



BELGIUM

Agenda Item 6. Treaty Implementation

Arms Trade Treaty Fifth Conference of States Parties (Geneva, 26-30 August 2019)

Chair,

First of all, we want to thank Ambassador Dallafior for the excellent job that she has done in steering the work of this working group over the past years. As from the start of this working group we insisted on having substantive and informed discussions that would lead to concrete outcomes; that is what we are doing now, and she and her team have made that possible. I also want to thank her and her team especially as the co-chair of the transparency and reporting working group, for our great coordination as working group chairs. I also thank our Ghanaian, Swedish and Jamaican colleagues for their work as facilitators in the different sub-groups.

Going into the working group's conclusions and recommendations, Belgium is first and foremost very happy that your report suggests the establishment of a WGETI sub-working group on Article 9, dealing with transit and trans-shipment. Belgium is an important transit country and we have insisted many times in the CSP and the WGETI to devote attention to this issue. We find establishing a dedicated sub-group with a medium-term plan the appropriate route, because the topic needs to be discussed comprehensively. This is also demonstrated by your draft list of proposed topics and elements for consideration. We support Annex E as a good starting point for a programme of work, but we would suggest considering including a point 4 dealing with the responsibility of competent authorities on transit control. In any case, Belgium stands ready to take the lead in these discussions and to share its experience and expertise.

Concerning the sub-group on article 5, we are satisfied with the progress made on the Voluntary Basic Guide. As for the way forward, we agree that a dedicated sub-group is no longer necessary, but we would suggest to still appoint a pen holder to further develop the guide in cooperation with the Secretariat, who will then systematically present her or his work during WGETI meetings. Between meetings, States Parties can be involved in the process through the information exchange platform on the ATT website. Substantively, we need to make sure that in elaborating the basic guide, we also keep in mind the work in other groups, where documents are or have been developed. These documents should be referenced or integrated in the guide, in order to avoid duplication and inconsistencies. We also repeat the principle that the basic guide can only be descriptive of the basic obligations and cannot prescribe one or the other approach to implementation.

Concerning the sub-group on articles 6 and 7, I will partly come back to our work on the GBV criterion, which was already addressed yesterday, with some additional remarks on other topics.

First, Belgium supports a discussion on the interpretation of concepts such as "serious", "facilitate" and "overriding risk" in the WGETI, as long as the discussion concerns article 7

as a whole and not the GBV criterion in isolation. The prime objective of this discussion should be to exchange national approaches to the practical application of these concepts, rather than a common understanding. We also do not object to exchanging national approaches concerning mitigating measures.

Second, if we would discuss a voluntary training guide on GBV, the discussion needs to take into account the existing body of work and also focus on the existing practices of States Parties. We need to avoid duplication of efforts at all cost and value the work that has been done outside of our working group, in particular by civil society.

Third, if we would draft a multi-year work plan concerning articles 6 and 7, for each aspect that is proposed we need to assess the added value of a discussion in the working group and the possible concrete outcomes of such a discussion. In fact, what we actually need next to discussing key concepts, mitigating measures and potentially GBV are States Parties explaining to each other how they apply the prohibitions in article 6 and the export assessment in article 7 in their daily practice. In that respect, while we appreciated the practice of presentations on national systems in previous meetings, we believe that these presentations should be much more focused on the practical application of articles 6 and 7.

Concerning the sub-group on article 11, we are happy to continue our work according to the multi-year workplan. We also value the idea of a repository of state practice concerning on end use/r documentation, managed by the Secretariat. We would also call it exactly that – a repository – and not a *guide* to end use and end user documentation. Concerning the relevant Annex D and the section on what the guide will consist of, we would suggest including all the areas that were also included in the background paper to facilitate discussion on import documentation, in particular the area of information contained in end use/r documentation. As to where the guide will be located, we ask the question whether this necessarily needs to be in the restricted area of the website. As long as there will be no confidential information in the repository, we would suggest to publish this in the public part of the website. In the section on how the guide will be established and developed, finally, we would suggest not to mix the information-gathering by the Secretariat to compile the repository and the information sharing among States Parties through the information exchange platform. These are separate issues and on the use of information exchange platform the Secretariat will be mandated to draft instructions.

To finish I want to come back to the working methods of the working group, as our intervention shows that there are a lot of issues on the group's plate. To be able to keep delivering quality work, we think that the measures that we briefly discussed last year are more than ever necessary. These ideas included the early nomination of working group chairs, the continuous work of the working groups and more intersessional work, involving the information exchange platform and informal consultations between meetings.

As always, and this goes for all sub-groups and working groups, we will stand ready to engage on these issues in working group meetings and beyond, to come to concrete outcomes.

I thank you.