
SUB-WORKING GROUP ON ARTICLE 5 (GENERAL IMPLEMENTATION) – WORK PLAN

At the WGETI March meeting, the sub-group focused its attention on three key elements of ATT article 5, namely national authorities, national control lists, and national legislation. Discussions were productive. They highlighted a number of key considerations regarding article 5 implementation, identified a number of questions and issues that would require further attention, and recommended a number of concrete resources that may be worth developing to support implementation efforts.

The content of discussions at the sub-group first meeting is reflected in the report thereof circulated on 22 March. The report also included considerations on steps going forward and matters to be addressed at the second meeting of the sub-working group. Comments on these considerations were broadly supportive of the proposed orientation.

The second meeting of the sub-working group will therefore be guided by the next steps put forward in the 22 March report. The meeting will seek to address some specific issues in greater detail. It will also seek to take possible concrete products forward. In view of the time available, the meeting will focus on a number of specific issues and will not be in a position to address exhaustively all consideration made in relation with article 5.

The sub-group will focus on the following issues at the May meeting:

1. National control lists

At its first meeting, the sub-group noted the potential utility of control lists developed by multilateral export control regimes and regional organizations for States that do not currently have a national control lists. Particular reference was made to the Wassenaar Arrangement Munitions List and the EU Common Military List, while acknowledging that not all the items included in these lists are of relevance to all ATT States Parties. It was also noted that for small States with no or very limited transfer profile and with limited capacity to implement the ATT, simpler list could prove pertinent. For instance, the New Zealand Government made reference during the March 2018 meeting to the development for small States of a control list for items required to be controlled under the ATT.

The discussion will seek to address the following points in particular:

- Develop a better understanding of control lists developed by multilateral export control regimes and regional organizations and how they function,
- Discuss how such lists can be useful for States that do not currently have a national control list,
- Discuss options for a national control list for States that have very limited engagement with the international arms trade.

2. Article 5 implementation by States not falling in the category of traditional arms exporting States

The first meeting of the sub-group provided the opportunity to address article 5 implementation from three different angles (national authorities, national control lists, national legislation). Exchanges indicated that if most States falling in the category of traditional arms exporting States had well-established national control systems in place, while other States faced specific challenges in determining the key elements for their national control system. It was also recommended that the sub-working group pay greater attention to the challenges faced by these states, taking into account that no one size fits all when it comes to national control systems.

The second meeting will seek to hear more about the challenges faced by States that are seeking to establish, develop, or strengthen a national control system in a state that is not a traditional arms exporting State. In taking this discussion forward, participants may want to consider the following elements in particular:

- How can States that have limited engagement with the international arms trade and experience of maintaining a robust transfer control system, as well as limited resources, fulfil the requirements of ATT article 5?
- How can guidance be provided to these States? Should different types of guidance be developed depending on the types of challenges the state faces?

3. Welcome pack and basic guide to establishing a national control system

The potential value of a welcome kit for States joining the ATT was underlined at the first meeting of the sub-group. The welcome kit should provide guidance to new States Parties with regard to the key steps that need be taken to effectively implement the treaty and possible options for doing so. The value of a guiding document regarding the establishment of a national control system was also highlighted.

You will find herewith a discussion paper (Annex A) that seeks to identify the potential key elements to be included in such documents. Participants are invited to provide their views on the discussion paper. In doing so, they may want to, among other things, address the following questions:

- How detailed and extensive should such documents be?
- Should we develop two different set of documents, or should the guide on national control system be a sub-item of the welcome kit?
- Should such documents be of a general nature or be developed to address specifically the need of some categories of States (States with limited capacities, States concerned primarily by transit, transshipment, ...), taking into account that *no one size fits all*?
- Can we build up on existing documentation and efforts to develop these products, for instance the UNODA ATT implementation toolkit or ATT assistance and capacity building projects, including in the VTF context?
- In view of the efforts and resources required to develop such documents, what are the possible options that can be considered?

4. List of possible reference documents for article 5 implementation

The first meeting of the sub-group underlined that drawing up a list of key reference sources and documents to support effective implementation of article 5 could be of use for many States Parties. You will find herewith a draft list of possible reference documents (Annex B) regarding article 5, for consideration and discussion. **Comments on possible omissions in the list ahead of the 29-30 May are welcome** with a view of issuing an updated list shortly before or at the meeting.

In addressing and commenting on the reference list of documents, participants may notably want to take into account the following elements in their consideration:

- What criteria should be applied so that the list remain streamlined and purposeful?
- Are key references missing? If yes, which ones?
- Is the proposed structure of the list sound and useful for States Parties or should it be further broken down along sub-issues of article 5?
- How could and should such a reference list best be made available and promoted? Should it appear on the ATT website or be promoted and circulated in other ways?

5. Conclusions and recommendations

Before concluding its work, the sub-group will need to discuss possible conclusions and recommendations resulting from its work. These will draw upon discussions at both the first and second meetings of the sub-group. In particular, points 3 and 4 above should form the basis for recommendations of a concrete nature. In considering possible conclusions and recommendations from the sub-group, participants may want also want to:

- indicate from their standpoint what are the key take-aways from the work of the sub-group?
- Indicate how article 5 implementation should be taken forward after CSP4 in the context of the WGETI?
- discuss whether projects related to article 5 should constitute a priority for the VTF?

These initial conclusions and recommendations from the sub-group will be transmitted to the Chair of the WGETI for further consolidation.

