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25 – 26/27 FEBRUARY 2025 WGETI MEETING: WGETI CHAIR INTRODUCTORY LETTER

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Dear delegates,

1. As you may recall, the CSP9 and CP10 cycles were pivotal years for the ATT Working Groups and for the Working Group on Effective Treaty Implementation (WGETI) in particular. As summarized in the communication of the CSP11 President of 11 December 2024, in these cycles the Conference and the ATT Working Groups worked on a review of the ATT programme of work and a shift in focus of the Working Groups from theoretical discussions to practical Treaty implementation issues and to progressive discussions on national implementation measures and exchanges on national implementation experiences. Specifically for the WGETI, these efforts resulted in adopting decisions at CSP9 on the WGETI configuration and substance and at CSP10 on a multi-year workplan for structured discussions about concrete practical Treaty implementation, including topics to be discussed, as well as general guidance and lists of specific questions to be addressed during the discussions.¹

2. Concretely, the decisions entail that the WGETI will conduct three types of discussions:

- structured discussions about practical Treaty implementation on the basis of the above-mentioned multi-year workplan;
- more in-depth discussions and/or the elaboration of voluntary guidance documents or other tools to assist national implementation on issues that were identified for such discussions during the structured discussions or as part of Conference decisions and/or recommendations; and

¹ The proposal on WGETI configuration and substance was adopted by the CSP9 as Annex D of the WGETI Chair's Draft Report to CSP9 ([ATT/CSP9.WGETI/2023/CHAIR/767/Conf.Rep](#)); also see paragraphs 18 and 19 of the Management Committee Draft Proposal on the Review of the ATT Programme of Work ([ATT/CSP9.MC/2023/MC/765/Conf.Prop](#)). The multi-year workplan was welcomed at CSP10 as Annex B of the WGETI Chair's Report to CSP10 ([ATT/CSP10.WGETI/2024/CHAIR/799/Conf.Rep](#)) and is available in all UN languages in the *Tools and Guidelines* section of the ATT website: <https://www.thearmstradetreaty.org/tools-and-guidelines.html>.

- ad hoc discussions on the current or emerging Treaty implementation issues which States Parties or other ATT stakeholders have proposed for discussion upon invitation of the WGETI Chair.

Organization of work and facilitators

3. As was the case in the CSP10 cycle, the discussions in the WGETI will be held in two Sub-working Groups to organize the work in a manageable and transparent manner:

- The Sub-working Group on Exchange of National Implementation Practices; and
- The Sub-working Group on Current and Emerging Implementation Issues.²

4. The discussions in these Sub-working Groups will be facilitated as follows:

- The structured discussions about practical Treaty implementation will be facilitated by Mr. Edward KAWA and Ms. Essate WELDEMICHAEL of Sierra Leone; and
- Discussions about current and emerging implementation issues will be facilitated by Mr. Jason ROBINSON of Ireland.

5. I would like to express my heartfelt appreciation to Mr. KAWA, Ms. WELDEMICHAEL and Mr. ROBINSON for their willingness to assume the role of facilitator.

Substance of discussions

6. Regarding the substance of our discussions in the CSP11 meeting, the CSP10 provided significant guidance.

7. For the meeting of the **Sub-working Group on Exchange of National Implementation Practices**, the CSP10 noted that this Sub-working Group will address the first two topics in its multi-year workplan, which are “*National control system relating to import*” and “*Scope / national control list*”. This was also mentioned in the abovementioned communication of the CSP11 President, in which he called on delegations to express their interest in giving presentations on these topics on the basis of the relevant practical implementation questions. In order to be transparent, we will still announce the list of delegations that have agreed to give presentations before the meeting of the Sub-working Group.

8. For the **Sub-working Group on Current and Emerging Implementation Issues**, I mentioned in my letter of 03 February 2025 that following the explicit request of the CSP10, the focus of the Sub-working Group will remain on discussing the identified issues concerning the role of industry in responsible international arms transfers and the risk of conventional arms being used in violation of Articles 6 and 7 of the Treaty, including for gender-based violence (GBV) or violence against women and children (VAWC). Note that for the continued discussion on the role of industry in particular efforts were made to include industry actors themselves in the discussion.

9. Concerning possible ad hoc discussions in this Sub-working Group, the CSP10 encouraged States Parties and other stakeholders to raise implementation issues on which they seek an ad hoc discussion in the WGETI in accordance with the abovementioned CSP9 decision. In my letter of 03 February 2025, I extended an invitation to all delegations to propose any current or emerging Treaty implementation issue for such a discussion, specifically mentioning Articles 6 & 7. After the expiration of the deadline for proposals on 14 February 2025, we will announce the received proposals with delegations, including the explanatory memoranda accompanying these proposals.

² Note that with the completion of the Voluntary Guide to implementing Articles 6 & 7 in the CSP10 cycle, the Sub-working Group on Articles 6 & 7 exhausted its multi-year workplan and ended its work. Going forward, issues concerning the practical implementation and application of Articles 6 & 7 will be discussed in the current Sub-working Groups.

