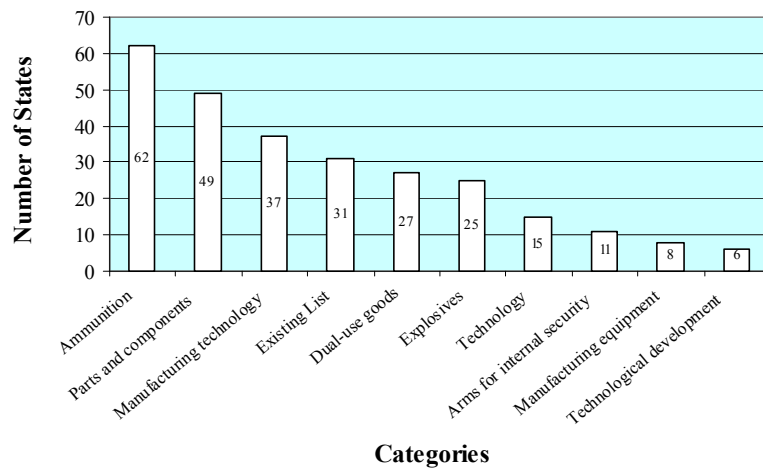
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<sup>3</sup> With some, such as Paraguay, stressing that all conventional weapons “*especially* small arms and light weapons” be covered by an ATT (emphasis added).

<sup>4</sup> The Register comprises seven categories of major conventional arms, namely, battle tanks, armoured combat vehicles, large-calibre artillery systems, combat aircraft, attack helicopters, warships (including submarines) as well as missiles and missile-launchers. States are also invited to submit reports on small arms and light weapons transfers on a voluntary basis, but it is up to states to define what is meant by the term.

<sup>5</sup> The International Tracing Instrument contains definitions of “small arms” and “light weapons” only.

**Chart 1. Categories desired by states for inclusion in an ATT**



The majority of states that submitted views support the inclusion of ammunition and parts and components in the categories of items covered by an ATT. The inclusion of technology also received extensive support with 51 states including manufacturing technology, technology or technological development in their list of suggested items.<sup>6</sup> Although only six states explicitly mentioned the need to include technological development in the list of categories covered,<sup>7</sup> several other states that suggested annexing a list of weapons to the ultimate instrument (discussed in section 3.3.2) noted the need for flexible descriptions to accommodate technological progress and weapon development and to avoid frequent updating.<sup>8</sup>

While 27 states supported the inclusion of dual-use goods,<sup>9</sup> several states expressed the need for the Group of Governmental Experts on an ATT to consider the matter carefully.<sup>10</sup> One state<sup>11</sup> stressed that inclusion of dual-use goods would be neither feasible nor desirable because this may have a negative impact on the civilian use of such goods, and that negotiating a list of such items and keeping it updated may involve “insurmountable difficulties”.

As a practical measure, 34 states suggested annexing a list of weapons or categories of weapons to an ATT.<sup>12</sup> Some states noted that consideration needs to be given to whether this is a detailed or a generic list, but there was general agreement that such a list would help reduce ambiguity.

<sup>6</sup> Albania, Australia, Austria, Bangladesh, Bosnia and Herzegovina, Bulgaria, Burkina Faso, Canada, Colombia, Côte d’Ivoire, Croatia, Cyprus, the Czech Republic, the Democratic Republic of the Congo, Denmark, Djibouti, Estonia, Fiji, Germany, Hungary, Ireland, Italy, Jamaica, Japan, Kenya, Latvia, Liechtenstein, Lithuania, Luxembourg, the former Yugoslav Republic of Macedonia, Malawi, Malta, Moldova, Montenegro, Morocco, the Netherlands, New Zealand, Niger, Norway, Paraguay, Peru, Portugal, Republic of Korea, Slovakia, South Africa, Spain, Sweden, Togo, Turkey, the United Kingdom and Zambia.

<sup>7</sup> Australia, Cyprus, Ireland, Japan, Peru and Turkey.

<sup>8</sup> Belgium, Montenegro and the Netherlands.

<sup>9</sup> Albania, Bangladesh, Belgium, Bosnia and Herzegovina, Burkina Faso, Canada, Colombia, Costa Rica, Côte d’Ivoire, Fiji, Hungary, Iceland, Japan, Liberia, Moldova, the Netherlands, Niger, Norway, Paraguay, Peru, Philippines, Republic of Korea, South Africa, Sweden, Togo, the United Kingdom and Zambia.

<sup>10</sup> Canada, Japan and the United Kingdom.

<sup>11</sup> Brazil.

<sup>12</sup> Argentina, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Chile, Croatia, Cyprus, the Czech Republic, Denmark, Ecuador, El Salvador, Germany, Iceland, Indonesia, Ireland, Japan, Latvia, the former Yugoslav Republic of Macedonia, Malta, Montenegro, the Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Romania, Slovakia, Slovenia, Spain, Sweden and the United Kingdom.

### 3.2.2. Activities and Transactions

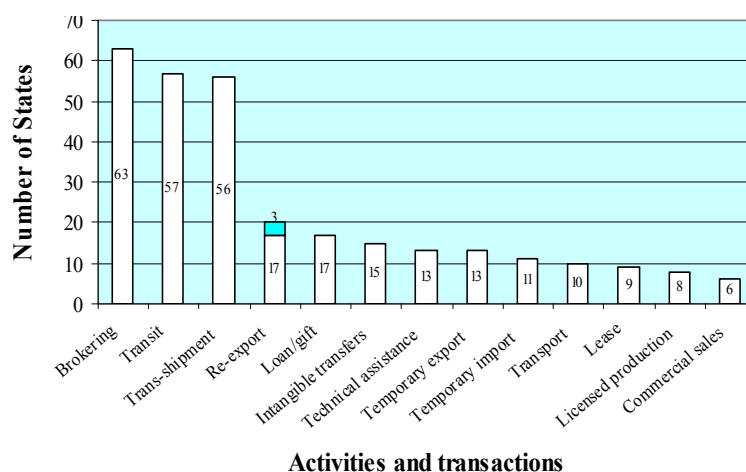
In addition to import, export and transfer as mentioned in the ATT Resolution, the following activities and transactions were suggested by states for inclusion in an ATT:

- brokering;
- transit;
- trans-shipment;
- re-export;
- loan/gift;
- intangible transfers;
- technical assistance;
- temporary export;
- temporary import;
- transport;
- lease;
- licensed production; and
- commercial sales.

An explanation of these terms and their use by states can be found in Annex B.

Chart 2 shows the frequency with which states mentioned the activities and transactions listed. Several other activities were mentioned by states including financial services and collection or stockpiling of state-held weapons. However, since only four states mentioned financial services<sup>13</sup> and only two states mentioned collection or stockpiling of state-held weapons,<sup>14</sup> these subcategories have not been included in the chart or the statistical analysis that follows. A detailed list of the states that included the activities in the chart is provided in Annex E.

**Chart 2.** Activities and transactions desired by states for inclusion in an ATT



<sup>13</sup> Fiji, Georgia, Republic of Korea and Senegal.

<sup>14</sup> Colombia and Georgia.

As can be seen in the chart, the majority of states support the inclusion of brokering, transit and trans-shipment.

Seventeen states mentioned re-export in the list of transactions or activities that should be covered by an ATT<sup>15</sup> and three states mentioned retransfer.<sup>16</sup> Strictly speaking, retransfer comprises a broader range of activities than re-export. The use of the word “export” in the term implies transfer to another state, across state boundaries. Retransfer, on the other hand, while including transfers across state boundaries, also covers a broader range of transactions as well as movement or transfer within the recipient state. For the purposes of this report, however, these activities have been grouped in the same column because they are related concepts and are often used interchangeably.<sup>17</sup> That is, they both concern the movement or conveyance of arms by the recipient state after receipt from the exporting state. This is of particular relevance and concern in the context of preventing the diversion of arms.

Only 15 states specifically mentioned intangible transfers in their submissions.<sup>18</sup> Eleven of these made specific reference to the transfer of technology.<sup>19</sup> Seven of the eight states that specifically mentioned licensed production also mentioned intangible transfers.<sup>20</sup>

Certain states treated technology as a category of weapon to be covered by an ATT while others treated it (or more specifically, its transfer) as an activity. Accordingly, to ensure an accurate impression of the support given to the inclusion in an ATT of technology transfer, consideration should be given to both groups—the number of states that listed technology in the categories to be covered by an ATT, and the number of states that listed intangible transfers in the activities to be covered by an ATT.

As discussed in section 3.2.1, 51 states included manufacturing technology, technology or technological development in their list of suggested categories to be covered. Although 10 of these states also listed intangible transfers in the activities that should be covered,<sup>21</sup> the majority did not. Conversely, six states that mentioned intangible transfers in the list of activities did not mention technology as one of the items to be covered. Overall, a total of 57 states included a reference to at least one of the following: technology (in one form or other), intangible transfers or licensed production.

### 3.2.3. Restrictions

In addition to listing categories and activities that should be included in an ATT, a number of states made specific reference to issues that should not be covered, or should only be covered in a limited way. The three main restrictions that states proposed are:

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<sup>15</sup> Australia, Côte d’Ivoire, Croatia, the Czech Republic, Denmark, Estonia, France, Georgia, Hungary, Ireland, Jamaica, Latvia, Poland, Portugal, Romania, South Africa and Togo.

<sup>16</sup> Austria, Germany and Italy.

<sup>17</sup> For instance, paragraph 3 of the *Best Practice Guidelines for Exports of Small Arms and Light Weapons* agreed at the Wassenaar Arrangement Plenary, December 2002, notes that: “as far as possible, without prejudice to the rights of States to re-export SALW that they have previously imported, that the original exporting Participating State, in accordance with bilateral agreements, will be notified before re-export/re-transfer of those weapons”.

