



ATT CSP10 **SIDE EVENT**

HUMAN RIGHTS DUE DILIGENCE IN THE FIREARMS INDUSTRY

A growing number of States Parties to the Arms Trade Treaty (ATT) have rightfully called for voluntary principles on due diligence obligations within the arms industry. However, human rights due diligence is not uniform. Guidance relevant to the small arms industry, which faces heightened risks of diversion, trafficking, and extensive civilian use, does not necessarily apply to large conventional weapons. Amidst a multitude of global crises and escalating of armed conflicts, small arms and light weapons remain a silent killer, being responsible for nearly half of all violent deaths in 2021.

This side event will focus on the practical application of the UNGPs – and HRDD at large – to the small arms industry. It will explore ways the private sector can ensure compliance with its obligations, States can collaborate with the industry both domestically and internationally, and outline what specific guidance for the small arms industry should look like within the ATT framework.

SPEAKERS

MIGUEL REYES MONCAYO

Deputy Legal Advisor, Ministry of Foreign Affairs of Mexico

JOWITA MIESZKOWSKA

Legal Adviser, Global Rights Compliance

CAROLINA BARRIOS MARTINEZ

International Analyst,
Colombian Campaign to Ban Landmines

JEAN-MICHEL ROUSSEAU

Head of Business and Security Division, DCAF

HINE-WAI LOOSE

Director, Control Arms



Friday 23 August 2023
13:30h CICG Room E

ATT Side Event

Human Rights Due Diligence in the Firearms Industry

Friday 23 August, 1:30pm, CICG, Geneva

States, manufacturers, investors, and advisers all bear responsibilities under international law and the UN Guiding Principles on Business and Human Rights (UNGPs) to conduct human rights due diligence. In the case of the arms trade, this should ensure weapons and ammunition are not used to commit violations of International Human Rights Law (IHRL) and International Humanitarian Law (IHL) and are not misused or diverted. As such, a growing number of States Parties to the Arms Trade Treaty (ATT) have rightfully called for voluntary principles on due diligence obligations within the arms industry.

However, human rights due diligence is not uniform. It requires tailored approaches across different sectors, particularly in the defense sector. Guidance relevant to the small arms industry, which faces heightened risks of diversion, trafficking, and extensive civilian use, (partially given the weapon's extremely long potential life-cycle), does not necessarily apply to large conventional weapons, such as artillery, or dual-use systems. Each type of weapon, and end-user, requires a tailored and up-to-date risk assessment centered on the realities 'on the ground'. Amidst a multitude of global crises and escalating of armed conflicts, small arms and light weapons remain a silent killer, being responsible for nearly half of all violent deaths in 2021. Small arms have particularly devastating effects in countries that are technically "at peace," as evidenced by the exceptionally high rates of gun homicides in many parts of Latin America and the Caribbean.

This side event will focus on the practical application of the UNGPs – and HRDD at large – to the small arms industry. It will learn from how other private sector actors have developed and established HRDD processes. It will then explore ways the private sector can ensure compliance with its obligations, States can collaborate with the industry both domestically and internationally, and outline what specific guidance for the small arms industry should look like within the ATT framework.

Key objectives:

- Identify how States and the private sector can conduct adequate Human Rights Due Diligence (HRDD) with end-use knowledge to prevent, mitigate, and remedy human rights or IHL violations facilitated by small arms and their diversion.
- Provide examples of how States can collaborate with the industry to tackle diversion and trafficking.

- Sensitize participants to the necessity of tailoring guidance for different segments of the defense industry based on the specific products they export, suggesting possible ways forward specifically for the international trade of firearms and their ammunition.

Speakers:

Moderator: Hine-Wai Loose, Director, Control Arms – Introduction (5 minutes)

- **Miguel Angel Reyes Moncayo**, Deputy Legal Adviser, Mexican Ministry of Foreign Affairs – Opening remarks (6 to 8 minutes)
- **Carolina Barrios Martinez, International Analyst, Colombian Campaign to Ban Landmines** – The challenges posed by firearms in Colombia and the Latin American Region. Why despite the UN Programme of Action and Arms Trade Treaty, the firearms industry needs to take independent action to prevent their products from having a harmful impact and to work in support of these instruments? (6 to 8 minutes)
- **Jowita Mieszkowska, Legal Adviser, Global Rights Compliance** – The context specific nature of HRDD and the necessity of separating any guidance for the firearms industry from that for exporters of conventional weapons. The importance of conducting HRDD when exporting firearms and presentation of the practical steps companies can take to undertake HRDD following the framework of the UNGPs and the ATT. (8 minutes)
- **Jean-Michel Rousseau, Head of the Business and Security Division, DCAF** - Are there examples of other sectors, and especially those in the security sector, which have developed procedures for conducting human rights due diligence on end users? Why have they done so? Are there examples of tailored guidance for different industry actors within a particular sector? (8 minutes)

There will be follow-up questions and questions taken from the audience.