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A walk through the ATT

Um passeio pelo TCA

A brief analysis of the text of the
Treaty

Análise breve do texto do tratado

Goals

- Set the highest common international standards for improving or regulating the global arms trade
 - Prevent illicit trade and diversion
 - To contribute to int'l peace & security
 - To reduce human suffering
 - To promote transparency, accountability, responsibility and confidence building
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Define robust

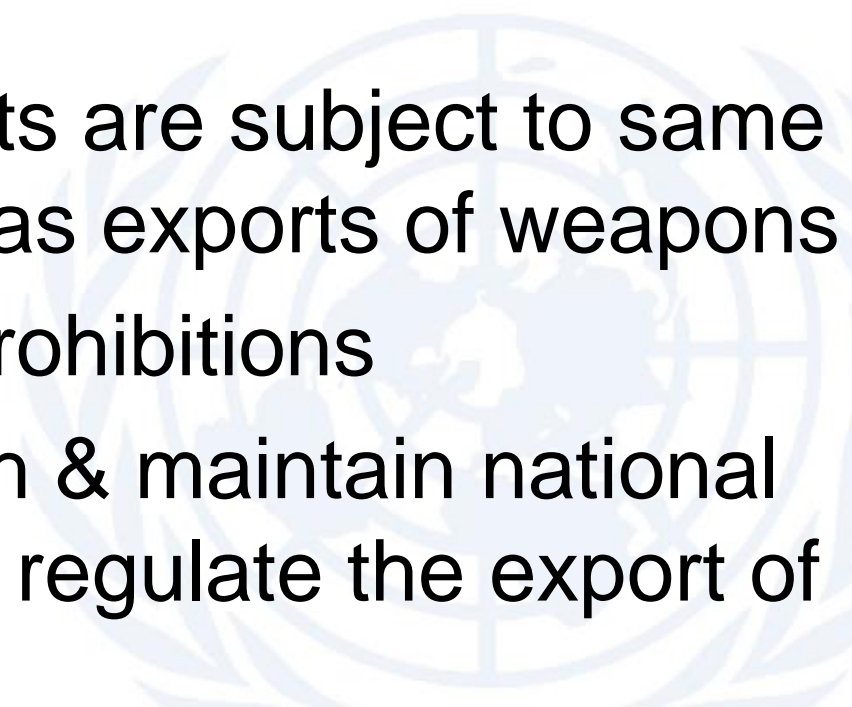
- Covers a comprehensive array of weapons, including SALW
- Includes ammunition
- Includes criteria on international humanitarian law (IHL) & Int'l human rights law (IHR)
(But does not include criteria re. development)




Scope

- Includes all categories of the Register
 - Includes small arms and light weapons
 - Defines the following activities as transfers:
 - Import and export
 - Transit
 - Trans-shipment
 - Brokering
 - Ammunition not included in Article 2 on scope
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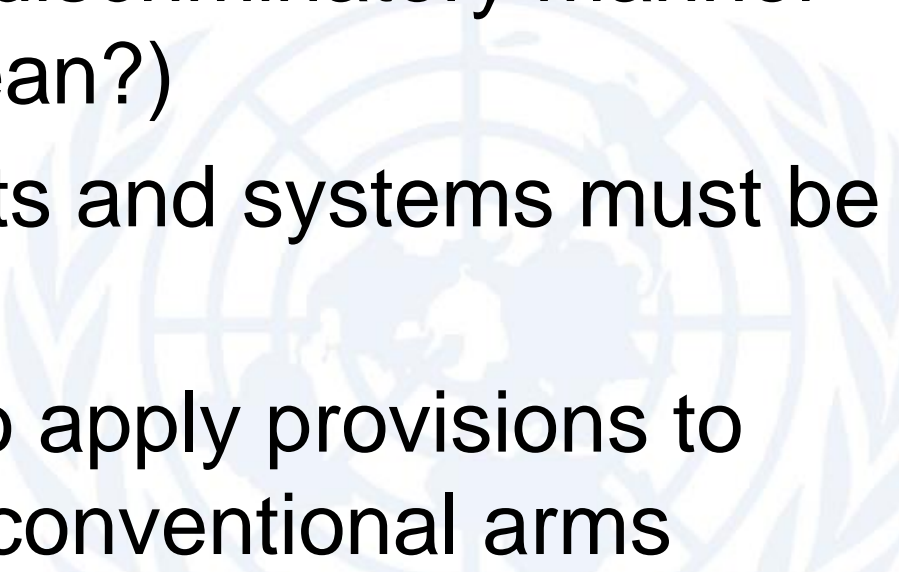
Ammunition

