Elements on a provision on implementation
The elements for the provisions on an ISU/Secretariat and on International Assistance will be dealt with in separate papers.

NATIONAL IMPLEMENTATION

1. Implementation of all Treaty obligations shall be undertaken at the national level.

2. Each State Party shall take all appropriate legislative and administrative measures necessary to implement the obligations of this Treaty.

3. Each State Party shall implement its obligations under this Treaty in an objective and non-discriminatory manner.

National Authorization Systems

4. Each State Party shall designate a competent national authority or authorities with defined duties that are responsible for maintaining a transparent, predictable and effective national control system for authorizing the export, transit or transhipment of conventional arms under the scope of this Treaty.

5. Each State Party, when appropriate, shall honour its contractual obligations on transfers. This treaty shall not be cited as grounds for voiding contractual obligations undertaken under bilateral or multilateral defence cooperation agreements.

Export

6. Each State Party shall conduct assessments, in accordance with the criteria/parameters set out in Article XX, including end-user certification, as requested, and to verify the delivery to an approved end-user.

7. 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. Each State party shall make available, upon request, appropriate and relevant details of the authorization to the importing, transit and transhipment State Parties, upon request prior to transfer.

Import
8. 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.

9. Each State Party shall take adequate measures that will allow them, where necessary, to monitor and control imports within the scope of the Treaty. Each State Party shall also take appropriate measures to prevent the diversion of imports unauthorized end-users or to the illicit market.

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

**Brokering**

11. Each State Party shall take all necessary measures to control brokering taking place under its jurisdiction or control in the context of transfers under this Treaty. Such controls may include an obligation for brokers to obtain written authorization, an obligation to obtain prior authorization before engaging in brokering or maintaining a national registry of arms brokers.

**Transit and Transshipment**

12. Each State Party shall monitor, where necessary, and control items covered under the scope of this Treaty that transit or tranship through their territories. Such controls may include verification of export and import authorizations.

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

14. Each State Party shall monitor and control, where necessary and feasible, shipments passing through its territory, with due regard to the right of innocent passage and only if there are reasonable grounds to believe the shipment is in breach of the States Party commitments and obligations under International Law or undermines the goals and objectives of this Treaty.
Enforcement

15. Each State Party shall enact national legislation or other appropriate measures, including law enforcement and judicial mechanisms, as may be necessary to prohibit the export within the scope of this Treaty from its territory unless authorized in accordance with this Treaty by that State Party.

16. Each State Party shall enact necessary legislation or take other appropriate measures to inspect or seize shipments, consistent with international law. Where such inspection and/or seizure takes place the Parties to the transaction may consult, where necessary, avail themselves of the dispute settlement provisions in this Treaty.

17. Each State Party shall establish criminal or civil penalties and take other appropriate measures to address breaches of national legislation implementing the obligations set forth in this Treaty.

18. Each State Party shall take measures to prevent, counter, and prosecute corruption, within its jurisdiction, in the context of transfers within the scope of this Treaty.

19. Each State Party involved in a transfer shall take all necessary measures to prevent diversion of conventional arms to the illicit market or to an unintended user. Each exporting State Party shall take appropriate measures to ensure that the transfer is delivered to the intended end-user. All other States Parties involved in the transfer shall cooperate as appropriate with the exporting State Party to that end.

20. If a diversion is detected, the State Party or States Parties that made the detection shall notify the Implementation Support Unit, without delay. The Implementation Support Unit shall then notify other States Parties of such diversion, in particular those States Parties which are involved in the transfer of the conventional arms.

Record keeping, reporting and transparency

21. Each State Party shall maintain records of all conventional arms authorisations issued under the scope of this Treaty. Records shall be kept for a minimum of five/ten/twenty years.

22. Each State Party shall maintain records of all conventional arms imports. Records shall be kept for a minimum of five/ten/twenty years.
23. Each State Party shall maintain records of all transit or transhipment. Records shall be kept for a minimum of five/ten/twenty years.

24. Each State Party shall, no later than 180 days after entry into force of this Treaty for that State Party, submit an initial report to the Implementation Support Unit of all activities undertaken in order to implement this Treaty, including, domestic laws, regulations and administrative measures. This report shall be made available to all State Parties.

25. Each State Party shall submit annually, by 31 May, to the Implementation Support Unit, an annual report for the preceding year concerning the export authorizations within the scope of this Treaty. Each State Party may also report on denied export authorizations within the scope of this treaty. This report shall be made available to all State Parties.

26. Each State Party shall submit the same report as defined in paragraph 25 of this Article to the United Nations Register of Conventional Arms for the preceding calendar year.

**INTERNATIONAL COOPERATION**

1. States Parties shall encourage and facilitate international cooperation, including the exchange of information on matters regarding the implementation and application of this Treaty. Such voluntary exchange of information may include, inter alia, information on implementation measures as well as information on specific exporters, importers and brokers and on any prosecutions brought domestically, in line with commercial and proprietary protections.

2. States Parties shall cooperate closely with one another, consistent with their respective domestic legal and administrative systems, to enhance the effectiveness of this Treaty and the abilities of States Parties to suppress violations of the provisions of this Treaty.

3. Each State Party shall establish one or more national points of contact to facilitate cooperation and information exchange between States Parties, and to liaise on all matters relating to the implementation of this Treaty. A State Party shall notify the Implementation Support Unit (see Article XX) of its national contact point(s). A list of national contact points shall be maintained and distributed to States Parties by the Implementation Support Unit on a quarterly basis.

4. Communication between national points of contact is encouraged to support the application and implementation of this Treaty.
5. Each State Party is encouraged to maintain consultations and to share information regarding the implementation of this Treaty. In accordance with their domestic legislation requests for consultation or information shall be made in writing to the relevant national contact points.

6. States Parties shall, when appropriate and in accordance with applicable agreements or arrangements and their domestic laws and regulations, afford one another the widest measure of mutual legal assistance in investigations, prosecutions and judicial proceedings in relation to the violations of the national measures implemented to comply with obligations under this Treaty.

