Preamble

The States Parties to this Treaty,


2. Recalling that the Charter of the United Nations promotes the establishment and maintenance of international peace and security with the least diversion for armaments of the world's human and economic resources;

3. Reaffirming the obligation of all State Parties to settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered, in accordance with the Charter of the United Nations;

4. Underlining the need to prevent, combat and eradicate the illicit trade of conventional arms and to prevent their diversion to illegal and unauthorized end use, such as terrorism and organized crime;

5. Recognizing the legitimate political, security, economic and commercial rights and interests of States in the international trade of conventional arms;

6. Reaffirming the sovereign right and responsibility of any State to regulate and control transfers of conventional arms that take place exclusively within its territory pursuant to its own legal or constitutional systems;

7. Recognizing that development, human rights and peace and security, which are three pillars of the United Nations, are interlinked and mutually reinforcing;

8. Recalling the United Nations Disarmament Commission guidelines on international arms transfers adopted by the General Assembly;

9. Noting the contribution made by the 2001 UN Programme of Action to preventing, combating and eradicating the illicit trade in small arms and light weapons in all its aspects, as well as the 2001 Protocol against the illicit manufacturing of and trafficking in Firearms, their parts and components and ammunition, supplementing the United Nations Convention against Transnational Organized Crime;

10. Recognizing the security, social, economic and humanitarian consequences of the illicit trade in and unregulated trade of conventional arms;

11. Recognizing the challenges faced by victims of armed conflict and their need for adequate care, rehabilitation and social and economic inclusion;

12. Bearing in mind that women and children are particularly affected in situations of conflict and armed violence;

13. Emphasizing that nothing in this treaty prevents States from exercising their right to adopt additional more rigorous measures consistent with the purpose of this Treaty;

14. Recognizing the legitimate international trade and lawful private ownership and use of conventional arms exclusively for, inter alia, recreational, cultural, historical and sporting activities for States where such ownership and use are permitted or protected by law;

15. Recognizing the active role that non-governmental organizations and civil society can play in furthering the goals and objectives of this Treaty; and
16. Emphasizing that regulation of the international trade in conventional arms should not hamper international cooperation and legitimate trade in materiel, equipment and technology for peaceful purposes;

Have agreed as follows:

Principles

Guided by the Purposes and Principles of the Charter of the United Nations, States Parties, in promoting the goals and objectives of this Treaty and implementing its provisions, shall act in accordance with the following principles:

1. The inherent right of all States to individual or collective self-defense;
2. Settlement of international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered;
3. The rights and obligations of States under applicable international law, including international humanitarian law and international human rights law;
4. The responsibility of all States, in accordance with their respective international obligations, to effectively regulate and control international transfer of conventional arms as well as the primary responsibility of all States to in establishing and implementing their respective national export control systems; and
5. The necessity to implement this Treaty consistently and effectively and in a universal, objective and non-discriminatory manner.

Article 1
Goals and Objectives

Cognizant of the need to prevent and combat the diversion of conventional arms into the illicit market or to unauthorized end users through the improvement of regulation on the international trade in conventional arms,

The goals and objectives of the Treaty are:

- For States Parties to establish the highest possible common standards for regulating or improving regulation of the international trade in conventional arms;
- To prevent, combat and eradicate the illicit trade in conventional arms and their diversion to illegal and unauthorized end use;

in order to:

- Contribute to international and regional peace, security and stability;
- Avoid that the international trade in conventional arms contributes to human suffering;
- Promote cooperation, transparency and responsibility of States Parties in the trade in conventional arms, thus building confidence among States Parties;
Article 2
Scope

A. Covered Items

1. This Treaty shall apply to all conventional arms within the following categories:
   a. Battle Tanks
   b. Armoured combat vehicles
   c. Large-calibre Artillery systems
   d. Combat aircraft
   e. Attack helicopters
   f. Warships
   g. Missiles and missile launchers
   h. Small Arms and Light Weapons

2. Each State Party shall establish and maintain a national control system to regulate the export of munitions to the extent necessary to ensure that national controls on the export of the conventional arms covered by Paragraph A1 (a)-(h) are not circumvented by the export of munitions for those conventional arms.

