



**Statement on the Report of the Working Group on Effective Treaty Implementation  
Thursday 16 May 2024**

We wish to begin by expressing our appreciation to you, Ambassador Guillermet Fernandez, and to Griselle Rodriguez, for leading the Working Group on Effective Treaty Implementation and the sub-Working Group on Emerging Implementation Issues.

Turning to the Report of the WGETI, Control Arms strongly supports the recommendation to continue discussions on the implementation and application of Articles 6 and 7. It is these articles that are at the core of the Treaty and their application is critical to preventing human suffering.

This year's discussions during the Sub-Working Group on Current and Emerging Implementation Issues demonstrated strong interest in all three addressed topics.

On gender and the ATT and as we approach the significant milestone of the tenth anniversary of the entry into force of the Treaty, it is timely that we reflect on the progress made and the challenges faced by States Parties in implementing Article 7(4). Over the past year and with the support of the Government of Canada, Control Arms assessed the advancements and obstacles encountered by ATT States Parties in fulfilling the commitments agreed on the ATT and gender at Fifth Conference of States Parties. A key finding of the survey was that only one State Party has denied transfers for gender considerations based on Article 7(1) or 7(4) of the ATT.

In partnership with the Government of Mexico, Control Arms hosted a regional workshop for Latin American countries in February on gender based violence and the ATT, which was supported by UNSCAR. From that workshop and the outcomes of the Gender Action Plan project, it is evident that there is a pressing need for raising awareness of Article 7(4) and collecting data to support the operationalisation of these provisions.

On the role of industry in responsible international arms transfers, Control Arms strongly supports the statement in the Report that "human rights and IHL due diligence is an autonomous responsibility of industry actors". At a time when global military spending is spiraling upwards, to a total of almost \$2.5 trillion last year, as reported last month by SIPRI, and with ongoing concern about how exporting States Parties are applying Articles 6 and 7 of the ATT, it is evident that industry must play their role in protecting human rights.

On both gender and industry, therefore, Control Arms strongly supports the recommendation to continue the discussions on these matters.

An issue that should be of central concern to the ATT community is the war in Gaza, with the number of casualties in Gaza approaching 35,000. It is a welcomed development in the life of the ATT that the session took place on "Upholding legal obligations under the ATT: The case of the



Palestinian people". We appreciate that States Parties and Signatory States were ready to engage in this discussion. It would have been our strong preference for this session to be allocated more time and we note that when the discussion was concluded, there were still States wishing to take the floor.

Control Arms recognises that discussions on compliance with the core objectives of the Treaty are sensitive. Nevertheless, the session in February demonstrated that the ATT Working Groups can accommodate politically and legally sensitive issues. ATT States Parties cannot afford to retreat from such discussions, otherwise it is clear that these will be taken up elsewhere. For example, this year already in a resolution of the Human Rights Council, a report has been requested on the transfer of weapons and related materials to Israel and to "analyse the legal consequences of these transfers applying international humanitarian law, customary international law related to State responsibility and the Arms Trade Treaty...". Demonstrating the relevance of the ATT to the wider world will require regularizing discussions and assessments on matters of compliance. Further, there are other contexts, such as transfers to the Democratic Republic of the Congo, Myanmar and Sudan, which also demand our collective attention.

On the WGETI Report, we appreciate that there is limited scope to reflect on the substance of the exchanges. We do however feel there would be value in recognising for the record that this was the first time the formal ATT process has so directly addressed questions of compliance. A further possible change would be that the discussions on transfers concerned "compliance" with the Treaty and not "implementation". None of the States which were directly referred to were mentioned concerning an absence of implementing legislation or national control systems, but rather for their interpretation of and compliance with the ATT.

We wish to end by acknowledging the actions of those States Parties and NGOs that are trying to turn this situation around. This includes not only the States that have halted transfers of weapons which are at risk of being used in Gaza, but also others such as South Africa for the case it has taken to the International Court of Justice. We also wish to acknowledge the ongoing legal challenges to export decisions being initiated by NGOs in a number of exporting States, which have to varying degrees referenced the ATT. These different actions demonstrate the real-world relevance and impact of the ATT and point to a future where even in moments of crisis, the objectives of the ATT will be realized.