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ATT ISSUE BRIEF NO. 6

The Arms Trade Treaty

Preventing Diversion Through End-Use and End-User Controls

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About the Research

To support effective implementation of the Arms Trade Treaty (ATT) by increasing knowledge and strengthening shared understanding, the United Nations Institute for Disarmament Research (UNIDIR), Conflict Armament Research (CAR) and the Stimson Center have worked together in a research consortium since 2019. This ATT Issue Brief, the consortium's sixth, aims to enhance knowledge on the role of end-use and end-user controls in international transfers of conventional arms and to serve as a reference for future meaningful dialogues on the topic within the ATT framework.

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Note

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About the Research Partners

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Conflict Armament Research

Since 2011, Conflict Armament Research (CAR) has established active field investigation capabilities to track weapons and military assistance supply networks in over 30 conflict-affected countries in Africa, the Middle East and Asia. Its investigation teams work on the ground in active armed conflicts alongside national defence and security agencies. The teams document weapons at the point of use and track their sources back through the chains of supply. They investigate weapons in a variety of conflict-related situations – whether recovered by state security forces, surrendered at the cessation of hostilities, cached or held by insurgent forces. All of CAR's data is housed in iTrace®, a project funded by the European Union and the German Government, which provides policymakers with the precise, verified information required to understand weapon transfers in detail and to thereby develop effective, evidence-based weapon management and control.

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Acronyms & Abbreviations

ATT	Arms Trade Treaty
CAR	Conflict Armament Research
CSP	Conference of States Parties
DVC	Delivery verification certificate
ECOWAS	Economic Community of West African States
EU	European Union
EUC	End-use/r certificate
EUS	End-use/r statement
ISIL	Islamic State in Iraq and the Levant
OSCE	Organization for Security and Co-operation in Europe
RECSA	Regional Centre on Small Arms in the Great Lakes Region, the Horn of Africa and Bordering States
WASSENAAR ARRANGEMENT	Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies
WGETI	Working Group on Effective Treaty Implementation

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1. Introduction

End-use and end-user control systems are key tools for preventing the diversion of conventional arms. When properly applied, such controls help to ensure that exported arms and ammunition are delivered solely to authorised end users and are not subject to misuse, diversion, or unauthorised retransfer.

However, these systems can fail to prevent diversion when:

- ▶ States do not authenticate end-use/r documentation, and forgeries are used to acquire export licences to divert arms
- ▶ States do not verify end-use/r documentation, with information missing or with details that should have prompted a thorough investigation of the proposed deal
- ▶ States that import arms lack procedures for oversight and control of those imports
- ▶ Importing states ignore assurances on end use or re-export, adherence to assurances is insufficiently monitored by the exporting state, and action is not taken when violations are reported
- ▶ High-ranking officials are willing – for financial or strategic gain – to provide authentic end-use/r documentation to facilitate diversion to embargoed entities either en route or via unauthorized re-export¹

These are actual examples of the various ways in which inadequate or ineffective end-use/r control systems for conventional arms transfers have failed or been evaded to divert arms for unauthorized end use or to unauthorized end users. Such failures pose a global threat to peace, security and stability. Implementation of the Arms Trade Treaty (ATT) should help to strengthen national end-user control systems and enhance international cooperation and prevent the diversion of conventional arms.

At the multilateral level, the need to strengthen end-use/r control systems was first raised in the late 1990s. At that time, Panels and Groups of Experts assisting United Nations Security Council subsidiary bodies provided well-documented diversion cases to embargoed non-state and state entities.² Since then, states have worked in United Nations forums, as well as through regional and other multilateral frameworks, to increase the harmonization³ of end-use/r control systems to make them more effective in preventing the diversion of conventional arms and ammunition.⁴ For three decades, states have expressed their support for such efforts within the Security Council (as demonstrated in country/regional or thematic resolutions), the General Assembly, as well as under international conventional arms control frameworks such as the ATT.⁵

1 Michael Picard & Colby Goodman, *Under the Radar: Corruption's Role in Fueling Arms Diversion*, Transparency International, 2025, <https://ti-defence.org/wp-content/uploads/2025/04/Under-the-Radar-Corruptions-Role-in-Fueling-Arms-Diversion.pdf>.

2 United Nations, S/2002/115, pp. 5–23; United Nations, S/2203/223

3 The term “harmonization” as used in this Issue Brief is understood as meaning enhancing international cooperation; where possible, working towards agreement on common understandings; and aligning standards, in particular key elements to be contained in and end use/r documentation for ensuring effective end use/r controls.

4 This Issue Brief uses the term “end-use/r control systems” in addition to the term “end-use/r certificate” since it covers not only the format and content of end-use/r documentation, but also the processes of certification, authentication and verification of such documentation and the documentation’s role in international cooperation to prevent diversion.

5 For an earlier overview of these calls and relevant recommendations made and discussed by states at the multilateral level see, for example, UNIDIR Conventional Arms and Ammunition Programme, *Examining Options to Enhance Common Understanding and Strengthen End Use and End User Control Systems to Address Conventional Arms Diversion* (Geneva: UNIDIR, 2015), pp. 24–29, <https://unidir.org/publication/examining-options-to-enhance-common-understanding-and-strengthen-end-use-and-end-user-control-systems-to-address-conventional-arms-diversion/>.



The ATT obliges all states parties to take measures through their national control systems to prevent, detect, mitigate and address the diversion of international transfers of conventional arms. They should do this by assessing the risk that transferred arms will be diverted to unauthorized end uses or end users or to the illicit market.⁶ During meetings of the ATT's Working Group on Effective Treaty Implementation (WGETI) between the fourth and eighth Conference of States (2018–22), states dis-

cussed the essential elements of an end-use/r control system, including documentation and related processes and procedures, and have exchanged national experiences and practices. As a result of these discussions, ATT stakeholders have prepared voluntary guidance to support the effective implementation of ATT Article 11 (diversion prevention) and related Treaty provisions. Nonetheless, there remain avenues to promote more effective use of end-use/r controls under the ATT framework.

1.1. Purpose of this ATT Issue Brief

This ATT Issue Brief outlines the different ways in which ineffective end-use/r controls – in particular, the use of documentation – facilitates the diversion of conventional arms. It identifies

ways in which states may seek to strengthen existing systems in order to implement the ATT's diversion-prevention and related provisions more effectively. Specifically, this brief is

6 ATT, Preamble, Article 1 and Article 11. See also Brian Wood and Paul Holtom, *The Arms Trade Treaty: Measures to Prevent, Detect, Address and Eradicate the Diversion of Conventional Arms*, ATT Issue Brief no. 2 (Geneva: Conflict Armament Research, UNIDIR, Stimson Center, Small Arms Survey, 2020), <https://doi.org/10.37559/CAAP/20/ASC/09>.

intended to inform discussions within the ATT WGETI's Sub-Working Group on Exchange of National Implementation Practices, given its ongoing work on national import controls, and future deliberations on intersecting issues.

This is the sixth ATT Issue Brief prepared by the research consortium of UNIDIR, Conflict Armament Research (CAR) and the Stimson Center. It is part of a series that seeks to strengthen shared understanding on the impact of the ATT in addressing diversion and to identify effective measures and options to further promote effective policies and practices under the Treaty.

This ATT Issue Brief draws on extensive previous research by the consortium; relevant documents developed by ATT states parties to support effective treaty implementation; instruments and guidance documents developed by states at the regional level; and relevant publications by international, regional and non-governmental organizations. It includes an analysis of relevant information contained in publicly available initial reports on ATT implementation

from 70 states parties. In addition, it contains an analysis of 75 end-use/r documents.

This Issue Brief is structured as follows:

- ▶ Section 2 provides an introduction to end-use/r controls, with a particular focus on end-use/r documentation used by states in international conventional arms transfers.
- ▶ Section 3 presents cases of diversion that illustrate the challenges related to the effective use of end-use/r documentation, and related roles and responsibilities, in preventing diversion.
- ▶ Section 4 provides insights into the reported use of end-use/r controls, including documentation, by ATT states parties in their initial reports on implementing the Treaty.
- ▶ Finally, Section 5 provides some key options to strengthen end-use/r controls, in particular documentation, at the multilateral level. These could be pursued within the ATT framework to achieve the Treaty's purpose and objectives of preventing arms diversion.

