



Arms Trade Treaty Implementation Toolkit

Module 4 Information Exchange, International Cooperation and Assistance

I. Introduction

Any country joining the Arms Trade Treaty (ATT), commits to putting in place adequate measures to implement the Treaty.

States will decide which measures are best to fulfil their obligations under the ATT. These measures may vary from country to country.

After reviewing the reporting requirements under the ATT in module 3 of this toolkit, this fourth module, *Information exchange, international cooperation and assistance*, aims to assist States in setting up mechanisms to exchange information and facilitating international cooperation and assistance to implement the Treaty.

This module will discuss the role of the national points of contact and the conference of States Parties. It will also address international cooperation and assistance to implement the Treaty.

II. Channels to exchange information

States Parties are in charge of their implementation efforts to comply with the obligations under the ATT. States Parties must designate national points of contact to exchange information on ATT implementation matters.¹ The conference of States Parties will also provide them with an opportunity to exchange information and discuss matters related to the Treaty's implementation.² These channels are established by the ATT. In addition, States Parties may engage in direct contact with other States and use any regional mechanisms or arrangements that may be set up to exchange information on ATT-related matters.

1. National point of contact

1.1. What is a national point of contact?

Article 5 (6) stipulates that States Parties must designate one or more national points of contact (NPC) to exchange information on matters related to the implementation of the ATT. The establishment of an international network of NPCs is a common practice in international treaties and agreements (i.e. UN Programme of Action on Small Arms and the International Tracing Instrument). The ATT does not provide a definition for NPC. However, it could be understood as:

A government unit/ institution designated to perform functions related to the ATT such as liaising with officials from other States, the ATT Secretariat, and relevant sub-regional, regional and international organizations; liaising with other national authorities responsible for arms transfer controls; receiving information requests related to the ATT; sharing ATT-related information and lessons learned; receiving assistance requests; coordinating the provision of ATT assistance to other States.

¹ Article 5 (6).

² Article 17 (4).

1.2. Responsibilities of the NPC

The NPC's primary role shall be to share information among States Parties. Information to be exchanged by or through the NPC could include:

- Information on matters of mutual interest regarding the implementation and application of the Treaty;³
- Correspondence with the ATT Secretariat, including on matters related to national reports;
- Pending or approved export authorizations, where appropriate and in coordination with the relevant national authorities on arms transfers controls;
- Facts and advice needed for arrangements to mitigate the risk of diversion of the transfer of conventional arms with all States concerned (importing, transit, trans-shipment and exporting States Parties);
- Assistance requests for the implementation of the ATT;
- Provision of assistance to other States on ATT implementation matters;
- Effective ATT implementation practices and lessons learnt.

1.3. Designation of the NPC

➤ Each State Party to the ATT will designate its NPC in accordance with its national laws. Typically, the NPC tasks would be assigned to the most relevant unit in the ministry of foreign affairs, ministry of trade, ministry of defence, ministry of interior, President's office, or a law enforcement agency. As each State Party is required to have competent national authorities for an effective and transparent national transfer control system,⁴ these authorities would often be seen as best suitable to perform NPC tasks.

➤ It is recommended that the NPC has authority to request relevant information from other public or private entities within the State Party on matters related to the implementation of the ATT.

Tip: Participation of the NPC in national delegations to the ATT conferences of States Parties and their relevant meetings of subsidiary bodies, as well as in relevant regional and international meetings and events related to the ATT, would enable the NPC to build networks and to keep abreast of developments and lessons learnt in the implementation of the Treaty.

1.4. Communicating the designation of the NPC

The Treaty does not specify what NPC-related information should be communicated to the ATT Secretariat.⁵ The following information would be useful:

- a. Name of the designated unit/ institution;

³ Article 15 (2).

⁴ Article 5 (5).

⁵ Article 5 (6).

- b. Address;
- c. Contact person;
- d. E-mail address (preferably not a personal e-mail address but an e-mail address accessible by the unit/ institution);
- e. Telephone and fax number.

Any changes in the information related to the NPC must be communicated to the ATT Secretariat forthwith.⁶

1.5. List of NPCs

- The ATT Secretariat is responsible for maintaining the list of NPCs and for making it available to States Parties.⁷ The conference of States Parties may decide to make the list available to the public.
- The NPC network can be an important tool for enhancing cooperation and exchanging information among States Parties.

1.6. NPCs in other instruments

➤ Several international instruments in the field of conventional arms, including transparency in armaments, request States Parties to designate an NPC, such as:

- Firearms Protocol;
- Programme of Action on Small Arms;
- International Tracing Instrument;
- UN Register of Conventional Arms;
- UN Report on Military Expenditures.