<sup>18</sup> Austria, Denmark, Ecuador, Finland, France, Germany, Hungary, Iceland, Ireland, Japan, the Netherlands, Norway, Senegal, Sweden and Togo.

<sup>19</sup> Austria, Ecuador, Finland, Germany, Hungary, Iceland, Ireland, Norway, Senegal, Sweden and Togo.

<sup>20</sup> Austria, Denmark, Ecuador, Finland, Iceland, the Netherlands and Norway (the eighth country is Brazil).

<sup>21</sup> Austria, Denmark, Germany, Hungary, Ireland, Japan, the Netherlands, Norway, Sweden and Togo.

- that a treaty should not cover transfers within a state;<sup>22</sup>
- it should not place overly burdensome controls on the movement of privately owned firearms;<sup>23</sup> and
- it should not impose restrictions on the number of arms that may be acquired, held or used within a state’s territory.<sup>24</sup>

Several states expressed opposing views. For instance, while seven states advocated that the number of arms held by a state should not be restricted by an ATT,<sup>25</sup> one state commented that an ATT should take into account the legal liability of states with respect to illicit trafficking, including the “control of over-production of arms and ammunition by companies established in the territory of a state”.<sup>26</sup> Another state noted that an ATT should allow for the “destruction of stockpiles in excess of defence needs”.<sup>27</sup> Finally, several states commented that one of the criteria for authorizing transfers should be the prevention of destabilizing accumulations of conventional arms.<sup>28</sup> Many other states included considerations based on the impact of transfers on regional or internal stability (discussed in section 3.3.1).

In the context of privately owned firearms, four states stated that an ATT should not impose “overly burdensome controls” on the movement of privately owned firearms,<sup>29</sup> and another state made a similar point in stating that “low risk” activities, such as the transfer of sporting rifles, should not be “subject to additional, more onerous, restrictions that do not represent an improvement on existing controls”.<sup>30</sup> Conversely, 12 states commented, expressly or implicitly, that private end-use *should* be covered by an ATT.<sup>31</sup> Although most of the references to private end-use related to the inclusion of state-to-private-end-user transactions in an ATT, several related to the general trade in arms for private use, which would impact on the movement of privately owned firearms.

### 3.3. Parameters

#### 3.3.1. Transfer Criteria

The majority of states’ submissions consisted of suggested criteria that should form the common standards applied by States when determining whether to approve a weapons transfer. Due to the large number of criteria mentioned, data was recorded and divided into five thematic clusters:

- **Considerations based on existing obligations and commitments.** Whether the proposed transfer would be contrary to existing obligations and commitments including the UN Charter, Security Council resolutions—especially embargoes—and other regional and international commitments.

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<sup>22</sup> Australia, Bosnia and Herzegovina, Canada, Cuba, Estonia, Finland, Germany, Hungary, Ireland, Italy, Luxembourg, the former Yugoslav Republic of Macedonia, Malta, the Netherlands, Slovakia, Sweden, Thailand and the United Kingdom.

<sup>23</sup> Bosnia and Herzegovina, Canada, Malta and the United Kingdom.

<sup>24</sup> Bosnia and Herzegovina, Canada, Estonia, Finland, Malta, Sweden and the United Kingdom.

<sup>25</sup> Bosnia and Herzegovina, Canada, Estonia, Finland, Malta, Sweden and the United Kingdom.

<sup>26</sup> The Democratic Republic of the Congo.

<sup>27</sup> France.

<sup>28</sup> Australia, Burkina Faso and Hungary.

<sup>29</sup> Bosnia and Herzegovina, Canada, Malta and the United Kingdom.

<sup>30</sup> New Zealand.

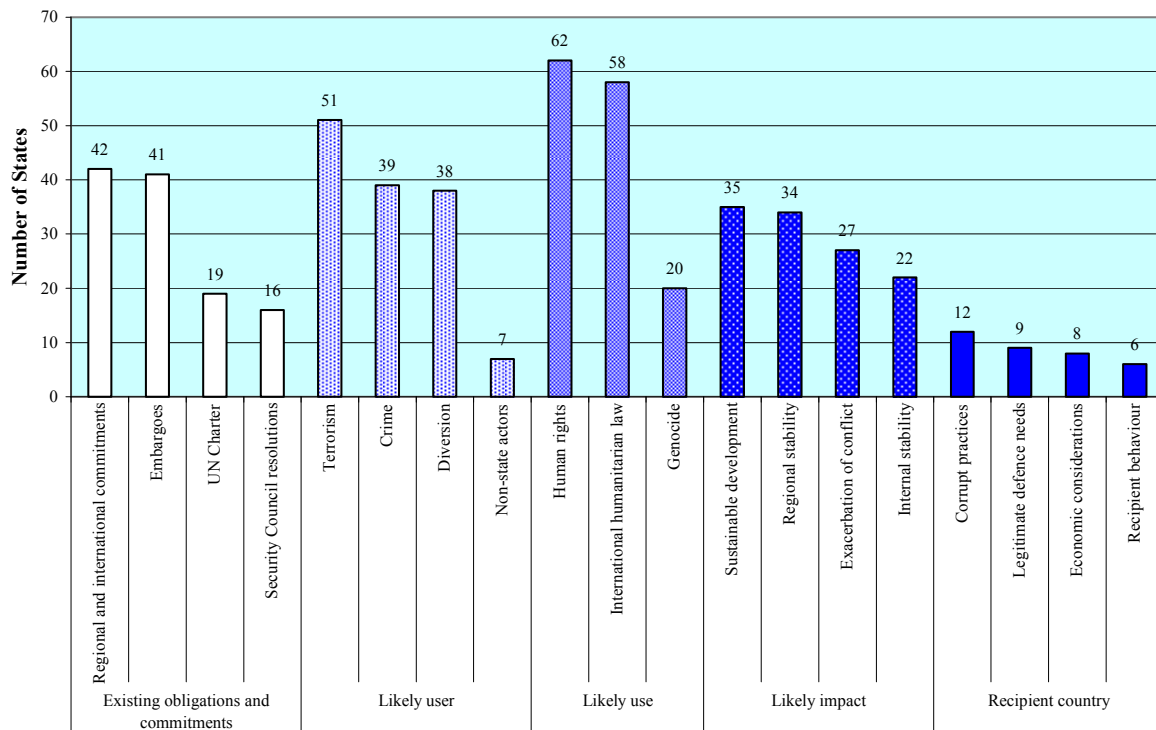
<sup>31</sup> Australia, Bangladesh, Burkina Faso, the Czech Republic, Fiji, France, Germany, Lithuania, Mauritius, the Netherlands, Niger and Zambia. Sweden also noted that state-to-non-state-end-user transfers should be covered.

- **Considerations based on likely user.** Whether the arms might be transferred to criminal groups, terrorists or unauthorized non-state actors, or might be diverted to such end-users.
- **Considerations based on likely use.** Whether the arms to be transferred were likely to be used to violate human rights or international humanitarian law, or to commit acts of genocide or crimes against humanity.
- **Considerations based on likely impact.** Whether the proposed transfer is likely to contribute to internal or regional stability, exacerbate an existing conflict or hinder sustainable development.
- **Considerations based on recipient country.** Whether there are factors specific to the recipient state that should be taken into consideration, such as whether the recipient state has a record of human rights violations or other behaviour that may make the proposed transfer inappropriate, whether the proposed transfer is likely to have an adverse impact on the socio-economic conditions of the recipient country, whether the proposed transfer exceeds the recipient state’s legitimate defence needs, or whether corrupt practices are likely to affect the proposed transfer.

An explanation of these terms and their use by states can be found in Annex B.

An overview of the support shown for each set of transfer criteria within each cluster is provided in Chart 3. Chart 4 shows the same criteria ranked by frequency. A detailed list of the states that included the transfer criteria shown is provided in Annex F.

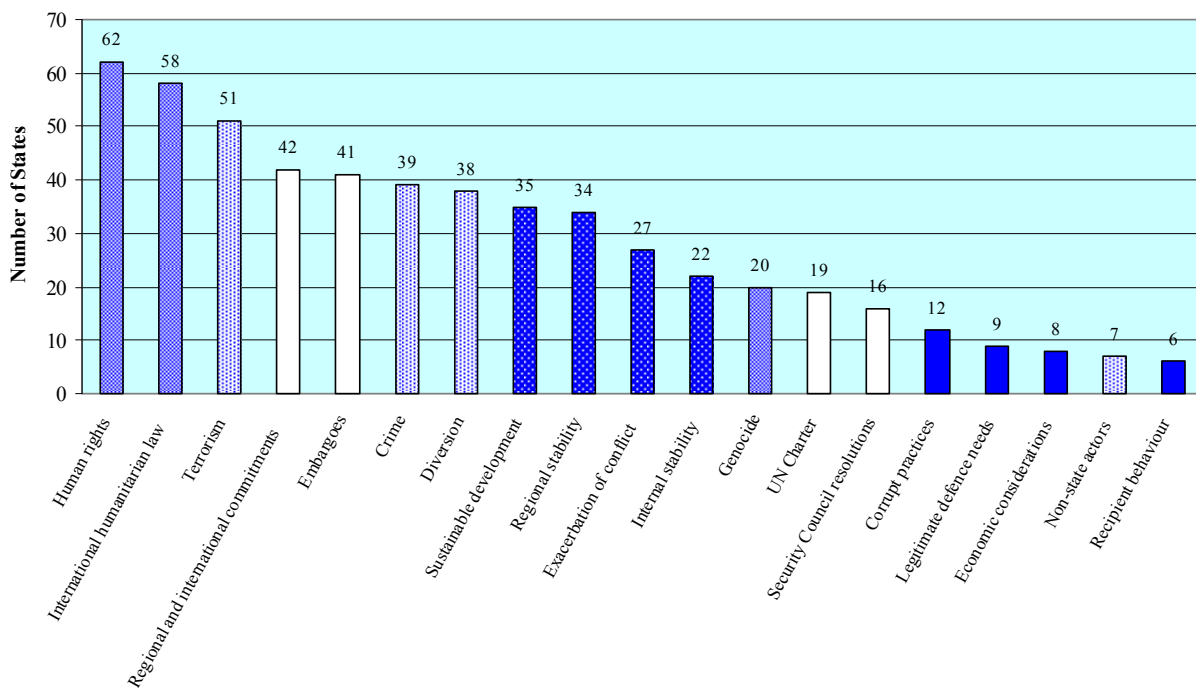
**Chart 3.** Transfer criteria desired by states for inclusion in an ATT, by thematic cluster