2. What are end-use and end-user controls and what role does documentation play?

States use end-use/r controls in their national transfer-control systems to ensure that internationally transferred conventional arms are not diverted to unauthorized end users or for an

unauthorized end use.⁷ Effective end-use/r controls, particularly documentation, serve as a key line of defence against the diversion of conventional arms in all phases of the transfer chain.⁸

2.1. End-use and end-user documentation

States' national authorities employ end-use/r documentation "to identify, authorize, commit to certain undertakings and verify delivery" of conventional arms and ammunition.⁹ For the purposes of this Issue Brief, "end use" refers to "the ultimate application of an internationally transferred item"; and "end user" refers to the "ultimate recipient of an international arms transfer".¹⁰

Previous research and international dialogue on strengthening end-use/r control systems has highlighted the importance of clear and commonly understood terms and terminologies. Indeed, these documents can be referred to by several names or descriptions (see Box 1). In this Issue Brief, these documents are referred to as "end-use/r documentation", with a primary focus on end-user certificates (EUCs) and

TABLE 1.

Types of end-use and end-user documentation (or documents with an equivalent function)

DOCUMENTATION COVERING ARMS TRANSFERS TO STATE END USERS	DOCUMENTATION COVERING ARMS TRANSFERS TO NON-STATE END USERS
End-use/r certificate (EUC)	Import licence
End-use assurance	International import certificate (IIC)
End-user undertaking	End-use/r statement (EUS)
Delivery verification certificate (DVC)	

7 Wassenaar Arrangement, "Introduction to End User/End Use Controls for Exports Of Military-List Equipment", 2014, <https://www.wassenaar.org/app/uploads/2019/consolidated/End-User-Use-Controls-Export-ML-Equipment.pdf>.

8 More information on diversion across the life cycle of weapons and the transfer chain can be found in Alfredo Malaret Baldo et al., *The Arms Trade Treaty: Diversion Analysis Framework*, ATT Issue Brief no. 3 (Geneva: UNIDIR, CAR, Stimson Center), https://unidir.org/files/2021-08/ATT_Issue_Brief_3-Diversion_Analysis_Framework.pdf.

9 United Nations Coordinating Action on Small Arms, "Module 6: End-User and End-Use Documentation", MOSAIC 03.20: National Controls over the International Transfer of Small Arms and Light Weapons, 17 June 2014, p. 3.

10 United Nations Office for Disarmament Affairs (UNODA), *Study on the Development of a Framework for Improving End-Use and End-User Control Systems*, UNODA Occasional Papers no. 21 (New York: United Nations, 2012), <https://www.un-ilibrary.org/content/books/9789210552837>.

Key terms and terminologies related to end-use and end-user documentation and procedures¹¹

The following key terms are drawn from relevant international good practice and ATT guidance documents related to end-use/r documentation, their use, related procedures and processes, and the corresponding responsibilities of the authorities of both importing and exporting states:

- ▶ **End-use/r documentation:** This “comprises documents whose purpose is to identify, authorize, commit to certain undertakings and verify delivery” of conventional arms.
- ▶ **End-use/r certificate (EUC):** This is an “official document, issued by the importing state’s competent authority, that identifies the ultimate state end-user of controlled items”.
- ▶ **End-use/r statement (EUS):** This is a document issued by a non-state entity that is seeking to import arms or for which the arms are being imported; it provides assurances regarding the end-use and end user.
- ▶ **Assurance:** A commitment by the importing entity to circumscribe, limit or specify the use of imported items, or to rule out certain uses. This term is sometimes interchangeably used with the terms “undertaking” or “commitment”.
- ▶ **Authentication:** These are checks conducted by the competent authority of the importing or exporting state (e.g., through channels for the importing states’ competent national authority) to ensure that the end-use/r document is not faked or forged and has not been tampered with. For example, this can entail checking the document’s signatory, signature, and stamp or seal.
- ▶ **Certification or validation:** An EUC or EUS must be stamped and signed (or otherwise certified) by a competent authority of the importing state.
- ▶ **Verification:** This is the process whereby the competent authority of the importing or exporting state assesses the veracity and accuracy of the information contained in the end-use/r documentation and establishes the legitimacy and credibility of the stated end use/r.

end-use/r statements (EUSs). Different states have developed templates for all these documents, usually differentiating them based on the items or end user (often distinguishing between state and non-state end users; see Table 1). Having common terms and elements in end-use/r documentation can prevent misunderstandings and intentional obfuscations leading to arms diversion.

The above key terms are drawn from relevant international good practice and ATT guidance documents related to end-use/r documentation, their use, related procedures and processes, and the corresponding responsibilities of the authorities of both importing and exporting states.

Over recent decades, considerable work on standards for end-use/r documentation has

11 ATT Working Group on Effective Treaty Implementation, “Possible Measures to Prevent Diversion”, 20 July 2018. See also, for example, United Nations, “Modular Small-arms-control Implementation Compendium: National Controls over the End-User and End-Use of Internationally Transferred Small Arms and Light Weapons”, MOSAIC 03.21:2014(E)V1.0, 2014, <https://front.un-arm.org/wp-content/uploads/2019/05/MOSAIC-03.21-2014EV1.0.pdf>. For a comprehensive review of existing definitions, terms and terminologies, see P. Holtom, H. Giezendanner and H. Shiotani, *Strengthening End Use/r Control Systems to Prevent Arms Diversion: Examining Common Regional Understandings* (Geneva: UNIDIR, 2017), <https://unidir.org/files/publication/pdfs/strengthening-end-use-r-control-systems-to-prevent-arms-diversion-en-686.pdf>.

been undertaken by states under the auspices of the United Nations and beyond, notably through regional organizations such as the European Union (EU), the Economic Community of West African States (ECOWAS), the Regional Centre on Small Arms in the Great Lakes Region, the Horn of Africa and Bordering States (RECSEA), and the Organization for Security and Co-operation in Europe (OSCE), as well as the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies (Wassenaar Arrangement), an export control regime. Collectively, these efforts have led to the:

- ▶ Identification of key information elements to be included in end-use/r documentation and preparation of checklists;
- ▶ Adoption of good practice guidelines; and

- ▶ Development of end-use/r documentation templates (see Table 2 and footnotes below).

During the CSP4 cycle, through the WGETI, ATT states parties prepared a paper containing possible measures to prevent and address diversion of arms throughout the transfer chain. The paper contains the key “essential” informational elements that end-use/r documentation should contain to inform a risk assessment, and recommended “optional” elements. As shown in Table 2, when considered alongside the work of member states of ECOWAS, the EU, the OSCE, RECSEA, and participating states of the Wassenaar Arrangement (representing over 90 States in total), there is considerable agreement on the recommended key essential informational elements to be included in end-use/r documentation.

2.2. Importing state responsibilities

During a pretransfer risk assessment, the competent authorities of the importing state play a key role in the end-use/r control process. Some importing states have developed their own templates for end-use/r documentation, while the exporting state might request that its own templates are used or that the importing state provides certain information.

It is generally expected that a high-level official in the importing state *signs* and *issues* the EUCs to be provided to authorities of the exporting state. The same or perhaps another

competent national authority is also responsible for the verification and certification of EUSs. In some states, this responsibility is centralized within governments. However, this is not the case in all national contexts. For example, there may be one national authority responsible for authorizing imports of arms for state end users, while another authorizes imports of small arms for civilian entities and end users.