- States may designate the same NPC for different instruments.
- States may also choose to designate different NPCs for different instruments and have them cooperate closely (e.g. preparation of reports under the PoA/ITI and ATT).

2. Conference of States Parties⁸

The conference of States Parties (CSP) of the ATT provides an opportunity for States to gather regularly to exchange information and discuss matters of importance.

⁶ Ibidem.

⁷ Article 18 (3)b.

⁸ Article 17.

2.1. Issues to be discussed and decided at CSPs

- a. At its first meeting, its rules of procedure;
- b. Establishment of any subsidiary bodies and the CSP oversight over them;
- c. Establishment of a voluntary trust fund;⁹
- d. Financial rules for the CSPs, the Secretariat and any subsidiary bodies it might establish;
- e. Tasks and budgets of the Secretariat;
- f. Budget for the financial period until the next ordinary session;
- g. Implementation and operation of the ATT, including the promotion of its universality;
- h. Administrative, logistical and financial provisions regarding the implementation of the Treaty;
- i. Issues arising from the interpretation of the ATT;
- j. Amendment to the Treaty six years after its entry into force and henceforth, only every three years;¹⁰
- k. Any other function consistent with the ATT.

2.2. Extraordinary meetings of the conference of States Parties¹¹

Extraordinary meetings of the conference of States Parties could be held:

- When deemed necessary by the CSP;
- Upon written request of any State Party supported by at least two-thirds of the States Parties.

Tip: Participation of arms export/ import control experts in national delegations to the ATT conferences of States Parties and their relevant meetings of subsidiary bodies, as well as in relevant regional and international meetings and events related to the ATT, would enable those experts to build networks and to keep abreast of developments and lessons learned in the implementation of the Treaty.

III. International cooperation and assistance to implement the ATT

1. International cooperation

⁹ Article 16 (3).

¹⁰ The Treaty entered into force on 24 December 2014 therefore, the conference of States Parties could consider proposed amendments on its meeting in 2020 if any State Party had submitted such proposal to the ATT Secretariat. Henceforth, the conference of States Parties will only consider such proposals every three years.

¹¹ Article 17 (5).

Regulating the international conventional arms trade and the effective implementation of the ATT requires extensive cooperation among States Parties. International cooperation under the ATT can take various forms, including:

- a. Exchange of information, experiences and lessons learned on the implementation of the ATT through its network of national points of contacts;
- b. Review of the implementation of the Treaty, including developments in the field of conventional arms at the conference of States Parties;
- c. Collaboration and exchange of information between the exporting and importing States Parties on pending or actual export authorizations where the importing State Party is the final destination of such transfer;¹²
- d. Partnership and exchange of information to prevent diversion;
- e. Mutual assistance in matters such as investigations, prosecutions and judicial proceedings;
- f. Coordination to prevent that arms transfers become subject to corrupt practices;
- g. Dialogue on ATT implementation matters at bilateral or regional level;
- h. Provision of assistance to implement the Treaty, including funding from the voluntary trust fund to be established under Article 16 (3) of the ATT, bilateral agreements or regional, sub-regional and international organizations.

1.1. Information exchange among State Parties

➤ Adequate information exchange among countries involved in a transfer, or among all relevant States Parties for instance on lessons learned and good practices, is an essential component for the successful implementation of the ATT.

➤ It also leads to increased transparency and accountability in arms transfers.

➤ There are many ways in which States Parties can engage in information exchange, including for example:

- Direct dialogue between NPCs;
- Communication between the NPC of one State Party and the national transfer control authorities of another;
- Meetings between officials, at bilateral or regional levels, or in the margins of a multilateral meeting;
- Correspondence between the national transfer control authorities of different States Parties;
- Circulation of information through appropriate channels within the framework of existing or new bilateral, regional or multilateral mechanisms for information-sharing and exchange.

1.1.1. Information exchange on the implementation of the ATT

States Parties should share information to effectively support the implementation of the ATT. Information to be exchanged should include:

- a. Matters of mutual interest regarding the application of the ATT;¹³

¹² Article 8 (3).

¹³ Article 15 (2).

