Elements on Final Provisions

A. Depositary and authentic texts

1. The Secretary-General of the United Nations shall be 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, shall be deposited with the Secretary-General of the United Nations.

B. Signature, ratification or accession

3. This Treaty shall be open to all States for signature on [date] at the United Nations Headquarters in New York until its entry into force.

4. This Treaty shall also be open for signature by regional economic integration organizations provided that at least one Member State of such organization has signed this Treaty in accordance with paragraph 3.

5. This Treaty shall be subject to ratification, acceptance or approval by signatory States or regional economic integration organizations of which at least one Member State is a Party to this Treaty. Instruments of ratification, acceptance or approval shall be deposited with the Secretary-General of the United Nations.

6. This Treaty is open for accession by any State or any regional economic integration organization of which at least one Member State is a Party to this Treaty. Instruments of accession shall be deposited with the Secretary-General of the United Nations.

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

8. The Secretary-General of the United Nations shall promptly inform all signatory and acceding States and regional economic 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.
C. Entry into force

9. This Treaty shall enter into force on the first day of the month after the 30th day following the date of the deposit of the XX instrument of ratification, acceptance, approval or accession with the Secretary-General of the United Nations.

10. Subsequent to the deposit of the XX instrument of ratification, acceptance, approval, or accession, the Treaty shall enter into force on the 30th day following the date of deposit of its instrument of ratification, acceptance, approval or accession.

D. Withdrawal and duration

11. This Treaty shall be of unlimited duration.

12. Each State Party, in exercising its national sovereignty, may withdraw from this Treaty. Any State Party wishing to withdraw from this Treaty shall provide written notification addressed to the Depositary, which includes a full explanation of the reasons for withdrawal. The withdrawal shall take effect 90 days after the date of receipt of the notification, unless the notification specifies a later date.

13. 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.

E. Reservations

14. Each State Party, in exercising its national sovereignty, may formulate reservations. No reservations that are incompatible with the object and purpose of this Treaty shall be permitted.

F. Amendments

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

16. Any proposed amendment shall be submitted in writing to the Depositary and the Implementation Support Unit, which will then circulate the proposal to all States Parties, in order to seek their views on whether an Amendment Conference should be convened to consider the proposal. If a majority of States Parties notify the Implementation Support Unit that they support further consideration of the proposal no later than 90 days after its circulation, the Depositary shall convene an Amendment Conference to which all States Parties shall be invited.

17. The Amendment Conference shall be held immediately following the next scheduled Assembly of States Parties or a Review Conference, unless a majority of States Parties request that it be held earlier.
18. Any amendment to this Treaty shall be adopted by consensus of the States Parties present at the Amendment Conference. The Depositary shall communicate any amendment to all States Parties.

19. Any amendment to this Treaty shall enter into force for all States Parties that have accepted it, upon deposit with the Depositary of instruments of acceptance by a majority of all the States Parties. Thereafter the Treaty shall enter into force for any remaining State Party on the date of the deposit of its instrument of ratification or acceptance.

G. Assembly of States Parties

20. An Assembly of States Parties to this Treaty is established to improve the capacity of States Parties to promote the implementation of this Treaty and to consider any matter with regard to the application or implementation of this Treaty.

21. The Assembly of States Parties shall be convened not later than one year following the entry into force of this Treaty. The Assembly 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.

22. For years when a Review Conference is scheduled, no Assembly of States Parties will be held and instead two preparatory committee meetings shall be convened to prepare for the Review Conference.

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

H. Review Conferences

24. A Review Conference shall be convened by the Secretary-General of the United Nations five years after the entry into force of this Treaty and every five years thereafter, unless otherwise agreed by a Review Conference. The purpose of the Review Conferences shall be to review the implementation and operation of this Treaty.

25. The preparatory meetings for the Review Conference shall agree upon the procedures necessary to achieve the objectives of the Review Conference, including, facilitating activities by States Parties under the provisions of this Treaty, reviewing the implementation of this Treaty and making recommendations to improve this Treaty and its implementation and operation.

I. Dispute settlement

26. States Parties shall settle any dispute between them concerning the interpretation or application of this Treaty by peaceful means, through negotiations between the relevant parties.
27. As a last resort and when there is mutual consent to do so, States Parties may have recourse to third party arbitration to settle disputes. The type of arbitration is to be agreed upon by the disputing States Parties. It may include referral of the dispute to the International Court of Justice, the Permanent Court of Arbitration, or any other arbitration mechanism, such as an ad hoc consultative mechanism, consented to by the States Parties directly involved in the dispute.

J. Relations with States not party to this Treaty

30. Each State Party shall encourage States not party to this Treaty to ratify, accept, approve or accede to this Treaty with the goal of achieving universal adherence.

K. Relationship with other instruments

31. This Treaty shall not affect existing bilateral and multilateral agreements or the right of States Parties to enter such agreements, provided that these agreements are compatible with their obligations under this Treaty and do not undermine the goals and objectives of this Treaty.

State’s Contributions

Joint proposal by Liechtenstein and Switzerland

B.4. DELETE
Explanation: This provision specifying one of the many duties of the SG as depositary is superfluous, as the 1969 Vienna Convention on the Law of Treaties clearly stipulates the duties of the depositary.

C.1. This Treaty shall enter into force thirty days following the date of the deposit of the thirtieth sixty-fifth instrument of ratification, acceptance, approval or accession with the Secretary-General of the United Nations or three years from the date of deposit of the thirtieth instrument of ratification, acceptance, approval or accession, whichever is earlier.
Explanation: The current text sets the bar for entry into force too high. Given the goals and objectives of the ATT, there is no evident reason to await sixty-five ratifications for its entry into force.

NEW E.2: No reservations shall be permitted to Chapters 3, (Goals and Objectives), 4B and 4C (Covered activities and anti-circumvention clause), 5 (Prohibition), and 6 (Criteria) of this Treaty.

F.2 Any proposed amendment shall be submitted in writing to [the Depositary/the ISU], which will then circulate the proposal to all States Parties, in order to seek their views on whether a Amendment Review Conference should be convened to consider the proposal. If a majority of States Parties notify the [the Depositary/the ISU] that they support further consideration of the proposal no later than 90 days after its circulation, or if the Assembly of States Parties so decides, the ISU shall convene an Amendment Review Conference in accordance with articles H.1 and H.2 to which all States Parties shall be invited.
Explanation: If the ISU is to service the ASP as well as the Review Conference, then there is no particular purpose in involving the Depositary in the early stages of considering proposed amendments. In any event, the submission should go only through one office. The terminology “Review Conference” vs. “Amendment Conference” should be streamlined. Furthermore, to simplify procedures, the ASP should also be able to decide that it wishes to consider the proposal, in addition to the possibility of written support by a majority of States Parties.
F.3 DELETE The Amendment Conference shall be held immediately following the next scheduled meeting of States Parties or a Review Conference, unless a majority of States Parties request that it be held earlier.