3. Each State Party shall establish and maintain a national control system to regulate the export of parts and components to the extent necessary to ensure that national controls on the export of the conventional arms covered by Paragraph A1 are not circumvented by the export of parts and components of those items.

4. Each State Party shall establish or update, as appropriate, and maintain a national control list that shall include the items that fall within Paragraph 1 above, as defined on a national basis, based on relevant UN instruments at a minimum. Each State Party shall publish its control list to the extent permitted by national law.

B. Covered Activities

1. This Treaty shall apply to those activities of the international trade in conventional arms covered in paragraph A1 above, and set out in Articles 6-10, hereafter referred to as “transfer.”

2. This Treaty shall not apply to the international movement of conventional arms by a State Party or its agents for its armed forces or law enforcement authorities operating outside its national territories, provided they remain under the State Party’s ownership.
Article 3
Prohibited Transfers

1. A State Party shall not authorize any transfer of conventional arms within the scope of this Treaty if the transfer would violate any obligation under any measure adopted by the United Nations Security Council acting under Chapter VII of the Charter of the United Nations, in particular arms embargoes.

2. A State Party shall not authorize any transfer of conventional arms within the scope of this Treaty if the transfer would violate its relevant international obligations, under international agreements, to which it is a Party, in particular those relating to the international transfer of, or illicit trafficking in, conventional arms.

3. A State Party shall not authorize a transfer of conventional arms within the scope of this Treaty for the purpose of facilitating the commission of genocide, crimes against humanity, war crimes constituting grave breaches of the Geneva Conventions of 1949, or serious violations of Common Article 3 of the Geneva Conventions of 1949.

Article 4
National Assessment

1. Each State Party, in considering whether to authorize an export of conventional arms within the scope of this Treaty, shall, prior to authorization and through national control systems, make an assessment specific to the circumstances of the transfer based on the following criteria:

2. Whether the proposed export of conventional arms would:
   
a. be used to commit or facilitate serious violations of international humanitarian law;
   
b. be used to commit or facilitate serious violations of international human rights law;
   
c. contribute to peace and security;
   
d. be used to commit or facilitate an act constituting an offense under international conventions and protocols relating to terrorism or transnational organized crime, to which the transferring State is a Party;

3. In making the assessment, the transferring State Party shall apply the criteria set out in Paragraph 2 consistently and in an objective and non-discriminatory manner and in accordance with the principles set out in this Treaty, taking into account relevant factors, including information provided by the importing State.
4. In assessing the risk pursuant to Paragraph 2, the transferring State Party may also take into consideration the establishment of risk mitigation measures including confidence-building measures and jointly developed programs by the exporting and importing State.

5. If in the view of the authorizing State Party, this assessment, which would include any actions that may be taken in accordance with Paragraph 4, constitutes a substantial risk, the State Party shall not authorize the transfer.

Article 5
Additional Obligations

1. Each State Party, when authorizing an export, shall consider taking feasible measures, including joint actions with other States involved in the transfer, to avoid the transferred arms:
   a. being diverted to the illicit market;
   b. be used to commit or facilitate gender-based violence or violence against children;
   c. become subject to corrupt practices; or
   d. adversely impact the development of the recipient State.

Article 6
General Implementation

1. Each State Party shall implement this Treaty in a consistent, objective and non-discriminatory manner in accordance with the goals and objectives of this Treaty.

2. The implementation of this Treaty shall not prejudice previous or future obligations undertaken with regards to international instruments, provided that those obligations are consistent with the goals and objectives of this Treaty. This Treaty shall not be cited as grounds for voiding contractual obligations under defense cooperation agreements concluded by States Parties to this Treaty.

3. Each State Party shall take all appropriate legislative and administrative measures necessary to implement the provisions of this Treaty and designate competent national authorities in order to have an effective, transparent and predictable national control system regulating the transfer of conventional arms.