- b. Data regarding illicit activities and actors to prevent and eradicate diversion of conventional arms under Article 2 (1);¹⁴
- c. Lessons learned on any aspect of the ATT.¹⁵

1.1.2. Cooperation and information exchange to ensure accountability and to prevent diversion

Exporting, importing, transit and trans-shipment States Parties must cooperate and share information, pursuant to their national laws, where appropriate and feasible, to mitigate the risk of diversion of the transfer of covered weapons.¹⁶

Any exporting State Party shall make available appropriate information about an authorization, upon request, to the importing State Party and to the transit or trans-shipment States Parties, subject to the exporting State's national laws, regulations or policies;¹⁷

States Parties should share information regarding illicit activities and actors to prevent and eradicate diversion of conventional arms.¹⁸

1.1.3. Information exchange through the ATT Secretariat

States Parties are required or encouraged to provide the following information to the Secretariat, which in turn is mandated to communicate it to all States Parties:

- a. National control lists, pursuant to each State Party's national laws (required);¹⁹
- b. NPC (required);²⁰
- c. Initial report on measures taken to implement the ATT (required);²¹
- d. Reports on any new measures undertaken in order to implement the ATT when appropriate (required);²²
- e. Annual report (required);²³
- f. Information on measures that have proven effective in addressing the diversion of conventional arms (encouraged).²⁴

1.2. Settlement of disputes²⁵

States Parties shall consult and, by mutual consent, cooperate to pursue the settlement of any dispute that may arise between them regarding issues concerning the interpretation or application of the Treaty. States Parties shall seek a solution by:

- a. Negotiations;

¹⁴ Article 15 (4).

¹⁵ Article 15 (7).

¹⁶ Article 11 (3).

¹⁷ Article 7 (6).

¹⁸ Ibidem.

¹⁹ Article 5 (4).

²⁰ Article 5 (6).

²¹ Article 13 (1).

²² Ibidem.

²³ Article 13 (3).

²⁴ Article 13 (2).

²⁵ Article 19.

- b. Mediation;
- c. Conciliation;
- d. Judicial settlement;
- e. Arbitration;
- f. Any other peaceful means.

2. *International assistance*

- States Parties to the ATT shall take appropriate enforcement measures for the effective regulation of international transfers of conventional arms, ammunition and parts and components and for preventing their diversion.²⁶
- Any State Party should ensure that it counts with governmental institutions, an adequate legal framework, financial and technical resources to implement the Treaty.
- To that effect, many States Parties may consider requesting assistance.
- International assistance under the ATT helps all States Parties to implement the Treaty in an effective manner.
- International assistance can be granted through bilateral agreements between States Parties as well as by regional and international organizations.

2.1. *Areas of assistance*

Each State Party may assess the level, nature and extent of assistance it wants to seek.²⁷ Article 16 (1) indicates examples of areas where assistance could be sought:

- a. Legal or legislative assistance;
- b. Institutional capacity-building;
- c. Technical assistance;
- d. Material assistance;
- e. Financial assistance.

2.1.1. *Legal or legislative assistance*

- Legal or legislative assistance may include revising existing legislation and regulatory frameworks or developing new ones, such as:
 - Trade control legislation and regulation, including administrative and criminal penalties;
 - Customs laws and firearms regulation and control acts;
 - Regulatory procedures, including import and export control policies and administrative procedures;
 - Legislation, regulatory procedures aimed at preventing the diversion of conventional arms;

²⁶ Article 14.

²⁷ For example, the *Arms Trade Treaty Baseline Assessment Project* has developed a survey that helps countries to identify areas where they need assistance. See www.armstrade.info.

- National control lists.

➤ International assistance programmes to provide legal or legislative assistance could take many forms, including: Workshops, seminars, and training programmes aimed at assisting in the drafting or review of relevant legislation, policies and procedures;

- Round-tables to share information on effective legislation, policies and procedures;
- Development of model legislation by States Parties;
- Technical expertise provided by consultants;
- Sharing of lessons learned and good practices.

2.1.2. Institutional capacity-building

International assistance programmes to enhance institutional capabilities could include the following activities:

- a. Assistance in establishing the national export/import control system;
- b. Support to inter-agency processes and national coordination mechanisms;
- c. Training for officials and personnel such as:
 - National points of contact;
 - Licensing/authorization officials;
 - Law enforcement officials, including customs and border control;
 - Military and security forces officials on weapons and ammunition stockpile management, intelligence gathering, and weapons marking and tracing;
 - Parliamentarians and officials entrusted with oversight responsibilities, where applicable.

2.2. Types of assistance

Assistance can be provided mainly in three forms: technical, material and financial.

2.2.1. Technical assistance

Examples of technical assistance are:

- a. Workshops, seminars, round-tables, training courses;
- b. Development of instruction materials, booklets, documents, software applications;
- c. Sharing of lessons learned and good practices;
- d. Peer-to-peer training, mentoring;
- e. Consultancy services;
- f. Training visits, personnel exchanges;
- g. Building or refurbishing stockpiles and depots.

2.2.2. Material assistance

Equipment needed to implement the ATT could be provided, loaned, leased (including at a preferential rate) or contributed in-kind.

