

Strasbourg, 10 September 2015

CAHDI (2015) Inf 2

COMMITTEE OF LEGAL ADVISERS ON PUBLIC INTERNATIONAL LAW (CAHDI)

Reactions to reservations and declarations to international treaties previously examined by the CAHDI

50th meeting
Strasbourg, 24-25 September 2015

Public International Law Division and Treaty Office
Directorate of Legal Advice and Public International Law, DLAPIL

cahdi@coe.int - fax +33 (0)3 90 21 51 31 - www.coe.int/cahdi

TABLE OF CONTENTS

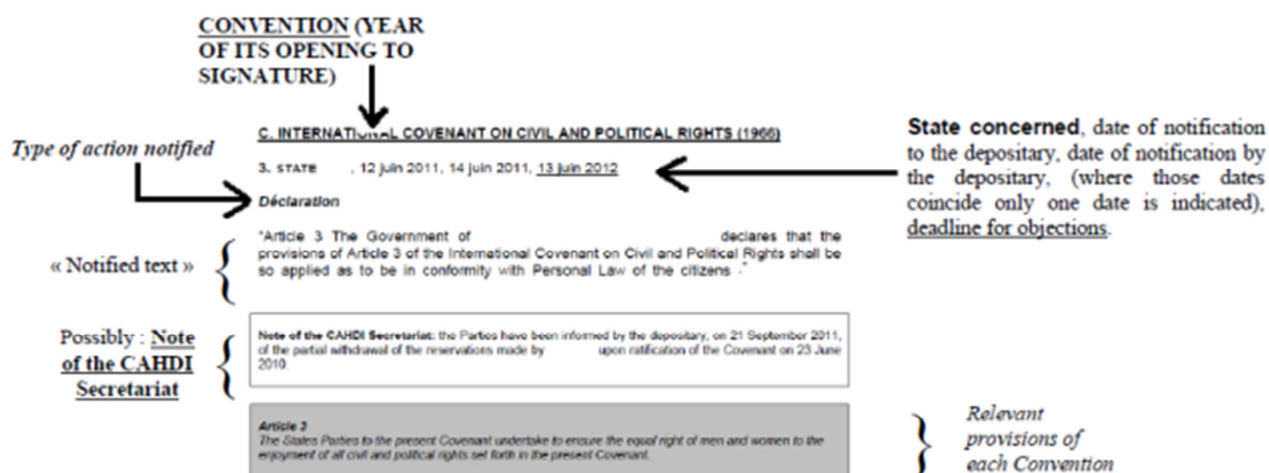
FOREWORD	3
TABLE OF OBJECTIONS	4
APPENDIX - RESERVATIONS AND DECLARATIONS TO TREATIES CONCLUDED OUTSIDE THE COUNCIL OF EUROPE	7
A. CONVENTION ON THE REDUCTION OF STATELESSNESS (1961).....	7
1. BELGIUM – Declarations	7
2. GEORGIA – Declaration	8
B. CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (1979)	8
3. TUNISIA – Partial withdrawal of declaration	8
4. MAURITANIA – Partial withdrawal of reservation	9
C. UNITED NATIONS CONVENTION ON THE LAW OF THE SEA (1982).....	10
5. DEMOCRATIC REPUBLIC OF THE CONGO – Declarations	10
D. SECOND OPTIONAL PROTOCOL TO THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS, AIMING AT THE ABOLITION OF THE DEATH PENALTY (1989).....	11
6. EL SALVADOR – Reservation	11
E. CONVENTION ON THE LAW OF THE NON-NAVIGATIONAL USES OF INTERNATIONAL WATERCOURSES (1997)	11
7. VIET NAM – Reservation	11
F. UNITED NATIONS CONVENTION AGAINST CORRUPTION (2003).....	11
8. HONDURAS – Late reservation	11
G. UNITED NATIONS CONVENTION ON JURISDICTIONAL IMMUNITIES OF STATES AND THEIR PROPERTY (2004)	12
9. FINLAND – Declaration	12
H. ARMS TRADE TREATY (2013).....	12
10. NEW ZEALAND – Declarations	12

FOREWORD

Since 1998, the CAHDI operates as European Observatory of Reservations to International Treaties and regularly considers a list of outstanding reservations.

