

## Facilitator's Summary for Scope

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Excellencies,  
Distinguished delegates,  
Colleagues,

Discussions on the issue of "scope" were held in two informal sessions during this Preparatory Committee, on 15 and 20 July, respectively. In my capacity as facilitator or Friend of the Chair, it is my pleasure to present to you today an overview of the views expressed and the items discussed by delegations on the potential scope for an Arms Trade Treaty (ATT). For the duration of these two sessions, I was particularly encouraged by the constructive atmosphere and the spirit of cooperation among delegations. I was also impressed with the rich, open, animated and frank discussion which allowed us to look into a broad range of relevant subjects and to identify areas for further consideration.

While addressing issues relating to scope, States also recognized the inherent interdependence between the three issues of scope, criteria and standards and implementation and application which would pervade the agreement. The discussion focused on two main aspects of a potential scope for an ATT – the arms and related items and the types of transactions and activities. States also articulated a number of general considerations which included the following elements:

1. The need for clear definitions of arms and related items and the transactions and activities was emphasized. Some States expressed the view that definitions should remain broad and of general nature, such as to accommodate future changes in technology and methods of warfare. Others expressed a preference for more detailed definitions. Furthermore, reference was made in this context to already existing definitions of arms and related items and transactions and activities in other international Treaties and instruments, including the amended Protocol II of the Convention on Certain Conventional Weapons, the Firearms Protocol, the International Tracing Instrument and the report of the on illicit brokering. While States frequently referred to the categories of the United Nations Register on Conventional Arms in the context of definitions, it was also noted that the categories of the Register may need further consideration.
2. A majority of States expressed the view that the scope of the ATT should remain adaptable and should be able to accommodate regular reviews and updates of the scope in light of future technological developments and changing methods of warfare. In this context it was proposed that an annex to the treaty containing relevant arms and related items, transactions and activities would allow flexibility in adapting the future technological developments.

3. During the debate on arms and related items, a large number of States supported the inclusion of the seven categories of the UN Register of Conventional Arms. Despite the fact that many States also voiced support for the inclusion of small arms and light weapons (SALW) in the scope of a Treaty (the so-called 7+1 configuration), concern was expressed by other States regarding the inclusion of this weapons category. Equally, States engaged in a discussion concerning the inclusion of ammunition. Although many States expressed support for coverage of ammunition, some articulated a preference for non-inclusion of ammunition in the Treaty. Some States, furthermore, supported coverage of a very broad range of conventional arms and related items, including the seven categories of the UN Register of Conventional Arms, small arms and light weapons (SALW), ammunition and related items and technology. Discussion also centered on a number of other categories, including sporting and hunting rifles for recreational purposes and antique weapons and dual-use items.

Mr. Chairman,  
Dear colleagues,

It is necessary to provide you with as comprehensive and as accurate a reflection of our discussion as possible. Therefore I will now outline the full and detailed list of the arms and related items, and transactions and activities which was the center of attention.

With regard to arms and related items, States advanced that the United Nations Register of Conventional Arms was a useful basis to start and frame discussions on the scope of the instrument.

### Arms and related items

States often referred to the categories under the *UN Register* as the 7 categories to be considered for an ATT. For purposes of clarity, these categories were defined in accordance with the UN Register's general definitions:

#### I. Battle tanks

Tracked or wheeled self-propelled armoured fighting vehicles with high cross-country mobility and a high-level of self-protection, weighing at least 16.5 metric tons unladen weight, with a high muzzle velocity direct fire main gun of at least 75 millimetres calibre.

#### II. Armoured combat vehicles

Tracked, semi-tracked or wheeled self-propelled vehicles, with armoured protection and cross-country capability, either: (a) designed and equipped to transport a squad of four or more infantrymen, or (b) armed with an integral or organic weapon of at least 12.5 millimetres calibre or a missile launcher.

#### III. Large-calibre artillery systems

Guns, howitzers, artillery pieces, combining the characteristics of a gun or a howitzer, mortars or multiple-launch rocket systems, capable of engaging surface targets by delivering primarily indirect fire, with a calibre of 75 millimetres and above.

#### IV. Combat aircraft

Fixed-wing or variable-geometry wing aircraft designed, equipped or modified to engage targets by employing guided missiles, unguided rockets, bombs, guns, cannons or other weapons of destruction, including versions of these aircraft which perform specialized electronic warfare, suppression of air defence or reconnaissance missions. The term "combat aircraft" does not include primary trainer aircraft, unless designed, equipped or modified as described above.

#### V. Attack helicopters

Rotary-wing aircraft designed, equipped or modified to engage targets by employing guided or unguided anti-armour, air-to-surface, air-to-subsurface, or air-to-air weapons and equipped with an integrated fire control and aiming system for these weapons, including versions of these aircraft which perform specialized reconnaissance or electronic warfare missions.

#### VI. Warships

Vessels or submarines armed and equipped for military use with a standard displacement of 500 metric tons or above, and those with a standard displacement of less than 500 metric tons, equipped for launching missiles with a range of at least 25 kilometres or torpedoes with similar range.

