United Nations Conference on an Arms Trade Treaty
Main Committee II
Elements for Provisions on an Implementation Support Unit and on International Assistance and State’s Contributions on Implementation including on an ISU and on International Cooperation and Assistance
17 July 2012

Elements for provisions on an Implementation Support Unit

1. This Treaty establishes an Implementation Support Unit to assist States Parties in the implementation of this Treaty in accordance with its goals and objectives.

2. The Implementation Support Unit shall:
   a. Serve as the repository for reports submitted by States Parties and make these reports available to States Parties;
   b. Prepare and provide the necessary services for the Assembly of States Parties and Review Conferences as necessary;
   c. Maintain and distribute to States Parties the list of national contact points;
   d. Promote international cooperation and assistance and facilitate offers and requests for technical assistance for the implementation of the Treaty;
   e. Facilitate communication and information exchange between States Parties;
   f. Ensure the necessary coordination with the Secretariats of relevant international and regional organizations and represent the Implementation Support Unit in meetings and activities of such organizations, as applicable;
   g. Conduct outreach to increase awareness of this Treaty and promote the universality of this Treaty;
   h. Perform other technical and administrative duties as assigned by the Assembly of States Parties or the Review Conference.

3. The Implementation Support Unit shall be funded through assessed/voluntary contributions of States Parties.

Elements for a provision on International Assistance

To be added to elements on International Cooperation in chapter on Implementation

8. In fulfilling its obligations under this Treaty, each State Party may offer or receive assistance, inter alia, through the United Nations, international, regional, subregional or national organizations, non-governmental organizations, or on a bilateral basis.

9. States in a position to do so, and where appropriate, may provide technical, material and financial assistance to other State Parties in support of the implementation of their obligations under this Treaty.
8 Implementation Support Unit
1. This Treaty establishes an Implementation Support Unit to assist Parties in the implementation of the Treaty.
2. The Implementation Support Unit shall:
   a. Serve as the repository for reports submitted by Parties.
   b. Assist the Assembly of Parties and Review Conferences on an administrative basis in carrying out the activities set forth in the Treaty and make arrangements and provide the necessary services for the sessions of the Assembly of Parties as well as Review Conferences and any subsidiary organs, as necessary.
   c. Assist States Parties in providing information to the Assembly of States Parties, Review Conferences and each other as envisaged in the Treaty, upon request.
   d. Facilitate offers and requests of assistance for Treaty implementation under the terms of this Treaty and promote international cooperation to that end, as needed.
   e. Perform other technical and administrative duties as assigned by the Assembly of Parties or the Review Conference.
3. Based on practical experience of the operation of this Treaty, additional functions may be assigned to the Implementation Support Unit by the Assembly of Parties or the Review Conference.

Explanatory Note
An ISU will be important for the implementation and functioning of an ATT. There have been widely divergent approaches to this issue, with some suggesting no ISU at all, others a small “lean and mean” ISU and yet others a large organisation with a wide range of tasks, including significant independent resources for implementation support. The PrepCom Chair Non-Paper dated 14 July 2011 included a long list of possible tasks.

The main problem related to an ISU is the financing of its activities. The ATT will be launched in a time of significant economic difficulties for Governments everywhere. Irrespective of financing solution, it will be difficult to mobilize funds for a large and ambitious ISU at this point in time.

It is therefore felt that the most realistic approach would be to start small, with a handful of core tasks, but leave explicit room in the text of the Treaty for the later addition of further tasks for the ISU based on practical experience with the operation of the Treaty.

In the area of implementation assistance, only a ‘clearing house’ function is proposed, not a full-fledged body for the provision of such assistance. It is felt that the practical difficulties in setting up such a body would be considerable. One of the main issues would be staffing. There is only a limited pool of experts with the necessary experience in operating national export control systems. Most of them are already working in existing systems and would not be available for full-time work on implementation assistance. On a bilateral basis, they would undoubtedly be made available in sufficient quantity to make large implementation assistance programs viable. Building an entirely separate pool of competence for implementation assistance is however a doubtful proposition at this time.