The responses shown in these charts give some indication of the issues and transfer criteria that are more likely to be accepted by states. So, for instance, there is likely to be general agreement that restrictions on transfers that may be used for violations of human rights or by terrorists should be included in an ATT. Prohibitions on transfers to non-state actors, however, or considerations based on the legitimate defence needs or economic capacity of a recipient state, might prove more controversial. Indeed, Brazil commented that considerations of the socio-economic impact of military expenditures would be “altogether unacceptable”.

The number of states that included transfer criteria based on economic considerations should be read in conjunction with the number of states that indicated sustainable development as a consideration. This is because, although only six states in the context of sustainable development specifically mentioned the need to consider the undue diversion of resources, it is possible that other states that desire the inclusion of sustainable development likewise had this principle in mind, although they did not state this explicitly.

**Chart 4.** Transfer criteria desired by states for inclusion in an ATT, by frequency



### 3.3.2. Operational Mechanisms

In addition to commenting on the feasibility, scope and draft parameters of an ATT as requested, many states included suggestions for operational mechanisms, such as:

- international cooperation and assistance;
- monitoring;
- information-sharing;

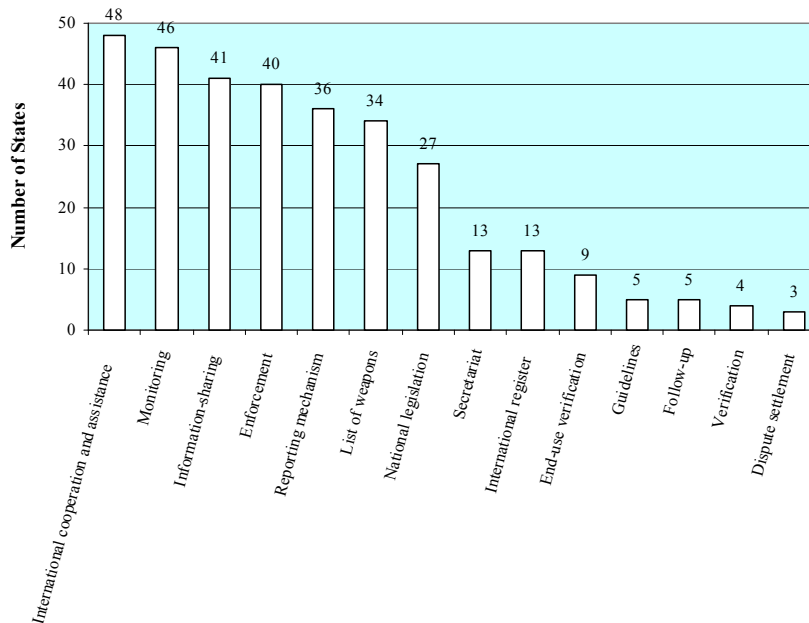


- enforcement;
- reporting mechanism;
- list of weapons;
- national legislation;
- secretariat;
- international register;
- end-use verification;
- guidelines;
- follow-up;
- verification; and
- dispute settlement.

An explanation of these terms and their use by states can be found in Annex B.

As shown in Chart 5, a majority of states suggested the inclusion of a mechanism for international cooperation and assistance. Monitoring, information-sharing and enforcement also ranked high on the list of operational measures that states would like to see included. Thirty-six states suggested incorporating a regular or annual reporting requirement,<sup>32</sup> although one state noted that while transparency is a crucial element, “an adequate safeguard of national security should be built into the Treaty”.<sup>33</sup> A detailed list of the states that included the operational mechanisms shown in the chart is provided in Annex G.

**Chart 5.** Operational mechanism desired by states for inclusion in an ATT



<sup>32</sup> Argentina, Austria, Bangladesh, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Burundi, Costa Rica, Côte d’Ivoire, the Czech Republic, Estonia, Finland, France, Germany, Hungary, Italy, Japan, Liberia, Liechtenstein, Lithuania, Luxembourg, Malta, New Zealand, Norway, Portugal, Romania, Samoa, Serbia, South Africa, Spain, Switzerland, Thailand, Togo, Trinidad and Tobago and the United Kingdom.

<sup>33</sup> Thailand.

Twenty-seven submissions proposed that states adopt relevant national legislation under the terms of an ATT.<sup>34</sup> In some instances this reflected a desire to “harmonise national export control practices”,<sup>35</sup> in others the focus was on the “prosecution of those who violate the regulations on the arms transfer controls established under the treaty”.<sup>36</sup> And as discussed in section 3.2.1, 34 states suggested annexing a list of weapons or weapons categories to a final instrument.

Thirteen states suggested establishing a secretariat or some kind of permanent body.<sup>37</sup> Some states suggested that such a body would serve as a contact point for information-sharing, submitting reports, and would coordinate matters and assist states in implementing provisions of an ATT. Others commented that such a body could take the form of “a standing committee to guide all states by making determinations on whether to prohibit arms exports to countries where arms might be used for gross or serious human rights violations”<sup>38</sup> or to provide “a forum to systematically discuss the issues pertaining to the responsible trade in arms”.<sup>39</sup>

Thirteen states suggested establishing an international register.<sup>40</sup> The suggested roles of such a register included to maintain a database of all arms trade contracts; to compile and publish an annual report of all arms deals; to assist reporting, information exchange and cooperation; and to “monitor the cross-border movement of all conventional weapons”.<sup>41</sup> Some states suggested enhancing or at least utilizing the UN Register of Conventional Weapons, but others advocated establishing a new international register specifically for an ATT.

Nine states stated that an ATT should contain an end-use(r) verification mechanism to ensure that arms transferred reach and remain with the approved end-user.<sup>42</sup> Five states suggested including a set of guidelines to assist states in assessing individual applications for arms transfers.<sup>43</sup> Five states commented on the need for a follow-up mechanism involving regular meetings of states parties to review implementation or to review the lists and definitions of weapons under the scope of a treaty.<sup>44</sup>

## 3.4. Other

### 3.4.1. Principles

During the review of states’ submissions, a record was kept of some of the general principles that states proposed should be acknowledged in an ATT. Fifty-two states made a specific request that the inherent right to self-defence enshrined by Article 51 of the UN Charter be referred to in a

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<sup>34</sup> Argentina, Benin, Bolivia, Bosnia and Herzegovina, Brazil, Burkina Faso, Colombia, Cuba, El Salvador, France, Greece, Italy, Liberia, Lithuania, Luxembourg, Malawi, Mexico, Montenegro, Morocco, the Netherlands, Niger, Paraguay, South Africa, Spain, Switzerland, the United Kingdom and Zambia.

<sup>35</sup> Switzerland.

<sup>36</sup> Spain.

<sup>37</sup> Argentina, Bosnia and Herzegovina, Costa Rica, Iceland, Japan, Lithuania, Norway, Peru, Republic of Korea, Serbia, South Africa, Spain and the United Kingdom.

<sup>38</sup> Republic of Korea.

<sup>39</sup> Lithuania.

<sup>40</sup> Bangladesh, Burkina Faso, Ecuador, France, Georgia, Hungary, Japan, Lithuania, Malta, Niger, Portugal, Senegal and Togo.

<sup>41</sup> Niger.

<sup>42</sup> Croatia, Denmark, Germany, Italy, Jamaica, Romania, Serbia, Seychelles and Sweden.

<sup>43</sup> Austria, Bosnia and Herzegovina, Germany, Hungary and the United Kingdom.

<sup>44</sup> Argentina, Chile, Hungary, Japan and Senegal.

treaty.<sup>45</sup> Similarly, 44 states sought to include a reference to the right of states to manufacture, import, export, transfer and possess conventional weapons for self-defence, security or participation in peacekeeping operations.<sup>46</sup> These principles are reflected in the ATT Resolution and there is little doubt that their incorporation in an ATT would attract unanimous support.

Six states also mentioned the *Global Principles for Arms Transfers* prepared by the non-governmental organization Arms Trade Treaty Steering Committee,<sup>47</sup> with several mentioning that they concurred with the principles therein and others commenting that they provided a good starting point for consideration of parameters of an ATT.<sup>48</sup>

### 3.4.2. Process

Although little was said by states in terms of suggestions for an ATT process, at least seven states commented on the need for input from civil society<sup>49</sup> and five states commented on the need for input from the arms industry during the ATT negotiation process.<sup>50</sup> Additionally, seven states stressed the need to ensure universality of the process, that is, ownership of the initiative by all UN Member States through appropriate open-ended consultations and balanced participation during the process.<sup>51</sup>

## 4. Conclusion

There are nearly 40 Member States that are not parties or signatories to one or more existing regional arrangements regulating the transfer of conventional weapons or small arms and light weapons. While the various regional instruments and arrangements contain different obligations and transfer criteria, the high rate of accession to and the abundance of such instruments illustrate the importance of arms transfer controls and demonstrate states' willingness to establish common standards in this area.