4. Each State Party shall establish one or more national contact points to exchange information on matters related to the implementation of this Treaty. A State Party shall notify the Implementation Support Unit (See Article 13) of its national contact point(s) and keep the information updated.

5. States Parties involved in a transfer of conventional arms shall, in a manner consistent
with the principles of this Treaty, take appropriate measures to prevent diversion to the illicit market or to unauthorized end-users. All States Parties shall cooperate, as appropriate, with the exporting State to that end.

6. If a diversion is detected, the State or States Parties that made the detection shall notify the State or States Parties that could be affected by such diversion, in particular those States Parties that are involved in the transfer, without delay.

7. Each State Party shall take the appropriate measures, within national laws and regulations, to regulate transfers of conventional arms within the scope of the Treaty.

**Article 7**

**Export**

1. Each State Party shall conduct risk assessments, as detailed in Articles 4 and 5, whether to grant authorizations for the transfer of conventional arms under the scope of this Treaty. States Parties shall apply Articles 3-5 consistently, taking into account all relevant information, including the nature and potential use of the items to be transferred and the verified end-user in the country of final destination.

2. Each State Party shall take measures to ensure all authorizations for the export of conventional arms under the scope of this Treaty are detailed and issued prior to the export. Appropriate and relevant details of the authorization shall be made available to the importing, transit and transshipment State Parties, upon request.

**Article 8**

**Import**

1. Importing States Parties shall take measures to ensure that appropriate and relevant information is provided, upon request, to the exporting State Party to assist the exporting State in its criteria assessment and to assist in verifying end users.

2. States Parties shall put in place adequate measures that will allow them, where necessary, to monitor and control imports of items covered by the scope of the Treaty. States Parties shall also adopt appropriate measures to prevent the diversion of imported items to unauthorized end users or to the illicit market.

3. Importing States Parties may request, where necessary, information from the exporting State Party concerning potential authorizations.

**Article 9**

**Brokering**

1. Each State Party shall take the appropriate measures, within national laws and
regulations, to control brokering taking place under its jurisdiction for conventional arms within the scope of this Treaty.

Article 10
Transit and Transshipment

1. Each State Party shall adopt appropriate legislative, administrative or other measures to monitor and control, where necessary and feasible, conventional arms covered by this Treaty that transit or transship through territory under its jurisdiction, consistent with international law with due regard for innocent passage and transit passage.

2. Importing and exporting States Parties shall cooperate and exchange information, where feasible and upon request, to transit and transshipment States Parties, in order to mitigate the risk of diversion.

Article 11
Reporting, Record-Keeping and Transparency

1. Each State Party shall maintain records in accordance with its national laws and regulations of the items referred to in Article 2, Paragraph A, with regards to conventional arms authorizations or exports, and where feasible of those items transferred to their territory as the final destination, or that are authorized to transit or transship their territory, respectively.

2. Such records may contain: quantity, value, model/type, authorized arms transfers, arms actually transferred, details of exporting State(s), recipient State(s), and end-users as appropriate. Records shall be kept for a minimum of ten years, or consistent with other international commitments applicable to the State Party.

3. States Parties may report to the Implementation Support Unit on an annual basis any actions taken to address the diversion of conventional arms to the illicit market.

4. Each State Party shall, within the first year after entry into force of this Treaty for that State Party, provide an initial report to States Parties of relevant activities undertaken in order to implement this Treaty, including inter alia, domestic laws, regulations and administrative measures. States Parties shall report on any new activities undertaken in order to implement this Treaty, when appropriate. Reports shall be distributed and made public by the Implementations Support Unit.

5. Each State Party shall submit annually to the Implementation Support Unit by 31 May a report for the preceding calendar year concerning the authorization or actual transfer of items included in Article 2, Paragraph A1. Reports shall be distributed and made public by the Implementation Support Unit. The report submitted to the Implementation Support Unit may contain the same type of information submitted by the State Party to other relevant UN bodies, including the UN Register of Conventional Arms. Reports will be consistent with national security sensitivities or be commercially sensitive.
Article 12
Enforcement

1. Each State Party shall adopt national legislation or other appropriate national measures, regulations and policies as may be necessary to implement the obligations of this Treaty.

