



31 March 2021

Issued by the Working Group on Effective Treaty Implementation

Original: English

Dear all,

On 01 March 2021, States Parties welcomed the multi-year workplans of the sub-working groups of the Working Group on Effective Treaty Implementation (hereinafter WGETI), and so the important work of the sub-working group on Articles 6 and 7 (Prohibitions & Export and Export Assessment), the sub-working group on Article 9 (Transit or trans-shipment), and the sub-working group on Article 11 (Diversion) continues on the basis of the priority topics and issues identified and agreed by States Parties.

In this context, the WGETI will further facilitate discussions and exchange of views on the priority issues endorsed by States Parties with a view of achieving outcomes that will assist states in the practical implementation of the Treaty at a national level.

WGETI Sub-working Groups

As the Chair of the WGETI, I decided that discussions on these priority issues would continue to be led by the facilitators appointed during the cycle of the Sixth Conference of States Parties (CSP6) to the Arms Trade Treaty, and to whom I would like to express my heartfelt appreciation:

1. Articles 6 & 7 (Prohibitions & Export and Export Assessment) will be facilitated by **Ambassador Ignacio SÁNCHEZ DE LERÍN** of Spain¹;
2. Article 9 (Transit or trans-shipment) will be facilitated by **Mr. Rob WENSLEY** of South Africa²; and
3. Article 11 (Diversion) will be facilitated by **Ms. Stela PETROVIĆ** of Serbia³.

Objectives and preparation for the WGETI meeting in April

In preparation for the WGETI meeting in April, facilitators of each WGETI sub-working group have prepared work plans for their respective session that you will find herewith as Annexes A, B and C. These work plans cover both organizational and substantive elements of the work ahead. They include a summary of progress made so far in each of the sub-working groups and a description of the key issues that each sub-group will address, drawn from the multi-year workplans agreed by States Parties.

Participants in the WGETI are invited to rely on these documents in preparing for the WGETI meeting and are strongly encouraged to participate actively in the respective sessions. Exchanging information on national approaches to Treaty implementation will be key for the WGETI to be able to fulfil its mandate and deliver concrete outcomes.

¹ Permanent Representative of Spain to the Conference on Disarmament

² Department of International Relations and Cooperation.

³ Ministry of Trade, Tourism and Telecommunications.

Programme of Work for the WGETI Sub-working Groups

The meeting of the WGETI will take place virtually on 26 – 28 April 2021. The WGETI has been given three two-hour sessions (six hours) to conduct its meetings (subject to brief introductory remarks by the WGETI Chair during the first session), which will be allocated as follows:

Table 1. Schedule of WGETI Sub-working Group Meetings (April 2021)

	Monday, 26 April	Tuesday, 27 April	Wednesday, 28 April
12:00 – 13:00	Thematic discussion (President’s theme)	WGETI Sub-working Group on Article 9	WGETI Sub-working Group on Article 11
13:00 – 14:00	WGETI Sub-working Group on Articles 6&7	WGETI Sub-working Group on Article 9	WGETI Sub-working Group on Article 11
14:00 – 15:00	WGETI Sub-working Group on Articles 6&7	WGTU	WGTR

I look forward to working closely with all of you in steering our work towards a successful CSP7.

Yours sincerely,

Ambassador Sang-beom LIM
Deputy Permanent Representative Permanent Mission of the Republic of Korea
Chair of the ATT Working Group on Effective Treaty Implementation

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ANNEX A

WORK PLAN SUB-WORKING GROUP ON ARTICLES 6 & 7 MONDAY, 26 APRIL 2021, 13:00-15:00

Introduction

1. The first Chair of the Working Group on Effective Treaty Implementation (WGETI), Ambassador Sabrina DALLAFIOR of Switzerland, established the Sub-Working Group on Articles 6&7 (Prohibitions & Export and Export Assessment) at the commencement of the preparatory process for the Fourth Conference of States Parties (CSP4) to the Arms Trade Treaty (ATT) in January 2018, and appointed Sweden to facilitate the work of the Sub-Group in the lead up to CSP4 and CSP5. The Sub-Group made significant progress during its first two years of work, and identified many areas to take forward (see paragraph 22(c) of the Report to the Fifth Conference of States Parties (CSP5) ([ATT/CSP5/2019/SEC/536/Conf.FinRep.Rev1](#)) presented by the Chair of the WGETI to CSP5).