2.2.3. Financial assistance

Sources of financial support could be found in:

- a. Bilateral and multilateral aid;
- b. Funding from the voluntary trust fund to be established under Article 16(3) of the ATT or other trust funds established for similar purposes, including the United Nations Trust Facility Supporting Cooperation on Arms Regulation (UNSCAR).²⁸

2.3. Additional considerations

In providing assistance, States Parties could consider the following criteria:

- a. Applying flexibility and accounting for specificity: no one size fits all;
- b. Fostering national ownership;
- c. Safeguarding sustainability;
- d. Ensuring a gender-sensitive approach.

2.3.1. No one-size-fits-all

Assistance provided to implement the ATT should be tailored to specific needs of the recipient State. When designing assistance programmes, the following circumstances could be taken into consideration:

- a. Country size;
- b. Geography (e.g. border length, border accessibility);
- c. Infrastructure, major trading routes;
- d. Historical, cultural, and political contexts;
- e. Socio-economic development;
- f. Constitutional and government frameworks and administrative practices;
- g. Levels of regional cooperation;
- h. Volume and value of arms exports and/or imports;
- i. If the recipient State Party is particularly affected by problems related to the proliferation of illicit conventional arms, including SALW;
- j. If the recipient State Party faces diversion problems;

²⁸ More information on UNSCAR is available at www.un.org/disarmament/UNSCAR.

- k. Available local resources;
- l. Existing relevant programmes, including by regional organizations and by in-country UN partners such as UNDP or UNODC;
- m. Existing assistance programmes provided by other donors in the field of disarmament and non-proliferation;
- n. Existing projects related to the ATT being implemented in the recipient State or in the region.

2.3.2. National ownership

- National ownership is a key factor in ensuring the success of any assistance programme. Recipient States authorities are in the best position to assess their needs, to steer their ATT implementation process and to apply those ATT lessons learned that will help their own implementation efforts.
- In order for international assistance to be effective, recipient States will need to conduct an in-depth assessment to identify the assistance they require in implementing the Treaty.
- Recipient States should also be willing to be involved hands-on throughout the ATT implementation process (at all stages of the assistance project-cycle: assessment of needs, design of the targeted assistance programme, monitoring of the programme implementation, evaluation and follow-up phase of the programme, formulation of lessons learned).
- Recipient States should contribute local human resources and, when possible, material and financial resources to ensure ownership but also sustainability of effective ATT implementation measures.

2.3.3. Sustainability

A truly effective assistance programme is one that has a long-lasting and sustainable impact in the recipient State. Such programme may contain:

- a. Development of guidelines, manuals, instructions and “how-to” guides;
- b. Inclusion of a ‘train-the-trainers’ component, so that the training and knowledge imparted through assistance could be replicated and multiplied within the recipient State;
- c. Adequate training on the use and maintenance of equipment provided (if equipment is provided as part of the assistance programme).

2.3.4. Gender-sensitive approach

States Parties may also incorporate a gender perspective in their international assistance programmes through, for example:

- a. Considering the value of gender-sensitive risk assessments and how these can be undertaken;
- b. Promoting participation of women and women’s groups in the recipient State in the decision-making process as well as planning and implementation of the programme;²⁹
- c. Including of women in the recipient State as a beneficiary/target/trainee in the assistance programme;
- d. Addressing the consequences of arms diversion for women;

²⁹ The preamble of the ATT recognizes that civil society can play an active role in raising awareness of the object and purpose of the Treaty, as well as in supporting its implementation.

- e. Including women in train-the-trainers components.

2.4. Requesting assistance

Any State Party may request assistance to implement the ATT. Assistance may be requested through:

- a. The ATT Secretariat;
- b. Other States Parties/ States at bilateral dialogue;
- c. Regional and sub-regional organizations;
- d. International organizations such as the UN;
- e. Non-governmental organizations.

2.5. Elements for an assistance request

The below elements include key information that might be useful in a request for assistance to implement the ATT.

- a. Contact details (The State Party may consider channelling its request through its NPC)

- Institution:
- Contact person:
- Position:
- Phone and Fax number:
- E-mail address:

- b. Summary of assistance requested

[Provide a short summary of the assistance request]

- c. Specification of requested assistance

- Legal or legislative assistance
 - Model legislation
 - Strategic trade control legislation
 - Customs and border control legislation
 - Implementing regulations
 - National control list

Other, specify:

- Institutional capacity-building
 - Setting up a national control system

- Supporting inter-agency process
 - Setting up a record-keeping system
 - Development of procedures for information sharing
 - Disarmament, demobilization and reintegration
 - Marking of weapons
 - Weapons tracing
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- Training