7. States Parties may also undertake information exchange on best practices in relation to any aspect of this Treaty.

(continued …/….)
United Nations Conference on an Arms Trade Treaty
Main Committee II
Contributions on Implementation

Joint proposal by Australia, Papua New Guinea, Samoa

Record keeping, reporting and transparency
1. Each State Party shall maintain records of all authorisations for the export of conventional arms or actual exports of conventional arms. Such records must contain for each export, as a minimum, information regarding the category of arms, the quantity, details of the recipient State(s) and the end users; and where known, the model/type and details of the transit State(s). Each State Party shall keep these records for a minimum of twenty years.
2. Each State Party shall maintain records of all authorisations for the import of conventional arms or actual imports of conventional arms. Such records must contain for each import, at a minimum, information regarding the category of arms and the quantity imported; and, where known, the model/type, the transit State(s), the exporting State(s), and end users. Each State Party shall keep these records for a minimum of twenty years.
3. Where possible and practicable each State Party shall maintain records of other international transfers set out in Article XX [Scope] that occur in territory under its jurisdiction.
4. Each State Party shall, no later than 180 days after entry into force of this Treaty for that State Party, submit an initial report to the Implementation Support Unit detailing all implementation measures undertaken pursuant to Article XX [Implementation] to implement this Treaty. These reports shall be made public by the Implementation Support Unit.
5. Each State Party shall submit to the Implementation Support Unit by 31 May each year an annual report, for the preceding calendar year, concerning the authorisation or transfer of conventional arms covered in Article XX [Scope]. At the same time, each State Party shall also report any additional activities undertaken to implement this Treaty in the preceding calendar year, further to that outlined in its initial report. These reports shall be made public by the Implementation Support Unit.

Algeria

National implementation
The implementation of the Treaty must be the primary responsibility of States parties. To this end, each State Party should:

1. Adopt appropriate laws and regulations to fulfill its obligations under the ATT;
2. Create an effective national authorization system, and designate a national authority responsible for authorizing arms transfers and to ensure an effective national coordination;
3. Designate a national focal point to serve as national contact point for effective liaison with other States Parties and with the Implementation Support Unit;
4. Take effective measures to prevent the diversion of conventional arms to unauthorized users, including through End-using certification.

Reporting:
Submission of reports should be on a voluntary basis. It should also follow a simplified structure and procedure.

The reports should reflect the measures taken at national level to strengthen the legislative and regulatory framework, including criminal and operational measures taken to prevent and combat illicit trade of conventional arms.
Support Unit to implement:
With a minimized structure, the envisaged Implementation Support Unit should provide essential secretariat services, without fulfilling the function of monitoring, investigation, reviewing, evaluating or representing the interests of States parties.

Australia

1. Each State Party shall take all appropriate legal, administrative and other measures to give effect to its obligations under this Treaty.

National authorisation system

2. Each State Party shall:
   a) implement and maintain an effective national system for assessing and authorising each export and import of conventional arms into or out of its territory, including by designating a competent national authority or authorities responsible for this system;
   b) as required, refuse, suspend or revoke authorisation;
   c) establish, maintain and publish a control list of the conventional arms within the scope of this Treaty; and
   d) ensure that relevant information is provided, upon request, to other States Parties to assist their national authority or authorities.

Imports

3. Each State Party shall take appropriate legal, administrative and other measures to prevent the diversion of conventional arms imported into its territory, to unauthorised or unintended end users within its territory.

Transit and transhipment


5. Each State Party shall take appropriate legal, administrative and other measures, consistent with international law, to investigate, inspect, seize, halt, prosecute or refuse the transit and transhipment of conventional arms in or through its territory, where the State Party has information that provides reasonable grounds to believe that such conventional arms have been exported without authorisation in accordance with this Treaty, or that the transit or transhipment is inconsistent with the criteria set out in Article XX of this Treaty.

Brokering

6. Each State Party shall take appropriate legal, administrative and other measures to prevent and suppress the brokering of exports or imports of conventional arms that have not been authorised by the relevant exporting or importing State in accordance with this Treaty or are inconsistent with criteria set out in Article XX of this Treaty, when undertaken by persons, or on territory, under its jurisdiction.

Enforcement

7. Each State Party shall take appropriate legal, administrative and other measures to impose penal sanctions to prevent and suppress any violation of the legislative measures giving effect to its obligations under this Treaty when undertaken by persons, or on territory, under its jurisdiction.

Botswana

Regarding Clause 5 of Article VI of the Chairs Draft Paper of July 2011, which reads “Each State party may refuse, suspend or revoke any transfer”, the Botswana position is that this clause is open-ended and gives discretion to the authorizing state, which could lead to arbitrary decision-making when authorizing transfers.
Botswana would accept language stating that each State party may refuse, suspend or revoke any transfer relating to conventional arms, subject to agreed criteria.

**Record Keeping, Reporting and Transparency**
Botswana proposes that the minimum time for the keeping of records should be twenty (20) years.

Botswana proposes that reporting obligations of States Parties should commence following the entry into force of the Treaty.

Botswana proposes the insertion of the words “following the initial report” after the word “annually” in Clause 4 of Article VI B of the Chairs Draft Paper of July 2011 so as to give a definite time frame for submission of reports.

**Brazil**

**A. National Authority and Systems**

1. Each State Party shall establish or maintain an effective system of export, import and international transit licenses or authorizations for transfers, in accordance with national political and legal systems and traditions.

2. Each State Party shall require that licenses or authorizations be issued by competent national authorities of the exporting and receiving State prior to the authorization of transfers.

3. Each State Party shall ensure that all newly-manufactured small arms and light weapons, as well as all small arms and light weapons to be subject to an international transfer, are market in accordance with the provisions of the International Tracing Instrument and/or the Firearms Protocol of the Palermo Convention against Transnational Organized Crime

4. Each State Party shall adopt penal and administrative sanctions for natural or legal persons acting in violation of national laws and regulations.

**China**

**Implementation**

1. Implementation of all Treaty obligations shall be undertaken at the national level;

2. Each State Party shall take all appropriate legislative and administrative measures and adopt appropriate enforcement and judicial mechanisms to enhance the national control on conventional arms and implement the obligations of this Treaty;

**A. National AUTHORITY AND Systems**

**Authorization Systems**

1. Each State Party shall take measures to ensure all authorizations for the export of items under the scope of this Treaty are detailed and issued prior to the export.

**Notification Systems**

**B. Record Keeping, Reporting and Transparency**

1. Each State Party shall maintain records of all conventional arms authorisations and/or exports of items issued under the scope of this Treaty. Such records may contain, inter alia, quantity, model/type, arms transfers authorized and refused, arms actually transferred, details of transit State(s), recipient State(s) and end users. Records shall be kept for a minimum of ten years.

