



**Fifth Conference of States Parties to the Arms Trade Treaty
Treaty Implementation**

**27 August 2019 - Geneva, Switzerland
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Dear Mr President,

We congratulate the Chair of the Working Group on Effective Treaty Implementation and the facilitators of the three sub-working groups on their efforts over the past year. Progress has undoubtedly been made across all of the topics; but there is much that remains to be done to support full implementation of the ATT by all States Parties.

With respect to the Article 5 sub-group, we welcome the further elaboration of the Basic Guide to the establishment of an export control system while noting that this work needs to be accompanied by specific dedicated support for individual States to identify gaps and provide appropriate assistance.

The guide to resources for a risk assessment under Article 7 is useful but we agree with the WGETI Chair that further unpacking of Articles 6 & 7 is required. Our main concern is that the discussions that have taken place within this sub-group have not yet got to the heart of how Article 6 & 7 should be implemented. The widely diverging approaches among States Parties in relation to arms exports to recipients of concern – most notably the Saudi/Emirati-led coalition in the context of the Yemen conflict – clearly suggests that there is a real lack of a common understanding on how Articles 6 & 7 should be implemented in practice. Control Arms supports the suggestion made by the Netherlands, as we believe that the best way of addressing this lacuna is to hold detailed, substantive discussions on how the provisions of Art 6 & 7 are applied in specific circumstances based on actual arms transfer cases which could be anonymised if necessary.

The Article 11 subgroup has made some good progress and the proposal that a guide to key terms around end-use documentation be developed is, in our view, a good one. We also agree that the private sector has a key role in preventing diversion and we would support further discussion around their specific responsibilities in this regard, while recognising that the ultimate responsibility lies with the relevant competent national authority.

Finally, Mr President, we would support the idea of setting aside work on Article 5 for the time being so that a new strand of work may be initiated in a sub-group dedicated to exploration and elaboration of Article 9 on transit and transshipment. We consider the draft list of proposed topics and elements for consideration by a WGETI sub-working group on Article 9 to be a good start but would urge that any deliberations take into account existing work in this area such as the 2015 ATT Expert Group briefing on 'Prevention, Transit and Innocent Passage Under the ATT'.

Thank you