10. After the ad hoc discussions are finished, I will take over from the Facilitator to seek delegation's views about the **next WGETI meeting**, in the CSP12 cycle.

Preparation for the meetings

11. To guide discussions during the WGETI meeting, the Facilitators of the Sub-working Groups and myself have prepared documentation within the remit of their task outlined above. Delegations are invited to rely on this documentation in preparing for the WGETI meeting and are strongly encouraged to participate actively in the respective sessions. I wish to emphasize that the success of our work is exclusively dependent on the level of commitment and engagement of States Parties and other stakeholders.

12. For the meeting of the **Sub-working Group on Exchange of National Implementation Practices**, the Facilitator has provided a draft annotated agenda ([Annex A-1](#)), as well as the relevant parts of the aforementioned list of practical implementation questions for the topics to be discussed (Annexes [A-2](#) and [A-3](#)).

13. To facilitate preparation for the meeting, the Facilitator has also provided the following question for delegations to consider:

- *Concerning the topics to be discussed, taking into account the practical implementation questions in Annexes [A-2](#) And [A-3](#), does your delegation have any national practices to share?*
- *Does your delegation have questions or comments about substantive issues, practical challenges or constraints regarding these topics or about opportunities for international cooperation and assistance in response to those?*

14. For the meeting of the **Sub-working Group on Current and Emerging Implementation Issues**, the Facilitator has provided a draft annotated agenda ([Annex B-1](#)), as well as a working document which describes the proposed concrete elements of the discussions and their possible outcomes ([Annex B-2](#)).

15. To facilitate preparation, this working document also provides several questions for delegations to consider:

- Concerning the topic of the identified issues concerning the **role of industry** in responsible international arms transfers, these questions are included in [paragraphs 12-13](#) and [paragraphs 16-17](#) of the working document.
- Concerning the topic of the risk of conventional arms being used in violation of Articles 6 and 7 of the Treaty, including for **GBV or VAWC**, the questions are included in [paragraphs 20-22](#), [paragraph 25](#) and [paragraph 27](#) of the working document.

16. For the discussions on the **next WGETI meeting, in the CSP12 cycle**, I have provided a short document with a few elements for delegations to consider ([Annex C](#)). This document also includes questions in [paragraph 3](#) and [paragraph 4](#).

Programme of Work for the WGETI Sub-working Groups

17. The meeting of the WGETI will take place on 25 – 26 February 2025 and will continue on the 27th if necessary. In that respect, the WGETI has been given four to five three-hour sessions (twelve to fifteen hours) to conduct its meetings, which will be allocated as follows:

Table 1. Schedule of WGETI Sub-working Group Meetings (25 – 26/27 February 2025)

	Tuesday	Wednesday	Thursday
10:00 – 13:00	WGETI Sub-working Group on Exchange of National Implementation Practices	WGETI Sub-working Group on Current and Emerging Implementation Issues	WGETI Sub-working Group on Current and Emerging Implementation Issues
			WGTU
15:00 – 18:00	WGETI Sub-working Group on Exchange of National Implementation Practices	WGETI Sub-working Group on Current and Emerging Implementation Issues	WGTU

18. Delegations are informed that this schedule is indicative. The meetings of the three ATT Working Groups will be held on a rolling basis.

I look forward to working closely with all of you in steering our work towards a successful CSP10.

Yours sincerely,

Ambassador Markus V. LACANILAO
Special Envoy on Transnational Crime, Office of the President of the Philippines
Chair of the ATT Working Group on Effective Treaty Implementation

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SUB-WORKING GROUP ON EXCHANGE OF NATIONAL IMPLEMENTATION PRACTICES

This section contains the following documents:

- Annex A-1: [Draft annotated agenda for the meeting of the Sub-working Group on Exchange of National Implementation Practices](#)
- Annex A-2: [List of practical implementation questions concerning national control system – import](#)
- Annex A-3: [List of practical implementation questions concerning scope / national control list](#)

ANNEX A-1

**DRAFT ANNOTATED AGENDA FOR THE MEETING OF
THE SUB-WORKING GROUP ON EXCHANGE OF NATIONAL IMPLEMENTATION PRACTICES**

Tuesday, 25 February 2025, 10:00-18:00

1. Structured discussions about practical Treaty implementation

The Facilitator will briefly present the multi-year workplan for the Sub-working Group and its Annex with practical implementation questions, as well as the working arrangements for the structured discussions, which can be summarized as follows:

- *In each session, the Facilitator or an invited speaker will start the discussion with a short introduction about the topic in question.*
- *After this, the States Parties that agreed to do so will give presentations about their practical implementation and national practices concerning the topic. In their presentations, States Parties will be guided by the non-exhaustive list of practical implementation questions that has been prepared for the topic.*
- *If applicable for the particular session, the stakeholders invited to contribute to the session will then provide their contribution, also taking into account the practical implementation questions.*
- *This will then be followed by a Q&A session and information exchanges, about, inter alia, possibilities for international cooperation and assistance in response to implementation challenges or constraints that have been made visible, as well as issues that might benefit from further clarification within the Sub-working Group on Current and Emerging Implementation Issues. Delegations will also have the opportunity to share national practices.*