2. Each State party may submit, on voluntary basis, to the Implementation Support Unit an annual report for the preceding year concerning the authorisation or transfer of items under the Scope of this Treaty.
Costa Rica

We suggest that the following be added to the section dealing with enforcement:

"4. Each State Party shall take measures to prevent, counter, and prosecute corruption, within its jurisdiction, in the context of transfers of conventional arms under the scope of this Treaty."

My country notes with satisfaction the inclusion of a new paragraph in sub-section C, which says that each State Party shall adopt necessary legislation or other appropriate measures to inspect and seize shipments, consistent with international law.

Democratic People’s Republic of Korea

Record keeping, reporting and transparency
International Support Unit

DPRK makes a proposal on deleting these two sections in view of confidentiality of military related information and sensitivity.
DPRK has concern over the issue of transparency because it will increase arms race rather than CBMs.

Ecuador

The Implementation section should take into consideration following views:

1. The implementation of the provision of the Treaty concern States exclusively, based upon the principle *pacta sunt servanda bona fide*.

2. By covering all stages of the arms trade, the Treaty should establish responsibilities for:
   a. Exporter States of transfer authorization, expedition of the armament, delivery of the armament and verification of the final user;
   b. Importer States of securing the entry routes and avoiding deviation towards non-authorized actors.
   c. Transit States of maintaining high control and monitoring standards while conferring the highest authority on national officials to stop and confiscate cargos and shipments that don’t comply with the provisions of the Treaty.

3. In order to guarantee transparency and preserve the legally-binding nature of the Treaty, it should express the obligation of States to submit periodical reports on their international trade and transfers of arms, containing detailed description of quantity, model, origin, etc. All States should have access to this information.

4. While setting out internal legal and administrative measures to prevent and punish violations of the Treaty provision, the text should also establish provisions whereby States are obliged to carry out investigations of cases linked with the violation of the Treaty, especially when it deals with arms deviation to the illegal market, in such a manner that it assures an effective cooperation among States on the matter and according to the provisions of the Convention on Transnational Organized Crime.

Egypt

1. The provisions of this Treaty shall be implemented in a manner that would avoid hampering the right of self-defense of any State Party.
2. States parties to this Treaty acknowledge that criteria/parameters and implementation measures under this Treaty are the main requirements for transfers.
3. Each State party, during the implementation of its obligations under this Treaty, shall assign the highest priority to ensuring that the implementation in accordance with the Treaty is not discriminatory, subjective in nature, nor could represent political abuse, including through documented justifications to be presented to the Arbitration Committee upon request.

4. Each State party shall establish a national contact point for the provision and receipt of information and requests pursuant to this Treaty, including to facilitate cooperation and information exchange for the purpose of the Treaty, including for arbitration.

5. Each State party may refuse, suspend, or revoke any transfer only when such action is consistent with its Treaty obligations and where the exporting State can document how such refusal, suspension or revocation did not represent political abuse of the Treaty and how such action was fully consistent with the Treaty.

NATIONAL AUTHORITY AND SYSTEMS/ Authorization Systems

- In deciding whether to authorize an export of items under the scope of this Treaty, each State Party will assess the export against the criteria/parameters in Article XX and be accountable for authorizations or denials which represent violations of this Treaty.
- Each State party will have a control list of those items subject to this Treaty, to be developed consistent with the terms of this Treaty under Article XX. Control lists should be endorsed periodically by the Assembly of States Parties.
- Each State Party shall take measures to ensure that it can verify or validate its authorizations and its denials. All authorizations and denials for an export of conventional arms in accordance with this Treaty must be detailed and issued prior to the export.

RECORDKEEPING, REPORTING AND TRANSPARENCY

- States Parties shall maintain records of all arms authorizations, transfers and denials. Such records may contain, inter alia, quantity, model/type, arms transfers authorized and refused, arms actually transferred, details of transit State(s), recipient State(s) and end users as well as grounds against which denials were issued.
- The ten largest arms producers/exporters* shall submit annually to the Secretariat a report for the preceding year concerning the production and past-production (stockpile), exports and imports of arms as detailed in article B1 and B2 above, as well as any new national legislation or other measures used to regulate or control the items and transaction under the Treaty's domain.

* (calculated on the average sales in the 5 years preceding the entry into force of this Treaty)

Hungary

The delegation of Hungary fully associates itself with the views expressed by the European Union previously and considers the Discussion Paper of 3rd July as the basis for its comments.

The delegation of Hungary is of the view that only a strong implementation regime would result in an effective Arms Trade Treaty.

The Treaty should exercise control over the activities stipulated in the scope in a tailor-made way, the record keeping and reporting obligations should be realistic and commensurate to the type of control on different types of activities, thus, the Treaty would not result in excessive administrative burdens for the Parties to the Treaty.

The delegation of Hungary finds the Discussion Paper as a good basis for the negotiations, however we would welcome the elimination of eventual repetitions (see A. Notification Systems 2. and B. Record keeping 2.) and seek greater clarity in the record keeping and reporting obligations attached to the different transfers.

Taking into account all of the above, the delegation of Hungary finds the Swedish contribution of 11th July (on Implementation) a well-phrased and comprehensive compilation that would merit further consideration.

India
1. Each party shall implement this treaty in accordance with its national laws, regulations and policies.

2. Each State party shall take all appropriate legislative and administrative measures, where necessary, to implement the obligations of this Treaty.

3. Each State party shall establish one or more national contact points for issues related to this Treaty.

4. A State Party shall honour its contractual obligations on transfers. This treaty shall not be cited as grounds for voiding contractual obligations undertaken under bilateral or multilateral defence cooperation agreements.

A. National AUTHORITY AND SystemS

1. Each State Party shall in accordance with its constitutional and legal provisions designate competent national authorities with defined duties that are responsible for maintaining a national control system for authorizing the transfer of items under the scope of this Treaty in a manner consistent with the goals and objectives of the Treaty.

2. Exporting States shall take measures to ensure all authorizations for the export of items under the scope of this Treaty are issued prior to the export in accordance with national laws, regulations and policies.

3. Importing States may provide upon request and mutual agreement appropriate information, to the exporting State Party to assist the exporting State in its criteria assessment, if provided in relevant agreements or contracts between exporting or importing States and entities.

