Main Committee I: Criteria/ Parameters  
Chairman's paper/ rev1  
19 July 2012 – 10h00 AM

This paper/proposal is presented under my own responsibility as a Chair of the Committee:

- To serve as a basis for further consideration and negotiations in order to, hopefully, facilitate an agreement;
- Without prejudice to the positions/views and proposals of all delegations on which I built this proposal;
- Bearing in mind the mandate of the President of the Conference and the outcome of his consultations aiming at facilitating agreement on a text of the treaty;
- Bearing in mind that agreement will take into account possible agreements on other elements of the Treaty.

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Parameters

1. In considering whether or not to authorize an export of item within the scope of this treaty that would originate from its territory, a State Party shall make risk assessments to ensure that the export under consideration is consistent with the provisions of the Treaty, based on the criteria set out in (section/paragraph number).

2. The State Party shall not authorize an export of any item within the scope of this treaty if the export would violate the provisions of this treaty or the State party’s relevant obligations under international law.
Proposed to be placed in “Implementation”

1. In accordance with the provisions contained in paragraphs 5.1 and 5.2 the State party shall make rigorous risk assessments on whether the items proposed for export could be:
   a. used to commit or facilitate serious violations of international human rights law or international humanitarian law.
   b. used to commit or facilitate crimes under international criminal law, including genocide, war crimes or crimes against humanity.
   c. diverted to be used to commit any of the above.
      a. used in a manner that would seriously undermine peace and security or, provoke, prolong or aggravate acts of aggression or other breaches of the peace.
      b. used to undermine regional, sub-regional or international stability.
      c. used to commit or facilitate acts of transnational organised crime.
      d. used to support, encourage or perpetrate terrorist acts.
      e. diverted to unauthorised end users, including into the illicit market.

2. In making such risk assessments, the State Party shall apply the criteria set out in (section/paragraph number) consistently and in an objective and non-discriminatory manner, and in accordance with the principles set out in (section number), taking into account all credible relevant information, including information provided by the importing State and competent United Nations organs, including on the nature and potential use of the items to be exported, the end-user and the country of final destination.

3. In addition, the State party can consider with the importing State the possible impact on the sustainable development of the recipient country, taking into account the recipient State’s legitimate needs of security and defense and the principles referred to in (section number).

4. As part of their national risk assessment the authorization of an export, States Parties may consider mitigation measures aiming at minimizing the potential risk associated with the assessed export. Possible mitigation measures will be considered based on dialogue with the importing States.