

## ANNEX A. MULTI-YEAR WORK PLAN FOR THE WGETI SUB-WORKING GROUP ON ARTICLES 6&7 (PROHIBITIONS & EXPORT AND EXPORT ASSESSMENT)<sup>1</sup>

The aim of this multi-year work plan is to ensure that the work of this Sub-working Group gives priority to the continuation and deepening of the voluntary sharing of expert views and national experiences in the implementation of Articles 6 and 7 of the Arms Trade Treaty. Its purpose, in particular with regard to the proposed Voluntary Guide (Topic 3), is not for States Parties to define or agree a single interpretation of the provisions of the Arms Trade Treaty or to constitute approved practice in the context of Articles 6 and 7. Rather the aim is to give examples of existing national practice that may assist States Parties in their implementation of Articles 6 and 7.

| 1 <sup>st</sup> CSP6 Preparatory Meeting, 04 February 2020 |  |
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| 10.00-11.00  | <p><b>Topic 1: Draft Multi-year Work Plan</b></p> <p>Introduction by facilitator</p> <p>Open discussion</p> <p><i>In reviewing the draft proposed multi-year plan, participants are invited to consider, amongst others, the following questions:</i></p> <ol style="list-style-type: none"><li><i>Has sufficient time has been allocated to each topic?</i></li><li><i>Have any key concepts that should be 'unpacked' been omitted?</i></li><li><i>Has any consideration been omitted?</i></li></ol>                     |
| 11.00-12.00  | <p><b>Topic 2: Methodology for unpacking concepts</b></p> <p>Introduction by facilitator</p> <p>Explanation of the template and methodology</p> <p>Open discussion based on other concepts that may require better understanding.</p> <p><i>States should turn back the fulfilled templates before 15 April 2020. The facilitator would then prepare a concept paper compiling common practice in this area that could serve as guidance to other States Parties for discussion at CSP7 First Preparatory Meeting.</i></p> |

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<sup>1</sup> The multi-year work plan for the WGETI Sub-working Group on Articles 6&7 was welcomed by States Parties via silence procedure in March 2021 as a living document of a voluntary nature to be reviewed and updated regularly by the Working Group on Effective Treaty Implementation, as appropriate, and taking account of work undertaken by the different Working Groups, and to be posted on the ATT website. The multi-year work plan for the WGETI Sub-working Group on Articles 6&7 is of a rolling nature and will be adjusted, if circumstances require it, to ensure its comprehensiveness and sequencing is retained.

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| 12.00-13.00   | <p><b>Topic 3: Draft Elements of a Proposed Voluntary Guide</b></p> <p>Introduction by facilitator</p> <p>Open discussion</p> <p><i>During this session, the Facilitator will present a preliminary outline of the proposed Voluntary Guide aimed at assisting States Parties in implementing Articles 6 and 7 that could be developed during the course of the multi-year workplan on the basis of discussions, national presentations and views exchanged on each topic. Participants will have the opportunity to comment on the draft outline.</i></p>   |
| <p><b>2<sup>nd</sup> CSP6 Preparatory Meeting, 14 April 2020</b></p>                  |  |
|   | <p><b><i>Meeting cancelled due to the COVID-19 crisis.</i></b></p> <p><i>The Facilitator will circulate a revised draft multi-year plan, incorporating the discussions on the initial multi-year plan discussed during the 1<sup>st</sup> CSP6 Preparatory Meeting. Participants will be invited to provide their feedback and inputs on the revised multi-year plan in writing via email to the ATT Secretariat by 21 May 2020, with a view to the Facilitator being in a position to present a final version to CSP6 for consideration and possible adoption/endorsement</i></p>   |
| <p><b>CSP7 Preparatory Meeting, (date TBC)</b></p>                                    |  |
| tbc   | <p><b>Topic 4: Unpacking key concepts</b></p> <p>Report back by facilitator</p> <p>Open discussion</p> <p><i>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.</i></p> <p><i>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’.</i></p> |
| <p><b>Next session of the Sub-working Group on Articles 6 &amp; 7, (date TBC)</b></p> |  |
| 1h 30 mins  | <p><b>Topic 5: Voluntary Guide – Draft Elements of Chapter 1 (Key concepts)</b></p> <p>Introduction by facilitator</p> <p>Open discussion</p>  |