2. National control system – Import

Under this topic, the Sub-working Group will address States Parties' measures undertaken to regulate arms transfers, focusing on their substance. The Sub-working Group will also look at their elaboration into legislation, administrative regulations and administrative measures and procedures (including the integration of the prohibitions and possible risk assessment criteria in those), as well as the competent authorities and inter-agency cooperation arrangements that States Parties have put in place. In this session, States will be requested to address these elements regarding their import controls. The Sub-working Group will thereby focus on Article 8 (2) and the obligation for States Parties to take measures allowing them to regulate imports under their jurisdiction, where necessary.

The practical implementation questions which delegations are to take into account in their contributions/presentations on this topic are included in Annex B-2.

3. Scope / National control list

Under this topic, the Sub-working Group will address States Parties' procedures to establish and maintain a national control list, the legal status of their national control list, its application to the different types of transfers (export, import, transit, trans-shipment and brokering), as well as its range in terms of conventional arms (including ammunition/munitions and parts and components).

The practical implementation questions which delegations are to take into account in their contributions/presentations on this topic are included in Annex B-3.

ANNEX A-2

**LIST OF PRACTICAL IMPLEMENTATION QUESTIONS CONCERNING
NATIONAL CONTROL SYSTEM – IMPORT**

As indicated above, the practical implementation questions are provided to guide delegations' contributions/presentations on the topic to be discussed.

Substantive elements

1. Which measures has your State taken to allow regulation of imports which take place under your State's jurisdiction? Are these measures all laid down in your State's laws and/or regulations?

Article 8 (2) provides that such measures may include import systems.

2. In case the State operates an import licensing system, what kind of assessment of proposed imports is conducted?
3. How does your State ensure that no imports in violation of the Article 6 prohibitions take place?
4. Do your State's measures apply to all categories of conventional arms in the same way?
5. Are the measures the same for State actors and non-State actors? For example, do import measures also cover security actors (armed forces, police, etc.)?

Procedural and institutional elements

6. Which ministry, department or agency is the competent national authority for import controls? Which ministries, departments or agencies are or may be involved in the assessment and decision-making process? Are there inter-agency cooperation arrangements in place?
7. How do the procedures for import authorization, notification or any other type of control measure operate? What kind of documents are issued?
8. What Information and documentation needs to be provided in the context of these procedures?

International cooperation and international assistance

9. Are there specific contributions that international cooperation between States (Parties) and/or further discussions within the ATT process could make to facilitate or support import controls by States Parties?

Is your State in a position to provide assistance to other States Parties on import controls? Does your State need assistance on import controls or has your State already received assistance on this in the past, via the VTF or another international assistance provider? In case of the latter, could you elaborate on this?

ANNEX A-3**LIST OF PRACTICAL IMPLEMENTATION QUESTIONS CONCERNING
SCOPE / NATIONAL CONTROL LIST**

As indicated above, the practical implementation questions are provided to guide delegations' contributions/presentations on the topic to be discussed.

Procedural and institutional elements

1. How was your State's national control list established? Which ministries, departments and/or agencies are involved in the process of establishing and maintaining a national control list?
2. Is your State's national control list the product of national process or is it based on existing multilateral lists (e.g. UNROCA, Wassenaar Arrangement Munitions List, Common EU Military List, etc.) or both?
3. What is the legal status of your State's national control list? Is it enshrined in national law or administrative regulations?
4. Is your State's national control list subject to regular review? Can it be updated in a flexible manner?

Substantive elements

5. Does your State's national control list apply to all types of transfers? Does the same control list apply to all these types of transfers (or do you maintain different lists for different types of transfers)?
6. Which definitions does your State use for the conventional arms covered under Article 2 (1)?

Note: Article 5 (3) of the Treaty provides that national definitions of the arms covered under Article 2 (1) (a) a)—(g) shall not cover less than the descriptions used in the UN Register of Conventional Arms at the time of entry into force of the Treaty (24 December 2014) and for the arms covered under Article 2 (1) (h) not less than the descriptions used in relevant UN instruments at the time of entry into force of the Treaty (notably the UNROCA and the International Tracing Instrument, as identified in Annex 3 of the FAQ-document on the annual reporting obligation).

7. Are ammunition/munitions and parts and components included in your State's national control list(s) for all types of transfers?
8. The Treaty covers ammunition/munitions "*fired, launched or delivered by the conventional arms covered under Article 2 (1)*". Does your State's national control list include the same qualification?

9. The Treaty covers parts and components “*where the export is in a form that provides the capability to assemble the conventional arms covered under Article 2 (1)*”. Does your State’s national control list include the same qualification?
10. Article 5 (3) of the Treaty encourages each State Party to apply the provisions of the Treaty to the broadest range of conventional arms. Does your State’s national control list include additional national categories of conventional arms? If so, does this apply to all types of transfers?