The fact that 153 Member States voted in favour of the ATT Resolution demonstrates that the majority of states agree that common international standards for the import, export and transfer of conventional weapons are desirable. Eighty-nine of the ninety-five states whose submissions were reviewed believe that an ATT is feasible, thus that a legally binding instrument establishing

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<sup>45</sup> Albania, Algeria, Argentina, Australia, Austria, Bangladesh, Benin, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Colombia, Côte d'Ivoire, Cuba, Cyprus, the Czech Republic, Denmark, Djibouti, Egypt, Estonia, Fiji, Greece, India, Indonesia, Ireland, Israel, Italy, Jamaica, Japan, Latvia, Lithuania, Malawi, Malta, Mexico, Morocco, New Zealand, Nigeria, Norway, Pakistan, Paraguay, Peru, Portugal, Republic of Korea, Senegal, Serbia, Slovakia, Spain, Thailand, Turkey and the United Kingdom. The European Union also noted that the European Union Code of Conduct does not deprive states of the right of individual or collective self-defence.

<sup>46</sup> Albania, Algeria, Argentina, Australia, Austria, Bangladesh, Benin, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Canada, Colombia, Cuba, Cyprus, Djibouti, Egypt, Fiji, Germany, India, Indonesia, Italy, Jamaica, Lithuania, Malawi, Mali, Malta, Mauritius, Morocco, New Zealand, Niger, Norway, Pakistan, Paraguay, Philippines, Portugal, Republic of Korea, Romania, Serbia, Slovakia, South Africa, Thailand and Zambia. The European Union also noted that the European Union Code of Conduct does not deprive states of the right to manufacture, import, export, transfer or retain conventional arms for individual or collective self-defence.

<sup>47</sup> The ATT Steering Committee is an international group of non-governmental organizations that collaborate in the promotion of an ATT at the national, regional and international levels. The current members of the ATT Steering Committee are African Peace Forum (Kenya), Amnesty International, Arias Foundation for Peace and Human Progress (Costa Rica), Caritas International, Friends Committee on National Legislation (United States), International Action Network on Small Arms, Non Violence International, Oxfam, Project Ploughshares (Canada), Saferworld (United Kingdom), Schweitzer Institute (United States), Sou da Paz (Brazil), Viva Rio (Brazil) and Women's Institute for Alternative Development (Trinidad and Tobago).

<sup>48</sup> Canada, Fiji, Indonesia, Japan, Republic of Korea and Trinidad and Tobago.

<sup>49</sup> Austria, Finland, Hungary, Paraguay, Portugal, Senegal and Thailand.

<sup>50</sup> Austria, Colombia, Finland, Hungary and Portugal.

<sup>51</sup> Algeria, Brazil, Colombia, Cuba, Cyprus, Malta and South Africa.

such common international standards is possible. Clearly, there is broad support for such standards. What is less clear is the form such standards could take.

One of the aims of this report is to provide an overview of states' positions with respect to the development of an ATT. The statistical analysis provided clearly shows that states are more likely to agree on the inclusion of certain items, activities and operational mechanisms than others. In this sense, the report will provide a good snapshot or starting point for judging which issues are likely to be easily agreed and which issues will be more contentious if and when negotiations on an ATT commence.

As noted in section 2, however, absolute predictions of states' attitudes and responses to ATT discussions based on states' submissions are not possible since not all states submitted their views during the consultation process and states may not have exhaustively listed all the elements they would like to see in an ATT. One way of overcoming this, and increasing the extent of the data and its accuracy, would be to develop a questionnaire that includes the criteria and categories explored in this report and issue it to all states asking them to expressly confirm whether they would support the inclusion (or discussion) of such criteria and categories in an ATT. This would help to narrow down the areas of consensus and divergence and give a more accurate picture of the outcomes of an ATT process.

It will be up to those states committed to establishing an ATT to decide whether to push for issues that may well cause a deadlock and the ultimate failure of the process (such as insisting on transfer criteria that prohibit transfers to non-state actors), or accept a less rigorous mechanism that at a minimum consolidates existing obligations under international law and commands the participation and awareness of all Member States. A more detailed discussion of some of the strategic approaches and practical suggestions for moving the process forward is the aim of the second part of this study, as well as a description of what kind of ATT is feasible, based on an in-depth analysis of the data collected for this report.

## **Annex A**

### **Text of the ATT Resolution**

The General Assembly,

*Guided* by the purposes and principles enshrined in the Charter of the United Nations, and reaffirming its respect for and commitment to international law,

*Recalling* its resolutions 46/36 L of 9 December 1991, 51/45 N of 10 December 1996, 51/47 B of 10 December 1996, 56/24 V of 24 December 2001 and 60/69 and 60/82 of 8 December 2005,

*Recognizing* that arms control, disarmament and non-proliferation are essential for the maintenance of international peace and security,

*Reaffirming* the inherent right of all States to individual or collective self-defence in accordance with Article 51 of the Charter,

*Acknowledging* the right of all States to manufacture, import, export, transfer and retain conventional arms for self-defence and security needs, and in order to participate in peace support operations,

*Recalling* the obligations of all States to fully comply with arms embargoes decided by the Security Council in accordance with the Charter,

*Reaffirming* its respect for international law, including international human rights law and international humanitarian law, and the Charter,

*Taking note* of and encouraging relevant initiatives, undertaken at the international, regional and subregional levels between States, including those of the United Nations, and of the role played by non-governmental organizations and civil society, to enhance cooperation, improve information exchange and transparency and implement confidence-building measures in the field of responsible arms trade,

*Recognizing* that the absence of common international standards on the import, export and transfer of conventional arms is a contributory factor to conflict, the displacement of people, crime and terrorism, thereby undermining peace, reconciliation, safety, security, stability and sustainable development,

*Acknowledging* the growing support across all regions for concluding a legally binding instrument negotiated on a non-discriminatory, transparent and multilateral basis, to establish common international standards for the import, export and transfer of conventional arms,

1. *Requests* the Secretary-General to seek the views of Member States on the feasibility, scope and draft parameters for a comprehensive, legally binding instrument establishing common

international standards for the import, export and transfer of conventional arms, and to submit a report on the subject to the General Assembly at its sixty-second session;

2. *Also requests* the Secretary-General to establish a group of governmental experts, on the basis of equitable geographical distribution, informed by the report of the Secretary-General submitted to the General Assembly at its sixty-second session, to examine, commencing in 2008, the feasibility, scope and draft parameters for a comprehensive, legally binding instrument establishing common international standards for the import, export and transfer of conventional arms, and to transmit the report of the group of experts to the Assembly for consideration at its sixty-third session;

3. *Further requests* the Secretary-General to provide the group of governmental experts with any assistance and services that may be required for the discharge of its tasks;

4. *Decides* to include in the provisional agenda of its sixty-second session an item entitled "Towards an arms trade treaty: establishing common international standards for the import, export and transfer of conventional arms".

## Annex B

### Explanation of Terms and Their Use by States

In most cases states used the exact terms or phrases listed in the subcategory headings. In other instances, however, states' views were included under a subcategory although they may have used different phrasing or terminology. Generally, states did not provide definitions of the activities they listed; however, in some instances they provided examples or explanations. What follows are brief descriptions of the subcategories addressed in this report, an explanation of how or why states' submissions were classified under certain subcategories in cases when they did not use the exact terms or phrases, and some examples or explanations of terms provided by states.

### Categories of Weapons

*Ammunition.* States referred to ammunition in a variety of ways, with some including explosives in the concept—"ammunition, including explosives"<sup>52</sup> and "ammunition and other explosives"<sup>53</sup>—and others including ammunition and explosives as categories of munitions—"munitions including ammunition and explosives".<sup>54</sup> Most states, however, referred to "ammunition" and "explosives" separately<sup>55</sup> and in fact Argentina noted that "explosives should occupy a specific section separate from munitions". In some instances, states explicitly referred to ammunition used in small arms and light weapons.<sup>56</sup> It is not clear if they intended to exclude ammunition associated with other conventional weapons. Essentially, states that referred to "ammunition" or "munitions" were included in this grouping.

*Parts and components.* States were included in this grouping if they listed "parts and components", "spare parts",<sup>57</sup> "parts",<sup>58</sup> "components"<sup>59</sup> or "related equipment and parts".<sup>60</sup> In some instances, states limited their references to parts and components associated with small arms and light weapons.<sup>61</sup> Norway expressly referred to parts and components "of Certain Dual Use Items". It is not clear if these states intended to exclude parts and components associated with other conventional weapons.

*Manufacturing technology.* States were included in this grouping if they referred to any of the following: "technology used for the production of conventional arms",<sup>62</sup> "technologies related to arms production",<sup>63</sup> "technology used in manufacturing conventional arms",<sup>64</sup> "technology

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<sup>52</sup> Burkina Faso, Côte d'Ivoire and Paraguay.

<sup>53</sup> The Democratic Republic of the Congo.

<sup>54</sup> Bangladesh, Fiji, Liberia and Malawi.

<sup>55</sup> Colombia, El Salvador, Togo and Turkey.

<sup>56</sup> Argentina, Brazil, Denmark, Ecuador and Montenegro.

<sup>57</sup> Colombia, the Czech Republic, Iceland and Togo.

<sup>58</sup> Croatia, Morocco and Slovakia.

<sup>59</sup> Denmark, Germany, Hungary, Iceland, Kenya, Malawi, Malta, Montenegro, Peru, Portugal and Turkey.

<sup>60</sup> Luxembourg.