- Covered under a separate, dedicated article
 - Ammunition exports are subject to same assessing criteria as exports of weapons
 - Subject to same prohibitions
 - SPs must establish & maintain national control systems to regulate the export of ammunition
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Parts & Components

- Only those that are in a form that provides the capability to assemble the arms covered in scope
 - Treated in same way as ammunition:
 - Prohibitions apply
 - Assessment criteria apply
 - Like ammunition, national control systems must be established & maintained
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General Implementation

- ATT shall be implemented in a consistent, objective and non-discriminatory manner (what does this mean?)
 - National control lists and systems must be established
 - SPs encouraged to apply provisions to broadest range of conventional arms
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Prohibitions

Do not export if:


- Transfer violates SC arms embargoes
- Exporting SP has knowledge that the arms or items would be used in the commission of:
 - Genocide
 - Crimes against humanity
 - Grave breaches of the Geneva Conventions of 1949
 - Attacks directed against civilian objects or civilians (as protected in above Conventions)
 - War crimes

Criteria

Exporting SP denies export of weapons, ammo or P&C if it determines that there is an overriding risk that items be used to:

- Commit or facilitate serious violations of IHL or IHR
- Commit or facilitate terrorism offenses
- Violations of conventions & protocols on transnational organized crime

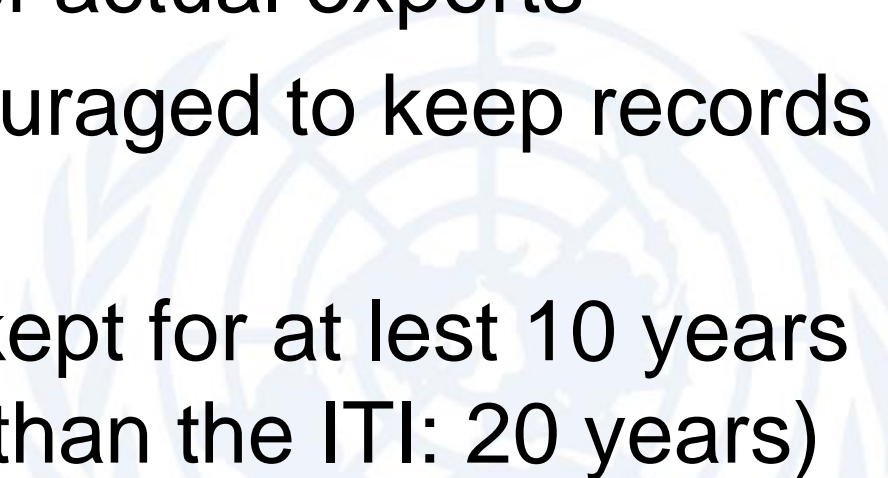
Criteria (continued)

- Exporting SP shall take into account risk of arms or ammo be used to:
 - Commit or facilitate serious acts of GBV or
 - Violence against women or children
 - Mitigating measures can be agreed between exporting and importing parties
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Other activities covered

- **Transit & trans-shipment:** shall be regulated where necessary and feasible
- **Brokering:** SPs shall take measures to regulate brokering (this is an important achievement)
- **SPs** shall take measures and cooperate w/ one another to prevent diversion (has implications for stockpile mgt)

