

# Scope of items & national control lists

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# Summary

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- ATT provisions on scope & control lists
- The categories of the United Nations Register of Conventional Arms and the ATT
  - Changes to the descriptions of Register categories
  - Small arms and light weapons (SALW)
- Ammunition/munitions
- Parts and components
- The national control lists of ATT States Parties
- Concluding remarks

# ATT provisions on scope of items



| Issue   | Article(s) |
|---|------------|
| Defining the scope of items: Conventional arms  | 2(1), 5(3) |
| Defining the scope of items: Ammunition/munitions for conventional arms in Article 2(1) | 3          |
| Defining the scope of items: Parts and components for conventional arms in Article 2(1) | 4          |
| Establish, maintain, and share national control list(s)                                 | 5(2), 5(4) |

# Obligation to establish & maintain a national control list

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## Arms Trade Treaty, Article 5(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”.

## Basic Voluntary Guide to Establishing a National Control System

“A national control list provides technical definitions for categories of items for which the international transfer is subject to national controls – i.e. those items that are prohibited from export, import, transit/trans-shipment or brokering without authorization from competent authorities”.



# Minimum contents for a national control list

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## Arms Trade Treaty, Article 5(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”.

# ATT categories in Article 2(1)



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



h. SALW



# United Nations Register of Conventional Arms

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- United Nations General Assembly established the UN Register of Conventional Arms (UNROCA) in 1991 through resolution 46/36 L to promote transparency in armaments
  - Member States requested to report on exports & imports of 7 categories of major conventional weapons and since 2016 on SALW
  - Member States invited to provide additional background information on (a) procurement through national production, (b) military holdings, and (c) national policies
- The Register is a reference point for other multilateral transparency and confidence-building arrangements on conventional arms

# Register categories in December 2014



## I. Battle tanks



## II. Armoured combat vehicles



## III. Large-calibre artillery systems



## IV. Combat aircraft



## V. Attack helicopters



## VI. Warships



## VII. Missiles and missile launchers



MANPAD



# Combat aircraft

## Description for Category IV of the UN Register of Conventional Arms at the time of ATT entry into force

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.



# Triennial review of the relevance and continuing operation of the Register of Conventional Arms

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- Every 3 years the UN Secretary General appoints a Group of Governmental Experts reviews the relevance and operation of the Register, including participation, scope and use
  - The Group's recommendations are adopted by the United Nations General Assembly
  - Before the entry into force of the ATT, the Group recommended amendments to the descriptions of 3 of the Register's categories
    - **Large-calibre artillery systems:** calibre lowered from 100mm to 75mm (2003)
    - **Warships:** Lowered standard displacement from 750 metric tons to 500 metric tons (2006)
    - **Missiles & missile launchers:** Addition of a sub-category for MANPADS (2003)

# Register categories today



## I. Battle tanks



## II. Armoured combat vehicles



## III. Large-calibre artillery systems



## IV. Combat aircraft & unmanned combat aerial vehicles



UAS

## V. Attack helicopters & rotary-wing UCAV



## VI. Warships



## VII. Missiles and missile launchers



MANPAD

## +1. SALW





# Changes to the UN Register scope (2016)

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## Category IV. Combat aircraft **and unmanned combat aerial vehicles (UCAV)**

Includes fixed-wing or variable-geometry wing aerial vehicles as defined below:

- (a) Manned 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 that perform specialized electronic warfare, suppression of air defence or reconnaissance missions.
- (b) **Unmanned 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.**



# Changes to the UN Register scope (2022)

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## Category V. Attack helicopters **and rotary-wing unmanned combat aerial vehicles**

Includes rotary-wing aircraft as defined below:

- (a) Manned rotary-wing aircraft designed, equipped or modified to engage targets by employing guided or unguided anti-armor, 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.
- (b) **Unmanned rotary-wing aircraft designed, equipped or modified to engage targets by employing guided or unguided anti-armor, air-to-surface, air-to-subsurface, or air-to-air weapons and equipped with an integrated fire control and aiming systems for these weapons**



# Changes to the UN Register scope (2016; 2022)

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## Category +1. Small arms and light weapons

Small arms and light weapons are any man-portable lethal weapons that expel or launch, are designed to expel or launch, or may be readily converted to expel or launch, a shot, bullet or projectile by the action of an explosive, excluding antique small arms and light weapons or their replicas. Antique small arms and light weapons and their replicas will be defined in accordance with domestic law. In no case will antique small arms and light weapons include those manufactured after 1899.