2. The previous Chair of the WGETI, Ambassador Jang-keun LEE of the Republic of Korea, appointed Spain, who nominated Ambassador Ignacio SÁNCHEZ DE LERÍN, to facilitate the work of the Sub-working Group on Articles 6&7 at the commencement of the preparatory process for CSP6). The current Chair of the WGETI, Ambassador Sang-beom LIM, re-appointed Ambassador Ignacio SÁNCHEZ DE LERÍN for the CSP7 cycle. The work of the Sub-Group will build on the work undertaken and progress made during the previous cycles.

Summary of progress so far

3. During its work so far the sub-working group on Articles 6 and 7 has heard several case studies of national practice in this area and has developed a *List of Possible Reference Documents to Be Used by States Parties in Conducting Risk Assessments* under Article 7 that includes existing guidance documents relating to the implementation of Article 7.4 on gender-based violence. The List was welcomed by CSP5 as living document to be reviewed and updated regularly.

4. On the strength of discussions during the CSP5 cycle meetings and progress made between CSP3 and CSP4, the first WGETI Chair concluded that the development of a multi-year work plan pertaining to the work of the sub-working group on Articles 6 and 7 seems warranted, which could notably provide for the further unpacking of the following aspects of Articles 6 and 7: the interpretation States Parties give to key concepts in Article 7 such as ‘facilitate’, ‘serious’ and ‘overriding risk’ and the measures undertaken by States Parties to mitigate risks identified. She also noted that consideration may also be given to the elaboration of elements of a voluntary training guide on gender-based violence (see paragraph 31 of the [Chair’s Report](#)).

5. In addition, in the context of the thematic discussion on Gender and Gender Based Violence and the draft decision contained in document ATT/CSP5/2019/PRES/528/Conf.Gender GBV submitted by the CSP5 President, CSP5 decided that the WGETI should consider the following issues in conjunction with other relevant elements to enhance States Parties’ ability to implement Articles 6 and 7:

- i. Encourage discussion on States’ practice in interpreting the language and standards entailed in Article 7(4), including “serious”, “facilitate” and “overriding” risk, in order to assist States Parties in considering GBV issues in implementing the Treaty.

- ii. Encourage States Parties to provide information on their national practices relating to “mitigating measures” in the context of Article 7(4): what these can be and how they are implemented.
- iii. Encourage States Parties to provide information on their national practices in GBV risk assessment in order to facilitate learning between States Parties.
- iv. Elements for a voluntary training guide to assist States Parties on the issues of GBV, including best practices for risk assessment, should be developed with voluntary funding, and with the participation of all stakeholders.

6. Following his appointment to facilitate the work of the Sub-working Group on Articles 6 and 7 at the commencement of the preparatory process for CSP6, Ambassador Ignacio SÁNCHEZ DE LERÍN further developed the multi-year workplan for the sub-working group, prepared a draft outline of a potential voluntary guide to implementing Articles 6&7, and prepared a draft methodology template designed to capture information and input from States Parties on their national practices and approaches to interpreting key concepts. The documents prepared by the facilitator were considered and discussed during the 1st CSP6 Preparatory Meeting on 04 February 2020, and participants were invited to complete the template and submit their inputs regarding national practice to the facilitator, via the ATT Secretariat.

The work ahead

7. The multi-year workplan was further refined and was ultimately agreed by States Parties via silence procedure on 01 March 2021 (an extract pertaining to the agenda for the meeting of the sub-working group on 26 April 2021 is included as Attachment 1 to this Annex).

8. In addition, the facilitator collated and reviewed all inputs to the methodology template that were received and prepared a summary report of the responses to the methodology template for unpacking key concepts (Attachment 2).