Joint proposal by Australia, Côte d’Ivoire, Malawi and Uganda
1. In fulfilling its obligations under this Treaty, each State Party may offer or receive assistance, inter alia, through the United Nations, international, regional, subregional or national organizations, non-governmental organizations, or on a bilateral basis.¹
2. State Parties shall encourage and facilitate international cooperation, including the exchange of information on matters regarding the implementation and application of this Treaty. Such exchange² of information may include, inter alia, information on implementation measures and sharing of best practices and lessons learned from implementation.³
3. 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 enforce the provisions\(^4\) and combat violations of this Treaty.

4. 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 of the provisions of this Treaty.\(^5\)

5. States Parties shall designate one or more national points of contact to facilitate cooperation and information exchange between States Parties, and to act as a liaison on all matters relating to the implementation of this Treaty.

6. States Parties providing and receiving assistance under the provisions of this Article shall do so in a manner consistent with existing commitments and international instruments with a view to ensuring the full and prompt implementation of agreed assistance programmes.\(^6\)

\(^1\)Identical language to para 4 of President’s 3 July 2012 discussion paper. The article has been prioritized due to the crucial importance of States rendering assistance to other States to assist them in implementing the Treaty’s provisions.

\(^2\)The term ‘voluntary’ has been deleted because in this instance it would be redundant and it is not usual treaty language. The use of ‘may’ means that such information exchange would be discretionary/voluntary.

\(^3\)This merges para 1 (shortened) and para 5 of the President’s 3 July 2012 discussion paper.

\(^4\)This text is para 2 of President’s 3 July 2012 paper with the insertion of the words ‘the provisions’ after ‘enforce’. Treaty should indicate what is being enforced.

\(^5\)Identical language to para 6 of the President’s 3 July discussion paper.

\(^6\)Reinserted language of para 6 of President’s July 2011 paper because it usefully elaborates the norms for provision of assistance.

**Joint proposal by Iceland and Norway**

**International Cooperation and Assistance (based on Chair’s 3 July text)**

**New 4 bis.** States in a position to do so shall offer assistance and cooperation that could enhance measures and safeguards against diversion, including for example securing stockpile and storage facilities for arms and ammunition.

**New 6 bis.** State Parties in a position to do so shall offer or receive assistance, including gender- and age sensitive care, rehabilitation and social and economic inclusion of victims of armed violence and armed conflict. Such assistance may be technical or material in nature and can provided, inter alia, through the United Nations system, international, regional or national organizations or institutions, the International Committee of the Red Cross, national Red Cross and Red Crescent Societies and their International Federation, non-governmental organizations or on a bilateral basis.

**New 7.** States Parties shall make every effort to collect reliable relevant data with respect to persons falling victim to armed violence and assess their needs.

**New 8.** States Parties shall not discriminate against or among victims of armed violence and armed conflict, and those who have suffered injuries or disabilities from other causes; differences in treatment should be based only on medical, rehabilitative, psychological or socio-economic needs.

**Algeria**

**Exchange of information**

Based on national security considerations, information must be exchanged exclusively between importing and exporting States parties to the Treaty and must have a confidential character.

**International cooperation and assistance**

Offer of assistance and cooperation must be unconditional and tailored to the specific needs and priorities identified by the States parties (demand-driven), since there is no “one size fits all”.

**Role of national focal point**

Serves as a national contact point for effective liaison with other States Parties and with the Implementation Support Unit.

It shall in particular convey, either bilaterally or through ISU, specific requests for assistance and serve as a point of entry to those countries that offer to assist.

**Role of Implementation Support Unit**
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.

Algeria believes that its role should be, among others, to serve as a repository for national reports on the implementation of the Treaty at the national level and to assist States parties to elaborate them.

The ISU should also serve as a “clearing house” to match capacity building needs with resources made available for international cooperation and assistance.

**Bangladesh**

You know very well that for many countries implementation of the treaty commitments would require assistance and cooperation from developed countries. We generally support the proposal of international cooperation and assistance as outlined in the chair’s text. However, we believe that the treaty should be more focused on the type of assistance needed and include provisions of binding commitments of the developed countries to assist the developing countries to help them implement the treaty provisions and achieve treaty objectives. As a least developed country Bangladesh proposes that development partners provide developing countries especially to the least developed countries with materials, training, human resource development support, technology and funds as necessary for implementation. To the extent possible, this assistance shall be without prejudice to existing foreign assistance commitments or to other financial cooperation arrangements at the bilateral, regional or international level.

