Parameters

Prohibition:

1. The State Party shall not authorise an export of any item within the scope of this treaty if the export/transfer would violate the State party's relevant obligations under international law.

Risk assessment:

2. In considering whether or not to authorize an export/transfer of item within the scope of this treaty, a State Party shall assess whether there is a risk that the exported/transferred item 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 genocide, war crimes or crimes against humanity.
   c. used to perpetrate or facilitate acts of [gender based violence/ violence against women] or against children.
   d. 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.
   e. used to undermine internal stability, regional, sub-regional or international stability.
   f. used to commit or facilitate acts of organised crime.
   g. used to support, encourage or perpetrate acts of terrorism in all its forms and manifestations.
   h. diverted to unauthorised end users or to unauthorised non-state actors.
   i. diverted to be used to commit any of the above or into the illicit market.

3. In making such risk assessment, 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 relevant information, including...
information provided by the importing State and competent United Nations organs.

4. Where substantial risk exists, there shall be a presumption against authorization.

5. As part of its national risk assessment and prior to taking a final decision on the authorization of an export/transfer, the State Party may consider, in full cooperation with the importing State, mitigation measures, including confidence building measures and cooperative programs, aiming at minimizing the potential risk associated with the assessed export/transfer.

6. If after all mitigation efforts the risk persists the State Party shall not authorize the export/transfer.