International cooperation and international assistance

11. Are there specific contributions that international cooperation between States (Parties) and/or further discussions within the ATT process could make to facilitate or support establishing and maintaining a national control list?
12. Is your State in a position to provide assistance to other States Parties on establishing and maintaining a national control list? Does your State need assistance on establishing and maintaining a national control list, or has your State already received assistance on this in the past, via the VTF or another international assistance provider? In case of the latter, could you elaborate on this?

SUB-WORKING GROUP ON CURRENT AND EMERGING IMPLEMENTATION ISSUES

This section contains the following documents:

- Annex B-1: [Draft annotated agenda for the meeting of the Sub-working Group on Current and Emerging Implementation Issues](#)
- Annex B-2: [Working document on current and emerging implementation issues](#)

ANNEX B-1

**DRAFT ANNOTATED AGENDA FOR THE MEETING OF
THE SUB-WORKING GROUP ON CURRENT AND EMERGING IMPLEMENTATION ISSUES**

Wednesday, 26 February 2025, 10:00-18:00

Thursday, 27 February 2025, 10:00-11:30 (if necessary in light of proceedings)

1. Introduction

The Facilitator will recall the mandate of this Sub-working Group and introduce the draft agenda.

2. The role of industry in responsible international arms transfers

The Facilitator will briefly explain the two issues which the Sub-working Group will continue to discuss regarding this topic, recalling the CSP10 discussions and decisions. The Facilitator will also bring up the possible deliverables which the Sub-working Group could work on.

Subsequently, for each issue, invited speakers will provide presentations to initiate the discussion, taking into account the guiding questions that were provided. After each set of presentations, the Facilitator will give delegations the opportunity to share national practices and considerations regarding the practical questions and possible deliverables that were proposed.

3. The risk of conventional arms being used for GBV or VAWC

In line with the continued focus on proposals for a voluntary good practices guide for the prevention of GBV (GBV/VAWC risk assessments), the Facilitator will request Control Arms, as a recent promotor of such guidance, to present their proposals to complement the current guidance on Article 7 (4) of the Treaty in the Voluntary Guide to Implementing Articles 6 & 7 with elements that are directly relevant for the practical implementation of Article 7 (4). Subsequently, the Facilitator will request Mexico to present a complementary proposal that also addresses the possible role of gender focal points in the work of the WGETI. After these presentations, the Facilitator will give delegations the opportunity to share their views on these proposals, to formulate their own proposals, as well as to share national practices on this topic.

Following this discussion, the Facilitator will give delegations the opportunity to raise any other current or emerging issue concerning the implementation of the GBV and VAWC provision in Article 7 (4) of the Treaty.

4. Ad hoc discussions on current and emerging implementations issues

The Facilitator will communicate the issues which were proposed by delegations for an ad hoc discussion in the Sub-working Group. The Facilitator will then invite the delegations concerned to introduce the issue in question and provide the Sub-working Group the opportunity to engage in discussion.

ANNEX B-2

**ATT WORKING GROUP ON EFFECTIVE TREATY IMPLEMENTATION (WGETI)
SUB-WORKING GROUP ON CURRENT AND EMERGING IMPLEMENTATION ISSUES**

WORKING DOCUMENT

INTRODUCTION

1. This working document is presented by the Facilitator of the WGETI Sub-working Group on Current and Emerging Implementation Issues to guide discussions during the Sub-working Group's meeting on 26 – 27 February 2025 and to facilitate delegations' preparation.
2. As recalled in the WGETI Chair's introductory letter for the Working Group's meeting, this Sub-working was established to conduct two types of discussions:
 - in-depth discussions and/or the elaboration of voluntary guidance documents or other tools to assist national implementation on issues that were identified for such discussions during the structured discussions or as part of Conference decisions and/or recommendations; and
 - ad hoc discussions on the current or emerging Treaty implementation issues which States Parties or other ATT stakeholders have proposed for discussion upon invitation of the WGETI Chair.

In-depth discussions / elaboration of guidance: role of industry and GBV

3. Regarding the first type of discussions, the CSP10 explicitly requested the Sub-working group *"to continue discussing the identified issues concerning the role of industry in responsible international arms transfers and the risk of conventional arms being used in violation of Articles 6 and 7 of the Treaty, including for GBV or violence against women and children [(VAWC)], with a view to obtain a deeper understanding of these topics and to establish the utility and the feasibility of developing voluntary guidance on these topics"*.¹
4. On the topic of the **role of industry in responsible international arms transfers**, the "identified issues" in question, were as follows:
 - the application of the UN Guiding Principles on Business and Human Rights (UNGP) and human rights and international humanitarian law (IHL) due diligence in general in the context of ATT implementation and States' national arms transfer control systems; and
 - the integration of compliance with arms transfers control regulations in existing guidance, awareness-raising and training programs/documentation for the different types of industry actors that are involved arms transfer activities.²
5. On the topic of the **risk of conventional arms being used for GBV or VAWC**, the identified issue was the possible elaboration of a voluntary good practices guide for the prevention of GBV (GBV/VAWC risk assessments). This concerns a longstanding proposal, but was concretely discussed during the CSP10 cycle on the basis of two working papers that were explicitly taken note of by the CSP9: i) *"Towards A Guide to Good Practices for arms control for the prevention of gender-based violence"*, submitted by Argentina; and ii) *"Mitigating the risk of armed violence against people on the basis of their actual or perceived sexual orientation, gender identity, gender expression and sex characteristics (SOGIESC) through the ATT"*, submitted by Mexico, Spain and Small Arms Survey.³

¹ See paragraph 28(f) of the CSP10 Final Report ([ATT/CSP10/2024/SEC/807/Conf.FinRep](#)).

