Elements of provision on Scope in an ATT

This Treaty applies only to the International transfer of arms.

A. Covered Items

1. This Treaty shall apply to the international transfer of (all/ the following categories of) conventional arms and related material, either manned or unmanned, whether exported in complete, partially assembled or unassembled form.

Including,

a. Battle Tanks
b. Armoured Combat/Military vehicles
c. (LargeCalibre)Artillery systems and mortars of all calibres
d. Combat/Military Aircraft
e. Attack/Military Helicopters
f. Warships/Naval Vessels both surface and submarine vessels
g. Missiles and Missile Launchers/Systems (guided and unguided)

(a to g as defined in the UN Register on Conventional Arms/definition to discretion of states parties)

h. Small Arms for military use and Light Weapons,

(as defined in in Paragraph 4A and 4B of the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons/ definition to discretion of states parties)

i. Munitions for the categories (a to h/h) as listed above and military explosive devices
j. Other systems specifically designed or modified for military use (electronic equipment, computers, telecommunications equipment, information security equipment, active and passive sensors and their countermeasures, training devices).
k. Parts or components specially designed for any of the categories listed in subparagraphs set out above.
l. Technology and equipment specially and exclusively designed and used to develop, manufacture or maintain any of the categories set out above.
m. Dual use items when used for military or internal security purposes

2. States Parties shall establish, maintain, and publish a control list that shall include as a minimum the items that fall within the scope of this Treaty. The definitions of the items on the control list shall be the prerogative of states parties.
B. Covered Activities

1. This Treaty shall apply to the following activities involving conventional arms:
   a. Import
   b. Export
   c. Brokering of exports and imports
   d. Transit and Transshipment
   e. Leases, loans or gifts
   f. Re-export
   g. Production by major producers/exporters
   h. Past productions and stockpiles by major producers/exporters

2. This Treaty shall not apply to the supply of conventional arms by a State Party to its armed forces or law enforcement agencies stationed abroad or to support United Nations mandated or international peacekeeping operations.

C. Anti-Circumvention

1. States parties shall take all necessary measures to ensure that the goals and objectives of this treaty shall not be circumvented or undermined by items or activities, including the transfer of unassembled items, parts and components that would allow for the manufacture and assembly of conventional arms covered by the scope of the Treaty.
United Nations Conference on an Arms Trade Treaty
Main Committee II
Contributions on Scope

Joint proposal by Australia, Japan, Sweden

Activities
1. This Treaty shall apply to the export and import of conventional arms, including those in the form of a gift, lease or loan; the transit and transshipment of conventional arms; and the brokering of exports and imports of conventional arms.

2. This Treaty shall not apply to the supply of conventional arms by a State Party to its armed forces or law enforcement agencies abroad or to support United Nations mandated operations.

Items
3. This Treaty shall apply to all conventional arms, manned or unmanned. These include any item that falls within the following categories:
   (a) Military vehicles;
   (b) Tanks;
   (c) Military Aircraft;
   (d) Naval Vessels (surface or submarine vessels armed or equipped for military use);
   (e) Military Helicopters;
   (f) Artillery systems;
   (g) Missile and missile systems (guided or unguided) including launching apparatus;
   (h) Small Arms;
   (i) Light Weapons;
   (j) Munitions, as well as ammunition, for use with the items listed in categories (a) to (i);
   (k) Parts and components specially designed or modified for the items listed in categories (a) to (j); and
   (l) Technology and equipment specially designed or modified to develop, manufacture or maintain the items listed in categories (a) to (j).

4. Each State Party shall establish, maintain, and publish a control list of the conventional arms which fall within the scope of this Treaty.

Joint proposal by Ghana, Iceland, Malawi, New Zealand, Niger, Nigeria, Norway, Palau, Papua New Guinea, Samoa

A. Covered Items
1. This Treaty shall apply to all conventional arms including their ammunition and related equipment being manned or unmanned and whether transferred in complete, partially assembled or unassembled form, including:
   a. Tanks,
   b. Armored combat vehicles and similar ground vehicles designed or modified for military, paramilitary or law enforcement purposes,
   c. Artillery systems and mortars of all calibers,
   d. Aircraft designed or modified for military, paramilitary or law enforcement purposes,
   e. Helicopters designed or modified for military, paramilitary or law enforcement purposes,
f. Vessels and submarines designed or modified for military, paramilitary or law enforcement purposes,
g. Missile and missile systems (guided or unguided) including launching apparatus,
h. Small arms,
i. Light weapons,
j. Ammunition and munitions, including for the arms mentioned in this Article,
k. Parts and components specially designed for the conventional arms listed in subparagraphs a-i above.

2. State Parties shall ensure that a national control list is established, maintained and published to cover all items that fall within the scope of this Treaty.

B. Covered Activities
1. This Treaty shall apply to all international transfers of conventional arms, hereafter referred to as "transfers". A transfer is defined as:

The physical movement into or from national territory, and which includes the transfer of title or control, including all gifts, loans or leases.

2. A transfer does not include the supply of conventional arms by a State Party: to its armed forces or law enforcement personnel stationed abroad, or to support United Nations mandated peacekeeping operations, or international missions or operations led or mandated by the United Nations.

3. If the conventional arms supplied under paragraph 2 are to be subject to a change of title or control abroad, including after withdrawal of the State Party's armed forces or law enforcement personnel, this shall be treated as a transfer and assessed in accordance with the criteria of Article XX of this Treaty.

4. State Parties shall establish national legislation, regulations and administrative procedures, as appropriate, for transfers under the scope of this Treaty, including at a minimum for:

   a. Import (the receiving of conventional arms into a State Party's territory)
   b. Export (the sending of conventional arms out of a State Party's territory when combined with a change of control or ownership of these arms).

5. State Parties shall also establish national legislation, regulations and administrative procedures, as appropriate, for the following activities:

   a. The control of brokers (people or entities acting as an intermediary that brings together relevant parties and arranges or facilitates a potential transaction of conventional arms in return for same form of benefit, whether financial or otherwise)
   b. Transit and Transshipment (physical passage across the territory of a State with or without warehousing or change in mode of transportation, as part of a complete journey).

C. Anti-Circumvention
States shall take all necessary measures to ensure that the goals and objectives of this Treaty shall not be circumvented or undermined, including by the transfer of unassembled items, technology and equipment, parts and components that would allow for the manufacture and assembly of all conventional arms.

Bangladesh
We are of the view that the arms trade treaty should be comprehensive in scope but feasible for implementation, focusing on targeted problems. The Arms Trade Treaty should cover export, import, state-to-state, state-to-private end-user, commercial sales, Leases, loans or gifts or any other form of transfer of material goods or expertise, re-export, transit, temporary transfer and trans-shipment and brokerage of all conventional arms, including but not limited to, heavy weapons, small arms and light weapons, ammunitions, parts and components of the aforementioned, etc. To be effective, an Arms Trade Treaty should contain a comprehensive system to control the cross-border movement of all conventional weapons, munitions and associated parts, technology and equipment. The above items should be clearly defined and laid out in a detailed annex that should be updated at regular intervals. The definition of conventional arms to be included in the treaty should be flexible and adaptable to future technological developments in the arms industry.

