

ANNEX B. ~~DRAFT~~ MULTI-YEAR WORK PLAN FOR THE WGETI SUB-WORKING GROUP ON ARTICLE 9 (TRANSIT OR TRANS-SHIPMENT)¹

21 April – 21 May 2020 (CSP6 intersessional period)	
Online consultations	<p>Draft Multi-year Work Plan</p> <p><i>The Facilitator, with the support of the ATT Secretariat, will circulate a draft multi-year work plan for the Sub-working group on Article 9 (Transit or trans-shipment) to ATT stakeholders on 21 April. ATT stakeholders will be invited to review the draft multi-year plan and provide written comments to the Facilitator via the ATT Secretariat by 21 May 2020.</i></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"> <i>Has sufficient time has been allocated to each topic?</i> <i>Have any key concepts that should be ‘unpacked’ been omitted?</i> <i>Has any consideration been omitted?</i> <p><i>The Facilitator will submit a revised draft multi-year plan, incorporating the feedback on the initial multi-year plan circulated for consultation during the intersessional period leading up to CSP6, to CSP6 for consideration and possible adoption/endorsement.</i></p>
1st CSP7 Preparatory Meeting, (date TBC)	
1 hourtbc	<p>Topic 1: Discussion on national approaches to the terms ‘transit’ and ‘trans-shipment’</p> <p><i>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:</i></p> <ul style="list-style-type: none"> <i>How do States Parties approach the term “transit” in their national practice?</i> <i>How do States Parties approach the term “trans-shipment” in their national practice?</i> <i>Do States Parties apply the same regulations to ‘transit’ and ‘trans-shipment’ in their national control systems?</i> <p><i>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.</i></p>
2 hourstbc	<p>Topic 2: Discussion on the phrases ‘under its jurisdiction’ and ‘through its territory in accordance with international law’</p> <p><i>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:</i></p> <ul style="list-style-type: none"> <i>How does international law define ‘under its jurisdiction’?</i>

¹ The multi-year work plan for the WGETI Sub-working Group on Article 9 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 Article 9 is of a rolling nature and will be adjusted, if circumstances require it, to ensure its comprehensiveness and sequencing is retained.

	<ul style="list-style-type: none"> - 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”? <p>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-ship of arms through States’ territory; and the international obligations of flag states.</p>
Next session of the Sub-working Group on Article 92nd CSP7 Preparatory Meeting, (date TBC)	
1h 30 mins	<p>Topic 3: Measures to regulate the transit and trans-shipment of arms <i>by land</i></p> <p><i>This discussion will explore options and common practice for regulating the transit and trans-shipment of arms by land. The discussion will explore the following aspects:</i></p> <ul style="list-style-type: none"> - How do States regulate the transit and trans-shipment of arms <u>by road</u> in practice? - How do States regulate the transit and trans-shipment of arms <u>by rail</u> in practice? <ul style="list-style-type: none"> • What form do regulatory measures take at the national level? • Which Government departments and agencies are involved in implementing the regulatory measures? - What are the international and regional instruments governing transit and transportation of goods <u>by road</u>? - What do these instruments say about the transit and trans-shipment of arms <u>by road</u>? - What are the international and regional instruments governing transit and transportation of goods <u>by rail</u>? - What do these instruments say about the transit and trans-shipment of arms <u>by rail</u>? - What are the implications of free trade/free movement of goods zones for the transit and trans-shipment of arms? <p><i>In addition, there will be expert kick-off presentations on international regulations governing the transit and trans-shipment of goods, including arms, by road and by rail.</i></p>
1h 30 mins	<p>Topic 4: Measures to regulate the transit and trans-shipment of arms <i>by air</i></p> <p><i>This discussion will explore options and common practice for regulating the transit and trans-shipment of arms by air. The discussion will explore the following aspects:</i></p> <ul style="list-style-type: none"> - How do States regulate the transit and trans-shipment of arms <u>by air</u> in practice? <ul style="list-style-type: none"> • What form do regulatory measures take at the national level? • Which Government departments and agencies are involved in implementing the regulatory measures? - What are the international and regional instruments governing transit and transportation of goods <u>by air</u>? - What do these instruments say about the transit and trans-shipment of arms <u>by air</u>? <p><i>In addition, there will be expert kick-off presentations on international regulations governing the transit and trans-shipment of goods, including arms, by air.</i></p>

Next session of the Sub-working Group on Article 91st CSP8 Preparatory Meeting, (date TBC)

2 hours	<p>Topic 5: Measures to regulate the transit and trans-shipment of arms by sea</p> <p><i>This discussion will explore options and common practice for regulating the transit and trans-shipment of arms by sea. The discussion will explore the following aspects:</i></p> <ul style="list-style-type: none"> - <i>How do States regulate the transit and trans-shipment of arms <u>by sea</u> in practice?</i> <ul style="list-style-type: none"> • <i>What form do regulatory measures take at the national level?</i> • <i>Which Government departments and agencies are involved in implementing the regulatory measures?</i> - <i>What are the international and regional instruments governing transit and transportation of goods <u>by sea</u>?</i> - <i>What do these instruments say about the transit and trans-shipment of arms <u>by sea</u>?</i> <p><i>In addition, there will be expert kick-off presentations on international [and regional] regulations governing the transit and trans-shipment of goods, including arms, by sea.</i></p>
1 hour	<p>Topic 6: The role of the private sector in the transit and trans-shipment of arms</p> <p><i>This discussion will explore the role of the private sector, including arms manufacturers/industry and shipping companies and agencies, in the transit and trans-shipment of arms by land, air and sea. There will be expert kick-off presentations by experts from the private sector.</i></p>

Next session of the Sub-working Group on Article 92nd CSP8 Preparatory Meeting, (date TBC)

2 hours	<p>Topic 7: Relationship between Article 9 and other Articles</p> <p><i>This discussion will explore other areas of the Treaty where transit and trans-shipment States may have obligations or responsibilities, including:</i></p> <ul style="list-style-type: none"> - <i>What is the relationship between Article 6 (Prohibitions) and Article 9 (Transit and Trans-shipment), since the term ‘transfer’ includes ‘transit’ and ‘trans-shipment’ under Article 2(2)?</i> - <i>What is the relationship between Article 7(6) (Export and Export Assessment) and Article 9, since Article 7(6) contemplates that transit or trans-shipment States Parties may request information pertaining to export authorizations?</i> - <i>What is the relationship between Article 11(1) (Diversion) and Article 9, since Article 11(1) obliges each State Party ‘involved in the transfer’ of conventional arms to take measures to prevent their diversion and ‘transfer’ is described or defined under Article 2(2) to include transit and trans-shipment?</i> - <i>What is the relationship between Article 11(3) (Diversion) and Article 9, since Article 11(3) obliges transit and trans-shipment States Parties to cooperate and exchange information, pursuant to their national laws, to mitigate the risk of diversion?</i> - <i>What is the relationship between Article 12(2) (Record keeping) and Article 9, since Article 12(2) encourages States Parties to maintain records of conventional arms that are authorized to transit or trans-ship territory under its jurisdiction?</i>
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1 hour	<i>[The topic(s) for discussion is to be determined according to previous discussions and may include continuation of themes addressed in previous sessions that require more time, or new themes or elements of Article 9 that have arisen during previous sessions, but have not yet been addressed.]</i>
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