

# **International Conference on Terrorism and Organized Crime**

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## **Overview of the Arms Trade Treaty – Regulation of weapons transfers and prevention of diversion**

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# Arms Trade Treaty (ATT)

## Chronology

1997 Óscar Sánchez, et al. International Code of Conduct on Arms Transfers

2006 GA resolution – seek States' views

2008 Group of Governmental Experts

2009 Open-ended Working Group

2010-11 Preparatory Committee

2012 International Conference on the ATT

## 2013

March Final Conference on the ATT

April 2 Adoption by GA

June 3 Open for signature



# Chronology (cont'd)

## 2014

April 2 Joint deposit (18 States) = 1 year anniversary - GA adoption

June 3 Joint deposit (8 States) = 1 year anniversary -Open for signature

Sep. 25 Joint deposit (8 States)



Reach 50<sup>th</sup> ratification

Entry-into-force

24 December 2014



# Categories of weapons (Art. 2-1)

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ATT Categories		Minimum definition
a	Battle tanks	UN Register of Conventional Arms
b	Armoured combat vehicles	UN Register of Conventional Arms
c	Large-calibre artillery systems	UN Register of Conventional Arms
d	Combat aircraft	UN Register of Conventional Arms
e	Attack helicopters	UN Register of Conventional Arms
f	Warships	UN Register of Conventional Arms
g	Missiles and missile launchers <sup>d</sup>	UN Register of Conventional Arms
h	Small arms and light weapons	Relevant UN instruments (ITI, Firearms Protocol)

# Categories of weapons (Art. 2-1, h)

## ITI Art.4

“...any manportable lethal weapon that expels or launches, is designed to expel or launch, or may be readily converted to expel or launch a shot, bullet or projectile by the action of an explosive, ...”

:



## Firearms Protocol

“...any portable barrelled weapon that expels, is designed to expel or may be readily converted to expel a shot, bullet or projectile by the action of an explosive...”



# Small arms and light weapons

## (h). Small arms and light weapons

### SMALL ARMS

1. Revolvers and self-loading pistols
2. Rifles and carbines
3. Sub-machine guns
4. Assault rifles
5. Light machine guns
6. Others



### LIGHT WEAPONS

1. Heavy machine guns
2. Hand-held under-barrel and mounted grenade launchers
3. Portable anti-tank guns
4. Recoilless rifles
5. Portable anti-tank missile launchers and rocket systems
6. Mortars of calibres less than 75 mm
7. Others



# Ammunition / Munitions (Art. 3)

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**ATT Art. 3** “...ammunition/munitions fired, launched or delivered by the conventional arms covered under Article 2 (1), (h)....”

**Firearms Protocol Art. 3 (c)** “...the complete round or its components, including cartridge cases, primers, propellant powder, bullets or projectiles, that are used in a firearm, ...

## **IATG:**

Ammunition: “...a complete device, (e.g. missile, shell, mine, demolition store etc.) charged with explosives, propellants, pyrotechnics, initiating composition or nuclear, biological or chemical material for use in connection with offence, or defence, or training, or non-operational purposes, including those parts of weapons systems containing explosives.”

Munition: “...a complete device charged with explosives, propellants, pyrotechnics, initiating composition, or nuclear, biological or chemical material for use in military operations, including demolitions.”

# Parts and Components (Art. 4)

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**ATT Art. 4** “...parts and components where the export is in a form that provides the capability to assemble the conventional arms covered under Article 2 (1) ....”

**Firearms Protocol Art. 3 (b)** “...any element or replacement element specifically designed for a firearm and essential to its operation, including a barrel, frame or receiver, slide or cylinder, bolt or breech block, and any device designed or adapted to diminish the sound caused by firing a firearm.”, ...





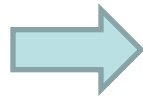
# Scope and coverage

	<i>Conventional weapons (8 categories)</i>	<i>Ammunition and munitions</i>	<i>Parts and components</i>
Export control	YES	YES	YES
Import control	YES	NO	NO
Transit control	YES	NO	NO
Brokering	YES	NO	NO
Diversion	YES	NO	NO
Record-keeping	YES	NO	NO
Reporting	YES	NO	NO

# ATT Article 6: Prohibitions

**A State Party shall not authorize any transfer of conventional arms if:**

1. it violate arms embargoes.
2. it violate international agreements, in particular those relating to the transfer of, or illicit trafficking in, conventional arms.