**Botswana**

Victim Assistance

The Botswana position is that there may be no substantive value addition to the inclusion Victim Assistance in the Treaty, bearing in mind that such an issue can be addressed in other relevant instruments.

**Brazil**

“States Parties shall cooperate in the tracing of illicit transfers and in the identification of individuals or groups responsible for such illicit transfers, for the purpose of enforcing relevant penal or administrative sanctions”.

**Burundi**

**Assistance et coopération internationale- Assistance aux victimes**

- Comme suggérée ci-dessous, cette disposition consiste en un engagement volontaire d’aide aux personnes qui sont directement touchées par la faible réglementation du marché et des transferts d’armes.
- Cette disposition s’appuie sur l’existence d’un réel impact sur la vie de ceux qui souffrent des conséquences des conflits armés et de la violence armée. Comme l’a rappelé le Secrétaire général des Nations Unies, à l’ouverture de la conférence, l’objectif ultime de ce processus est de réduire les souffrances infligées aux populations innocentes et aux groupes vulnérables par les armes qui circulent illicitemment.
- Dans l’aide et la coopération internationale, l’assistance aux victimes se réfère à l’engagement convenu par tous les Etats de s’aider les uns les autres en s’acquittant de leurs responsabilités en vertu du droit international. Cette aide mutuelle se fonde sur l’article 56 de la Charte des Nations Unies.

**Suggestion linguistique**

Chaque Etat partie, dans une position de le faire, peut offrir ou recevoir une assistance pour les soins, la réhabilitation et l’inclusion sociale et économique des victimes de la violence armée. Une telle assistance peut être de nature technique ou matérielle et peut être fournie, entre autres, par l’intermédiaire du système des Nations Unies, des organisations internationales, régionales, sous-régionales ou nationales, par des organisations non gouvernementales, ou le cas échéant, sur une base bilatérale.
China

Implementation Support Unit
1. This Treaty establishes an Implementation Support Unit to provide administrative support to States Parties in the implementation of the Treaty.

International Cooperation and Assistance
1. States Parties shall encourage and facilitate international cooperation, including the voluntary exchange of information on matters regarding the implementation and application of this Treaty.
2. States Parties shall cooperate closely with one another, on voluntary basis, consistent with their respective domestic legal and administrative systems, to enhance the effectiveness of this Treaty and the abilities of States Parties to enforce and combat violations of the provisions of this Treaty.
3. States Parties will, when appropriate and on voluntary basis, afford one another the measure of mutual legal assistance.
4. States Parties may also wish to undertake information exchange, on voluntary basis, on best practices in relation to any aspect of this Treaty.

Victim Assistance
1. Each state party in a position to do so, and where appropriate, may offer or receive assistance for the care and rehabilitation, and social and economic reintegration, of victims of armed conflict.
2. Such assistance may be technical or material in nature and can be provided, inter alia, through the United Nations system, international, regional, subregional or national organizations, non-governmental organizations, or on a bilateral basis, as appropriate.

Costa Rica

With respect to Cooperation and Assistance, Costa Rica is pleased with the Chair’s new document and considers the specified measures to be positive contributions. Nonetheless, Costa Rica believes that this section could be strengthened by specifying the types of support that States could offer or receive, and we suggest the reincorporation of the proposed language from the Chair’s 2011 paper, which states that “States Parties in a position to do so and where appropriate may provide technical, legal, material and financial assistance to State Parties to support their implementation of the Treaty obligations.”

Finally, for Costa Rica, the Implementation Support Unit is vital to ensure the verifiability, transparency and implementation of the Treaty. The Unit should be able to support, and ideally monitor, the implementation of the Treaty at a national level and should assist States Party in the development of capabilities and communications. We are greatly pleased to see this structure has been maintained in the latest document, however we are worried that the document does not expressly articulate the form in which the Unit will be financed.

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

Mandate of the Implementation Support Unit (point 2, paragraph e):
Support point 2, paragraphe “e” on « Implementation Support Unit » relating to the coordination between this structure and the Secretariats of regional organizations but we observe that this is not articulate clearly as to how to implement this coordination.