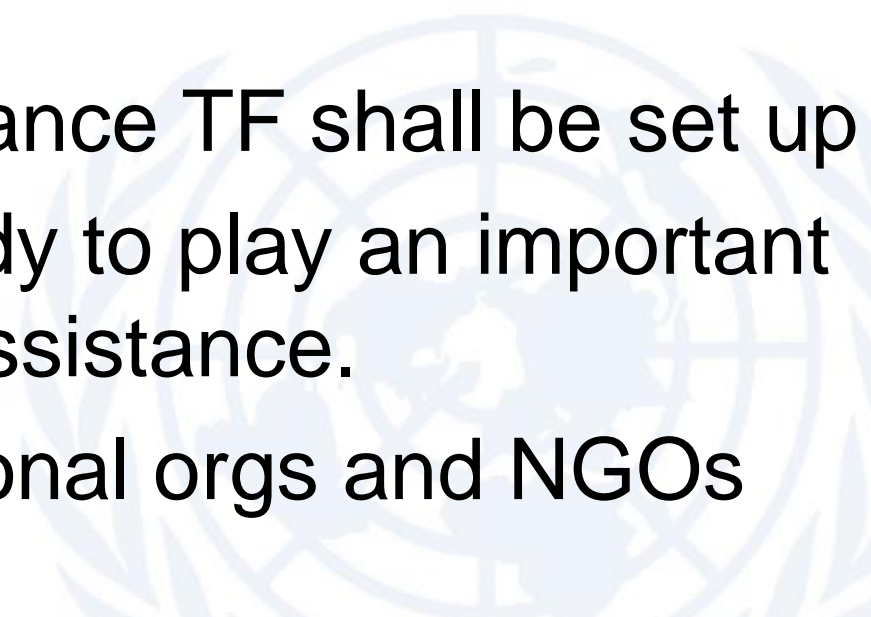
Record-keeping

- SPs shall maintain records of export authorizations or of actual exports
 - SPs are only encouraged to keep records of imports
 - Records shall be kept for at least 10 years (a lower standard than the ITI: 20 years)
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Reporting

- SP shall submit an initial report on measures to implement the ATT
- Annually (by 31 May) SPs shall provide reports on exports and imports
- Reports on measures to prevent diversion are encouraged
- ATT leaves open to interpretation whether or not reports can be made public
- No reporting on ammunition transfers

Int'l coop & assistance

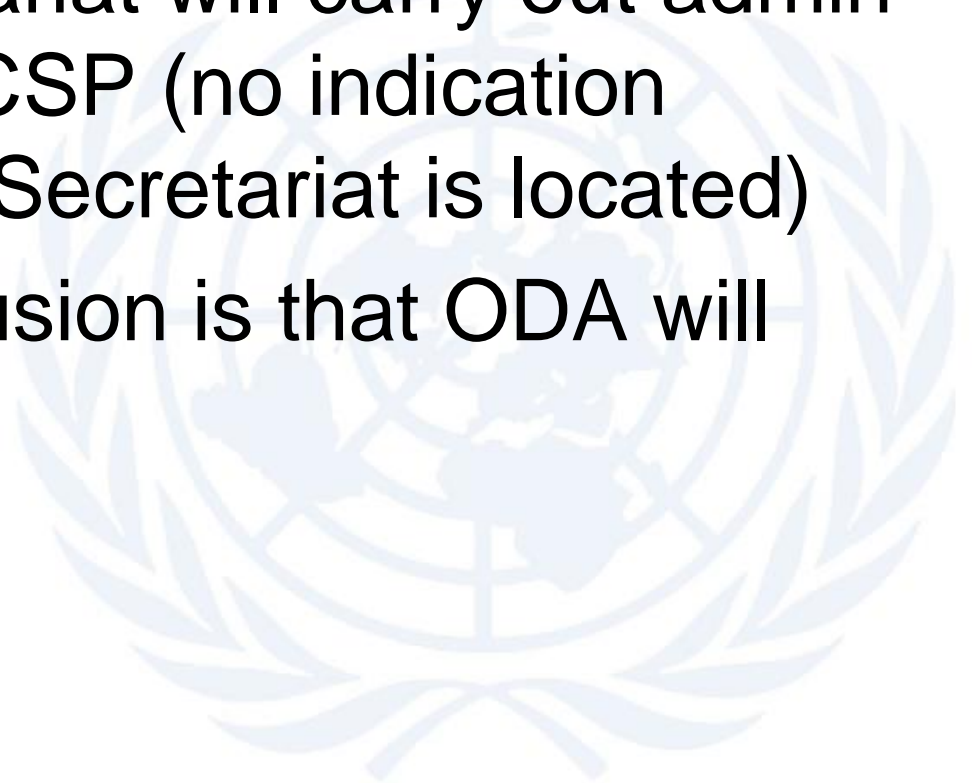
- Treaty has provisions on int'l coop & assistance
 - A voluntary assistance TF shall be set up
 - UN should be ready to play an important role in providing assistance.
 - Regional/subregional orgs and NGOs may also assist
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Conference of SPs (CSP)