Brazil

A. Covered Items

This Treaty shall apply to the following categories of weapons:

a. Battle tanks, as defined in the United Nations Register of Conventional Arms;
b. Armoured combat vehicles, as defined in the United Nations Register of Conventional Arms;
c. Large-calibre artillery systems, as defined in the United Nations Register of Conventional Arms;
d. Combat aircraft, as defined in the United Nations Register of Conventional Arms;
e. Attack helicopters, as defined in the United Nations Register of Conventional Arms;
f. Warships, as defined in the United Nations Register of Conventional Arms;
g. Missiles and missile launchers, as defined in the United Nations Register of Conventional Arms;
h. Small Arms, as defined in paragraph 4a of the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons;
i. Light Weapons, as defined in paragraph 4b of the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons;
j. Ammunition for the categories listed in subparagraphs (h) and (i) of this paragraph.

Canada

Canada has three small suggested changes within section 4 on Scope:

Section A. Covered Items, sub-section (j): We suggest that the section reads, 'Ammunition/Military Explosive Devices' thereby replacing the generic term munitions with a more specific term.

Section B. Covered Activities, Section 1: Per Canada's intervention of July 11th, it is proposed that sub-section (b) 'The transfer of title or control over the conventional arms' be deleted entirely as it would cover these entirely domestic activities, something unacceptable to Canada and at least some others.

Section 3, sub-section (c): We suggest re-wording this section to, 'The control of illicit brokering'. This would recast the section in terms of the control of illicit activities, which is one of the goals of this Treaty.

Costa Rica

Proposal made by Costa Rica in support, but with amendments made, to that text of Australia, Sweden, and Japan.
Activities
1. This Treaty shall apply to the export and import of conventional arms, including those in the form of a sale, gift, lease or loan; the transit and transshipment of conventional arms; and the brokering of exports and imports of conventional arms.

2. This Treaty shall not apply to the supply of conventional arms by a State Party to its armed forces or law enforcement agencies abroad or for its use to support United Nations mandated operations. However, if the conventional arms will remain abroad, this treaty shall apply to the subsequent gift, sale, loan or lease of conventional arms by the State party that has supplied them under this paragraph.

Items
1. This Treaty shall apply to all conventional arms, manned or unmanned. This includes any item that fall within the following categories:
   (a) Military vehicles;
   (b) Tanks;
   (c) Military Aircraft;
   (d) Naval Vessels (surface or submarine vessels armed or equipped for military use);
   (e) Military Helicopters;
   (f) Artillery systems;
   (g) Missile and missile systems (guided or unguided) including launching apparatus;
   (h) Small Arms;
   (i) Light Weapons;
   (j) Munitions, as well as ammunition for use with the items listed in categories (a) to (i) conventional arms;
   (k) Parts and components specially designed or modified for the items listed in categories (a) to (j) conventional arms, munitions and ammunition
   (l) Technology and equipment specially designed or modified to develop, manufacture or maintain the items listed in categories (a) to (j) conventional arms, munitions and ammunition.

2. Each State Party shall establish, maintain, and publish a control list of the conventional arms that are subject to import, export, transit, transshipment and brokering in its jurisdiction, which falls within the scope of this treaty.

China

A. Covered Items
1. This Treaty shall cover conventional arms defined by the United Nations Register on Conventional Arms:

   a. Battle tanks
   Tracked or wheeled self-propelled armoured fighting vehicles with high cross-country mobility and a high-level of self-protection, weighing at least 16.5 metric tons unladen weight, with a high muzzle velocity direct fire main gun of at least 75 millimetres calibre.

   b. Armoured combat vehicles
   Tracked, semi-tracked or wheeled self-propelled vehicles, with armoured protection and cross-country capability, either: (a) designed and equipped to transport a squad of four or more infantrymen, or (b) armed with an integral or organic weapon of at least 12.5 millimetres calibre or a missile launcher.
c. Large-calibre artillery systems
Guns, howitzers, artillery pieces, combining the characteristics of a gun or a howitzer, mortars or multiple-launch rocket systems, capable of engaging surface targets by delivering primarily indirect fire, with a calibre of 75 millimetres and above.

d. Combat aircraft
Fixed-wing or variable-geometry wing aircraft designed, equipped or modified to engage targets by employing guided missiles, unguided rockets, bombs, guns, cannons or other weapons of destruction, including versions of these aircraft which perform specialized electronic warfare, suppression of air defence or reconnaissance missions. The term "combat aircraft" does not include primary trainer aircraft, unless designed, equipped or modified as described above.

e. Attack helicopters
Rotary-wing aircraft designed, equipped or modified to engage targets by employing guided or unguided anti-armour, air-to-surface, air-to-subsurface, or air-to-air weapons and equipped with an integrated fire control and aiming system for these weapons, including versions of these aircraft which perform specialized reconnaissance or electronic warfare missions.

f. Warships
Vessels or submarines armed and equipped for military use with a standard displacement of 500 metric tons or above, and those with a standard displacement of less than 500 metric tons, equipped for launching missiles with a range of at least 25 kilometres or torpedoes with similar range.

g. Missiles and missile launchers
(a) Guided or unguided rockets, ballistic or cruise missiles capable of delivering a warhead or weapon of destruction to a range of at least 25 kilometres, and means designed or modified specifically for launching such missiles or rockets, if not covered by categories a through f. This sub-category includes remotely piloted vehicles with the characteristics for missiles as defined above but does not include ground-to-air missiles. (b) Man-Portable Air-Defence Systems (MANPADS).

2. State Parties shall establish, maintain, and publish a control list of the conventional arms it considers under the scope of this Treaty, which shall include, among other, the items listed in paragraph 1.

B. Covered Activities
The Treaty shall cover relevant activities included in the international trade of conventional arms, hereinafter referred to as "transfer":
a. Import
b. Export
c. Manufacture under license
d. Joint development and production

Côte d'Ivoire

Activities
1. The ATT shall apply to the export and import of conventional arms, including those in the form of a sale, gift, trans-shipment, re-export, licensing, lease or loan; the transit and transshipment of conventional arms; and the brokering of exports and imports of conventional arms.
2. The ATT shall not apply to the supply of conventional arms by a State Party to its armed forces or law enforcement agencies abroad or for its use to support United Nations mandated operations. However, if the conventional arms will remain abroad, this treaty shall apply to the subsequent gift, sale, loan or lease of conventional arms by the State party that has supplied them under this paragraph.

Items
1. The ATT shall apply to all conventional arms, manned or unmanned. These include any item that falls within the following categories:
   (a) Military vehicles;
   (b) Tanks;
   (c) Military Aircraft;
   (d) Naval Vessels (surface or submarine vessels armed or equipped for military use);
   (e) Military Helicopters;
   (f) Artillery systems;
   (g) Missile and missile systems (guided or unguided) including launching apparatus;
   (h) Small Arms;
   (i) Light Weapons;
   (j) Munitions, as well as ammunitions for use conventional arms;
   (k) Parts and components specially designed or modified for conventional arms, munitions and ammunition
   (l) Technology and equipment specially designed or modified to develop, manufacture or maintain the items listed in categories (a) to (j) conventional arms, munitions and ammunition.

