ANNEX B

(DRAFT) ‘WELCOME PACK’ FOR NEW STATES PARTIES TO THE ARMS TRADE TREATY

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1. Introduction

1.1 Who is this ‘Welcome Pack’ designed for?

The Welcome Pack was developed by the Working Group on Treaty Universalization. The Pack is designed to give a basic overview of the Arms Trade Treaty process and obligations to States that are new States Parties to the Treaty or that are interested in learning more about the Treaty.

1.2 What is the ATT?

The Arms Trade Treaty (ATT) is an international treaty that regulates the international trade in conventional arms by establishing the highest international standards governing arms transfers and seeks to prevent and eradicate illicit trade and diversion of conventional arms.

The object of the Treaty as outlined in Article 1 is to:

- Establish the highest possible common international standards for regulating or improving the regulation of the international trade in conventional arms;
- Prevent and eradicate the illicit trade in conventional arms and prevent their diversion;

for the purpose of:

- Contributing to international and regional peace, security and stability;
- Reducing human suffering;
- Promoting cooperation, transparency and responsible action by States Parties in the international trade in conventional arms, thereby building confidence among States Parties.

“This marks the opening of a new chapter in our collective efforts to bring responsibility, accountability and transparency to the global arms trade.” — Ban Ki Moon

The ATT contributes to international and regional peace, security and stability, reducing human suffering, and promoting cooperation, transparency and responsible action.

1.3 Adoption and entry into force

The Treaty was adopted by a UN General Assembly Resolution on 02 April 2013 and entered into force on 24 December 2014, becoming the first global, legally binding treaty governing conventional arms transfers.

1.4 How many States have joined the ATT?

At this stage, more than 100 States have become States Parties to the Treaty and others have signed the Treaty but not yet ratified it.

Up to date information on the status of participation in the ATT, including a regional overview, is available on the ATT website at: https://www.thearmstradetreaty.org/treaty-status.html?templateid=209883

1.5 What is the scope of the ATT?

The ATT regulates certain types of transfers of certain categories of arms.

1.5.1 What types of arms are covered by the ATT?

The ATT regulates the international trade in the following categories of conventional arms (see Article 2(1)):

1) Battle tanks;
2) Armoured combat vehicles;
3) Large-calibre artillery systems;

4) Combat aircraft;
5) Attack helicopters;
6) Warships;
7) Missiles and missile launchers; and
8) Small arms and light weapons.

The ATT also applies to the export of ammunition/munitions fired, launched or delivered by the conventional arms listed above, as well as parts and components where the export is in a form that provides the capability to assemble the conventional arms listed above (see Articles 3 and 4).

1.5.2 What types of transfers are covered by the ATT?

The ATT regulates the following types of transactions (see Article 2(2)):

- export;
- import;
- transit and trans-shipment; and
- brokering.

The Treaty does not apply to the international movement of conventional arms by, or on behalf of, a State Party for its use provided that the conventional arms remain under that State Party’s ownership (see Article 2(3)).

In addition, the ATT recognizes the ‘legitimate interests of States to acquire conventional arms to exercise their right to self-defence and for peacekeeping operations’ (paragraph 7, Principles of the ATT).

2. ATT process

2.1 Conferences of States Parties

2.1.2 When?

In accordance with Article 17(1) of the Treaty, each Conference of States Parties can decide when to hold the next Conference. In practice, the Rules of Procedure stipulate that the Conference shall meet annually unless decided otherwise by the Conference (see Rule 11 of the Rules of Procedure).

The ATT Conferences of States Parties have been held as follows:

- First Conference of States Parties to the ATT (CSP1): Cancun, Mexico, 24-27 August 2015
- Third Conference of States Parties to the ATT (CSP3): Geneva, Switzerland, 11-15 September 2017
- Fourth Conference of States Parties to the ATT (CSP4): Tokyo, Japan, 20-24 August 2018
- Fifth Conference of States Parties to the ATT (CSP5): Geneva, Switzerland, 26-30 August 2019

2.1.2 What?

The role of each Conference of States Parties is to:

a) Review the implementation of this Treaty, including developments in the field of conventional arms;
b) Consider and adopt recommendations regarding the implementation and operation of this Treaty, in particular the promotion of its universality;
c) Consider amendments to this Treaty in accordance with Article 20;
d) Consider issues arising from the interpretation of this Treaty;
e) Consider and decide the tasks and budget of the Secretariat;
f) Consider the establishment of any subsidiary bodies as may be necessary to improve the functioning of this Treaty; and
g) Perform any other function consistent with this Treaty (see Article 17(4)).
2.1.3 Who?