Explanation: The question of how exactly to schedule a Review Conference that is triggered by a concrete amendment proposal should be left to the ASP and not be cast in stone in the Treaty itself.

F.4 Any amendment to this Treaty shall be adopted by consensus of the States Parties present at the time of adoption at the Amendment Conference. Amendments on which consensus cannot be reached may be adopted by a two-thirds majority of States Parties. The ISU shall communicate any amendment to all States Parties.

Explanation: The current text sets the bar for the adoption of amendments too high. The reference to the ISU circulating adopted amendments is superfluous, since this is a core task of the Depository, i.e. the SG.

F.5 Any amendment to Parts 4 (Scope), 5 (Prohibitions on transfers of conventional arms), 6 (Criteria), 7 (Implementation) and 9 (International Cooperation and Assistance) of this Treaty shall enter into force for all States Parties to this Treaty that have accepted it sixty days after the deposit of their instruments of ratification or acceptance upon the deposit with the Depositary of instruments of acceptance by a majority of States Parties. Thereafter, it shall enter into force for any remaining State Party on the date of deposit of its instrument of acceptance.

New F.6 Any other amendment to this Treaty shall enter into force for all States Parties sixty days after the deposit with the Depositary of instruments of ratification or acceptance by a majority of States Parties.

Explanation: Entry into force rules such as those currently in the text may lead to different legal regimes for different States Parties – namely one regime for States Parties that have ratified the amendment, and another regime for States Parties that have not ratified. That is not a problem where the amendments essentially deal with the obligations of States Parties. However, different legal regimes are absurd when dealing with common elements of the Treaty that cannot be split in half, such as the ISU, the ASP, the Review Conference, etc. Therefore, the amendment provisions should clearly identify which amendments should enter into force only for accepting States Parties individually, and which amendments should enter into force at once for all States Parties at the same time. When dealing with amendments to individual obligations of States Parties, it does not seem necessary to delay their entry into force until such time as a certain number of other States Parties have ratified them.

G.3 DELETE: For years when a Review Conference is scheduled, no Assembly of States Parties will be held, and instead, two preparatory committee meetings shall be convened to prepare for the Review Conference.

Explanation: It seems more prudent to leave such issues of scheduling to the Assembly of States Parties. For example, the ASP might have to meet in a Review Conference year to adopt the budget of the ISU.

New G.5: The Assembly of States Parties shall:
   A) Consider and adopt recommendations regarding the implementation of the Treaty, in particular the work of the ISU, and the promotion of its universality;
   B) Consider and decide the budget of the ISU and the Assembly;
   C) Elect the Bureau and the President of the Assembly, who shall represent the Assembly in all its aspects;
   D) Consider any question of non-implementation of this Treaty;
   E) Establish such subsidiary bodies as may be necessary;
   F) Perform any other function consistent with this Treaty.

Explanation: The current provisions on the Assembly are currently much too unspecific. They need to be more concrete in terms of what the Assembly is meant to do and how it ought to conduct its work.

H.1 The Assembly of States Parties shall meet in the format of a Review Conference, to be convened by the Secretary-General of the United Nations and serviced by [the ISU/the UN Secretariat] five years after the entry into force of this Treaty and every five years thereafter, unless otherwise agreed by a Review Conference. The purpose of the Review Conference shall be to review
the implementation and operation of this Treaty and, when appropriate, consider amendment proposals.

The Assembly of States Parties may decide to hold additional sessions in preparation for a Review Conference.

H.2 The Assembly of States Parties preparatory meetings for the Review Conference shall agree upon the procedures necessary to achieve the objectives of the Review Conference. …

Explanation: The current text implies that there are four types of meetings: those of the ASP, Review Conferences, Amendment Conferences, and preparatory committee meetings for Review Conferences. This is confusing and may lead to procedural difficulties in the future that should be avoided. The role of the SG in convening a Review Conference is confusing if indeed the ISU would be the Secretariat for States Parties.

I.1 and I.2 (Consultation): DELETE

Explanation: The two articles on Consultation should be removed from the Final Clauses. The substance of these articles belongs to the Chapter International Cooperation and Assistance.

J.2 Amend as follows:

States Parties shall endeavor to settle any dispute between them concerning the interpretation or application of this Treaty through negotiations between the relevant parties.

New J.3

1. Any dispute between two or more States Parties with respect to interpretation or application of this Treaty, which is not settled by negotiation or by the procedures expressly provided for in this Treaty, shall, at the request of any of the parties to the dispute, be referred to the International Court of Justice for decision, unless the parties to the dispute agree to another mode of settlement, such as arbitration.

2. Each State may at the time of signature, ratification, acceptance or approval of this Treaty or accession thereto declare that it does not consider itself bound by paragraph 1 of this article in relation to certain provisions of this Treaty. In relation to such provisions, other States Parties shall not be bound by paragraph 1 of this article with respect to any State Party which has made such a reservation.

Explanation: The current text provides no solution in case direct negotiations between States Parties are not conclusive. Therefore, States Parties should also be able to bring their dispute to the ICJ. Note that this will not allow non-State actors such as manufacturers, exporters, importers, brokers etc. to appeal national arms control decisions; only disputes between States Parties would be admissible.

K1. Each State party shall encourage States not party to this Treaty to ratify, accept, approve or accede to this Treaty with the goal of achieving universal adherence. The ISU shall annually publish a list of the ten major importers and the ten major exporters of arms covered by this Treaty that are not States Parties to this Treaty.

Explanation: A regular analysis as to which major importers and exporters have yet to ratify the Treaty would assist in efforts aimed at making the Treaty regime as effective as possible.

K2 (Relations with States not party) DELETE.

Explanation: A state should apply the Treaty to all its transfer decisions. Otherwise it could presumably send weapons to a state where there was a substantial risk of, for example, genocide just because that state had not adhered to the Arms Trade Treaty.

New M (Costs)

1. The costs of the Implementation Support Unit shall be borne by the States Parties, in accordance with the United Nations scale of assessment adjusted appropriately.

2. The costs of the Assemblies of States Parties, the Review Conferences, and any other bodies or meetings convened by the States Parties shall be borne by the States Parties and States not party to this Convention participating therein, in accordance with the United Nations scale of assessment adjusted appropriately.

Joint proposal by Costa Rica, Mexico, Romania, Turkey

Dispute Settlement
State Parties shall consult and cooperate with each other to settle any dispute that may arise with regard to the implementation or the interpretation of this Treaty, and as appropriate, upon mutual consent, seek a solution by mediation, arbitration, judicial settlement or other peaceful means of their own choice, in accordance with Article 33 of the Charter of the United Nations.

Algeria

Entry into force
To make the Arms Trade Treaty a workable and meaningful instrument, a threshold number of ratifications could be 65 States Parties, provided that this number will include major importers and exporters of conventional arms.