We therefore propose to consider the formulation of this paragraph as follows:
- “To collaborate with the Secretariats of relevant international and regional organisations important in the implementation of the ATT, specifically in mobilizing international assistance, reporting and monitoring of the implementation of the ATT. »
- “to participate, as appropriate at meetings and activities of each organisations which relate to arms transfer control”

Côte d’Ivoire

- State Parties may offer or receive assistance, inter alia, through the UN, international, regional, sub regional or national organizations or non-governmental organizations, or on a bilateral basis.
• States Parties in a position to do so, and where appropriate, may provide technical, legal, material and financial assistance to other States Parties in support of their implementation of the obligations under the ATT. States Parties may build upon existing customs and law enforcement cooperation arrangements, including those already established by international, regional and sub regional organizations.
• States Parties shall designate one or more national points of contact to facilitate cooperation and information exchange between States, and to act as a liaison on all matters relating to the implementation of the ATT;
• States providing and receiving assistance under the provisions of the ATT shall do so in a manner consistent with existing commitments and international instruments, with a view to ensuring the full and prompt implementation of agreed assistance programs;

**Implementation Support Unit or Permanent Secretariat**

The ISU should be under the aegis of the United Nations (anchor within the UN especially ODA) and should be financed with budgetary allocation of UN and reinforced with voluntary contributions of States in position to do.

Côte d’Ivoire fully accept the idea of multinational fund to support the implementation of the ATT as proposed by Australia.

The Implementation Support Unit or Permanent Secretariat shall:
- Serve as the repository for annual reports submitted by States Parties as part of their Treaty obligations;
- Assist the Assembly of States Parties in carrying out the activities set forth in the Treaty and make arrangements and provide the necessary services for the sessions of the Assembly of States Parties and subsidiary organs, as necessary;
- Assist States Parties in providing information to the Assembly of States Parties and to each other, as envisaged in the Treaty, upon request;
- Facilitate offers of and requests for assistance for Treaty implementation under the terms of the Treaty and promote international cooperation to that end;
- Conduct outreach to increase awareness of this Treaty regime and to promote the universality of this Treaty; and
- Perform other technical and administrative duties as assigned by the Assembly of States Parties;

**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 Delegation of Ecuador would like to convey a concrete view for the section of International Cooperation and Assistance of the ATT text, in the context of the activities of the Group 2:

The Cooperation and Assistance Section of the Treaty should take into account the lower relative capacity of several States in terms of infrastructure, institutions and internal regulations for the arms trade as well as the shared responsibility of developed States, the main arms suppliers, in contributing to avoid the deviation of arms towards illicit activities or groups.

**Egypt**

**International cooperation**
- Any State Party may request through the Secretariat of this Treaty assistance to enhance the effectiveness of its law enforcement institutions to implement the provisions of this Treaty.

**International assistance**
- The State Parties agree that international assistance is a binding obligation and is an essential element for the implementation of the Treaty.
- In fulfilling its obligations under this Treaty, and in promotion of the balanced and effective Treaty implementation and fulfillment of its objectives, Major arms exporters/producers, and other State Parties in a position to do so, shall offer international assistance to State Parties which are developing or least developed countries. International assistance will be coordinated through the Secretariat.
- Major arms exporters/producers, and other State Parties in a position to do so, shall provide technical, legal, material and financial assistance to States Parties to support their implementation of the Treaty obligations. Such assistance may include, inter alia, financial assistance, information exchange, legislative and legal assistance, related to this Treaty and its practical implementation. State Parties may build upon existing customs and law enforcement cooperation arrangements, including those already established by international, regional and sub regional organizations.
- State Parties agree to establish a Technical Assistance Fund to be financed through assessed contributions from the budget of the Secretariat for the benefit of State Parties which are developing or least developed countries.
- The Secretariat shall develop concrete indicators to monitor compliance with all obligations under this treaty.
- The provisions of this Treaty shall be implemented in a manner that avoids hampering the economic or technological developments of States Parties.
- The provision of international assistance should be in full accordance of the principle of national ownership starting by the request of assistance phase, including in determining the assistance and monitoring of its implementation.
- Major arms exporters/producers shall present schemes for technology transfer and manufacture under foreign license as incentives for universal membership and the promotion of advantages of Treaty adherence by arms importing States.