The Rules of Procedure stipulate that the plenary meetings of the Conference shall be public unless the Conference decides otherwise at the request of a State Party (see Rule 13 of the Rules of Procedure). Accordingly, States Parties, Signatory States, Observer States (States that are neither parties nor signatories to the Treaty), as well as representatives of the United Nations, its specialized agencies, international and regional intergovernmental organisations, civil society, including Non-Governmental Organisations (NGOs), and industry, may participate in Conferences of States Parties (see Rules 1-5 of the Rules of Procedure), unless and until it is decided otherwise.

However, only States Parties can be full participants in a Conference (meaning only States Parties have the right to adopt decisions and vote on decisions when necessary). Signatory States can participate in Conferences but cannot take part in the adoption of decisions. Observer States and representatives of the United Nations, international and regional organisations, civil society and industry may attend the Conference as observers, deliver statements at plenary meetings, receive official documents and submit their views in writing to the Conference.

2.2 Preparatory process

2.2.1 Informal preparatory meetings

During the intersessional period between each Conference of States Parties, informal preparatory meetings are held at the seat of the ATT Secretariat in Geneva to prepare for each forthcoming Conference. The number of preparatory meetings and their duration are not prescribed/set, but generally, two informal preparatory meetings lasting one day each are held in advance of each Conference of States Parties. The preparatory meetings are generally timed to coincide with the meetings of the ATT Working Groups (see section 2.3.2.2). Preparatory meetings are public.

2.2.2 Extraordinary meetings

Article 17 (5) contemplates that extraordinary meetings of the Conference may be convened during the intersessional period between Conferences, if a request for such a meeting is made by a State Party and two-thirds of the States Parties support the proposal. Extraordinary meetings take place at the seat of the Secretariat in Geneva unless otherwise decided (see Rule 14 of the Rules of Procedure).

2.3 ATT bodies

2.3.1 Officers of the Conference

2.3.1.1 President

States Parties to the Arms Trade Treaty (ATT) elect a President every year during the Conference of States Parties (CSP) to preside over the CSP the following year, including the preparatory process.

The following persons have served as Presidents to the CSPs:

<table>
<thead>
<tr>
<th>CSP</th>
<th>Ambassador</th>
<th>Country</th>
</tr>
</thead>
<tbody>
<tr>
<td>CSP1</td>
<td>Jorge Lomónaco</td>
<td>Mexico</td>
</tr>
<tr>
<td>CSP2</td>
<td>Emmanuel E. Imohe</td>
<td>Nigeria</td>
</tr>
<tr>
<td>CSP3</td>
<td>Klaus Korhonen</td>
<td>Finland</td>
</tr>
<tr>
<td>CSP4</td>
<td>Nobushige Takamizawa</td>
<td>Japan</td>
</tr>
<tr>
<td>CSP5</td>
<td>Jānis Kārkliņš</td>
<td>Latvia</td>
</tr>
</tbody>
</table>

2.3.1.2 Vice Presidents

Under Rule 9 of the Rules of Procedure, during each session of the Conference of States Parties to the ATT a President and four vice-Presidents for the following session of the Conference are elected from among the representatives of participating States Parties.

The President and four vice-Presidents, informally referred to as ‘the Bureau’, begin their terms of office at the end of the Conference that elected them and serve until their successors are elected at the end of the next
ordinary session of the Conference. The President (assisted by the vice-Presidents) presides over any extraordinary meeting of the Conference held during their term.

2.3.1.3 Secretary of the Conference

Under Rule 10 of the Rules of Procedure, the Head of the ATT Secretariat is the Secretary of the Conference and acts in this capacity at all sessions of the Conference and its subsidiary bodies. The role of the Secretary is to make all the necessary arrangements in connection with the ordinary and extraordinary sessions and, generally, perform all other work that the Conference may require, in accordance with Article 18 paragraph 3 (d) of the Treaty.