UN Convention against transnational organized crime (including Firearms Protocol)

3. it has knowledge at the time of authorization that they 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 protected as such, or other war crimes.

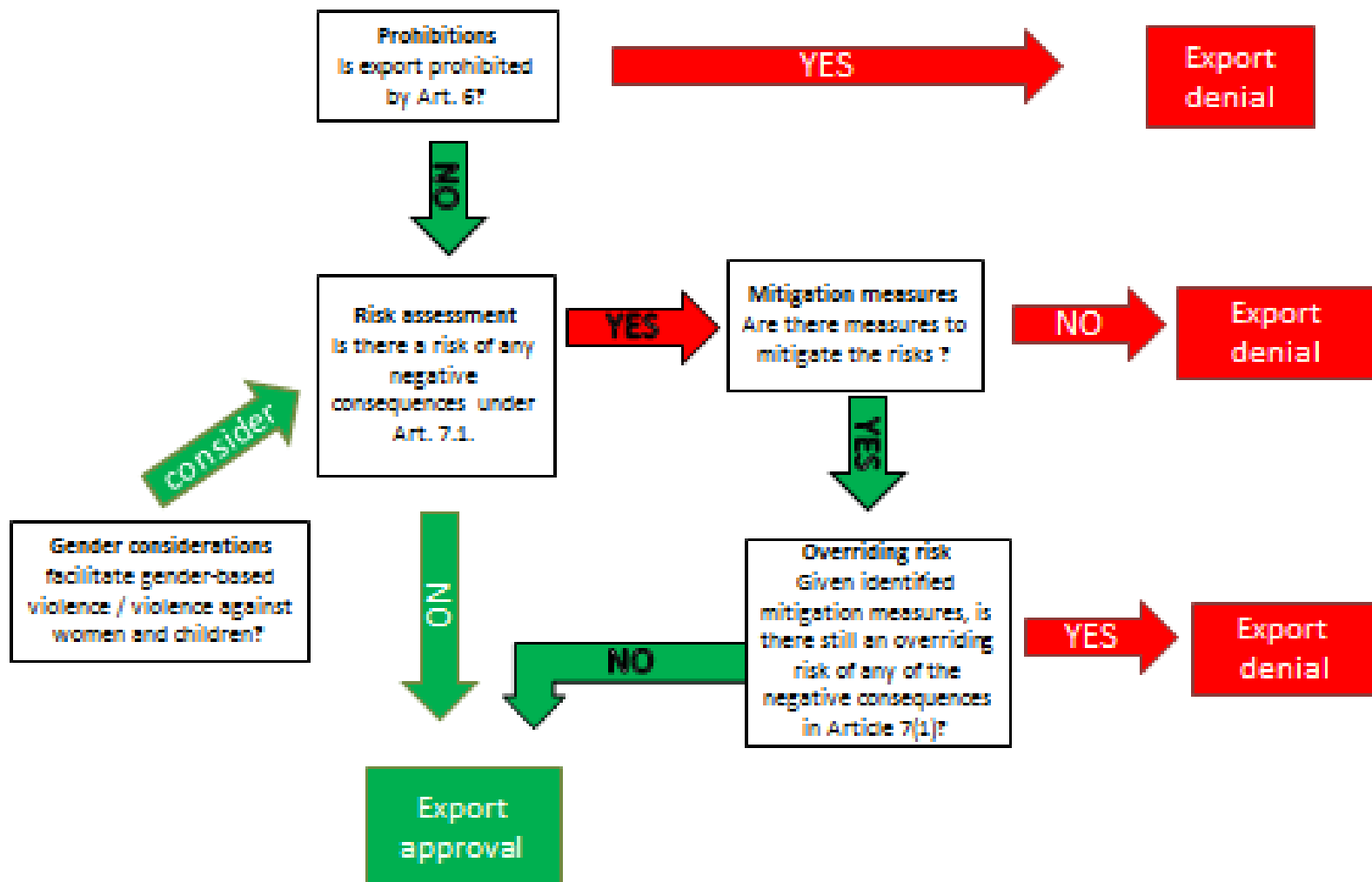
## ATT Article 7: Export assessment

(a) would contribute to or undermine peace and security;