This document presents the reactions of member and observer States of the CAHDI to outstanding reservations and declarations examined by the Committee and for which the deadline for objection has expired. To this end, a table of objections to the reservations and declarations examined at the 48th (The Hague, 18-19 September 2014) and 49th (Strasbourg, 19-20 March 2015) meetings of the CAHDI is set out.

The appendix contains the text of the reservations and declarations to treaties concluded outside the Council of Europe¹. The format of the information contained in these appendices is the following:



¹ No outstanding reservations and declarations to Council of Europe conventions were registered by the Council of Europe Treaty Office for the given period.

TABLE OF OBJECTIONS**LEGEND**

Sign. : Made upon signature

- State has objected
- ◆ State has made a declaration
- ◀ State has objected to the original reservation(s), in case of a (partial) withdrawal
- State considers the reservation to have been formulated belatedly

TREATIES**RESERVATIONS AND DECLARATIONS TO TREATIES CONCLUDED OUTSIDE THE COUNCIL OF EUROPE**

- A. Convention on the Reduction of Statelessness (1961)
- B. Convention on the Elimination of all Forms Of Discrimination against Women (1979)
- C. United Nations Convention on the Law of the Sea (1982)
- D. Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the Abolition of the Death Penalty (1989)
- E. Convention on the Law of the Non-Navigational Uses of International Watercourses (1997)
- F. United Nations Convention against Corruption (2003)
- G. United Nations Convention on Jurisdictional Immunities of States and their Property (2004)
- H. Arms Trade Treaty (2013)

APPENDIX - RESERVATIONS AND DECLARATIONS TO TREATIES CONCLUDED OUTSIDE THE COUNCIL OF EUROPE

A. CONVENTION ON THE REDUCTION OF STATELESSNESS (1961)

1. BELGIUM, 1 July 2014, 30 June 2015

Declaration concerning article 2 of the Convention

“The Belgian Government declares that, for Belgium, the category of “foundlings” concerns found children who are believed to be newborn.”

Declaration concerning article 8, paragraph 3 of the Convention

“Belgium reserves the right to deprive of his nationality a person who did not acquire it by virtue of a Belgian individual on the day of his birth, or who was not granted it under the Belgian Nationality Code, in the cases currently provided for under Belgian legislation, namely:

1. If the person acquired Belgian nationality through fraudulent conduct, provision of false information, forgery and/or the use of false or falsified documents, identity fraud or fraudulent acquisition of the right of residency;
2. If he seriously violates his duties as a Belgian citizen;
3. If he has been sentenced as perpetrator, co-perpetrator or accomplice, to a non-suspended prison sentence of at least five years for one of the following offences:
 - Attacks or plots against the King, the Royal Family or the Government;
 - Crimes or misdemeanours against the external security of the State;
 - Crimes or misdemeanours against the internal security of the State;
 - Serious violations of international humanitarian law;
 - Terrorist offences;
 - Threat of attack against persons or property, and false information regarding serious attacks;
 - Theft or extortion of nuclear materials;
 - Offences relating to the physical protection of nuclear materials;
 - Human trafficking;
 - People smuggling;
4. If he has been sentenced as perpetrator, co-perpetrator or accomplice, to a non-suspended prison sentence of at least five years for an offence that was manifestly facilitated by the possession of Belgian nationality, provided that the offence was committed within five years of the acquisition of Belgian nationality.”

Article 2

A foundling found in the territory of a Contracting State shall, in the absence of proof to the contrary, be considered to have been born within that territory of parents possessing the nationality of that State.

Article 8

1. A Contracting State shall not deprive a person of its nationality if such deprivation would render him stateless.

2. Notwithstanding the provisions of paragraph 1 of this Article, a person may be deprived of the nationality of a Contracting State:

(a) in the circumstances in which, under paragraphs 4 and 5 of Article 7, it is permissible that a person should lose his nationality;

(b) where the nationality has been obtained by misrepresentation or fraud.