<sup>61</sup> Albania, Bangladesh, Burkina Faso, Côte d'Ivoire, the Democratic Republic of the Congo, Fiji, Paraguay, Senegal and Zambia.

<sup>62</sup> Albania.

<sup>63</sup> Japan.

<sup>64</sup> Bangladesh, Burkina Faso, Côte d'Ivoire, Fiji, Jamaica, Kenya, Morocco, the Netherlands, Niger, Paraguay, South Africa, Spain, Togo and Zambia.

allowing the manufacture”,<sup>65</sup> “technology specifically designed for the manufacture”,<sup>66</sup> “technology to produce”,<sup>67</sup> “production technology”,<sup>68</sup> or “manufacturing technology”.<sup>69</sup>

*Dual-use goods.* States that referred to “dual-use goods” or “dual-use items” were included in this grouping, as well as states that referred to “supplies of double usage”.<sup>70</sup> Some states referred to dual-use goods or items that are relevant to conventional weapons<sup>71</sup> while others referred to dual-use goods or items intended for military, security, policing or law enforcement purposes.<sup>72</sup> Those states that mentioned that inclusion of dual-use goods in an ATT should be considered by the Group of Governmental Experts were also included in this grouping.<sup>73</sup>

*Explosives.* As noted above, states referred to “explosives” in a number of ways, with many grouping explosives with ammunition—“ammunition, including explosives”,<sup>74</sup> “ammunition and other explosives”.<sup>75</sup> Others included explosives or ammunition as subcategories of “munitions”—“munitions, including ammunition and explosives”,<sup>76</sup> “munitions (including explosives)”.<sup>77</sup> One state referred to related materials including “any chemical substance serving as active material used as propelling or explosive agent”.<sup>78</sup> Any state that included one of these references in its submission was included in this grouping.

*Technology.* States were included in this grouping if they referred to “technology” or “associated technology” without providing further clarification.

*Arms for internal security.* States were included in this grouping if they suggested that any of the following be addressed by an ATT: “arms used for interior security”,<sup>79</sup> “arms used for internal security”,<sup>80</sup> “arms used for domestic security purposes”,<sup>81</sup> “weapons used for internal security”,<sup>82</sup> or “arms used for purposes of internal security”.<sup>83</sup>

*Manufacturing equipment.* States were included in this grouping if they made a direct reference to “manufacturing equipment”,<sup>84</sup> or any of the following: “repair equipment”,<sup>85</sup> “facilities exclusively for arms production”,<sup>86</sup> or “training, documentation and means of data communication relating to manufacture”.<sup>87</sup>

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<sup>65</sup> Denmark and Estonia.

<sup>66</sup> Liechtenstein, Malawi, Malta, Montenegro, Portugal and Turkey.

<sup>67</sup> Bosnia and Herzegovina, Peru and the United Kingdom.

<sup>68</sup> Bulgaria, Canada, Moldova and Norway.

<sup>69</sup> Colombia, the Democratic Republic of the Congo, Germany, Italy and Sweden.

<sup>70</sup> Albania.

<sup>71</sup> Canada, Bosnia and Herzegovina, Norway, South Africa, Sweden and the United Kingdom.

<sup>72</sup> Bangladesh, Burkina Faso, Colombia, Costa Rica, Côte d’Ivoire, Fiji, Liberia, the Netherlands, Niger, Paraguay, Togo and Zambia.

<sup>73</sup> Belgium, Bosnia and Herzegovina, Japan and Republic of Korea.

<sup>74</sup> Burkina Faso, Côte d’Ivoire, Morocco and Paraguay.

<sup>75</sup> The Democratic Republic of the Congo.

<sup>76</sup> Bangladesh, Fiji, Liberia, Malawi and the Netherlands.

<sup>77</sup> South Africa.

<sup>78</sup> Senegal.

<sup>79</sup> Albania.

<sup>80</sup> Burkina Faso, Colombia and Togo.

<sup>81</sup> Côte d’Ivoire and Paraguay.

<sup>82</sup> Fiji, Liberia, the Netherlands and Zambia.

<sup>83</sup> Niger.

<sup>84</sup> Austria, the Czech Republic, Germany, Iceland and Sweden.

<sup>85</sup> France.

<sup>86</sup> Japan.

<sup>87</sup> Morocco.



*Technological development.* Several states commented on the need for an ATT to be flexible enough to accommodate technological development in conventional arms. States were included in this grouping if they referred to any of the following: “technological developments”,<sup>88</sup> “future technical developments”,<sup>89</sup> “weapons to be developed in the future”,<sup>90</sup> “modernizations”, meaning the addition of new components to existing equipment<sup>91</sup> or “technological changes in the future”.<sup>92</sup> Australia used the phrase “emerging technologies” and was included in this grouping.

## Activities and Transactions

*Brokering.* Most states included in this grouping specifically referred to “brokering” in their submissions. Although they did not use the term, Croatia and France have been included because Croatia listed “mediation” as an aspect of the trade in conventional arms that should be addressed in an ATT, and France suggested including “intermediation activities” in the definition of international transfers of conventional arms.

*Transit.* The transit of weapons involves their movement from State A to State B through a State C, where (in contrast to trans-shipment) there is no change in the mode of transport. All states included in this grouping used the word “transit” in their submissions, and none elaborated on the term.

*Trans-shipment.* Trans-shipment is the act of shipping goods to an intermediate destination prior to reaching their ultimate end-use. It usually involves a change in the mode of transport. All states included in this grouping used the word “trans-shipment” or “transshipment” in their submissions, and none elaborated on the term.

*Re-export.* Re-export involves exporting or selling weapons that have been imported from another state. All states included in this grouping used the word “re-export” or “re-exportation” in their submissions. As discussed in section 3.2.2 of the report, those states that listed “re-transfer” as an activity that should be addressed in an ATT have been incorporated in this grouping.

*Loan/gift.* States that referred to “loans”, “gifts” or “donation”,<sup>93</sup> or “grants”<sup>94</sup> or “free transfers”<sup>95</sup> were included in this grouping. No explanations were provided as to the circumstances under which gifts or loans of weapons might occur or how they should be addressed or regulated under an ATT.

*Intangible transfers.* For the purposes of this report, transfers that could be interpreted as intangible have been classified in three ways. One, states that expressly listed “intangible transfers” (with no further explanation) or “transfers of technology” were incorporated in this grouping. States that mentioned “transfers of production capacity” were also included. Two, if states included a reference to “licensed transfers of arms production capacity”, they were

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<sup>88</sup> Cyprus.

<sup>89</sup> Ireland.

<sup>90</sup> Japan.

<sup>91</sup> Peru.

<sup>92</sup> Turkey.

<sup>93</sup> Mexico and Spain.

<sup>94</sup> Peru and Serbia.

<sup>95</sup> Togo.

included in the licensed production grouping (discussed below). Three, states that listed “the export of services and maintenance”, “the export of expertise” or “technical training related to manufacture, maintenance and use” (which are, essentially, intangible transfers) were included in the technical assistance grouping.

*Technical assistance.* Most states in this grouping listed “technical assistance” without elaborating on the nature of assistance contemplated. As noted above in the discussion on intangible transfers, states that listed “the export of services and maintenance”, “the export of expertise” or “technical training related to manufacture, maintenance and use” were also included in this grouping.

*Temporary export and import.* All states included in this grouping used the phrases “temporary export” or “temporary import” except Serbia, which referred to “provisional import/export for exhibitions”. Some states provided explanations or qualifications regarding what such temporary imports or exports might be used for, including “for demonstrations or exhibitions”,<sup>96</sup> “for various purposes (manufacturing, testing, trade exhibition)”<sup>97</sup> and “peacekeeping operations”.<sup>98</sup>

*Transport.* There are many issues associated with the transport of weapons, including regulating agents that arrange the means of transport, regulating the means and manner in which weapons are transported to ensure their security, and establishing rules for marking and labelling shipments to ensure their traceability. All states included in this grouping used the word “transport” in their submissions, and none elaborated on the term or the aspects they wish to see regulated under an ATT.

*Lease.* All states in this grouping listed “lease” or “rental”<sup>99</sup> in their submissions, and none elaborated on the term.

*Licensed production.* In the context of weapons production, licensed production involves the transfer of the means, including technology, to produce weapons. Most states included in this grouping specifically referred to “licensed production”, “production under licence” or “licensed transfers of arms production”.

*Commercial sales.* All states in this grouping listed “commercial sales” in their submissions, and none elaborated on the term.

## **Transfer Criteria**

In many instances states provided lists of the types of transfer criteria or considerations that should be taken into account when deciding whether or not to authorize an arms transfer. In other instances, states made general comments relevant to the issue.

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<sup>96</sup> Bosnia and Herzegovina, Malta, the Netherlands, Peru and the United Kingdom.

<sup>97</sup> Germany.

<sup>98</sup> The Netherlands.

<sup>99</sup> Burkina Faso and Mexico.

## Considerations based on existing obligations and commitments

*UN Charter.* States were included in this grouping if they made a specific reference to the need for states to consider if a proposed transfer might be contrary to the UN Charter.

*Security Council resolutions.* States were included in this grouping if they made a specific reference to the need for states to consider if a proposed transfer might be contrary to a Security Council resolution. In most instances, this included a reference to embargoes. However, because there are instances where states referred to Security Council resolutions generally, without making a specific reference to embargoes,<sup>100</sup> and because states also referred to other types of embargoes not arising from Security Council resolutions, separate categories for Security Council resolutions and embargoes were created.

*Embargoes.* States were included in this grouping if they made a reference to embargoes imposed by Security Council Resolutions, or regional or international embargoes and sanctions generally.