2. Each State Party shall establish, maintain, and publish a control list of the conventional arms that are subject to import, export, transit, transshipment and brokering in its jurisdiction.

Egypt

1. In principle, emphasis should be placed on the elements of relevance and proportionality between the different elements on the potential treaty.
2. All elements of the proposed treaty are dependent on its objectives. There is an essential conceptual need to define the objectives in a comprehensive way so as to elaborate the element of scope. All elements of the proposed treaty are also interdependent.
3. There remains a strong and direct link between the elements of Scope and Criteria. The inclusion of specific details to certain arms categories in scope would naturally require a detailed articulation of elements of criteria and vice versa.
4. Verifying the implementation of the Treaty’s scope is a priority. While considering the scope we have to bear in mind that inclusion of certain weapons’ categories would entail significant challenges relating to practicality concerning implementation, thus undermining a potential robust verification and monitoring mechanism, which is the guarantee for avoiding violation.
5. Any potential treaty must avoid the inclusion of parts and/or components of weapons or weapons systems, or the restriction of dual-use goods and components, as this can result in extensive hurdles to civil industry and contradict with the industrial and developmental aims of many developing States.
6. The scope should not mean that if the potential recipient State does not fit one criterion, it would automatically be denied transfers of the entire set of arms categories covered in the scope (if agreement is reached on having the scope as a list of arms categories).
7. The terminology used in the potential treaty for weapons categories should be the exact terminology in the United Nations Register of Conventional Arms (UNRCA). Any other proposed language should be adjusted in this context.
8. Clear and agreed definitions of all terms is a prerequisite for inclusion in the section on scope.

A Covered Items
"For the purposes of this Treaty, conventional arms shall be the seven categories of the United Nations Register of Conventional Arms (UNRCA), which are those items enumerated below.

1. Battle Tanks
2. Armored Combat Vehicles
3. Large-Calibre Artillery Systems
4. Combat Aircraft
5. Attack Helicopters
6. War ships
7. Missiles and Missile launchers"

B Covered Activities
"The activities to be covered by this Treaty are those enumerated below.

1. Exports
2. Imports
3. Production by major producers/exporters
4. Past productions and stockpiles by major producers/exporters"

France

A. Covered items
1. This Treaty shall apply to all conventional arms, including, inter alia, those arms and related material that fall within the following categories, either manned or unmanned, whether exported in complete, partially assembled or unassembled form:
   a. Tanks
   b. Military vehicles
   c. Artillery systems
   d. Military Aircraft
   e. Military Helicopters
   f. Naval Vessels (surface and submarine vessels)
   g. Missile and Missile Systems (guided or unguided) including launching apparatus
   h. Small Arms
   i. Light Weapons
   j. Ammunition/Military munitions
   k. Parts or components specially designed for any of the categories listed in subparagraphs (a)-(j) of this paragraph
   l. Technology and Equipment specially and exclusively designed and used to develop, manufacture, or maintain items in the of the categories in subparagraphs (a)-(j).

2. Each State party shall establish, maintain, and publish a control list of the conventional arms it considers falls within the scope of this Treaty.

B. Covered Activities
1. This Treaty shall apply to all international transfers of conventional arms, hereafter referred to as "transfers," defined as:
   a. The physical movement of conventional arms into or from national territory, and which includes the transfer of title or control over the conventional arms;
   b. The transfer of title or control over the conventional arms.
2. A transfer does not include the supply or movement of conventional arms and related items by a State Party to its armed forces or law enforcement agencies outside of its national territory or to support United Nations mandated operations.

3. State Parties shall establish national legislation, regulations and administrative procedures, as appropriate, for transfers under the scope of this Treaty, including at a minimum for:
   a. Import
   b. Export
   c. Brokering (activities of brokers resident or established in the territory of a State party who buy, sell, negotiate or arrange transactions that may involve the transfer of items under the scope of this treaty from a third country to any other third country)
   d. Transit and Transshipment (physical movement of items under the scope of the treaty across the land territory of a State Party, bound for another State, with warehousing or change in mode of transportation)

Germany

A. Covered Items
1. This Treaty shall apply to all conventional arms, including, inter alia, those arms and related material that fall within the following categories, either manned or unmanned, whether exported in complete, partially assembled or unassembled form:
   a. Tanks
   b. Military vehicles armoured combat vehicles and other ground vehicles specially designed or modified for military, paramilitary or law enforcement purposes
   c. Artillery systems and mortars of all calibers
   d. Military Aircraft-aircraft specially designed or modified for military, paramilitary or law enforcement purposes (including reconnaissance, electronic warfare, transport and refuelling aircraft)
   e. Military helicopters (including reconnaissance, electronic warfare, transport and refuelling helicopters)
   f. Naval Vessels (surface and submarine vessels)surface vessels and submarines specially designed or modified for military, paramilitary or law enforcement purposes
   g. Missile and Missile Systems (guided or unguided) including launching apparatus
   h. Small Arms and Light Weapons (no calibre gap should exist between this category and artillery systems)
   i. —Light Weapons
   j. —Ammunition/Military Munitions other munitions (including bombs, mines, torpedoes, hand grenades, demolition charges specially designed for military use, and ammunition for any of the categories of weapons described in subparagraphs a-h above);
   k. other systems, specially designed or modified for military use;
   l. parts and components, specially designed or modified for any of the categories of weapons described in subparagraphs a-j above;
   m. Technology and equipment specially designed or modified for the development, manufacture, and maintenance of any of the categories of items described in subparagraphs a-k above.
   n. Parts or components specially designed for any of the categories listed in subparagraphs (a)-(l) of this paragraph

1 bis. The category of "other systems" shall cover further types of equipment, specially designed or modified for military use, not included in the list above, sub-paragraphs a-i, such as:
1. electronic equipment;
2. computers;
3. telecommunications equipment;
4. information security equipment;
5. active and passive sensors and their countermeasures;
6. training devices.

2. State Parties shall establish, maintain, and publish a control list of conventional arms in accordance with paragraph 1 that considers falls within the scope of this Treaty.

B. Covered Activities
1. This Treaty shall apply to all trade related international transfers of conventional arms, hereafter referred to as “transfer,” defined as:
   a. The physical movement of conventional arms into the territory of a Party to the Treaty or from the territory of a Party to the Treaty, national territory, and which includes the transfer of title or control over the conventional arms; or
   b. A transfer of title or control over the conventional arms.

2. A transfer does not cover the physical movement include the supply of conventional arms and related items by a State Party to the Treaty to its armed forces or law enforcement agencies stationed abroad and their return, or in the framework of international missions and/or operations, such as those led or mandated by the to support United Nations mandated peacekeeping operations.

2bis Wherever the conventional arms subject to a physical movement as specified in para 2 above are to finally remain in the country of destination of this physical movement, an authorization according to the provisions applying to exports set out in this Treaty shall be required.