**Victim Assistance**
- Major arms exporters/producers shall offer assistance for the care and rehabilitation, and social and economic reintegration, of victims of armed conflict resulting from arms transfers inconsistent with this Treaty, including the right to compensation in accordance with the accountability requirements under this Treaty.
- Such assistance may be technical or material in nature and can be provided, inter alia, through the United Nations system, international, regional, sub regional or national organizations, non-governmental organizations; or on a bilateral basis, as appropriate. Such assistance will be reported to and monitored by the Secretariat in accordance with its mandate.

**India**

States Parties may encourage and facilitate international cooperation, including the exchange of information on matters regarding the implementation and application of this Treaty.

**States Parties may cooperate closely with one another, consistent with their respective domestic legal and administrative systems, to enhance the implementation of this Treaty taking into account their defence, security and commercial interests.**

In fulfilling its obligations under this Treaty each State Party may offer or receive assistance, inter alia, through the United Nations, international, regional, sub-regional or national organizations, non-governmental organizations, or on a bilateral basis.

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

States Parties will designate one or more national points of contact to facilitate cooperation and information exchange between State Parties, and to act as a liaison on all matters relating to the implementation of this Treaty.

**Japan**

1. 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.

2. 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.)

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.

Kenya

International co-operation and Assistance

Kenya supports the provisions with regard to international co-operation, including information exchange, and co-operation in terms of law enforcement and mutual legal assistance.

Kenya supports the provisions relating to international assistance to strengthen capacity and build national capabilities to implement the Treaty, including with regard to the offer and receipt of technical, legal, material and financial assistance.

Kenya supports the provisions of the Chair’s Paper with regard to victim assistance inter alia, through the UN system, international, regional, sub-regional or national organisations, non-governmental organisations or on a bilateral basis as appropriate.

Implementation Support Unit

Kenya strongly supports the establishment of an Implementation Support Unit with properly spelled out specific tasks and roles assigned to this unit.

Malaysia

1. State Parties shall encourage and facilitate international cooperation, including the exchange of information on matters regarding the implementation and application of this Treaty.

2. State Parties shall, when appropriate, cooperate closely with one another, consistent with their respective legal and administrative systems and in accordance with applicable agreements or arrangements, to enhance the effectiveness of this Treaty and the ability of State Parties to comply with the obligations, and to enforce and combat violations of the provisions of this Treaty.

3. States Parties undertake to facilitate, and have the right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for peaceful purposes. Parties to the Convention in a position to do so shall also cooperate in contributing individually or together with other States or international organizations to the further development and application of science and technology for peaceful purposes.

4. This Treaty shall be implemented in a manner designed to avoid hampering the economic or technological development of States Parties.

Mexico

2. The ISU shall:
   b. Assist States Parties in the implementation of the Treaty, and in the preparation of national reports.
   c. Consider the information contained in the national reports in order to provide the Assembly of States Parties and the Review Conference with a report that would assist them in carrying out their mandates.
   d. Promote international cooperation and assistance and facilitate technical assistance for the implementation of the Treaty, in particular by engaging actively in matching offers and requests for assistance. States Parties, and
relevant international, regional and subregional organisations, are encouraged to inform the ISU as appropriate of areas in which they are able to provide assistance in the implementation of this Treaty.

Nigeria (on behalf of the African Group)

“States in a position to do so, may collaborate with and in response to the needs of developing countries; identify, conduct and implement on a sustainable basis, measures and programmes that will help at the national level, those unregulated aspects of transfer in conventional arms that might lead to illicit trade”

“States in a position to do so, may offer, upon request, technical, legal and financial assistance to address the institutional and capacity building shortcomings at the national level”

Norway

New 4 bis. States in a position to do so shall offer assistance and cooperation that could enhance measures and safeguards against diversion, including for example securing stockpile and storage facilities for arms and ammunition.

New 6 bis. State Parties in a position to do so shall offer or receive assistance, including gender- and age sensitive care, rehabilitation and social and economic inclusion of victims of armed violence and armed conflict. Such assistance may be technical or material in nature and can provided, inter alia, through the United Nations system, international, regional or national organizations or institutions, the International Committee of the Red Cross, national Red Cross and Red Crescent Societies and their International Federation, non-governmental organizations or on a bilateral basis.

New 7. States Parties shall make every effort to collect reliable relevant data with respect to persons falling victim to armed violence and assess their needs.