*Regional and international commitments.* In a sense, this subcategory captures all of the above subcategories, since they all concern existing, legally binding commitments. Indeed, many states listed obligations under the UN Charter, Security Council resolutions or embargoes as examples of existing obligations under international law.<sup>101</sup> States were included in this grouping if they made a general reference to “existing obligations under international law”, international or regional obligations or commitments, or “other treaties or decisions”, whether or not they specifically mentioned any of the above subcategories.

## Considerations based on likely user

*Crime.* States were included in this grouping if they referred to the need for transfer criteria to prohibit transfers where the recipient country supports organized crime or where the arms could be used by criminal groups, used to facilitate the commission of violent crime, or diverted to criminals or for criminal use.

*Terrorism.* States were included in this grouping if they referred to the need for transfer criteria to prohibit transfers where the recipient country supports terrorism or terrorists or where the arms could be used by terrorists, used in terrorist acts, or diverted to terrorists or for terrorist activities.

*Risk of diversion.* States were included in this grouping if they referred to the need for transfer criteria to prohibit transfers where there is a “risk of diversion” generally, or where arms could be or are likely to be “diverted to unauthorised users” (such as illegal armed groups, non-governmental bodies acting outside the law, terrorists or criminals) or for “unauthorised uses”. In instances where states referred to the need to prevent the “diversion” of arms to “terrorists”, they were included in the terrorism grouping as well as the risk of diversion grouping.

*Non-state actors.* States were included in this grouping if they indicated an ATT should cover transfers to non-state actors. In most instances, states explicitly called for a prohibition on

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<sup>100</sup> Australia.

<sup>101</sup> Albania and Bulgaria.

transfers to non-state actors. Jamaica, however, simply noted that “the issue of transfer of arms to non-state actors” should be a principle that should govern an ATT.

### **Considerations based on likely use**

*Human rights.* States were included in this grouping if they referred to the need for an ATT to include transfer criteria that take into account whether arms to be transferred might be used to violate human rights or human rights law. States were also included if they discussed the respect for human rights generally or the need to prevent abuses of human rights in the context of the arms trade.

*International humanitarian law.* States were included in this grouping if they referred to the need for an ATT to include transfer criteria that take into account whether arms to be transferred might be used to violate international humanitarian law. States were also included if they discussed the respect for international humanitarian law generally or the need to prevent breaches of international humanitarian law in the context of the arms trade.

*Genocide.* States were included in this grouping if they referred to the need for an ATT to include transfer criteria that take into account whether arms to be transferred might be used to commit genocide or crimes against humanity.

### **Considerations based on likely impact**

*Sustainable development.* States were included in this grouping if they suggested including transfer criteria that would restrict transfers that could hinder, undermine or adversely affect “sustainable development”. In some instances, this was coupled with the principle of ensuring the “least diversion for armaments of the world’s human and economic resources”. States that noted the need to promote “sustainable development” in the context of arms transfers, while not specifically listing it as a transfer criterion, were also included.

*Regional stability.* States were included in this grouping if they included transfer criteria based on the impact of a proposed arms transfer on the stability of a region. So for instance, if states mentioned the need to prevent “regional armed conflicts” or a “destabilising accumulation of arms” in a region, or they noted the need to assess whether a transfer could cause the deterioration in the “security situation of the region”, they were included. In the case of China, support for this criteria was inferred from the fact that China claims to observe the principle that “arms export ... should not undermine the peace, security and stability of the region concerned” when assessing arms exports.

*Exacerbation of conflict.* States were included in this grouping if they included transfer criteria based on the impact of a proposed arms transfer on existing tensions or conflict. So, for instance, if states noted the need to assess whether a transfer could increase, prolong or exacerbate existing internal or regional conflicts, they were included.

*Internal stability.* States were included in this grouping if they included transfer criteria based on the impact of a proposed arms transfer on the stability of the recipient state. So, for instance, if states mentioned the need to prevent “internal armed conflicts” or the “destabilisation of

countries”, or they noted the need to assess whether a transfer could have harmful effects on the “internal security” of a state, they were included.

### **Considerations based on recipient country**

*Corrupt practices.* States were included in this grouping if they included consideration of whether an arms transfer could involve “corrupt practices” or “corruption” at any stage of the transaction. None elaborated on what was meant by this.

*Legitimate defence needs.* States were included in this grouping if they included consideration of the legitimate security and defence needs of the importing state as a factor that should be considered when authorizing transfers. For instance, Mali stated that all transfers should be banned except in “legitimate cases of national defence”, and Italy suggested that consideration should be given to whether “military expenditure exceeds the requirement for self-defence”. In the case of China, support for this was inferred from the fact that China claims to observe the principle that “arms export should be conducive to the legitimate self-defence capability of the recipient country” when assessing arms exports.

*Economic considerations.* States were included in this grouping if they raised the issue of economic resources as a factor that should be considered in authorizing transfers. For instance, Bangladesh, Burkina Faso and Mali noted that a transfer should not be permitted if it could “unduly divert human and economic resources” to the arming of states. Belgium noted that the “technical and economic capacity of the destination country” should be considered, keeping in mind that “states should devote the minimum required in terms of budgetary resources to arms expenditures”. Spain echoed this, suggesting the consideration of “the compatibility of arms exports with the economic and technical capacity of the recipient country”, in the context of the principle that states should satisfy their legitimate security and defence needs “with a minimum diversion of human and financial resources for weapons”. Turkey also raised the issue of the “diversion of human and economic resources to armaments” in its list of common export criteria. The Netherlands and the United Kingdom stated that whether the transfer would “seriously undermine the economy” of the importing state should be taken into account.

*Recipient behaviour.* States were included in this grouping if they included general comments or criteria based on the behaviour of the recipient state that did not fit squarely into the subcategories listed above. For instance, Argentina noted that the “existence of adequate national arms controls in the destination countries” should be considered when authorizing a transfer. Côte d’Ivoire, Japan and Turkey noted that the recipient state’s record of compliance with commitments in the field of non-proliferation, arms control and disarmament should be considered. Spain suggested considering “the behaviour of the purchasing country towards the international community, especially its stance on terrorism, the nature of its alliances and its full respect for international law”. Switzerland commented that a state’s respect for human rights, international humanitarian law and international law should be a factor.

### **Operational Mechanisms**

*International cooperation and assistance.* States that suggested that an ATT include provisions for “international cooperation”, “international cooperation and assistance” or “international

assistance” were included in this grouping. Additionally, states were included if they mentioned the need for assistance with capacity-building<sup>102</sup> or assistance or support for implementation.<sup>103</sup>

*Monitoring.* States that mentioned the need for an ATT to include a means or mechanism for “monitoring” compliance or implementation, or “monitoring and enforcement”, were included in this grouping. Additionally, those states that included practical suggestions for monitoring implementation were included. For instance, France suggested considering “the possibility of adding political undertakings to the treaty, e.g. a guide to best practice, or even a system of inspection by peers of the control mechanisms.”

*Information-sharing.* States were included in this grouping if they mentioned the need for enhanced “information sharing” or “exchange of information”, generally or specifically with regard to transfers that are approved or refused. The United Kingdom recognized the sensitivity of the issue of sharing information on transfers that are refused, and noted this is “another complex issue for the Group of Governmental Experts to consider”. Canada suggested that the Group of Governmental Experts consider the mechanism used by the Wassenaar Arrangement. Other states suggested establishing an international transfers register or using the existing UN Register of Conventional Weapons for exchanging information.<sup>104</sup>

*Enforcement.* States that mentioned the need for an ATT to include “enforcement” provisions, “compliance mechanisms”, “sanctions” or “penalties” for a breach of its terms were included in this group. Iceland suggested using the Chemical Weapons Convention as a model for compliance and sanctions.

*Reporting mechanism.* States that supported the inclusion of an obligation on the part of states under an ATT to report on their transfer activities were included in this grouping. Some states specified that reports should be submitted annually<sup>105</sup> and that an annual review of states’ reports should be compiled by an international registry.<sup>106</sup>

*List of weapons.* States that suggested annexing an agreed list of weapons or categories of weapons, or establishing a database of weapons to be covered by an ATT, were included in this grouping. Some states deliberated over whether this should be a generic or detailed list, noting that a generic list might be open to interpretation, while a detailed list would require frequent updating.<sup>107</sup> Other states noted that such a list would need to be flexible enough to accommodate technological progress.<sup>108</sup>

*National legislation.* States that explicitly referred to the need for an ATT to include provisions governing the adoption by states of national legislation or the necessary legal and administrative mechanisms or procedures to implement an ATT were included in this grouping. Additionally,

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<sup>102</sup> Italy, Malawi, Samoa, Serbia and Togo.

<sup>103</sup> France, Kenya and Niger.

<sup>104</sup> France, Hungary and Senegal.

<sup>105</sup> Bangladesh, Brazil, Burkina Faso, Burundi, Malta, Portugal, Serbia, Switzerland and Trinidad and Tobago.

<sup>106</sup> Bangladesh, Burkina Faso, Malta and Portugal.

<sup>107</sup> Bosnia and Herzegovina, the Netherlands and Republic of Korea.

<sup>108</sup> Belgium and Montenegro.

states that commented on the need to harmonize national licensing mechanisms,<sup>109</sup> or the need to prosecute violators of an ATT through national legislation,<sup>110</sup> were included.

*Secretariat.* States that suggested that some kind of permanent body or secretariat be established to coordinate matters and assist with implementation of an ATT were included in this grouping. States gave a range of suggestions for what form such a body might take—a unit within the UN Secretariat,<sup>111</sup> an international commission that reports to the Security Council<sup>112</sup> or an international institution.<sup>113</sup> They also provided different suggestions as to the roles such a body might have, with Lithuania suggesting it could “provide a forum to systematically discuss the issues pertaining to responsible trade in arms”, and the Republic of Korea suggesting it act as a “standing committee to guide states in making determinations on whether to prohibit arms exports to countries where arms might be used for gross violations”.