Article 13
Implementation Support Unit

1. This Treaty hereby establishes an Implementation Support Unit to assist States Parties in its implementation.

2. The ISU shall consist of adequate staff, with the necessary expertise to ensure the mandate entrusted to it can be effectively undertaken, with core costs funded by States Parties.

3. The Implementation Support Unit, within a minimized structure and responsible to States Parties, shall undertake the responsibilities assigned to it in this Treaty, inter alia:
   a. Receive and distribute reports, on behalf of the Depositary, and make them publicly available;
   b. Maintain and distribute regularly to States Parties the up-to-date list of national contact points;
   c. Facilitate the matching of offers and requests of assistance for Treaty implementation and promote international cooperation as requested;
   d. Facilitate the work of the Conference of States Parties, including making arrangements and providing the necessary services for meetings under this Treaty; and
   e. Perform other duties as mandated by the Conference of States Parties.

Article 14
International Cooperation

1. States Parties shall designate national points of contact to act as a liaison on matters relating to the implementation of this Treaty.

2. States Parties shall cooperate closely with one another, as appropriate, to enhance the implementation of this Treaty consistent with their respective security interests and legal and administrative systems.

3. States Parties are encouraged to facilitate international cooperation, including the
exchange of information on matters of mutual interest regarding the implementation and application of this Treaty in accordance with their national legal system. Such voluntary exchange of information may include, inter alia, information on national implementation measures as well as information on specific exporters, importers and brokers and on any prosecutions brought domestically, consistent with commercial and proprietary protections and domestic laws, regulations and respective legal and administrative systems.

4. Each State Party is encouraged to maintain consultations and to share information, as appropriate, to support the implementation of this Treaty, including through their national contact points.

5. States Parties shall cooperate to enforce the provisions of this Treaty and combat breaches of this Treaty, including sharing information regarding illicit activities and actors to assist national enforcement and to counter and prevent diversion. States Parties may also exchange information on lessons learned in relation to any aspect of this Treaty, to develop best practices to assist national implementation.

Article 15
International Assistance

1. In fulfilling the obligations of this Treaty, States Parties may seek, inter alia, legal assistance, legislative assistance, technical assistance, institutional capacity building, material assistance or financial assistance. States, in a position to do so, shall provide such assistance. States Parties may contribute resources to a voluntary trust fund to assist requesting States Parties requiring such assistance to implement the Treaty.

2. States Parties shall afford one another the widest measure of assistance, consistent with their respective legal and administrative systems, in investigations, prosecutions and judicial proceedings in relation to the violations of the national measures implemented to comply with obligations under the provisions of this Treaty.

3. Each State Party may offer or receive assistance, inter alia, through the United Nations, international, regional, subregional or national organizations, non-governmental organizations, or on a bilateral basis. Such assistance may include technical, financial, material and other forms of assistance as needed, upon request.

Article 16
Signature, Ratification, Acceptance, Approval or Accession

1. This Treaty shall be open for signature on [date] at the United Nations Headquarters in New York by all States and regional integration organizations.

2. This Treaty is subject to ratification, acceptance or approval of the Signatories.

3. This Treaty shall be open for accession by any State and regional integration organization
that has not signed the Treaty.

4. The instruments of ratification, acceptance, approval or accession shall be deposited with the Depositary.

5. The Depositary shall promptly inform all signatory and acceding States and regional integration organizations of the date of each signature, the date of deposit of each instrument of ratification, acceptance, approval or accession and the date of the entry into force of this Treaty, and of the receipt of other notices.

6. "Regional integration organization" shall mean an organization constituted by sovereign States of a given region, to which its Member States have transferred competence in respect of matters governed by this Treaty and which has been duly authorized, in accordance with its internal procedures, to sign, ratify, accept, approve or accede to it.

7. At the time of its ratification, acceptance, approval or accession, a regional integration organization shall declare the extent of its competence with respect to matters governed by this Treaty. Such organizations shall also inform the Depositary of any relevant modification in the extent of its competence.