4. Each State party shall adopt legislation or other appropriate measures as may be necessary to ensure its ability to implement and enforce domestically the national system that implements its obligations under this Treaty.

B. Record Keeping AND VOLUNTARY REPORTING

6. Each State Party shall maintain records of all conventional arms exports of items issued under the scope of this Treaty. Such records may contain, inter alia, quantity, model/type, arms transfers authorized, arms actually transferred, recipient State(s) and end users. Records shall be kept for a suitably long period in accordance with national regulations.

7. Each State Party shall ensure that all conventional arms transferred to their territory as the final destination are recorded. Such records may contain, inter alia, quantity, model/type, arms actually transferred, exporting State(s) and end users. Records shall be kept for a suitably long period in accordance with national regulations.

8. State Parties shall continue to report annually by May 31 their transfers of the categories of arms listed under the scope of this treaty to the UN Register of Conventional Arms.

Indonesia

Indonesia's proposal to be included in the 'implementation' chapeau of the ATT as follows:

1. “The provisions of this Treaty shall be implemented in a manner that would avoid hampering the rights of States.”

2. “Each State party shall assign the highest priority and standards to ensure that the implementation in accordance with the Treaty is consistent, non discriminatory, not subjective in nature, nor could represent, inter alia, political abuse and conditionalities.”
Indonesia proposes to also include the following concerning 'dispute settlement':

1. "In making the assessment that there is a serious and systematic violation of international humanitarian law and human rights law, there should be a consultation forum within the ATT in particular between the exporting and importing countries."

2. "To ensure consistent and non-discriminatory implementation and to avoid political abuse of the Treaty, an independent advisory group endorsed by the States Parties to the Treaty shall be established."

**Iran (Islamic Republic of)**

**National Implementation**
1. Implementation of this treaty shall be undertaken at the national level.

2. In accordance with their constitutional processes, States Parties will put in place, where they do not exist, the regulations and administrative procedures necessary to implement this Treaty.

3. Each State Party shall implement this treaty in an objective and non-discriminatory manner.

4. Each State Party shall establish one or more national contact points for issues related to this Treaty. A State Party shall notify the United Nations Office for Disarmament Affairs of its national contact point(s). A list of national contact points will be maintained and distributed to States Parties by the United Nations Office for Disarmament Affairs on a quarterly basis.

**National Authorization Systems**
1. The choice of the method, format, and content of authorizations for the export of conventional arms under the scope of this treaty is a national prerogative.

2. In processing and assessing an application for export of conventional arms under the scope of this treaty, competent national authorities of exporting State Party shall act in accordance with the provisions of this treaty.

**Notification Systems**
1. Importing States Parties shall provide the exporting State Party with relevant information regarding end-use and end user.

2. In case of denial of an application for export of conventional arms under the scope of this treaty, exporting State Party shall provide the importing State Party with information regarding grounds of denial.

3. States Parties may, where possible, monitor and control items covered under the scope of this Treaty that transit or transship through their territories.

**RECORD KEEPING**
1. Each exporting State Party shall maintain records of all authorizations issued for exports of conventional arms under the scope of this Treaty. Records shall be kept for a minimum of 5 years after the actual transfer of arms. The choice of method and content of record-keeping is a national prerogative.

2. Each State Party shall ensure that all conventional arms under the scope of this Treaty transferred to their territory as the final destination are recorded consistent with its national laws and procedures.

**REPORTING**
1. Each State Party shall, no later than 180 days after entry into force of this Treaty for that State Party, submit an initial report to the United Nations Office for Disarmament Affairs of all activities undertaken in order to implement this Treaty, including inter alia, domestic laws, regulations and administrative measures.
2. Each State party will submit to the Review Conferences of States Parties to this Treaty a report on its implementation of this treaty.

**Italy**

1. Rules VIIB1 and VIIB2 (Presidential document of July 3, 2012) which call for keeping for 20 years records on arms transactions appear to us overly prescriptive. We prefer a more generalized formula without specific figures.

2. We suggest, to facilitate reporting, that the format of reports in ATT should be similar to that in the UN Register on Conventional Arms.

3. ATT should not innovate with respect to established international treaty law (UNCLOS) and customary law on transits at sea, both in the high seas and in territorial waters. Further, ATT should not innovate with respect to existing specific international conventions such as, for example, the Montreux Convention that governs maritime traffic in the Turkish Straits.

**Japan**

(Note: The following is some of the key elements that Japan attaches importance to, and is not exhaustive. Japan intends to provide additional comments and contribution as the negotiations progress.)

**Implementation**

1. Each State Party shall take all appropriate legal, administrative and other measures necessary to implement this Treaty.

2. Each State Party shall maintain a national system for authorizing exports and imports of conventional arms covered by this Treaty.

3. Each State Party shall designate or establish one or more national contact points which facilitate the effective implementation of this Treaty. The functions of such national contact points include the exchange of information between the States Parties as well as facilitation of international cooperation and assistance. Each State Party shall notify the Implementation Support Unit of its national contact point(s). A list of national contact points shall be maintained and made available to the States Parties by the Implementation Support Unit on a quarterly basis.

4. Each State Party is encouraged to maintain consultation and to share information through national contact points, regarding the implementation of this Treaty. (Note: Paragraph 6. of Section on International Cooperation and Assistance of President’s Paper of 3 July 2012 is to be deleted.)

**Enforcement on export, import, transit, transhipment and brokering**

In order to ensure the effective implementation of this Treaty, the States Parties shall take the following measures:

1. Each State Party shall take all appropriate legal, administrative and other measures necessary to prohibit the export and import of conventional arms covered by this Treaty from or into territory under its jurisdiction unless authorized by that State Party in accordance with this Treaty.

2. Each State Party shall take all appropriate legal, administrative and other measures necessary to prevent the diversion of conventional arms covered by this Treaty to unauthorized use in territory under its jurisdiction.

3. Each State Party shall, where necessary and practicable, take all appropriate legal, administrative and other measures to monitor and control conventional arms covered by this Treaty that transit or tranship through territory under its jurisdiction, consistent with international law.

4. Each State Party shall, where necessary and practicable, take all appropriate legal, administrative and other measures to regulate the brokering of exports or imports of conventional arms covered by this Treaty by persons in territory under its jurisdiction.

