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 an 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

A. Prohibitions

1. A State Party shall prohibit any transfer of any item within the scope of this treaty if the transfer is inconsistent with the goals and objectives and principles of the Treaty or violates the State party relevant regional and international obligations, including any measure adopted by the United Nations Security Council under Chapter VII of the Charter of the United Nations.

B. Risk assessment

2. In assessing whether or not to authorize an export of conventional arms and related items within the scope of this treaty that would originate from its territory, competent national authorities of a State Party shall make risk assessments and take mitigation measures to ensure that the export under consideration is consistent with the goals and objectives and the principles of the Treaty.

3. The State party shall also make rigorous risk assessments and take mitigation measures to ensure that the concerned items:
   a. Will not be used to commit or facilitate serious violations of international human rights law or international humanitarian law.
b. Will not be used to commit or facilitate serious violations of international criminal law, including genocide, war crimes or crimes against humanity.

c. Will not be diverted to be used to commit any of the above.

a. Will not be 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. Will not be used to undermine regional, sub-regional or international stability.

c. Will not be used to commit or facilitate acts of transnational organised crime as defined in the United Nations Convention Against Transnational Organised Crime.

d. Will not be used to support, encourage or perpetrate terrorist acts;

e. Will not be diverted to unauthorised end users, including into the illicit market.

4. In making such risk assessments, the State Party shall apply the criteria set out in paragraph 3. consistently in an objective manner, taking into account all credible relevant information, including on the nature and potential use of the items to be transferred, the end-user and the country of final destination.

5. Where substantial risks exist, there shall be an overriding presumption against authorization.