Reservations and withdrawal
In the absence of consensus on the Treaty, it would be useful to include a provision affirming that the Treaty will not affect the right of States parties to make reservations.

It goes without saying that any state party has the right to withdraw from the Treaty, should any particular circumstances occur. On this particular issue, Algeria do not share the view contained in the chair’s latest proposal to require the State wishing to withdraw to provide full explanation of the reasons for withdrawal.

Dispute settlement
States parties should make every effort to consult and cooperate with each other to settle any dispute that might arise.

Where such consultations have been exhausted and did not lead to a satisfactory settlement, the Parties to the dispute must revert to an independent dispute settlement mechanism that must be established and on which we could elaborate further later on.

Australia

A. Depository and Authentic Texts

28. The Secretary-General of the United Nations shall be the Depository of this Treaty.
29. The original text of this Treaty, of which the Arabic, Chinese, English, French, Russian, and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

B. Signature, Ratification or Accession

1. This Treaty shall be open to all States for signature on [date] at the United Nations Headquarters in New York.
2. The Treaty shall be subject to ratification, acceptance or approval by the Signatory States. Instruments of ratification, acceptance or approval shall be deposited with the Secretary-General of the United Nations.
3. The Treaty shall be open for accession by any State that has not signed the Treaty. Instruments of accession shall be deposited with the Secretary-General of the United Nations.
4. The Secretary-General of the United Nations shall promptly inform all signatory and acceding States 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.

C. 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, approval or accession with the Secretary-General of the United Nations or three years from the date of deposit of the thirtieth instrument of
ratification, acceptance, approval or accession, whichever is earlier.

2. For any State that deposits its instruments of ratification, acceptance, approval, or accession subsequent to the entry into force of this Treaty, the Treaty shall enter into force thirty days following the date of deposit of their instrument of ratification, acceptance, approval or accession. [Comment: These provisions do not make clear when the ATT would enter into force for States that deposit their instrument after the 65th (or 30th) instrument but before the Treaty’s general entry into force. The usual practice is for the second paragraph to state: “Subsequent to the deposit of the [number] instrument of …”]

D. Withdrawal and Duration

1. This Treaty shall be of unlimited duration.

2. A State party, in exercising its national sovereignty, shall have the right to withdraw from this Treaty. States wishing to withdraw from the Treaty must provide written notification addressed to all States Parties and the Depository, which includes a full explanation of the reasons for withdrawal. The withdrawal shall take effect 180 days after the date of receipt of the notification, unless the notification specifies a later date.

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.

E. Reservations

1. No reservations that are incompatible with the object and purpose of this Treaty shall be permitted.

F. 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 and the Implementation Support Unit, which [Comment: Is this referring to the ISU that will circulate the proposal?] will then circulate the proposal to all States Parties, in order to seek their views on whether an Amendment Conference [Comment: could this not simply be discussed at the next ASP or Review Conference?] should be convened to consider the proposal. If a majority of States Parties notify the Implementation Support Unit that they support further consideration of the proposal no later than 90 days after its circulation, the Implementation Support Unit shall convene an Amendment Conference to which all States Parties shall be invited.

3. The Amendment Conference shall be held immediately following the next scheduled Assembly meeting of States Parties or a Review Conference, unless a majority of States Parties request that it be held earlier.

4. Any amendment to this Treaty shall be adopted by consensus of the States Parties present at the Amendment Conference. The Implementation Support Unit shall communicate any amendment to all States Parties.

5. Any amendment to this Treaty shall enter into force for all States Parties to this Treaty that have accepted it, upon the deposit with the Depository of instruments of acceptance by a majority of States Parties. [Comment: Should this be “a majority of States Parties entitled to participate in the [Amendment/Review] Conference that adopted the amendment”? This ensures that States that join the ATT later do not form the numbers to stop an amendment entering into force.] Thereafter, it shall enter into force for any remaining State Party on the date of deposit of its instrument of acceptance.

G. Assembly of States Parties

[Comment: Consider including clauses containing the following details:]

- The Assembly may establish such subsidiary bodies as necessary;
- The Assembly shall meet at [location];
- Each State Party shall have one representative in the Assembly who may be accompanied by alternates and advisers;
- Each State Party shall have one vote (efforts to reach consensus otherwise a 2/3 majority?);
- States Parties in arrears of financial contributions shall have no vote in the Assembly; and
- Official and working languages of the Assembly shall be those of the UNGA.]

8
1. An Assembly of States Parties to this Treaty is hereby established to improve the capacity of States Parties to promote the implementation of this Treaty or to consider any matter with regard to the application or implementation of this Treaty.

2. The Assembly of States Parties shall be convened not later than one year following the entry into force of this Treaty. The Assembly 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. [Comment: Should the ATT establish a similar rule as in Article 14(1) of the CCM, namely: “The costs of the Meetings of States Parties, the Review Conferences and the Amendment Conferences shall be borne by the States Parties and States not party to this Convention participating therein, in accordance with the United Nations scale of assessment adjusted appropriately.”]

3. For years when a Review Conference is scheduled, no Assembly of States Parties will be held, and instead, two preparatory committee meetings shall be convened to prepare for the Review Conference.

4. If circumstances merit, an exceptional meeting of States Parties may be convened if required and resources allow. [Comment: If agreed by one-third of States Parties? The President / ISU will need more certainty here.]

H. Review Conferences
1. A Review Conference shall be convened by the Secretary-General of the United Nations five years after the entry into force of this Treaty and every five years thereafter, unless otherwise agreed by a Review Conference. The purpose of the Review Conferences shall be to review the implementation and operation of this Treaty, and, when appropriate, consider amendment proposals. [Comment: Article 10(F)(2) talks about an Amendment Conference so this is not consistent. Article 10(F) should be amended to refer to Review Conferences in place of Amendment Conferences.]

2. The preparatory meetings for the Review Conference shall agree upon the procedures necessary to achieve the objectives of the Review Conference, including, inter alia, facilitating activities by States Parties under the provisions of this Treaty; reviewing the implementation of the Treaty; and making recommendations to improve this Treaty and its implementation and operation.

I. Consultation
1. States Parties may consult each other and request information [Comment: There are several consultation/information sharing obligations in the Treaty. Suggest consolidation.] for any matter regarding the implementation and operation of this Treaty.

2. States Parties shall provide information requested in accordance with paragraph 1 of this Article, subject to their domestic legislation. Requests for consultation or information shall be made in writing to the relevant national contact points.

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

2. States Parties shall settle any dispute between them concerning the interpretation or application of this Treaty through negotiations between the relevant parties. [Comment: Suggest clarification as to what happens if negotiations are not successful.]

K. Relations with States not party to this Treaty
1. Each State party shall encourage States not party to this Treaty to ratify, accept, approve or accede to this Treaty with the goal of achieving universal adherence.

