

Ninth Conference of States Parties to the Arms Trade Treaty

CSP9 THEMATIC FOCUS ON INDUSTRY

Monday 21 August 2023

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Madam President,

Unchecked arms transfers have significant negative impacts in both the short and long terms; in the short term, weapons flows fuel highly volatile situations such as armed conflicts and criminal contexts. In the long-term, they pose negative effects on public security and the enjoyment of human rights. Moreover, these effects can disproportionately impact different populations, such as ethnic and religious minorities, indigenous peoples, women and children, and the LGBTQ+ community. It is therefore welcome, Madam President, that your presidency's thematic focus examines how industry can help curb some of these impacts.

Turning to your paper, Madam President, Control Arms welcomes the clear reference now in the text to the UN Guiding Principles on Human Rights and the OECD Guidelines for Multinational Enterprises. Also, we welcome the acknowledgement that “robust due diligence policies and processes on human rights...” are “...areas in which industry and private sector entities need to take action to ensure the security and integrity of international arms transfers”.

However, we continue to find the framing of the paper to be deeply problematic. The initial guiding question, found under paragraph 6, reads: “What are the potential benefits for industry and private sector entities to engage with the ATT?”. In our opinion, the proverbial cart has been put before the horse. As communicated by Control Arms during the May Working Groups, this formulation should be inverted, asking instead what can industry do for the ATT— and, critically, its purpose of reducing the human suffering caused by conventional weapons.

Industry's principle engagement within the ATT should be to mitigate the demonstrable humanitarian cost of the international arms trade, and not simply as a means to level the playing field or reduce reputational risks.

In this regard, Control Arms supports the Joint Working Paper submitted by Austria, Ireland, and Mexico entitled *Responsible Business Conduct and the Arms Trade Treaty*. We endorse the recommendation that this Conference of States Parties welcomes the UN Guiding Principles on Business and Human Rights, along with the Note by the UN Working Group on Business and Human Rights entitled “Ensuring business practice in line with the UN Guiding Principles of Business and Human Rights”. Given the positive contributions of this joint working paper, Control Arms proposes that it be officially adopted as part of the final report of CSP9.

Control Arms also sees the submission of this joint working paper as a springboard for deeper and more substantive conversations on the interplay between industry and the robust implementation of the Treaty and adherence to its obligations by States Parties. Central to these discussions should be the relationship between industry, arms transfers, and international humanitarian and human rights law. Control Arms strongly supports the recommendation that future work on this topic focuses on normalizing human rights due diligence processes by arms manufacturers throughout the value chain.

It should be noted that various entities in the private sector, such as financial institutions and transportation companies engaged in the arms trade, also have an obligation to integrate and execute human rights due diligence procedures. As a result, we propose that future discussions on the industry include the full range of actors involved in the arms trade from the private sector.

As with prior thematic focuses, this Conference should be viewed as the starting point for considering how industry can work to achieve the ATT's objectives, and not the end point. In the wake of Russia's full-scale invasion of Ukraine in February 2022, arms manufacturers are posting record stock increases as more conventional weapons flow into global circulation since the end of the cold war. This watershed moment presents an opportunity for industry to further the goals of the Treaty.