

Interpretative declaration for the ATT

It is the understanding of Switzerland that the terms “export”, “import”, “transit”, “trans-shipment” and “brokering” in Article 2, paragraph 2, include, in light of the object and purpose of this Treaty and in accordance with their ordinary meaning, monetary or non-monetary transactions, such as gifts, loans and leases, and that therefore these activities fall under the scope of this Treaty.

It is the understanding of Switzerland that the term “grave breaches of the Geneva Conventions of 1949, attacks directed against civilian objects or civilians protected as such, or other war crimes as defined by international agreements to which it is a party” in Article 6, paragraph 3, encompasses acts committed in international and in non-international armed conflicts, and includes, among others, serious violations of Common Article 3 to the Geneva Conventions of 1949; as well as, for States Parties to the relevant agreements, war crimes as described in the Hague Convention IV of 1907 and its Regulations, the Additional Protocols of 1977 to the Geneva Conventions and the Rome Statute of the International Criminal Court of 1998.

It is the understanding of Switzerland that the term “knowledge” in Article 6, paragraph 3, in light of the object and purpose of this Treaty and in accordance with its ordinary meaning, implies that the State Party concerned shall not authorise the transfer if it has reliable information providing substantial grounds to believe that the arms or items would be used in the commission of the crimes listed.

It is the understanding of Switzerland that the term “overriding risk” in Article 7, paragraph 3, encompasses, in light of the object and purpose of this Treaty and in accordance with the ordinary meaning of all equally authentic language versions of this term in this Treaty, an obligation not to authorise the export whenever the State Party concerned determines that any of the negative consequences set out in paragraph 1 are more likely to materialise than not, even after the expected effect of any mitigating measures has been considered.

It is the understanding of Switzerland that Article 26, paragraph 2, seeks to ensure that in a private law dispute, this Treaty cannot be relied upon as a reason to declare as invalid existing or future international defence cooperation agreements concluded between States Parties, and as a consequence, this Treaty remains applicable for any State Party in disregard of obligations under a defence cooperation agreement, in accordance with the Vienna Convention on the Law of Treaties of 1969.