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|   | <p><i>The Facilitator will present a list of possible draft elements for Chapter 1 (Key concepts) of the proposed Voluntary Guide to assist States Parties in implementing Articles 6 and 7, derived from the contributions received from States Parties to the methodology template exercise and the views exchanged during the discussions held so far the during the meetings of the WGETI Sub-working Group on Articles 6 and 7. Participants will have the opportunity to review and comment on the draft elements.</i></p>  |
| 1h 30 mins  | <p><b>Topic 6: Scope of Article 6</b></p> <p><i>This discussion will explore the obligations in Article 6, and participants will exchange views on the following issues:</i></p> <p><u>Article 6:</u> <i>What does ‘shall not authorize any transfer’ entail in the context of Article 6?</i></p> <p><u>Article 6(1):</u> <i>What ‘obligations under measures adopted by the United Nations Security Council’ are covered under Article 6(1)?</i></p> <p><u>Article 6(2):</u> <i>What ‘international obligations under international agreements’ are ‘<b>relevant</b>’ under Article 6(2)?</i></p>  |
| <p><b>Next session of the Sub-working Group on Articles 6 &amp; 7, (date TBC)</b></p> |   |
| 3 hours   | <p><b>Topic 7: Scope of Article 6 (continued...)</b></p> <p><i>This discussion will explore the obligations in Article 6, and participants will exchange views on the following issues:</i></p> <p><u>Article 6(3)</u></p> <ul style="list-style-type: none"> <li>- <i>What constitutes ‘<b>knowledge</b> at the time of authorization’ under Article 6(3)?</i></li> <li>- <i>How is ‘genocide’ defined under international law?</i></li> <li>- <i>How are ‘crimes against humanity’ defined under international law?</i></li> <li>- <i>What are grave breaches of the Geneva Conventions of 1949?</i></li> <li>- <i>What are ‘attacks against civilian objects or civilians protected as such’?</i></li> <li>- <i>What other ‘war crimes’ may be included?</i></li> </ul> <p><i>In addition, there will be expert kick-off presentation on how the term ‘knowledge’ and other relevant terms are interpreted in international law.</i></p> |
| <p><b>Next session of the Sub-working Group on Articles 6 &amp; 7, (date TBC)</b></p> |   |
| 1h 30 mins  | <p><b>Topic 8: Voluntary Guide – Draft Elements of Chapter 2 (Article 6 (Prohibitions))</b></p> <p>Introduction by facilitator</p> <p>Open discussion</p>   |