3. The following types of international transfers and activities shall be covered by the scope of the treaty. State Parties shall establish national legislation, regulations and administrative procedures, as appropriate, for transfers under the scope of this Treaty, including at a minimum for:
   a. Import (receiving conventional arms into a State Party’s territory)
   b. Export (including re-export, loans, gifts, or leases of equipmentchange of title, control or ownership of conventional arms)
   c. The control of brokerings (people or entities acting as an intermediary that brings together relevant parties and arranges or facilitates a potential transaction of conventional arms in return for some form of benefit, whether financial or otherwise)
   d. Transit and Transhipment (physical passage across the territory of a State with or without warehousing or change in mode of transportation, as part of a complete journey)
   e. Technical assistance related to conventional weapons, including training, repairing, maintenance and upgrading

4. Appropriate types of control for each of the above-mentioned types of transfers and activities shall be defined in the implementation sections of this Treaty.

C. Anti-Circumvention
1. States shall take all necessary measures to ensure that the goals and objectives of this treaty shall not be circumvented or undermined by items or activities, including the transfer of unassembled items, parts and components as well as engineering data and specialized production equipment that
would allow for the manufacture and assembly of conventional arms covered by the scope of the Treaty.

India

A. Covered Items
1. This Treaty shall cover all conventional arms that fall within the following categories:
   a. Battle Tanks (manned or unmanned)
   b. Armoured Combat Vehicles (manned or unmanned)
   c. Artillery systems (manned or unmanned)
   d. Combat Aircraft (manned or unmanned)
   e. Attack Helicopters (manned or unmanned)
   f. Warships (manned or unmanned, surface and submarine vessels)
   g. Missile and Missile Systems (guided or unguided) including launching apparatus
   h. Small Arms & Light Weapons

2. State Parties shall establish and maintain a control list of the conventional arms which shall pertain to the items listed in paragraph 1. The definition of items on the control list shall be the prerogative of States Parties as per their national laws and regulations.

B. Covered Activities
3. This Treaty shall cover all international transfers of conventional arms, hereafter referred to as "transfer," defined as the physical movement of equipment into or from national territory, including the transfer of title or control over the equipment.

4. A transfer does not include the supply of equipment to units of a State Party’s armed forces stationed abroad in support of United Nations peacekeeping operations.

5. State parties shall establish national legislation, regulations and administrative procedures, as appropriate, for transfers under the scope of this Treaty, including for:
   a. Import
   b. Export
   c. Transfer
   d. Brokering

Iran (Islamic Republic of)

Covered Items
1. This Treaty shall apply to all conventional arms, including, inter alia, those arms and related material that fall within the following categories:
   a. Tanks (needs definition)
   b. Military vehicles (needs definition)
   c. Artillery systems (needs definition)
   d. Military Aircraft (needs definition)
   e. Military Helicopters (needs definition)
   f. Naval Vessels (surface and submarine vessels) (needs definition)

2. Exporting State Parties shall establish, maintain, and publish a control list of the conventional arms they consider falls within the scope of this Treaty.
Covered Activities
1. This Treaty shall apply to all international transfers of conventional arms covered under its scope, hereafter referred to as “transfer,” defined as:
   a. The physical movement of conventional arms into or from national territory, and which includes the transfer of title, control or ownership of the conventional arms; or
   b. The transfer of title, control or ownership of the conventional arms.

2. A transfer does not include the supply of conventional arms and related items by a State Party to its armed forces or law enforcement agencies stationed abroad or to support United Nations mandated peacekeeping operations.

3. State Parties will establish, where they do not exist, national regulations and administrative procedures, as appropriate, for transfers under the scope of this Treaty, including at a minimum for:
   a. Import
   b. Export

Ireland

Covered activities
This Treaty shall apply to all international transfers of conventional arms, hereafter referred to as "transfer", defined as "the physical movement of items covered by the scope of the treaty into or from territory of a Party to the Treaty."

A transfer does not cover the supply of items by a Party to the Treaty to its armed forces or law enforcement agencies abroad, in the framework of international missions and/or operations, such as those led or mandated by the UN.

The following types of international transfers of items shall be covered by the scope of the treaty:
   export (including re-export, loans, gifts, or leases of equipment);
   import
   transit and trans-shipment;
   brokering;
   technical assistance related to conventional weapons, including training, repairing, maintenance and upgrading.

3. Appropriate types of control for each of the above-mentioned types of transfers are/shall be defined in the implementation sections of this Treaty.

Covered items
Parties to the Treaty shall exert controls, as defined in the implementation sections of this Treaty, over international transfers of all conventional arms, including the following categories of military systems, whether manned or unmanned, specifically designed or modified for military use:
   battle tanks;
   military vehicles (including other armoured vehicles and amphibious vehicles);
   artillery systems (no calibre gap should exist between this category and SALW);
   military aircraft (including reconnaissance, electronic warfare, transport and refuelling aircraft);
   military helicopters (including reconnaissance, electronic warfare, transport and refuelling helicopters);
   military surface vessels and submarines;
   missiles and missile launchers (guided and unguided, including MANPADs);
small arms and light weapons *(no calibre gap should exist between this category and artillery systems)*;

ammunition

munitions (including bombs, mines, torpedoes, hand grenades, and demolition charge for any of the categories of weapons described in subparagraphs A-H above);

other systems, specifically designed or modified for military use;

parts and components, specifically designed or modified for any of the categories of weapons described in subparagraphs a-j above;

Military explosives;

technology and equipment, specifically designed or modified for the development, manufacture, and maintenance of any of the categories of items described in subparagraphs a-m above.

2. The category of “other systems” shall cover further types of equipment, specifically designed or modified for military use, not included in the list above, sub-paragraphs a-i, such as:

- electronic equipment;
- computers;
- telecommunications equipment;
- information security equipment;
- active and passive sensors and their countermeasures;
- training devices.

Comment on Joint Proposal by Australia, Japan and Sweden

Ireland can support the joint proposal made by Australia, Japan and Sweden on Scope.

However, Ireland would offer an amendment to Paragraph 3 of the joint proposal to include Military Explosives in the scope of the Treaty. Ireland believes that while some have argued that military explosives could be viewed as components as they are used in the fabrication of munitions, bulk high explosives are also used in large quantities as weapons in their own right for a wide range of combat tasks (including bridge demolitions, road cratering, tree-felling, breaching of walls and other obstacles, destruction of buildings and other infrastructure etc). The diversion of military explosives can lead to great loss of life and rapid destabilisation of societies. For that reason Ireland believes that such explosives should be included as a specific item in the scope of the Treaty.

This reference would be inserted between the paragraphs on parts and components and technology. Ireland would also support separating the sections on Ammunition and Munitions. The revised Paragraph 3 would read as follows:

Items

3. This Treaty shall apply to all conventional arms, manned or unmanned. These include any item that falls within the following categories:

- (a) Military vehicles;
- (b) Tanks;
- (c) Military Aircraft;
- (d) Naval Vessels (surface or submarine vessels armed or equipped for military use);
- (e) Military Helicopters;
- (f) Artillery systems;
- (g) Missile and missile systems (guided or unguided) including launching apparatus;
- (h) Small Arms;
- (i) Light Weapons;
- (j) Ammunition
- (k) Munitions for use with the items listed in categories (a) to (k);
(I) Parts and components specially designed or modified for the items listed in categories (a) to (k);
(m) Military Explosives; and
(n) Technology and equipment specially designed or modified to develop, manufacture or maintain the items listed in categories (a) to (m).