Importantly, competent national authorities in the importing state are expected – although

12 M. Bromley and H. Griffiths, *End-User Certificates: Improving Standards to Prevent Diversion*, SIPRI Insights on Peace and Security no. 2010/3 (Stockholm: SIPRI, March 2010), <https://www.sipri.org/sites/default/files/research/disarmament/dualuse/pdf-archive-att/pdfs/sipri-end-user-certificates-improving-standards-to-prevent-diversion.pdf>; Holtom et al., *Strengthening End Use/r Control Systems to Prevent Arms Diversion*; UNIDIR et al., *Implementing the Global Framework for Through-life Conventional Ammunition Management: A Voluntary Guide* (Geneva: UNODA, UNIDIR, CAR, AMAT-GICHD, 2025), <https://unidir.org/publication/implementing-the-global-framework-for-through-life-conventional-ammunition-management-a-voluntary-guide/>.

13 Requires the inclusion of the “quantity, exact type, and kind of arms using the ECOWAS classification system, including all serial numbers and other marks”.

14 Requires the details of the final end user – name of individual/company/institution and representative responsible and confirmation from relevant national authority that the end user is authorized to import weapons.

TABLE 2.

Key informational elements for inclusion in end-use and end-user documentation¹²

Blue shading highlights apparent consensus.

INFORMATIONAL ELEMENT	ATT	EUROPEAN UNION	WASSENAAR ARRANGEMENT	OSCE	UNITED NATIONS (MOSAIC)	RECSA	ECOWAS
Details of exporter (at least name, address and business name)	✓	✓	✓	✓	✓	✓	✓
Details of end user (at least name, and address)	✓	✓	✓	✓	✓	✓	✓
Contract number or order reference and date	✓	–	–	✓	✓	–	–
Country of final destination	–	✓	✓	✓	✓	✓	✓
Description of the goods being exported (type, characteristics) or reference to the contract concluded with the authorities of the country of final destination	✓	✓	✓	✓	✓	✓	✓
Quantity and/or value of the goods	✓	✓	✓	✓	✓	✓	✓ (e)
Signature, name and position of the end user's representative	✓	✓	✓	✓	✓	–	✓ (f)
Date of issue of the end-user certificate	✓	✓	✓	✓	✓	–	–
Description of the end use of the goods	–	✓	✓	✓	✓	✓	✓
Full details, where appropriate, of any intermediaries involved in the transfer	✓ (a)	✓ (b)	✓	✓	– (d)	✓	✓ (g)
Name, address and contact details of the government agency issuing the certificate	✓	✓ (c)	✓	✓	✓	–	✓ (h)
Date of expiration or period of validity	✓	–	–	✓	✓	–	–
Register number of the end-user certificate	✓	–	–	✓	✓	–	–

Notes:

(a) details of the intermediate consignee or final consignee as optional; (b) if appropriate, details of the relevant broker (and broker details, and if available, registration number); (c) if applicable (and other than the end user), date, name, title and original signature of the certifying authority and official; (d) regarded as optional in MOSAIC and should be included if known; (e) quantity, exact type, and kind of arms using the ECOWAS classification system, including all serial numbers and other marks; (f) the details of the final end user – name of individual/company/institution and representative responsible and confirmation from relevant national authority that the end user is authorized to import weapons; (g) regarded as essential by ECOWAS; (h) regarded as essential by ECOWAS.

NB. The table does not include the types of assurances, undertakings, or commitments included in end-use and end-user documentation.



Diverted small calibre ammunition documented by CAR in Syria in December 2022. Credit: CAR

this is not always followed in practice and in all regions – to *certify* (or validate) EUSs. These measures are intended to reassure the export

licensing authority in the exporting state that the relevant authorities in the importing state are aware of and approve the proposed import.¹⁵

2.3. Exporting state responsibilities

The competent authorities of the exporting state are expected to undertake a comprehensive risk assessment prior to authorizing (or denying) an export. This includes a diversion-risk assessment and consideration of mitigation measures. End-use/r documentation and the information that it contains play an important role in this process.

This involves several key steps, including *authentication* and *verification* (see Box 1). A thorough risk assessment will cross-check information with other informational sources of the exporting state, lists of sanctioned entities, intergovernmental information-exchange mechanisms and open-source information (see Box 2 for more on this).

15 Holtom et al., *Strengthening End Use/r Control Systems to Prevent Arms Diversion*.

2.4. Assurances, undertakings and commitments

States use end-use/r documentation to seek, provide and mutually agree on assurances, undertakings and commitments related to a proposed international transfer of conventional arms. These assurances can include considerations of the end use and the end user, as well as cooperation between the importing and the exporting states upon and after delivery. It is generally expected – although not always followed in state practice – that a high-level government official in the importing state (or a representative of the end user) will provide assurances on end use. The types of assurance or undertaking on end use and re-export can vary, depending on the end user or on the items. This may include that the transferred items:

- ▶ Not be used for purposes other than the declared use
- ▶ Not be diverted or relocated to another destination or location in the importing state

Previous UNIDIR research has found three common types of assurance sought and used by states regarding the re-export of conventional arms, ammunition, parts and components:

- ▶ No re-export under any circumstances
- ▶ No re-export without prior, written authorization from the original exporting state
- ▶ Re-export if expressly permitted by the original exporting state¹⁶

BOX 2.

Limitations of relying on end-use or end-user documentation and non-re-export assurances¹⁷

Research into the diversion of conventional arms has repeatedly shown that relying only on end-use/r documentation with an official stamp and a signed assurance by a high-level official not to re-export the imported items is insufficient to prevent diversion. Documents that have been used as a basis for issuing export licences have been incomplete, did not even fulfil the recommended “essential” elements of good practice guidelines, or have included vague or imprecise re-export commitments.¹⁸

Unfortunately, assurances or undertakings or commitments on re-export are not always fully understood or adhered to by end users in importing states.¹⁹ Due to negligence, ignorance or wilful disregard, assurances or undertakings or commitments can often be ineffective measures for preventing diversion. As a result, states have increasingly included clauses in end-use/r documentation to provide for post-delivery cooperation between the competent authorities in the exporting and importing states.

16 Of note, regarding the third type of assurance, the templates of end-use/r documentation of some states include this option. “Expressly permitted by the original exporting state” means at the time of filing the end-use/r documentation and stated therein (by the originally exporting state).

17 Adapted from Wood and Holtom, *The Arms Trade Treaty*, p. 23.

18 Conflict Armament Research, “End-User Documentation”, *Diversion Digest* Issue 2, 2019, p. 17.

19 Paul Holtom, Irene Pavesi and Christelle Rigual, “Trade Update: Transfers, Retransfers, and the ATT”, *Small Arms Survey 2014: Women and Guns* (Oxford: Oxford University Press, 2014), pp. 117–128.



Magazines for AK-pattern rifles documented by CAR in Syria in March 2022. Credit: CAR

2.5. Post-delivery cooperation

One of the means to mitigate the risk that assurances are not effective is to create mechanisms to enable cooperation between the relevant authorities in the exporting state and the end user (e.g., governmental/state entity, armed forces, etc.). Such cooperation may increase confidence and ensure that follow-on deliveries are possible. The good practice guidelines referred to above (in Table 2) include post-delivery cooperation measures as “optional” elements for systems or as worth considering for particularly sensitive items, destinations or end users.²⁰

Yet since the adoption of the guidelines and documents referred to in Table 2, the number of exporting States that include provisions on post-delivery cooperation in their agreements and end use/r documentation has increased. This was evident during Germany’s ATT CSP8 presidency in 2022, when post-delivery cooperation was the theme of the presidency. At the regional level, the 2024 review of the EU Common Position on arms exports (see Box 3) highlighted the importance of post-shipment controls in preventing diversion. In April 2025, the Council of the EU made a commitment to exploring cooperative end-user verification and monitoring processes and enhanced tracing of exported military equipment.²¹

20 Paul Holtom, Himayu Shiotani and Sebastian Wilkin, *A Menu of Options to Enhance the Common Understanding of End Use/r Control Systems to Strengthen their Role in Preventing Diversion* (Geneva: UNIDIR, 2019), <https://unidir.org/files/publication/pdfs/a-menu-of-options-to-enhance-the-common-understanding-of-end-use-r-control-systems-to-strengthen-their-role-in-preventing-diversion-en-737.pdf>.

21 Council of the European Union, “Council Conclusions on Arms Export Control”, 14 April 2025, <https://www.consilium.europa.eu/media/rqofnaqt/conclusions-on-arms-export-control-14-april-2025.pdf>.

