

MANUAL ON THE DOMESTICATION OF THE ATT IN CAMEROON

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The final chapter of this manual titled: ‘Assessing the domestication of the ATT in Cameroon’, was simply copied word verbatim from the Saferworld publication on ensuring the effective implementation of the ATT, with the permission of Saferworld. We extend our sincere gratitude to Saferworld for granting us the right to republish part of their work in this manual.

Colonel Jacques Didier Lavenir Mvom, former staff of ECCAS, Coordinator of CPS – AVIP for Central Africa and Expert in the question of conventional weapons, Juteau Deadjufo Tousse, Sub Director in charge of Legal Affairs at MINREX, and Ngalim Eugene Nyuydine drafted the initial version of the manual on the domestication of the ATT in Cameroon. The final draft was edited by Prof Verkijika G. Fanso, Chairperson of CAMYOSFOP, Nounou Booto Meeti, Programs Officer of CPS-AVIP and Dr Ndi Richard Tanto, Executive Director of the Ecumenical Service for Peace (SeP).

II. EXECUTIVE SUMMARY

The Cameroon Youths and Students Forum for Peace (CAMYOSFOP) has been a major player and leading civil society organization in Cameroon on the question of arms since 2001 when the UN Program of Action to Prevent, Combat and eradicate the Illicit trade in small arms and light weapons in all Aspects (PoA) was launched. CAMYOSFOP has been highly involved in the implementation of this Program of action by sensitizing the public and most especially advocating the government towards the implementation of the program. CAMYOSFOP also mobilized, sensitized and advocated for the adoption and ratification of the Kinshasa Convention in Central Africa for the control of SALW, their ammunition and all parts and components that can be used for their manufacture, repair and assembly that stands out as a major step towards the implementation of the PoA in the region.

CAMYOSFOP became involved in the Arms Trade Treaty (ATT) process in 2005 when its Executive Director joined the Control Arms Steering Committee on developing the global principles of the ATT. CAMYOSFOP later took the lead in mobilizing the public and advocating the government of Cameroon towards the adoption and signing of the treaty. In order to sustain these efforts, in 2016 CAMYOSFOP and the Regional Centre on Small Arms for the Great Lake and Horn of Africa (RECSA) organized a series of advocacy workshops with Members of Parliament, senior government officials and the civil society not only to move the government towards the ratification of the ATT but also to create **a national Commission for the management and control of arms in Cameroon.**

This project on the universalization of the ATT aims at sustaining the momentum on the ATT process in Cameroon. The project engages key government ministries and institutions, Members of Parliament, the civil society, and journalists (recognized the world over as the fourth power in decision making processes) towards the ratification and domestication of the ATT in Cameroon.

The manual on the domestication of the ATT in Cameroon stands out as a tool for informing the public and mobilizing the government towards fast tracking the ratification process and domesticating the ATT. The manual is divided into seven Chapters:

Chapter one, the introduction, covers the context of Cameroon on the illicit proliferation of Conventional Weapons; the context of the ATT process; the purpose of the manual; beneficiaries of the manual; and how to use the manual.

Chapter two covers: the overview of the ATT examines the genesis of the ATT; role of civil society organizations in mobilizing governments; provisions of the ATT; procedure of becoming a State Party to the ATT; and the Conference of States Parties (CSP).

Chapter three on Cameroon and the ATT process discusses: why Cameroon should ratify the ATT; legal and legislative procedures of ratifying international treaties - the case of the ATT; and the institutionalization of the ATT.

Chapter four on the implementation and domestication of the ATT focuses on mapping existing legislations and regulatory provisions on arms; scoping of existing stakeholders of the ATT; national control lists of conventional arms, ammunition, parts and components; tracing and marking of arms in stock; record keeping of imports and exports of arms; and reporting on the implementation process.

Chapter five on ECCAS and the ATT includes: an overview of ECCAS involvement in the ATT and other international mechanisms; the role of ECCAS in mobilizing member states to ratify and domesticate the ATT; ECCAS mechanism of ensuring compliance to ATT and other internationally ratified treaties; and perspectives on the legal instruments on the control of arms in Central Africa.

Chapter six on assessing the domestication of the ATT in Cameroon simply proposes a methodology for this assessment.

Chapter seven, which is the conclusion simply presents CAMYOSFOP's expectations, the impact of the manual on the domestication of the ATT in Cameroon and State Parties to the ATT.

Finally the annex of the publication provides the ATT in its entirety in both English and French to permit for a better understanding of the treaty.

It is hoped that this manual will motivate the government and provide the necessary direction for the ratification of the ATT and also serve as a reference document for the domestication of the ATT in Cameroon.

III. ABBREVIATIONS AND ACRONYMS

ATT:	Arms Trade Treaty.
CAMYOSFOP:	Cameroon Youths and Students Forum for Peace.
CA:	Control Arms.
CANSA:	Cameroon Action Network on Small Arms.
CSP-AVIP:	Centre for Security, Peace and Armed Violence Prevention.
CSP:	Conference of States Parties.
CSO:	Civil Society Organization.
ECCAS:	Economic Community of Central African States.
GGA:	Group of Government Experts.
GRIP:	Research and Information Group on Peace and Security.
ICRC:	International Committee of the Red Cross.
IANSA:	International Action Network on Small Arms.
MINREX:	Ministry of External Relations.
OEWG:	Open Ended Working Group.
Prepcom:	Preparatory Committee meetings.
PoA:	UN Program of Action to Prevent, Combat and eradicate the Illicit Trade in Small Arms and Light Weapons in all its Aspects.
RASALAC:	Central Africa Action Network on Small Arms.
RECSA:	Regional Centre for Small Arms in the Great Lake Region and Horn of Africa.
SALW:	Small Arms and Light Weapons.
UNODA:	UN Office for Disarmament Affairs.
VTF:	Voluntary Trust Fund.

1. INTRODUCTION

1.1. Context of Cameroon on the illicit proliferation of Conventional Weapons

Cameroon is located in the Central African sub-region surrounded by Equatorial Guinea and Nigeria in the west, Chad and Niger in the north, Central Africa Republic in the east and Congo Brazzaville and Gabon in the south. Except for Equatorial Guinea and Gabon, all the other countries around Cameroon have witnessed armed conflicts and faced high levels of the illicit circulation and misuse of Small Arms and Light Weapons (SALW). The circulation of these weapons has led to a precarious security situation in Cameroon.

Since 2012 Cameroon has been faced with Boko Haram insurgency from North Eastern Nigeria that has affected the entire Extreme North Region of Cameroon. These terrorist activities have also affected Chad and Niger that share the Lake Chad alongside Cameroon and Nigeria. Infiltration of illicit arms through Boko Haram and from the conflict stricken Central Africa Republic have eclipsed Cameroons longstanding identity as an island of peace in a troubled Central African sub-region.

The insecurity situation seriously challenges Cameroon to upgrade its legislation on arms control, which dates as far back as 1973. Although some pieces of legislation have been passed recently, and efforts have been made to ratify sub regional instruments such as the Kinshasa Convention in Central Africa for the control of small arms and light weapons, their ammunition and all parts and components that can be used for their Manufacture, repair and assembly, Cameroon is still to ratify the ATT.

1.2. Context of the ATT

The Arms Trade Treaty (ATT) is the very first international, legally binding treaty that establishes common international standards for the regulation of the international trade in conventional arms, ammunition and parts and components for the purpose of contributing to peace and security, reducing human sufferings, and promoting cooperation and transparency. States Parties to the ATT must legally ensure that they are in full compliance with the provisions of the treaty in the trade and transfer of conventional arms. The treaty was negotiated for almost a decade in two separate diplomatic conferences in 2012 and 2013, following preliminary discussions held

from 2010 to 2012. These negotiations led to the adoption of the treaty by the General Assembly of the UN on April 3, 2013 by 154 votes to 3, with 23 abstentions.

The treaty that entered into force on December 24, 2014 after ratification by the required 50+ member states of the UN has witnessed two Conferences of States Parties (CSP) in Cancun - Mexico on August 24–27, 2015 and Geneva – Switzerland on August 22–26 2016, to negotiate its implementation process.

The treaty is comprised of a preamble, principles, and 28 articles. The treaty:

- Sets out its scope, namely the type of conventional arms and transfers it covers;
- Prohibits transfers of these conventional arms in certain circumstances – either because the transfer itself is a prohibited act or because the arms will be, or are likely to be, used for unlawful purposes;
- Requires states parties to create a formal control regime to regulate transfers at the national level; and
- Requires states parties to report on the exports and imports that take place or that the control; regime authorize.

1.3. The purpose of the manual

The provisions of this treaty demand actions by the States Parties especially at the national level. As such, States Parties need to establish national mechanism responsible for the management and control of manufacture, sale and buying of these weapons.

The objective of this manual is to facilitate the ratification, implementation and the domestication of the ATT. Though Cameroon is not yet a State Party to the ATT, she is in the process of ratifying. Cameroon needs to exercise control over all arms transfers to in and out of the country and adopt legislations to enforce and domesticate the treaty’s provisions. The recent law adopted by Parliament during the 2016 November session “to lay down general weapons and ammunition regulations in Cameroon”¹ is already a stepping stone towards the right direction of implementing the ATT in even before its ratification.

The manual gives information on segments of the international law, other legislations to be adopted by Cameroon, taking into consideration the intricacies of public

¹ Law No. No 2015/015 of 14 December 2016, To lay down weapons and ammunition regulations in Cameroon.

international law, the law of state responsibility, the law of treaties, the law of the sea, international human rights law, international humanitarian law, disarmament law, the international law on terrorism, the law on the interstate use of force, international law governing transnational organized crime, and the workings of the UN Security Council under Chapter VII of the UN Charter.² This could be a challenge that Cameroon will need to overcome.

As a guide to facilitate the domestication of the ATT in Cameroon, this guide clarifies concepts in simple language and directs users for complimentary information on the ATT. A list of abbreviations and the complete text of the ATT is provided at the end of the Manual.

1.4. Beneficiaries of the manual

The first beneficiary of the manual is the government of Cameroon that is still in the process of ratifying the ATT pending its implementation and domestication. The provisions of the ATT therefore demand some legal frameworks at the national level and this manual will provide some guidance to the government of Cameroon. Ministries such as the External Relations, Territorial Administration and Decentralization, Justice and Keeper of Seals, Defense and Secretariat of State in Charge of the Gendarmerie and other security institutions, Forestry and Fauna; the Customs Service, Parliament, and relevant stakeholders in the national control regime required by the ATT is key to the use of this manual. The manual can also be of great importance to the civil society work in enhancing compliance on the domestication of the ATT.