- (a) “Small arms” are, in a broad sense, weapons designed for individual use. They include revolvers and self-loading pistols, rifles and carbines, sub-machine guns, assault rifles and light machine guns.
- (b) “Light weapons” are, generally, weapons intended for use by two or three people in a crew, although some may be carried and used by one person. They include, inter alia, heavy machine guns, hand-held under-barrel and mounted grenade launchers, portable anti-aircraft guns, portable anti-tank guns, recoilless rifles, portable launchers of anti-tank missile and rocket systems, portable launchers of anti-aircraft missile systems, and mortars of a calibre of less than 75 mm.



# 2024-5 Group on the relevance and continuing operation of the Register of Conventional Arms

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- The 2024-5 Group met in Geneva last week and is again reviewing proposals to amend the Register's scope
  - Creating an 8<sup>th</sup> category for small arms and light weapons
  - Lower the tonnage for warships
  - Changing the range for missiles and remove an exception for ground-to-air missiles
  - Expanding the scope of categories to include force projection and force multiplier equipment
  - Providing greater clarity on the inclusion of uncrewed systems in the Register
    - A new sub-category for uncrewed maritime systems

# Minimum contents for a national control list: SALW

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## Arms Trade Treaty, Article 5(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”.**



# Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons (ITI)

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## ITI, para. 4

“For the purposes of this instrument, small arms and light weapons” will mean any man-portable lethal weapon that expels or launches, is designed to expel or launch, or may be readily converted to expel or launch a shot, bullet or projectile by the action of an explosive, excluding antique small arms and light weapons or their replicas. Antique small arms and light weapons and their replicas will be defined in accordance with domestic law. In no case will antique small arms and light weapons include those manufactured after 1899:

- (a) “Small arms” are, broadly speaking, weapons designed for individual use.
- (b) “Light weapons” are, broadly speaking, weapons designed for use by two or three persons serving as a crew, although some may be carried and used by a single person.

# Article 3. Ammunition/munitions

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“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”.



# International Ammunition Technical Guidelines (01.40)

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***Ammunition:*** a complete device, (e.g. missile, shell, mine, demolition store etc.) charged with explosives, propellants, pyrotechnics, initiating composition or nuclear, biological or chemical material for use in connection with offence, or defence, or training, or non-operational purposes, including those parts of weapons systems containing explosives. (c.f. munition)



***Munition:*** a complete device charged with explosives, propellants, pyrotechnics, initiating composition, or nuclear, biological or chemical material for use in military operations, including demolitions

# Article 4. Parts and components

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“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 4. Parts and components

