



## **Statement on Arms Transfers and the Israel and Palestine Conflict**

**Wednesday 21 February 2024**

**To be delivered by Shirine Jurdi**

Control Arms welcomes the holding of this discussion and at the same time, we recognise that this is a sensitive discussion as it goes to the very purpose of the Treaty, which is to prevent human suffering caused by irresponsible arms transfers.

Nevertheless, the purpose of multilateral fora, in which all States and stakeholders have a seat at the table, is to tackle the difficult issues.

It is important for the integrity of the Treaty itself, and for the ATT as a forum that can impact meaningfully on the regulation of international arms transfers, that this discussion takes place. Discussions on compliance can help us to understand how States Parties are interpreting their treaty obligations, and how and whether implementation is meeting the Treaty's object and purpose.

The issue of arms transfers into the conflict is receiving wide public, political and even legal attention.

Since the beginning of Israel's operation in response to the Hamas-led October 7 attacks, there has been grave concern regarding the conduct of hostilities. More than 28,000 Palestinians have been killed in Gaza, with the majority being civilians. Much of the Gaza Strip has been destroyed, including critical civilian infrastructure vital to survival. Israel has repeatedly faced credible allegations of breaching IHL throughout its operations. Palestinian armed groups have indiscriminately fired rockets into Israel without concern for the protection of civilians and with open disregard for IHL.

The International Court of Justice (ICJ) recently found it plausible that Israel's conduct throughout the operation poses the risk of genocide. As such, those parties continuing to supply weapons to Israel risk contributing to the commission of genocide. A ruling from the highest authority in international law must inform arms transfer processes.

In accordance with customary international law, all states have an obligation to ensure respect for IHL. Major exporting States are in a position to use their influence to bring an end to the suffering being witnessed in Gaza.

An issue that continues to arise in cases of non-compliance with the ATT is the lack of transparency around arms transfer decision making processes. In order to build trust, it is critical that exporting States Parties and Signatories share their policies concerning transfers to Israel. Control Arms welcomes announcements made by some governments, for example Italy, Norway,



Spain, and the Wallonia region in Belgium, regarding decisions to deny the supply of arms exports to Israel.

Those states announcing a suspension in arms transfers following such humanitarian crises should do everything in their power to halt the actual transfers of arms. Put otherwise, denying further authorizations, but continuing to export against open licenses does little to mitigate the risk of serious violations in the short-term.

Control Arms' understanding of the ATT in the context of the current conflict in Palestine is well known – we believe that the conduct of the war is such that no arms should be transferred where they are at risk of being used in the conflict – to the point where we do not feel it would be the best use of our efforts here today to go into the reasons for our position in more detail. Instead, we call on all states, especially ATT States Parties, to explain how they are implementing the Treaty in this challenging situation.

Thank you.