The other roles and functions of the ATT Secretariat are described in section 6.1.1.

2.3.2 Subsidiary bodies

Rule 42 of the Rules of Procedure provides that the Conference of States Parties may establish subsidiary bodies, in accordance with Article 17(4) of the Treaty. The Conference determines the matters to be considered by any subsidiary body established under the Treaty including its mandate, officers, composition, size, duration and budgetary issues.

The current subsidiary bodies of the ATT are:

- The Management Committee
- Three Working Groups:
  - The Working Group on Effective Treaty Implementation
  - The Working Group on Transparency and Reporting
  - The Working Group on Treaty Universalization
- The VTF Selection Committee

The roles and functions of each of the bodies are described below.

2.3.2.1 Management Committee

The First Conference of States Parties to the ATT established a Management Committee as a subsidiary body, pursuant to Article 17(4) of the Treaty and Rule 42 of the Rules of Procedure. The role of the Management Committee is to provide oversight on financial matters and on other matters related to the ATT Secretariat to ensure maximum accountability, efficiency and transparency and the Secretariat’s operations.

The Management Committee comprises the President of the Conference of States Parties and a State Party representative designated by each UN regional group. A representative of the ATT Secretariat participates in meetings. A representative of Signatory States may be invited, when appropriate, by the Conference, to attend the meetings of the Management Committee as observers.

Members of the Management Committee (other than the President and representatives of the ATT Secretariat) serve for two years and are eligible to serve a further term.

The operations of the Management Committee are governed by the Terms of Reference for the Management Committee.

2.3.2.2 Working Groups

The following Working Groups were established by CSP2 in 2016 and became standing Working Groups by a decision of CSP3 in 2017:

- Working Group on Effective Treaty Implementation (WGETI)
- Working Group on Transparency and Reporting (WGTR)
- Working Group on Treaty Universalization (WGTU)

The President of Conference appoints a Chair or Co-Chairs to each Working Group, and the aim of each Working Group – in accordance with their respective Terms of Reference - is as follows: WGETI: exchanges information
and challenges on the practical implementation of the Treaty at the national level; WGTR: undertakes tasks defined by the Conference of States Parties in the general area indicated by its title (i.e. issues of transparency and reporting obligations under the Treaty); WGTU: generates and shares views and implementation measures on Treaty universalization.

On average, the Working Groups meet twice per year (coinciding with the informal preparatory meetings of each Conference of States Parties (see section 2.2.1)) for a total of three days. Each Working Group submits a report to every Conference of States Parties on the progress of their work.

2.3.2.3 Voluntary Trust Fund (VTF) Selection Committee

The Second Conference of States Parties to the ATT appointed a VTF Selection Committee as a subsidiary body, pursuant to Article 17(4) of the Treaty and Rule 42 of the Rules of Procedure, to oversee the administration of the Voluntary Trust Fund including the allocation of available funds to project proposals following the annual call for proposals (see section 6.2.1).

The Selection Committee consists of up to 15 members who serve for a period of two years (and are eligible to be reappointed for further terms). The operations of the VTF Selection Committee is governed by the VTF Terms of Reference. The VTF Selection Committee appoints one of its members to chair its deliberations, and the Chair of the VTF Selection Committee reports on the work and status of the VTF to each Conference of States Parties.

3. ATT obligations

3.1 What are the arms transfer control obligations under the Treaty?

3.1.1 National Control System

One of the central obligations under Article 5 of the Treaty is that States Parties must establish and maintain a national control system to regulate the export, import, transit, and trans-shipment of conventional arms, ammunition/munitions, and parts and components, as well as related brokering activities.

As part of its national control system, each State Party is required to establish and maintain a national control list of the arms and items that are covered by its control system. That is, a list of the arms, ammunition/munitions, parts and components and other items whose transfer is controlled and regulated by the State. States Parties are required to provide a copy of their national control lists to the ATT Secretariat, which makes it available to other States Parties, and they are encouraged to make their national control lists publicly available.

Each State Party must also designate one or more competent national authorities in order to have an effective and transparent national control system, and they must designate one or more national points of contact to act as a liaison and exchange information on matters related to the implementation of the Treaty.