² See paragraph 29 of the WGETI Chair's Report to CSP10 ([ATT/CSP10.WGETI/2024/CHAIR/799/Conf.Rep](#)).

³ See paragraph 24(h) of the CSP9 Final Report ([ATT/CSP9/2023/SEC/773/Conf.FinRep.Rev2](#)).

6. At the same time, the CSP10 also welcomed a working paper submitted by Mexico on behalf of a number of States Parties on "[Gender Mainstreaming and Addressing GBV under the ATT](#)", and encouraged State Parties and other interested parties *"to encourage the continuation of regular exchanges of views on national practices in preventing arms-related GBV and VAWC with the purpose of complementing existing guidance on the effective implementation of Articles 6 and 7"*. The CSP10 also encouraged State Parties and other interested parties *"to consider appointing gender focal points to ensure that the gender dimension is included into the work of the ATT working groups"*.

7. I recall that for the discussion on both main topics (role of industry and GBV) during last year's WGETI meeting, the then Facilitator presented a very comprehensive working document.⁴ This working document unpacked the decisions and recommendations of earlier CSPs on these topics and provided an overview of the existing body of work within and outside the ATT process before identifying the concrete issues to discuss. In that regard, this working document remains an extremely useful background document for our continued discussions; it is a reference document that helps us to avoid repetition and duplication of efforts, as well as to stay focused on our task and mandate.

8. In line with the recommendation in the WGETI Chair's Report to CSP10 for the Facilitator of this Sub-working Group *"to build further on the relevant questions that were put to delegations in the working document for the [CSP10] meeting and prepare a list of guiding questions for delegations to address during the [CSP11] meeting"*, this current working document will focus on describing the proposed concrete elements of our discussions and their possible outcomes and providing a list of questions on those elements and outcomes. To facilitate preparation, these questions are also included in the WGETI Chair's introductory letter.

Ad hoc discussions

9. As indicated in the WGETI Chair's introductory letter, the current and emerging Treaty Implementation issues proposed by States Parties and other stakeholders for an ad hoc discussion in the 26 February meeting of this Sub-working Group will be announced following the expiration of the deadline for proposals on 14 February 2025. The explanatory memoranda that accompanied the proposals will be included in this announcement.

THE ROLE OF INDUSTRY IN RESPONSIBLE INTERNATIONAL ARMS TRANSFERS

The application of the UNGP and human rights and IHL due diligence in general in the context of ATT implementation and States' national arms transfer control systems

10. As a starting point for the continued discussion on this topic, below delegations can find an outline of some of the takeaways from the presentations on this topic during the previous WGETI meeting, as well as the follow-up considerations of intervening delegations:⁵

- Human rights and IHL due diligence is as an autonomous responsibility of industry actors, in addition to their parallel obligation to comply with arms transfer laws and regulations.
- As these respective responsibilities and obligations interact, States can partially enforce human rights and IHL due diligence through their arms transfer control framework.

⁴ This working document was included as Annex C-2 in the WGETI Chair Letter and Sub-Working Group documents for the CSP10 WGETI meeting ([ATT/CSP10.WGETI/2024/CHAIR/775/LetterSubDocs](#)).

⁵ See paragraphs 31-32 of the WGETI Chair's Report to CSP10 for a comprehensive overview and for references to relevant documents as well as the presentations.

- Industry instruments to facilitate compliance with arms transfer laws and regulations, such as internal compliance programmes, can also be useful instruments to implement human rights and IHL due diligence responsibilities.
- Applying human rights and IHL due diligence can reduce industry actors' risk of incurring civil or criminal liability in case their transferred arms are misused (as human rights and IHL due diligence is a duty of care).
- Human rights and IHL due diligence by industry actors complement and reinforce the obligation of States Parties to regulate arms transfers and the actors that are involved in those. A concrete example could be information sharing about end-users and end use situations before and after the transfer.
- States need to raise more awareness about human rights and IHL due diligence among industry actors and support industry's capacity to conduct due diligence. This could entail increasing knowledge about the possible adverse human rights and IHL impacts of (transfers of) conventional arms, in reference to Articles 6 & 7 of the Treaty, as well as providing guidance about transaction screening, including through a list of information sources to assess the adverse impacts.
- There is a need for more efforts to include industry actors in these discussions in the ATT process. The ATT Secretariat could coordinate with relevant industry stakeholders.