ATTACHMENT 1

**DRAFT AGENDA FOR THE MEETING
OF THE SUB-WORKING GROUP ON ARTICLES 6&7
(PROHIBITIONS & EXPORT AND EXPORT ASSESSMENT)
(EXTRACT OF MULTI-YEAR WORKPLAN)
26 APRIL 2021**

Topic 4: Unpacking key concepts

Report back by facilitator

Open discussion

The facilitator will report back to the group on how many States Parties in total provided responses through the template. This will conclude the exercise involving the methodology template, and any future discussions on key concepts will take place as part of the development of Chapter 1 of the proposed Voluntary Guide.

In addition, there will be expert kick-off presentations on the concepts of 'serious violation of international humanitarian law' and 'serious violation of international human rights law'.

ATTACHMENT 2. SUMMARY REPORT APPROACHES TO KEY CONCEPTS IN ARTICLES 6 & 7 OF THE ARMS TRADE TREATY



24 March 2021

Issued by the Working Group on Effective Treaty Implementation

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SUMMARY REPORT

APPROACHES TO KEY CONCEPTS IN ARTICLES 6 & 7 OF THE ARMS TRADE TREATY

Background

On 17 February 2020, the Facilitator of the ATT Working Group on Effective Treaty Implementation (WGETI) Sub-working Group on Articles 6&7, Ambassador Ignacio SÁNCHEZ DE LERÍN of Spain, circulated a *Methodology Template for Unpacking Key Concepts in Articles 6&7 of the Arms Trade Treaty* to all ATT States Parties, and invited them to complete the template on a voluntary basis by inserting an explanation of their approach to the interpretation of each concept listed in the template.

The aim of the exercise was to provide a picture of how States Parties approach the implementation of the Treaty, an overview of national practices. This, in turn, may help States Parties that are in the process of establishing their export control systems in accordance with their ATT commitments, to identify options for approaching these concepts.

Status

The WGETI Sub-working group on Articles 6&7 has so far received 20 contributions from States Parties to the exercise on unpacking key concepts, following the circulation of the *Methodology Template for Unpacking Key Concepts in Articles 6&7 of the Arms Trade Treaty* to States Parties on 17 February 2020. In addition, one regional organization and three (03) civil society organisations contributed to the exercise.

As indicated in the revised multi-year plan for Articles 6&7, agreed by States Parties on 01 March 2021, the Facilitator of the Sub-working Group on Articles 6&7 will report back to the WGETI during the CSP7 Informal Preparatory Meeting in 2021. This report summarizes the exchange of information on national practices and approaches identified in the contributions submitted by States Parties. This report does not provide recommendations or prescriptive definitions of terms. The capacity to regulate and control conventional arms – and thus, the implementation of the Treaty – remains a national prerogative.

Findings

A summary of the findings arising from a review of the contributions received with respect to each concept listed in the *Methodology Template* is provided below.

DISCLAIMERS:

- Please note that a State Party may be included in more than one element of each concept. For example, a State Party may be included in the number of States that consider serious violations of IHL on a case-by-case basis *and* may also be included in the number of States that refer to IHL Conventions.
- Please also note that because a State Party did not mention one or more elements of a concept in its contribution does not mean it does not consider that element in its assessment. In addition, some of the States Parties that submitted contributions did not provide information on their national practice, but rather made general comments about the exercise as a whole. Accordingly, the statistical information provided in this report should not be read as indicating (for example) that 'only 11 of the 20 States Parties that submitted contributions

refer to IHL Conventions when assessing the potential that arms or items could be used to commit or facilitate a serious violation of international humanitarian law....’.

- Please remember that this analysis is a simplification of elements of a national procedure that is much more complex in practice.

“facilitate” (7.1.b(i-iv) /(7.4.))