1.5. How to use the manual

Users of this manual are encouraged to read the entire booklet in order to understand its directives and the provisions of the ATT. All the stakeholders especially key government Ministries that are involved in the ratification and domestication process should pay attention to the implementation template provided in the manual. Users of this manual may seek further knowledge by consulting the entire ATT provided in English and French.

² Sara Parker, Hand Book, The Arms Trade Treaty, A Practical Guide to National Implementation, Small Arms Survey, Geneva, Switzerland, August 2016, p.15.

2. OVERVIEW OF THE ARMS TRADE TREATY

2.1. *Genesis of the ATT*

The genesis of international arms trade legislation dates back to the early years of the 20th century. This initiative to control arms that was less effective then, continued through various channels. In fact, the President of the Council of the Third French Republic, Theophile Delcasse, had provoked a dispute between his country and Russia following a command of arms and ammunition on behalf of the government of Korea, which at that time, was the "private preserve" of Russia. However, until the end of the Cold War, the Brussels Act of 1890 remained the only international instrument in force to regulate conventional arms transfers.

Over the last three decades, thousands of people have been killed, injured, raped and forced to flee their homes because of irresponsible arms transfers.

The relative laxity in the control of transfers of conventional arms and ammunition has fuelled conflicts, poverty and human rights violations.

The situation even worsened with the globalization of the international arms trade - components manufactured in one part of the world and assembled in other countries where control is sometimes non-existent.

The controls at national, sub-regional and regional levels were important, but they were not sufficient to stop irresponsible transfers of conventional arms and ammunition between countries.

In this regard, Nobel Peace Prize laureates called for a code of conduct on international arms transfers in 1997. This call was subsequently transformed into a campaign for an Arms Trade Treaty, initiated and carried out by civil society and non-governmental organizations. This ultimately led to the inclusion of this issue on the agenda of the United Nations.

The movement really took off when the General Assembly of the United Nations, on 6 December 2006, adopted resolution A / Res / 61/89 on a future "**comprehensive and legally binding instrument establishing common international standards for peace - import, export and transfer of conventional arms**".

Through this same General Assembly Resolution 61/89, the UN Secretary-General established a Group of Governmental Experts (GGE) in 2008 that examined 'the feasibility, scope and draft parameters for a comprehensive, legally binding instrument establishing common international standards for the import, export and transfer of conventional arms'.³ The GGE met three times in 2008 and recommended the need for more momentum by the UN in addressing the international trade in conventional arms in a rigorous, opened and transparent manner⁴.

In response to this recommendation, an Open-Ended Working Group (OEWG) was established by the UN General Assembly. The OEWG met twice in 2009 and on December 2, 2009, the General Assembly adopted Resolution 64/48, calling for 'a United Nations Conference on the Arms Trade Treaty to meet in 2012 for four consecutive weeks to adopt the steps in view of negotiating a robust and legally binding instrument for the trade in arms. The resolution was adopted by 151 votes to 1, with 20 abstentions.

The process involved a set of five pre-sessional sessions of a preparatory committee, scheduled in 2010 and 2011, which would culminate in the development of a strong and rigorous instrument, a "legally binding universal instrument, consisting of the highest possible common standards for the export, import and transfer of conventional arms ". The objective of this treaty should thus "limit the supply of arms and ammunition to areas of conflict and instability, preserve peace, security and regional stability, and improve respect for human rights and international humanitarian law ".

In 2010, the first sessions of the Preparatory Committee for the Arms Trade Treaty Conference were organized. "The deliberations of the first Preparatory Committee for the Arms Trade Treaty (ATT) Conference held in New York from 12 to 26 July. All States, including the most reluctant, constructively participated in the debates, and led to progress on the architecture of the Treaty and on some of its chapters ". The following year, in 2011, there was the third session of the preparatory committee of the Conference on ATT. It held from 28 February to 4 March and covered the scope, criteria for transfers as well as international cooperation in the framework of an arms trade treaty. It is all about promoting a broad scope, and include among the criteria: respect for international humanitarian law, human rights, and sustainable development.

³ UNGA, 2006a, para. 2

⁴ UNGA, 2008a, para. 27

The preparatory meetings were followed by a four week Diplomatic Conference held in New York from 2 to 27 July 2012 under the presidency of Ambassador Roberto Garcia Moritan of Argentina. On July 26, 2012, the president submitted a draft treaty text to conference participants for adoption but, because of differences and lack of consensus and time constraint, the conference ended without the adoption of the treaty.

Given the non-adoption of the treaty, the UN General Assembly through Resolution 67/234 adopted by 133 votes to 0, with 17 abstentions convened another Diplomatic Conference for 18 – 28 March 2013 in New York to finalize the elaboration of the ATT⁵.

This final diplomatic conference held under the Presidency of Ambassador Peter Woolcott of Australia was again governed by the same rules of procedure, like the first that failed to reach a consensus. Work under Ambassador Woolcott went on smoothly in a convivial and cordial manner with the possibility of reaching a negotiation for an ATT. To give pump and make the work more efficient, President Woolcott appointed the following facilitators to conduct informal meetings on different aspects of the treaty:

- Ambassador Mari Amano (Japan): brokering;
- Ambassador Paul Beijer (Sweden): scope;
- Roberto Dondisch (Mexico): diversion;
- Bouchaib Eloumni (Morocco): preamble; principles; object and purpose;
- Ambassador Dell Higgie (New Zealand): general implementation; relationship with other international agreements;
- Ambassador Paul van den Ijssel (Netherlands): record-keeping; reporting;
- Ambassador Federico Perazza (Uruguay): final provisions;
- Zahid Rastam (Malaysia): transit and trans-shipment;
- Ambassador Riitta Resch (Finland): other considerations;
- Shorna Kay Richards (Jamaica) and Michelle Walker (Jamaica): prohibitions; and
- Rob Wensley (South Africa): international cooperation; international assistance.

By the 28 of March 2013 three drafts of the treaty had been circulated in the UN General Assembly. Though the final draft of the treaty presented on 28 March was opposed by the Democratic People's Republic of Korea, Iran and Syria, despite the

⁵ UNGA, 2012, para. 2

setback, the text of the Arms Trade Treaty was formally adopted on 2 April 2013 by an overwhelming majority of 154 votes to 3, with 23 abstentions, making the ATT the first global and legally binding treaty for the trade in arms.

In pursuant of Article 21 of the ATT, it was opened for signature at the UN Headquarters in New York on 3 June 2013. During the launching ceremony of the signing held on that day, a total of 67 states signed the ATT making it one of the fastest treaties to be signed by these numbers of states.⁶

When Argentina ratified the ATT on September 25, 2014 the ATT reached the required 50 ratifications for it to enter into force. Pursuant to its article 22, the treaty entered into force on 24 December. The UN Secretary General Ban Ki Moon remarked that:

*The need for the [ATT] remains abundantly clear... we must work for its efficient implementation and seek its universalization.*⁷

In another instance, the UN Secretary General again stated that:

*From now on, the States Parties to this important Treaty will have a legal obligation to apply the highest common standards to their international transfers of weapons and ammunition’ (UN, 2014). He also called on all states that had not yet done so to accede to the ATT ‘without delay.’*⁸

Table 1. The ATT timeline

Period	Event
May 1997	<i>Nobel Peace Prize Laureates, led by Oscar Arias and supported by non-governmental organizations, write the International Code of Conduct on Arms Transfers, the seed of the ATT movement.</i>
2003	<i>Control Arms joins the cause for a global, legally binding agreement.</i>
6 December 2006	<i>In its first ATT resolution (61/89), entitled ‘Towards an Arms Trade Treaty: Establishing Common International Standards for the Import, Export and Transfer of Conventional Arms’, the UN General Assembly calls for states’ views on the feasibility, scope, and draft parameters for a legally binding instrument and establishes a group of governmental</i>

⁶ <https://www.un.org/disarmament/convarms/att/>

⁷ <http://www.nti.org/learn/treaties-and-regimes/arms-trade-treaty-att/>

⁸ Sarah Parker, *The Arms Trade Treaty, A practical guide to national implementation, Small Arms Survey*, Geneva, Switzerland, August 2016, pp. 22.

	<i>experts (GGE) to examine the same for a treaty (UNGA, 2006a).</i>
17 August 2007	<i>The UN Secretary-General issues “Towards an Arms Trade Treaty: Establishing Common International Standards for the Import, Export and Transfer of Conventional Arms (UNGA, 2007a),” a compilation of the views of 94 states in response to Resolution 61/89.</i>
11–15 Feb, 12–16 May, 28 July–8 August 2008	<i>The GGE convenes over three sessions to examine the feasibility, scope, and draft parameters of the treaty.</i>
26 August 2008	<i>The GGE issues its report examining the feasibility, scope, and draft parameters for a treaty (UNGA, 2008a).</i>
24 December 2008	<i>In its second ATT resolution (63/240), the UN General Assembly establishes an open-ended working group (OEWG) to further consider the recommendations of the Secretary-General’s report (UNGA, 2008b).</i>
2–6 March 2009	<i>The OEWG convenes its first substantive session.</i>
13–17 July 2009	<i>The OEWG convenes its second substantive session on 13–17 July and submits its report on the 20th (UNGA, 2009a).</i>
24 December 2008	<i>In its third ATT resolution (64/48), the UN General Assembly endorses the OEWG report and decides to convene a UN Conference on the ATT for four weeks in 2012 (UNGA, 2009b). The remaining scheduled OEWG sessions are changed to preparatory committee (PrepCom) meetings.</i>
12–23 July 2010	<i>The first ATT PrepCom begins discussions on the possible structure, contents, principles, parameters, implementation, application, and scope of an arms trade treaty.</i>
28 February–3 March 2011	<i>The second ATT PrepCom meets.</i>
11–15 July 2011	<i>The third ATT PrepCom meets.</i>
13–17 February 2012	<i>The fourth ATT PrepCom meets.</i>
2–27 July 2012	<i>The UN Conference on the ATT convenes in New York but fails to reach consensus on the draft treaty.</i>
24 December 2012	<i>In its fourth ATT resolution (67/234), the UN General Assembly agrees to convene the Final United Nations Conference on the ATT using the draft text A/CONF.271/CRP.1 as a basis for future negotiations (UNGA, 2012).</i>
18–28 March 2013	<i>The Final United Nations Conference on the ATT convenes in New York but fails to reach consensus on the draft text A/CONF.271/2013/L.3; the text is presented to the General Assembly.</i>
3 April 2013	<i>The General Assembly adopts the ATT with 154 votes in favour, 3 votes against, and 23 abstentions (UNGA, 2013c).</i>
3 June 2013	<i>The ATT opens for signature.</i>

24 December 2014	<i>The ATT enters into force.</i>
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Source: *Hand book on ATT, Practical guide to national implementation, by Small Arms Survey, pp.19 – 20*

2.2. Role of the civil society in mobilizing governments on the ATT.

Besides the member states of the UN, the civil society through coalitions such as the Control Arms (CA) and the International Action Network on Small Arms (IANSA) also played leading roles in mobilizing the public and governments on the need for the creation of a treaty to regulate the manufacture and sales of weapons in the world. In 2005 during the international conference on Armed Violence held in Nairobi, a chunk of the discussion was focused on the ATT. Equally, in 2005 Control Arms created a Steering Committee to draft the global principles of the said treaty. Eventually these principles and other campaigns led by civil society coalitions generated momentum on the member states of the UN towards in-depth reflections and the adoption of the ATT. Some of the campaigns led by the civil society from 2003 to 2013 when the ATT was adopted included, among others: “the Peoples Campaign on the ATT”, the IANSA global weeks of Action on armed violence, the Parliamentary Forum on Small Arms petition on the putting in place of an Open Ended Working Group.