The ATT Working Group on Effective Treaty Implementation has developed a Voluntary Basic Guide to Establishing a National Control System that provides detailed suggestions on how to establish a national control system in accordance with the Treaty requirements.


3.1.2 Regulating transfers

3.1.2.1 PROHIBITION OF CERTAIN TRANSFERS

The term ‘transfer’ is defined under Article 2(2) of the Treaty to include export, import, transit, trans-shipment, and brokering.

Under Article 6 of the Treaty, States Parties are prohibited from authorizing any transfer of arms, related ammunition/munitions, or parts and components if:
— the proposed transfer would violate UN Security Council arms embargoes adopted under Chapter VII of the Charter;
— the proposed transfer would violate relevant international obligations under treaties to which a state is a party; or
— the state party ‘has knowledge at the time of authorization’ that the arms or items would be used to commit genocide, crimes against humanity, or certain war crimes.

If a transfer is not prohibited under Article 6, each state party must ensure the transfer is regulated in accordance with the other provisions of the Treaty, as discussed below.


3.1.2.2 EXPORT

Under Article 7, if the transfer involves an export of conventional arms, related ammunition/munitions, or parts and components, the exporting state is required to assess the risk or potential that the arms or items to be exported would contribute to or undermine peace and security or that they could be used to commit or facilitate:
— a serious violation of international humanitarian law;
— a serious violation of international human rights law;
— acts constituting offences under international agreements relating to terrorism; or
— acts constituting offences under international agreements relating to transnational organized crime.

The exporting State Party must also consider whether there are measures that could be undertaken to mitigate risks identified, such as confidence-building measures or jointly developed and agreed programmes by the exporting and importing States.

An exporting state must refuse any request for authorization if its assessment concludes that there is an ‘overriding’ risk of any of the negative consequences listed in Article 7(1).

An exporting State must also take into account the risk of conventional arms, related ammunition/munitions, or parts and components, being used to commit or facilitate serious acts of gender-based violence or serious acts of violence against women and children (see Article 7(4)), and must assess the risk of diversion of the export (Article 11).


3.1.2.3 IMPORT

In addition to certain imports of conventional arms, related ammunition/munitions, or parts and components being prohibited under Article 6 (see section 3.1.2.1 above), each State Party that imports arms must ‘take measures that will allow it to regulate, where necessary, imports under its jurisdiction of conventional arms’.

While the ATT does not specify which measures are to be taken to regulate imports as part of a national control system, they could include a requirement to obtain authorization from the relevant authority in the form of a licence or permit to import arms, and/or end-user and delivery verification certificates.

The Treaty also stipulates that importing States must take measures to ensure information is provided to an exporting State, if requested to do so as part of a risk assessment an exporting State may be conducting, and that such measures may include end use or end user documentation.

3.1.2.4 TRANSIT AND TRANSSHIPMENT

In addition to the transit and transshipment of conventional arms, related ammunition/munitions, or parts and components being prohibited in certain circumstances described under Article 6 (see section 3.1.2.1 above),
Article 9 requires states parties to take appropriate measures to regulate transit or trans-shipment of conventional arms under their jurisdiction ‘where necessary and feasible’ and ‘in accordance with relevant international law’.

While the ATT does not specify which measures are to be taken to regulate transit and transshipment as part of a national control system, they could include a requirement to obtain authorization from the relevant authority in the form of a licence or permit to transit or tranship arms, and/or a requirement that transport agents give prior notification to the transit State that weapons will be transiting its territory.

3.1.2.5 BROKERING

In addition to the brokering of conventional arms, related ammunition/munitions, or parts and components being prohibited in certain circumstances described under Article 6 (see section 3.1.2.1 above), Article 10 requires states parties to ‘take measures, pursuant to its national laws, to regulate brokering taking place under its jurisdiction’ for conventional arms. The Treaty stipulates that such measures may include: requiring brokers to register or obtain written authorization before engaging in brokering.

3.1.2.6 DIVERSION

Article 11 of the ATT includes a range of commitments aimed at preventing, addressing, and promoting awareness of the diversion of conventional arms. Exporting States Parties must assess the risk of diversion of an export and consider the establishment of mitigation measures such as confidence-building measures or jointly developed and agreed programmes by the exporting and importing States.