- Four (04) States Parties consider this on a case by case basis.
- Eight (08) States Parties consider the EU Council Common Position 2008/944 CFSP.
- Nine (09) States Parties consider if the fact that weapons are more easily available enables violations or if weapons could be used to commit IHL violations or if available weapons make a significant contribution to violations or if available weapons assist in bringing about a negative outcome.
- One (01) State Party refers to Article 25 (3)(c) of the Rome Statute of the International Criminal Court (the Article on individual criminal responsibility).
- Four (04) States Party consider whether weapons make a violation easier, including through intimidation.

“serious violation of international humanitarian law” (7.1.b(i))

- 11 States Parties refer to the IHL Conventions, including the Rome Statute of the International Criminal Court
- Five (05) States Parties consider this on a case by case basis.
- Nine (09) States Parties refer to the EU Council Common Position 2008/944 CFSP.
- One (01) State Party considers whether the violations have caused serious harm to the victims.
- One (01) State Party considers whether a violation takes on a serious nature because of its systematic repetition or the circumstances.
- One (01) State Party considers reports on the importing State’s respect for international humanitarian law and the nature, scale, and effect of any previous violations by that State.

“serious violation of international human rights law” (7.1.b(ii))

- Nine (09) States Parties consider this on a case by case basis.
- Six (06) States Parties refer to the International Human Rights Law (IHRL) Conventions (including regional Conventions and Courts).
- Eight (08) States Parties refer to the EU Council Common Position 2008/944 CFSP.
- Two (02) States Parties consider recurring and foreseeable patterns of violations.
- One (01) State Party considers the institutional nature of violations that are condoned by the authorities.
- One (01) State Party considers whether the violations have caused serious harm to the victims.
- One (01) State Party considers the character/nature and consequences of the actual violation in question.
- One (01) State Party considers the human rights (HR) record of the recipient country.

“serious acts of gender-based violence or serious acts of violence against women and children” (7.4)

- Two (02) States Parties refer to the IHRL Conventions, including CEDAW and ICRC and regional conventions.
- Six (06) States Parties consider this on a case by case basis.
- Eight (08) States Parties refer to the EU Council Common Position 2008/944 CFSP.
- Two (02) States Parties analyze qualitatively and quantitatively by both the gravity and manner of its commission, based on their character/nature and consequences.
- One (01) State Party considers the HR record of the recipient country.
- One (01) State Party considers national policies on GBV.
- Two (02) States Parties consider whether violations have caused serious harm to the victims.
- One (01) State Party refers to considerations of seriousness under article 7 paragraphs (1)(b)(i) and (ii).
- One (01) State Party refers to violence that is committed against an individual based on their gender identity, gender expression or perceived gender.
- One (01) State Party considers the International Criminal Court’s Office of the Prosecutor’s position in its Policy Paper on Sexual and Gender-Based Crimes.

“overriding risk” (7.3.)

- Six (06) States Parties consider this on a case by case basis.
- 10 States Parties consider clear or potential risk that cannot be mitigated, transaction is more likely than not to cause harm.
- Eight (08) States Parties refer to the EU Council Common Position 2008/944 CFSP.
- Three (03) States Parties consider this to be an overt or substantial risk.

“knowledge at the time of authorization” (6.3)

- Four (04) States Parties consider this on a case by case basis.
- 12 States Parties consider the available, reliable information at the moment of the authorization.
- Four (04) States Parties refer to the EU Council Common Position 2008/944 CFSP.
- Two (02) States Parties consider knowledge of existing violations.
- One (01) State Party considers knowledge about the possible behaviour of the recipient.

ANNEX B

**WORK PLAN SUB-WORKING GROUP ON ARTICLE 9
TUESDAY, 27 APRIL 2021, 12:00-14:00**

Background

1. The previous Chair of the WGETI, Ambassador Jang-keun LEE of the Republic of Korea, established the Sub-Working Group on Article 9 (Transit and trans-shipment) at the commencement of the preparatory process for CSP6 in December 2019, and appointed South Africa, who nominated Mr. Rob WENSLEY to facilitate the work of the Sub-Group in the lead up to CSP6. The current Chair of the WGETI, Ambassador Sang-beom LIM, re-appointed Mr. Rob WENSLEY to facilitate the work of the Sub-Group in the lead up to CSP7.