**Record keeping, reporting and transparency**
1. Each State Party shall maintain records of all export authorizations or actual exports of conventional arms covered by this Treaty.

2. Each State Party shall maintain records of imports of conventional arms covered by this Treaty.

3. Each State Party shall keep the records referred to in 1. and 2. above for a minimum of ten years.

4. Each State Party shall, no later than 180 days after the entry into force of this Treaty for that State Party, submit an initial report to the Implementation Support Unit of all legal, administrative and other measures undertaken in order to implement this Treaty. This report shall be made public by the Implementation Support Unit.

5. Each State Party shall submit to the Implementation Support Unit an annual report for the preceding year concerning the export authorizations or actual exports and imports of conventional arms covered by this Treaty by 31 May. This annual report shall be made public by the Implementation Support Unit.

Implementation Support Unit

1. This Treaty establishes an Implementation Support Unit to assist the States Parties in the implementation of this Treaty.

2. The Implementation Support Unit shall:
   a. Serve as the repository for the reports submitted by the States Parties and make them public;
   b. Make preparations and provide the necessary services for the sessions of the Assembly of States Parties and any subsidiary organs, as necessary; and
   c. Assist the States Parties in providing information to the Assembly of States Parties and each other as provided for in Article XX of this Treaty, upon request.

Background Note:

[Transparency]
One of the main objectives of the ATT should be to promote transparency and accountability of States in transfer of conventional arms, thus contributing to building confidence among the States Parties. In this regard, the introduction of feasible reporting system would be indispensible for the effective implementation of this Treaty. To ensure this concept, Japan stresses that it is extremely important to make reporting mandatory, and we believe the President’s paper already makes that point clear by using the term “shall”. At the same time, it is also necessary to disclose the report to the public, and that has to be explicitly stated in the treaty text. If disclosure of the report is not explicitly stated, some States Parties may insist that their report be kept confidential, thus seriously undermining the purpose of the reporting system to promote transparency.

[Export, Import, Transit, Trans-shipment and Brokering]
As it was expressed by many Member States through their statements, it is critically important to realize the comprehensive coverage of this Treaty and also to ensure the full implementation of the ATT. In order to implement the effective control over international transfer of conventional arms, we must also understand the mechanics and the actual practice of transfer especially in the area of maritime shipment. Given the enormous volume and complex modalities of such transfer, the enforcement mechanism stipulated under this Treaty needs to be simple, effective and practical.

Kenya

National Authority and Systems
Kenya supports the comprehensive approach to ATT implementation outlined in the Chair’s text. In particular we support the requirement that for the purpose of the Treaty implementation, designate competent national authorities for arms transfer authorisation; have a national control list of items under the scope of the Treaty and provide all necessary documentation to other states in the arms transfer chain. Kenya believes that states parties should be required to take all necessary measures to control not only exports but all transfers included in the scope of the Treaty. These should include conventional arms, small Arms and Light Weapons, Ammunitions, parts and components.

Record-keeping, Reporting and Transparency
Kenya supports the need for the Treaty to contain record-keeping, reporting and transparency provisions.
Kenya is of the view that all of the optional record-keeping, and record management as set out in the Chair’s text should be mandatory and that all records shall be maintained for as long as those arms are still in use (nothing herein contains should be deemed to authorize the destruction of any document which is under the provision of any law for the time being in force is required to be kept and maintained.

**Enforcement**

Kenya fully supports the provisions of the Chair’s Paper with regard to enforcement, in particular the need for states to establish national judicial mechanisms, legislation which carry stronger penalties, and allowing effective law enforcement.

**Mexico**

Text to be included as a sub-section of the implementation section of the chair’s document of July 3rd.

**Diversion**

1. All States Parties involved in a transfer shall take all the necessary measures to prevent the diversion of such transfer to the illicit market or to an unintended user.
2. The licensing State shall take such measures as appropriate to ensure that the transfer is delivered to the intended end user. All other States Parties involved in the transfer shall cooperate as appropriate with the licensing State to that end.
3. Whenever a possible diversion is detected, the State or States Parties that made the detection shall notify without delay other States Parties, of such diversion, especially those which could be affected.
4. States Parties shall cooperate in addressing the possible diversion and take the measures to correct the situation in a timely manner, and shall inform each other in actions taken.

**Norway**

1) **End-use certification:**

*Chapeau of Article 6 on Criteria:*

Change the last sentence of the paragraph (after comma) to read:

“...and the verified end-user in the country of final destination.”

*Article 7, litra A, Notification Systems, paragraph 1:*

Change text after the words “criteria assessment” (last line) to read:

“...including end-user certification, as requested, and to verify the delivery to an approved end user.”

2) **Marking:**

Art. 7, new para 6:

“Each State Party shall take measures to ensure that all conventional arms listed in Article 4, A, 1, subparagraphs a-j, that are subject to export or import, are appropriately marked according to international best practices.”

*Article 7, litra B, new paragraph 3:*

“Each State Party shall keep records for a minimum of ... years of markings in accordance with Article 7, paragraph 6”.

**New Article 7 bis (based on the Chair’s 3 July paper):**

States Parties shall take all necessary measures to ensure that all natural and legal persons under their jurisdiction that store or stockpile conventional arms do so in a manner that is secure in order to inhibit the diversion of
conventional weapons into the illicit market, and to enhance accountability and transparency. State Parties shall ensure a high level of security for conventional arms stored by their armed forces and law enforcement agencies.

**Palau**

As a peaceful Small Island State, Palau has never experienced conflicts involving conventional arms, thus Palau is particularly concerned with regard to the transit and transhipment of conventional arms through and within our territorial waters. While we support the right of states to inspect and seize shipments consistent with international law as provided for in No 7, Section C, Paragraph 2 of the Chair’s July 3 Paper, the realities of Palau’s situation are that we have limited to no resources, capacity and mechanism toward inspecting and seizing shipments of conventional arms, either in Palau’s territorial waters or Port. For Palau, requirements to seize shipments of conventional arms within its borders and ports presents capacity challenges as well as risks of diversion into the wrong hands.

Accordingly, from my country’s perspective it will be vital that the Arms Trade Treaty sets out the basic rights of transit and transhipment states. This should include the requirement that exporting states notify transit and transhipment states in advance of the proposed transit or transhipment of conventional arms through their national jurisdiction. The Treaty should also explicitly recognise the right of states to refuse transit or transhipment of conventional arms through, or within, their national land and territorial waters.