The European Union's Common Position and elements of an end-use and end-user control system

The EU's Common Position on arms exports (2008), which was updated in 2021 and 2025, is the EU's framework for controlling the export of military and dual-use goods. Its scope includes but goes beyond the categories covered by the ATT. In 2021, the Council of the EU established a common approach and a set of common features for end-user certificates, including information that they should contain, as well as assurances, undertakings and commitments to be sought from end users. The aim of the new approach is to diminish diversion risks, create a level playing field and increase clarity for industry regarding requirements.²²

The 2025 review of the Common Position called upon EU member states to significantly strengthen conventional arms transfer end-use/r controls, including the use of end-use/r documentation and post-delivery cooperation.²³ Specifically, the Council decided that:

Export licences shall be granted only on the basis of reliable prior knowledge of end use in the country of final destination. This will generally require a thoroughly checked end-user certificate or appropriate documentation and/or some form of official authorisation issued by the country of final destination. Member states may use other end-user monitoring tools, including requiring end-users to agree to specific verification mechanisms.²⁴

It also calls on EU member states to reinforce their cooperation, including the exchange of information among them (e.g., on specific destinations of concern, denied licences, arms export policies and, where appropriate, end-use monitoring).²⁵

22 Council of the European Union, "COUNCIL DECISION (CFSP) 2021/38 of 15 January 2021 establishing a common approach on the elements of end-user certificates in the context of the export of small arms and light weapons and their ammunition", Official Journal of the EU L14/4, 18 January 2021, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32021D0038&from=EN>.

23 Council of the European Union, Council Decision (CFSP) 2025/779 of 14 April 2025 Amending Common Position 2008/944/CFSP Defining Common Rules Governing Control of Exports of Military Technology and Equipment, 15 April 2025, <http://data.europa.eu/eli/dec/2025/779/oj>.

24 Council of the European Union, "Arms Export Control: Council Reviews EU Framework", Article 5.

25 Council of the European Union, "Arms Export Control: Council Reviews EU Framework", Article 7; Council of the European Union, "Council Conclusions on Arms Export Control".

3. Misuse of end-use and end-user control documentation to facilitate diversion

As noted in Section 2, end-use/r controls are a key mechanism through which information related to an international transfer of conventional arms is officially shared. End-use/r documentation can help to prevent diversion by providing export licensing authorities with the information necessary to authenticate and verify the legitimacy of an international conventional arms transfer. This section explores how weak end-use/r controls have enabled the diversion of conventional arms, with a focus on failings

relating to end use/r documentation. Among these, it highlights four key challenges:

- ▶ Lack of critical information in end-use/r documentation
- ▶ Failure to verify or authenticate end-use/r documentation
- ▶ Use of falsified end-use and end-user documentation by unscrupulous actors
- ▶ Non-adherence to assurances and absence of monitoring

3.1. Lack of critical information in end-use and end-user documentation

In 2019, CAR analysed a sample of 75 end-use/r documents in its archive.²⁶ Received as part of trace responses from 15 countries over a 20-year issuing period, these documents were linked to transfers of diverted arms and ammunition.

CAR's analysis identified several ways in which end-use/r documentation lacks critical information necessary for an effective pretransfer diversion risk assessment. For example, nearly half of the EUCs lacked unique reference numbers. In some cases, the end user was listed as "government", without indicating the specific governmental entity (e.g., ministry, department, agency or branch). Furthermore, only 35 of the 75 documents clearly named an exporting company, and just 14 included a complete address and details of the exporter (see Figures 1 and 2).

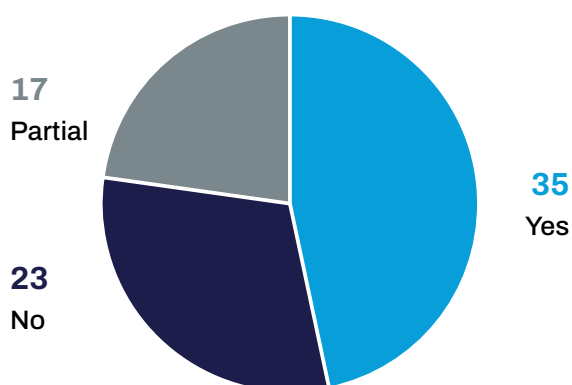
Such vague or incomplete information in end-use/r documentation inhibits the ability of the competent authorities of the exporting state to

suitably identify potential diversion risks. They could therefore constitute "red flags" (see Table 3), in that they potentially indicate an attempt to conceal the true identity of an end user or transfer party. A CAR investigation in 2016, for example, found that a European state had authorized an export of small-calibre ammunition on the basis of an EUC that had been partially redacted to withhold the name of the brokering firm involved. Following its legal export, the ammunition was subsequently diverted and was later documented in the custody of a non-state armed group in South Kordofan, Sudan. This shows how missing or incomplete contact information can obstruct an exporting authority's ability to conduct proper due diligence. Although good practice guidance varies on whether intermediary details should be included, the absence of such information can greatly inhibit effective risk assessment, particularly for identifying links to sanctioned or otherwise high-risk entities.

26 CAR, "End User Documentation: An Analysis of Information Relating to the Transfer of Conventional Weapons and Ammunition", Diversion Digest Issue 02, 2019, <https://www.conflictarm.com/digests/diversion-digest-issue-2/>.

FIGURE 1.

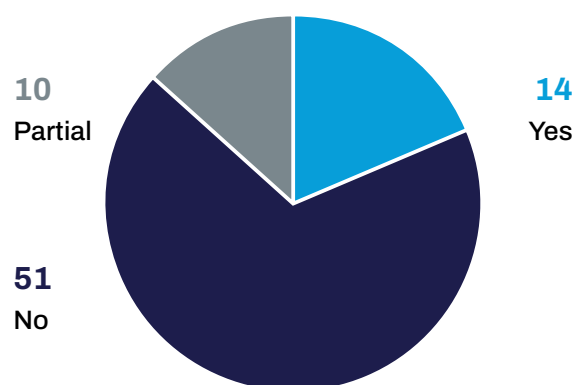
Does the document identify the exporter (N=75)



Insufficient or unclear information provided in end-use/r documentation undermines both pre-export risk assessments and post-transfer accountability and traceability – both critical parts of an effective end-use/r control system. Missing details (e.g., the recipient’s full identity

FIGURE 2.

Was there a full exporter address (N=75)



or a clear item description) hinder authorities’ ability to verify the end use/r or detect diversion risks. Vague or generic documents, especially those with redacted information, increase the risk of an EUC being reused, forged or misapplied to unauthorized transfers.

3.2. Failure to verify or authenticate end-use and end-user documentation

Exporting states have a number of key pre-export responsibilities as part of a national end-use/r control system, as described in Section 2. This includes authenticating documentation submitted as part of export applications.²⁷ The acceptance of incomplete, unverifiable or forged documents may enable diversion at the point of export. EUCs that lack key information – such as the exporter’s identity, item serial numbers or information on the specific end use/r – should raise red flags during the risk assessment in an authorization process (see Table 3).

In one case from 2005, an EUC allegedly issued by the Ministry of Security of Equatorial Guinea

did not identify the exporter. In a similar example a year later, an EUC allegedly issued by the Government of Chad lacked several key features, including any kind of government seal, as well as details of the exporter, exporting country, certificate number and broker.²⁸ The absence of such basic identifiers as a certificate number undermines the credibility of the documentation and makes it far more vulnerable to fraudulent replication and re-use – particularly in the absence of robust verification procedures.

While good practice guidelines recommend that end-use/r documentation include a unique contract number or order reference,²⁹ fewer than

27 Holtom et al., *Strengthening End Use/r Control Systems to Prevent Arms Diversion*.

28 Bromley and Griffiths, *End User Certificates*, p. 7.

29 Wassenaar Arrangement, “Introduction to End User/End Use Controls”; Wassenaar Arrangement, “End-User Assurances Commonly Used: Consolidated Indicative List”, 2022, <https://www.wassenaar.org/app/uploads/2022/12/End-User-Assurances-Commonly-Used-2022.pdf>.