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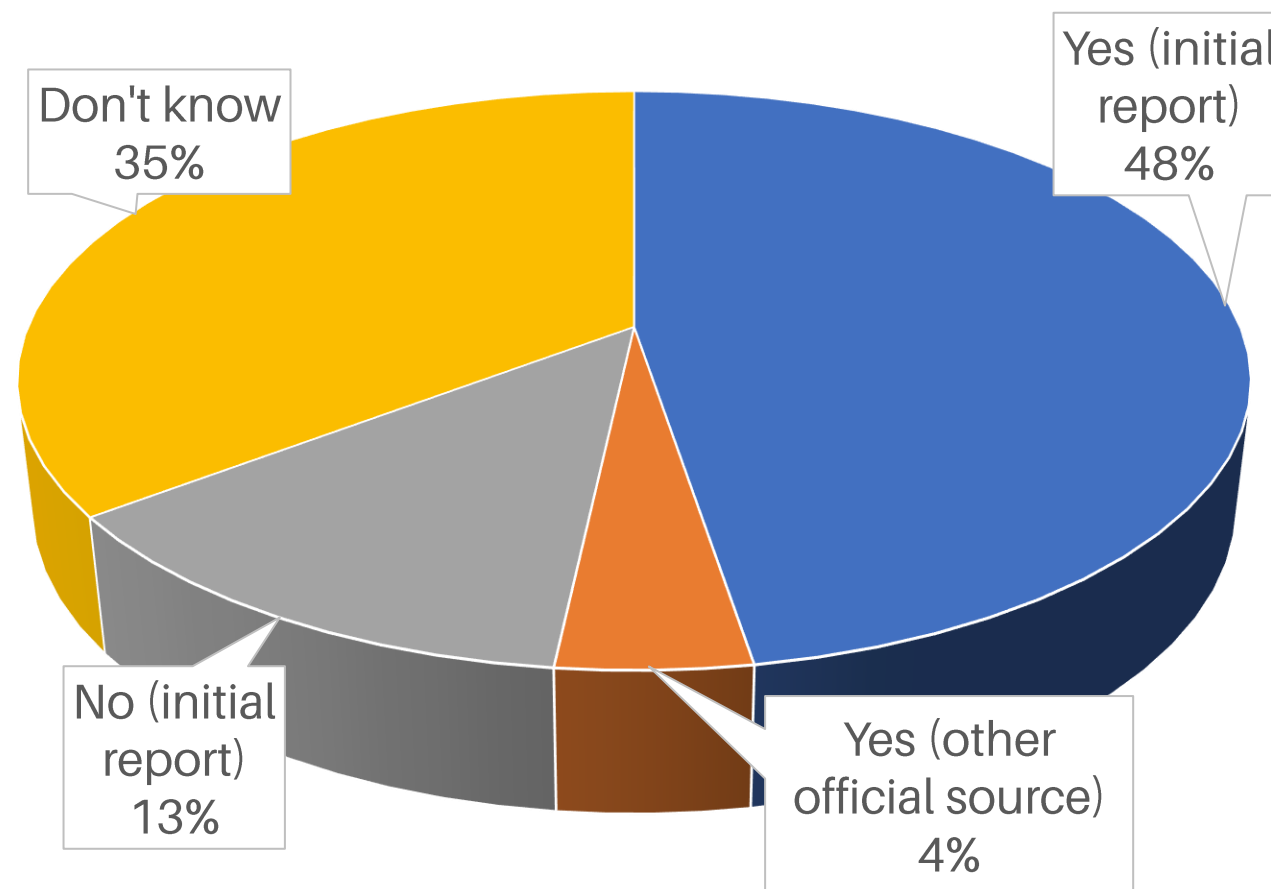
Does the ATT Article 4 provision apply to the following?

- Kits for assembly in the country of import
- Licensed production
- Transfers of some parts and components for production of conventional arms
- Spare parts and upgrades