2. States Parties shall apply Articles XX and XX to all transfers from its territory, including to those States not party to this Treaty.

L. Relationship with other instruments
1. This Treaty shall not affect existing bilateral and multilateral agreements or the right of States Parties to enter such agreements, provided that these agreements are compatible with their obligations under this Treaty and do not undermine the goals and objectives of this Treaty. [Comment: Goals and objectives must be carefully drafted in order to ensure this obligation can be clearly defined.]
Botswana

**Entry into Force**
Botswana proposes that entry into force should be after the 30th instrument of ratification. We believe that this number will allow early entry into force of the Treaty.

**Withdrawal and Duration**
Botswana proposes a one year withdrawal time frame instead of the “180 days” that appears in the Chairs Draft Paper of July 2011.

The withdrawal shall take effect “one year” after the date of receipt of the notification, unless the notification specifies a later date.

Regarding Clause 3 of Article VII D of the Chairs Draft Paper, Botswana proposes the deletion of the phrase “including any financial obligations”. This is because a State withdrawing from the Treaty is bound to meet all its obligations arising from the Treaty while it was a party to the Treaty. Therefore it is not necessary to specify financial obligations.

China

**Entry into Force**
This Treaty shall enter into force 180 days following the date of the deposit of the 65th instrument of ratification, including major arms trade states, acceptance, approval or accession with the Secretary-General of the United Nations.

**Amendments**
At 5 years after the Treaty’s entry into force, a State party may propose an amendment to this Treaty.

**Consultation**
States Parties may consult each other and request information for any matter regarding the implementation and operation of this Treaty on voluntary basis.

States Parties may provide information requested in accordance with their domestic legal systems on voluntary basis. Requests for consultation or information shall be made in writing to the relevant national contact points.

**Dispute Settlement**
States Parties may consult and cooperate with each other on voluntary basis to settle any dispute that may arise with regard to the application or the interpretation of this Treaty.

Côte d’Ivoire (on behalf of ECOWAS Member States)

**International Organisation membership to the ATT**

With regard to the above, propose the opening of the ATT membership to international or regional organizations wishing to do so within the final provision section of the treaty.

Cuba

**PROPOSALS ON FINAL PROVISIONS**
(The following Proposals only address some of the final provisions to be included in the Treaty, not all of them)

**Entry into force**
1. This Treaty shall enter into force 180 days after the deposit of the 75 instrument of ratification, acceptance, approval or accession with the Secretary-General of the United Nations, including all
States listed in Annex 1 to this Treaty. (Note: States listed would be the 10 major exporters States and the 10 major importers States of conventional arms at the moment of the adoption of the Treaty)

2. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Treaty, it shall enter into force on the 30th day following the date of deposit of their instruments of ratification or accession.

Withdrawal
A State Party Convention shall in exercising its national sovereignty have the right to withdraw from the Treaty at any time, by written notification addressed to the Depositary. The withdrawal shall take effect 60 days after the date of receipt of the notification, unless the notification specifies a later date.

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 Depositary, which will then circulate the proposal to all States Parties.

3. Amendments shall be decided upon at the next scheduled Assembly of States Parties.

4. Amendments shall enter into force for each State Party accepting the amendments upon their acceptance by a majority of the States Parties to the Treaty and thereafter for each remaining State Party on the date of acceptance by it.

Assembly of States Parties
1. An Assembly of States Parties to this Treaty is established to improve the capacity of States Parties to promote the implementation of this Treaty.

2. The Assembly of States Parties shall convene five years following the entry into force of this Treaty and every 5 years thereafter. The Assembly of States Parties shall adopt by consensus its rules of procedure and rules governing its activities.

3. One preparatory committee meeting shall be convened to prepare for the Assembly of States Parties.

4. At the request of two thirds of the States Parties, an exceptional meeting of States Parties may be convened.

Consultation
1. States Parties may consult each other for any matter regarding the implementation and operation of this Treaty.

2. States Parties may provide information requested in accordance with their domestic legal systems. Requests for consultation or information shall be made in writing to the relevant national contact points.

3. When considering a potential transfer denial, the parties involved in the potential transaction shall consult with each other in order to take into account any relevant information to allow the recipient the opportunity to take any necessary measures to avoid a denial of transfer.

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

2. States Parties shall settle any dispute between them concerning the interpretation or application of this Treaty by peaceful means in accordance with Article 2, paragraph 3, of the Charter of the United Nations.

Democratic People’s Republic of Korea
Entry into Force

1. This Treaty shall enter into force one hundred and eighty days following the date of the deposit of the ninety-seventh instrument of ratification, acceptance or approval with the Secretary-General of the United Nations, which shall include all ten major arms-exporting States and all ten major arms-importing States, as listed in annex (I) to this Treaty, but in no case earlier than three years after the date in which it opens for signature. [Note: The list of ten major arms-exporting States and ten major arms-importing States will be identified from among the countries that, for ten consecutive years from 2001 – 2011, have been among the ten major arms-exporting States and ten major arms-importing States.]

2. For any State acceding to this Treaty, the Treaty shall enter into force on the one hundred and eightieth day following the date of deposit of its instrument of accession with the Secretary-General of the United Nations.

Reservation

Each State Party, in exercising its national sovereignty, shall have the right to formulate a reservation to this Treaty when signing, ratifying, accepting, approving or acceding to the Treaty and subsequent amendments thereto adopted by the Conference of the States Parties.

Amendment

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 who shall circulate the proposal to all States Parties and signatories at least six months before the opening of the Conference of the States Parties.

3. Proposed amendments, if supported by thirty States Parties, shall be considered and adopted by consensus at the Conference of the States Parties.

4. Any amendment adopted by the Conference of the States Parties shall enter into force for the States Parties ratifying, accepting or approving it, one year after the deposit of their instruments of ratification, acceptance or approval with the Secretary-General of the United Nations by the two-thirds of the States Parties. For each State acceding to such amendment, the amendment shall enter into force on the one hundred and eightieth day following the date of deposit of its instrument of accession.

5. Such amendments shall not affect the enjoyment by other States Parties of their rights or the performance of their obligations under this Treaty.

Settlement of Disputes

1. States Parties shall settle any dispute that may arise with regard to the application or the interpretation of this Treaty, exclusively through peaceful means of their own choice.

2. Any dispute that may arise between two or more States Parties as a result of a transfer denial that is not settled by negotiation within six months of its commencement may, by the agreement of both parties to the dispute, be submitted to an independent tribunal. The composition, applicable law and other related issues to such a tribunal shall be agreed by both States Parties to the dispute.

Conference of the States Parties

A Conference of the States Parties, preceded by a preparatory meeting, shall be convened in one of the States Parties, by the Secretary-General of the United Nations five years after the entry into force of this Treaty and every five years thereafter, if it is requested by a majority of States Parties by submitting a proposal to this effect to the Depository. The purpose of the Conferences of States Parties shall be to improve the capacity of States Parties to implement this Treaty and to review its operation.