TABLE 3.

Examples of red flags and risk indicators in end-use and end-user documentation

RED FLAG/INDICATOR	EXPLANATION
Repeated identical reference numbers on different EUCs	Suggests deliberate or inadvertent duplication or recycling of documents
Omission or redaction of key details	May mask involvement of high-risk items or sanctioned actors
Vague description of end user (e.g., “Government”)	Hinders verification of specific recipient or end user
Lack of basic authentication features	Absence of stamps, seals or verifiable signatures increases vulnerability to forgery
Mismatch between declared items and supporting documents/items upon inspection	Differences in quantities, calibres, serial numbers or items themselves may indicate potential diversion
Missing contact details or full address	Obstructs verification and traceability
Absent or ambiguous non-re-export clauses	Limits ability to verify deliveries and cooperate to prevent post-shipment diversion
EUC issued by non-relevant or fictitious institutions	Use of outdated or unauthorized letterhead may indicate forgery or bureaucratic manipulation

half of the 75 documents in CAR’s sample contained a clear contract or order number; two documents, issued five years apart by the same authority, bore the same reference number – suggesting that previously issued paperwork may have been reused or copied, rather than newly generated.³⁰ These cases are likely to

reflect poor administrative or record-keeping practices, rather than deliberate deception. However, such duplications undermine the credibility of end-use/r control systems and make genuine documents more susceptible to forgery, misuse or manipulation – particularly in the absence of robust verification procedures.

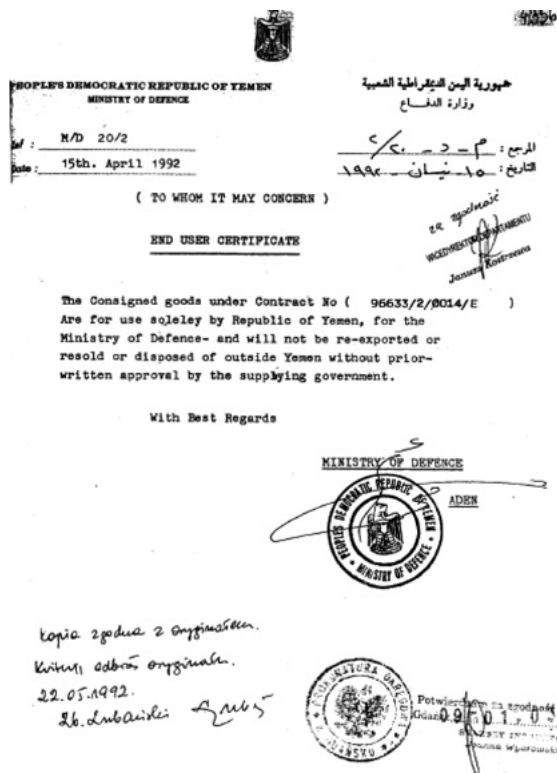
3.3. Use of falsified end-use and end-user documentation by unscrupulous actors

Many of the challenges associated with end-use/r documentation do not necessarily indicate intentional wrongdoing; rather, inaccuracies or gaps in control systems could inadvertently

lead to the diversion of arms or ammunition. In contrast, the use of falsified end-use/r documentation represents a deliberate attempt to deceive export control authorities.³¹

30 Conflict Armament Research, “End-User Documentation”, p.14.

31 Examples of brokers using such a practice to divert arms are detailed in H. Giezendanner et al., *The Arms Trade Treaty: Regulating Brokering to Reduce the Risk of Diversion*, ATT Issue Brief no. 5 (Geneva: UNIDIR, 2025), https://unidir.org/wp-content/uploads/2025/02/UNIDIR_The_Arms_Trade_Treaty_Regulating_Brokering_to_Reduce_the_Risk_of_Diversion.pdf, pp. 31–32.



Forged EUC of a State that no longer exists.

Source: Report of the Panel of Experts on Somalia pursuant to Security Council resolution 1425 (2002), <https://documents.un.org/doc/undoc/gen/n03/259/25/img/n0325925.pdf?OpenElement>

Falsified documentation can include both forgeries of real EUCs, invoices, licences or shipping documentation, or fraudulent misrepresentation of legitimate paperwork. Forged EUCs have been used to obtain arms under false pretences, including by non-state armed groups as well as states under United Nations arms embargos.

In 2023, for example, the United States accused the Wagner Group, a private military company, of seeking to exploit false EUCs to purchase weapons from foreign suppliers and route them through Mali before forwarding them to its forces in Ukraine.³²

In July 2006, the United Nations Group of Experts on Côte d'Ivoire obtained a copy of an EUC (EUC 732) issued on 13 June 2005 for 450,000 rounds of ammunition and 200 RPG-7 rockets.³³ Authorities in Burkina Faso purportedly issued the EUC. The Group established that it was in fact false and based on another, authentic, document issued on the same day with an identical reference number (0123/SECU/CAB). Both documents appeared to have been signed by the Minister of Security of Burkina Faso. EUC 732 listed a Ukrainian company called IVH Trading Ltd as the broker. Further investigations revealed that IVH Trading Ltd was closely linked to a Hungarian-registered firm, Ivory Hill Trading Ltd, which had no registered licence for arms brokering, as well as a Seychelles-based entity that had been struck off the corporate register in 2005.³⁴ The stated director of IVH Trading was a retired Ukrainian Air Force officer whose identity had seemingly been stolen.³⁵

Following investigations by the governments of Ukraine and the Seychelles, the United Nations Group of Experts concluded that EUC 732 probably used falsified details to facilitate an illicit transfer, with the real end user unknown. This was subsequently confirmed by the Government of Burkina Faso.³⁶

32 US Department of the Treasury, "Treasury Sanctions Arms Dealers and Companies Supporting Russia's Military-Industrial Base and Wagner Group's Operations in Ukraine", Press Release, June 2023, <https://home.treasury.gov/news/press-releases/jy1581>; Reuters, "US Says Russia's Wagner Group Seeking to Transit Material Acquisitions through Mali", 22 May 2023, <https://www.reuters.com/world/us-says-russias-wagner-group-seeking-transit-material-acquisitions-through-mali-2023-05-22/>.

33 On 15 November 2004 the United Nations Security Council adopted resolution 1572, which subjected Côte d'Ivoire to a partial United Nations arms embargo, as well as an assets freeze and travel ban imposed on designated individuals. The sanctions regime ended on 28 April 2016.

34 United Nations, Security Council, Report of the Group of Experts submitted pursuant to Paragraph 9 of Security Council resolution 1643(2005) concerning Côte d'Ivoire, S/2006/735, 5 October 2006, paragraphs 30–34.

35 United Nations, Security Council, Report of the Group of Experts submitted pursuant to Paragraph 2 of Security Council resolution 1708 (2006) concerning Côte d'Ivoire, S/2006/964, 12 December 2006, paragraph 18.

36 United Nations, S/2006/964, paragraphs 18–20.

Unauthorized retransfer of weapons into conflict zones

CAR investigations in Iraq and Syria between 2014 and 2017 found that unauthorized retransfer was a significant, albeit inadvertent, source of weapons and ammunition acquired by Islamic State in Iraq and the Levant (ISIL, otherwise known as Da'esh) at the time. CAR determined that several countries, including the United States and Saudi Arabia, had supplied previously imported materiel, seemingly to Syrian opposition forces, without the authorization of the original exporter and despite written assurances provided in the original end-user documentation. ISIL had subsequently seized or otherwise accessed the materiel, sometimes shortly after the initial legal export.³⁷

In one case, on 18 February 2016 CAR documented a Bulgarian-manufactured missile tube for an anti-tank guided weapon (ATGW) in Ramadi, Iraq, that had been exported to the United States just a few months prior, on 12 December 2015. Tracing exchanges with Bulgarian export authorities confirmed that the application for the licence had been accompanied by an EUC affirming that the United States would be the end user of the item.