Anti-Circumvention Measures
Ireland can support the President's proposals on anti-circumvention measures (4.C).

Israel

A. Covered Items
1. This Treaty shall cover conventional arms and related material that fall within the following categories, whether exported in complete or unassembled form:
   a. Tanks (manned or unmanned)
   b. Military Vehicles (manned or unmanned)
   c. Artillery systems (manned or unmanned)
   d. Military Aircraft (manned or unmanned)
   e. Military Helicopters (manned or unmanned)
   f. Naval Vessels (manned or unmanned, surface and submarine vessels)
   g. Missile and Missile Systems (guided or unguided) including its launching apparatus
   h. Small Arms
   i. Light Weapons
   j. Ammunition/Military Munitions

B. Covered Activities
1. This Treaty shall cover all international transfers of conventional arms under the scope of this Treaty, defined as the movement of conventional arms into or from national territory.

2. A transfer does not include the supply of conventional arms by a State Party to units of its armed forces stationed abroad or to support United Nations peacekeeping operations.

3. State Parties which have not already done so shall establish national legislation, regulations and administrative procedures, as appropriate, for transfers under the scope of this Treaty:
   a. Import
   b. Export
   c. Re-export
   d. Temporary transfer
   e. Brokering
   f. Transit
   g. Transshipment

C. Anti-Circumvention
1. The goals and objectives of this treaty shall not be circumvented or undermined by the transfer of unassembled items, parts and components or technology, that would allow for the manufacture and assembly of conventional arms covered by the scope of this Treaty.

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1 Israel is flexible in regard to this item, and is willing to positively consider its removal from the text.
2 The items removed from this list (leases, loans and gifts) are already included under other relevant items and are therefore redundant.
Italy

A. Covered Items
Italy believes that the ATT should cover all the items mentioned in the July 3 text, that is the seven covered by the UN register of conventional arms plus small arms and light weapons for military use (which should be specified in the text), ammunition, parts and components for items a through j in 4A1. As we already indicated in the first meeting on Scope, we do not believe that sporting and hunting weapons should fall under the scope of the Treaty.

The reason for including small arms and light weapons is intuitive. The vast majority of civilian victims of armed violence and conflicts today are from the use of military small arms and light weapons.

The majority of actual victims of armed violence and conflicts are caused by the ammunition expended by the weapons rather than the weapons themselves. That ammunition is expendable, reloadable and so forth to us is secondary. My country never had any problems in subjecting it to export licensing under our arms export law.

Parts and components must also be included. If not, we would allow the assembly over time of a weapon in a country of destination that otherwise would have been excluded as a customer for the fully assembled weapon. Furthermore, by including parts and components, we are able to deny the country of destination the possibility of maintaining already acquired arms in cases where the local situation has in the meantime deteriorated to the extent of not allowing us to authorize further exports (UN embargoes, serious violations of human rights and IHL, and other events covered in paragraph 6 - Criteria).

Finally, we believe that technology transfers should be included in the list under item 4A in the July 3 document. Today, it is entirely feasible for a country to manufacture even complex weapons systems once it has acquired the necessary technical know-how and designs. Examples abound to prove this. Our legislation on arms exports also provides for export licensing for technology transfers.

B. Covered activities.
The support for UN-mandated peacekeeping operations in B2 of the July 3 text appears too narrow for us. There exist legitimate peacekeeping missions that are not UN-mandated. The MFO in the Sinai, to which Italy participates, comes to mind. The wording should therefore read “internationally-mandated” or words to that effect, such as those in the text distributed by Norway this morning (11 July).

Malaysia

Scope – Items
1. The Treaty shall apply to conventional arms, manned or unmanned, within the following categories:
   a. tanks
   b. military vehicles
   c. artillery systems
   d. military aircraft
   e. military helicopters
   f. naval vessels (surface and submarine vessels)
   g. missiles and missile systems (guided and unguided)
   h. small arms
   i. light weapons
Scope -- Activities
1. The Treaty shall apply to the export and import of conventional arms; and the transit and transshipment of conventional arms, excluding transit and innocent passage.

Mexico

We would like to submit the Mexican proposals for the Scope of the Treaty. We support the Norwegian proposal circulated yesterday with the additional elements:

- A 1. of the Norwegian proposal (Covered items) Add a new category on technology and equipment.
- B 1. c) of the Norwegian proposal (Covered Activities): Add a new definition on c): The physical movement into or from national territory for a limited period of time.

Norway

A. Covered Items
1. This treaty shall apply to all conventional arms including their ammunition and related equipment being manned or unmanned and whether exported in complete, partially assembled or unassembled form, including:
   a. Tanks,
   b. Armored combat vehicles and other ground vehicles designed or modified for military, paramilitary or law enforcement purposes,
   c. Artillery systems and mortars of all calibers,
   d. Aircraft designed or modified for military, paramilitary or law enforcement purposes,
   e. Helicopters designed or modified for military, paramilitary or law enforcement purposes,
   f. Vessels and submarines designed or modified for military, paramilitary or law enforcement purposes,
   g. Missile and missile systems (guided or unguided) including launching apparatus,
   h. Small arms,
   i. Light weapons,
   j. Ammunition and munitions, including for the arms mentioned in this Article,
   l. Parts and components for all conventional arms.

2. State Parties shall ensure that a national control list is established, maintained and published to cover all items that falls within the scope of this Treaty.

B. Covered Activities
1. This Treaty shall apply to all international transfers of conventional arms that falls within the scope of this Treaty, hereafter referred to as "transfer", defined as:
   a. The physical movement into or from national territory, and which includes the transfer of title or control; or
   b. The transfer of title or control.

2. A transfer does not include the supply of conventional arms and related items by a State Party to its armed forces or law enforcement agencies stationed abroad.
3. State Parties shall establish national legislation, regulations and administrative procedures, as appropriate, for transfers under the scope of this Treaty, including at a minimum for:
   a. Import (receiving conventional arms into a State Party’s territory)
   b. Export (change of title, control or ownership of conventional arms)
   c. The control of brokers (people or entities acting as an intermediary that brings together relevant parties and arranges or facilitates a potential transaction of conventional arms in return for some form of benefit, whether financial or otherwise)
   d. Transit and Transshipment (physical passage across the territory of a State with or without warehousing or change in mode of transportation, as part of a complete journey)

C. Anti-Circumvention
States shall take all necessary measures to ensure that the goals and objectives of this treaty shall not be circumvented or undermined by items or activities, including the transfer of unassembled items, technology and equipment, parts and components that would allow for the manufacture and assembly of all conventional arms.

Pakistan

"For the purpose of this treaty, conventional arms shall include small arms and light weapons, excluding ammunition, munitions, explosives, technology, equipment, parts and components of these arms as well as their transshipment".

Palau

For addressing the Scope of the Treaty, Palau, in line with New Zealand and Papua New Guinea believes the Treaty language should be broad and inclusive of Small Arms and Light Weapons as well as Ammunitions as these two are inseparable therefore needs to be address together. In addition, include language that addresses gifts/donations through technical assistance that crosses boarder.

