



Kingdom of the Netherlands

Statement of the Netherlands

Submitted in writing for the

Sixth Conference of States Parties to the Arms Trade Treaty

Geneva, 14 August 2020

The Netherlands would like to express its gratitude to ambassador Villegas and the entire ATT-team for the excellent work done in preparation of this Conference. You and your team have faced an exceptional situation this year in which we had to find a modality to allow the work under the ATT to continue. You have our full support to bring the ATT CSP6 to an effective outcome.

The Netherlands aligns itself fully with the statement submitted by the EU and would like to make some remarks in our national capacity.

Firstly, we would like to welcome the Maldives, Namibia, China, Sao Tome and Principe, Afghanistan and Niue into the ATT-family. Your accession is proof of the increasing international acceptance and support of the Arms Trade Treaty. We hope that your accession to the Treaty will inspire other countries to do the same, so that we can further work towards full universalization of the Arms Trade Treaty. We look forward to working with you in promoting the objectives of the ATT.

Secondly, we would like to stress the importance of continuing to engage with other stakeholders in the ATT-family, namely civil society and industry. COVID-19 has brought challenges for all of us. Within the ATT-context, both industry and civil society are facing challenges in the opportunities to engage and contribute to the ATT-process due to COVID-restrictions. We must ensure that the ATT remains a transparent and inclusive treaty that allows all stakeholders to fully engage in order to ensure that the ATT has broad support and can reach its full potential. With this in mind, we would urge that the current format of the CSP is seen solely in the light of the extraordinary circumstances of the global pandemic and should by no means be understood as setting a precedent for future meetings.

Substantively, we would like to express our wish that the ATT-meetings can move away from the institutional and financial matters that have dominated the ATT-agenda in the early years after its inception. Instead, it is our hope that we will focus increasingly on the proper interpretation and functioning of the treaty in practice. Preferably based on concrete case studies.

We thank all the Working Group Chairs and the Subgroup facilitators for all their efforts in drafting and finalizing multi-year work plans that should allow us to take up and move forward on these substantive issues.

Many real-life problems remain in the realm of arms export control. For example, many instances of diversion of arms shipments in violation of UN arms embargoes, such as in Yemen and Libya, continue to occur. Though no arms export control system – including our own – is infallible, we must identify our failings and challenges and find ways to cooperatively address them. We welcome the decision of the Chair to make transparency and information exchange on diversion the special subject of this year's CSP. We also support the adoption of the proposed Terms of Reference of the Diversion Information Exchange Forum. We stand ready to discuss cases of diversion that have occurred in the Netherlands.

We already briefly referred to the enduring conflict in Yemen, a painful reminder of the importance of arms export control and that we can all do better. We note and support the report by the UN Group of Eminent International and Regional Experts on Yemen of September 2019, which found patterns of continued violations of basic human rights and – as a result – directly questioned the legality of the authorization of arms transfers in view of the Arms Trade Treaty. The Netherlands has itself implemented a strict national approach to arms exports to countries involved in the conflict. No licenses are granted unless it can be incontrovertibly shown that the arms will not be used in Yemen. More details on this and other national policies are included in our annual ATT report. It is striking that this has not been a more prominent point of discussion within the ATT and hope that collectively we can do more justice to such matters in the future.

Carrying forward our substantive work on the implementation of the ATT further requires A) transparency and B) a solid financial foundation.

Transparency engenders a degree of confidence among ATT-stakeholders and is a condition *sine qua non* for having an informed discussion. We are therefore very disappointed with the continuous downward trend in reporting and the continuing tendency to not make reports public. We strongly

urge those countries who have not yet submitted their reports for 2019 to do so. We have to admit that the Netherlands submitted its annual report slightly late, passed the deadline, this year, due to COVID-related conditions. We however remain fully committed to openness and transparency. In 2019 we have taken steps to improve the English information on our website, such as including an overview of all denied license applications and an English translation of our national report.¹ We stand ready to engage with all interested parties on our export control policy. The Netherlands is furthermore proud to sponsor the Control Arms ATT Monitor in 2020 and encourages everyone to take note of its findings and recommendations.

A solid financial foundation is essential to the proper functioning of the Treaty and its secretariat. The Netherlands is proud to contribute to the functioning, inclusiveness and implementation of the ATT through its ATT-contribution and its support of the ATT sponsorship program and the ATT voluntary trust fund. The Netherlands stands ready to continue its support. This does however require that all State Parties fulfill their financial responsibilities on time and in full and that non-compliance with financial obligations is not rewarded. It is the only way to guarantee that we can continue our work implementing the Treaty. For this reason, the Netherlands takes a strict approach in all discussions pertaining to financial rule 8.1.d, which we recall was agreed by consensus. Too many of our ATT partners have not fulfilled their financial obligations. We urge those States with outstanding contribution and in particular those with significant arrears to fulfil their financial obligations immediately.

The Netherlands supports the efforts to provide clarity regarding the procedure to establish a payment plan when a State Party is in arrears for two year, as provided for in rule 8.1.d. We thank the Management Committee for their most recent proposal with regard to this procedure. Regrettably we cannot yet support decision 15 in its current form and would like to propose amendments to eliminate a few remaining ambiguities and loopholes. We are at the Presidency's disposal.

With regard to Decision 16, our support is conditional. There is no need for the temporary waiver proposed in Decision 16 if we can agree on the modalities of the application of rule 8.1.d as laid out in Decision 15. Therefore, we can only support Decision 16.a in the event no agreement is reached on Decision 15. Our support would further be based on the understanding that the waiver is of a temporary nature and will not be extended indefinitely. Finally, we see no need or basis to ask the Management Committee for a report on the operation of the Voluntary Trust Fund as this falls outside the remit of the Management Committee.

In closing, the Netherlands would like to reiterate its commitment and conviction that together we can successfully further the ATT's objectives. Even in these challenging circumstances, we trust that this Conference of States Parties will positively contribute to that objective.

¹ <https://www.government.nl/topics/export-controls-of-strategic-goods/reporting-practices-with-regard-to-military-and-dual-use-goods>