

Discussion Questions: Scope

- Having examined the limited scope of the UN Register Categories is broader inclusion of the scope of an ATT necessary?
- The inclusion of SALW appears to have broad agreement, but would the illustrative definition from the UN Register background information provide the best basis for the Treaty?
- Does the term “ammunition” or “munitions” best serve the purposes of an ATT? Is Munitions too wide both for scope and reporting purposes?
- What are the complexities of parts and components in the context of a global supply chain? What balance should be struck between control and facilitating movement while maintaining control? Is design intent i.e. “specially designed for military use” the appropriate guide in this context?
- Does the Treaty require definitions for each of the types of transfer?
- Is Foreign Licensed Production is an essential component of scope?
- Do broad headings, accompanied by illustrative Annexes provide the most effective means by which a Treaty can be negotiated, implemented and kept up to date? Should the principle of “keep it simple provide” a compass for eventual drafting and negotiation?

Discussion Questions: Parameters

Breakout Session: Stuart Room, Park Plaza Hotel

29 September 2010

- Are there any criteria that should definitely be included in an ATT?
- Which existing frameworks could help in elaborating transfer criteria to be included in an ATT?
- Should criteria require risk assessments?
 - If so, which criteria?
 - What should be the degree of risk needed to find that a transfer does not meet a given criterion?
 - How should a risk be assessed?
- Should all criteria be created equal and lead to the same transfer decision if they are not met?

Discussion Questions: Implementation

Breakout Session: Beacon Hill Room, Park Plaza Hotel

29 September 2010

National measures

- How can the ATT manage the interplay between national sovereignty in decision-making on the one hand and meaningful universally-applied shared parameters/criteria on the other?
- How can criteria be clearly formulated in a manner that allows their almost uniform national understanding and application in all States? Could such criteria be best articulated in a Model Legislation or can the Treaty terms alone clearly address them?
- How can an ATT generate standardized practice while respecting the vastly different capacities and needs of different State's Parties?
- How prescriptive should an ATT be when it comes to the administrative rules and procedures to be followed at the national level?
- What are the minimum requirements for or basic elements of an effective export control system and what national process can guarantee objective implementation of criteria?
- Would there be need for an international mechanism for accountability in the case of abuse? If yes, what is the nature of such a mechanism and how could it be operated by member States?
- How will compliance and implementation at the national/international level be measured, monitored and enforced? How can that be coordinated on an international level in a transparent and credible manner?

International elements

Institutional arrangements

- What institutional arrangements will be necessary to ensure effective Treaty implementation?
- What roles and powers should any such institution or institutions have? Could that include the possible areas of promotion of universality, report collection, scrutiny (cross-checking) and data-base filing, verification, as a cooperation and assistance hub and in servicing policy making organs? Is there room for synergy with existing international structures to keep the costs low?
- How can information-sharing be used to facilitate more effective treaty implementation?

Co-operation & assistance

- How can co-operation and assistance be prioritized and organized to maximize treaty compliance?
- How should the capacity gaps that some States may suffer at the point of ATT ratification/entry into force be accommodated by the Treaty?
- Will cooperation and assistance strictly remain for Treaty implementation purposes or is there room to go beyond that making it an incentive for further membership?
- Are there possible existing international mechanisms in other Treaty bodies that can be partially or fully emulated?

Dispute resolution

- What staged mechanisms will be necessary to address concerns raised about behavior under the Treaty that cannot be satisfactorily resolved through bilateral consultation?
- What should happen in the event that disputes or questions around implementation cannot be satisfactorily resolved by the institutions established under the Treaty?
- Are there possible existing international mechanisms in other Treaty bodies that can be partially or fully emulated?

Other implementation aspects

- What other areas do you think should address balanced rights and responsibilities in the implementation of an ATT?
- What other ideas are relevant in terms of promoting an added value for a potentially universal ATT?
- What other implementation aspects should be elaborated at this stage? Do they relate to work conducted under other facilitation tasks? If yes, how?

Discussion Questions: Transparency

Informal Working Lunch: Imperial Ballroom, Park Plaza Hotel

29 September 2010

- How can universal state party participation in an ATT reporting mechanism be achieved?
 - What are likely to be the main impediments? How can they be overcome?
 - What lessons can be learned from existing UN reporting mechanisms?
- Should all information provided by states to an ATT reporting mechanism be made available for public scrutiny?
 - Should distinctions be made between particular types of information, with some remaining confidential while others are made available for public scrutiny?
- What types of information are relevant *and* politically acceptable for building confidence and assessing implementation under an ATT?
 - What are the legitimate commercial and national security considerations that could limit the information to be exchanged?
- Can existing transparency instruments be used as the basis for reporting on implementation of an ATT?
 - Which elements of existing transparency instruments could be used?
 - How could existing transparency instruments be adapted to help achieve the goals of the ATT and ensure universal state party participation?