(b) could be used to:

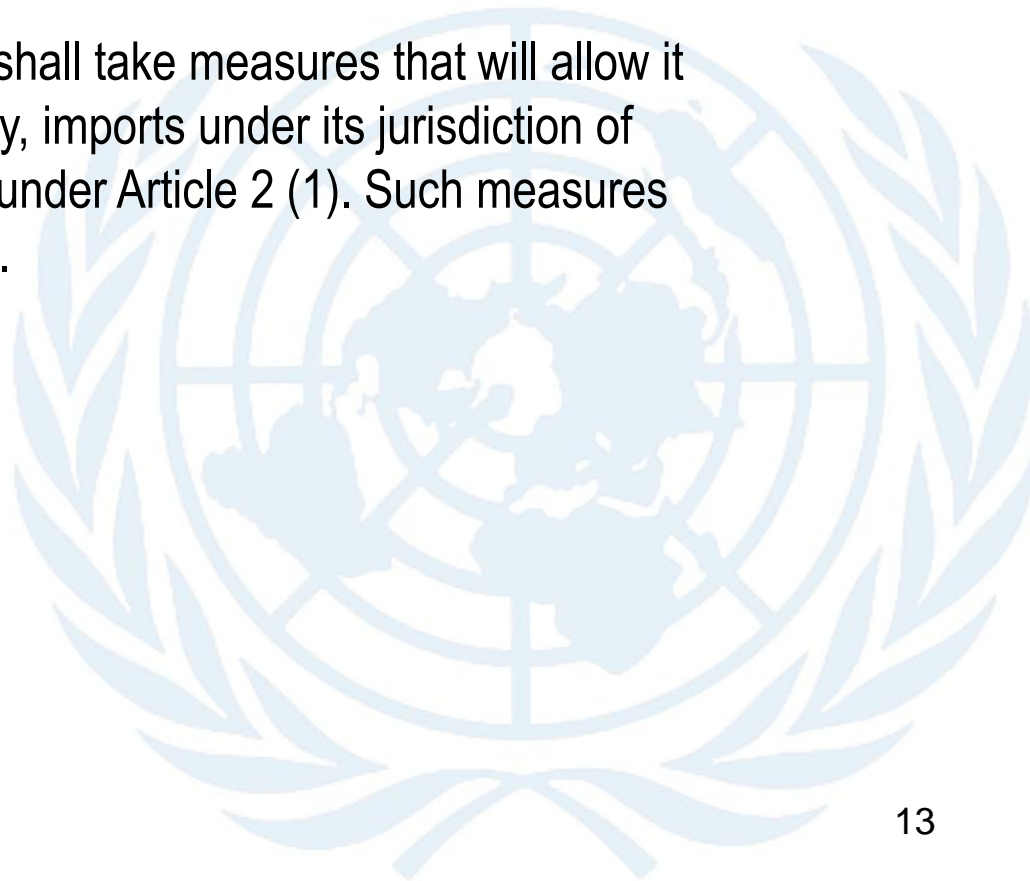
- (i) commit or facilitate a serious violation of international humanitarian law;
- (ii) commit or facilitate a serious violation of international human rights law;
- (iii) commit or facilitate an offence under international conventions relating to;
- (iv) commit or facilitate an offence under international conventions relating to transnational organized crime.