Palau stresses that whatever steps may be taken to simplify and alleviate the implementation burden on small island developing states, whilst maintaining the integrity of the ATT’s goals and objectives, will help to ensure its effective and universal application.

**A. NATIONAL AUTHORITY AND SYSTEMS**

Notification Systems

3. States shall, where necessary, monitor and control items covered under the scope of this Treaty that transit or transship through their jurisdiction. In order to facilitate such monitoring and control, exporting states are required to provide prior notification of the transit or transshipment of conventional arms through the jurisdiction of another state. The right of a state to refuse transit or transshipment of conventional arms through their national jurisdiction is reaffirmed.

**Papua New Guinea**

**B. Record keeping, reporting and transparency**

- In the first line of paragraph (1), we propose deletion of the word “exports” and to replace it with the word “transfers”.
- In the second line of paragraph (1), we propose the deletion of the word “may” and replace it with “shall”.
- In the last line of paragraph (1), Papua New Guinea supports the Chairman’s text that records “shall be kept for a minimum of twenty years”.
- We also support the proposal by Australia and other like-minded countries that [and I quote] “… States Parties shall maintain records of other international transfers as set in Article XX (Scope) that occur in territory under its jurisdiction”. We understand that “other international transfers” to also include gifts, loans, leases and re-exports.

**C. Enforcement**

- In paragraph (1), we propose deletion of the word “export” in the second line and to replace it with the word “transfer”.

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Philippines

I. National Authority and Systems

• Provide explanation on why “imports” is not included under Authorization Systems
• Imports should also be included in Record Keeping and Reporting.
• On Record Keeping, Reporting and Transparency, particularly Item 2, provide clarification on the proposal for States to provide information on shipments of conventional arms in transit.

Russian Federation

General remarks:

For better structuring and clarity of provisions of the section it needs to be logically divided into two sections to be titled as follows:

- National Implementation (to reflect a common understanding on the subject that a decision-making process as well as specific parameters of controls over arms transfers must remain a national prerogative of States Parties)

- International cooperation (to facilitate communication among States Parties for appropriate implementation of the provisions)

Correspondently, all subsections and provisions should be rearranged and moved to appropriate sections.

Specific refinements:

Subsections on Authorization Systems and Notification Systems should be merged into one to ensure equally tight controls over arms transferred. Moreover, there must be a set of practical mutual arrangements (measures) between exporters and importers in order to prevent diversion to illicit trafficking, undeclared end-use or unauthorized end-users. The Russian delegation stands ready to further elaborate on this.

Another practical proposal for the Conference to consider is to move Criteria to National Implementation so far it remains a part of a risk assessment within decision-making process undertaken by the States on a case-by-case basis.

Enforcement should be also a part of National Implementation, and as an option not as a subsection but one of provisions.

Record-keeping has little to do with activities related to the area of transfers but much more with investigation techniques used by law-enforcement agencies. Thus, a worthwhile suggestion would be to thoroughly consider whether it belongs to an instrument that deals with far more limited issue of arms transfers but not with their long-term consequences.

Reporting, transparency, national contact points, etc. being not a part of either a national decision-making process or national control system over arms transfers seem more appropriate to be placed under International cooperation.

Saudi Arabia (on behalf of the Arab Group)

1. An international Secretariat shall be established to promote the effective, fair and balanced implementation of the treaty in accordance with its principles and objectives.
2. The Secretariat shall be funded from assessed contributions by its States parties
3. Each State party may submit a voluntary report. Reports by the largest ten arms shall also cover denied exports;
4. The secretariat shall be the depository of voluntary reports provided by States parties, including regarding denied transfers.

**Singapore**

1. Implementation of all Treaty obligations, including which may include authorizations and assessments enumerated in Article XX, shall be undertaken at the national level.

2. Each State Party shall is encouraged to take all appropriate legislative and administrative measures necessary to implement the obligations of this Treaty.

3. Each State Party shall establish one or more national contact points for issues related to this Treaty. A State Party shall notify the Implementation Support Unit (see Article XX) of its national contact point(s). A list of national contact points shall be maintained and distributed to States Parties by the Implementation Support Unit on a quarterly basis.

4. Each State Party is encouraged to maintain consultations and to share information regarding the implementation of this Treaty.

5. Communication between national points of contact is encouraged to support the application and implementation of this Treaty.

**A. NATIONAL AUTHORITY AND SYSTEMS**

**Authorization Systems**

1. Each State Party shall designate competent national authorities with defined duties that are responsible for maintaining a transparent, predictable and effective national control system for authorizing the transfer of conventional arms under the scope of this Treaty.

2. Each State Party shall conduct assessments evaluate whether to approve, refuse, suspend, or revoke authorizations for the export of conventional arms under the scope of this Treaty, in accordance with using the criteria set out in Article XX as a guide.

3. Each State Party shall take measures is encouraged 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 may be made available to the import, transit and transhipment State Parties upon request, subject to respective domestic legal and administrative systems. The format, content and conditions of the authorizations remain a national decision of the authorizing State Party.

4. Each State Party shall take all necessary measures to control brokering activities the activities of brokers taking place under its jurisdiction or control in the context of transfers under this treaty.

**Notification Systems**

1. Importing States Parties shall take measures as appropriate to ensure that provide appropriate and relevant information is provided, upon request, to the exporting State Party to assist the exporting State in its criteria evaluation assessment and to assist in verifying end users, in accordance with their respective domestic legal and administrative systems.

2. Each State Party shall ensure that all conventional arms transferred to their territory as the final destination are recorded.
3. States Parties shall, where necessary, monitor and control items covered under the scope of this Treaty that transit or tranship through their territories.

B. RECORD KEEPING, REPORTING AND TRANSPARENCY

1. Each State Party shall maintain records of all conventional arms authorisations or exports of conventional arms issued under the scope of this Treaty. Such records may contain, inter alia, quantity, model/type, arms transfers authorized, arms actually transferred, details of transit State(s), recipient State(s) and end users. Records shall be kept for a minimum of twenty-five years.

2. Each State Party shall ensure that all conventional arms transferred to their territory as the final destination or that are authorized to transit their territory, are recorded. Such records may contain, inter alia, quantity, model/type, arms actually transferred; details of transit State(s), exporting State(s) and end users. Records shall be kept for a minimum of twenty-five years.