ANNEX A

PROPOSAL REGARDING TOOLS TO BE DEVELOPED FOR CSP5

Introduction

1. One of the Possible Recommendations for further work arising out of the discussions that took place during the meeting on 07 March 2018 of the Sub-working Group of the Working Group on Effective Treaty Implementation (WGETI) focusing on Article 5 was to consider developing:
 - a. A basic guide to establishing a national control system including elements to consider; and
 - b. A ‘welcome pack’ for new States Parties to help them begin the process of assessing what they need to do to implement the Treaty using the questions posed by the Facilitator as a basis.
2. Appendix A and B contain a list of possible elements for each of these tools that could be used as the basis or framework for the Sub-working Group to develop those tools for CSP5.
3. The Facilitator proposes that these elements be discussed and further developed during the 2nd Meeting of the Sub-working Group on 30 May 2018 with a view to including them in a recommendation to CSP4 to mandate the Sub-working Group to develop comprehensive versions of the tools described for consideration and possible adoption at CSP5.

APPENDIX A. Elements of a basic guide to establishing a national control system

1. What is a national control system?
2. Why is a national control system necessary?
3. What are the elements of a national control system?
 - a. Legal framework
 - i. Laws, regulations and administrative procedures
 - ii. National Control List
 - b. Institutions
 - i. Competent national authorities
 1. What is the role of the competent national authority?
 2. Which ministries and agencies should be included?
 - ii. National points of contact
 1. What is the role of the national point(s) of contact?
 2. What resources are available to guide the work of the national point(s) of contact?
 - c. Procedures
 - i. Authorization process
 - ii. Risk assessment
 - iii. Decision-making
 - d. Documentation
 - i. Types of licences/permits
 - ii. End use(r) documentation
 - iii. Record-keeping
 1. What records need to be kept?
 2. How may records be stored?
 3. How long should records be stored?
 4. Who is responsible for keeping records?
 5. What is the role of record-keeping in reporting?
 - e. Training and capacity building
 - f. Enforcement
 - i. Laws, regulations and administrative procedures
 - ii. Institutions
 - iii. Procedures
 - iv. International assistance

APPENDIX B. Elements of a ‘welcome pack’ for new States Parties

1. Introduction

- a. What is the ATT?
- b. Adoption and entry into force
- c. How many States have joined the ATT?
- d. What is the scope of the ATT?

2. ATT benefits

- a. Why was the Treaty adopted?
- b. How will it help my State?

3. ATT process

- a. Conferences of States Parties
- b. Preparatory process
- c. ATT bodies
 - i. President and Vice Presidents
 - ii. Management Committee
 - iii. Working Groups
 - iv. VTF Selection Committee

4. ATT obligations

- a. What are the arms transfer control obligations under the Treaty?
- b. What are the reporting obligations under the Treaty?
- c. What are the financial obligations under the Treaty?

5. Assistance and support for ATT implementation

- a. What is the role of the ATT Secretariat?
- b. What financial assistance is available?
 - i. Voluntary Trust Fund
 - ii. UNSCAR
 - iii. EU ATT Outreach Project
 - iv. Bi-lateral assistance
 - v. Other
- c. What technical assistance is available?

6. Other resources

ANNEX B

LIST OF POSSIBLE REFERENCE DOCUMENT TO SUPPORT IMPLEMENTATION OF ARTICLE 5

A. General references pertinent for article 5

ATT

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

UN agencies

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

Non-governmental

- Casey-Maslen, Stuart, Andrew Clapham, Gilles Giacca, and Sarah Parker. 2016. The Arms Trade Treaty: A Commentary. Oxford: Oxford University Press.
- Da Silva, Clare and Brian Wood (eds.). 2015. Weapons and International Law: The Arms Trade Treaty. Brussels: Larcier.
- GCSP (Geneva Centre for Security Policy). 2017. The 'Treaty Implementation Matrix': A Tool for Effective ATT Implementation. Working Paper by Geneva Centre for Security Policy (GCSP), 3 February 2017, http://thearmstradetreaty.org/images/CSP3_Documents/GCSP_Working_Paper_Implementation_Matrix.pdf
- Parker, Sarah (ed.). 2016. The Arms Trade Treaty: A Practical Guide to National Implementation. Geneva: Small Arms Survey, August 2016. <http://www.smallarmssurvey.org/publications/by-type/handbooks/att-handbook.html>

- Saferworld. 2016. Ensuring effective implementation of the Arms Trade Treaty: a National Assessment Methodology. London: Saferworld, August 2016. <https://www.saferworld.org.uk/resources/publications/1085-ensuring-effective-implementation-of-the-arms-trade-treaty-a-national-assessment-methodology>
- Saferworld. 2016. *Implementing the ATT: Essential elements of an effective arms transfer control system*. Expert Group on ATT Implementation Briefing No. 5. London: Saferworld, November, July 2016. <https://www.saferworld.org.uk/resources/publications/1081-implementing-the-att-essential-elements-of-an-effective-arms-transfer-control-system>
- Spano, Laura and Philip Alpers. 2017. *Implementing the Arms Trade Treaty and the UNPoA. A Guide to Coordinating an Effective Arms Control System*. Sydney, Australia: The Centre for Armed Violence Reduction, October 2017. <http://www.armedviolencereduction.org/wp-content/uploads/2017/10/Implementing-the-Arms-Trade-Treaty-and-the-UNPoA-A-Guide.pdf>
- IPIS (International Peace Information Service). Arms Trade Treaty E-Learning Modules. Access via: <http://ipisresearch.be/e-learning/>

B. National control lists

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

Government

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

ATT

- ATT website – link to national control lists provided by States Parties in Initial Reports [upcoming]

UN agencies

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

Regional and other multilateral organizations/mechanism

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

[content/uploads/2017/12/2017_List_of_DU_Goods_and_Technologies_and_Munitions_List-1.pdf](#)

C. References regarding national authorities

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

UN agencies

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

D. References regarding national legislation

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

Non-governmental

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

E. Other references