#### VII. Missiles and missile launchers

(a) Guided or unguided rockets, ballistic or cruise missiles capable of delivering a warhead or weapon of destruction to a range of at least 25 kilometres, and means designed or modified specifically for launching such missiles or rockets, if not covered by categories I through VI. For the purpose of the Register, this sub-category includes remotely piloted vehicles with the characteristics for missiles as defined above but does not include ground-to-air missiles.

(b) Man-Portable Air-Defence Systems (MANPADS).

Views were also advanced that because the UN Register does not include certain major types of weapons and weapons systems, it may be necessary to adopt a scope that contains broadened UN Register category definitions. This would allow the ATT to include:

Under Category II:

- Armoured Combat Vehicles with organic technical means for observation, reconnaissance, target indication, and designed to perform reconnaissance missions, or
- Armoured Combat Vehicles with integral organic technical means for command of troops, or
- Armoured Combat Vehicles with integral organic electronic and technical means designed for electronic warfare

- Armored bridge-launching vehicles

Under Category III:

- Gun-carriers specifically designed for towing artillery
- Direct fire artillery pieces such as anti-tank guns

Under Category IV:

- Primary trainer aircraft
- Military aircraft which are designed, equipped or modified to perform command of troops, and refueling or airdrop missions
- Other military aircraft unless an armed version of the platform exists
- Unmanned Aerial Vehicles

Under Category V:

- Military helicopters which are designed, equipped or modified to perform target acquisition (including anti-submarine warfare), communications, command of troops, or mine laying missions

Under Category VI:

- Vessel or submarines armed and equipped for military use with a standard displacement of below 500 metric tons unless they are equipped for launching missiles with a range of at least 25 km or torpedoes with a similar range

Under Category VII:

- Ground-to-air missiles other than MANPADS
- Anti-tank guided missiles or other missiles with a range less than 25 kilometers

*Broadened UN Register categories*

As indicated earlier in my intervention, some States proposed to consider expanding the categories of the Register. These expanded categories could contain the following conventional arms designed or modified for military use:

- Tanks
- Vehicles and armoured vehicles (including reconnaissance / electronic warfare / control of troops / troop transport etc)
- Artillery systems (75mm+)
- Aircraft – fixed wings and variable geometry wings (manned/unmanned including reconnaissance / electronic warfare / refueling / troop transport)
- Helicopters – rotary wings (manned/unmanned including troop transport)
- Naval surface vessels and submarines (manned/unmanned)

- Missiles and Missile Launchers, guided and unguided, including torpedoes

States also considered *Other Conventional Arms* that might be included in an ATT:

- Small arms and light weapons (the so-called 7+1 configuration)
- Conventional arms and equipment used in law enforcement and internal security operations
- Combat support equipment, including military training equipment, protective personnel equipment, military electronics, fire control/range finder/optical/guidance control equipment.

In keeping with the comprehensive nature of the discussions on the subject, States also discussed *Related Items* that could be covered by an ATT:

- Parts and components for covered arms and items
- Technology to manufacture, modify repair covered arms and items
- Defense services to develop, manufacture, or repair covered arms and items
- Ammunition and munitions for included arms and systems (known as 7+1+1)
- Explosives, specifically designed or modified for military purposes and clearly defined
- Other military systems, specifically designed or modified for military use, including: electronics, computers, telecommunications, information security, sensors and lasers, transportation and training devices
- Dual-use items

States also engaged in debate as to what Transactions/Activities could be considered within the scope of an ATT. In this regard, the following transactions/activities were identified:

- Import
- Export
- Re-export
- Temporary re-export
- Transshipment
- Transit
- Transfer
- Brokering
- Artisanal manufacture
- Technology transfer
- Manufacture under foreign license
- Leases
- Loans
- Gifts
- Technical assistance
- Promotion
- Research

- Financing
- Training

It was also emphasized that there was a need to have definitions for the transactions and activities covered by an ATT. Consequently, a range of definitions were suggested, including drawing on existing international definitions of activities, such as those found in the Amended Protocol II of the Convention on Certain Conventional Weapons:

- Physical movement of an item to/from national territory
- Transfer of title to or control over the covered items

Reference was also made to the 2007 United Nations brokering report (A/62/163), which, inter alia, defines a broker in small arms and light weapons as: *“a person or entity acting as an intermediary that brings together relevant parties and arranges or facilitates a potential transaction of small arms and light weapons in return for some form of benefit, whether financial or otherwise.”*

With regard to matters which should not be included in the ATT, some States were of the view that there should be a section on scope covering categories not within the ambit of the treaty, i.e. a section on “Exceptions”. In this context, the following terms of types of weapons and types of activities/transactions were mentioned:

- internal transfers
- National ownership ~~and regulation~~ of weapons
- Sporting and hunting rifles for recreational purposes
- Antique weapons

## Conclusion

We have had a very comprehensive, and may I say – robust – discussion about the potential scope of a future ATT. During the intersessional period, I would like to give you some additional homework. I would like you to engage in further discussions and consultations about the potential scope of an ATT with all relevant stakeholders in your respective capitals. You should also extend such dialogue to States within your regions, and with others that share your view, or have contrary opinions. Such discussions have the potential to narrow our positions and make our views and perspectives more specific and focused. If the assignments produce some results, when we return to our deliberations in February, we would be able identify the areas of convergence which exist among us and examine those issues that require further work.