Applauding the civil society on June 3, 2013 during the signing ceremony of the ATT, the UN Secretary General Ban Ki Moon stated that:

The adoption of the “ATT” is further testament to what can be accomplished when Governments and civil society work together through the United Nations...I commend the members of civil society for their tireless campaigns, expert contributions and unwavering support.⁹

During a High Level event on the occasion of the 50th Member State ratification of the ATT on September 25, 2014 the Secretary General of the UN again recognized the civil society in the following words:

Today marks a milestone in the history of the Arms Trade Treaty. Less than two years after its adoption by the General Assembly, we have crossed the threshold of 50 ratifications needed to trigger the Treaty’s entry-into-force...I salute the many civil society organizations that have helped make this speedy progress possible.¹⁰

⁹ <http://controlarms.org/en/wp-content/uploads/sites/2/2015/05/Civil-Society-Role-CSP.pdf>

¹⁰ Ibid.

In Cameroon, the Action Network on Small Arms (CANSA), with CAMYOSFOP as founding member, played a leading role in mobilizing the government towards the adoption of the ATT. CAMYOSFOP has continued to mobilize the government and the public towards the popularization, ratification, implementation and the domestication of the ATT.

Table 2. Contributions of Cameroon’s CSOs to the adoption of ATT

Period	Event
2004	<i>Creation of CANSA led by the following founding members: Cameroon Youths and Students Forum for Peace (CAMYOSFOP), Ecumenical Service for Peace (SeP), Fondation Paul Ango Ela (FPAE), Initiative Agency for Peace and Development (IPAD), and Catholic Diocesan Justice and Peace Commission of Yaounde.</i>
2004 to the present	<i>CANSA takes lead of the International Action Network on Small Arms (IANSA) global week of action on armed violence that most often was focused on awareness raising and advocacy of Cameroon’s government and the international community on the need for the putting in place of an internationally binding treaty to regulate the manufacture and sales of Arms.</i>
2005	<i>CAMYOSFOP was invited to join the Control Arms Steering Committee on drafting the global principles of the ATT. CAMYOSFOP spearheaded the Peoples Campaign in Cameroon by collecting signatures of Cameroonians to endorse the ATT Process.</i>
2008	<i>CAMYOSFOP mobilized 16 Members of Parliament from Cameroon’s House of Assembly to endorse the Control Arms / Parliamentary Forum on Small Arms petition for the creation of an Open Ended Working Group on the ATT.</i>
2010	<i>CAMYOSFOP became a pioneer member of the newly created Central African Action Network on Small Arms (RASALAC) with the support of the Economic Community of the Central African States (ECCAS) and assumed the responsibilities of the Secretary General of the Network.</i>
2013 – 2014	<i>CAMYOSFOP participated in the global campaign to mobilize and advocate governments towards the signing and ratification of the ATT. Cameroon signed the ATT on 3 December 2014.</i>

2.3. Provisions of the ATT

The ATT is made up of a preamble and 28 articles that define the treaty, direct implementation, set out the operational mechanism of the treaty, and orientate the states parties on imports, exports, transshipment of weapons brokering, record keeping and reporting on the implementation process of the treaty. For further information on the provisions of the treaty turn to the annex of this manual.

2.4. Procedure of becoming a State Party to the ATT

Article 21 of the ATT stipulates that the Treaty ‘is subject to ratification, acceptance or approval by each signatory State’ and that, following entry into force, ‘this Treaty shall be open for accession by any State that has not signed the Treaty’ (UNGA, 2013a, art. 21(2)–(3)). In practice, this provision requires any state that has signed the Treaty to ratify, accept or approve it before the Treaty is legally binding on that state, as part of a two-step process. However, any state that did not sign the Treaty before it entered into force in December 2014 can only become a party through a one-step process of accession. The UN has published a guide on how to sign and ratify the treaty. The guide contains model instruments that states may deposit with the UN Secretary-General.¹¹ The terms in relation to the ratification process: ‘signature’, ‘ratification’, ‘acceptance’, ‘approval’, and ‘accession’ are explained below.

Signature of a treaty: Signing the treaty does not make that state a party to the treaty. Therefore the signatory is not bound by the treaty. Where a state has signed the treaty, the state simply declares its consent to be bound by preparing an instrument of ratification, acceptance or approval. Therefore, Signature is a pre-requisite to the ratification of the treaty in due course.

Non-Signatory state: In the case where a state has not signed a treaty, it will not declare its consent to be bound by preparing an instrument of ratification. Nevertheless, in the case of the ATT, immediately it entered into force, non-signatory states that are interested in becoming States Parties simply accede by depositing their instruments of ratification.

Ratification of a treaty: The state becomes a State Party to a treaty by demonstrating, through concrete acts, its willingness to adhere to the obligations of the treaty. In between signing and ratification most states adopt legislations that permit for the implementation and assessment of the treaty. The ratification of a

¹¹ https://unoda-web.s3-accelerate.amazonaws.com/wp-content/uploads/assets/ATT/docs/ATT_info_kit.pdf

treaty is completed when the instruments of ratification by the state party are deposited to a Depository Agency of the treaty. The adopted legislations most often constitute the package of the instruments of ratification. In the context of the ATT, the Depository is the Secretary-General of the United Nations.¹²

The instruments of ratification provide documentation that the state undertakes to perform and carry out the stipulations contained in the treaty. In the case of Cameroon, the Head of State must sign the declaration formulated most often like this:

*WHEREAS the said treaty has been signed on behalf of the government of Cameroon on 3 December 2014 Cameroon ratifies the same treaty and undertakes to fully perform and carry out the stipulations therein contained.*¹³

Acceptance and approval of a treaty: After the ratification of a treaty, the state takes the commitments to abide by the terms of the treaty. In other words abiding by a treaty is acceptance and approval. If not, the state does not need to ratify the said treaty.

Accession to a treaty: Accession has the same legal effect as ratification, acceptance, or approval. Never-the-less, accession requires only the deposit of an instrument of accession.

2.5. Conference of States Parties

In accordance with Article 17 of ATT, a Conference of States Parties (CSP) shall be convened by the provisional Secretariat, established under Article 18, no later than one year following the entry into force of the treaty and thereafter at such other times as may be decided by the CSP. The CSP is an important part of this, since the annual forum is where States Parties, signatories, UN bodies and civil society meet to assess and discuss implementation progress.¹⁴

During the first and second CSPs held on the 24 – 27 August 2015 in Cancun, Mexico and on 22–26 August 2016 in Geneva, Switzerland the conferences focused on interpretation, operation, universalization and the implementation of the treaty, and considered possible amendments to the treaty. The conferences have also adopted by consensus: its rules of procedure; financial rules for itself as well as

¹² UNGA, 2013a, art. 27

¹³ Ben Coetzee, Arms Trade Treaty : Ratification and implementation guide for African States, ISS, Pretoria, South Africa, pp.29 – 30.

¹⁴ www.controlarms.org/en/csp/

governing the funding of any subsidiary bodies especially the Voluntary Trust Fund (VTF); financial provisions governing the functioning of the Secretariat; task and budget of the Secretariat; and the budget for the past two financial period of the treaty.

The CSP could perform any other function consistent with this Treaty. Also, the extraordinary meetings of the CSP shall be held at such other times as may be deemed necessary by the Conference of States Parties or at the written request of any State Party provided that this request is supported by at least two-thirds of the States Parties. The third CSP has been convened to hold in Geneva from 11 to 15 September 2017.

3. CAMEROON AND THE ATT PROCESS

3.1. *Why must Cameroon ratify and domesticate the ATT*

- Cameroon's needs the ATT in order to receive support from the states parties of the ATT and to continue to sustain the support she has been receiving so far from the international community on the fight against Boko Haram. Apart from Cameroon, all the other countries in the Lake Chad Basin involved in the fight against Boko Haram have ratified the ATT. They are Chad, Niger and Nigeria, including the Central African Republic.
- Ratifying the ATT will permit Cameroon to effectively participate in the Conference of States Parties (CSP) to the ATT by exercising her voting rights in the decision making process of CSP.
- As a State Party, Cameroon stands the chance of benefiting from the many opportunities offered by the ATT such as the Voluntary Trust Fund.
- By ratifying the ATT, Cameroon will strengthen her present arms control architecture and permit the country to better face the insecurity threats facing the country. Ratification will thus reduce the level of the illicit proliferation of arms and ammunition from illegal hands such as the Boko Haram, gangs and armed robbers and make Cameroon cities and the country safer for everyone.

3.2. *Legal and Legislative Procedures for the Ratification of International Agreements: the case of the Arms Trade Treat (ATT)*

Article 43 of the Constitution of Cameroon provides that the Head of State shall negotiate and ratify international treaties and agreements of the ATT. This ratification constitutes a decision which falls under the Sovereignty of States, and does not give room for any external control. To this end, it is primarily a political act whose materialization requires the fulfilment of certain administrative and legal formalities, of which MINREX is one of the major actors. Thus, through its Directorate of Legal Affairs and International State Commitments, in accordance with Article 111 of Decree No. 2013/112 of 22 April 2013 on the organization of the Ministry of External Relations, it is entrusted with "procedures Ratification of treaties and conventions, and other procedures by which the State of Cameroon expresses its consent".