3. Notwithstanding the provisions of paragraph 1 of this Article, a Contracting State may retain the right to deprive a person of his nationality, if at the time of signature, ratification or accession it specifies its retention of such right on one or more of the following grounds, being grounds existing in its national law at that time:

(a) that, inconsistently with his duty of loyalty to the Contracting State, the person

(i) has, in disregard of an express prohibition by the Contracting State rendered or continued to render services to, or received or continued to receive emoluments from, another State, or (ii) has conducted himself in a manner seriously prejudicial to the vital interests of the State;

(b) that the person has taken an oath, or made a formal declaration, of allegiance to another State, or given definite evidence of his determination to repudiate his allegiance to the Contracting State.

4. A Contracting State shall not exercise a power of deprivation permitted by paragraphs 2 or 3 of this Article except in accordance with law, which shall provide for the person concerned the right to a fair hearing by a court or other independent body.

2. GEORGIA, 1 July 2014, 30 June 2015**Declaration**

“Georgia formally confirms the accession to the Convention and in accordance with paragraph 3 of Article 8 of the Convention declares:

- Georgia retains the right to deprive the person of his nationality, that results in a loss of nationality (citizenship), as provided by the Organic Law of Georgia on the Citizenship of Georgia;
- The entry into force of the UN Convention on the Reduction of Statelessness of 30 August 1961 for Georgia cannot be construed as recognition of citizenship granted by the Russian Federation in violation of international law and Georgian legislation to the population residing in the Georgian regions - Abkhazia and Tshkhinvali Region.”

Article 8 is reproduced above.

B. CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (1979)**3. TUNISIA**, 17 April 2014, 23 April 2014, 22 April 2015**Partial withdrawal of declaration**

“On 17 April 2014, the Government of the Republic of Tunisia notified the Secretary-General of its decision to withdraw the declaration with regard to article 15(4) of the Convention and the reservations to articles 9(2), 16 (c), (d), (f), (g), (h) and 29(1) of the Convention made upon ratification.

The remaining declaration will now read as follows:

The Tunisian Government declares that it shall not take any organizational or legislative decision in conformity with the requirements of this Convention where such a decision would conflict with the provisions of chapter I of the Tunisian Constitution.”

Article 9

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.
2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

Article 15

1. States Parties shall accord to women equality with men before the law.
2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.
3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.
4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

Article 16

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:
 - (a) The same right to enter into marriage;
 - (b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;
 - (c) The same rights and responsibilities during marriage and at its dissolution;
 - (d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;
 - (e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;
 - (f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or

similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;

(g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;

(h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

Article 29

1. Any dispute between two or more States Parties concerning the interpretation or application of the present Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

2. Each State Party may at the time of signature or ratification of the present Convention or accession thereto declare that it does not consider itself bound by paragraph 1 of this article. The other States Parties shall not be bound by that paragraph with respect to any State Party which has made such a reservation.

3. Any State Party which has made a reservation in accordance with paragraph 2 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

4. MAURITANIA, 25 July 2014, 30 July 2014, 29 July 2015

Partial withdrawal of reservation²

“On 25 July 2014, the Government of Mauritania informed the Secretary-General that it partially withdraws its general reservation made upon accession, which shall continue to apply in respect of articles 13 (a) and 16 of the Convention.

In accordance with article 28 (3) of the Convention, the notification of withdrawal of the above mentioned reservation takes effect on the date of its receipt by the Secretary-General, i.e. on 25 July 2014.”

Article 16 is reproduced above.

Article 13

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) The right to family benefits;

(b) The right to bank loans, mortgages and other forms of financial credit;

(c) The right to participate in recreational activities, sports and all aspects of cultural life.

Article 28

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.

2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.

3. Reservations may be withdrawn at any time by notification to this effect addressed to the Secretary-General of the United Nations, who shall then inform all States thereof. Such notification shall take effect on the date on which it is received.

² **Note of the Secretariat:** the original text of the reservation made upon accession by Mauritania in 2001 reads as follows: “Having seen and examined the United Nations Convention on the Elimination of All Forms of Discrimination against Women, adopted by the United Nations General Assembly on 18 December 1979, have approved and do approve it in each and every one of its parts which are not contrary to Islamic Sharia and are in accordance with our Constitution.”