3. Each State Party shall, no later than 180 days after entry into force of this Treaty for that State party, submit an initial report to the Implementation Support Unit of all activities undertaken in order to implement this Treaty, including inter alia, domestic laws, regulations and administrative measures.

4. Each State Party is encouraged to submit annually to the Implementation Support Unit an annual report following the same format as submissions to the United Nations Register of Conventional Arms for the preceding year concerning the authorization or transfer of conventional arms covered in Part III A (a-i) by 31 May for the preceding calendar year, in accordance with their respective domestic legal and administrative systems.

5. Each State Party shall submit the same report as defined in paragraph 4 of this Article to the United Nations Register of Conventional Arms by 31 May for the preceding calendar year.

C. Enforcement

1. Each State Party shall adopt national legislation or other appropriate measures, including law enforcement and judicial mechanisms, as may be necessary to prohibit or regulate the export of conventional arms under the scope of this Treaty from their territory unless authorized in accordance with this Treaty by that State Party.

2. Each State Party shall adopt necessary legislation or other appropriate measures to allow, where appropriate, to inspect and seize shipments, consistent with international law. Where such inspection and/or seizure takes place the Parties to the transaction may consult and use, where necessary, the dispute settlement arrangements provided for under this Treaty.

3. Each State Party shall establish criminal and/or civil penalties and other appropriate measures for violations of national legislation that implement the obligations set forth in this Treaty.

South Africa

B. RECORD KEEPING, REPORTING AND TRANSPARENCY

1. Each State Party shall maintain records of all conventional arms authorisations or exports of conventional arms issued under the scope of this Treaty. Such records may contain, inter alia, quantity, model/type, arms transfers authorized, arms actually transferred, details of transit State(s), recipient State(s) and end users. Records shall be kept for a minimum of twenty years such minimum periods as prescribed in national legislation.

2. Each State Party shall ensure that all conventional arms transferred to their territory as the final destination or that are authorized to transit their territory, are recorded. Such records may contain, inter alia, quantity, model/type, arms actually transferred; details of transit State(s), exporting State(s) and end users. Records shall be kept for a minimum of twenty years such minimum periods as prescribed in national legislation.

Spain
It is important to establish guaranties to avoid the diversion of arms towards an unwanted country, an undesired use or user.

The minimum requirements that should be requested are:

- The description of the use and the final users, the verification of the arrival of an export to its final destination, the identification of the national authority and recognition of the signature, the re-exportation clause, and the requirement of a strict linkage between each certificate and the product described.
- As far as the defence material is concerned, we would support the developing of an international recognized document, to be used as a certification of final use, designed in a way to prevent falsifications and allowing a quick and truthful authentication by the control authorities of the exportations.

**Switzerland**

- We agree with many delegations that Chapter 7 of the current Discussion Paper on Implementation is rather too long and contains some overlapping.
- We should only maintain those paragraphs which establish obligations to State Parties. Therefore, we should delete Para 4 and Para 5 of the chapeau section of Chapter 7. According to Para 4 “Each State Party is encouraged to maintain consultations and to share information regarding the implementation of the Treaty” and according to Para 5 “Communication between national points of contacts is encouraged to support the application and implementation of this Treaty”.

**Authorization systems:**

- We propose to change the title to export and brokering
- In Para 2 and 3 several delegations proposed to replace “export” by “transfer”. In our opinion the corresponding fine-tuning has to be made once agreement is reached on the scope.
- According to Para 3, each State Party shall take measures to ensure that all authorizations are detailed. However, what does this mean? Each State Party might understand something different. Therefore, we propose the following: Each State Party shall ensure that all authorizations include at least information about the quantity, model/type of the arms, the recipient State and the end-user.
- We do think that in Para 4 State Parties must control brokering as such and not the activities of brokers. At the same time we would like to stress that we still feel strongly that the same criteria should apply to brokering as to exports.

**Notification systems:**

- we propose to change the title to import and transit/transhipment, as the three existing paragraphs do not deal with notifications.
- We ask ourselves if an additional should not deal with the obligation of States Parties to control the import of arms and not only to provide the appropriate and relevant information. We propose the following wording: Each State Party shall control imports of items covered under the scope of this treaty.

**Record Keeping, Reporting and Transparency:**

- We propose to move Para 3 in order to become Para 1.
- In Para 4 we support the idea of the Chairman, that no or only limited reporting is required for authorisations or transfers of ammunition/military munitions as well as parts and components to limit bureaucratic burden on States Parties.
- On Para 5, we are not sure if the treaty should refer to the UN Register of Conventional Arms which is a distinct instrument with its own purpose and functioning.

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

Trinidad and Tobago on behalf of CARICOM submits that the Chair’s text, dated July 3, 2012, provides useful information, which should find itself in the future Treaty. However, we submit the following suggestions in an attempt to contribute to the improvement of the draft treaty text:
1. Implementation of all Treaty obligations, including authorizations and assessments enumerated in Article XX, shall be undertaken at the national level.

2. Each State Party shall take all appropriate legislative and administrative measures necessary to implement the obligations of this Treaty.

3. Each State Party shall establish one or more national contact points for issues related to this Treaty. A State Party shall notify the Implementation Support Unit (see Article XX) of its national contact point(s). A list of national contact points shall be maintained and distributed to State Parties by the Implementation Support Unit on a quarterly basis.

4. Each State Party Parties are encouraged to maintain consultations and to share information among each other regarding the implementation of this Treaty, including consultations Communication between national points of contact. is encouraged to support the application and implementation of this Treaty.

A. NATIONAL AUTHORITY AND SYSTEMS

Authorization Systems

1. Each State Party shall designate competent national authorities with defined duties and ensure adequate coordination at the national level between those authorities, which are responsible for maintaining a transparent, predictable and effective national control system for authorizing the transfer of conventional arms under the scope of this Treaty.

2. Each State Party shall conduct assessments whether to approve, refuse, suspend or revoke authorizations for the export transfer of conventional arms under the scope of this Treaty, in accordance with the criteria set out in Article XX.

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

4. Each State Party shall take all necessary measures to control the activities of brokers brokering taking place under its jurisdiction or control in the context of transfers under this Treaty.