8. References to “States Parties” in the present Treaty shall apply to such organizations within the limits of their competence.

Article 17
Entry into Force

1. This Treaty shall enter into force thirty days following the date of the deposit of the sixty-fifth instrument of ratification, acceptance or approval with the Depositary.

2. For any State or regional integration organization that deposits its instrument of accession subsequent to the entry into force of this Treaty, the Treaty shall enter into force thirty days following the date of deposit of its instrument of accession.

3. For the purpose of Paragraph 1 and 2 above, any instrument deposited by a regional integration organization shall not be counted as additional to those deposited by Member States of that organization.

Article 18
Withdrawal and Duration

1. This Treaty shall be of unlimited duration.

2. Each State Party shall, in exercising its national sovereignty, have the right to withdraw from this Convention. It shall give notice of such withdrawal to all other States Parties and to the Depositary. The instrument of withdrawal shall include a full explanation of
the reasons motivating this withdrawal.

3. A State shall not be discharged, by reason of its withdrawal, from the obligations arising from this Treaty while it was a party to the Treaty, including any financial obligations, which may have accrued.

Article 19
Reservations

1. Each State party, in exercising its national sovereignty, may formulate reservations, unless the reservation is incompatible with the object and purpose of this Treaty.

Article 20
Amendments

1. At any time after the Treaty’s entry into force, a State Party may propose an amendment to this Treaty.

2. Any proposed amendment shall be submitted in writing to the Depository, which will then circulate the proposal to all States Parties, not less than 180 days before next meeting of the Conference of States Parties. The amendment shall be considered at the next Conference of States Parties if a majority of States Parties notify the Implementation Support Unit that they support further consideration of the proposal no later than 180 days after its circulation by the Depository.

3. Any amendment to this Treaty shall be adopted by consensus, or if consensus is not achieved, by two-thirds of the States Parties present and voting at the Conference of States Parties. The Depository shall communicate any amendment to all States Parties.

4. A proposed amendment adopted in accordance with Paragraph 3 of this Article shall enter into force for all States Parties to the Treaty that have accepted it, upon deposit with the Depository. Thereafter, it shall enter into force for any remaining State Party on the date of deposit of its instrument of accession.

Article 21
Conference of States Parties

1. The Conference of States Parties shall be convened not later than one year following the entry into force of this Treaty. The Conference of States Parties shall adopt rules of procedure and rules governing its activities, including frequency of meetings and rules concerning payment of expenses incurred in carrying out those activities.

2. The Conference of States Parties shall:

   a. Consider and adopt recommendations regarding the implementation of this Treaty, in particular the promotion of its universality;
b. Consider amendments to this Treaty;
c. Consider and decide the work and budget of the Implementation Support Unit;
d. Consider the establishment of any subsidiary bodies as may be necessary to improve the functioning of the Treaty.
e. Perform any other function consistent with this Treaty.

3. If circumstances merit, an exceptional meeting of States Parties may be convened if required and resources allow.

Article 22
Dispute Settlement

1. States Parties shall consult and cooperate with each other to settle any dispute that may arise with regard to the interpretation or application of this Treaty.

2. States Parties shall settle any dispute between them concerning the interpretation or application of this Treaty through negotiations or other peaceful means of the Parties mutual choice.

3. States Parties may pursue, by mutual consent, third party arbitration to settle any dispute between them, regarding issues concerning the implementation of this Treaty.

Article 23
Relations with States not party to this Treaty

1. States Parties shall apply Articles 3-5 to all transfers of conventional arms within the scope of this Treaty to those not party to this Treaty.

Article 24
Relationship with other instruments

1. States Parties shall have the right to enter into agreements on the trade in conventional arms with regards to the international trade in conventional arms, provided that those agreements are compatible with their obligations under this Treaty and do not undermine the object and purpose of this Treaty.

Article 25
Depositary and Authentic Texts

1. The Secretary-General of the United Nations is the Depositary of this Treaty.

2. The original text of this Treaty, of which the Arabic, Chinese, English, French, Russian, and Spanish texts are equally authentic.