In addition, under Article 11, each State Party involved in a transfer has obligations to prevent and address the diversion of arms that are being transferred. The ATT does not require States Parties to prevent and address the diversion of ammunition/munitions, or parts and components, but States Parties may choose to do so.

Cooperation and information sharing among States involved in a transfer are central elements of this provision, highlighting the reality that addressing the diversion of conventional arms is not something that States can achieve alone.

4. What are the reporting obligations under the Treaty?

4.1 Initial Reports

Under Article 13(1) of the ATT, States Parties are required to provide an Initial Report to the ATT Secretariat that describes the measures the state has taken to implement the Treaty, ‘including national laws, national control lists and other regulations and administrative measures’. They are also required to report on any new measures undertaken to implement the Treaty when such measures are taken.

Each State Party is required to submit its Initial Report ‘within the first year after entry into force of this Treaty for that State Party’. Accordingly, the deadline for submission of a State Party’s Initial Report is twelve months after the date the Treaty enters into force for it².

A template has been developed to assist States Parties submit their Initial Reports and Initial Reports can be submitted to the ATT Secretariat online.

4.2 Annual Reports

Under Article 13(3) of the ATT, States Parties are required to submit a report on an annual basis that includes information ‘concerning authorized or actual exports and imports of conventional arms covered under Article 2(1)’ that were made during the preceding calendar year (01 January to 31 December).

² For a state that ratified, accepted, approved or acceded to the Treaty after 24 December 2014, the Treaty enters into force for that state ninety days following the date of deposit of its instrument of ratification, acceptance, approval or accession in accordance with Article 22. The deadline for submission of its Initial Report is twelve months after that date.
The deadline for the submission of Annual Reports to the ATT Secretariat is 31 May each year. For example, the deadline for the submission of 2018 Annual Reports covering exports and imports made between 01 January - 31 December 2018 is 31 May 2019.

A template has been developed to assist States Parties submit their Annual Reports and Annual Reports can be submitted to the ATT Secretariat online.

4.3 Reports on Diversion

Under Articles 11(6) and 13(2), States Parties are encouraged to report on measures taken to address the diversion of transferred arms. There is currently no formal mechanism for reporting on measures taken to address diversion (for example, there is no reporting template for such reports) and States Parties are welcome to submit reports on diversion in whatever format they choose, and to use the information exchange platform available on the ATT website to exchange information and share experiences on diversion.

5. What are the financial obligations under the Treaty?

5.1 States Parties

States Parties pay assessed contributions that cover the following two aspects:

1. Contributions for the CSP and any subsidiary bodies it may establish: All States Parties, irrespective of attendance at meetings and Conferences of States Parties, are assessed a contribution towards each Conference, or any subsidiary bodies it may establish, including towards the cost of preparing and holding the Conference, or subsidiary body meeting as applicable (see Rule 5.1 of the ATT Financial Rules).

2. Contributions for the Secretariat: Each calendar year, States Parties are charged an assessed contribution for the ATT Secretariat’s costs in undertaking its core tasks, comprising: staff salaries, equipment, office overheads, financial administration, human resources administration, insurance, communications and IT, and any other items essential for the functioning of the Secretariat as decided by the Conference (see Rule 6.3 of the ATT Financial Rules).

5.2 Signatory States and Observer States

Signatory States and other observer States in attendance at each Conference of States Parties, or any subsidiary bodies it may establish, are levied an attendance fee towards the cost of preparing and holding the Conference, or subsidiary body meeting as applicable.

Invoices issued for the estimated Conference costs shall be calculated on the assumption that all signatory States, and other observer States that attended the Conference in the preceding year will attend the following Conference.

6. Assistance and support for ATT implementation

6.1 ATT Secretariat

6.1.1 What is the role of the ATT Secretariat?

The ATT Secretariat was established in accordance with Article 18 of the Treaty to support and assist States Parties in the effective implementation of the ATT.

The ATT Secretariat manages the reporting process under the Treaty; maintains a database of national points of contact; facilitates the matching of offers of and requests for assistance for Treaty implementation; facilitates the work of the Conference of States Parties; and performs other duties as decided by the Conferences of States Parties. Facilitating the work of the Conference of States Parties includes supporting the work of the CSP President, Vice Presidents, Management Committee, and the Co-chairs of the Working Groups established by the Conference of States Parties, during the preparatory phase leading up to each CSP.
In addition to its traditional responsibilities contemplated in Article 18(3) of the Treaty, the ATT Secretariat also administers the Voluntary Trust Fund, with the support of the VTF Selection Committee (see sections 2.3.2.3 AND 6.2.1) as well as the ATT sponsorship programme.