Relationship with other Instruments

This Treaty shall not affect or alter any commitment, obligation or right and privilege of a State Party under international law and other multilateral instruments. This Treaty, however, shall prevail over any export control standards, criteria and policies conflicting with the rights and obligations of States Parties and parameters set out in the present Treaty.

Duration, Withdrawal and Termination

1. Twenty-five years after the entry into force of this Treaty, the Conference of the States Parties shall be convened to decide whether the Treaty shall be terminated, or shall continue in force.
indefinitely, or shall be extended for an additional fixed period or periods. This decision shall be taken by consensus of the States Parties to the Treaty.

2. A State party, in exercising its national sovereignty, shall have the right to withdraw, at any time, from this Treaty. Any State wishing to withdraw from the Treaty must provide written notification addressed to the Depository, who shall promptly circulate it to all States Parties and signatories. The withdrawal shall take effect thirty days after the date of receipt of the notification by the Depository, unless the notification specifies a later date.

3. If one of the States Parties listed in annex (I) to this Treaty withdraw from the Treaty or If, as a result of withdrawals, the number of States Parties to this Treaty should become less than forty, the Treaty shall immediately cease to be in force.

**Denmark**

**Section J:**

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

As stated in the meeting of the Main Committee on 10 July Denmark would prefer paragraph 2 of section J to be deleted.

**Section L:**

1. This Treaty shall not affect existing or future bilateral and multilateral agreements or the right of States Parties to enter such agreements, provided that they are compatible with their obligations under this Treaty and do not undermine the goals and objectives of this Treaty.'

**France**

**J. Dispute Settlement**

States parties shall consult together in order to settle possible disputes regarding the interpretation of the Treaty.

**Guatemala**

Guatemala fully supports the proposals submitted by Mexico. In addition we would like to propose the following concerning the Dispute Settlement section. Please find below our proposal which we hope can be considered favorably and taken into account. We stand by ready to elaborate on the reasons behind our additions.

“J. Dispute Settlement

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

2. States Parties shall settle any dispute between them concerning the interpretation or application of this Treaty through direct negotiations between the relevant parties that shall be conducted according to the procedures agreed upon by the relevant parties to the dispute.

3. Unless the parties agree otherwise, if a matter has not been resolved through direct negotiations or the States Parties to the dispute have not been able to agree upon the procedures to be followed in the direct negotiations, any one of the parties to a dispute concerning the application or the interpretation of this Treaty may refer the matter to the International Court of Justice.”

**India**

A. Depository 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, shall be deposited with the Secretary-General of the United Nations.

B. Signature, Ratification or Accession
1. This Treaty shall be open to all States for signature on [date] at the United Nations Headquarters in New York.
2. The Treaty shall be subject to ratification, acceptance or approval by signatory States. Instruments of ratification, acceptance or approval shall be deposited with the Secretary-General of the United Nations.
3. The Treaty shall be open for accession by any State that has not signed the Treaty. Instruments of accession shall be deposited with the Secretary-General of the United Nations.
4. The Secretary-General of the United Nations shall promptly inform all signatory and acceding States 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.

C. Entry into Force
1. This Treaty shall enter into force 30 days following the date of the deposit of the 65th instrument of ratification, acceptance, approval or accession with the Secretary-General of the United Nations.
2. For any State that deposits its instruments of ratification, acceptance, approval, or accession subsequent to the entry into force of this Treaty, the Treaty shall enter into force 30 days following the date of deposit of their instrument of ratification, acceptance, approval or accession.

D. Withdrawal and Duration
1. This Treaty shall be of unlimited duration.
2. A State party, in exercising its national sovereignty, shall have the right to withdraw from this Treaty. States wishing to withdraw from the Treaty must provide written notification addressed to all States Parties and the Depositary. The withdrawal shall take effect 180 days after the date of receipt of the notification, unless the notification specifies a later date.

E. Reservations
1. No reservations that are incompatible with the object and purpose of this Treaty shall be permitted.

F. 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 Depositary, which will then circulate the proposal to all States Parties, to seek their views on whether an Amendment Conference should be convened to consider the proposal. If a majority of States Parties notify the Depositary that they support further consideration of the proposal no later than 90 days after its circulation, the Depositary shall convene an Amendment Conference to which all States Parties shall be invited.
3. The Amendment Conference shall be held immediately following a meeting of States Parties or a Review Conference unless a majority of States Parties request that it be held earlier.
4. Any amendment to this Treaty shall be adopted by consensus of the States Parties present at the Amendment Conference. Depositary shall communicate any amendment to all States Parties.
5. Any amendment to this Treaty shall enter into force for all States Parties to this Treaty that have accepted it, upon the deposit with the Depositary of instruments of acceptance by a majority of States Parties. Thereafter it shall enter into force for any remaining State Party on the date of deposit of its instrument of acceptance.

G. Assembly of States Parties
1. An Assembly of States Parties to this Treaty shall be held every year after the entry into force of the treaty in accordance with the provisions of this article.

The Assembly of States Parties shall adopt, by consensus, rules of procedure governing its activities, including provisions concerning funding of meetings of States Parties.
For years when a Review Conference is scheduled, no Assembly of States Parties will be held, and instead, two preparatory committee meetings shall be convened to prepare for the Review Conference.

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

H. Review Conferences
1. A Review Conference shall be convened by the Secretary-General of the United Nations 5 years after the entry into force of this Treaty, unless otherwise agreed by a Review Conference, and every 5 years thereafter. The purpose of Review Conferences shall be to review the implementation and operation of this Treaty and, when appropriate, amendment proposals.

2. The preparatory meetings for the Review Conference shall agree upon the procedures necessary to achieve the objectives of the Review Conference, including, inter alia, reviewing the implementation of the Treaty and making recommendations on its implementation and operation.

I. Consultation
1. States Parties may consult each other and request information for any matter regarding the implementation and operation of this Treaty. Requests for consultation or information shall be made in writing to the relevant national contact points.

(This article duplicates a reference in the Section on International Cooperation and may be deleted or revised as suggested for that Section. If it is to be considered, it should qualified with the phrase “taking into account their defence, security and commercial interests”)

States Parties shall settle any dispute between them concerning the interpretation or application of this Treaty by peaceful means in accordance with Article 2, paragraph 3, of the Charter of the United Nations through negotiations between the relevant parties.

K. Relations with States not party to this Treaty
1. States Parties shall apply the criteria to all transfers from its territory, including to those recipients not party to this Treaty.

L. Pre-existing agreements
1. This Treaty shall not affect pre-existing bilateral and multilateral agreements or contracts.

Iran (Islamic Republic of)

Article -- Signature, Ratification, Acceptance, Approval or Accession
1. This Treaty shall be open to all States for signature, before its entry into force, at the United Nations Headquarters in New York.

