

Arms Trade Treaty
Sixth Conference of States Parties
Statement Austria
17.-21.8.2020

Mr. President,

Allow me first to congratulate you on the assumption of the Presidency. Austria aligns itself with the EU Statement. In a national capacity we wish to share the following remarks.

The Sixth Conference of States Parties is conducted in the midst of the COVID-19 pandemic. A pandemic that has brought challenging times to all states of the world, as we haven't witnessed for decades. The pandemic's effects go well beyond the immediate health emergency. It brings new or additional challenges to social and economic development in many countries. It also has brought new challenges to multilateralism and to how we conduct our business in multilateral fora and treaties. These particular times require exceptional measures for us to still continue our work. A work which is usually based on dialogue and consultations with a view to reaching agreements. For the ATT the format chosen centered on adoption of decision through silence procedure.

With its entry into force in December 2014, the ATT is still a relatively young treaty with an important role to multilateralize the approach to arms trade by legally binding obligations aimed at setting the highest possible international norms. Austria welcomes the new States Parties to the ATT, Afghanistan, China, the Maldives, Namibia, Niue and Sao Tome and Principe. As of today, 110 States Parties have agreed to be legally bound by the ATT's norm.

Over the past years States Parties have continued to strive for the development and further strengthening of the best mechanisms to enhance the ATT's implementation. Austria believes transparency and information exchange is key to effective and improved implementation of the ATT. Formal annual reports are critical towards that end. We wish to reiterate the concern expressed in the EU statement about the reporting discipline of States Parties.

This year, draft decision 13 foresees the establishment of the Diversion Information Exchange Forum. This is a particularly important step for the Treaty, as diversion is one of the challenges on which States Parties and other stakeholders were trying to enhance information exchange and development of common best practice over the past years. By establishing an institutionalized forum this important issue will be given even more attention in the years to come. This certainly represents an opportunity for enhanced implementation of the ATT.

Austria wishes to express its appreciation to the co-facilitors Mexico and Belgium for their devoted efforts to finalize the proposed Terms of Reference despite the challenges of COVID-19 times. As the proposed Terms of Reference set the guidance for business in this forum, Austria believes these rules would have benefited from a possibility to clarify certain elements through further refinement of language and discussions to develop a joint understanding of all States Parties. The Terms of Reference as outlined in document ATT/CSP6.DIEF/2020/CHAIR/629/Decision.DIEFToRs would benefit further clarifications, in particular when it comes to the mechanism for non-state expert participation.

Paragraph 7 of the Terms of Reference states that representation in the Diversion Information Exchange Forum in meetings is governed by rules 6 to 8 of the Rules of Procedure for the ATT Conference of States Parties.

Rule 6.2. of the Rules of Procedure elaborates which non-state stake holders can take part in ATT deliberations, namely the United Nations, its specialized agencies, international and regional intergovernmental organisations, the International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies, international coalitions of NGOs and associations representing industry, civil society, including NGOs, and industry, all of these shall designate representatives to act on their behalf.

Yet, after referring to representation governed by the Rules of Procedure 6 to 8 the Terms of Reference for the Diversion Information Exchange Forum annexed to draft decision 13 add a two level agreement process for non-state experts to participate in this particular forum of the ATT.

Austria wishes to put on record its concern about this in our view unnecessary complicated participation process for non-state experts in the Diversion Information Exchange Forum. While we do recognize that complex discussions about permitting access to the forum for the entire ATT stakeholdership have also been part of earlier deliberations, we have substantive concerns about the unusual concept introduced about States Parties and Signatory States first nominating non-state experts, who would then again go through a complex agreement procedure. This is an additional layer introduced before experts can even undergo the envisaged next layer of a silence procedure. In Austria's view this state nomination or endorsement process might critically challenge the independence of non-state experts. Austria highly values the contributions made by relevant non-state experts to the creation of the ATT, to the refinement of processes and structures established throughout the past CSPs and the implementation of the Treaty as a whole. Given our appreciation of these valuable contributions and expertise of stakeholders other than states, Austria would welcome a less complicated participation procedure for non-state experts.

We take note of the opportunity to review the usefulness of the Diversion Information Exchange Forum at CSP8. However, my country is of the view that not only the usefulness of the Forum but also its operationalization, the Terms of Reference and their practicability towards the objectives of the forum should be carefully assessed at CSP8. It is our understanding following assurances by the presidency and the facilitators of the document ATT/CSP6.DIEF/2020/CHAIR/629/Decision.DIEFToRs that this was the intention of decision 13, despite the current wording of the draft decision being merely limited to "reviewing the usefulness of the forum."