The legal and administrative role of MINREX in the ratification of treaties signed in advance by Cameroon, as is the case for the ATT, is therefore based on the initiative and consideration of the desirability of ratification and consent to the ratification, preparation and the depositing of ratification instruments.

A. Move and consideration of the desirability of ratification

Engaging the consent of the state to be bound by an agreement goes through several institutions for consideration.

a. The Ratification Initiative

The procedure for the ratification of the treaties may be either initiated by an interested institution¹⁵, the Presidency of the Republic, the Prime Minister's Office or MINREX.

When the initiative comes from a technical ministry, it accompanies its request with a copy of the text of the Agreement in English and French, with an explanatory memo on Cameroon's interest to ratify the text. When these documents are lacking, MINREX may, if necessary, send a reminder to the institution concerned for the transmission or drafting of the said documents.

In the event that the initiative comes from the Presidency of the Republic, the Prime Minister's Office or MINREX, the latter undertakes to collect the aforementioned documents. However, when the text concerns some aspects falling within the competence of technical ministries, MINREX may also seek their views before continuing the procedure. Consultations are then initiated for this purpose.

Thus, for the specific case of the ATT, MINREX cannot act without the opinion of institutions like the Ministry of Defense and the General Delegation for National Security. They are closely associated with all the steps involved in the formulation of the move for ratification. A working group, which also includes the Prime Minister's Office, is set up for this purpose.

b. Consideration of the desirability of ratification

When MINREX receives a request for ratification by a technical ministry, and the explanatory memo sent by the ministry in question, it examines the text in order to assess its appropriateness for ratification, with regard to the diplomatic stakes involved in the text, as well as its legal, political, economic and social implications at the national level.

In this respect, MINREX is very often called upon to readjust the explanatory memo sent by the technical ministry.

¹⁵ Agriculture, higher education, culture, defense, etc.

When the initiative comes from the Presidency of the Republic or the Prime Minister's Office, it is generally an instruction that the ministry simply has to follow. But this does not exclude examining the text and, if necessary, drawing the attention of the senior hierarchy to the implications of the ratification of the text. The hierarchy is therefore sometimes led to amend its views.

In other cases, MINREX may suggest, where the text permits, the formulation of a reservation or an interpretative declaration in order either to exclude some provisions in the Cameroon context, or to provide the meaning which Cameroon intended to give to certain provisions of the text. As the opportunity to ratify the text is seized, the procedure continues.

B. Consent to ratification, preparation of ratification instruments and their deposit

The preparation of ratification instruments and their deposit where required are preceded by the Very High consent of the Presidency of the Republic.

a. The Consent for ratification

MINREX prepares a ratification file and transmits it to the Prime Minister's Office when the latter is in favour of continuing the ratification procedure. This ratification file consists of the correspondence by which MINREX formally consents to the ratification of the treaty in question, the two copies (in English and French) of the text to be ratified, the explanatory memo, the draft law authorizing the President of the Republic to ratify the treaty, and the draft decree ratifying the treaty.

The file then follows another procedure between the Prime Minister's Office that receives the ratification file, the Presidency of the Republic, the Services in charge of relations with the Assemblies and the Parliament. This procedure does not directly concern MINREX.

If the Presidency of the Republic agrees to table the bill in Parliament, MINREX once again comes on board. The defence of the draft law is intended only for treaties falling within the scope of the law¹⁶, as is the case for the ATT, which falls under the general rules for the organization of national defence. For cases where the treaty does not fall into this field, the draft decree of ratification is sent directly to the Presidency of the Republic, accompanied by a note of presentation of the treaty and a copy of the text in English and French.

¹⁶ See article 26 of the Constitution on 18 January 1996.

If the bill is adopted by Parliament, it is then up to the President of the Republic to transmit the ratification decree and the law to MINREX.

Once MINREX receives the ratification decree of the Presidency of the Republic, it prepares the ratification instruments.

b. The preparation and deposit of ratification instruments

The law authorizing the President of the Republic to ratify the treaty, the ratification decree, and the message on formal paper by which the President of the Republic promises to respect and faithfully implement the ratified treaty made up of the ratification instruments goes is submitted to the Minister of Justice, Keeper of the Seals, responsible for affixing the seal of the Republic of Cameroon and returning them to MINREX. When this is done, the ratification instruments are transmitted to the depositary of the treaty.

A distinction must be made here between multilateral treaties and bilateral treaties. In the case of multilateral treaties, MINREX systematically provides for a depositary, that is to say, the authority to which the ratification instrument is to be transmitted once all the above-mentioned procedures have been completed. It can be a State or the General Secretariat of an international organization¹⁷. The depositary then has the duty to inform the other states concerned with the text, whether or not they have signed and ratified it, on the completion of the depositing formality by the state.

For bilateral treaties, the form of depositing shall be by transmission of the ratification instrument to the authorities of the other country. Depositing the ratification instrument is the responsibility of MINREX insofar as it is its services that must send the instrument of ratification to the depositary. Because of the sensitivity of the document, it is transmitted through the diplomatic pouch to the head of the diplomatic mission of Cameroon in the depositary's jurisdiction. It is the Head of the diplomatic mission who actually deposits the instrument of ratification with the depositary and reports this diligent duty to the ministry.

Generally, the treaties provide for a certain timeframe from the date of deposit, for the entry into force of the text. In the end, this is the decisive element for the entry into force of the treaty.

What emerges from the meetings of the working group on the ATT is that its ratification is only a matter of administrative formalities and the State of Cameroon is already in favour of the ratification.

¹⁷ For the ATT, the UN Secretary General is the depositary.

3.3. *The institutionalization of the ATT*

The institutionalization of the ATT, like any other international commitment undertaken by Cameroon, can only be done through the integration of these commitments in the domestic legal framework of the country and through the ratification process. Once Cameroon has ratified, it institutionalizes this instrument by setting up a specific commitment. With regard to the ATT, its Article 5 paragraph 6 states that "Each member State shall designate one or more national points of contact for the exchange of information relating to the implementation of this Treaty. Each Member State shall provide the secretariat, established in accordance with Article 18, with any information concerning its national points of contact and keep updating this information ". Thus, the national points of contact in question are often referred to as the "National Commission", which is responsible for combating attitudes that run counter to the objectives of the ATT by allowing it to be fully implemented.

In the case of Cameroon, an organization is included in its new law on arms and ammunition. This suggests that the competent national body will be the equivalent of a national commission in charge of controlling the eight categories of weapons contained in the law. Whatever be its name, it will have to be set up quickly with an authority that presides over it, a permanent secretariat and specialized internal structures. Article 4 (1) of the new law stipulates that "the Minister of Defence is entitled to classify arms and ammunition after obtaining the opinion of the competent national organ whose organization and functioning are determined by regulations ".

Given that the ATT takes into account small arms and light weapons and is a trade-based arms regulation focusing on transfers, which are the main provisions of the "Kinshasa Convention for the control, in Central Africa, of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture and assembling ", it is therefore no longer possible to isolate it from the Kinshasa Convention. That is why ratification of these two instruments is necessary and even imperative.

It is the Commission that will give substance to institutionalization, since it will in itself be an institution of the State and will be responsible for a sector of activity important to the State and its population. The fact that the Commission is included in the State budget enables it to become a national institution and its activities therefore fall within the framework of the institutionalization of the fight against SALW and the regulation of international trade on arms.

4. IMPLEMENTATION AND DOMESTICATION OF ATT IN CAMEROON

The implementation and domestication of the Arms Trade Treaty must be assessed on the basis of its recognition as a treaty in force in the domestic legal order of Cameroon. In this sense, Cameroon, which has signed the ATT but has not yet ratified it, is still to take a final decision in relation to the treaty. None-the-less, pending the entry into force of the Treaty, Cameroon should provisionally apply Articles 6 and 7, in accordance with Article 23 of the treaty.

However, since the treaty has entered into force at the global level and since globalization of trade is a reality affecting the transfer of arms across the world, this situation has consequences on the implementation of the ATT in the country on several points.

4.1 Mapping existing legislation and provisions on weapons

From an international perspective, Cameroon, like many countries¹⁸ has entered into treaties on other categories of weapons and is engaged in several international instruments dealing with the issue of regulation on conventional weapons. In this sense, it is mainly small arms and light weapons (SALW). Specifically, Cameroon considers:

- The Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition ¹⁹, supplementing the United Nations Convention against Transnational Organized Crime²⁰ ;
- The Program of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in all its aspects²¹;

¹⁸ Among which are chemical, bacteriological or nuclear weapons

¹⁹ UN: -The Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition, was adopted by UN General Assembly Resolution 55/25 on 31 May 2001. It entered into force on 3 July 2005. The objective of the Protocol, the first legally binding instrument on small arms adopted at international level, is to promote cooperation among States Parties, to prevent, combat and eradicate the illicit manufacture of and traffic in weapons, their parts, components and ammunition.

²⁰ UN: The United Nations Convention against Transnational Organized Crime, adopted by General Assembly resolution 55/25 on 15 November 2000, is the main instrument in the fight against transnational organized crime

²¹ UN ; July 2001

- The International Instrument to enable States to identify and trace illicit small arms and light weapons rapidly and efficiently²² ;
- The Basic Principles on the Use of Force and Firearms by law enforcement officials.

To this must be added the common ownership of the Bamako Declaration on the Common African Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons, which, though a political act for all Africa, commits Cameroon to respect its provisions to fight against the phenomenon of weapons on its territory.

The new Cameroonian law on arms and munitions is in the spirit that "the adoption of the law will contribute, on the one hand, to establish a legislative framework to ensure full security of the population given the threat posed by the proliferation of weapons and, on the other hand, for Cameroon to conform with international commitments. "This confirms that Cameroon's law takes into account the two environments, namely national and international.

At the domestic level, and in compliance with its commitments, Cameroon has just adopted a law on arms and ammunition. It repeals all previous contrary provisions, including those of Decree 73/658 of 22 October 1973 regulating the import, sale, transfer, gun possession and ammunition.

It can be recalled that the Penal Code, which is Law No. 67 / LF / 1 of 12 June 1967, has recently been replaced by the New Penal Code of Cameroon, thanks to Law No. 2016/007 of 12 July 2016, which sets out the penalties applicable to arms offenses²³.

One can also refer to Law 2009/019 of 15 December 2009 on local taxation, which applies to taxes payable in the case of requests for authorization to buy and possess a weapon.