2. This Treaty shall be subject to ratification, acceptance or approval by signatory States and open to accession by other States according to their respective constitutional process.

Article -- Entry into Force
1. This Treaty shall enter into force one hundred and eighty days following the date of the deposit of the ninety-seventh instrument of ratification, acceptance or approval with the Secretary-General of the United Nations, which shall include all ten major arms-exporting States and all ten major arms-importing States, as listed in annex (I) to this Treaty, but in no case earlier than three years after the date in which it opens for signature.

2. For any State acceding to this Treaty, the Treaty shall enter into force on the one hundred and eightieth day following the date of deposit of its instrument of accession.

Article -- Reservation
Each State Party, in exercising its national sovereignty, shall have the right to formulate a reservation to this Treaty when signing, ratifying, accepting, approving or acceding to the Treaty and subsequent amendments thereto adopted by the Conference of the States Parties.

Article --
Amendment
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 who shall circulate the proposal to all States Parties and signatories at least six month before the opening of the Conference of the States Parties. Proposed amendments, if supported by thirty States Parties and not rejected by any State Party, shall be considered and adopted by consensus at the Conference of the States Parties.
3. Any amendment adopted by the Conference of the States Parties shall enter into force for the States Parties ratifying, accepting or approving it, one year after the deposit of their instruments of ratification, acceptance or approval by the two-thirds of States Parties. For each State Party acceding to such amendment, the amendment shall enter into force on the one hundred and eightieth day following the date of deposit of its instrument of accession.
4. Such amendments shall not affect the enjoyment by other States Parties of their rights or the performance of their obligations under this Treaty.

Article --
Settlement of Disputes
States Parties shall settle any dispute that may arise with regard to the application or the interpretation of this Treaty, exclusively through peaceful means of their own choice.

Article --
Conference of the States Parties
A Conference of the States Parties, preceded by a preparatory meeting, shall be convened in one of the States Parties, by the Secretary-General of the United Nations five years after the entry into force of this Treaty and every five years thereafter, if it is requested by a majority of States Parties by submitting a proposal to this effect to the Depositary. The purpose of the Conferences of States Parties shall be to improve the capacity of States Parties to implement this Treaty and to review its operation.

Article --
Relationship with other Instruments
This Treaty shall prevail over any export control standards, criteria and policies conflicting with the rights and obligations of States Parties under the present Treaty and parameters set out therein.

Article --
Duration, Withdrawal and Termination
1. Twenty-five years after the entry into force of this Treaty, the Conference of the States Parties shall be convened to decide whether the Treaty shall be terminated, or shall continue in force indefinitely, or shall be extended for an additional fixed period or periods. This decision shall be taken by consensus of the States Parties to the Treaty.
2. A State party, in exercising its national sovereignty, shall have the right to withdraw, at any time, from this Treaty. Any State wishing to withdraw from the Treaty must provide written notification addressed to the Depository, who shall promptly circulate it to all States Parties and signatories. The withdrawal shall take effect thirty days after the date of receipt of the notification by the Depository, unless the notification specifies a later date.
3. If one of the States Parties listed in annex (I) to this Treaty withdraw from the Treaty or, as a result of withdrawals, the number of States Parties to this Treaty should become less than forty, the Treaty shall immediately cease to be in force.

Article --
Depository and Authentic Texts
1. The Secretary-General of the United Nations shall be 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, shall be deposited with the Secretary-General of the United Nations.
Ireland

On the basis of Section 10 of the President's Discussion Paper of 3rd July Ireland would suggest the following points with regards amendments to the Final Provisions:

In relation section C.1:
Ireland believes that the number should be sufficiently high to maximise the value of the Treaty but low enough to ensure early entry into force and encourage its universalisation. All States should have the same status under the Treaty. The ATT should not contain any qualitative provisions.

In relation to section E.1:
Ireland is strongly of the view that no reservations to the Treaty should be permitted, as such we proposed the following language – “No reservations for this Treaty shall be permitted”.

In relation to section J:
Dispute resolution provisions should be restricted only to a State Party’s application and interpretation of the Treaty and not to how States Parties exercise their national controls. As such we welcome the text in Section J.

In relation to section H:
We welcome the President’s proposal that the Treaty make provision for annual Assemblies of States Parties and five-yearly Review Conferences. Such Assemblies and Review Conferences can facilitate the full implementation of the Treaty, including through developing and/or updating detailed definitions of categories of controlled items and activities and reviewing the overall status of the Treaty. The associated costs of such meetings should be borne by the participating States, based on UN scale of assessment, appropriately adjusted.

In addition we noted that specific responsibilities that some regional organizations have acquired or could acquire in regulating arms transfers in several regions of the world have already been noted. In that context Ireland considers that the future Treaty should also be open for signature to relevant regional and international organizations, in accordance with practice followed for similar international instruments, such as the UN Firearms Protocol. A reference to this could be included in Section 10 B.

Italy

Italy finds the July 3 document acceptable, with the exception of para J on dispute settlement. In this para the word "application", used twice, should be replaced both times by the word "implementation".

Kenya

Kenya supports the provisions regarding Final Provisions of the Treaty including the establishment of an Assembly of States Parties and a five yearly Review Conference.

Kenya also believes that clear and effective dispute settlement provisions are required and that parties shall settle any dispute between them concerning the interpretation or application of the Treaty by peaceful means in accordance with article 2, paragraph 3, of the Charter of the United Nations.

Malaysia

Entry into Force

1. This Treaty shall enter into force thirty days following the dates of the deposit of the sixty-fifth instrument of ratification or accession with the Secretary-General of the United Nations.
2. For any State that deposits its instrument of ratification, formally confirming or acceding to this Treaty after the entry into force of this Treaty, the Treaty shall enter into force on the thirtieth day after the deposit of its own such instrument.

Reservations
2. Reservations may be withdrawn at any time.

Amendments
1. At any time after the Treaty’s entry into force, a State Party may propose an amendment to this Treaty. The text of any such amendment and the reasons therefore shall be communicated to the Secretary-General and the Implementation Support Unit, which will then circulate the proposal to all State Parties. State Parties shall be asked whether they accept the proposed amendment and also to submit any comments on the proposal.
2. If a proposed amendment is not rejected by State Party within eighteen months after it has been circulated, then the amendment shall enter into force. If, however, a proposed amendment is rejected by any party, the Secretary-General shall convene a conference of all State Parties to consider such an amendment, if a majority of State Parties have notified the Secretary-General and the Implementation Support Unit that they support further consideration of the proposal no later than 90 days after the conclusion of the eighteen month consideration period.
3. Any proposed amendment considered at an Amendment Conference shall be adopted by consensus by the State Parties present at the Conference.