During a similar time period, the United Nations Panel of Experts on Libya reported on transfers to parties to the conflict in violation of the arms embargo established under Security Council resolution 1970 (2011).³⁸ In some cases the Panel has been able to find evidence of instances of unauthorized re-export.

In 2014, for example, Belarus delivered four Mi-24P helicopters to the United Arab Emirates (UAE), one of which was subsequently observed in 2015 at an airbase in eastern Libya controlled by the Libyan National Army (LNA). Belarus had issued an EUC for the transfer and informed the Panel of Experts that it had not received a request from the UAE to authorize the retransfer of the helicopter.³⁹ A second, similar case involved the transfer of seven Mi-24V helicopters from Czechia to the UAE in 2015 under an export licence that also included a non-retransfer clause. The Panel subsequently obtained a copy of a LNA procurement contract from early 2017 for 11 Mi-24Vs, 7 of which matched the serial numbers of the Czech-supplied units. The contract also listed accompanying armaments, including anti-tank missiles, autocannons and small arms.⁴⁰

3.4. Non-adherence to assurances and absence of monitoring

As indicated in Section 2, end-use/r documentation plays an important role in export controls, but its effectiveness depends on how well it is integrated into a wider oversight system. Article 11(2) of the ATT encourages states parties to

seek assurances from the importing state to prevent diversion. Wassenaar Arrangement Guidelines recommend that end-use/r documentation include specific assurances on re-export or retransfer, classified as either positive end-

37 Conflict Armament Research, "Weapons of the Islamic State", December 2017, <https://www.conflictarm.com/reports/weapons-of-the-islamic-state/>.

38 United Nations, Security Council, Final Report of the Panel of Experts on Libya Established Pursuant to Resolution 1973 (2011), S/2019/914, 29 October 2019, <https://docs.un.org/S/2019/914>, paragraphs 60–62.

39 United Nations, Security Council, Final Report of the Panel of Experts on Libya Established Pursuant to Resolution 1973 (2011), S/2017/466, 1 June 2017, <https://docs.un.org/S/2017/466>, paragraphs 122–123.

40 United Nations, S/2017/466, Annex 38.

use/r assurances (e.g. use restricted to national military purposes or a specified entity or location) or negative assurances (e.g. no re-export without prior consent).⁴¹

A clear and comprehensive re-export clause should help to safeguard against the diversion of transferred items from their declared end use/r to an unauthorized recipient via re-export. Such assurances are typically embedded within the EUC, the EUS or the commercial contract associated with the export. They bind the end user to specific commitments, either entirely prohibiting re-export or retransfer or allowing them only under predefined conditions.⁴² Almost all of the 75 end-use/r documents analysed by CAR in 2019 contained a non-re-export clause; however, these clauses were expressed using 19 different formulations. This highlights a lack of standardization and consistency in terminology, which may hinder efforts for states to understand and implement end-use/r controls.⁴³

Ambiguous or narrowly drawn re-export assurances can be a factor in diversion through unauthorized re-export (see Box 4). In 2003, for example, Switzerland exported over 225,000 grenades to a country in the Middle East, authorized with a signed non-re-export declaration. Despite this, the following year the importing government transferred part of the consignment to another Middle Eastern country as a donation to support its counter-terrorism operations. The grenades were subsequently lost

from the custody of that state. In 2021, a CAR field investigation team documented a Swiss-manufactured HG 85 fragmentation grenade in Aleppo Governorate, Syrian Arab Republic.⁴⁴

Since Switzerland was not notified about the onward transfer, Swiss authorities considered it a diversion to an unauthorized end user. The language used in Switzerland's non-re-export declarations at the time did not clearly define "re-export" or distinguish it from a donation or loan. In 2012, this was updated, and the Swiss Government adopted a new formulation that explicitly prevented non-financial retransfers.

The case also prompted Swiss authorities to introduce several reforms to their end-use/r controls. This included requiring non-re-export declarations to be signed by a senior government authority of the importing state and, for higher-risk destinations, a new commitment allowing Swiss authorities to check delivered war materiel on-site. Switzerland began conducting on-site checks systematically in 2013, making it the first European country to undertake post-shipment measures. Switzerland's national process prioritizes physical inspections of transferred materiel, with officials seeking to verify all items on-site, checking unique serial numbers of exported weapons against the numbers on delivery lists.⁴⁵ Post-delivery cooperation is increasingly recognized as an important part of an effective end-use/r control system, and several states parties have since adopted, or sought to explore, their own approaches.⁴⁶

41 Wassenaar Arrangement, "Introduction to End User/End Use Controls", p. 2; Wassenaar Arrangement, "End User Assurances Commonly Used".

42 M. Bromley and L. Dermody, *Addressing Unauthorized Re-Export or Re-Transfer of Arms and Ammunition* (Belgrade: South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC), 2014), https://www.seesac.org/f/docs/11th_RIEP_meeting-Budva/BromleyDermody_Report_on_re-export_re-transfer.pdf.

43 Conflict Armament Research, "End-User Documentation".

44 Swiss media first reported the presence of HG 85 grenades in Syria in 2012. This case study is detailed in UNIDIR, Conflict Armament Research and Stimson Center, "Post-Shipment Measures", Responding to Diversion Issue 1, n.d., <https://storymaps.arcgis.com/stories/85696cc9a7e24d18ba87b0b9fe6d353f>.

45 UNIDIR et al., "Post-Shipment Measures".

46 A. Varisco, K. Brockmann and L. Robin, "Post-Shipment Control Measures: European Approaches to On-Site Inspections of Exported Military Materiel", SIPRI Background Paper, December 2020, https://www.sipri.org/sites/default/files/2020-12/bp_2012_post-shipment_controls.pdf.

4. The ATT and end-use and end-user documentation: insights from the ATT initial reports

Article 13(1) of the Arms Trade Treaty requires states parties to provide the ATT Secretariat with an initial report on measures undertaken to implement the Treaty. As of May 2025, 93 of the 113 ATT states parties required to submit an initial report had done so. Of these, 70 chose to make their reports publicly available, while 23 opted to share their reports only with the Secretariat and other states parties. This section draws on and analyses information contained in the 70 publicly available ATT initial reports to identify current practices by states in implementing the Treaty's provisions as they relate to elements of an end-use/r control system, with a particular focus on documentation.

The preamble to the ATT underlines the need to prevent diversion to unauthorized end users, for unauthorized end uses and to the illicit market. The Treaty obliges each state party involved in a transfer to prevent the diversion of arms.⁴⁷ While an exporting state is responsible for conducting a comprehensive export risk assessment through its national control system (specifically a diversion-risk assessment) prior to any transfer, other ATT states parties, including importing states, are required to cooperate through the provision of information to assist in such an assessment.⁴⁸ The Treaty explicitly refers to the use of end-use/r documentation for the purposes of exchanging such information and cooperation. In cases where risks are higher, an exporting state may request additional documentation, certificates or

assurances; or may take other risk-mitigation, risk-reduction and confidence-building measures.⁴⁹ Furthermore, states parties can also check information contained in such documentation against records of authorized past transfers (e.g., checks on end users, intermediaries involved, and adherence to assurances – for example, an agreement by the importer not to re-export arms).⁵⁰ Thus, the effective implementation of end-use/r controls can be used by states to help implement several ATT provisions (under articles 5, 7–11), thereby contributing to the regulation of the conventional arms trade as well as the prevention of diversion, in line with the object and purpose of the Treaty (Article 1).

In the publicly available initial reports, ATT states parties refer to their end-use/r control measures either implicitly or explicitly. For example, states may implicitly be referencing end-use/r controls when describing their record-keeping systems or risk-assessment procedures. This analysis only uses the explicit references to end-use/r in the initial reports – regarding uses, roles and functions – to draw valuable insights into how ATT states parties implement end-use/r control measures within their national systems to support implementation of the Treaty.

The information contained in the publicly available initial reports reveals four broad types of explicit references to end-use/r controls in national control systems:

⁴⁷ ATT Article 11(1).

⁴⁸ ATT Article 5, Article 7, Article 8, Article 11(2) and Article 15.