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|   | <p><i>The Facilitator will present a list of possible draft elements for Chapter 2 (Article 6 (Prohibitions)) of the proposed Voluntary Guide to assist States Parties in implementing Articles 6 and 7, derived from the views exchanged during the discussions held so far during the meetings of the WGETI Sub-working Group on Articles 6 and 7. Participants will have the opportunity to review and comment on the draft elements.</i></p>  |
| 1h 30 mins  | <p><b>Topic 9: Relationship between Article 6 and other Articles</b></p> <p><i>This discussion will explore the question: What are the implications of the phrase ‘shall not authorize any <b>transfer</b>’ in Article 6? Participants will be invited to discuss the relationship between Article 6 and other Articles in the Treaty, and share views on the following issues:</i></p> <ul style="list-style-type: none"> <li>- <i>What is the relationship between Article 6 and Article 7 (Export and Export Assessment), since the term ‘transfer’ includes ‘export’ under Article 2(2)?</i></li> <li>- <i>What is the relationship between Article 6 and Article 8 (Import), since the term ‘transfer’ includes ‘import’ under Article 2(2)?</i></li> <li>- <i>What is the relationship between Article 6 and Article 9 (Transit and Trans-shipment), since the term ‘transfer’ includes ‘transit’ and ‘trans-shipment’ under Article 2(2)?</i></li> <li>- <i>What is the relationship between Article 6 and Article 10 (Brokering), since the term ‘transfer’ includes ‘brokering’ under Article 2(2)?</i></li> </ul> |
| <p><b>Next session of the Sub-working Group on Articles 6 &amp; 7, (date TBC)</b></p> |   |
| 1h 30 mins  | <p><b>Topic 10: Voluntary Guide – Draft Elements of Chapter 2 (Article 6 (Prohibitions)) (continued...)</b></p> <p>Introduction by facilitator</p> <p>Open discussion</p> <p><i>The Facilitator will present the revised draft elements for Chapter 2 (Article 6 (Prohibitions)) of the proposed Voluntary Guide to assist States Parties in implementing Articles 6 and 7, derived from the views exchanged during the discussions held so far during the meetings of the WGETI Sub-working Group on Articles 6 and 7. Participants will have the opportunity to review and comment on the draft elements.</i></p>   |
| 1h 30 mins  | <p><b>Topic 11: Article 7(2) - Mitigation measures</b></p> <p><i>This discussion will explore the obligation in Article 7(2) for exporting States Parties to ‘consider whether there are measures that could be undertaken to mitigate risks identified’ when conducting assessments in accordance with Articles 7.1(a) and (b) as well as Article 7.4. The discussion will focus on State practice with respect to the following aspects:</i></p> <ul style="list-style-type: none"> <li>- <i>What do states believe constitute “mitigation measures”?</i></li> <li>- <i>What do states consider the purpose of mitigation measures?</i></li> <li>- <i>Under what circumstances would mitigation measures be explored?</i></li> <li>- <i>What kind of mitigation measures could an exporting state take under consideration in order to avoid the specific negative consequences in Article 7 (1)?</i></li> </ul>  |

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|  | <ul style="list-style-type: none"> <li>- <i>At what point would other states in the transfer chain (i.e. transit or importing states) be involved in discussions concerning mitigation measures?</i></li> <li>- <i>What do states view as the roles of different parties (exporting State, importing State, exporters and/or industry) with regard to mitigation measures?</i></li> <li>- <i>What considerations might be taken into account when developing and applying mitigation measures?</i></li> <li>- <i>Do states have public examples of mitigation measures being applied effectively or not (whether by ATT States Parties or not)?</i></li> <li>- <i>What ‘confidence-building measures’ have States undertaken to mitigate risks?</i></li> <li>- <i>What ‘jointly developed and agreed programmes’ have been developed or adopted by export and importing States to mitigate risks?</i></li> <li>o <i>What are the practicalities of developing and implementing such programmes?</i></li> <li>o <i>What are the characteristics/elements or prerequisites for successful programmes (i.e. those that have mitigated identified risks)?</i></li> <li>- <i>How do States determine when/that an identified risk has been adequately mitigated?</i></li> </ul> |
| <b>Next session of the Sub-working Group on Articles 6 &amp; 7, (date TBC)</b> |  |
| <b>3h</b>  | <p><b>Topic 12: Voluntary Guide – Draft Elements of Chapter 3 (Article 7 (Export and Export Assessment))</b></p> <p>Introduction by facilitator</p> <p>Open discussion</p> <p><i>The Facilitator will also present a list of possible draft elements for Chapter 3 (Article 7 (Export and Export Assessment)) of the proposed Voluntary Guide to assist States Parties in implementing Articles 6 and 7, derived from national presentations and the views exchanged during the discussions held so far during the meetings of the WGETI Sub-working Group on Articles 6 and 7, including the CSP4 and CSP5 cycles. Participants will have the opportunity to review and comment on the draft elements.</i></p>  |

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