On the other hand, there is Decree No. 95/466 / PM of 20 July 1995 that laid down the rules for the application of the wild life regime, which also makes reference to the

²² UN: -the International Instrument to enable States to identify and trace illicit small arms and light weapons rapidly and efficiently ; 2005

²³ These texts can be assessed in the Official Gazette of the Republic of Cameroon.

use of weapons for hunting or sports. This decree comes under Law L 94/01 of 20 January 1994 on the forest, wildlife and fisheries regime.

Finally, to regulate the issue of artisanal weapons, there were prefectural decrees issued by administrative officials in the divisions, as well as orders issued by Divisional officers as heads of sub divisions²⁴. Cameroon's new law on arms and ammunition simply prohibits their manufacture²⁵.

The adoption of a new law is good news, especially since Cameroon ratified, on 30 January 2015, the Central African Convention for the Control of Small Arms and Light Weapons, their Ammunition and all parts and components that can be used for their manufacture, repair and assembly, known as the "Kinshasa Convention." This requires member states to modernize and harmonize their legislation on SALW and to set up various bodies, such as the National Commission on SALW. Cameroon is one of the last Central African countries without such a commission, which is an essential link in the process of both national and international control of SALW "²⁶.

4.2. Scoping of existing stakeholders of the ATT

Cameroon has not yet ratified the ATT. The current partnership between the state, its partners and civil society remains fragile. It therefore needs to be strengthened, in particular through the creation of a national institution on the ATT.

4.3. National Control lists of conventional arms, ammunition, parts and components

In principle, there is, in Cameroon's law on firearms, a record keeping by firearms traders. Article 10 of Decree 73/658 of 22 October 1973 already provided that "the depositary shall keep a record of all transactions in a special book listed and initialled by the President of the Court of First Instance and shall be at the disposal of the authorized representatives of the administration.

Entries and exits must be mentioned, indicating:

²⁴ Georges BERGHESAN : Artisanal weapons in Cameroon, Emergency for a coherent legislation to rule over traditional parties, GRIP, Analysis, April 2016.

²⁵ Law No. 2015/015 of 14 December 2016 regulating arms and ammunition in Cameroon.

²⁶ Georges BERGHESAN, op. cit

*ammunition. These arms are therefore covered by separate texts, to which public access is extremely difficult or indeed impossible*²⁸.

In view of the fact that the current regime of arms and ammunition is governed by the law, it is necessary to wait until the provisions for its implementation in the regulations have been taken, in order to take the true measure of provisions on traffic control of different types of weapons across the national territory. It will be necessary to see whether this new regulation confirms or strengthens the 1973 decree.

4.4. Tracing and marking of weapons in stock

Cameroon's law on arms and ammunition provides for the marking of firearms in Articles 39 to 41. In Cameroon law, traceability is "the possibility of following, through the identification of their successive owners, to their destruction or neutralization, a firearm and its numbered elements "²⁹. This marking is in compliance with the requirements of the Kinshasa Convention. With regard to tracing firearms, it is necessary to envisage that the entire transfer procedure, authorizations to carry and buy weapons, as well as inspections with brokers, make it possible to trace arms and ammunition.

4.5. Record keeping of imports and exports of arms

The law provides that arms and ammunition vendors, as well as Divisional Officers can be referred to if one needs to consult written archives. As noted above, these archives mostly deal with transfers and acquisitions by civilians. Cross-checking of documents can provide reliable information. Information concerning defence and security forces do exist, but it is very difficult to access them objectively. However, it is possible that, in the near future, the implementation of the new law on arms and ammunition will enable the competent national body, which is "a structure responsible for monitoring and follow-up of respect for international conventions, national laws and regulations relating to arms and ammunition ", to have a body in charge of public relations or of information to the citizens. The ATT also took into account the retention period of the import and export authorization registers in Article 12.

²⁸ Virginie MOREAU, Cédric POITEVIN and Jihan SENIORA, 'Analysis of National Arms Transfer Control Systems - Arms Categories Covered.' *Arms Transfer Controls: The Example of French-Speaking States in Sub-Saharan Africa*, Research and Information Group on Peace and Security (GRIP), Brussels, 1 May, 2010, pp. 8 – 9.

²⁹ Law No. 2015/015 of 14 December 2016 regulating arms and ammunition in Cameroon, article 2: Definitions

4.6. Reporting on the implementation process

Cameroon is among the countries that have not reported small arms exports in one or more annual national reports on arms exports³⁰. This may be due to the lack of a National Arms Commission, one of whose roles is to monitor, coordinate information and develop such documentation. With its new law on arms and ammunition, there is hope that the national body provided for in Article 4 (1) will be responsible for reporting to the State, the ECCAS General Secretariat and the United Nations. More precisely, the law on arms and ammunition in Cameroon which has just been promulgated makes a specific obligation in Article 36 to report to the United Nations, as follows: "Every year during which Cameroon has retained, acquired or transferred to another State cluster munitions or explosive sub munitions for the purposes described in Article 35 above, the Minister of Defence shall call on the Minister in charge of External Relations, by 1 April of the following year, for transmission to the Secretary General of the United Nations, a detailed report on the current and proposed use of cluster munitions and sub munitions, as well as their types, quantities and batch numbers. "

³⁰ UNODA, 'National Reports on Small Arms Exports.' *United Nations Register of Conventional Arms - The Global Reported Arms Trade*. New York, NY: United Nations Office for Disarmament Affairs, 21 October, 2011.

5. ECCAS AND THE ATT

5.1. Overview of ECCAS involvement in the ATT and other International Mechanisms.

In working towards their collective security, the states of the Economic Community of Central African States (ECCAS) have engaged in the elaboration of a binding legal instrument to regulate the movement, illicit trafficking and trade in small arms and light weapons (SALW). At the international level, they also pledged to enter into an arms trade treaty (ATT).

With regard to the ATT, it was a joint decision which in the form of the “Sao Tome Declaration for a common position of Central Africa on the ATT,” ECCAS states to negotiate this treaty.

Table 3: Summary of activities for the ratification of the Kinshasa Convention on SALW in Central Africa

Period of time	Event	Location	Observations
May 2003	Adoption of the Program of Priority Actions of Central Africa for the Implementation of the PoA	Brazzaville	Recommendations, including the Establishment of a SALW Unit at the ECCAS Secretariat
May 2006	26th Meeting of CCPNUQSAC	Sao-Tome	Initiative of Sao-Tome
2008	1st Meeting of independent experts on the binding legal instrument on SALW	Lomé	Work on the project presented by UNREC with these independent experts
2009	2nd Meeting of independent experts on the binding legal instrument on SALW	Nairobi	Work on the project presented by UNREC with these independent experts
30 April 2010	Adoption of the Kinshasa* Convention	Kinshasa	Unanimous adoption by Member States
19 November 2010	Signature of the Kinshasa Convention	Brazzaville	Signature except for Equatorial Guinea whose full powers came late
Since 19 November 2010	Ratifications	By every State and following internal procedures	Five ratifications: Cameroon; Congo; Gabon; CAR and Chad. There is still one lacking for the entry into force of the Convention.

*Central Africa Convention for the Control of Small Arms and Light Weapons, their Ammunition, Parts and Components for their Manufacture, Repair and Assembly, known as the Kinshasa Convention.

Table 4: Summary of ATT ratifications by ECCAS States

State	Signature	Ratification	Accession	State party
Angola	Yes			No
Burundi	Yes			No
Cameroon	Yes			No
Congo				No
Gabon	Yes			No
Equatorial Guinea				
Central African Republic	Yes		Yes 7/10/2015	Yes
Democratic Republic of Congo				No
Rwanda	Yes			No
Sao-Tome and Principe	Yes			No
Chad	Yes	Yes 25/03/2015		Yes

5.2. The role of ECCAS in mobilizing member states to ratify and domesticate the ATT

This role should not be differentiated from the role that ECCAS should play in relation to the Kinshasa Convention. One of the factors that promote the non-implementation of the ATT seems to be the institutional weakness of ECCAS in its role of coordinating sub-regional public security policies. In fact, the General Secretariat of ECCAS is not in charge of this coordination, which is capital and important, enshrined in the Kinshasa Convention and necessary for the ratification of the ATT. There is currently no SALW Control Unit as recommended by the Member States since 2003. It was once operational but is currently closed due to lack of financial resources. This implies that the impetus for national co-ordination is no longer the case and therefore national coordination structures (National SALW commissions) are either non-existent or inadequate by international standards and in any case do not function according to the missions entrusted to them by the Kinshasa Convention and, by extension, advocacy for the ATT. Only those of the Democratic Republic of Congo and Burundi seem to fulfil their obligations of

international relations with the UN and internally. But there is a gap with the General Secretariat of ECCAS. There is also a lack of real advocacy capacity on the part of the ECCAS General Secretariat to bring the lagging countries to ratify the Kinshasa Convention and the Arms Trade Treaty. The National Commission, which includes members of civil society among others, is not established, but within it, and more appropriately, civil society should play this role of mobilizing national actors and advocating for the ATT ratification. It is not organized as a network as required by the Kinshasa Convention. It is therefore necessary to await the goodwill of governments to ratify the ATT, as they try to do so with the Kinshasa Convention.

Table 5: Contributions of ECCAS to the ATT drafting and adoption processes

Period of time	Event
1995	Start of the initiative by CSOs to create legislation on arms trade. Appeal to the Group of the "Nobel Peace Prize" By Mr. Oscar ARIAS to support an international campaign for the establishment of a multilateral agreement on the regulation of arms trade.
1997	Writing by the "Nobel Peace Prize" group of a Code of Conduct on Arms Transfers. The important role of civil society represented by OXFAM International; Amnesty International and IANSA
2009	ECCAS Participation in the Meeting of West, Central and Southern Africa on Proposed inputs on ATT in Dakar
2 and 4 February 2011	ECCAS Participation in the Meeting of West, Central and Southern Africa on Proposed inputs on ATT in Dakar
21 March 2011	Sao Tome statement on a common position of Central Africa for the negotiation of the ATT
28-29 September 2011	ECCAS contribution to the adoption of a common African common position on the ATT
30-31 January 2013	Meeting to prepare ECCAS States for the New York negotiations on the ATT in Libreville
18-23 March 2013	March 2013 Final ATT negotiating conference with ECCAS States

As recommendation, it can be said that the ECCAS General Secretariat should make a strong political plea to the Member States of the Community that have not yet ratified to be party to the ATT by ratifying it.