# ATT Article 7: Export assessment process



## Import (Art. 8)

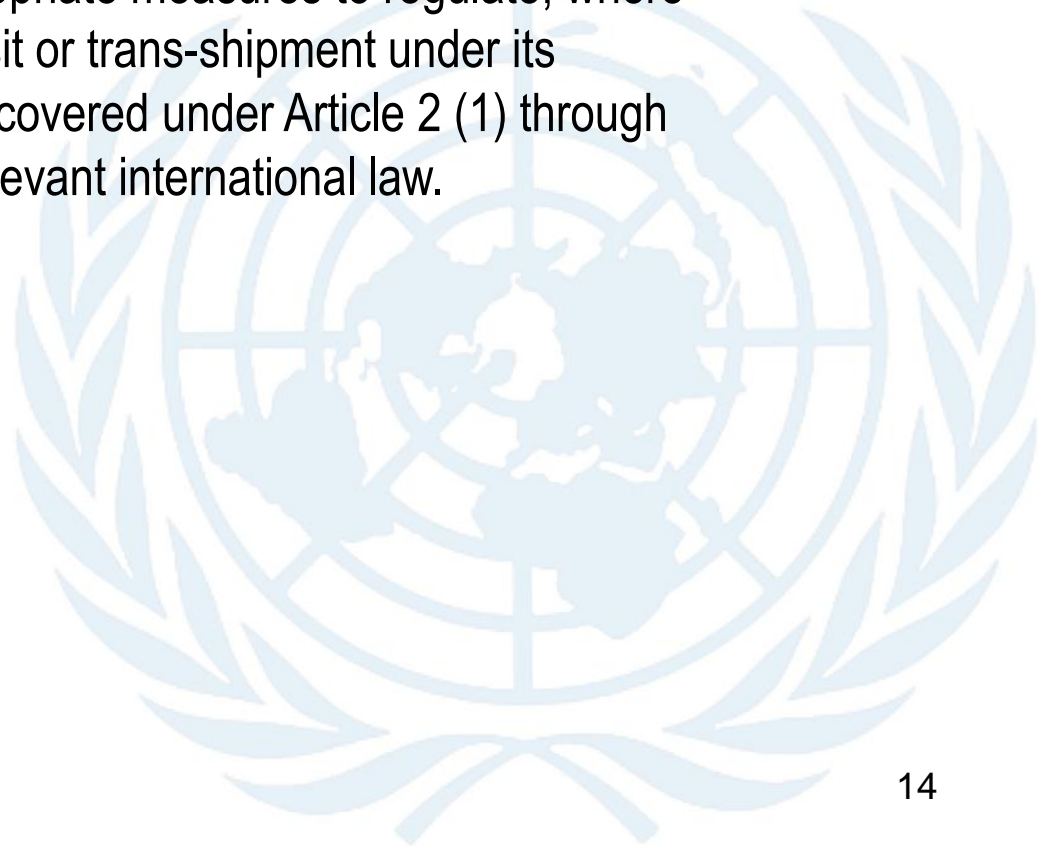
- (2). Each importing State Party shall take measures that will allow it to regulate, where necessary, imports under its jurisdiction of conventional arms covered under Article 2 (1). Such measures may include import systems.





## **Transit or trans-shipment (Art. 9)**

Each State Party shall take appropriate measures to regulate, where necessary and feasible, the transit or trans-shipment under its jurisdiction of conventional arms covered under Article 2 (1) through its territory in accordance with relevant international law.



# Prevention of diversion (Exporter)



- include the risk of diversion in its export assessment;
- establish mitigation measures, e.g. capacity building in physical security and stockpile management;
- scrutinize parties involved in the export;
- require additional documentation, certificates, and assurances;
- Post-delivery or post-shipment verifications.

# Prevention of diversion (Transit State)

Export State



Transit State



Import State



- Establish a system to regulate transit/transshipment;
- issue transit/transshipment authorization;

# Prevention of diversion (Importer)

Export State



Transit State



Import State



- commit to no re-export, control re-export;
- improve and strengthen physical security and stockpile management;
- request international assistance in capacity-building if needed;
- commit to end-use certification

## Prevention of diversion (Art. 11)

4. If a State Party detects a diversion of transferred conventional arms ....the State Party shall take appropriate measures, ..... Such measures may include:

*alerting potentially affected States Parties,  
examining diverted shipments ...,  
investigation and law enforcement.*

5. States Parties are encouraged to share relevant information on ...effective measures to address diversion. Such information may include

*illicit activities including corruption,  
international trafficking routes,  
illicit brokers,  
sources of illicit supply,  
methods of concealment,  
common points of dispatch,  
destinations used by organized groups engaged in diversion.*



# **UN Office for Disarmament Affairs**

**[www.un.org/disarmament/ATT/](http://www.un.org/disarmament/ATT/)**

## **UNSCAR**

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