6.1.2 How to contact the ATT Secretariat

Address: 7bis avenue de la Paix, WMO Building, 2nd floor, 1211 Geneva
Phone: +41 (0)22 715 04 20
Email: info@thearmstradetreaty.org
Web: www.thearmstradetreaty.org

6.2 What financial assistance is available?

6.2.1 Voluntary Trust Fund

Article 16(3) of the Arms Trade Treaty (ATT) provides for the establishment of a Voluntary Trust Fund (VTF) to support national implementation of the Treaty and encourages all States Parties to contribute resources to the Fund.

The VTF was formally established in August 2016 by the Second Conference of States Parties to operate under its approved Terms of Reference. The VTF disburses funds to ATT implementation projects according to the provisions of its Terms of Reference and Administrative Rules.

The VTF is administered by the ATT Secretariat with support from the VTF Selection Committee (see section 2.3.2.3). A call for proposals is issued annually inviting States to apply for grants of up to USD 100,000 for ATT implementation projects; only States can apply for funds.

For more information, visit: https://www.thearmstradetreaty.org/voluntary.html

6.2.2 Sponsorship programme

The ATT Secretariat administers a sponsorship programme that facilitates the participation of States in ATT meetings. The primary objective of the ATT sponsorship programme is to maximize the scale and diversity of participation in ATT meetings to ensure representative and participatory discourse during the meetings and, ultimately, contribute to strengthening implementation and universalization of the Treaty. The ATT Secretariat invites applications for sponsorship in advance of each ATT meeting where sponsorship funds are available by circulating a call for applications to all persons on the ATT mailing list and by posting the information on the ATT website.

6.2.3 UNSCAR

The United Nations Trust Facility Supporting Cooperation on Arms Regulation (UNSCAR) is a flexible multi-donor, United Nations-managed fund supporting arms regulations, which supports the ratification/accession and implementation of relevant international instruments on arms regulations, including the ATT.

UNSCAR issues an annual call for proposals and is open to applications from UN partners, international/regional organizations, NGOs, research institutes. Governments wishing to receive assistance should work with an eligible applicant.

For more information, visit: https://www.un.org/disarmament/unscar/

6.2.4 EU ATT Outreach Project

The European Union has established a project and committed funds to support implementation of the ATT known as the ‘EU ATT Outreach Project’. The Project entails different components:

- Tailored national assistance programmes that can provide a long-term partnership to address multiple national implementation priorities through tailored assistance activities.
- Ad hoc activities to allow a flexible and quick response to individual requests for support.
- Regional seminars that provide a platform to share best practice models, involve civil society actors and foster regional cooperation.

Assistance is provided upon request by States made directly to the Project. More information is available here: [https://export-control.jrc.ec.europa.eu/projects/Arms-Trade-Treaty](https://export-control.jrc.ec.europa.eu/projects/Arms-Trade-Treaty)

6.2.5 Bi-lateral assistance

Many donor countries offer financial and technical assistance for ATT implementation on a bi-lateral basis. States interested in receiving such assistance should contact donor countries directly.

6.3 What technical assistance is available?

States may seek assistance from existing States Parties to the Treaty with respect to technical aspects of Treaty implementation. There are also many international organisations, regional organisations, UN agencies, civil society organizations and think tanks that are engaged on ATT implementation and can offer assistance on a range of technical aspects of ATT implementation. The ATT Secretariat can offer advice on who and how to approach such actors.

In addition, numerous practical guides, research papers and other tools have been developed by the ATT Working Groups as well as international organisations, civil society organizations and think tanks that offer technical advice and guidance on how to implement the Treaty.

[Backcover]

Further information on Treaty implementation including resources, tools and guidelines are available on the ATT website ([https://www.thearmstradetreaty.org/](https://www.thearmstradetreaty.org/)) or can be obtained from the ATT Secretariat ([info@thearmstradetreaty.org](mailto:info@thearmstradetreaty.org)).

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