C. UNITED NATIONS CONVENTION ON THE LAW OF THE SEA (1982)

5. DEMOCRATIC REPUBLIC OF THE CONGO, 15 April 2014, 29 April 2014, 28 April 2015

Interpretative declaration

“The Government of the Democratic Republic of the Congo reserves the right to interpret any and all articles of the Convention in the context of and with due regard to the sovereignty of the Democratic Republic of the Congo and its territorial integrity as it applies to land, space and sea. Details of these interpretations will be placed on record in the instruments of ratification of the Convention. The present signature is without prejudice to the position taken by the Government of the Democratic Republic of the Congo or to be taken by it on the Convention in the future.”

Declaration under article 287

“The Government of the Democratic Republic of the Congo declares, under paragraph 1 of article 287 of the United Nations Convention on the Law of the Sea, done at Montego Bay on 10 December 1982, that it chooses the International Tribunal for the Law of the Sea, established in accordance with Annex VI of the Convention, as the means for the settlement of disputes concerning the interpretation or application of the Convention.”

Declaration under article 298

“The Government of the Democratic Republic of the Congo further declares, under paragraph 1(a) of article 298 of the United Nations Convention on the Law of the Sea, done at Montego Bay on 10 December 1982, that it does not accept any of the procedures provided for in article 287, paragraph 1(c), with respect to disputes concerning the interpretation of articles 15, 74 and 83 relating to sea boundary delimitations, or those involving historic bays or titles.”

Article 287 – Choice of procedure

1. When signing, ratifying or acceding to this Convention or at any time thereafter, a State shall be free to choose, by means of a written declaration, one or more of the following means for the settlement of disputes concerning the interpretation or application of this Convention:

(a) the International Tribunal for the Law of the Sea established in accordance with Annex VI;

(b) the International Court of Justice;

(c) an arbitral tribunal constituted in accordance with Annex VII;

(d) a special arbitral tribunal constituted in accordance with Annex VIII for one or more of the categories of disputes specified therein. [...]

Article 298 – Optional exceptions to applicability of section 2

1. When signing, ratifying or acceding to this Convention or at any time thereafter, a State may, without prejudice to the obligations arising under section 1, declare in writing that it does not accept any one or more of the procedures provided for in section 2 with respect to one or more of the following categories of disputes:

(a) (i) disputes concerning the interpretation or application of articles 15, 74 and 83 relating to sea boundary delimitations, or those involving historic bays or titles, provided that a State having made such a declaration shall, when such a dispute arises subsequent to the entry into force of this Convention and where no agreement within a reasonable period of time is reached in negotiations between the parties, at the request of any party to the dispute, accept submission of the matter to conciliation under Annex V, section 2; and provided further that any dispute that necessarily involves the concurrent consideration of any unsettled dispute concerning sovereignty or other rights over continental or insular land territory shall be excluded from such submission;

(ii) after the conciliation commission has presented its report, which shall state the reasons on which it is based, the parties shall negotiate an agreement on the basis of that report; if these negotiations do not result in an agreement, the parties shall, by mutual consent, submit the question to one of the procedures provided for in section 2, unless the parties otherwise agree;

(iii) this subparagraph does not apply to any sea boundary dispute finally settled by an arrangement between the parties, or to any such dispute which is to be settled in accordance with a bilateral or multilateral agreement binding upon those parties; [...]

D. SECOND OPTIONAL PROTOCOL TO THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS, AIMING AT THE ABOLITION OF THE DEATH PENALTY (1989)

6. EL SALVADOR, 8 April 2014, 7 April 2015

Reservation

“The Government of the Republic of El Salvador accedes to the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty with an express reservation permitted to States under article 2 of the Protocol, which consists on the application of the death penalty in accordance with article 27 of the Constitution of the Republic of El Salvador, which reads as follows: ‘The death penalty may be imposed only in the cases provided by the military laws during an international state of war’.”

Article 2

1. No reservation is admissible to the present Protocol, except for a reservation made at the time of ratification or accession that provides for the application of the death penalty in time of war pursuant to a conviction for a most serious crime of a military nature committed during wartime.
2. The State Party making such a reservation shall at the time of ratification or accession communicate to the Secretary-General of the United Nations the relevant provisions of its national legislation applicable during wartime.
3. The State Party having made such a reservation shall notify the Secretary-General of the United Nations of any beginning or ending of a state of war applicable to its territory.

