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Arms Trade Treaty
Working Group Meetings
February 2022
**Working Group on Effective Treaty
Implementation
Art. 11 ATT**

Session 1: The role of transit and trans-shipment States in preventing diversion

Madame Facilitator

Let me first of all express Switzerland's gratitude for your much appreciated work in light of the unfavourable circumstances related to the COVID-19 pandemic.

In Switzerland's opinion, transits through a State's airspace pose the greatest practical challenges, as the prevention of diversion in such transfers is more difficult than over land or sea, where a transit or trans-shipment can be stopped and controlled if necessary. In order to still prevent diversion, Switzerland has imposed a licensing requirement for arms transits in civil aircrafts through its airspace. As in the case of transit or trans-shipment by land, Switzerland examines whether an export licence from the exporting state and an import licence or end-user certificate from the state of destination or final recipient are available when an application for transit through Swiss airspace is submitted.

As arms are dangerous goods in aviation, airlines must notify national aviation authorities of overflights with dangerous goods. For this reason, Switzerland has decided that applications for transit with arms through its airspace must be submitted to the national aviation authority. Once the national aviation authority has received the applications, it passes them to the national licensing authority for assessment. This cooperation with the national aviation authority ensures that no overflights take place with arms on board without the appropriate authorisations.

Based on our experience, a licensing requirement for all types of arms transit and trans-shipment appears to be an effective measure to mitigate diversion. Therefore, an import licence or end-user certificate is mandatory.

If the examination of these documents reveals any discrepancies, they must be investigated. Switzerland primarily involves foreign embassies in Switzerland and Swiss embassies in the country of destination to clarify the revealed discrepancies.



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In order to facilitate the clarification process, it would be helpful to have a list in the framework of the ATT, which shows the responsible authorities to issue export and import documents as well as end-user certificates. This way, we could contact the responsible authorities directly instead of taking the detour via the Embassies to clarify the discrepancies. State cooperation is essential in that regard.

In addition to the licensing requirement for all types of arms transits and trans-shipments, the custom authority also has an important role to play in mitigating diversion. It is empowered to check the goods and the transport documents of an arms transit or trans-shipment. For this reason, the Swiss national licensing authority together with the customs authority has created a risk list, on which certain foreign final recipients are noted. These final recipients can be on the list, for example, because they have been involved in diversion cases in the past. If a final recipient is on this list, the custom authority stops every delivery to this final recipient and checks the goods and the transport documents.

As already mentioned during the last meetings of the working group, Switzerland would suggest to all States to use the ATT points of contact for information exchange more frequently. Finally, the Diversion Information Exchange Forum will give a good platform to share diversion experiences in the transit phase.

Thank you, Madame Facilitator.

Session 2: The role of the private sector and civil society in mitigating diversion risk

Madame Facilitator

In the case of arms transits and trans-shipments, the transporter or freight forwarder in particular has an important role to play since he normally will submit an application. It is in the own interest of the transporter to ensure that he has the necessary documents from the exporting country and the importing country for the specific arms transport. The scrutiny of the government authority of the transit and trans-shipment state to check the documents combined with the interest of the transporter play an important part in preventing diversion. Therefore, it is in everybody's interest that the authorities assist the transporter in obtaining correct and complete documents.

We would also like to underline the role private companies can play. For instance by reducing the risks of corruption among their personnel and the role of private security companies in securing transit through complex environments.

Regarding the civil societies, open sources investigators such as Bellingcat or NGO reports could play a vital role in identifying and preventing diversion of weapons.

To make transporters, and other private actors aware of their important role in mitigating diversion, industry outreach should be a priority.

Thank you, Madame Facilitator.