2. The Facilitator of the sub-working group prepared a background paper, which was derived from the list of topics and elements for consideration that was compiled by the WGETI to guide the work of a WGETI sub-working group on Article 9 and was included as Annex E to the WGETI Chair's Draft Report to CSP5 (contained in document ATT/CSP5.WGETI/2019/CHAIR/529/Conf.Rep). The background paper was considered and discussed during the first meeting of the sub-working on Article 9 on 05 February 2020.

The work ahead

3. Following the first meeting of the sub-working group, the Facilitator developed a programme of work and multi-year work plan for the sub-working group, which was agreed by States Parties via silence procedure on 01 March 2021 (an extract pertaining to the agenda for the meeting of the sub-working group on 27 April 2021 is included as Attachment 1 to this Annex). The work of the Sub-Group will build on the work undertaken and progress made during the previous cycle.

ATTACHMENT 1

**DRAFT AGENDA FOR THE MEETING
OF THE SUB-WORKING GROUP ON ARTICLE 9 (TRANSIT OR TRANS-SHIPMENT)
(EXTRACT OF MULTI-YEAR WORKPLAN)
27 APRIL 2021**

Topic 1: Discussion on national approaches to the terms ‘transit’ and ‘trans-shipment’

This discussion will explore how and whether States Parties distinguish between ‘transit’ and ‘trans-shipment’, and what this means in practice. The discussion will explore the following aspects:

- *How do States Parties approach the term “transit” in their national practice?*
- *How do States Parties approach the term “trans-shipment” in their national practice?*
- *Do States Parties apply the same regulations to ‘transit’ and ‘trans-shipment’ in their national control systems?*

In addition, there will be expert kick-off presentations on the national practice of one or more States Parties in the regulation of the transit and trans-shipment of arms.

Topic 2: Discussion on the phrases ‘under its jurisdiction’ and ‘through its territory in accordance with international law’

This discussion will explore the terms ‘under its jurisdiction’ and ‘through its territory in accordance with international law’ in Article 9 of the Treaty. The discussion will explore the following aspects:

- *How does international law define ‘under its jurisdiction’?*
- *How do States Parties approach the application of the term “under its jurisdiction” in their national practice?*
- *What are the general obligations and the role of flag States?*
- *What are the options by States for regulating transit or trans-shipment “through its territory in accordance with relevant international law”?*

States Parties will be encouraged to share information on national practices in this area. In addition, there will be expert kick-off presentations on the interpretation given by international law to the phrase ‘under its jurisdiction’; the relevant international law applicable to the transit and trans-shipment of arms through States’ territory; and the international obligations of flag states.

ANNEX C

WORK PLAN SUB-WORKING GROUP ON ARTICLE 11 (DIVERSION) WEDNESDAY, 29 APRIL 2021, 12:00-14:00

Introduction

1. The WGETI Sub-working group on Article 11 (Diversion) was established by the WGETI Chair after consideration of recommendations and decisions of the Fourth Conference of States Parties (CSP4). The WGETI Sub-working group on Article 11 (Diversion), which is recognized as one of the key objectives of the Arms Trade Treaty (ATT), has held a total of five meetings during the previous CSP cycles (CSP4 – two meetings; CSP5 – two meetings; and CSP6 – one meeting).

Summary of progress so far

2. During its previous meetings, the WGETI sub-working group on Article 11 developed a multi-year workplan as a living document to guide continued work in this area, which was welcomed by CSP5 (this formed Annex C to the WGETI Chair's Draft Report to CSP5, contained in document ATT/CSP5.WGETI/2019/CHAIR/529/Conf.Rep). The multi-year plan was further refined and a revised version was agreed by States Parties via silence procedure on 01 March 2021 (an extract pertaining to the agenda for the meeting of the sub-working group on 28 April 2021 is included as Attachment 1 to this Annex).