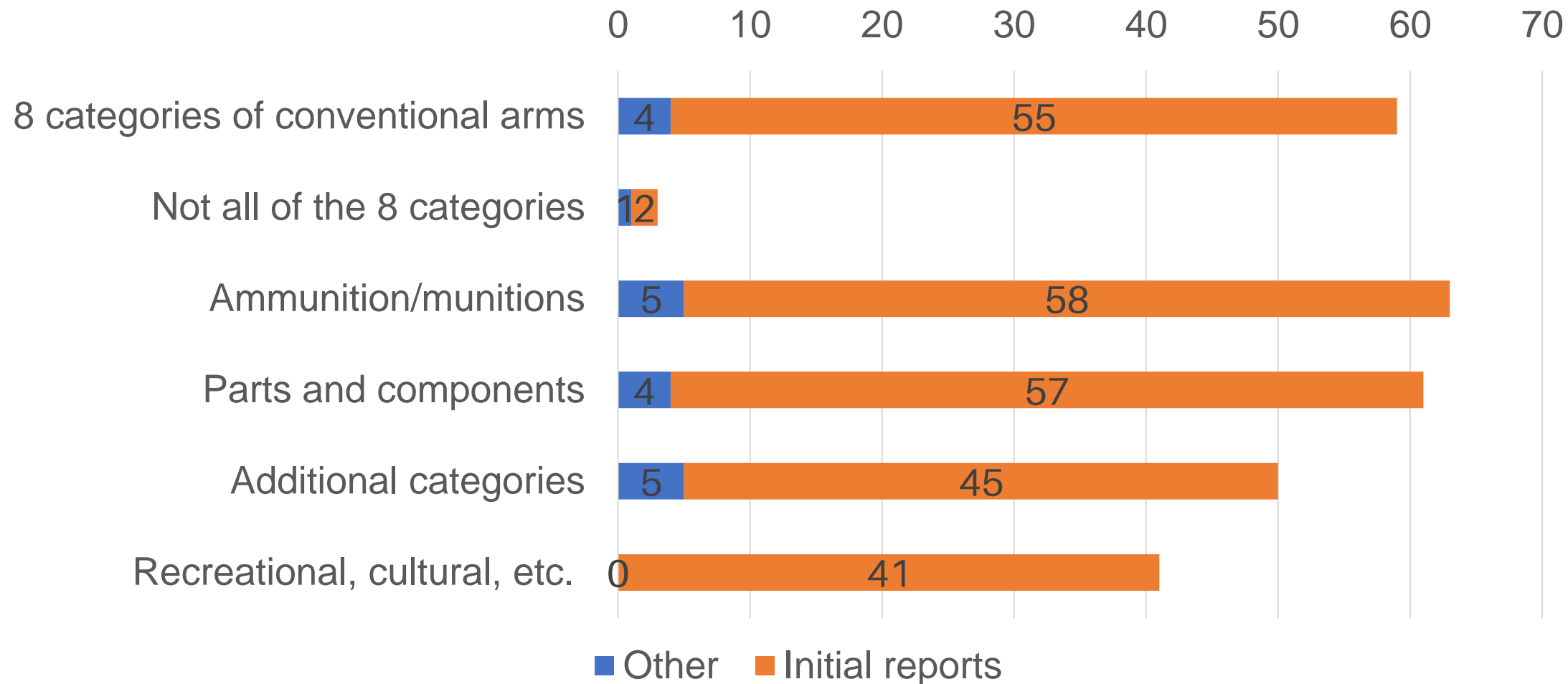
# How many States Parties have a national control list?

- Not all national control lists include all categories of conventional arms in ATT Article 2(1)
- Conventional arms are controlled, but there is not a national control list in the legal and regulatory framework