⁴⁹ ATT Article 11(2).

⁵⁰ ATT Article 12(3). On intermediaries see, for example, ATT Article 11 (brokers and arms brokering).



The Arms Trade Treaty opens for signature, 2013. Credit: UN Photo/Eskinder Debebe

- ▶ As a tool to inform national risk assessments and procedures
- ▶ As a risk-mitigation mechanism and one of the ways in which states address the potential risks of a transfer (after identifying that such risks exist)
- ▶ As a form of documentation required as part of an application for an authorization or licence for export, import, transit/transshipment or brokering
- ▶ As a tool for inter-state and international cooperation, including information sharing, particularly to aid the competent licencing or authorization authorities in the exporting state in the conduct of export risk assessments and, more specifically, diversion-risk assessments.

At least sixty-one ATT states parties reported on the use of end-use/r documentation, including as part of export risk assessments or to inform such assessments. Brazil, for example, noted that: “The use of [EUCs] is one of the main instruments to aver[t] [risks involved in transfer of armaments] and to act in a non-discriminatory manner. In cases where there is risk, the certificates can be validated through direct contact with government authorities of the imported country.”⁵¹ From the importing perspective, 52 states reported providing, upon request, end-use/r documentation in support of diversion-risk assessments and broader assessments undertaken by exporting states. End-use/r documentation can therefore be considered a general practice and tool for international

51 See initial ATT report of Brazil, <https://thearmstradetreaty.org/download/4ac4fe69-34cd-30e9-ab0d-4a975e0f1b02>.

cooperation, including information exchange, to prevent diversion.

Fifty ATT states parties indicated in their initial reports that they examined the parties involved in a proposed arms transfer as a preventative measure to mitigate against the risk of diversion of arms en route from the exporter to the country of final destination and the end-user. This, in turn, requires that the competent national state authorities receive and have detailed information on not only the end user, but also on other parties, including intermediaries, involved in the proposed transactions and transfer (see also Section 2, in particular Table 2). As seen in the cases in Section 3, unfortunately, this is not always the case.

A previous ATT Issue Brief on the role of illicit arms brokering elaborates on several indicators to identify risks and states parties' approaches to regulating arms brokering.⁵² It indicated that most risks relating to unscrupulous brokers engaged in illicit brokering and seeking to divert arms arose during the pretransfer and risk-assessment phase. Of the 53 states that reported in their public ATT initial report that their national control systems include measures to regulate brokering – either through a requirement for brokers to receive an authorization for transactions or a two-step process (registration and then authorization of each brokering transaction) – half indicated that the documentation required for such applications included EUCs.

While ATT initial reports confirm the widespread use of end-use/r documentation, the initial reports that are publicly available provide limited insights into the specific informational elements contained in such documentation. Some states provide this detail; however, it is provided inconsistently and is related primarily

to controls over export, transit/trans-shipment, brokering and the prevention of diversion. It is worth noting that some states have provided links directly to their national end-use/r documentation template or to governmental or other websites where templates can be accessed by other states, stakeholders such as industry and the public at large.

One of the obvious options that can help the competent state authorities in the authentication and verification of information contained in end-use/r documentation (see Section 2) received from importing states (or other parties) is the keeping of records of the documents received as part of an export licence application. This is one way for states to check and verify subsequent applications by the same importing state (or end user) against the existing record. Belgium, for example, reported that “in assessing the risk that the weapons might be diverted to an undesirable end-user or for an undesirable end use . . . , the record of the end-user and recipient country in respecting previous re-export provisions is taken into account.”⁵³ Seventeen other states that export arms explicitly reported the keeping of records, with the initial reports of a further 20 states indicative of similar practices. Some responses also indicate that several states use electronic licensing systems to maintain these records. Record-keeping and information sharing on this could be an area for more focused work within the ATT framework.

A number of states parties' initial reports also provided insights into post-delivery cooperation and diversion risk-mitigation measures, which they may exercise, or request in particular cases (in the case of importing states' authorities, by cooperating with exporting state authorities). Preparations for such measures

52 Hardy Giezendanner, Anna Mensah Sackey, Ishtiaq Khan, Rob Hunter-Perkins and Rachel Stohl (2025) “The Arms Trade Treaty Regulating Brokering to Reduce the Risk of Diversion”, Issue Brief No. 5, UNIDIR, Conflict Armament Research, and Stimson Center. <https://doi.org/10.37559/CAAP/25/ASC/04>.

53 See initial ATT report of Belgium, <https://thearmstradetreaty.org/download/a31a7b65-4805-3069-9f37-cb9f2eaff4b3>

are made during the pretransfer phase, usually through commitments in end-use/r documentation; they are then operationalized once a shipment has left the exporting state. Such measures rely on proactive cooperation between the importing state and the authorities of the exporting state. This can build confidence between the two states over time, reducing the scope of diversion risks and the potential for the misuse of arms.

The public initial reports reveal the following examples (in order of their most common appearance):

- ▶ Many initial reports (e.g. Albania, Canada, France, Belgium, Slovenia, Czechia, Estonia and New Zealand) note that the state requests a delivery verification certificate for all risk cases, or specifically for high-risk cases (depending on the items, end user and country of final destination), and the issuing of a DVC or other document by which the importing state authorities confirm receipt

and provide re-assurance to the exporting state authorities (and the exporter).⁵⁴

- ▶ Switzerland and Liechtenstein report the undertaking of on-site inspections by competent authorities of the exporting state in cooperation with those of the importing state; Germany also reported in its initial report that it was to introduce this measure.⁵⁵
- ▶ Zambia reported using technology to track shipments.⁵⁶

It is also important to emphasize that there are certain limitations in the sample of publicly available ATT initial reports. Additional reports likely contain further information on end-use/r control measures. Improving understanding, raising awareness, and providing further clarity and consistency has helped states report on end-use/r controls and could enhance transparency and strengthen the common understanding of how these mechanisms can be better utilized to ensure compliance with the ATT.

54 See initial ATT report of Albania, <http://thearmstradetreaty.org/download/31c46d8a-9ac3-392f-90aa-6a1416f8e86d>; Canada, <https://thearmstradetreaty.org/download/733233d5-8bb8-30f3-8a53-396909f9ae0e>; France, <https://thearmstradetreaty.org/download/4a5af1d9-15cc-3dc0-998a-bd1b0a4b3133>; Belgium, <https://thearmstradetreaty.org/download/a31a7b65-4805-3069-9f37-cb9f2eaff4b3>; Slovenia, <https://thearmstradetreaty.org/download/fe8f9702-fa98-3f0a-92f2-9f9f83993d87>; Czechia, <https://thearmstradetreaty.org/download/bed75337-e802-3b76-a77b-f733bed2caa8>; Estonia, <https://thearmstradetreaty.org/download/7b45b61c-3638-3e1c-b4df-c338efd2a6c5>; New Zealand, <https://thearmstradetreaty.org/download/6cbd8770-a0be-3676-9932-d4fda67bf9ac>.

55 See initial ATT report of Switzerland, <https://thearmstradetreaty.org/download/06b4a15b-f55a-35db-98b5-0c3bed1f95d6>; Liechtenstein, <https://thearmstradetreaty.org/download/37a0dd9c-d62c-36aa-b2ae-640644e4f29a>; Germany, <https://thearmstradetreaty.org/download/b53fdb98-7912-39df-92d7-259131de677e>.

