

SEVENTH CONFERENCE OF STATES PARTIES TO THE ARMS TRADE TREATY

31 August 2021, Geneva

Statement of the International Committee of the Red Cross on Treaty Implementation

The International Committee of the Red Cross (ICRC) expresses its appreciation to the Chair of the Working Group on Effective Treaty Implementation and to the Facilitators of its Sub-working Groups on Articles 6&7, 9 and 11.

At the heart of the Arms Trade Treaty (ATT) are the prohibitions spelled out in its Articles 6 and 7, and the requirement to assess the risk that a proposed export of conventional arms, ammunition or parts and components, could be used to commit or facilitate a serious violation of international humanitarian law (IHL) or human rights law. An export must not be authorized if there is a clear or overriding risk.

The faithful implementation of these provisions is critical to preventing war crimes and other serious violations of international law. Exchanges in the Sub-working Group on Articles 6&7 have been useful in bringing out that key concepts such as that of a “serious violation” of IHL are well-established notions and there is wide-spread agreement on their meaning. In spite of this, whether the ATT’s humanitarian purpose of reducing human suffering can be realized depends to a significant extent on how States Parties give effect to its provisions in practice. The ICRC remains concerned that, all too often, there is apparent tension between the legal obligations of States under the ATT and their duty to ensure respect for IHL and their actual practice.

Yesterday, the ICRC’s Vice-President spoke of the increasingly protracted nature of contemporary armed conflicts, fuelled by the inflow of weapons and ammunition. And of the risk of diffusion of responsibility resulting from the multiplication of actors that support warring parties, including by supplying them with arms. The humanitarian consequences can be devastating and long-lasting.

At the same time, support relationships create opportunities to reduce the human cost of war. The ICRC asks involved actors to take greater individual and collective responsibility for ensuring that civilians and other victims of war are protected. The ICRC calls on States that support warring parties to take practical steps to reduce the human cost of war. States supplying the means by which wars are fought bear a special duty in this regard.

Our report [*Allies, Partners and Proxies: Managing Support Relationships in Armed Conflict to Reduce the Human Cost of War*](#), published in April, proposes guiding questions for decision-makers to strengthen their analysis of the humanitarian risks and concrete steps that involved actors should take to mitigate them. We are looking forward to exploring some of these aspects at [our side-event](#) tomorrow.

The ICRC commends States that have openly shared information on their arms transfer practices. We encourage all stakeholders to utilize forthcoming Sub-working Group meetings to explore in more depth what practical measures States take to fulfil their obligations relating to transit and transshipment, how they assess and mitigate risks relating to arms export and diversion, and what challenges they encounter.

The ATT can only deliver on its promise if common challenges in implementation are duly recognized and States Parties find ways to overcome them. Within the limits of our mandate and expertise, the ICRC stands ready to support these efforts.