Assembly of State Parties and Review Conferences
Title – to merge the articles into a single article entitled “Review Conferences”
1. A Review Conference shall be convened by the Secretary-General five years after the entry into force of this Treaty and every five years thereafter, unless otherwise agreed by a Review Conference. The purpose of this Review Conferences shall be to review the implementation and operation of this Treaty and, when appropriate, consider proposals for amending the Treaty.
2. An Assembly of State Parties to this Treaty will be convened, not later than one year following the entry into force of this Treaty. This Assembly of State Parties shall adopt the rules and procedure governing the Review Conference.

Dispute Settlement
1. If there should arise between two or more State Parties a dispute relating to the interpretation or application of this Treaty, the said Parties shall consult together with a view to the settlement of the dispute, and as appropriate, upon mutual consent, negotiation, investigation, mediation, conciliation, arbitration, recourse to regional bodies, judicial process, or other peaceful means of their own choice.

Palau

Entry into Force
This Treaty shall enter into force thirty days following the date of the deposit of the thirtieth instrument of ratification, acceptance, approval or accession with the Secretary-General of the United Nations or two years from the date of the Treaty opening for signature, whichever occurs first.

Reservations
No reservations are permitted.

Assembly of States Parties
The Assembly of States Parties shall be convened no later than one year following the entry into force of this Treaty. The Assembly of States Parties shall adopt rules of procedure, including an active role for non-government organisations rules governing its activities, frequency of meetings and rules concerning payment of expenses incurred in carrying out those activities.

Review Conferences
The preparatory meetings for the Review Conferences shall agree upon the procedures necessary to achieve the objectives of the Review Conference, including, inter alia, facilitating activities by States Parties under the articles of this Treaty; reviewing the implementation of the Treaty; making
recommendations to improve this Treaty and its implementation and operation; and including an active role for non-government organisations.

Poland

While Poland associates fully with the statement delivered by the EU earlier this week, I would like to take this opportunity to make four brief points in my national capacity. I will refer to the Chair’s Discussion Paper of July 3, 2012, which I consider a very useful reference in our deliberations and a good basis to build upon. Firstly, it is Poland’s view that the number of ratification should be kept at a reasonable level ensuring nevertheless the universal dimension of the Treaty. We think that number of 65 ratifications meets these goals.

Secondly, inasmuch withdrawal and duration as well as reservations sections are concerned – we think these provisions are important and we should be guided by established solutions of customary international law.

Thirdly, we would like to echo Danish comments with respect to dispute resolution. We believe that States’ decision on whether or not to permit a transfer are their sovereign decisions, made under their own responsibility and are supposed to result from a thorough risk assessment and as such should not be challenged in any manner. And it this respect we consider Chair’s proposed language as contained in section J paragraph 2 as requiring more refinement toward being more explicit to this end.

And last but not least, Treaty should envisage the possibility for regional organizations to become a Party to it, as some of them have developed legal competences in the area of arms trade.

Saudi Arabia (on behalf of the Arab Group)

Final Provisions:
This Treaty shall enter into force on the first day of the month following the day 180 from the date of deposit of its instrument of ratification, acceptance, approval or accession by 90 Members of the United Nations that should include the largest 10 Producer States and the largest 10 importers of conventional weapons in July 2012 with the Secretary-General of the United Nations.
A State party, in exercising its national sovereignty, shall have the right to withdraw from this Treaty. States wishing to withdraw from the Treaty must provide written notification addressed to all States Parties and the Depository. The withdrawal shall take effect 180 days after the date of receipt of the notification, unless the notification specifies a later date.

Settlement of Disputes
1. If there should arise between two or more Parties a dispute relating to the interpretation or application of this Treaty, the Parties concerned shall consult together with a view to the settlement of the dispute by negotiation, mediation, conciliation or other peaceful means of their own choice.

2. If any such dispute has not been resolved within a period of three months, the dispute shall, upon the request of any of the parties to this dispute, be submitted to arbitration by an arbitral body whose composition and procedure shall be agreed upon by the Contracting Parties concerned, or, in default of such agreement, within a further period of one month, by an arbitrator chosen at the request of any of the Contracting Parties concerned by the President of the International Court of Justice. Should the latter be a national of one of the Parties to the dispute this task shall be entrusted to the Vice-President of the Court or to the next judge in order of seniority not a national of one of the Parties to the dispute.

3. The decision of the arbitral body, or arbitrator, as the case may be, shall be made in accordance with the international law and principles and spirit of this treaty. It shall be final and binding. The costs associated with the arbitration shall be born equally by the parties to the dispute, which may include the costs of hiring experts to assist in the arbitration process.
**Senegal**

En ce qui concerne le nombre de ratifications requises pour l'entrée en vigueur d'un éventuel traité, le Sénégal propose le quart (à peu près 45 ratifications) des états membres de l'organisation sans insister sur les positions qui font de la ratification du traité par les cinq membres permanents, une condition essentielle à son entrée. La création d'un secrétariat ou unité de mise en œuvre rencontre également les préoccupations de notre pays si les questions relatives à son financement, son statut et son rôle sont éclaircis.

**South Africa**

G. Assembly of States Parties

3. For years when a Review Conference is scheduled, no Assembly of States Parties will be held, and instead, up to two preparatory committee meetings shall be convened to prepare for the Review Conference.

L. Relationship with other instruments

1. This Treaty shall not affect existing bilateral, **regional** and multilateral agreements or the rights of States Parties … and objectives of this Treaty.

**Spain**

- Spain considers the text of July 3rd provided by the Chair to be an important and solid base document which should serve for the purpose of this Treaty. Nevertheless, Spain would like to see recognized the suggestions presented by the European Union, with which we are associated and support. We also support the proposals presented by the Mexican delegation and the observations and suggestions presented by the Colombian delegation, except for the number of ratifications. At this respect we consider that the number of ratification proposed by the Chair’s document is adequate.

- Spain reserves itself the right to present through writing some small modifications which still need to be refined and consulted and we do not consider them essential to pronounce at this moment.

**Trinidad and Tobago (on behalf of CARICOM)**

Trinidad and Tobago on behalf of CARICOM submits the following:

1. With regard to Part “C” entitled: “Entry into Force” paragraph 1 of the Chair’s July 2012 paper, we submit that the minimum number of States required for the Treaty to enter into force should be between 30 to 60 States Parties.

2. With regard to Part “F” paragraph 4 of the Chair’s paper, the second sentence, we submit that the “Depository” should replace the words “Implementation Support Unit”. In many international treaties and agreements, part of the function of the Depository is to circulate proposed amendments to all States Parties.

3. With regard to Part “H” entitled: “Review Conferences”, we wish to replace the second reference to “Review Conference” in the first sentence of paragraph 1 with “Assembly States Parties”

Both paragraphs found under Part “J” entitled: “Dispute Settlement” of the Chair’s July 3, 2012 Paper offer only diplomatic means for the settlement of disputes. These are inadequate, as they do not provide alternative mechanisms to solve disputes if diplomatic means fail.