Notification Systems

1. Importing State 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. Each State Party shall ensure that all conventional arms transferred to their territory as the final destination are recorded.

3. State Parties shall, where necessary, monitor and control items covered under the scope of this Treaty that transit or transship through their territories.

B. RECORD KEEPING, REPORTING AND TRANSPARENCY ENFORCEMENT
1. Each State Party shall maintain records of all conventional arms authorizations or exports of conventional arms issued under the scope of this Treaty. Such records may contain, inter alia, quantity; model/type, arms transfers authorized, arms actually transferred, details of transit State(s), recipient State(s) and end users. Records shall be kept for a minimum of twenty years.

2. Each State Party shall ensure that all conventional arms transferred to their territory as the final destination of that mate authorized to transit their territory, are recorded. Such records may contain, inter alia, quantity; model/type, arms actually transferred, details of transit State(s), exporting State(s) and end users. Records shall be kept for a minimum of twenty years.

3. Each State Party shall, no later than 180 days after entry into force of this Treaty for that State Party, submit an initial report to the Implementation Support Unit of all activities undertaken in order to implement this Treaty, including inter alia, domestic laws, regulations and administrative measures.

4. Each State Party shall submit annually to the Implementation Support Unit an annual report for the preceding year concerning the authorization or transfer of conventional arms covered in Part III A (a) by 31 May for the preceding calendar year.

5. Each State Party shall submit the same report as defined in paragraph 4 of this Article to the United Nations Register of Conventional Arms by 31 May for the preceding calendar year.

C. ENFORCEMENT

1. Each State Party shall adopt national legislation or other appropriate measures, including law enforcement and judicial mechanisms, as may be necessary to prohibit the export transfer of conventional arms under the scope of this Treaty from their territory unless authorized in accordance with this Treaty by that State Party.

2. Each State Party shall adopt necessary legislation or other appropriate measures to inspect and seize shipments, consistent with international law. Where such inspection and/or seizure takes place the Parties to the transaction may consult and use, where necessary, the dispute settlement arrangements provided for under this Treaty.

3. Each State Party shall establish criminal and/or civil penalties and other appropriate measures for violations of national legislation that implement the obligations set forth in this Treaty.

In conclusion, CARICOM notes that there should be a provision concerning the prevention of diversion in this section.

United Kingdom

The UK is grateful for the opportunity to comment on the implementation sections of the paper of 3 July and to suggest text for these sections. We would like to draw your attention to the statement delivered this afternoon by Ambassador Adamson on behalf of the People's Republic of China, France, the Russian Federation, the United Kingdom and United States, which dealt with the structure of this section.

In addition to those structural suggestions, we support the proposals put forward by Japan and Australia. We would also like to suggest some additional language dealing with the issue of corruption. The UK considers that the Treaty could be strengthened by including a requirement for States Parties to take measures to tackle corruption, which would we would recommend be included in addition to the language on corruption in the section dealing with criteria. We suggest that the following be added to the section dealing with enforcement:

"4. Each State Party shall take measures to prevent, counter, and prosecute corruption, within its jurisdiction, in the context of transfers of conventional arms under the scope of this Treaty."

Viet Nam
An effective, consistent and non-discriminatory implementation of ATT is the most important element of ATT and primary responsibility in this regard lies with national decisions of states. ATT should not provide specific, detailed regulations but general guidelines for the framework and mechanism of implementation of each state, taking into consideration the different capabilities of states in their implementation of ATT. Those should be a balance between the need for transparency and legitimate security needs of states in its provisions on transparency mechanism, including regulations on reporting responsibility of states, which are established in accordance with the primary objective of ATT, namely to prevent illicit transfer of conventional arms. Overlapping and complicated reporting mechanism would create unnecessary burden for States Parties especially developing ones. It is our view that to ensure the universality of the Treaty, the reporting mechanism should be based on a voluntary basis. Therefore, Viet Nam would like to propose:

**Reporting and Transparency**

“The State Party is encouraged to provide information or national reports on implementation of the Treaty on a voluntary basis”.

**Enforcement:**

“Each State Party shall adopt necessary legislation or other appropriate measures to inspect and seize shipments in accordance with the fundamental principles of the UN Charter and international law”.

**Holy See**

A. National Authority and System

**Authorization Systems**

2. & 3. change “export” to “transfer” in both paragraphs’

**Notification Systems**

3. States Parties shall, where necessary, monitor or control items covered under the scope of this Treaty that transit or transship through their territories

B. Record Keeping, Reporting and Transparency

1. Each State Party shall maintain records of all conventional arms authorizations or exports of conventional arms issued under covered under the scope of this Treaty. Such records may shall contain, inter alia, quantity, model/type, arms transfers authorized, arms actually transferred, details of transit State(s), recipient State(s) and end users. Records shall be kept for a minimum of twenty years.

2. Each State Party shall ensure that all conventional arms covered under the scope of this Treaty transferred to their territory as the final destination or that are authorized to transit their territory, are recorded. Such records may shall contain, inter alia, quantity, model/type, arms actually transferred; details of transit State(s), exporting State(s) and end users. Records shall be kept for a minimum of twenty years.

4. Each State party shall submit annually to the Implementation Support Unit, by 31 May of each year, an annual report for the preceding calendar year concerning the authorization or transfer of conventional arms covered in Part A (a-i) under the scope of this Treaty. by May 31. for the preceding calendar year.

**European Union**

- The section on implementation of the discussion paper includes relevant provisions concerning the implementation of the treaty, such as national authority and systems, notification systems, record keeping, reporting and transparency, and dispute settlement.
- There is certainly room for improvement, synthesis and avoidance of repetition.
- Clarity should be sought through the identification of specific control provisions for different types of transfers.
- For example, the Treaty should be clear about the fact that controls and criteria need to be tailored to different kinds of transfers.
• It should also be specified that for some types of activities, such as transit, transhipment or import, controls do not need to be exerted each and every time but only when necessary and appropriate.
• In many cases, it is the capacity of Parties to the Treaty to control transfers, rather than the control itself, that should be ensured.
• For example, for import and transit, Parties to the Treaty should be able to control, where necessary, specific transfers, without implying an obligation to control each and every import or transit of items.
• Record keeping obligations should also be realistic and commensurate to the type of control expected on different types of transfers.
• For example, one would expect that record keeping requirements for export should be much more stringent than for import.