

Eighth Conference of States Parties to the Arms Trade Treaty

Working Group on Effective Treaty Implementation Sub-Working Group on Article 6 & 7

15 February 2022

Delivered by: Cindy Ebbs, Control Arms

Topic 5:

Thank you Mr. Facilitator. Thank you to Ambassador Goebel and the ATT Secretariat for all of their efforts to put this meeting together.

In Ethiopia, more than 300 civilians have been killed by drone and airstrikes since September 2021, including more than 100 since the start of this year. Thousands are estimated to have died in the conflict in Tigray to date and more than 4 million others, in Tigray and neighboring regions, face humanitarian crisis.¹

In July 2021, the Human Rights Council expressed “grave concern at the reports of serious human rights violations and abuses and violations of international humanitarian law and international refugee law allegedly committed by all parties in the Tigray region since the start of the conflict on 4 November 2020.”²

Despite these findings, media reports claim that Turkey, a signatory to the ATT, sold armed drones to Ethiopia as recently as October 2021, well after atrocities had been documented.³ Indeed, a recent investigation, supported by Control Arms member, PAX, linked weapons remnants from a strike on 7th of January which killed almost 60 civilians, to Turkish-made drones and munitions.⁴ Reports also claim evidence of Chinese and Iranian-built drones at air bases in Ethiopia as of August of 2021.

With weapons still fueling violations in Tigray and in too many other conflicts around the world where violations of international human rights and humanitarian law have been documented, there is an ever-present and urgent need for ATT States Parties to effectively implement Articles 6 & 7 of the Treaty. Developing, establishing and refining national policies and processes that support effective implementation of Articles 6 & 7 is critical to achieving the ATT’s object and purpose: to reduce human suffering.

¹ <https://www.washingtonpost.com/world/interactive/2022/ethiopia-tigray-dedebit-drone-strike/>

² “Situation of human rights in the Tigray region of Ethiopia” (A/HRC/RES/47/13), OP 1.

³ https://www.reuters.com/world/middle-east/turkey-expands-armed-drone-sales-ethiopia-morocco-sources-2021-10-14/?itid=lk_inline_enhanced-template

⁴ <https://www.washingtonpost.com/world/interactive/2022/ethiopia-tigray-dedebit-drone-strike/>

However, it must be stressed that even the best arms transfer control systems in the world will be of little use if States Parties do not have the political will and conviction to ensure that Articles 6 & 7, alongside the Treaty's other operative provisions, are implemented faithfully in spirit and to the letter. Thus far, too many States Parties are failing to meet their ATT obligations in a consistent manner. Control Arms stands ready to work alongside all ATT stakeholders to change this.

Mr Facilitator, the work done in this sub-Working Group on Articles 6 & 7 by States Parties is crucial, and has the power to strengthen ATT implementation at the national level and ultimately to save lives. With this in mind, Control Arms offers the following comments on the sub-working group's progress thus far:

Control Arms sees the value in collecting and logging State Party viewpoints on how they consider, interpret and apply these "key concepts" that underpin Articles 6 & 7. We believe that this exercise encourages much-needed information-sharing among ATT stakeholders and exemplifies one of the key purposes of the ATT, that is, to promote transparency.

However, Control Arms also remains uncertain about the sub-Working Group's methodology for unpacking the identified "key concepts." As the sub-Working Group moves ahead with its draft Voluntary Guide, Control Arms urges it to make clear in the document the difference between a collection of self-reported national interpretations that may or may not be compliant with ATT commitments, and that of well-established international legal standards.

As WILPF mentioned in its statement today, a clear reference is needed at the outset of this document identifying this exercise as a "survey" and not, as referenced earlier, "best practices." This distinction is critical so that States Parties and potential States Parties are not misled - but understand that these national submissions have not been deemed "best practices." Instead, they are a starting point to assess what best practices might be, going forward.

As referenced earlier today by Belgium, Control Arms also notes as it did during the CSP7 cycle that the "key concepts" chapter includes input from just 20 of the 110 States Parties. Unfortunately, this small percentage of respondents does not convey the breadth and diversity of ATT State Parties.

To create more value, Control Arms suggests that the sub-Working Group provide States Parties with a continuing opportunity to contribute to the "key concepts" section of the Voluntary Guide as it is drafted over the next four working group meetings spanning the next two years.

By designating the survey of "key concept" interpretations as a 'work-in-progress' document, new States Parties can contribute as they accede to and implement the Treaty, and existing States Parties can provide initial or supplemental information as they develop or refine their risk assessment practices to strengthen ATT compliance. To this end, Control Arms and its coalition members pledge its support to the Facilitator in encouraging States Parties to contribute their

perspectives into this document on an ongoing basis. Continuous updating will further ensure the utility of this survey into the future.

Finally, as Control Arms suggested in its statement to CSP7 last August, a key resource for inclusion in later chapters of the proposed Voluntary Guide would be real-world examples of how States Parties apply their arms transfer prohibition and risk assessment processes, from start to finish. Cooperation and information sharing within this sub-Working Group can shed light and provide more clarity on how States Parties take decisions to authorise and deny export licenses. This will, in turn, improve transparency in the arms trade and enhance the potential for consistent and rigorous application of Articles 6 & 7, with the overall aim of reducing human suffering.

Thank you, Mr. Facilitator.