

Thank you to the Working Group on Effective Treaty Implementation for the opportunity to deliver this statement.

I am the Executive Director and Principal Lawyer at the Australian Centre for International Justice. At the time of its adoption, Australia was a keen supporter of the Arms Trade Treaty, carving out for itself a reputation as a pivotal player in global regulation efforts, having been the co-author of the original General Assembly Resolution and Chair of the Treaty Negotiations. At the time of ratification, Australia's Foreign Minister described the Arms Trade Treaty as a major foreign policy achievement for Australia. Unfortunately, this reputation is in serious question as there is little to zero transparency over Australia's arms export process. In the last several years, as Australian arms exports have increased exponentially,

Civil society organisations, transparency advocates, members of parliament and the wider public have become increasingly frustrated by Australian government's inability and unwillingness to publish information about Australian arms exports. The Department of Defence does not publish data on what items are exported, to whom and for what purpose. Any published data is opaque with insufficient detail. Civil society have to resort to freedom of information applications, a process which is laborious, frustrating and unsatisfactory, or hope that there will be some answers revealed at Senate estimates hearings in federal parliament every few months. Any details about the items that are exported are never disclosed. Preference for commercial incompetence over transparency is the norm. The government resorts to obfuscations to fend off any criticisms over its export process in the face of, for example, very real concerns and evidence that Australian arms and components are used in Israel's deadly and now genocidal violence against Palestinians.

In the face of these concerns, these retorts generate mistrust of government processes and represent a failure of transparency. where there is no oversight and no checks on government approvals. In November 2023, our legal centre represented three leading Palestinian human rights organisations in an attempt to gain more transparency over the process after it was revealed that Australia had approved 322 permits to Israel since 2017. Without any information about what was exported, we sought preliminary discovery in the federal court to seek access to permits issued since 7 October 2023. We had to discontinue that application for reasons that I am unable to discuss, but that are related to the problem of transparency. However, the organizations are determined to continue to find avenues to uncover information about exports to Israel, because we believe that these permits are being issued in error and contrary to Australia's international legal obligations. We remain concerned that Articles 6 and 7 are being violated by Australia and we remain concerned that arms and or arms components are

being exported via third countries. Thank you once again for the opportunity to provide this statement.