5.3. ECCAS mechanism of ensuring compliance to the ATT and other internationally ratified treaties.

Chapter VII of the Kinshasa Convention provides for the harmonization of national laws with international legal instruments, particularly the Convention. This provision should also concern harmonization with the ATT. Chapter VIII of the Kinshasa Convention provides for institutional and implementation arrangements. Article 27 of the chapter states that, States Parties shall establish national focal points, which shall also serve as the permanent secretariat or chair of National Commissions. They are therefore "the first interfaces to facilitate exchanges with partners within and beyond the member states ³¹".

In addition, it is foreseen that "Each Member State shall establish a National Commission to Combat Trade and Trafficking in Small Arms and Light Weapons, their Ammunition, Parts and Components for their Manufacture, Repair and Assembly. This Commission shall serve as a coordinating body for the actions taken by the state in this field ". ³²

In this coordination work at the sub regional level, mention must be made of the conformity not only of national legislation with the Kinshasa Convention, but also with the ATT and all other relevant international legal instruments.

This work is carried out within the National Commission, which is in fact the gateway to the implementation of these instruments at national level. As long as there is no national commission for conventional arms control, the appropriation of the ATT and other instruments will not be effective. We should start with the ratifications, and then set up these National Commissions.

5.4. Perspectives on the legal instruments on the control of arms in Central Africa.

It should be pointed out that for the first time, the operationalization of the legally binding arms control instruments, the Kinshasa Convention and the ATT by their ratification, make it possible to resolutely engage in an effective fight against the proliferation, trade and illicit trafficking in arms in the ECCAS area. Conflicts will not disappear definitively, but the measures taken will at least minimize the negative and harmful effects of the misuse of arms in the Economic Community of Central African States. This implementation involves better organization of institutions and

³¹ Kinshasa Convention, article 27.

³² Kinshasa Convention, article 28 (1).

bodies and better distribution of roles. It will lead to better legibility through monitoring and evaluation of control programs, by redefining a high level of trust between actors in the Community for the benefit of the people and States. States must allow the coordination bodies of the General Secretariat of the Community to function properly and at the same time exercise control as well as assess the initiatives taken to achieve the objectives of the Kinshasa Convention and the ATT. National parliaments are the major actors in this control.

6. ASSESSING THE DOMESTICATION OF THE ATT

In order to overcome some of the challenges mentioned above and to effectively oversee the domestication of the ATT, the template below will permit both the government and the civil society to report on the domestication of the ATT in Cameroon, once it is ratified. By so doing, CAMYOFOP shall, at the end of the year, be able to present a clearer picture of the domestication process.

Table 6: Template for assessing the domestication of the ATT in Cameroon

Ministry / Institution	Point of Contact and Contact Person	Time, date and nature of meeting	Participants	Report submitted
Ministry of External Relations (MINREX)				
Ministry of Defense				
Ministry of Territorial Administration and Decentralization				
Ministry of Justice				
Ministry of Forestry and Wild Life				
Ministry of Commerce				
National Commission on Arms				
General Delegation for National Security (Police)				
Custom Department				
Parliamentarians				
Civil Society				

6.1. Issues to be explored with the different stakeholders in the assessment of the domestication of the ATT

The assessment will complement and fill the gaps of information already obtained from the shortlisted stakeholders in the assessment. The assessment report will therefore provide the way forward in the domestication of this treaty. Some of the issues to be explored with the Ministries and institutions concerned includes:

Group 1: Ministry of External Relations (MINREX); Ministry of Territorial Administration and Decentralization; Ministry of Justice; Ministry of Forestry and Wild Life; Ministry of Commerce; National Commission on Arms

- Does the industrial manufacture of arms, ammunitions, parts and components take place within the state jurisdiction? If so, are there arms, ammunition, parts and components exported to other states.
- What legislation exists to establish the Ministry's role in the regulation of arms transfers? How is this role defined?
- Who is the competent authority charged with assessing the transfers (defined as import, export, transit, transshipment, brokering) of (1) firearms / SALW, parts, components and ammunition, and (2) major conventional arms, parts components and ammunition?
- Is there official control list of conventional arms, parts, components and ammunition? What items are included on the list; how comprehensive is it?
- Which activities of the international arms trade are regulated under national law – export, import, transit, transshipment, brokering?
- In respect of each type of transfer regulated: what is the nature of the regulation requirement e.g. prohibition, case by case evaluation, registration?
- Do any prohibitions exist in national law relating to specific types of arms transfer e.g. transfers that may violate (1) national laws and regulations, (2) bilateral or multilateral agreements with other states, (3) international law, such as UN arms embargoes?
- Is there a risk assessment procedure involved in assessing potential arms transfer? Who undertakes the risk assessment? What criteria are incorporated into the risk assessment?
- Who is ultimately responsible for making the decision to permit or refuse a transfer?
- What documentation is required in support of/pursuant to an arms transfer application e.g. license application, end-use(r) certificate, delivery verification certificate, import certificate?

- What documentation is issued on approving or denying authorization to a potential arms transfer?
- What information sharing mechanisms exist among the ministries and agencies involved in arms transfer control? What is each ministry's role in any such inter-agency cooperation structure? How is cooperation with enforcement agencies on implementation of arms transfer controls organized and managed?
- What provisions exist for keeping of records relating to arms transfers within state jurisdiction? Who is responsible for the maintenance of these records?
- Who is responsible for producing reports pursuant to the state's international commitment, e.g. under the UN Register of Conventional Arms Transfers, the Cluster Munitions Convention, the Anti-Personal Mine Ban Convention, the UN Small Arms Program of Action etc.? Is there a legal requirement that all relevant government ministries should contribute as necessary to these reports?
- Who is responsible for producing reports to parliament on arms transfer matters? How regular are these reports? What information is contained therein?
- What are the principal amendments that will be required to national legislation/regulations in order to ensure compliance with the ATT? What will the process involve?
- What role, if any, does the Ministry play in international discussions relating to ATT implementation, e.g. with regard to the ATT National Point of Contact or Conferences of States Parties?

Group 2: Ministry of Defense, Secretary of State in Charge of Gendarmerie; Delegation of National Security (Police) and Customs Department

- What is the legislative basis for the Agency's role in the regulation of arms transfers? How is this role defined?
- What powers does the legislation confer vis-a-vis the Agency's role in enforcing arms transfer controls? Can the Agency seize shipments that it considers may violate: (1) national laws and regulations; (2) bilateral agreements with other states; (3) international law, such as the UN arms embargoes?
- How does the agency fulfil its role in arms transfer controls enforcement on a day-to-day basis, e.g. documentation checks, cargo inspection? With which other agencies and ministries does it cooperate in the execution of this function?
- What capacity exists for the agency to carry out its work in respect of enforcing arms transfer controls? What specific capacity constraints does it face?

- What information sharing mechanisms exist among the ministries and agencies involved in arms transfer control? What is each agency's role in an inter-agency cooperation structure?

Group 3: Relevant Parliamentary Committees and Parliamentarians

- Is the effective control of arms transfers a matter of significant interest within parliament? How often does parliament debate these matters? Who leads such discussions?
- Is their widespread awareness and understanding of the ATT in parliament? Are attitudes towards the ATT positive overall?
- What role does parliament/parliamentary committees play in scrutinizing: (1) arms transfer control legislation / regulations; (2) arms transfer control policy; (3) arms transfer control practice (data on arms exports and imports)?
- Does parliament play an appropriate role in holding the government account for its arms transfer policies and practices? How could this role be developed?

Group 4: Civil Society

- What work do CSOs undertake in relation to arms issues within the country?
- Is your organization involved in monitoring government policy and practice in relation to conventional arms transfers? If so, how does it do this and how many people are involved?
- What level of access do CSOs have to relevant government ministries and agencies?
- What level of access do CSOs have to relevant parliamentary committees and parliamentarians?
- What resources, capacity and /or skills constraints, does your organization face in undertaking its work on arms-related issues?³³

³³ This section/chapter, which outlines issues of discussion for the assessment of the implementation of the ATT in Cameroon, has been copied from the Saferworld publication on: Ensuring effective implementation of the Arms Trade Treaty, published in August 2016, pp. 18-22.
<http://www.saferworld.org.uk/resources/view-resource/1085-ensuring-effective-implementation-of-the-arms-trade-treaty-a-national-assessment-methodology>.

7. CONCLUSION

The manual on the domestication of the ATT in Cameroon comes to fill an existing information gap on the ratification and the domestication process of the ATT in. There is no publication on the ATT process in Cameroon. This manual provides useful information on the ATT process and will be a valuable document to accompany the state in the popularization, ratification, implementation and the domestication of the ATT.

Considering that very little is known about the ATT by the various stakeholders that include, amongst others, Government officials, civil society and the media, it is likely that this tool will serve the purpose for which it is meant. The assessment template in the publication is particularly very important for engaging the government and the civil society in checking the effective implementation and domestication of the ATT in Cameroon. Though the manual is meant for Cameroon, it could also serve the same purpose for other States Parties to the ATT.

CAMYOSFOP looks forward to continuing to support the government in its effort at ratification and implementation of the ATT and also to how she commits herself to engage with any other stakeholder that shows interest in joining the course.

