

A BILL

FOR

AN ACT TO ENABLE EFFECT TO BE GIVEN IN THE FEDERAL REPUBLIC OF NIGERIA TO THE UNITED NATIONS CONVENTION ON ARMS TRADE TREATY

Sponsored by Hon. Lynda Chuba Ikpeazu

[] Commencement

BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria as follows:

1 1. As from the commencement of this Act, the Provisions of the
2 United Nations Convention on Arms Trade Treaty which are set out in the
3 Schedule to this Act shall, Subject as thereunder provided, have force of law
4 and shall be given full recognition and effect and be applied by all
5 authorities and persons exercising legislative, executive and judicial powers
6 in the Federal Republic of Nigeria.

Enforcement of
the United Nations
Convention on
Arms Trade Treaty

7 ARTICLE 1 - OBJECT AND PURPOSE

8 The object of this Treaty is to:

9 (a) Establish the highest possible common international standards
10 for regulating or improving the regulation of the international trade in
11 conventional arms;

12 (b) Prevent and eradicate the illicit trade in conventional arms and
13 prevent their diversion; for the purpose of:

14 (i) Contributing to international and regional peace, security and
15 stability;

16 (ii) Reducing human suffering;

17 (iii) Promoting cooperation, transparency and responsible action
18 by States Parties in the international trade in conventional arms, thereby
19 building confidence among States Parties.

20 ARTICLE 2 - SCOPE

21 1. This Treaty shall apply to all conventional arms within the

1 following categories:

- 2 (a) Battle tanks;
- 3 (b) Armoured combat vehicles;
- 4 (c) Large-calibre artillery systems;
- 5 (d) Combat aircraft;
- 6 (e) Attack helicopters;
- 7 (f) Warships;
- 8 (g) Missiles and missile launchers; and
- 9 (h) Small arms and light weapons.

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

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

16 **ARTICLE 3 - AMMUNITION/MUNITIONS**

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

22 **ARTICLE 4 - PARTS AND COMPONENTS**

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

28 **ARTICLE 5 - GENERAL IMPLEMENTATION**

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

1 referred to in this Treaty.

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

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

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

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

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

27 ARTICLE 6 - PROHIBITIONS

28 1. A State Party shall not authorize any transfer of conventional
29 arms covered under Article 2 (I) or of items covered under Article 3 or
30 Article 4, if the transfer would violate its obligations under measures

1 adopted by the United Nations Security Council acting under Chapter VII of
2 the Charter of the United Nations, in particular arms embargoes.

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

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

15 ARTICLE 7 - EXPORT AND EXPORT ASSESSMENT

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

23 (a) would contribute to or undermine peace and security;

24 (b) could be used to:

25 (i) commit or facilitate a serious violation of international
26 humanitarian law;

27 (ii) commit or facilitate a serious violation of international human
28 rights law;

29 (iii) commit or facilitate an act constituting an offence under
30 international conventions or protocols relating to terrorism to which the

1 exporting State is a Party; or

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

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

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

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

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

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

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

1 ARTICLE 8 - IMPORT

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

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

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

13 ARTICLE 9 - TRANSIT OR TRANS-SHIPMENT

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

18 ARTICLE 10 - BROKERING

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

23 ARTICLE 11 - DIVERSION

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

26 2. The exporting State Party shall seek to prevent the diversion of the
27 transfer of conventional arms covered under Article 2 (I) through its national
28 control system, established in accordance with Article 5 (2), by assessing the
29 risk of diversion of the export and considering the establishment of mitigation
30 measures such as confidence-building measures or jointly developed and

1 agreed programmes by the exporting and importing States. Other
2 prevention measures may include, where appropriate: examining parties
3 involved in the export, requiring additional documentation, certificates,
4 assurances, not authorizing the export or other appropriate measures.

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

9 4. If a State Party detects a diversion of transferred conventional
10 arms covered under Article 2 (I), the State Party shall take appropriate
11 measures, pursuant to its national laws and in accordance with international
12 law, to address such diversion.

13 Such measures may include alerting potentially affected States Parties,
14 examining diverted shipments of such conventional arms covered under
15 Article 2 (I), and taking follow-up measures through investigation and law
16 enforcement.

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

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

28 ARTICLE 12 - RECORD KEEPING

29 1. Each State Party shall maintain national records, pursuant to its
30 national laws and regulations, of its issuance of export authorizations or its

1 actual exports of the conventional arms covered under Article 2 (I).

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

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

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

12 ARTICLE 13 - REPORTING

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

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

25 3. Each State Party shall submit annually to the Secretariat by 31
26 May a report for the preceding calendar year concerning authorized or actual
27 exports and imports of conventional arms covered under Article 2 (I). Reports
28 shall be made available, and distributed to States Parties by the Secretariat. The
29 report submitted to the Secretariat may contain the same information
30 submitted by the State Party to relevant United Nations frameworks, including

1 the United Nations Register of Conventional Arms. Reports may exclude
2 commercially sensitive or national security information.

3 ARTICLE 14 - ENFORCEMENT

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

6 ARTICLE 15 - INTERNATIONAL COOPERATION

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

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

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

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

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

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

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

1 ARTICLE 16 - INTERNATIONAL ASSISTANCE

2 1. In implementing this Treaty, each State Party may seek assistance
3 including legal or legislative assistance, institutional capacity-building, and
4 technical, material or financial assistance. Such assistance may include
5 stockpile management, disarmament, demobilization and reintegration
6 programmes, model legislation, and effective practices for implementation.
7 Each State Party in a position to do so shall provide such assistance, upon
8 request.