New 8. States Parties shall not discriminate against or among victims of armed violence and armed conflict, and those who have suffered injuries or disabilities from other causes; differences in treatment should be based only on medical, rehabilitative, psychological or socio-economic needs.

Palau

As Small Island State, International Cooperation is vital for Palau toward building national capacity and mechanisms to meet the Treaty’s numerous obligations. Furthermore, Palau calls for an Implementation Supporting Unit (ISU) that recognizes and assists the unique constraints and challenges faced by Small Island States, including by acting as a clearing house for offers and requests of assistance.

The Implementation Support Unit shall:

a) Administer the ATT reporting mechanism including by serving as the repository for reports submitted by States Parties, by making these reports publicly available and by assisting states in the provision of their national reports.

Papua New Guinea

8. Implementation Support Unit (ISU) and International Cooperation

- We support the Chairman’s draft text regarding the role and responsibilities of an ISU.
- PNG strongly supports the provisions of the Chair’s Paper with regard to international co-operation, including with regard to information exchange, and co-operation in terms of law enforcement and mutual legal assistance. We believe that reference must be made to the Enforcement aspects under the element of Implementation as part of international cooperation and assistance.
- On the issue of mutual legal assistance, we support calls for the widest measure of mutual legal assistance in investigations, prosecutions and judicial proceedings in relation to any violations of national measures to implement the Treaty.
• Such assistance, we stress, must also include ancillary offences such as money laundering, corruption, trafficking etc.
• PNG fully supports the provisions of the Chair’s Paper dated 14 July 2011 relating to international assistance to strengthen capacity and build national capabilities to implement the Treaty, and notes its absence in the Chair’s non-paper dated 3 July 2012. We support its retention, including with regard to the offer and receipt of technical, legal, material and financial assistance. We also welcome references to encouraging information exchange on best practices.

Philippines

I. International Cooperation and Assistance
• Provide clarification on the meaning of “mutual legal assistance” as envisioned under Paragraph 3. In cases where there is no MLA, it is our understanding that the MLA envisioned in this paragraph will be based on reciprocity, or on a best effort basis.

Poland

While Poland associates itself with the intervention made by the EU, I will let myself to add few specific comments. And I will refer myself to the Chair’s discussion paper of July 3, 2012 as Poland shares the view that this document offers a good working basis.

Concerning ISU, Mr. Chairman, we believe that should such a support unit be established its structure ought to be kept at reasonable minimum, allowing to carry its respective operational mandate without incurring avoidable costs.

We are of the view that the potential tasks of an ISU as specified in chapter 8 of the Chair’s discussion paper are well defined.

I would also like to echo interventions in support of possible expanding the tasks of an ISU if the parties recognize that this is advisable.

As to the international co-operation and assistance, given the fact that implementation of the Treaty might require specific expertise acquired through the practicing export control we believe that ATT should encourage international co-operation in this area, which could be provided on a voluntary basis. Against this background the clearing house role of the possible ISU would take on special meaning.

We also support the establishment of obligation to appoint national points of contact as proposed in section 9 point 6.

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.

International cooperation and assistance

1. The States Parties agree that international assistance is a key component towards the effective implementation of this Treaty.
2. States Parties will provide international assistance in full accordance with the principle of national ownership, starting with the request-of-assistance and including determining the assistance and monitoring of its implementation.

3. Once it has complied with all the agreed parameters, a potential importing State, should be enabled to obtain its required transfers.

4. Each State Party may, in the context of fulfilling obligations under this Treaty, may provide assistance or receive it. Major producers and exporters of conventional weapons shall provide such assistance upon the request of the importing country.

5. Nothing in this Treaty shall be interpreted as impeding or restricting the technology transfer or manufacture under foreign licence of conventional weapons.

Singapore

The Singapore delegation would like to propose the following amendments (see text in bold) to the section on “International Cooperation and Assistance” of the Chair’s non-paper of 3 Jul 2012:

Para 1
“State parties shall encourage and facilitate international cooperation, including the voluntary 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.”

Para 3
“State 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 the provision of this Treaty.

Para 4
“In fulfilling its obligations under this Treaty, each State Party may offer or receive assistance, on a voluntary basis, inter alia, through the United Nations, international, regional, subregional or national organizations, non-governmental organizations, or on a bilateral basis.”