*International register.* States that suggested setting up an international register or registry, or a database of trade contracts, were included in this group. As noted in the body of the report, the suggested roles of such a register included to maintain a database of all arms trade contracts; to compile and publish an annual report of all arms deals; to assist reporting, information exchange and cooperation; and to monitor the cross-border movement of all conventional weapons and other related materials. Some states suggested enhancing or at least utilizing the UN Register of Conventional Weapons, but others advocated establishing a new international register to be associated with an ATT.

*End-use verification.* States that suggested an ATT include “end-use controls”,<sup>114</sup> “end-users verification”,<sup>115</sup> “universal end-user confirmation”,<sup>116</sup> or other mechanisms to ensure that transfers reach and remain with the intended end-user were included in this category.

*Guidelines.* States that suggested incorporating practical mechanisms or guidelines on how states should assess whether or not to allow a transfer were included in this grouping.

*Follow-up.* States that suggested including follow-up mechanisms in an ATT were included in this grouping. For instance, Argentina noted that an ATT will need to include a mechanism “that allows the scope of the instrument to be updated periodically, new provisions to be added and the common principles to be adapted in the light of bans on new uses or the emergence of new threats that were not contemplated when the instrument was concluded”. Hungary suggested the Group of Governmental Experts consider “defining a review process through regular meetings of state parties, which would assess the operation of the treaty” or setting up a separate organization entrusted with ensuring the implementation of the ATT. Japan suggested setting up a committee of states to “regularly review the management, lists and/or definitions of weapons under the scope of the treaty, if or when necessary.” Senegal suggested allowing for five-year-review conferences under an ATT.

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<sup>109</sup> Switzerland.

<sup>110</sup> Spain.

<sup>111</sup> Argentina.

<sup>112</sup> Peru.

<sup>113</sup> Spain.

<sup>114</sup> Denmark, Jamaica and Sweden.

<sup>115</sup> Seychelles.

<sup>116</sup> Croatia.

*Verification.* The states included in this group are Burundi, which suggested that a “verification regime” would boost mutual trust; the Republic of Korea, which noted that an ATT “needs to have a verification mechanism to address possible confrontations among countries which can be developed due to different views on whether an export permit of a certain country is issued in accordance with agreed parameters”; and Iceland, which noted that “for the purposes of effective verification, due consideration should be given to the possible classification of the arms lists under the Harmonized Commodity Description and Coding System”.

*Dispute settlement.* Several states specifically mentioned that an ATT should include a mechanism for settling disputes between parties,<sup>117</sup> with Colombia suggesting that regional bodies responsible for settling disputes be established.

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<sup>117</sup> Colombia, Greece and Mexico.



## Annex C

### How States that Submitted Views Voted on the ATT Resolution

States that voted <b>FOR</b> (86)	States that <b>ABSTAINED</b> (7)	States that did <b>NOT</b> vote (2)
Albania Algeria Argentina Australia Austria Bangladesh Belgium Benin Bolivia Bosnia and Herzegovina Brazil Bulgaria Burkina Faso Burundi Canada Chile Colombia Costa Rica Côte d'Ivoire Croatia Cuba Cyprus the Czech Republic Denmark Djibouti Ecuador El Salvador Estonia Fiji Finland France Georgia Germany Greece Guatemala Hungary Iceland Indonesia Ireland Italy Jamaica Japan Kenya Latvia Lebanon Liberia	China Egypt India Israel Pakistan Russia Venezuela	the Democratic Republic of the Congo Seychelles

States that voted <b>FOR</b> (86)	States that <b>ABSTAINED</b> (7)	States that did <b>NOT</b> vote (2)
Liechtenstein Lithuania Luxembourg the former Yugoslav Republic of Macedonia Malawi Mali Malta Mauritius Mexico Montenegro Morocco the Netherlands New Zealand Niger Nigeria Norway Panama Paraguay Peru Philippines Poland Portugal Republic of Korea Moldova Romania Samoa Senegal Serbia Slovakia Slovenia South Africa Spain Sweden Switzerland Thailand Togo Trinidad and Tobago Turkey United Kingdom Zambia		

## Annex D

### Categories of Weapons

State	Ammunition	Parts and components	Manufacturing technology	Dual-use goods	Technology	Explosives	Arms for internal security	Manufacturing equipment	Technological development	Existing list <sup>118</sup>
Albania	✓	✓	✓	✓			✓			
Algeria										
Argentina	✓	✓				✓				✓
Australia	✓	✓							✓	✓
Austria	✓	✓			✓			✓		✓
Bangladesh	✓	✓	✓	✓		✓				
Belgium				✓						
Benin										
Bolivia										
Bosnia and Herzegovina	✓	✓	✓	✓						
Brazil	✓									✓
Bulgaria	✓	✓	✓							✓
Burkina Faso	✓	✓	✓	✓		✓	✓			
Burundi										✓
Canada	✓	✓	✓	✓	✓					
Chile	✓									
China										
Colombia	✓	✓	✓	✓	✓	✓	✓			
Costa Rica				✓						
Côte d'Ivoire	✓	✓	✓	✓		✓	✓			
Croatia		✓			✓					
Cuba										
Cyprus									✓	
Czech Republic	✓	✓			✓			✓		
the Democratic Republic of the Congo	✓	✓	✓			✓				
Denmark	✓	✓	✓			✓				
Djibouti	✓	✓	✓			✓				
Ecuador	✓					✓				

<sup>118</sup> The European Union referred to the EU Common Military List as a means of assisting with the development of clear definitions.

State	Ammunition	Parts and components	Manufacturing technology	Dual-use goods	Technology	Explosives	Arms for internal security	Manufacturing equipment	Technological development	Existing list <sup>18</sup>
Egypt										
El Salvador	✓					✓				✓
Estonia	✓		✓		✓	✓				✓
European Union										✓
Fiji	✓	✓	✓	✓		✓	✓			
Finland										✓
France	✓							✓		✓
Georgia	✓									
Germany	✓	✓	✓					✓		
Greece										
Guatemala										
Hungary	✓	✓		✓	✓					✓
Iceland	✓	✓		✓				✓		
India										
Indonesia										✓
Ireland					✓				✓	✓
Israel										
Italy	✓	✓	✓							✓
Jamaica	✓	✓	✓							
Japan		✓	✓	✓				✓	✓	✓
Kenya	✓	✓	✓							✓
Latvia	✓				✓					✓
Lebanon										
Liberia	✓	✓		✓		✓	✓			
Liechtenstein	✓		✓			✓				✓
Lithuania	✓	✓			✓					✓
Luxembourg	✓	✓			✓					
the former Yugoslav Republic of Macedonia					✓					✓
Malawi	✓	✓	✓			✓				
Mali										
Malta	✓	✓	✓							
Mauritius	✓	✓								✓
Mexico	✓	✓								
Moldova	✓		✓	✓						
Montenegro	✓	✓	✓			✓				
Morocco	✓	✓	✓			✓		✓		
Netherlands	✓	✓	✓	✓		✓	✓			
New Zealand	✓				✓					✓

State	Ammunition	Parts and components	Manufacturing technology	Dual-use goods	Technology	Explosives	Arms for internal security	Manufacturing equipment	Technological development	Existing list <sup>18</sup>
Niger	✓	✓	✓	✓		✓	✓			
Nigeria										
Norway	✓	✓	✓	✓						✓
Pakistan										
Panama										
Paraguay	✓	✓	✓	✓		✓	✓			✓
Peru	✓	✓	✓	✓					✓	
Philippines	✓			✓						
Poland										
Portugal	✓	✓	✓							
Republic of Korea	✓	✓		✓	✓					✓
Romania	✓									
Russia										
Samoa										
Senegal	✓	✓				✓				✓
Serbia										
Seychelles										
Slovakia	✓	✓			✓					✓
Slovenia	✓									
South Africa	✓		✓	✓		✓				✓
Spain	✓	✓	✓							
Sweden	✓	✓	✓	✓				✓		
Switzerland	✓	✓								✓
Thailand										✓
Togo	✓	✓	✓	✓		✓	✓			
Trinidad and Tobago										
Turkey	✓	✓	✓			✓			✓	✓
United Kingdom	✓	✓	✓	✓						
Venezuela										
Zambia	✓	✓	✓	✓		✓	✓			



State	Brokering	Transit	Trans-shipment	Re-export	Re-transfer	Intangible transfers	Loan/gift	Temporary export	Temporary import	Transport	Licensed production	Lease	Technical assistance	Commercial sales	Financial services	Collection, stockpiling of state-held weapons
Estonia	✓	✓	✓	✓									✓			
European Union																
Fiji	✓	✓	✓				✓					✓	✓	✓	✓	
Finland	✓	✓	✓			✓					✓		✓			
France	✓	✓	✓	✓		✓		✓					✓			
Georgia	✓	✓		✓											✓	✓
Germany	✓	✓	✓		✓	✓		✓	✓							
Greece	✓		✓					✓	✓	✓						
Guatemala	✓															
Hungary	✓	✓	✓	✓		✓										
Iceland	✓	✓	✓			✓	✓	✓	✓		✓	✓	✓			
India																
Indonesia																
Ireland	✓	✓	✓	✓		✓							✓			
Israel																
Italy	✓	✓	✓		✓											
Jamaica	✓	✓	✓	✓												
Japan	✓	✓	✓			✓										
Kenya																
Latvia	✓	✓		✓												
Lebanon																
Liberia	✓	✓	✓													
Liechtenstein																
Lithuania	✓	✓	✓													
Luxembourg																
the former Yugoslav Republic of Macedonia																
Malawi	✓	✓	✓													
Mali																
Malta	✓	✓	✓				✓	✓	✓							
Mauritius	✓	✓	✓				✓					✓		✓		
Mexico			✓				✓					✓				
Moldova	✓	✓														
Montenegro	✓	✓	✓													
Morocco	✓	✓	✓							✓						
Netherlands	✓	✓	✓			✓	✓	✓			✓					
New Zealand	✓	✓	✓													
Niger	✓	✓	✓				✓					✓		✓		