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

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

15 ARTICLE 17 - CONFERENCE OF STATES PARTIES

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

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

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

27 4. The Conference of States Parties shall:

28 (a) Review the implementation of this Treaty, including
29 developments in the field of conventional arms;

30 (b) Consider and adopt recommendations regarding the

1 implementation and operation of this Treaty, in particular the promotion of
2 its universality;

3 (c) Consider amendments to this Treaty in accordance with Article
4 20;

5 (d) Consider issues arising from the interpretation of this Treaty;

6 (e) Consider and decide the tasks and budget of the Secretariat;

7 (f) Consider the establishment of any subsidiary bodies as may be
8 necessary to improve the functioning of this Treaty; and

9 (g) Perform any other function consistent with this Treaty.

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

14 ARTICLE 18 - SECRETARIAT

15 1. This Treaty hereby establishes a Secretariat to assist States
16 Parties in the effective implementation of this Treaty. Pending the first
17 meeting of the Conference of States Parties, a provisional Secretariat will be
18 responsible for the administrative functions covered under this Treaty.

19 2. The Secretariat shall be adequately staffed. Staff shall have the
20 necessary expertise to ensure that the Secretariat can effectively undertake
21 the responsibilities described in paragraph 3.

22 3. The Secretariat shall be responsible to States Parties. Within a
23 minimized structure, the Secretariat shall undertake the following
24 responsibilities:

25 (a) Receive, make available and distribute the reports as mandated
26 by this Treaty;

27 (b) Maintain and make available to States Parties the list of national
28 points of contact;

29 (c) Facilitate the matching of offers of and requests for assistance

1 for Treaty implementation and promote international cooperation as requested;

2 (d) Facilitate the work of the Conference of States Parties, including
3 making arrangements and providing the necessary services for meetings under
4 this Treaty; and

5 (e) Perform other duties as decided by the Conferences of States
6 Parties.

7 ARTICLE 19 - DISPUTE SETTLEMENT

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

12 2. States Parties may pursue, by mutual consent, arbitration to settle
13 any dispute between them, regarding issues concerning the interpretation or
14 application of this Treaty.

15 ARTICLE 20 - AMENDMENTS

16 1. Six years after the entry into force of this Treaty, any State Party
17 may propose an amendment to this Treaty. Thereafter, proposed amendments
18 may only be considered by the Conference of States Parties every three years.

19 2. Any proposal to amend this Treaty shall be submitted in writing to
20 the Secretariat, which shall circulate the proposal to all States Parties, not less
21 than 180 days before the next meeting of the Conference of States Parties at
22 which amendments may be considered pursuant to paragraph 1. The
23 amendment shall be considered at the next Conference of States Parties at
24 which amendments may be considered pursuant to paragraph 1 if, no later than
25 120 days after its circulation by the Secretariat, a majority of States Parties
26 notify the Secretariat that they support consideration of the proposal.

27 3. The States Parties shall make every effort to achieve consensus on
28 each amendment. If all efforts at consensus have been exhausted, and no
29 agreement reached, the amendment shall, as a last resort, be adopted by a three-
30 quarters majority vote of the States Parties present and voting at the meeting of

1 the Conference of States Parties. For the purposes of this Article, States
2 Parties present and voting means States Parties present and casting an
3 affirmative or negative vote. The Depositary shall communicate any
4 adopted amendment to all States Parties.

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

13 ARTICLE 21 - SIGNATURE, RATIFICATION, ACCEPTANCE,

14 APPROVAL OR ACCESSION

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

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

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

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

24 ARTICLE 22 - ENTRY INTO FORCE

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

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

1 the date of deposit of its instrument of ratification, acceptance, approval or
2 accession.

3 ARTICLE 23 - PROVISIONAL APPLICATION

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

8 ARTICLE 24 - DURATION AND WITHDRAWAL

9 1. This Treaty shall be of unlimited duration.

10 2. Each State Party shall, in exercising its national sovereignty, have
11 the right to withdraw from this Treaty. It shall give notification of such
12 withdrawal to the Depositary, which shall notify all other States Parties. The
13 notification of withdrawal may include an explanation of the reasons for its
14 withdrawal. The notice of withdrawal shall take effect ninety days after the
15 receipt of the notification of withdrawal by the Depositary, unless the
16 notification of withdrawal specifies a later date.

17 3. A State shall not be discharged, by reason of its withdrawal, from
18 the obligations arising from this Treaty while it was a Party to this Treaty,
19 including any financial obligations that it may have accrued.

20 ARTICLE 25 - RESERVATIONS

21 1. At the time of signature, ratification, acceptance, approval or
22 accession, each State may formulate reservations, unless the reservations are
23 incompatible with the object and purpose of this Treaty.

24 2. A State Party may withdraw its reservation at any time by
25 notification to this effect addressed to the Depositary.

26 ARTICLE 26 - RELATIONSHIP WITH OTHER INTERNATIONAL AGREEMENTS

27 1. The implementation of this Treaty shall not prejudice obligations
28 undertaken by States Parties with regard to existing or future international
29 agreements, to which they are parties, where those obligations are consistent
30 with this Treaty.

1 2. This Treaty shall not be cited as grounds for voiding defence
2 cooperation agreements concluded between States Parties to this Treaty.

3 ARTICLE 27 - DEPOSITARY

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

6 ARTICLE 28 - AUTHENTIC TEXTS

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

10 ARTICLE 29 - CITATION

11 1. This Act may be cited as the United Nations Convention on
12 Arms Trade Treaty (Ratification and Enforcement) Bill, 2017.

EXPLANATORY MEMORANDUM

This Bill seeks to enable effect to be given in the Federal Republic of Nigeria to the United Nations Convention on Arms Trade Treaty.