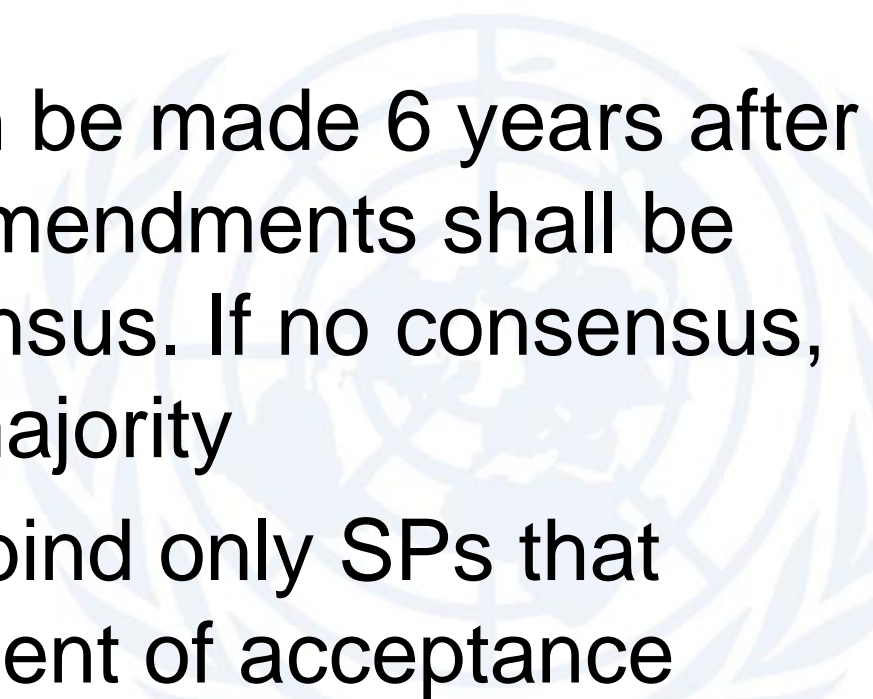
- 1st CSP shall be convened 1 year after entry into force
 - Calendar of subsequent conferences to be set by the CSP itself
 - Rules of procedure of the CSP to be agreed by consensus
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Secretariat


- ATT establishes a Secretariat
- Provisional secretariat will carry out admin functions until 1st CSP (no indication where provisional Secretariat is located)
- Only logical conclusion is that ODA will fulfill this role




Final provisions

- **Dispute settlement** requires mutual consent
 - **Amendments** can be made 6 years after entry into force. Amendments shall be adopted by consensus. If no consensus, then a 3-quarter majority
 - Amendments will bind only SPs that deposit an instrument of acceptance
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Final provisions (continued)

- **Provisional application:** Any State may declare that it will apply provisionally Articles on prohibitions and export assessment pending entry into force
 - **Reservations** are allowed
 - **Entry into force:** 90 days after 50th ratification
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Significance for the UN

- A more stable and secure environment for UN operations; increased safety for UN staff
 - Fewer irresponsible transfers; better stockpile management
 - Potential benefits for work of SC sanctions committees and the Panel of Experts
 - Less human rights abuse; safer humanitarian assistance
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Significance for the UN

- Adds to efforts to protect children in situations of armed violence and conflict
 - Adds to efforts to prevent GBV or violence against women
 - Potential benefits for work on Counter-terrorism
 - Complements PoA, ITI and Firearms Protocol
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