3. The multi-year work plan is focused on three parts:

1. Before the transfer
2. During the transfer
3. At or after importation/ Post delivery

4. All stages of the transfer chain are divided into smaller areas, each with their own questions and discussion guidance. The first two meetings during the CSP5 cycle considered the first item on the multi-year work plan on the issue of import documentation. Challenges were detected in the lack of shared understanding on terminology for end use and end user documentation. It was indicated that much remains to be done to address challenges posed by implementation of the Article 11. CSP5 further validated the elaboration of a voluntary guide on end use/r documentation that serves as a repository of State Practice in this area on the basis of *Elements of a guide to end use and end user documentation*. States Parties are encouraged to share information on end use/r documentation, through the ATT Secretariat, to inform this guide.

5. The meeting of WGETI Sub-working group on Article 11 held during the CSP6 cycle on 05 February 2020, focused on chain stage 1 – Before the transfer, namely: Assessing the risk of diversion, and the role of private sector in mitigating diversion risk.

The work ahead

6. During the meeting of the WGETI Sub-working group on Article 11 that will take place on 28 April 2021, the current facilitator - Ms. Stela PETROVIĆ of Serbia - will present a draft paper outlining the elements of a process for assessing the risk of diversion, based on the discussion that took place during

the meeting on 05 February 2020. Following a discussion of the paper, participants will be invited to continue the discussion on the topic: Assessing the risk of diversion.

7. Participants are strongly encouraged to take an active role in discussion on the proposed topics, and to share the national approaches. The facilitator hopes that participants will take this opportunity to exchange information and experiences, as well as to recognize the challenges of the proposed topics.

ATTACHMENT 1

**DRAFT AGENDA FOR THE MEETING
OF THE SUB-WORKING GROUP ON ARTICLE 11 (DIVERSION)
(EXTRACT OF MULTI-YEAR WORKPLAN)
28 APRIL 2021**

1. Session 1: Discussion on paper outlining elements of a process for assessing the risk of diversion

The Facilitator will circulate a paper in advance of the CSP7 meeting outlining the elements of a process for assessing the risk of diversion, based on the discussion that took place during the 1st meeting, for consideration and possible adoption at CSP7.

2. Session 2: Assessing the risk of diversion (continued)

This discussion will continue to explore the practicalities (including resource requirements and challenges) associated with assessing the risk of diversion of an export and the possible establishment of mitigation measures, including the following elements:

- How to undertake consistent and objective transfer risk assessments that take into account the risk of diversion (Articles 7(1) and 11(2));
- How to identify certain diversion risk indicators;
- How to establish the legitimacy and credibility of all parties involved in the transfer, such as the exporter, brokers, shipping agents, freight forwarders/intermediate consignees and stated end- use/r (Article 11(2));
- How to examine the risks arising from the proposed shipment arrangements;
- How to assess the reliability of controls in the importing country and the transit country (if applicable);
- How to examine the risk that a conventional arms transfer would increase the risks of diversion of the existing holdings of the end-user;
- What are the options for mitigating detected risk(s)?

*The Sub-working group will also examine the role of information and **information exchange** in conducting a risk assessment and identify the types of information and mechanisms of information exchange that are relevant and necessary.*

**ATTACHMENT 2: DRAFT PAPER OUTLINING THE KEY ELEMENTS OF A PROCESS
FOR ASSESSING THE RISK OF DIVERSION**

KEY ELEMENTS OF A PROCESS FOR ASSESSING THE RISK OF DIVERSION

(based on discussion that took a place during the meeting of the WGETI Sub-working Group on Article 11 on 05 February 2020)

This paper was prepared as the logical continuation and summary of the previous work of the WGETI Sub-working Group on Article 11 – Diversion. The paper is foreseen by multi-year work plan on Article 11, and aims to outline and summarize key elements of a process for assessing the risk of diversion discussed during the meeting of the Sub-working Group on 05 February 2020.

The paper will be circulated to all ATT stakeholders in advance of the meeting of the Sub-working Group in April 2021 in order to inform participants about the work done so far, and to prepare participants for continuation of the discussion. In accordance with the agenda for the meeting, this paper is designed to facilitate the continuation of the discussion on assessing the risk of diversion. All participants are invited to make their comments and remarks during the April meeting.