Papua New Guinea

A. Covered items
PNG support the inclusion of the items listed as (a) to (k) under Scope as reflected in the Chairman’s non-paper of 3 July 2012 and we would also propose the inclusion technology.

B. Covered activities
Papua New Guinea aligns itself with the position of Norway on behalf New Zealand, Palau and other likeminded countries that transfers must be clearly defined to include imports, exports, gifts, loans, leases and re-exports must be subject to the transfers criteria.

Philippines

- Provide clarification on the “discretionary aspect” mentioned in Control List
- Provide clarification on the difference between B1 (a) and B1 (b)
- On B2, clarification on the exclusion of supply of conventional arms and related items to the armed forces of law enforcement agencies abroad or to support UN peacekeeping operations. Does this
mean that such a transfer will not be subject to certain administrative controls as prescribed in the ATT?

- Provide clarification on the intended scope of the proposed "anti-circumvention" clause
- On Prohibition on Transfers, Item 4 on "grave breaches of international humanitarian law" is not as specific as Items 1 to 3

**Russian Federation**

For better clarity we propose to divide Section on Scope into two:

**First, Scope of application** should clearly state that the Document relates only to the area of international arms transfers and nothing more. For example, the Document shall not apply to conventional arms manufacture, their transfers within the national territory as well as their use and its consequences.

**Second, Scope of arms covered** needs to be formulated in a general way with detailed specifications of categories or else left to States to define.

**Sierra Leone**

**Activities**

1. This treaty shall apply to the export and import of conventional arms, including those in the form of loan, gift or lease, the transit and transhipment of conventional arms and the brokering of export and import of conventional arms.

2. The treaty shall not apply to the supply of conventional arms by a state party to its armed forces or law enforcement agencies abroad or to support United Nations mandated operations.

**Items**

3. This treaty shall apply to all conventional arms including their ammunitions and related equipment being manned or unmanned and whether exported in complete, partially assembled or unassembled form including:
   a. Tanks
   b. Armored combat vehicles and other ground vehicles designed or modified for military, paramilitary or law enforcement purposes.
   c. Artillery systems
   d. Military aircraft or one designed for paramilitary or law enforcement agencies
   e. Military helicopters
   f. Naval vessels
   g. Missiles and missile systems
   h. Small arms
   i. Light weapons

**Sweden**

Sweden supports the Conference Chair’s revised Non-Paper dated July 3, 2012, and offers its comments on that basis.

The scope of the ATT as elaborated in the Non-Paper is designed to cover "all conventional arms" (Section 4A, para 1). In light of the fact that an important assessment criteria is whether equipment can
“be used in a manner that would seriously undermine peace and security or, provoke, prolong or aggravate acts of aggression” (Section 6B, para 1a), Sweden feels there are two other categories of conventional arms that should be considered for inclusion in the scope of an Arms Trade Treaty.

The first belongs in the list of equipment, the second in the list of activities.

1. Other systems, specifically designed or modified for military use
This category covers military electronics such as communications gear, data links, and sensors and countermeasures (radar, night vision, etc). In a high-tech military environment acquisition of such equipment is normal and may not have much impact on overall military capabilities, but in a low-tech environment they can act as significant force multipliers and thus have a highly destabilizing effect by upsetting the regional or local balance of forces.

2. Technical assistance (including training, repairing, maintenance and upgrading)
This category is a normal part of contractual obligations when a military system is exported, and is normally considered to be included in the license granted for the export of the system, even if the obligation to provide technical assistance stretches far beyond the period of delivery of the system itself.

However, this kind of service can also be provided independently on a third-party basis. There are for instance defence companies offering maintenance and upgrade packages for equipment of an older vintage that they have never manufactured themselves.

It is this type of third-party services which we feel should be included in the scope of the Treaty and controlled with special attention to the impact of such services on the regional or local balance of forces, since this can be significantly altered by providing improved performance to existing systems and thus have a destabilizing effect.

If this item is included in the scope, the implementation section of the Treaty would have to include clear language delimiting the obligation to controlling the provision of third-party services.

Switzerland

A. Covered Items
1. This Treaty (…), those arms and related material and technology (…), whether transferred in complete, partially assembled or unassembled form:

a. Battle tanks
Tracked or wheeled self-propelled armoured fighting vehicles with high cross-country mobility and a high-level of self-protection, weighing at least 16.5 metric tons unladen weight, with a high muzzle velocity direct fire main gun of at least 75 millimetres calibre.

b. Armoured combat vehicles
Tracked, semi-tracked or wheeled self-propelled vehicles with armoured protection and cross-country capability, either:
   a) designed and equipped to transport a squad of four or more infantrymen, or
   b) armed with an integral or organic weapon of at least 12.5 mm calibre or anti-tank missile launcher, or
   c) designed to perform reconnaissance missions, or
   d) with integral command and control of troop technology, or
   e) with technical means designed for electronic warfare.
c. **Artillery systems**
Guns, howitzers, artillery pieces, combining the characteristics of a gun or a howitzer, mortars or multiple-launch rocket systems,
   a) capable of engaging surface targets with indirect or direct fire, with a calibre of 35 mm and above, or
   b) capable of engaging air targets, with a calibre of 35 mm and above.

d. **Combat aircraft**
Manned or unmanned fixed-wing or variable-geometry wing aircraft designed, equipped or modified to engage targets by employing guided missiles, unguided rockets, bombs, guns, cannons or other weapons of destruction, including versions of these aircraft which perform suppression of air defence or reconnaissance missions, or any other combat mission, except primary training aircraft, unless designed, equipped or modified as described above.

e. **Attack Helicopters**
Manned or unmanned rotary-wing aircraft equipped to
   a) employ anti-armour, air-to-ground, or air-to-air guided weapons and equipped with an integrated fire control and aiming system for these weapons, or
   b) equipped or modified to perform reconnaissance, troop transport, command of troops, electronic warfare, electronic fire-suppression or air defence systems, refuelling or airdrop missions.

f. **Warships**
Vessels or submarines armed and equipped for military use with a standard displacement of 150 metric tons or above and those with a standard displacement of less than 150 metric tons, equipped for launching missiles with a range of at least 25 kilometres or torpedoes with similar range.

  g. **Missiles and missile launchers**
Guided or unguided rockets, ballistic or cruise missiles capable of delivering a warhead or weapon of destruction, and means designed or modified specifically for launching such missiles or rockets, if not covered by other categories.

h. **Small arms**
Weapons designed for individual use including, inter alia, revolvers and self-loading pistols, rifles and carbines, sub-machine guns, assault rifles and light machine guns, except sporting and hunting weapons.

i. **Light weapons**
Weapons designed for use by two or three persons serving as a crew, although some may be carried and used by a single person, including, inter alia, heavy machine guns, hand held under-barrel and mounted grenade launchers, portable anti-aircraft guns, portable anti-tank guns, recoilless rifles, portable launchers of anti-tank missile and rocket systems, portable launchers of anti-aircraft missile systems, and mortars of a calibre of less than 35 mm.

j. **Ammunition and Explosives**
Munitions and ammunition for use with the weapons and equipment defined in paragraphs 1 to 9 of this Article, including bombs, hand grenades, mines, as well as military explosives.

k. **Parts and Components**
Parts and components specifically designed for any weapon or equipment defined in paragraphs 1 to 10 of this Article.
1. Technology
Technology specifically designed and used to develop, manufacture, or maintain any arms, equipment, munitions, ammunition or parts and components defined in paragraphs 1 to 11 of this Article.