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UN: The United Nations Convention against Transnational Organized Crime, adopted by General Assembly resolution 55/25 on 15 November 2000, is the main instrument in the fight against transnational organized crime

UN: The Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition was adopted by General Assembly resolution 55/25 on 31 May 2001. It entered into force on 3 July 2005. The objective of the Protocol, the first legally binding instrument on small arms adopted at international level, is to promote cooperation among States Parties, to prevent, combat and eradicate the illicit manufacture of and traffic in weapons, their parts, components and ammunition

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9. Annex

Arms Trade Treaty

Preamble

The States Parties to this Treaty,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling Article 26 of the Charter of the United Nations which seeks to promote the establishment and maintenance of international peace and security with the least diversion for armaments of the world's human and economic resources,

Underlining the need to prevent and eradicate the illicit trade in conventional arms and to prevent their diversion to the illicit market, or for unauthorized end use and end users, including in the commission of terrorist acts,

Recognizing the legitimate political, security, economic and commercial interests of States in the international trade in conventional arms,

Reaffirming the sovereign right of any State to regulate and control conventional arms exclusively within its territory, pursuant to its own legal or constitutional system,

Acknowledging that peace and security, development and human rights are pillars of the United Nations system and foundations for collective security and recognizing that development, peace and security and human rights are interlinked and mutually reinforcing,

Recalling the United Nations Disarmament Commission Guidelines for international arms transfers in the context of General Assembly resolution 46/36H of 6 December 1991,

Noting the contribution made by the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, as well as the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime, and the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons,

Recognizing the security, social, economic and humanitarian consequences of the illicit and unregulated trade in conventional arms,

Bearing in mind that civilians, particularly women and children, account for the vast majority of those adversely affected by armed conflict and armed violence,

Recognizing also the challenges faced by victims of armed conflict and their need for adequate care, rehabilitation and social and economic inclusion,

Emphasizing that nothing in this Treaty prevents States from maintaining and adopting additional effective measures to further the object and purpose of this Treaty,

Mindful of the legitimate trade and lawful ownership, and use of certain conventional arms for recreational, cultural, historical, and sporting activities, where such trade, ownership and use are permitted or protected by law,

Mindful also of the role regional organizations can play in assisting States Parties, upon request, in implementing this Treaty,

Recognizing the voluntary and active role that civil society, including nongovernmental organizations, and industry, can play in raising awareness of the object and purpose of this Treaty, and in supporting its implementation,

Acknowledging that regulation of the international trade in conventional arms and preventing their diversion should not hamper international cooperation and legitimate trade in materiel, equipment and technology for peaceful purposes,

Emphasizing the desirability of achieving universal adherence to this Treaty,

Determined to act in accordance with the following principles;

Principles

- The inherent right of all States to individual or collective self-defence as recognized in Article 51 of the Charter of the United Nations;
- The settlement of international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered in accordance with Article 2 (3) of the Charter of the United Nations;
- Refraining in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations in accordance with Article 2 (4) of the Charter of the United Nations;
- Non-intervention in matters which are essentially within the domestic jurisdiction of any State in accordance with Article 2 (7) of the Charter of the United Nations;

- Respecting and ensuring respect for international humanitarian law in accordance with, inter alia, the Geneva Conventions of 1949, and respecting and ensuring respect for human rights in accordance with, inter alia, the Charter of the United Nations and the Universal Declaration of Human Rights;
- The responsibility of all States, in accordance with their respective international obligations, to effectively regulate the international trade in conventional arms, and to prevent their diversion, as well as the primary responsibility of all States in establishing and implementing their respective national control systems;
- The respect for the legitimate interests of States to acquire conventional arms to exercise their right to self-defence and for peacekeeping operations; and to produce, export, import and transfer conventional arms; – Implementing this Treaty in a consistent, objective and non-discriminatory manner, Have agreed as follows:

Article 1: Object and Purpose

The object of this Treaty is to:

- Establish the highest possible common international standards for regulating or improving the regulation of the international trade in conventional arms;
- Prevent and eradicate the illicit trade in conventional arms and prevent their diversion; for the purpose of:
 - Contributing to international and regional peace, security and stability;
 - Reducing human suffering;
- Promoting cooperation, transparency and responsible action by States Parties in the international trade in conventional arms, thereby building confidence among States Parties.

Article 2: Scope

1. This Treaty shall apply to all conventional arms within the following categories:

- (a) Battle tanks;
- (b) Armoured combat vehicles;
- (c) Large-calibre artillery systems;
- (d) Combat aircraft;
- (e) Attack helicopters;
- (f) Warships;

- (g) Missiles and missile launchers; and
- (h) Small arms and light weapons.

2. For the purposes of this Treaty, the activities of the international trade comprise export, import, transit, trans-shipment and brokering, hereafter referred to as “transfer”.

3. This Treaty shall not apply to the international movement of conventional arms by, or on behalf of, a State Party for its use provided that the conventional arms remain under that State Party’s ownership.

Article 3: Ammunition/Munitions

Each State Party shall establish and maintain a national control system to regulate the export of ammunition/munitions fired, launched or delivered by the conventional arms covered under Article 2 (1), and shall apply the provisions of Article 6 and Article 7 prior to authorizing the export of such ammunition/munitions.

Article 4: Parts and Components

Each State Party shall establish and maintain a national control system to regulate the export of parts and components where the export is in a form that provides the capability to assemble the conventional arms covered under Article 2 (1) and shall apply the provisions of Article 6 and Article 7 prior to authorizing the export of such parts and components.

Article 5: General Implementation

1. Each State Party shall implement this Treaty in a consistent, objective and non-discriminatory manner, bearing in mind the principles referred to in this Treaty.

2. Each State Party shall establish and maintain a national control system, including a national control list, in order to implement the provisions of this Treaty.

3. Each State Party is encouraged to apply the provisions of this Treaty to the broadest range of conventional arms. National definitions of any of the categories covered under Article 2 (1) (a)-(g) shall not cover less than the descriptions used in the United Nations Register of Conventional Arms at the time of entry into force of this Treaty. For the category covered under Article 2 (1) (h), national definitions shall not cover less than the descriptions used in relevant United Nations instruments at the time of entry into force of this Treaty.

4. Each State Party, pursuant to its national laws, shall provide its national control list to the Secretariat, which shall make it available to other States Parties. States Parties are encouraged to make their control lists publicly available.

5. Each State Party shall take measures necessary to implement the provisions of this Treaty and shall designate competent national authorities in order to have an effective and transparent national control system regulating the transfer of conventional arms covered under Article 2 (1) and of items covered under Article 3 and Article 4.

6. Each State Party shall designate one or more national points of contact to exchange information on matters related to the implementation of this Treaty. Each State Party shall notify the Secretariat, established under Article 18, of its national point(s) of contact and keep the information updated.

Article 6: Prohibitions

1. A State Party shall not authorize any transfer of conventional arms covered under Article 2 (1) or of items covered under Article 3 or Article 4, if the transfer would violate its obligations under measures adopted by the United Nations Security Council acting under Chapter VII of the Charter of the United Nations, in particular arms embargoes.

2. A State Party shall not authorize any transfer of conventional arms covered under Article 2 (1) or of items covered under Article 3 or Article 4, if the transfer would violate its relevant international obligations under international agreements to which it is a Party, in particular those relating to the transfer of, or illicit trafficking in, conventional arms.

3. A State Party shall not authorize any transfer of conventional arms covered under Article 2 (1) or of items covered under Article 3 or Article 4, if it has knowledge at the time of authorization that the arms or items would be used in the commission of genocide, crimes against humanity, grave breaches of the Geneva Conventions of 1949, attacks directed against civilian objects or civilians protected as such, or other war crimes as defined by international agreements to which it is a Party.

Article 7: Export and Export Assessment

1. If the export is not prohibited under Article 6, each exporting State Party, prior to authorization of the export of conventional arms covered under Article 2 (1) or of items covered under Article 3 or Article 4, under its jurisdiction and pursuant to its national control system, shall, in an objective and non-discriminatory manner, taking into account relevant factors, including information provided by the importing State in accordance with Article 8 (1), assess the potential that the conventional arms or items:

- (a) would contribute to or undermine peace and security;
- (b) could be used to:
 - (i) commit or facilitate a serious violation of international humanitarian law;
 - (ii) commit or facilitate a serious violation of international human rights law;
 - (iii) commit or facilitate an act constituting an offence under international conventions

or protocols relating to terrorism to which the exporting State is a Party; or
(iv) commit or facilitate an act constituting an offence under international conventions or protocols relating to transnational organized crime to which the exporting State is a Party.

2. The exporting State Party shall also consider whether there are measures that could be undertaken to mitigate risks identified in (a) or (b) in paragraph 1, such as confidence-building measures or jointly developed and agreed programmes by the exporting and importing States.

3. If, after conducting this assessment and considering available mitigating measures, the exporting State Party determines that there is an overriding risk of any of the negative consequences in paragraph 1, the exporting State Party shall not authorize the export.

4. The exporting State Party, in making this assessment, shall take into account the risk of the conventional arms covered under Article 2 (1) or of the items covered under Article 3 or Article 4 being used to commit or facilitate serious acts of gender based violence or serious acts of violence against women and children.

5. Each exporting State Party shall take measures to ensure that all authorizations for the export of conventional arms covered under Article 2 (1) or of items covered under Article 3 or Article 4 are detailed and issued prior to the export.

6. Each exporting State Party shall make available appropriate information about the authorization in question, upon request, to the importing State Party and to the transit or trans-shipment States Parties, subject to its national laws, practices or policies.

7. If, after an authorization has been granted, an exporting State Party becomes aware of new relevant information, it is encouraged to reassess the authorization after consultations, if appropriate, with the importing State.

Article 8: Import

1. Each importing State Party shall take measures to ensure that appropriate and relevant information is provided, upon request, pursuant to its national laws, to the exporting State Party, to assist the exporting State Party in conducting its national export assessment under Article 7. Such measures may include end use or end user documentation.

2. Each importing State Party shall take measures that will allow it to regulate, where necessary, imports under its jurisdiction of conventional arms covered under Article 2 (1). Such measures may include import systems.

3. Each importing State Party may request information from the exporting State Party concerning any pending or actual export authorizations where the importing State Party is the country of final destination.

Article 9: Transit or trans-shipment

Each State Party shall take appropriate measures to regulate, where necessary and feasible, the transit or trans-shipment under its jurisdiction of conventional arms covered under Article 2 (1) through its territory in accordance with relevant international law.

Article 10: Brokering

Each State Party shall take measures, pursuant to its national laws, to regulate brokering taking place under its jurisdiction for conventional arms covered under Article 2 (1). Such measures may include requiring brokers to register or obtain written authorization before engaging in brokering.

Article 11: Diversion

1. Each State Party involved in the transfer of conventional arms covered under Article 2 (1) shall take measures to prevent their diversion.

2. The exporting State Party shall seek to prevent the diversion of the transfer of conventional arms covered under Article 2 (1) through its national control system, established in accordance with Article 5 (2), by assessing the risk of diversion of the export and considering the establishment of mitigation measures such as confidence-building measures or jointly developed and agreed programmes by the exporting and importing States. Other prevention measures may include, where appropriate: examining parties involved in the export, requiring additional documentation, certificates, assurances, not authorizing the export or other appropriate measures.

3. Importing, transit, trans-shipment and exporting States Parties shall cooperate and exchange information, pursuant to their national laws, where appropriate and feasible, in order to mitigate the risk of diversion of the transfer of conventional arms covered under Article 2 (1).

4. If a State Party detects a diversion of transferred conventional arms covered under Article 2 (1), the State Party shall take appropriate measures, pursuant to its national laws and in accordance with international law, to address such diversion. Such measures may include alerting potentially affected States Parties, examining diverted shipments of such conventional arms covered under Article 2 (1), and taking follow-up measures through investigation and law enforcement.

