



Statement on the Voluntary Guide and Article 7 and the WGETI Multi-Year Work Plan

ATT Working Groups, Tuesday 20 February 2024

Voluntary Guide on Article 7

Control Arms wishes to begin by expressing our appreciation for the tremendous amount of work that has been carried out on the Voluntary Guide by the ATT Secretariat. The Voluntary Guide provides a snapshot of how some States Parties interpret the key provisions of Articles 6 and 7. To provide a more complete picture of the practice under Article 7 more exporting ATT States Parties, including those which are infrequent exporters, need to set out how their decision-making processes on the transfer of conventional weapons operate. Such presentations and information can help to build confidence that States Parties are acting in good faith and complying with the obligations of the Treaty.

For Article 7 to have an impact on preventing human suffering and curbing violations of IHL and human rights, arms transfers must be assessed rigorously against the criteria set out in this article and on a case-by-case basis.

The section on “Which information sources do States Parties use to assess export applications” is important, especially considering the transfers to conflicts where there are violations of international humanitarian law and human rights law by the warring parties. Reports by the different mechanisms of the Human Rights Council such as country specific reporting provide detailed information that has been collected and collated by experts on violations of both international humanitarian law and international human rights law. This information is readily available to all states and other actors involved in the transfer of weapons such as the arms industry and freight forwarders.

A key point is raised in paragraph 21 concerning the “level of reliability of information sources and the available information, as well as their weight.” Due to there often being limited transparency surrounding these exporting states decision making processes, little is known about what information is being drawn on and what weight particular sources of information are given in the final decision. Further discussion on these aspects of the decision-making process would be welcome.

Concerning the sections on mitigating measures, a critical question that is posed is “How to reconcile the long-term nature of risk mitigation and the instant nature of arms export decisions?” Examples of this dilemma are the reference to “mitigation measures that take the form of training courses rarely have observable effects until long after a license is issued” and the emphasis on the point that mitigating measures take time to have an impact. Control Arms has also observed that States Parties refer to membership of international treaties as being a mitigating measure. While this is a step in the right direction, we strongly agree with the point that such commitments must be confirmed in State practice. The Voluntary Guide provides benchmarks for assessing



mitigating measures such as: they must be approached cautiously; their implementation must be timely, robust and reliable; and they must be implemented in good faith by both sides. Clearly, there is further scope for sharing of experiences and lessons learned on mitigating measures.

Effective implementation of Articles 6 and 7 is critical to the success of the ATT and its impact on not only preventing violations of international humanitarian law and human rights, but ultimately preventing the human suffering witnessed today in the conflicts taking place around the world in places such as the Democratic Republic of the Congo, Gaza, Sudan and Yemen. Therefore, Control Arms would again underscore the need for these two Articles to be a standing item on future ATT Working Groups and for more States Parties to share insights into their decision making processes and lessons learnt. We welcome the proposal to include prevention of gender based violence and the role of industry in this future work.