2. States Parties shall establish, maintain, and publish a control list of conventional arms that fall within the scope of the Treaty: move to the implementation section

Togo

1. Le futur traité sur le commerce des armes doit couvrir toutes les armes conventionnelles, leurs munitions et pièces de rechange ainsi que les équipements qui leur sont associés. Il doit inclure:
   - les armes légères;
   - les armes de petit calibre;
   - les chars;
   - les véhicules militaires;
   - les hélicoptères militaires;
   - les navires de guerre;
   - missiles et systèmes de missiles;
   - les explosifs;
   - les technologies utilisées pour fabriquer des armes classiques;
   - les armes utilisées à des fins de sécurité intérieure;
   - les biens à double usage destinés à des fins militaires, de sécurité ou de maintien de l'ordre;
   - les munitions utilisables avec les armes ci-dessus mentionnées

2. La notion de transfert d'armes doit inclure nécessairement:
   - l'importation;
   - l'exportation;
   - la réexportation;
   - le transit;
   - le transbordement;
   - la cession onéreuse et gratuite;
   - le transfert de la technologie;
   - le courtage;
   - la fabrication sous licence étrangère.

Trinidad and Tobago (on behalf of CARICOM)

Trinidad and Tobago on behalf of CARICOM wish to submit the following suggestions in an attempt to contribute to the improvement of the draft treaty text:

A. Covered Items
1. This Treaty shall apply to all conventional arms, including, inter alia, those arms and related material that fall within the following categories, either manned or unmanned, whether exported transferred incomplete, partially assembled or unassembled form:
   a. Tanks
   b. Military (and Military Type) vehicles
c. Artillery systems
d. Military (and Military Type) aircraft
e. Military (and Military Type) helicopters
f. Naval vessels (surface and submarine vessels)
g. Missile and missile systems (guided or unguided) including launching apparatus
h. Small arms
i. Light weapons
j. Ammunition/Military (and Military Type) Munitions
k. Parts or components specially designed for *any* of the categories–listed conventional weapons listed in Part A paragraph 1 in sub-paragraphs (a)–(i) of this paragraph
l. Technology, equipment specially and exclusively designed and used to develop, manufacture, or maintain any of the items in A–K.

2. States Parties shall establish, maintain and publish a control list of the conventional weapons they consider that falls within the scope of this Treaty.

B. Covered Activities
1. This Treaty shall apply to all international transfers of conventional arms, hereafter referred to as "transfer", defined as:

   A. The physical movement of conventional arms into or from national territory, and which includes the transfer of title or control over the conventional arms; or
   B. The transfer of title or control over the conventional arms

2. A transfer does not include the supply of conventional arms and related items by a State Party to its armed forces or law enforcement agencies stationed abroad or to support United Nations mandated peacekeeping operations.

3. State Parties shall establish national legislation, regulations and administrative procedures, as appropriate, for transfer under the scope of this Treaty, including at a minimum for:

   i. Import (receiving conventional arms into a State Party's territory)
   ii. Export (change of title, control or ownership of conventional arms)
   iii. The control of brokers (brokering (people or entities acting as an intermediary that brings together relevant parties and arranges or facilitates a potential transaction of conventional arms in return for some form of benefit, whether financial or otherwise) (the facilitation by an intermediary who brings together relevant parties and arranges or facilitates a potential transaction of conventional arms in return for some form of benefit, whether financial or otherwise)
   iv. Transit and transshipment (physical passage across the territory of a State with or without warehousing or change in mode of transportation, as part of a complete journey)

Definitions of these activities should be in a proper place and each element should be clearly defined. A section for definitions would ensure uniformity in application of the Treaty.

C. Anti-Circumvention
1. States parties shall take all necessary measures to ensure that the goals and objectives of this treaty shall not be circumvented or undermined by items or actives, including the transfer of unassembled items, parts and components that would allow for the manufacture and assembly of conventional arms covered by the scope of the Treaty.
This section should be expanded to include technology transfer and manufacture under foreign license, which should also be included in section A. Covered Items, as indicated above.

United Kingdom

A. Covered Items
The United Kingdom thinks that the drafting of paragraph 1 could be further improved if it were amended as follows:

“This Treaty shall cover all conventional arms and related materiel, including those items that fall within the following categories, either manned or unmanned, whether exported in complete, partially assembled or unassembled form”

We welcome the comprehensive list of items to be covered by ATT. However, we think it is important that technology transfer be added to that list as follows:

"L) Technology used to develop, produce, use or maintain any equipment, ammunition or components specified above"

We would also suggest that paragraph 2 be amended as follows:

“Each State Party shall establish, maintain and publish a control list of the conventional arms and related materiel it considers falls within the scope of this Treaty, which shall include at a minimum, the items listed in paragraph one.”

B. Covered Activities
1. This Treaty shall apply to all international transfers of conventional arms which fall within the scope of the Treaty, hereafter referred to as "transfer," defined as:

The physical movement of conventional arms into or from the territory of a State Party.

2. A transfer does not include the movement of conventional arms and related materiel by a State Party where those arms are intended for its use and to remain under its ownership, or to support United Nations mandated or authorised mission or operations.

3. Each State Party shall establish national legislation, regulations and administrative procedures, as appropriate, for transfers under the scope of this Treaty, including at a minimum for:
a. Import (physical movement into the territory of a State Party)
b. Export (physical movement out of the territory of a State Party)
c. The control of brokers (people or entities which act as an intermediary, or agree to act as an intermediary, to arrange or facilitate a transfer between two or more other States of conventional arms and related materiel in return for some form of benefit, whether financial or otherwise)
d. Transit and Transshipment (physical passage across the territory of a State, with or without warehousing or change in mode of transportation, as part of a complete journey that originates and terminates outside that State’s territory).

C. Anti-Circumvention
Each State Party shall ensure that the goals and objectives of this Treaty shall not be circumvented or undermined by transfers, or activities and services, including the transfer of unassembled items, parts and
components, that would allow for the manufacture and assembly of conventional arms covered by the scope of the Treaty."

United States of America

Items covered:
The U.S. supports an ATT that covers a broad range of items including, at a minimum, the seven categories of items covered by the UN Register on Conventional Arms, plus small arms and light weapons. The U.S. believes that these categories of items should be left broad enough to allow for the inclusion of future conventional weapons. We oppose defining these terms in the ATT.

The U.S. opposes imposing controls on items that would produce little or no corresponding benefits related to achieving the goals and objectives of an ATT. With respect to the Chair’s 2012 text, the United States suggests removing “ammunition/military munitions.” For additional detail on U.S. objections to inclusion of ammunition in the paper, please refer to U.S. statement on ammunition read for the Committee on July 6.

Further, we propose removing “parts or components...” from the list of covered items. With respect to parts and components, as well as technology, the United States supports the inclusion of an anti-circumvention clause requiring States Parties to control the export of parts, components, and technology to the extent necessary to prevent circumvention of controls the ATT would otherwise require States to impose on the export of end items.