11. As there was also a call for synergies with other fora where the issue of human rights and IHL due diligence is addressed, it is also useful to keep in mind the relevant recommendations in the information note of the UN Working Group on Business and Human Rights about "*Responsible business conduct in the arms sector*".⁶ These include basic recommendations to States and industry actors to:

- [States] amend national and regional export control legislation governing the arms sector to include reference to the standalone responsibility of all businesses in the sector to conduct [human rights due diligence (HRDD)] in line with the [UN Guiding Principles on Business and Human Rights].
- [States] Introduce mandatory HRDD legislation with enhanced HRDD obligations for the arms sector.
- [States] Publicly communicate information about risk assessments in export licence approval decisions.
- [Industry] Implement HRDD processes throughout all aspects of business operations. Conduct HRDD in all cases, regardless of export licence decisions by States. Ensure that HRDD processes are enhanced in situations of heightened risk, such as armed conflicts or internal upheaval.

12. Taking these takeaways, considerations and recommendations into account, the Facilitator intends to move the discussions forward in a practical direction. For that purpose, the Facilitator requests delegations to consider the following questions below and share national practices:

• **States**

- *Does your State have legal requirements and/or guidelines for industry actors involved in arms transfers concerning their human rights and IHL due diligence responsibilities?*
- *Does your State conduct awareness-raising about these actors' human rights and IHL due diligence responsibilities and/or provide support to comply with these responsibilities?*
- *If no specific arms transfer-related due diligence requirements, guidelines and/or outreach are in place, do general industry due diligence requirements and/or guidelines apply and which entities would then be involved?*

⁶ See paragraphs 16, 20 and 22 of the working document mentioned in footnote 4. The information note itself is available at <https://www.ohchr.org/en/documents/tools-and-resources/responsible-business-conduct-arms-sector-ensuring-business-practice>. It was presented at the CSP9 (see [presentation](#)) and included in the annex of the CSP9 President's working paper "*Role of Industry in Responsible International Transfers of Conventional Arms*" ([ATT/CSP9/2023/PRES/766/Conf.WP.Ind](#)).

- *If your State provides guidance to industry actors about internal compliance programmes, does this include guidance about human rights and IHL due diligence?*
- *Does your State apply a requirement or guideline for export licence applicants to provide specific information about the end-user and end use of their conventional arms that could be useful for the competent authority to conduct its human rights / IHL risk assessment before the transfer or a re-assessment after the transfer (beyond the provision of an EUC)?*

- **(Trade) organisations**

- *Does your organization have programs/documentation that includes awareness-raising, guidance and/or training about human rights and IHL due diligence?*
- *If so, what does this entail?*
- *If not, does your organization have programs/documentation relating to compliance with arms transfer controls in which awareness-raising, guidance and/or training about human rights and IHL due diligence could be appropriate and feasible?*
- *What kind of awareness-raising, guidance and/or training about arms human rights and IHL due diligence could be useful?*

- **Companies**

- *Does your company have policies and procedures in place to conduct human rights and IHL due diligence in all phases of its business relationships?*
- *How does your company conduct transaction screenings, in particular human rights / IHL risk assessments and which information sources are used for that purpose?*
- *In case of alleged misuse does your company have contractual arrangements with the recipient and/or information-sharing arrangements with the authorities to address the situation?*
- *Does your company provide information about the end-user and end use of your conventional arms to the competent authority that could be useful for its human rights / IHL risk assessment before the transfer or for a re-assessment after the transfer (beyond the provision of an EUC)?*
- *What kind of awareness-raising, guidance and/or training about arms human rights and IHL due diligence could be useful?*

13. In addition, delegations need to consider whether the Sub-working Group should work towards concrete deliverables on this topic. For that purpose:

- Delegations are reminded that the CSP9 encouraged States Parties “to develop [...]a list of possible reference documents [...] for ensuring industry compliance with national control systems to implement the ATT [...]. Such documents could also contain possible reference documents that provide guidance and support to industry efforts to conduct risk assessments taking into consideration ATT Articles 6, 7(1), 7(4), and 11(2)”.
- Delegations could also consider reflecting the takeaways and considerations above, as well as the follow-up discussions in a voluntary document linking human rights and IHL due diligence by industry actors with States Parties’ obligations under the ATT and their own due diligence requirements. This could provide States Parties as well as industry actors a tool to support both outreach and implementation regarding human rights and IHL due diligence.⁷

⁷ For their consideration of next steps, delegations are reminded that the multi-year workplan for the WGETI Sub-working Group on Exchange of National Implementation Practices also includes the topic “General regulation of actors involved in arms transfers”. The outline and practical implementation questions for this topic nevertheless focus on compliance with national transfer control systems and industry involvement in preventing diversion and explicitly acknowledge the in-depth discussions on specific industry-related issues in this Sub-working Group.