State	Brokering	Transit	Trans-shipment	Re-export	Re-transfer	Intangible transfers	Loan/gift	Temporary export	Temporary import	Transport	Licensed production	Lease	Technical assistance	Commercial sales	Financial services	Collection, stockpiling of state-held weapons
Nigeria																
Norway	✓		✓			✓					✓					
Pakistan																
Panama																
Paraguay	✓	✓	✓							✓						
Peru	✓	✓	✓				✓	✓	✓							
Philippines																
Poland	✓	✓	✓	✓									✓			
Portugal	✓	✓	✓	✓									✓			
Republic of Korea	✓	✓	✓							✓					✓	
Romania	✓	✓	✓	✓									✓			
Russia																
Samoa																
Senegal	✓	✓	✓			✓				✓					✓	
Serbia	✓	✓	✓				✓	✓	✓							
Seychelles	✓	✓	✓													
Slovakia	✓	✓	✓													
Slovenia	✓	✓	✓													
South Africa	✓	✓	✓	✓												
Spain	✓	✓	✓				✓					✓				
Sweden	✓	✓	✓			✓	✓	✓	✓							
Switzerland	✓															
Thailand																
Togo		✓	✓	✓		✓	✓									
Trinidad and Tobago																
Turkey																
United Kingdom	✓	✓	✓				✓	✓	✓							
Venezuela																
Zambia							✓					✓	✓	✓		



## Annex F

### Transfer Criteria<sup>119</sup>

State	Regional and international commitments	Embargoes	UN Charter	Security Council resolutions	Terrorism	Crime	Risk of diversion	Non-state actors	Human rights	International humanitarian law	Genocide	Regional stability	Sustainable development	Exacerbation of conflict	Internal stability	Corrupt practices	Legitimate defence needs	Economic considerations	Recipient behaviour
Albania	✓	✓	✓	✓	✓				✓		✓	✓		✓			✓		
Algeria																			✓
Argentina		✓	✓		✓	✓	✓		✓	✓				✓					
Australia		✓	✓	✓	✓	✓	✓		✓	✓		✓							
Austria	✓				✓	✓	✓		✓	✓		✓	✓		✓				
Bangladesh	✓	✓	✓	✓		✓	✓		✓	✓	✓		✓			✓		✓	
Belgium					✓	✓	✓		✓					✓			✓	✓	
Benin							✓		✓										
Bolivia																			
Bosnia and Herzegovina	✓				✓	✓	✓		✓	✓		✓	✓	✓	✓				
Brazil	✓	✓	✓		✓	✓	✓	✓	✓	✓									
Bulgaria	✓	✓			✓	✓	✓		✓	✓		✓							
Burkina Faso	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓		✓	✓	✓	
Burundi		✓							✓	✓									
Canada	✓	✓			✓		✓		✓	✓		✓	✓	✓	✓				
Chile				✓					✓	✓		✓	✓	✓	✓				
China												✓					✓		
Colombia	✓					✓	✓		✓	✓					✓				
Costa Rica	✓				✓	✓	✓		✓	✓		✓		✓	✓				
Côte d'Ivoire	✓	✓	✓	✓	✓	✓			✓	✓	✓	✓	✓			✓			✓
Croatia		✓			✓				✓										
Cuba								✓											
Cyprus	✓	✓		✓	✓	✓	✓		✓	✓			✓						
Czech Republic	✓	✓			✓	✓	✓		✓	✓			✓						

<sup>119</sup> The European Union, in citing the European Union Code of Conduct as a potential aid for the Group of Governmental Experts, specifically mentioned the following criteria: respect for international commitments, in particular sanctions decreed by the Security Council; respect for human rights; the internal situation of the recipient country and the existence of armed conflicts; the legitimate security interests of Member States; the behaviour of the recipient country; the risk of diversion; and the compatibility of the arms exports with the technical and economic capacity of the recipient country.



State	Regional and international commitments	Embargoes	UN Charter	Security Council resolutions	Terrorism	Crime	Risk of diversion	Non-state actors	Human rights	International humanitarian law	Genocide	Regional stability	Sustainable development	Exacerbation of conflict	Internal stability	Corrupt practices	Legitimate defence needs	Economic considerations	Recipient behaviour
Moldova																			
Montenegro						✓	✓							✓					
Morocco					✓	✓	✓			✓									
Netherlands	✓		✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓		✓	
New Zealand	✓				✓	✓			✓	✓				✓					
Niger	✓	✓			✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓			
Nigeria	✓				✓	✓							✓						
Norway	✓	✓			✓	✓			✓	✓		✓	✓	✓	✓	✓			
Pakistan																			
Panama	✓								✓	✓			✓						
Paraguay	✓	✓			✓	✓	✓		✓	✓	✓								
Peru									✓		✓								
Philippines																			
Poland					✓	✓			✓	✓			✓						
Portugal	✓				✓		✓		✓	✓			✓						
Republic of Korea																			
Romania	✓				✓		✓		✓	✓		✓	✓		✓				
Russia																			
Samoa																			
Senegal	✓	✓		✓					✓	✓	✓	✓							
Serbia	✓	✓			✓		✓		✓	✓	✓	✓	✓		✓				
Seychelles																			
Slovakia																			
Slovenia	✓			✓					✓	✓									
South Africa	✓	✓			✓	✓			✓	✓		✓	✓	✓			✓		
Spain	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓		✓		✓	✓
Sweden					✓		✓		✓	✓		✓	✓		✓				
Switzerland		✓			✓	✓													✓
Thailand																			
Togo	✓	✓			✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓		
Trinidad and Tobago									✓	✓									
Turkey		✓			✓	✓		✓	✓	✓				✓			✓	✓	✓
United Kingdom	✓				✓	✓	✓		✓	✓		✓	✓	✓	✓			✓	✓
Venezuela																		✓	
Zambia	✓	✓	✓		✓	✓	✓		✓	✓	✓	✓	✓		✓	✓			

## Annex G

### Operational Mechanisms

State	International cooperation and assistance	Monitoring	Information-sharing <sup>120</sup>	Enforcement	Reporting mechanism	List of weapons	National legislation	Secretariat	International register	End-use verification	Guidelines	Follow-up	Dispute settlement	Verification
Albania			✓											
Algeria														
Argentina	✓		✓		✓	✓	✓	✓				✓		
Australia	✓		✓			✓								
Austria	✓	✓	✓	✓	✓	✓					✓			
Bangladesh	✓	✓		✓	✓				✓					
Belgium	✓					✓								
Benin	✓						✓							
Bolivia														
Bosnia and Herzegovina	✓	✓	✓	✓	✓	✓	✓	✓			✓			
Brazil	✓	✓			✓		✓							
Bulgaria	✓	✓	✓		✓	✓								
Burkina Faso		✓			✓		✓		✓					
Burundi			✓	✓	✓									✓
Canada		✓	✓	✓										
Chile						✓						✓		✓
China														
Colombia	✓	✓		✓			✓						✓	
Costa Rica		✓	✓	✓	✓			✓						
Côte d'Ivoire					✓									
Croatia			✓	✓		✓				✓				
Cuba							✓							
Cyprus	✓	✓	✓			✓								
Czech Republic		✓	✓	✓	✓	✓								
the Democratic Republic of the Congo														
Denmark	✓	✓	✓			✓				✓				

<sup>120</sup> The European Union noted the EU mechanism for sharing information on the approval and denial of transfers.



State	International cooperation and assistance	Monitoring	Information-sharing <sup>120</sup>	Enforcement	Reporting mechanism	List of weapons	National legislation	Secretariat	International register	End-use verification	Guidelines	Follow-up	Dispute settlement	Verification
Montenegro						✓	✓							
Morocco	✓	✓	✓				✓							
Netherlands	✓	✓	✓	✓		✓	✓							
New Zealand	✓	✓	✓	✓	✓	✓								
Niger	✓	✓		✓			✓		✓					
Nigeria														
Norway	✓	✓	✓	✓	✓	✓		✓						
Pakistan														
Panama														
Paraguay	✓	✓		✓			✓							
Peru	✓			✓				✓						
Philippines														
Poland	✓					✓								
Portugal	✓	✓	✓	✓	✓	✓			✓					
Republic of Korea						✓		✓						✓
Romania	✓	✓	✓	✓	✓	✓				✓				
Russia														
Samoa	✓	✓			✓									
Senegal		✓	✓	✓					✓			✓		
Serbia	✓	✓	✓	✓	✓			✓		✓				
Seychelles										✓				
Slovakia	✓		✓	✓		✓								
Slovenia	✓					✓								
South Africa	✓			✓	✓		✓	✓						
Spain	✓	✓	✓	✓	✓	✓	✓	✓						
Sweden	✓	✓	✓	✓		✓				✓				
Switzerland			✓	✓	✓		✓							
Thailand	✓				✓									
Togo	✓	✓		✓	✓				✓					
Trinidad and Tobago					✓									
Turkey		✓	✓	✓										
United Kingdom	✓	✓	✓	✓	✓	✓	✓	✓			✓			
Venezuela														
Zambia	✓	✓		✓			✓							