E. CONVENTION ON THE LAW OF THE NON-NAVIGATIONAL USES OF INTERNATIONAL WATERCOURSES (1997)

7. VIET NAM, 19 May 2014, 18 May 2015

Reservation

“The Socialist Republic of Viet Nam reserves the right to choose the appropriate means of dispute settlement notwithstanding the decision of the other party to the concerned dispute.”

F. UNITED NATIONS CONVENTION AGAINST CORRUPTION (2003)

8. HONDURAS, 8 May 2014, 9 May 2014, 8 May 2015

Late reservation³

“In accordance with article 66, paragraph 3, of the Convention, Honduras does not consider itself bound by paragraph 2 of that article.”

Article 66 – Settlement of disputes

1. States Parties shall endeavour to settle disputes concerning the interpretation or application of this Convention through negotiation.
2. Any dispute between two or more States Parties concerning the interpretation or application of this Convention that cannot be settled through negotiation within a reasonable time shall, at the request of one of those States Parties, be submitted to arbitration. If, six months after the date of the request for arbitration, those States Parties are unable to agree on the organization of the arbitration, any one of those States Parties may refer the dispute to the International Court of Justice by request in accordance with the Statute of the Court.
3. Each State Party may, at the time of signature, ratification, acceptance or approval of or accession to this Convention, declare that it does not consider itself bound by paragraph 2 of this article. The other States Parties shall not be bound

³ **Note of the United Nations Treaty Office:** In keeping with the depositary practice followed in similar cases, the Secretary-General proposes to receive the reservation in question for deposit in the absence of any objection on the part of one of the Contracting States, either to the deposit itself or to the procedure envisaged, within a period of one year from the date of the present notification. In the absence of any such objection, the said reservation will be accepted for deposit upon the above-stipulated one year period, that is on 9 May 2015.

by paragraph 2 of this article with respect to any State Party that has made such a reservation.

4. Any State Party that has made a reservation in accordance with paragraph 3 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

G. UNITED NATIONS CONVENTION ON JURISDICTIONAL IMMUNITIES OF STATES AND THEIR PROPERTY (2004)

9. FINLAND, 23 April 2014, 22 April 2015

Declaration

“Finland hereby declares its understanding that the Convention does not apply to military activities, including the activities of armed forces during an armed conflict, as those terms are understood under international humanitarian law, and activities undertaken by military forces of a State in the exercise of their official functions; that the express mention of heads of State in article 3 of the Convention cannot be considered to affect the immunity *ratione personae* which other State officials might enjoy under international law; and that the Convention is without prejudice to any future international legal development concerning the protection of human rights.”

Article 3 - Privileges and immunities not affected by the present Convention

1. The present Convention is without prejudice to the privileges and immunities enjoyed by a State under international law in relation to the exercise of the functions of:

(a) its diplomatic missions, consular posts, special missions, missions to international organizations or delegations to organs of international organizations or to international conferences; and
(b) persons connected with them.

2. The present Convention is without prejudice to privileges and immunities accorded under international law to heads of State *ratione personae*.

3. The present Convention is without prejudice to the immunities enjoyed by a State under international law with respect to aircraft or space objects owned or operated by a State.

H. ARMS TRADE TREATY (2013)

10. NEW ZEALAND, 2 September 2014, 3 September 2014, 2 September 2015

Declarations

“The Government of New Zealand

declares that it considers that the reference to “ammunitions/munitions” in Article 3 of the Treaty means “ammunition and munitions” and that accordingly the scope of the Treaty includes both ammunition and munitions fired, launched or delivered by the conventional arms covered under Article 2(1);

and declares that it considers the reference to “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(3), encompasses acts committed in international and in non-international armed conflict, and includes serious violations of Common Article 3 to the Geneva Convention 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;

and declares that it considers the effect of the term “overriding risk” in Article 7(3) is to require that it decline to authorize any export where it is determined that there is a substantial risk of any of the negative consequences in Article 7(1);

and declares that it considers that where a non-monetary transaction, such as a gift, loan or lease, involves the transfer of arms or items within the scope of the Treaty, such transaction will be covered by the Treaty;

and declares that it considers that the Treaty does not place any further restrictions on the international movement of small arms for legitimate recreational and sporting activities where there is no change in ownership of these arms;

and declares that it considers that all obligations in the Treaty relating to transit and trans-shipment of arms or items within the scope of the Treaty must be read in the light of Article 9.”

