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NINTH CONFERENCE OF STATES PARTIES TO THE ARMS TRADE TREATY

21-25 August 2023, Geneva

Statement of the International Committee of the Red Cross on Treaty Implementation

Madam President,

On behalf of the International Committee of the Red Cross (ICRC), let me begin by thanking you, Ambassador Yoon, for expertly steering our discussions throughout this 9th Conference of States Parties.

And let me also thank Spain and South Africa – Ambassador Sánchez de Lerín and Ambassador Wensley – for their excellent work, respectively, Chairing the Working Group on Effective Treaty Implementation and Facilitating its Sub-working Groups on Articles 6&7, 9 and 11.

The efforts that have been made under this Working Group to solicit substantive contributions and to draft thorough guidance are remarkable, especially since we appreciate that this work must be undertaken in between busy diplomatic schedules.

Such initiatives to aid effective implementation are crucial. After all, adherence to the Arms Trade Treaty is only the first step; achieving its humanitarian objectives requires concrete measures at the domestic level, to create a robust framework of regulation and enforcement. And the ICRC always values the opportunity to support States in working towards this goal.

To this end, this year the ICRC offered specific comments on Draft Chapters 2 of a potential Voluntary Guide on Articles 6&7 and on the Draft Elements of a Voluntary Guide on Article 9.

The WGETI discussions in this Conference cycle have offered a chance for substantive exchange, including on the way in which the Arms Trade Treaty contributes, in practice, to preventing the commission of some of the most serious international crimes – namely genocide, crimes against humanity and war crimes – by obliging States Parties to withhold the supply of weapons that would be used for such purposes.

We welcome the sharing of practice that was conducted regarding the implementation of Articles 6 & 7, and we were pleased to hear states supporting the application of these articles not only across all transfer activities, but also to ammunition, parts and components. We recommend this broad scope, to best serve the Treaty's purpose of reducing human suffering.

We also saw great utility in discussions on the measures that states can take to mitigate any risks identified through the assessment undertaken pursuant to Article 7(1) of the Treaty. Whilst mitigating measures must be assessed cautiously, in terms of what is realistically achievable, we do think they can be positive tools when correctly contextualized and tailored, and when the exporter and importer have the capacity to implement them

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effectively, in good faith. And we appreciated the opportunity to share observations, based on our operational experience, with a view to maximising the efficacy of institutional capacity building and training on international humanitarian law. We look forward to further constructive exchange on the possible draft elements for Chapter 3 of the Voluntary Guide next year.

The faithful implementation of Article 9, to regulate the transit and trans-shipment of arms, is essential to ensuring that weapons do not end up in the hands of those who would use them to commit war crimes, crimes against humanity or genocide. As such, whilst the Sub-Working Group on Article 9 will finalise its work in this Conference cycle, we welcome the recommendation, reflected in the Chair's draft report, that the Voluntary Guides will be living documents. In line with our preference for a practice-oriented approach, we encourage states to continue to share insights arising from their real-world application of Article 9. The inclusion of decontextualised cases based on actual experience, can only serve to strengthen the existing guidance.

Over the last year the ICRC has worked closely with states in Asia, the Americas and Africa by providing inputs on draft national legislation, sharing of best practices on establishment of national control systems and creating opportunities for peer-to-peer support between states.

We stand ready to continue providing this support to future endeavours of states and this Working Group on Effective Treaty Implementation, in their efforts to put in place strong national laws and policies to uphold their obligations under the ATT.