Consequently, we put forward the following proposal taken from paragraph 35.2 of the Convention on Transnational Organized Crime, as a replacement for what is contained in the Chair’s text:

*Any dispute between two or more States Parties concerning the interpretation or application of this Convention that cannot be settled through negotiation within a*
reasonable time shall, at the request of one of those States Parties, be submitted to arbitration. If, six months after the date of the request for arbitration, those States Parties are unable to agree on the organization of the arbitration, any one of those States Parties may refer the dispute to the International Court of Justice by request in accordance with the Statute of the Court.”

The above paragraph is comprehensive as it provides for diplomatic means for the settlement of disputes, arbitration and judicial settlement.

In addition, we support the positions advanced by Mexico and Peru relating to dispute settlements

**United States of America**

**Article XX**

**Depositary**

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

**Article XX**

**Authentic Texts**

The original of this Treaty, of which the Arabic, Chinese, English, French, Russian, and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

**Article XX**

**Signature**

This Treaty shall be open to all States for signature on [date] at the United Nations Headquarters in New York until its entry into force.

**Article XX**

**Ratification, Acceptance, Approval or Accession**

1. The Treaty shall be subject to ratification, acceptance or approval by signatory States.

2. The Treaty shall be open for accession by any State that has not signed the Treaty.

3. The instruments of ratification, acceptance, approval or accession shall be deposited with the Secretary-General of the United Nations.

4. The Secretary-General of the United Nations shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or of accession and the date of the entry into force of this Convention, and of the receipt of other notices.

**Article XX**

**Entry into Force**

1. This Treaty shall enter into force on the first day of the month after the 30th day following the date of the deposit of the 65th instrument of ratification, acceptance, approval or accession with the Secretary-General of the United Nations.

2. For any State that deposits its instrument of ratification, acceptance, approval, or accession subsequent to the entry into force of this Treaty, the Treaty shall enter into force on the 30th day following the date of deposit of its instruments of ratification, acceptance, approval or accession.

**Article XX**

**Duration and Withdrawal**

1. This Treaty shall be of unlimited duration.
2. A State Party, in exercising its national sovereignty, shall have the right to withdraw from this Treaty. A State Party wishing to withdraw from the Treaty must provide written notification addressed to all States Parties and the Depositary, which includes a full explanation of the reasons for withdrawal. The withdrawal shall take effect 90 days after the date of receipt of the notification, unless the notification specifies a later date.

3. A State Party 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.

Article XX
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 Depositary and the Implementation Support Unit, which will then circulate the proposal to all States Parties. The Implementation Support Unit shall then seek the views of States Parties on whether an Amendment Conference should be convened to consider the proposal. If a majority of States Parties notify the Implementation Support Unit that they support further consideration of the proposal no later than 90 days after its circulation, the Implementation Support Unit shall convene an Amendment Conference to which all States Parties shall be invited.

3. The Amendment Conference shall be held immediately following a meeting of States Parties or a Review Conference unless a majority of States Parties request that it be held earlier.

4. Any amendment to this Treaty shall be adopted by consensus of the States Parties present at the Amendment Conference. The Implementation Support Unit shall communicate any amendment to all States Parties.

5. Any amendment to this Treaty shall enter into force for all States Parties to the Treaty that have accepted it, upon deposit with the Depository of instruments of acceptance by a majority of States Parties. Thereafter, it shall enter into force for any remaining State Party on the date of deposit of its instrument of acceptance.

Article XX
Assembly of States Parties

1. An Assembly of States Parties to this Treaty is established to improve the capacity of States Parties to promote the implementation of this Treaty or to consider any matter with regard to the application or implementation of this Treaty.

2. The Assembly of States Parties shall convene not later than one year following the entry into force of this Treaty. The Assembly of States Parties shall adopt rules of procedure and rules governing its activities, including frequency of meetings. Substantive decisions of the Assembly of States Parties shall be taken by consensus.

3. For years when a Review Conference is scheduled in accordance with Article XX, no Assembly of States Parties will be held, and instead, two preparatory committee meetings shall be convened to prepare for the Review Conference.

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

Article XX
Review Conferences

1. A Review Conference shall be convened by the Secretary-General of the United Nations five (5) years after the entry into force of this Treaty and every five (5) years thereafter, unless otherwise
agreed by a Review Conference. The purpose of the Review Conference shall be to review the implementation and operation of this Treaty, and, when appropriate, consider amendment proposals.

2. The preparatory meetings for the Review Conference shall agree upon the procedures necessary to achieve the objectives of the Review Conference, including, inter alia, facilitating activities by States Parties under the articles of this Treaty; reviewing the implementation of the Treaty; and making recommendations to improve this Treaty and its implementation and operation. Substantive decisions of the Review Conference shall be taken by consensus.

Article XX
Consultation

1. States Parties may consult each other and request information for any matter regarding the implementation and operation of this Treaty.

2. States Parties shall provide information requested in Paragraph 1 of this Article in accordance with their domestic legal systems. Requests for consultation or information shall be made in writing to the relevant national contact points.

Article XX
Dispute Settlement

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

2. When a dispute arises between States Parties concerning the interpretation or application of this Treaty, the States Parties concerned shall settle any dispute by peaceful means through negotiation.

Article XX
Relations with States not party to this Treaty

1. States Parties should encourage States not party to this Treaty to ratify, accept, approve or accede to this Treaty with the goal of achieving universal adherence.

2. States Parties shall apply Articles XXX to [transfers/exports] [to/from] all States, including to those not Parties to this Treaty.

Venezuela (Bolivarian Republic of)

Settlement of Disputes
Any disputes that may arise between two or more States Parties as a result of a transfer denial that is not settled by negotiation shall, at the request of one of the parties to the dispute, be submitted to the Committee on Denials which shall be established to consider and conclude, by consensus, that the denied cases of transfer of arms covered by this Treaty are undertaken exclusively in accordance with the legal obligations under this Treaty, not based on discrimination, and political or other motivations or reasons whatsoever.

Viet Nam

“Each State may at the time of signature or ratification of this Treaty or accession thereto declare that it reserves any article or paragraph”.

Holy See

I. Relationship with other instruments
Alt. This Treaty supersedes all existing States Parties’ bilateral and multilateral agreements which are incompatible with their obligations under this treaty or which undermine the goals and objectives of this treaty.

European Union

- In our opinion the Chair’s discussion paper provides a good framework for final provisions.
- In considering potential parties to the Treaty, we should take into account the competences that some regional integration organizations have acquired or could acquire in regulating arms trade.
- The European Union has developed over the past years significant competence at Union level to regulate the trade in weapons.
- Consequently, we consider that the Treaty should also allow relevant regional integration organisations to become a party to the ATT.
- This request would be in full accordance with similar international instruments, such as the UN Firearms Protocol, to which the EU is a Signatory.