Having in mind the importance of Article 11, the multi-year work plan focuses on prevention of diversion through three phases of the transfer chain: before, during and after transfer. All three phases of the weapons life cycle are equally important, and should be seen as part of a supply chain, especially bearing in mind that the elements of different phases often overlap and need to be considered all together. Discussion is divided on different transfer chain phases because this allows for better and more systematic consideration, and so, the first part of first phase “Before the transfer” of the multi-year working plan – “Import documentation” was considered during the CSP5.

During the meeting of the Sub-working Group on 05 February 2020, participants discussed the second part of the first phase “assessing the risk of diversion and the role of private sector and civil society in mitigating diversion risks”. More than thirty States Parties and non-governmental organizations actively participated in the discussion, sharing their experiences and views, and highlighting the main challenges in diversion prevention. As a result of the pandemic, it was impossible to hold a second meeting of the Sub-working Group during the CSP6 cycle, and to continue discussion according to the originally planned agenda. The Facilitator decided to postpone the discussion on Article 11 having in mind the importance of the subject and the fact that numerous discussion topics will be lost if not considered in some form of a meeting.

The last meeting of the WGETI Sub-working group on Article 11 focused on two issues relating to “before the transfer”: *Assessing the risk of diversion* and *The role of private sector in mitigating risks*. It was highlighted that it is impossible to make uniform standards and actions in order to prevent diversion, and it is necessary to conduct a risk assessment with respect to every single transfer on a case-by-case basis. The importance of conducting a risk assessment is reflected by the fact that risk of diversion is the criterion most frequently cited as the reason for the denial of a licence.

The following elements and mechanisms have arisen from discussion as important risk assessment tools whose improvement and promotion should be worked on further:

1. The importance of end user certificates (EUC) in preventing and addressing diversion, noting that this document should not be the only factor to rely on, having in mind different problems:

authentication challenges (complications and long duration of authentication via diplomatic channels, fake certificates, lack of relevant information etc.). The possibility of sharing EUC templates through the ATT information exchange platform on a voluntary basis was highlighted as something to be explored, and States Parties are encouraged to share EUC templates via the ATT information exchange platform (posted by States Parties or through the ATT Secretariat).

2. The importance of international cooperation on information sharing was emphasised and voluntary exchange of information on illicit arms flows and diversion was also encouraged. Information sharing through other databases could be a very helpful source of information for risk assessments, although the challenge remains that some information resources are not available to all States (for example, the Wassenaar Arrangement denial database is only available to participating States in the Wassenaar Arrangement). Resources may vary case by case, and all credible and relevant information sources should be considered through risk assessment (diplomatic, open sources, expertise, etc.)

3. Raising awareness in countries with weak export controls. Keeping a national register of companies that can deal with arms export, who can apply for the export licences once they are registered. Providing experts training. Workshops and trainings on information sharing procedures and standards should be encouraged, as well as publishing voluntary handbooks and manuals or guidelines.

4. The importance of the private sector, which is an important link in the transfer. Industry outreach programmes may raise awareness on responsibility and diversion prevention, encouraging industry to report irregularities. Internal compliance programmes (ICPs) are important in the private sector's role in mitigating diversion risks.

5. Civil society and NGOs play an important role in preventing diversion. They are usually the first in the field and are very often the first to obtain the information. Accordingly, work should be done to improve information exchange between the civil society and states in order to ensure better transparency. Special importance should be placed on NGOs tracing databases, which can be reliable source of information.

This paper was prepared to support the continued discussion on assessing the risk of diversion during the meeting of the WGETI Sub-working Group on Article 11 in April 2021. The paper is based on the findings of the previous discussion of this topic during the meeting of the Sub-working Group on 05 February 2020. All stakeholders are encouraged and invited to play an active role during the Sub-working Group meeting on 28 April 2021, and are strongly encouraged to participate and share their views on this continued discussion.
