



## **Key elements for implementation of the Arms Trade Treaty (ATT)**

*The following are key elements for “creating high common international standards” for national systems of licensing or authorisation for the export, import and other international transfers of conventional arms. It also sets out AI’s position on key transparency measures and victim assistance.*

### **NATIONAL SYSTEMS**

- Ensure that the ATT sets out common, high standards for national systems and internal controls to prevent the diversion of conventional arms from the legal to the illicit market;
- Before issuing an export licence or authorization, need import and transit state authorizations, and certified end use assurances;
- An effective inquiry and meaningful assessment of each authorization application on a case-by-case basis, consistent with the assessment criteria (including assessment of whether there is a substantial risk of serious violations of international human rights or humanitarian law);
- Ensure authenticity of licensing or authorisation documents can be verified or validated;
- Minimum disclosure requirements for details on an export license application and on issued licenses and details of transport route;
- Option to request a delivery verification documentation;
- Simplified procedures for temporary transfers for limited verifiably lawful purposes.

### **END-USE/USER ASSURANCES**

- Before issuing an export licence or authorisation to send arms from its territory, a State should require from the importing State an import licence or authorisation and a certified end-use/user assurance from the State in which the end user is located;
- Minimum details in end use assurance including exporter, consignee, purchasers, country of final destination, description of type and quantity of items, specific purpose they will be used, and an undertaking that they will not be used for purposes other than those declared;
- Assurances that re-export of the items will require specific authorisation and any conditions relating to that authorisation.

### **BROKERING ACTIVITIES CONTROLS**

- Require States to establish a clear legal framework for lawful brokering activities;
- Registration of brokers, licensing of brokering activities; disclosure of all brokers and their location in any export or import license application;
- Take steps to ensure that brokers do not breach UN arms embargoes.

### **CRIMINALISATION PROVISIONS**

- Central offences established: illicit trafficking and illicit brokering “the import, export, transit, trans-shipment, transfer or brokering of conventional arms and ammunition not licensed or authorised in accordance with the terms of the Treaty”
- Establish as a criminal offence the violation of a mandatory arms embargo imposed by the UN Security Council.
- In order to prosecute need clear procedures in the licensing process, accurate national record keeping and exchange of information between States.

## **VICTIM ASSISTANCE**

- If UN Member States agree that victim rights should be addressed within the ATT, a reaffirmation of existing rights and States' obligations to fulfil them could be included in the text of the ATT.

## **SCOPE:**

- “**Conventional arms**” should include all types of weaponry, munitions, armaments and related material used for potentially lethal force in military and law enforcement operations, as well as any parts, components and accessories thereof, and machines, technologies and technical expertise for making, developing and maintaining those items.
- “**International arms transfers**” involve, in addition to the physical movement of the arms into or from national territory, the transfer of title to and/or control over the arms. “Other international transfers” are those transfers that are not imports or exports and include State-to-State transfers. A change of title and/or control of the arms can occur through international “transactions”, including sales, gifts, loans, leases or the foreign licensing of production of arms. Brokering, transport, storage, security and financial “service providers” often help facilitate international transfers, movements and transactions.

## **TRANSPARENCY AND REPORTING:**

### **NATIONAL RECORD KEEPING:**

- Accurate and comprehensive records established and maintained of all international imports, exports, brokering, transit, trans-shipment and transfer of conventional arms from or to their territory for not less than 20 years.

### **INTERNATIONAL REPORTING OBLIGATIONS**

- Reporting to the [ISU] not later than 180 days after the entry into force of this Convention for that State Party, on:
  - the national licensing or authorisation measures required in treaty;
  - the amounts, types and destinations of international cooperation and assistance.
- An annual report to the [ISU] detailing all import, export, brokering, transit and transshipment licences and authorisations issued including details of the final importer state, quantity, type and value of conventional arms, the state of origin of the items, and any intermediary locations.
- Reports on specific legislation enacted or other measures taken to assure national compliance with the ATT.

### **INFORMATION SHARING WITH STATES PARTIES**

- Exchange of relevant case-specific information on matters such as authorised importers, exporters and brokers of conventional arms and ammunition;
- For the purpose of law enforcement and upholding the purposes of the Treaty, exchange among States Parties relevant information on matters, for example, case-specific information on international transfers agents, brokers and other actors that are suspected or known to be involved in the illicit trade.