## Do national control lists include conventional arms, related ammunition and parts and components?

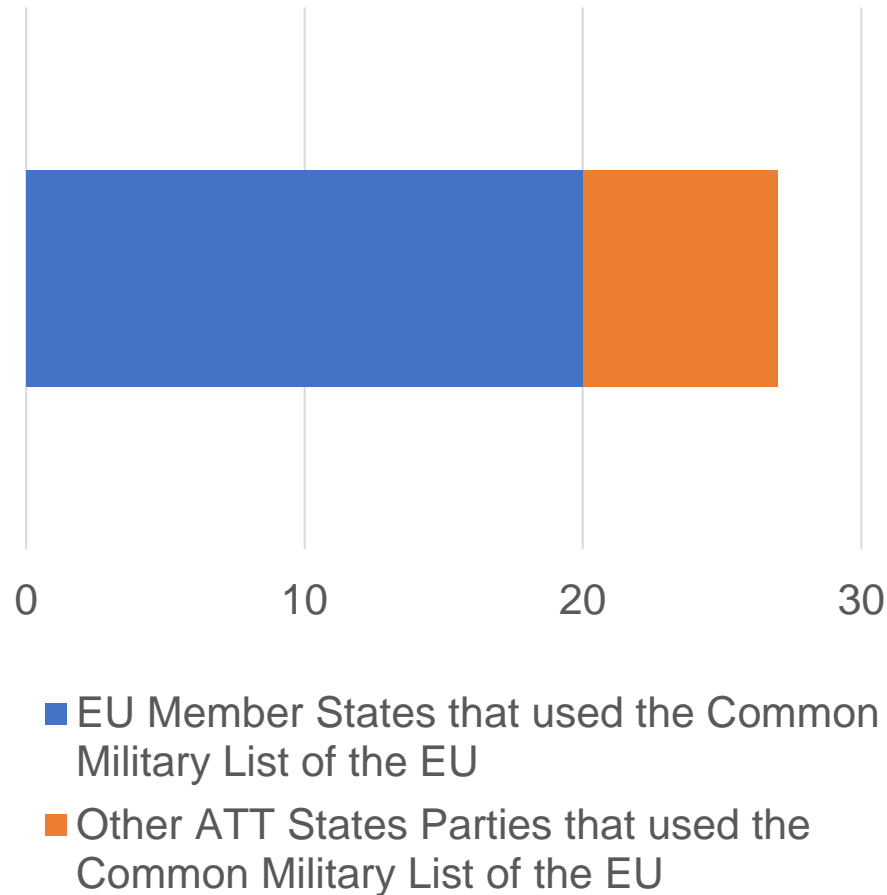




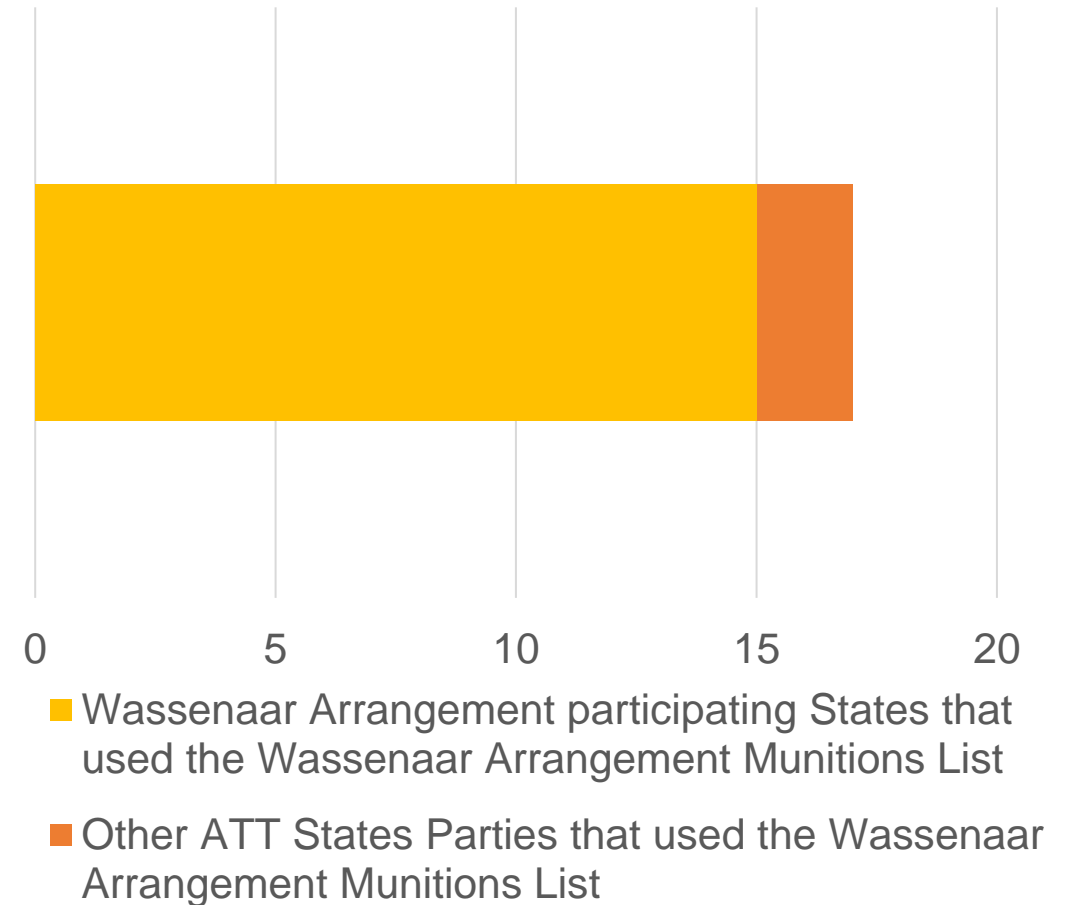
# How many States Parties use multilateral control lists?



Reported use of the Common Military List of the European Union



Reported use of the Wassenaar Arrangement's Munitions List







## Concluding remarks

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- **ATT Voluntary guidance**
  - Voluntary Basic Guide to Establishing a National Control System
  - Reporting Authorised or Actual Exports and Imports of Conventional Arms under the ATT
- National control lists submitted to the Secretariat
- Use of ATT Voluntary Trust Fund & other assistance programmes
- Ensuring the scope of the ATT remains relevant
  - Regular updates on changes to the Register and multilateral control lists in the WGETI
  - Review of the ATT scope

# Thank you

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