5. In order to better comprehend and prevent the diversion of transferred conventional arms covered under Article 2 (1), States Parties are encouraged to share relevant information with one another on effective measures to address diversion. Such information may include information on illicit activities including corruption, international trafficking routes, illicit brokers, sources of illicit supply, methods of concealment, common points of dispatch, or destinations used by organized groups engaged in diversion.

6. States Parties are encouraged to report to other States Parties, through the Secretariat, on measures taken in addressing the diversion of transferred conventional arms covered under Article 2 (1).

Article 12: Record keeping

1. Each State Party shall maintain national records, pursuant to its national laws and regulations, of its issuance of export authorizations or its actual exports of the conventional arms covered under Article 2 (1).

2. Each State Party is encouraged to maintain records of conventional arms covered under Article 2 (1) that are transferred to its territory as the final destination or that are authorized to transit or trans-ship territory under its jurisdiction.

3. Each State Party is encouraged to include in those records: the quantity, value, model/type, authorized international transfers of conventional arms covered under Article 2 (1), conventional arms actually transferred, details of exporting State(s), importing State(s), transit and trans-shipment State(s), and end users, as appropriate.

4. Records shall be kept for a minimum of ten years.

Article 13: Reporting

1. Each State Party shall, within the first year after entry into force of this Treaty for that State Party, in accordance with Article 22, provide an initial report to the Secretariat of measures undertaken in order to implement this Treaty, including national laws, national control lists and other regulations and administrative measures. Each State Party shall report to the Secretariat on any new measures undertaken in order to implement this Treaty, when appropriate. Reports shall be made available, and distributed to States Parties by the Secretariat.

2. States Parties are encouraged to report to other States Parties, through the Secretariat, information on measures taken that have been proven effective in addressing the diversion of transferred conventional arms covered under Article 2 (1).

3. Each State Party shall submit annually to the Secretariat by 31 May a report for the preceding calendar year concerning authorized or actual exports and imports of conventional arms covered under Article 2 (1). Reports shall be made available, and distributed to States Parties by the Secretariat. The report submitted to the Secretariat may contain the same information submitted by the State Party to relevant United Nations frameworks, including the United Nations Register of Conventional Arms. Reports may exclude commercially sensitive or national security information.

Article 14: Enforcement

Each State Party shall take appropriate measures to enforce national laws and regulations that implement the provisions of this Treaty.

Article 15: International Cooperation

1. States Parties shall cooperate with each other, consistent with their respective security interests and national laws, to effectively implement this Treaty.

2. States Parties are encouraged to facilitate international cooperation, including exchanging information on matters of mutual interest regarding the implementation and application of this Treaty pursuant to their respective security interests and national laws.

3. States Parties are encouraged to consult on matters of mutual interest and to share information, as appropriate, to support the implementation of this Treaty.

4. States Parties are encouraged to cooperate, pursuant to their national laws, in order to assist national implementation of the provisions of this Treaty, including through sharing information regarding illicit activities and actors and in order to prevent and eradicate diversion of conventional arms covered under Article 2 (1).

5. States Parties shall, where jointly agreed and consistent with their national laws, afford one another the widest measure of assistance in investigations, prosecutions and judicial proceedings in relation to violations of national measures established pursuant to this Treaty.

6. States Parties are encouraged to take national measures and to cooperate with each other to prevent the transfer of conventional arms covered under Article 2 (1) becoming subject to corrupt practices.

7. States Parties are encouraged to exchange experience and information on lessons learned in relation to any aspect of this Treaty.

Article 16: International Assistance

1. In implementing this Treaty, each State Party may seek assistance including legal or legislative assistance, institutional capacity-building, and technical, material or financial assistance. Such assistance may include stockpile management, disarmament,

demobilization and reintegration programmes, model legislation, and effective practices for implementation. Each State Party in a position to do so shall provide such assistance, upon request.

2. Each State Party may request, offer or receive assistance through, inter alia, the United Nations, international, regional, subregional or national organizations, non-governmental organizations, or on a bilateral basis.

3. A voluntary trust fund shall be established by States Parties to assist requesting States Parties requiring international assistance to implement this Treaty. Each State Party is encouraged to contribute resources to the fund.

Article 17 Conference of States Parties

1. A Conference of States Parties shall be convened by the provisional Secretariat, established under Article 18, no later than one year following the entry into force of this Treaty and thereafter at such other times as may be decided by the Conference of States Parties.

2. The Conference of States Parties shall adopt by consensus its rules of procedure at its first session.

3. The Conference of States Parties shall adopt financial rules for itself as well as governing the funding of any subsidiary bodies it may establish as well as financial provisions governing the functioning of the Secretariat. At each ordinary session, it shall adopt a budget for the financial period until the next ordinary session.

4. The Conference of States Parties shall:

- (a) Review the implementation of this Treaty, including developments in the field of conventional arms;
- (b) Consider and adopt recommendations regarding the implementation and operation of this Treaty, in particular the promotion of its universality;
- (c) Consider amendments to this Treaty in accordance with Article 20;
- (d) Consider issues arising from the interpretation of this Treaty;
- (e) Consider and decide the tasks and budget of the Secretariat;
- (f) Consider the establishment of any subsidiary bodies as may be necessary to improve the functioning of this Treaty; and
- (g) Perform any other function consistent with this Treaty.

5. Extraordinary meetings of the Conference of States Parties shall be held at such other times as may be deemed necessary by the Conference of States Parties, or at the written request of any State Party provided that this request is supported by at least two-thirds of the States Parties.

Article 18: Secretariat

1. This Treaty hereby establishes a Secretariat to assist States Parties in the effective implementation of this Treaty. Pending the first meeting of the Conference of States Parties, a provisional Secretariat will be responsible for the administrative functions covered under this Treaty.
2. The Secretariat shall be adequately staffed. Staff shall have the necessary expertise to ensure that the Secretariat can effectively undertake the responsibilities described in paragraph 3.
3. The Secretariat shall be responsible to States Parties. Within a minimized structure, the Secretariat shall undertake the following responsibilities:
 - (a) Receive, make available and distribute the reports as mandated by this Treaty;
 - (b) Maintain and make available to States Parties the list of national points of contact;
 - (c) Facilitate the matching of offers of and requests for assistance for Treaty implementation and promote international cooperation as requested;
 - (d) Facilitate the work of the Conference of States Parties, including making arrangements and providing the necessary services for meetings under this Treaty; and
 - (e) Perform other duties as decided by the Conferences of States Parties.

Article 19 Dispute Settlement

1. States Parties shall consult and, by mutual consent, cooperate to pursue settlement of any dispute that may arise between them with regard to the interpretation or application of this Treaty including through negotiations, mediation, conciliation, judicial settlement or other peaceful means.
2. States Parties may pursue, by mutual consent, arbitration to settle any dispute between them, regarding issues concerning the interpretation or application of this Treaty.

Article 20: Amendments

1. Six years after the entry into force of this Treaty, any State Party may propose an amendment to this Treaty. Thereafter, proposed amendments may only be considered by the Conference of States Parties every three years.
2. Any proposal to amend this Treaty shall be submitted in writing to the Secretariat, which shall circulate the proposal to all States Parties, not less than 180 days before the next meeting of the Conference of States Parties at which amendments may be considered pursuant to paragraph 1. The amendment shall be considered at the next Conference of States Parties at which amendments may be considered pursuant to paragraph 1 if, no later than 120 days after its circulation by the Secretariat, a majority of States Parties notify the Secretariat that they support consideration of the proposal.

3. The States Parties shall make every effort to achieve consensus on each amendment. If all efforts at consensus have been exhausted, and no agreement reached, the amendment shall, as a last resort, be adopted by a three-quarters majority vote of the States Parties present and voting at the meeting of the Conference of States Parties. For the purposes of this Article, States Parties present and voting means States Parties present and casting an affirmative or negative vote. The Depositary shall communicate any adopted amendment to all States Parties.

4. An amendment adopted in accordance with paragraph 3 shall enter into force for each State Party that has deposited its instrument of acceptance for that amendment, ninety days following the date of deposit with the Depositary of the instruments of acceptance by a majority of the number of States Parties at the time of the adoption of the amendment. Thereafter, it shall enter into force for any remaining State Party ninety days following the date of deposit of its instrument of acceptance for that amendment.

Article 21 Signature, Ratification, Acceptance, Approval or Accession

1. This Treaty shall be open for signature at the United Nations Headquarters in New York by all States from 3 June 2013 until its entry into force.

2. This Treaty is subject to ratification, acceptance or approval by each signatory State.

3. Following its entry into force, this Treaty shall be open for accession by any State that has not signed the Treaty.

4. The instruments of ratification, acceptance, approval or accession shall be deposited with the Depositary.

Article 22: Entry into Force

1. This Treaty shall enter into force ninety days following the date of the deposit of the fiftieth instrument of ratification, acceptance or approval with the Depositary.

2. For any State that deposits its instrument of ratification, acceptance, approval or accession subsequent to the entry into force of this Treaty, this Treaty shall enter into force for that State ninety days following the date of deposit of its instrument of ratification, acceptance, approval or accession.

Article 23: Provisional Application

Any State may at the time of signature or the deposit of instrument of its of ratification, acceptance, approval or accession, declare that it will apply provisionally Article 6 and Article 7 pending the entry into force of this Treaty for that State.

Article 24: Duration and Withdrawal

1. This Treaty shall be of unlimited duration.
2. Each State Party shall, in exercising its national sovereignty, have the right to withdraw from this Treaty. It shall give notification of such withdrawal to the Depositary, which shall notify all other States Parties. The notification of withdrawal may include an explanation of the reasons for its withdrawal. The notice of withdrawal shall take effect ninety days after the receipt of the notification of withdrawal by the Depositary, unless the notification of withdrawal specifies a later date.
3. A State shall not be discharged, by reason of its withdrawal, from the obligations arising from this Treaty while it was a Party to this Treaty, including any financial obligations that it may have accrued.

Article 25: Reservations

1. At the time of signature, ratification, acceptance, approval or accession, each State may formulate reservations, unless the reservations are incompatible with the object and purpose of this Treaty.
2. A State Party may withdraw its reservation at any time by notification to this effect addressed to the Depositary.

Article 26: Relationship with other international agreements

1. The implementation of this Treaty shall not prejudice obligations undertaken by States Parties with regard to existing or future international agreements, to which they are parties, where those obligations are consistent with this Treaty.
2. This Treaty shall not be cited as grounds for voiding defence cooperation agreements concluded between States Parties to this Treaty.

Article 27: Depositary

The Secretary-General of the United Nations shall be the Depositary of this Treaty.

Article 28: Authentic Texts

The original text of this Treaty, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary General of the United Nations.