Article 2 – Scope

1. *This Treaty shall apply to all conventional arms within the following categories:*

- (a) *Battle tanks;*
- (b) *Armoured combat vehicles;*
- (c) *Large-calibre artillery systems;*
- (d) *Combat aircraft;*
- (e) *Attack helicopters;*
- (f) *Warships;*
- (g) *Missiles and missile launchers; and*
- (h) *Small arms and light weapons.*

2. *For the purposes of this Treaty, the activities of the international trade comprise export, import, transit, trans-shipment and brokering, hereafter referred to as “transfer”.*

3. *This Treaty shall not apply to the international movement of conventional arms by, or on behalf of, a State Party for its use provided that the conventional arms remain under that State Party’s ownership.*

Article 3 – Ammunition/Munitions

Each State Party shall establish and maintain a national control system to regulate the export of ammunition/munitions fired, launched or delivered by the conventional arms covered under Article 2 (1), and shall apply the provisions of Article 6 and Article 7 prior to authorizing the export of such ammunition/munitions.

Article 6 – Prohibitions

1. *A State Party shall not authorize any transfer of conventional arms covered under Article 2 (1) or of items covered under Article 3 or Article 4, if the transfer would violate its obligations under measures adopted by the United Nations Security Council acting under Chapter VII of the Charter of the United Nations, in particular arms embargoes.*

2. *A State Party shall not authorize any transfer of conventional arms covered under Article 2 (1) or of items covered under Article 3 or Article 4, if the transfer would violate its relevant international obligations under international agreements to which it is a Party, in particular those relating to the transfer of, or illicit trafficking in, conventional arms.*

3. *A State Party shall not authorize any transfer of conventional arms covered under Article 2 (1) or of items covered under Article 3 or Article 4, if it has knowledge at the time of authorization that the arms or items would be used in the commission of genocide, crimes against humanity, 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.*

Article 7 – Export and Export Assessment

1. *If the export is not prohibited under Article 6, each exporting State Party, prior to authorization of the export of conventional arms covered under Article 2 (1) or of items covered under Article 3 or Article 4, under its jurisdiction and pursuant to its national control system, shall, in an objective and non-discriminatory manner, taking into account relevant factors, including information provided by the importing State in accordance with Article 8 (1), assess the potential that the conventional arms or items:*

- (a) *would contribute to or undermine peace and security;*
- (b) *could be used to:*
 - (i) *commit or facilitate a serious violation of international humanitarian law;*
 - (ii) *commit or facilitate a serious violation of international human rights law;*
 - (iii) *commit or facilitate an act constituting an offence under international conventions or protocols relating to terrorism to which the exporting State is a Party; or*
 - (iv) *commit or facilitate an act constituting an offence under international conventions or protocols relating to transnational organized crime to which the exporting State is a Party.*

2. *The exporting State Party shall also consider whether there are measures that could be undertaken to mitigate risks identified in (a) or (b) in paragraph 1, such as confidence-building measures or jointly developed and agreed programmes by the exporting and importing States.*

3. *If, after conducting this assessment and considering available mitigating measures, the exporting State Party determines that there is an overriding risk of any of the negative consequences in paragraph 1, the exporting State Party shall not authorize the export.*

4. *The exporting State Party, in making this assessment, shall take into account the risk of the conventional arms covered under Article 2 (1) or of the items covered under Article 3 or Article 4 being used to commit or facilitate serious acts of gender-based violence or serious acts of violence against women and children.*

5. *Each exporting State Party shall take measures to ensure that all authorizations for the export of conventional arms covered under Article 2 (1) or of items covered under Article 3 or Article 4 are detailed and issued prior to the export.*

6. *Each exporting State Party shall make available appropriate information about the authorization in question, upon request, to the importing State Party and to the transit or trans-shipment States Parties, subject to its national laws,*

practices or policies.

7. If, after an authorization has been granted, an exporting State Party becomes aware of new relevant information, it is encouraged to reassess the authorization after consultations, if appropriate, with the importing State.

Article 9 - Transit or trans-shipment

Each State Party shall take appropriate measures to regulate, where necessary and feasible, the transit or trans-shipment under its jurisdiction of conventional arms covered under Article 2 (1) through its territory in accordance with relevant international law.