Para 6
“State Parties shall designate one or more national points of contact to facilitate cooperation and information exchange, on a voluntary basis, between State Parties, and to act as a liaison on all matters relating to the implementation of this Treaty.”

South Africa

5. States Parties may also undertake information exchange on best practices in relation to any aspect of this Treaty and include such information in their national reports.

6. States Parties shall designate one or more national points of contact to facilitate cooperation and information exchange between States Parties, to facilitate interaction with the Implementation Support Unit, and to act as a liaison on all matters relating to the implementation of this Treaty.

Spain

- We think the ATT should have a mechanism to facilitate the most experienced countries to assist in the application of the ATT to those that request it.
- It’s necessary to establish the nature and mechanisms in the assistance of legal, administrative and financial matters as well as the exchange of experience regarding adopted legislation aligned with the ATT and its practical application, including the coordination of all parties involved.
• With regard to technical assistance, proper assistance should be provided to help with the establishment of control systems, transfer of technology, industrial cooperation, management of destabilizing accumulation of arms, marking, management of registers and tracing, and customs control.

• Regarding contact points and communication mechanisms amongst competent authorities, we suggest that these contact points be linked to the competent transfer and control authorities.

United Republic of Tanzania

1. The United Republic of Tanzania supports the provisions related to International Cooperation and Assistance and affirms that information exchange and assistance must be included as provisions in the treaty, especially given that the illegal trade in arms is a cross-border phenomenon. Therefore, capacity building and information sharing in preventing and combating the illegal trade in arms is highly needed.

2. In addition to the stated items, the United Republic of Tanzania, in line with the African Group's proposals, wishes to propose the following for inclusion as items 7 & 8 in the President's Discussion Paper of 03 July 2012 (reference para.9 (1-6) - now to include:

(7) Big Exporting States shall, in collaboration with developing countries, particularly in Africa, identify, conduct, and implement on continuous basis, measures and programs which directly address unregulated trade in conventional weapons which leads to the illicit trafficking and proliferation of those weapons;

(8) Big Exporting States shall offer, upon request, technical and financial assistance to address the incidences and impacts of devastation resulting from acts of unregulated trade in conventional weapons.

Viet Nam

Implementation Support Unit:

“This Treaty establishes an Implementation Support Unit as part of the United Nations Office of Disarmament Affairs (UN ODA), to assist States Parties in the implementation of the Treaty”.

International Cooperation and Assistance:

• “States and international and regional organizations should, upon request by the affected States, consider assisting and promoting conflict prevention. Where requested by the parties concerned, in accordance with the principles of the Charter of the United Nations, States and international and regional organizations should consider promoting and rendering assistance in relation to negotiated solutions to conflicts, including by addressing their root causes.

• States and appropriate international and regional organizations in a position to do so should, upon request of the relevant authorities, seriously consider rendering assistance, including technical and financial assistance where needed, such as small arms funds, to support the implementation of the Treaty”.

Holy See

8. Implementation Support Unit

2.d. Facilitate offers and requests of assistance for Treaty implementation under the terms of this Treaty and promote international cooperation to that end, as needed, including assistance for the care and rehabilitation, and social and economic reintegration of the victims of armed conflicts;

9. International Cooperation and Assistance

A. Victim Assistance

1. Each State Party in a position to do so, and where appropriate, may offer or receive assistance for the care and rehabilitation, and social and economic re-integration, of victims of armed violence and armed conflict.

2. Such assistance may be technical or material in nature and can be provided, inter alia, through the United Nations system, international, regional, sub-regional, or national organizations or non-governmental organizations, or on a bilateral basis, as appropriate.
European Union¹

- 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.

ISU

- We recognize that there could be a need for an ISU to facilitate the implementation of the Treaty.
- If there was an ISU, we consider that the proposed list of tasks for the ISU included in the Chair's paper is comprehensive.
- The ISU should remain a lean international structure, taking into account the financial implications that the establishment of a large unit would entail.
- At the same time, we should not exclude an incremental approach that would also provide some flexibility to adopt the structure of the ISU to its possibly developing tasks.

¹ The written comments reflect the positions of the EU/EU Member States and are submitted by Cyprus on behalf of the EU Member States.