



**NGO Arms Trade Treaty Steering Committee Position Paper: Global Principles  
for the Parameters of an Arms Trade Treaty  
March 2009**

UN General Assembly Resolution 63/240 states that during 2009 the open-ended working group on an Arms Trade Treaty (ATT) will further consider elements for the Treaty where consensus could be developed “*with the principles of the Charter of the United Nations and other existing international obligations at the centre of such considerations.*”

The principles set out in this document reflect UN Charter principles, States’ existing international obligations and global norms in respect of international transfers of arms and ammunition. These principles also recognise States’ right to legitimate self-defence and law enforcement in accordance with international standards.

**Summary of Principles for Authorising Transfers**

The key principles that should be incorporated into the text of an ATT as the standards for determining the legality of an international transfer of arms and ammunition are:

States should ensure that no transfers of arms or ammunition are authorized:

- If UN Charter obligations would be violated, including: the prohibition on the threat or use of force (Article 2(4)), the prohibition on the intervention in the internal affairs of another State (Article 2(7)), the promotion of universal respect for human rights and conditions of economic and social progress (Article 55), Security Council Chapter VII arms embargoes;
- If there is a *substantial* risk that the *specific* transfer under review will be used to: facilitate *serious* violations of international human rights law or international humanitarian law; facilitate terrorist attacks; perpetuate a pattern of violent crime or for the commission of organized crime; adversely affect regional security or stability; seriously impair poverty reduction or socio-economic development; facilitate corrupt practices.

**Full Global Principles for International Arms Transfers**

**1 Responsibilities of states**

States with jurisdiction over any part of an international transfer of conventional arms or ammunition should ensure that prior to the transfer it is specifically authorized in accordance with national laws and procedures that conform with States’ obligations under international law. These obligations are summarized below. Authorisation should not be granted if it is likely that the arms or ammunition will be diverted from their intended legal recipient.

**2 Express prohibitions**

States should not authorise international transfers of arms or ammunition that violate their expressed obligations under international law.

These include:

- A. Obligations under the Charter of the UN, including:
  - i. Binding resolutions of the Security Council, such as those imposing arms embargoes;
  - ii. The prohibition on the threat or use of force;
  - iii. The prohibition on intervention in the internal affairs of another State.
- B. Any other treaty or decision by which that State is bound, including:
  - i. Binding decisions, including embargoes, adopted by relevant international, multilateral, regional, and sub-regional organisations to which a State is party.
  - ii. Prohibitions on arms transfers that arise in particular treaties which a State is party to, such as the 1980 UN Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects, and its Protocols.
- C. Universally binding principles of international humanitarian law, including:
  - i. The prohibition on the use of arms that are of a nature to cause superfluous injury or unnecessary suffering;
  - ii. The prohibition on weapons or munitions incapable of distinguishing between combatants and civilians.

### **3 International legal obligations and global norms**

States should not authorise international transfers of arms or ammunition where there is a substantial risk that the arms transfer will be used to:

- A. Breach the UN Charter and customary law rules relating to the use of force;
- B. Seriously violate international human rights law;
- C. Seriously violate international humanitarian law;
- D. Commit acts of genocide or crimes against humanity.
- E. Facilitate terrorist attacks;
- F. Perpetuate a pattern of violent crime or used for the commission of organised crime;
- G. Adversely affect regional security or stability;
- H. Seriously impair poverty reduction or socio-economic development;
- I. Facilitate corrupt practices.

### **4 Transparency mechanisms**

States should submit comprehensive national annual reports on all their international transfers of all conventional arms and ammunition to an international registry, which should compile and publish a comprehensive annual report.

### **5 Comprehensive control mechanisms**

States should establish common standards for national mechanisms to control:

- A. All conventional arms and ammunition imports, exports, re-exports, temporary transfers, transshipments, retransfers, state-to-state transfers; state-to-private end-user transfers, commercial sales; leases; transfers of licensed foreign arms production and technology; loans, gifts or aid; or any other form of transfer of material goods or credit;
- B. Transactions for the international transfer of conventional arms and ammunition by: dealers or sales agents; arms brokers; those providing for technical assistance, training, transport, freight forwarding, storage, finance, insurance, maintenance, security and other services integral to such transfers;

States should establish operative provisions to monitor the enforcement of the ATT and procedures to review the Treaty.