14. To kick-off the continued discussion during the meeting, the Chair, in consultation with the ATT Secretariat, invited relevant actors to address the questions posed in paragraph 13, thereby responding to the encouragement of the CSP9 *“to invite representatives of industry and private sector entities engaged in the international arms trade to share information that may support effective treaty implementation [...] during CSP working group sessions”*.⁸ The actors which agreed to contribute will be announced in a communication by the WGETI Chair before the meeting.

The integration of compliance with arms transfers control regulations in existing guidance, awareness-raising and training programs/documentation for the different types of industry actors that are involved arms transfer activities

15. As delegations might recall, while this issue was unpacked in last year’s working document, focusing on logistical actors such as carriers, freight forwarders, shipping agents and customs service providers, it was not discussed during the Sub-working Group’s meeting due to a lack of time. This also applies for the consideration of the question whether it is fitting and pertinent to explore this issue within the ATT process. Nevertheless, to allow for a more informed decision, an invitation was extended to some of the international and industry trade organisations that were mentioned in last year’s working document to address the issue during the meeting. If any participation is feasible, those who have agreed to do so will be announced in a communication before the meeting.

16. For their intervention, the Facilitator prepared the following questions:

- *Does your organization have programs/documentation that includes awareness-raising, guidance and/or training about arms transfer-related controls? Concretely this concerns topics such as the basic requirements of arms transfer controls (e.g. possible authorization requirements and related documentation), general instructions to share key information about arms shipments to the competent national authorities to support the authorities detecting and intercepting unauthorized and illicit transfers, and red flags that point to potentially illicit transfers (e.g. embargoed destinations) in transnational programs/documentation.*
- *If so, do States have a role in the development and/or implementation of this awareness-raising, guidance and/or training?*
- *If not, does your organization have programs/documentation relating to other (international) security issues where such integration could be appropriate and feasible in a manner that supports industry actors’ compliance with arms transfer controls?*
- *What kind of awareness-raising, guidance and/or training about arms transfer regulations could be useful?*
- *Could it be useful for this Sub-working Group to have a role in developing any voluntary guidance for States Parties and/or industry actors on this topic?*

17. The questions above are of course also addressed to delegations, who are also invited to share their experiences during the Sub-working Group’s meeting. The last of these questions is relevant to determine whether the Sub-working Group should take this issue further or not.⁹

⁸ As indicated in footnote 8 of the WGETI Chair’s Report to CSP10, note that for last year’s WGETI meeting, despite extensive consultations, no speakers from industry actors had been secured.

⁹ Also here delegations should bear in mind the anticipated discussion on *“General regulation of actors involved in arms transfers”* in the WGETI Sub-working Group on Exchange of National Implementation Practices (see footnote 6 above).

THE RISK OF CONVENTIONAL ARMS BEING USED FOR GBV OR VAWC

Voluntary good practices guide for the prevention of GBV (GBV/VAWC risk assessments)

18. As the focus regarding this topic remains on the proposals for a voluntary good practices guide for the prevention of GBV, the Facilitator intends to move this forward, taking into account the discussions on this in the previous CSP cycle(s). In that respect, the WGETI Chair's Report to CSP10 makes clear that most delegations could consider the proposed guidance, but insist that this guidance: 1) should not repeat existing guidance; 2) be strictly limited to issues that are directly relevant for ATT implementation, i.e. regulating international arms transfers; and c) is of a voluntary nature.¹⁰ For these reasons, it was suggested to elaborate existing voluntary guidance rather than developing an additional instrument, which was subsequently acknowledged by the CSP10.¹¹

19. In line with this, the Chair requested some of the most recent advocates of developing a guidance document to prepare a proposal to complement the current guidance on Article 7 (4) in the Voluntary Guide to Implementing Articles 6 & 7 with elements that are directly relevant for the practical implementation of Article 7 (4).¹² For that purpose, the delegations in question were also encouraged to involve other interested States Parties and stakeholders in this exercise. Following this request, Control Arms will present a proposal in the 26 February meeting.

20. In preparation for the meeting, delegations are also requested to consider the guidance in the Voluntary Guide to Implementing Articles 6 & 7 that is specifically dedicated to the GBV and VAWC provision in Article 7 (4) of the Treaty and formulate concrete proposals to complement this guidance with elements that are directly relevant for the practical implementation of Article 7 (4). As the Voluntary Guide intends to provide a picture of how States Parties operationalize Article 6 & 7, the Facilitator encourages delegations to base their proposals on actual national practices.

21. Delegations wishing to do so are requested to submit their concrete text proposals to the ATT Secretariat, in writing, via e-mail (info@thearmstradetreaty.org) by 14 February 2025.

22. At the same time, the Facilitator also continues to invite States Parties to share concrete practices in applying the GBV and VAWC provision in Article 7 (4), including types of information and considerations that might have led to the determination of an overriding risk that conventional arms to be exported could be used to commit or facilitate a serious act of GBV or VAWC.

23. On the basis of the presentations and the subsequent discussions, the Facilitator will assess whether there is a sufficient basis for the Sub-working Group to discuss an actual proposal to update the Voluntary Guide on this topic. Delegations are reminded on this point that the Sub-working Group on Exchange of National Implementation Practices will also still address the practical implementation of Article 7 (4) as part of the topic "*risk assessment (covering Articles 6 & 7)*" in its multi-year workplan.