56 See initial ATT report of Zambia, <https://thearmstradetreaty.org/download/cf07b115-e872-37ab-b87a-aae5b8e0e100>.

5. Conclusion and multilateral options for ways forward

End-use and end-user controls – and in particular end-use/r documentation – are an effective tool to prevent, detect, mitigate and counter the diversion of conventional arms. Their effective use can contribute to achieving a primary object and purpose of the Arms Trade Treaty.⁵⁷

Differences in national end-use/r control systems have long posed a challenge to the more effective use of these systems globally. While ATT states parties made some progress in 2018–2022 to address this challenge, this Issue Brief demonstrates that more could be done by interested states and other stakeholders. The options presented below could be used by states parties to work towards more effective implementation of end-use/r control systems under the ATT framework and its related processes.⁵⁸

First, there is an apparent consensus among a significant number of ATT states parties on the essential informational elements to be included in end-use/r documentation (as indicated in Table 2). Previous UNIDIR research on the multilateral and regional levels found that a majority of United Nations Member States were willing to share their templates for end-use/r documentation.⁵⁹ For example, many

ATT states parties already make their templates publicly available.⁶⁰ ATT CSP5 encouraged states to exchange national templates via the ATT Secretariat. Given that the ATT process brings together perspectives from exporting and importing states, it could provide a forum and process to work towards an internationally harmonized, standardized template. Such a template, for voluntary use by all states parties, could help states in their authentication efforts. More broadly, it could strengthen international cooperation including information exchange to prevent the diversion of arms.

Second, ATT states parties could re-consider previous recommendations to work in the ATT framework on the development of a mechanism to facilitate the authentication and verification of end-use/r documentation. Previous UNIDIR research also found that many United Nations Member States from different regions would be willing to do so.⁶¹ ATT states parties previously identified competent national authorities for regulating international conventional arms transfers.⁶² This could be expanded to include designated authorities (and officials) authorized to sign, issue and certify end-use/r documentation, as well as those responsible for risk assessments and the verification of information

57 ATT Articles 1, Article 5 and articles 7–11

58 Holtom et al., *Strengthening End Use/r Control Systems to Prevent Arms Diversion*, pp. 48–51.

59 Holtom et al., *Strengthening End Use/r Control Systems to Prevent Arms Diversion*.

60 See Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies, <https://www.wassenaar.org/participating-states/>. See also information provided in initial ATT implementation reports by Iceland, New Zealand, Lithuania, Estonia, Norway.

61 Holtom et al., *Strengthening End Use/r Control Systems to Prevent Arms Diversion*, pp. 69–70.

62 See, for example, the initial ATT implementation reports; and ATT Working Group on Effective Treaty Implementation, “Voluntary Basic Guide to Establishing A National Control System”, Annex A, 2019, [https://thearmstradetreaty.org/hyper-images/file/ATT_CSP5_WGETI_Voluntary_Basic_Guide_\(Annex_A_to_WGETI_Report_to_CSP5\)\(updated_09.09.2019\)\(Rev_WA\)/ATT_CSP5_WGETI_Voluntary_Basic_Guide_\(Annex_A_to_WGETI_Report_to_CSP5\)\(updated_09.09.2019\)\(Rev_WA\).pdf](https://thearmstradetreaty.org/hyper-images/file/ATT_CSP5_WGETI_Voluntary_Basic_Guide_(Annex_A_to_WGETI_Report_to_CSP5)(updated_09.09.2019)(Rev_WA)/ATT_CSP5_WGETI_Voluntary_Basic_Guide_(Annex_A_to_WGETI_Report_to_CSP5)(updated_09.09.2019)(Rev_WA).pdf).



ATT Third Conference of States Parties Opening Session, 2017. Credit: Control Arms

contained in such documents. States parties could work towards establishing a mechanism through which this information could be shared via the ATT Secretariat (e.g., through a secure information-exchange platform) between states parties only.

Third, there is scope to expand or refine existing guidance. For example, the ATT WGETI's Sub-Working Group on Exchange of National Implementation Practices during the ATT CSP11 cycle has been examining import controls. In contrast to the extensive voluntary guidance for exporting states regarding end-use/r control systems and documentation, as outlined in section 2, there is limited voluntary guidance

on the role and responsibilities of the competent importing state authorities. The WGETI paper on Possible Measures to Prevent and Address Diversion recommends that importing states should institute “national procedures for issuing [end-use/r documentation] for government and private end-users” by authorities with which the exporting state authorities must then cross check.⁶³ In addition, the WGETI sub-working group on Article 11 recommended several practical measures that states parties could take to mitigate the risk of end-use/r documentation being misused to facilitate diversion. ATT CSP5 recommended the development of a guide to end-use/r documentation.⁶⁴ There is scope to develop voluntary guidance to enable

63 ATT Working Group on Effective Treaty Implementation, Chair's Draft Report to CSP4, 20 July 2018, https://thearms-tradetreaty.org/hyper-images/file/ATT_CSP4_WGETI_Draft_Report_EN1/ATT_CSP4_WGETI_Draft_Report_EN.pdf, p. 19.

64 ATT Working Group on Effective Treaty Implementation, Chair's Draft Report to CSP5, 26 July 2019, https://www.thearms-tradetreaty.org/hyper-images/file/ATT_CSP5_WGETI_Draft_Report_EN/ATT_CSP5_WGETI_Draft_Report_EN.pdf, paragraph 31, p. 5.

importing states to strengthen their end-use/r control systems and ensure adequate measures to ensure documentation that they issue is not forged, or falsified or misused.

Fourth, the ATT Diversion Information Exchange Forum (DIEF) provides a unique platform for cooperation between states parties and signatories concerning concrete cases of diversion facilitated by the ineffective use of end-use/r documentation and control measures.⁶⁵ States parties are already encouraged to share specific cases and diversion-related information on illicit transfers. States may also present cases of suspected diversion, or share challenges related to the certification, authentication or verification of end-use/r documentation and the information that it contains.⁶⁶

The initial reports reveal limited insights into how ATT states parties employ end-use/r controls in support of their implementation of relevant Treaty provisions and measures. It is, however, known that states use end-use/r controls in varied ways that go beyond what is explicitly

reported. It is hoped that this Issue Brief, as well as prior UNIDIR and research consortium knowledge products, can contribute to providing further clarity on terms and terminologies, as well as the relevance and applicability of end-use/r control measures in support of states parties' implementation of the relevant Treaty provisions. By improving visibility, states may be better able to identify and act upon challenges and lessons learned and to develop good, effective practices and policies under the ATT framework. International cooperation, including initial ATT implementation reporting or the provision of revised or updated initial reports, would be key in this regard. During the past decade, ATT state parties have made numerous proposals and recommendations to use the ATT framework to strengthen national end use/r control systems and international cooperation to prevent end-use/r documentation being misused to facilitate diversion. This brief has indicated several "quick wins" to deliver on these recommendations and help states parties to move another step closer to achieving the object and purpose of the ATT.

65 ATT Diversion Information Exchange Forum (DIEF), <https://thearmstradetreaty.org/diversion-information-exchange-forum.html?templateId=1386528>.

66 To identify key risk areas, red flags and specific risk indicators, states parties may find the research consortium's Diversion Analysis Framework and counter-diversion tools useful. https://unidir.org/wp-content/uploads/2023/05/ATT_Issue_Brief_3-Diversion_Analysis_Framework.pdf

The Arms Trade Treaty: Preventing Diversion Through End-Use and End-User Controls

Poorly implemented controls on the end use or end user of exported arms can contribute to the diversion of those arms. This ATT Issue Brief is intended to support states parties to the Arms Trade Treaty (ATT) in effectively implementing controls on the end-use/r and using end-use/r documentation as a key tool to prevent arms diversion, in line with Article 11 of the Treaty and in support of the implementation of other Treaty provisions.

The Issue Brief addresses existing discussions and good practices on end-use/r controls and how ATT states parties use end-use/r controls, including documentation, within their own

diversion-prevention measures. It also aims to improve understanding of underutilized potential and to identify options that could be pursued to strengthen control systems in order to more effectively implement the ATT's provisions on diversion prevention and related efforts. Specifically, this brief is intended to inform the ongoing exchange of national implementation practices within the ATT, specifically the discussion on national import controls, and future deliberations on intersecting issues.

This is the sixth in a series of ATT Issue Briefs released as part of joint research by the research consortium composed of UNIDIR, Conflict Armament Research and the Stimson Center. The consortium, established in 2019, provides research, technical advice, expertise and tools to states and other interested parties to enhance knowledge of the ATT and facilitate dialogue among states, to strengthen shared understanding of the impact of the Treaty in addressing risks of diversion, and to identify avenues to further promote effective policies and practices under the Treaty.



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