Activities Covered:
The ATT should require States Parties to have national systems that control the export, import, and brokering of conventional arms and we appreciate the inclusion of these activities in the President’s paper. However, we oppose defining these activities in the ATT itself. Many countries already define these terms based on other multilateral or regional agreements or national law and regulation. Given the range of definitions that countries already employ, attempting to reach a common definition of these activities within the scope of the Treaty would result in significant delays in the negotiation of an ATT. The U.S. proposes leaving the definition of these activities to the discretion of States Parties.

The U.S. strongly supports a provision in the on ATT that would require States Parties to establish a legal and regulatory framework that would enable a State to interdict and dispose of illicit shipments passing through its territory, consistent with international law. However we oppose any provision requiring States Parties to issue authorizations for conventional arms transiting or transshipping their respective territories. Such a provision would be extremely difficult and costly for both governments and industry to implement and would stress border patrol and customs resources of States Parties without commensurate benefits.

Viet Nam

To ensure consistency and effectiveness in ATT implementation, therefore, ATT’s scope must be reasonable and proper. ATT should cover 7 categories of weapons, as specified in the UN Register of Conventional Arms and small arms and light weapons.

Ammunitions, parts and components, and technology should not be incorporated in ATT as these are diverse and complex issues that are open to various interpretations, and as such, would make the implementation process too complicated and inconsistent, creating unnecessary burdens for national
development. ATT should also contain precise definitions of categories of weapons for the sake of a smooth implementation. Therefore, our proposal is:

"This Treaty shall apply to:
   a. Battle Tanks,
   b. Armoured Combat Vehicles,
   c. Large-calibre Artillery Systems,
   d. Combat Aircrafts,
   e. Attack Helicopters,
   f. Warships,
   g. Missile and Missile Launchers,
   h. Small Arms and Light Weapons".

Zambia proposes that the scope of an ATT that is broad and covers all conventional arms including small arms and light weapons, munitions, parts and components, which at the minimum looks like the Chair’s paper of July 2011, would stand the States in good stead.

In this regard therefore, Zambia proposes the following text:-

1. This Treaty shall apply to all conventional arms, including, inter alia, those arms and related material that fall within the following categories, either named or unnamed, whether transferred complete, partially assembled or unassembled form:
   a. Tanks
   b. Military vehicles
   c. Artillery systems
   d. Military Aircraft
   e. Military Helicopters
   f. Naval Vessels (surface and submarine vessels)
   g. Missile and Missile Systems (guided or unguided) including launching apparatus
   h. Small Arms
   i. Light Weapons
   j. Ammunition for use with weapons defined in subparagraphs (a)-(i).
   k. Internal security weapons, ammunition and equipment not covered in the above categories (including tear gases, baton rounds or electric-shock guns)
   l. Parts or components specifically designed for any of the categories listed in subparagraphs (a)-(m) of this paragraph.
   m. Technology and Equipment specially and exclusively designed and used to develop, manufacture, or maintain any of the categories in subparagraphs (a)-(n).

2. State Parties shall establish, maintain, and publish a control list of the conventional arms which fall within the scope of this Treaty, including but not necessarily limited to the categories above

Covered Activities
The Treaty must not create loopholes by allowing the same transfer that would fall under the Treaty if made under certain terms or conditions to not be covered by the Treaty if made under other terms or conditions. For example, a transfer of military vehicles from supplier A to recipient B should be covered whether made as a commercial sale or as international aid. The following proposed text should therefore be understood to address this issue in that it includes, commercial and state-to-state sales, loans, gifts, barter arrangements, permanent and temporary transfers, re-export.
Zambia therefore suggests the following Treaty text:

**Defined Terms**

1. This treaty shall apply to all international transfers of conventional arms.

"Transfer" includes:
   a. The physical movement of conventional arms into national territory (import); or
   b. The physical movement of conventional arms from national territory (export); or
   c. The international transfer of title or control over the conventional arms; or
   d. The physical passage across the territory of a State with or without warehousing or change in mode of transportation, as part of a complete journey (transit and transhipment); or
   e. Manufacture under foreign licence: an agreement whereby a person or entity in the importing State grants a person or entity in the exporting State an authorization to manufacture conventional arms which involves technology transfer or the use of technology or conventional arms previously supplied by the exporting State; or
   f. Technology transfer: The export, by tangible or intangible means, of information which is required for the design, development, production, manufacture, assembly, operation, repair, testing, maintenance or modification of conventional arms.

2. A transfer does not include the supply of conventional arms and related items by a State Party to its armed forces or law enforcement agencies stationed abroad.

3. State Parties shall establish national legislation, regulations and administrative procedures, as appropriate, for transfers under the scope of this treaty, including the control of brokers (people or entities involved: in buying and selling conventional arms; in acting as an intermediary that brings together relevant parties; or arranges or provides services that facilitate a potential transfer of conventional arms in return for some form of benefit, whether financial or otherwise.)

**Anti-circumvention**

As "anti-circumvention" presents some potential to contribute to an exhaustive scope of the treaty, Zambia here suggests the following Treaty text:

States Parties shall take all necessary measures to ensure that the provisions of this treaty shall not be circumvented or undermined by activities, including the transfer of assembled or unassembled items, parts and components, that would allow for the manufacture and assembly of conventional arms covered by the scope of the Treaty.

**Holy See**

A: Covered Items

1. Technology and equipment used or specially and exclusively designed and used to develop, manufacture, maintain or upgrade any of the categories covered under the terms of this Treaty.

A 2: State Parties shall establish, maintain and publish a control list of the conventional arms they consider falls which fall within the scope of this Treaty:

B: Covered Activities

B2: A transfer does not include the supply of conventional arms and related items by a State Party to its armed forces or law enforcement agencies stationed abroad or to support United Nations mandated peacekeeping operations mandated by the United Nations or other internationally recognized regional organizations.
European Union

A Covered Items
- The scope of the treaty proposed in the discussion paper is comprehensive and we fully support this approach.
- The inclusion of SALW and ammunition among the items to be controlled is a necessary condition for a meaningful treaty.
- We remain firmly convinced that also transfers of technology can have negative effects on peace and security if not properly controlled. Therefore transfers of technology should be explicitly covered by the scope of the Treaty.
- The establishment of a control list of all Parties to the Treaty is an important requirement that should be included in the ATT.
- It should also be clear that control lists should at least include all items covered by the scope of the Treaty.
- In addition, we should keep the door open to develop common control lists in the framework of the follow-up mechanism of the Treaty.

B Covered Activities
- As for the type of activities to be covered, we support the main content of the list provided in the Chair's text. However, some of the definitions could be more clearly developed.
- We think that the proposed list should be complemented by the addition of technical assistance related to conventional arms, including training, repairing, maintenance and upgrading. These remain sensitive activities that need to be controlled.
- We also agree that transfers should be defined as a physical movement of items into or from the territory of the Parties, including the transfer of title or control over it.
- As proposed in the text, we agree that transfers should not cover the supply of items by States Parties to its armed forces or law enforcement agencies abroad, in the framework of international missions and/or operations, such as those led or mandated by the UN.