¹⁰ See paragraph 38 of the WGETI Chair's Report to CSP10.

¹¹ See paragraph 28(g)(i) of the CSP10 Final Report.

¹² The Voluntary Guide to Implementing Articles 6 & 7 was endorsed by the CSP10 as Annex A of the WGETI Chair's Report to the CSP10 and is available in all UN languages in the *Tools and Guidelines* section of the ATT website (<https://www.thearmstradetreaty.org/tools-and-guidelines.html>). The guidance in the Voluntary Guide that is specifically dedicated to the GBV and VAWC provision in Article 7 (4) of the Treaty concerns paragraphs 26-35 and Boxes 1 and 2 in Chapter 1 (Key Concepts); paragraphs 104-108 and Box 3 in Chapter 3 (Export and Export Assessment), as well as paragraphs 129-135 and Box 7 in that same Chapter 3. Naturally also the more general guidance on the implementation of Article 7 is relevant for the implementation of Article 7 (4).

Gender focal points

24. As indicated above, another concrete element regarding GBV and VAWC coming out of the CSP10 concerned the possible appointment of gender focal points to ensure that the gender dimension is included into the work of the ATT working groups. As a concrete example of their possible role, the CSP10 indicated that these gender focal points could analyse with State Parties options for the establishment of an information hub on the ATT website featuring resources from States, international and regional organisations, and civil society on the link between arms transfers, GBV or serious acts of VAWC. In order to take this forward, Mexico (supported by other interested stakeholders) will present a complementary proposal to guidance on the implementation of Article 7 (4) that also addresses the possible role of gender focal points.

25. In preparation for the meeting, delegations are also requested to consider the possible contribution of gender focal points to the work of the WGETI, in particular to support the implementation and application of Article 7 (4) of the Treaty.

Other issues regarding the implementation of Article 7 (4)

26. In addition to the discussions that are outlined above, this Sub-working Group also has the mandate to discuss any other current or emerging issue concerning the implementation of the GBV and VAWC provision.

27. Delegations wishing to discuss other issues regarding the implementation of Article 7 (4) are requested to notify the ATT Secretariat, in writing, via e-mail (info@thearmstradetreaty.org) by 14 February 2025.

ANNEX C

WGETI CHAIR: ELEMENTS TO CONSIDER FOR THE CSP12 WGETI MEETING

1. This document is presented by the WGETI Chair to facilitate the brief discussion which the Working Group needs to have on its work in the CSP12 cycle.
2. For the **Sub-working Group on Exchange of National Implementation Practices**, the multi-year workplan provides that it will normally address the following topics in its next meeting: “*national control system relating to brokering*” and “*risk assessment (covering Articles 6&7)*”. At the same time, I recall that the multi-year workplan is intended to be flexible in at least two ways:
 - topics that have been discussed can be taken up in an additional session if needed; and
 - the Sub-working Group can decide to prioritize certain topics for its next session.
3. In line with this flexibility, I will give delegations the opportunity to provide suggestions on how we will proceed during the next sessions of structured discussions on the basis of the following question:

While this will mostly depend on the course of the meeting of the Sub-working Group on Exchange of National Implementation Practices:

- *i) does your delegation have any comments about possible additional discussions about the current topics or about the need to prioritize topics for next session; and*
- *ii) are there any implementation issues coming out of the structured discussions which your delegation consider in need of more in-depth discussion and/or the elaboration of voluntary guidance?*

4. The focus of the **Sub-working Group on Current and Emerging Implementation Issues** in the next CSP cycle will first and foremost depend on the progress of the work on the two broad topics that are currently discussed. In line with the mandate of the of the **Sub-working Group**, delegations can nevertheless decide that other issues should also be discussed more in-depth. In that respect, I also recall that the CSP10 encouraged States Parties to develop a voluntary paper outlining useful elements for consideration by States when developing or strengthening inter-agency cooperation for effective ATT implementation. While we are already paying particular attention to this as a cross-cutting issue in our current discussions, I will submit the following questions to delegations:

- *Does your delegation consider that the next meeting should take up the development of voluntary guidance outlining useful elements for developing or strengthening inter-agency cooperation?*
- *If so, should the Sub-working Group on Current and Emerging Implementation Issues develop a stand-alone document on this or rather integrate/expand relevant elements in the existing Voluntary Basic Guide to Establishing a National Control System¹?*

¹ The Voluntary Basic Guide to Establishing a National Control System was welcomed at CSP5 as Annex A of the WGETI Chair’s Draft Report to CSP5 ([ATT/CSP5.WGETI/2019/CHAIR/529/Conf.Rep](https://www.thearmstradetreaty.org/att/csp5.wgeti/2019/CHAIR/529/Conf.Rep)) and is available in the *Tools and Guidelines* section of the ATT website: <https://www.thearmstradetreaty.org/tools-and-guidelines.html>.