

## Ninth Conference of States Parties to the Arms Trade Treaty

### TREATY IMPLEMENTATION

22/23 August 2023

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Nine years since the Treaty's entry into force, the focus of the ATT implementation process unfortunately has remained very much confined to procedural aspects, to the detriment of substantive discussions concerning actual arms transfers and the extent to which they are compliant with Treaty obligations. While a robust and predictable framework is necessary to ensure effective Treaty implementation, the financial, structural and technical nature of the discussions struggles to attract engagement by States Parties, nor does it yield actionable outcomes.

During CSP6, a concerted effort was made to improve information exchange among ATT stakeholders, through the creation of the Diversion Information Exchange Forum (DIEF), which is designed to support information exchange concerning concrete cases of arms diversion, and a virtual information exchange portal. While we welcome these initiatives, both are closed to all but States Parties and signatories, which limits opportunities for other stakeholders to provide analysis, additional information, or examples of lessons learned and good practice.

In addition, while these closed forums may enhance information exchange among states, they do not serve as models for increased *transparency*, and so threaten one of the purposes of the Treaty, namely transparency. Instead, these can be seen as examples of a deepening trend of confidentiality.

Over the last nine years, States Parties have rarely discussed during formal ATT meetings how they implement and apply their processes to ensure compliance with the prohibitions and the risk assessment set out in Articles 6 and 7. These two articles form the humanitarian imperative of the Treaty, as outlined in Article 1, and are central to the ATT's aim to create the highest common international standards to regulate the trade in arms.

At CSP8, side events were the only source of discussion of ATT risk assessment. Some states shared openly for the first time their views on Treaty interpretation and compliance in specific circumstances, declaring that, in view of international humanitarian law violations committed in Ukraine, arms transfers to Russia would be a violation of the ATT. Others shared specific national information relating to arms transfers to Ukraine.

However, these important discussions take place only outside of the formal ATT process – in side-events, in small group discussions, and bilaterally. ATT risk assessments and their practical implementation have yet to be squarely addressed in any ATT Working Group or during the CSP. As a result, they remain off the public record.

More and more States appear ready for substantive engagement on ATT risk assessment implementation, and thus more focused discussions in official spaces such as the ATT Working Group on Treaty Implementation (WGETI) on actual arms transfers decisions are needed.



However, the reluctance so far to dedicate time to these discussions as part of the formal process signals the structure and protocol of the ATT process is not yet fit for this purpose.

One way to address this problem would be to introduce at the WGETI regular consideration of partly anonymized case studies on risk assessment. These could serve as a starting point and framework to facilitate concrete public discussions within the ATT process on the development and application of the Treaty risk assessment criteria. Structured facilitation can serve to normalize risk assessment discussions and pave the way for States to share information and discuss changes in national policies with regard to their arms transfer decisions.

Control Arms welcomes the paper submitted by Mexico, Spain and the Small Arms Survey titled, "Mitigating the risk of armed violence against people on the basis of their actual or perceived sexual orientation, gender identity, gender expression and sex characteristics (SOGIESC) through the ATT." We support the recommendation that when applying the ATT and its risk assessment, States Parties should take into consideration the risk of acts of violence against lesbian, gay, bisexual, trans and queer people.

I thank you.