

Eighth Conference of States Parties to the Arms Trade Treaty

Working Group on Effective Treaty Implementation

Sub-Working Group on Articles 6&7

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Excellencies, Distinguished Colleagues.

Control Arms thanks you, Mr. Facilitator, for your continued diligence in addressing these critical issues at the heart of the ATT.

Of particular concern at this moment is the situation in Ukraine, specifically the way it relates to the effective implementation of Articles 6 and 7.

Troubling reports are emerging from Ukraine on a daily basis. A woman in a village west of Kyiv told Amnesty International that, on 9 March, two Russian soldiers entered her house, killed her husband, then raped her at gunpoint while her young son hid in a boiler room. The woman was able to escape from the village to Ukrainian-controlled territory with her son. This is just one example of the deliberate killings, gender-based violence, and widespread intimidation by Russian forces against unarmed civilians documented across the Kyiv region.

Deeply disturbing is the discovery of mass graves and evidence pointing to summary executions of civilians by Russian forces in Bucha and other areas near Kyiv. Further, OHCHR indicated last week that "Russian armed forces have indiscriminately shelled and bombed populated areas, killing civilians and wrecking hospitals, schools, and other civilian infrastructure, actions that may amount to war crimes."

As the EU noted earlier, Control Arms believes a rigorous application of ATT Articles 6 & 7 should stop all transfers of arms or related equipment to Russia, whether under new or existing

contracts, that could facilitate the commission of war crimes and other serious violations of international humanitarian law by Russian forces in Ukraine.

While Control Arms recognizes Ukraine's legitimate right of self-defense, it is vital even in these circumstances that ATT States Parties transferring arms to Ukraine apply the Treaty's provisions in full, in particular conducting due diligence in the application of Articles 6 and 7. To demonstrate the strength and utility of the ATT in this challenging time, **we call on** all ATT State Parties to share with this forum the ways in which they are maintaining their ATT obligations when assessing whether to authorize arms transfers into the current conflict in Ukraine.

With regard to the Voluntary Guide, Control Arms recognizes the efforts of this Sub-working group to complete the first chapter, which reflects comments from various stakeholders on the latest draft. We can see progress in clarifying the purpose and character of the Voluntary Guide, including the recognition that the list of legal instruments is not exhaustive, and reflects the views of specific state parties, rather than any common understanding among them. Clarity is also provided in terms of the aim of Chapter 1, which is not to reinterpret concepts that have established interpretations in international law.

Some outstanding issues still require further attention.

- (1) The Voluntary Guide should clearly indicate that the information collected in Chapter 1 consists of survey responses provided by anonymous stakeholders, none of which has been reviewed or analyzed for validity or accuracy. In the absence of such consideration, Control Arms is concerned that the Voluntary Guide could undermine existing international legal norms. For key concepts that do NOT have existing or accepted legal definitions, we are not persuaded that the responses so far are adequate to provide sufficient guidance. We suggest the sub-Working Group consider other approaches that States Parties could use to further explore and elaborate these concepts.
- (2) With regard to the anonymity of responses, Control Arms notes that names of survey respondents – be they States Parties, civil society or others – are not included in Chapter 1 of the Voluntary Guide. Control Arms seeks clarity on why the inputs of States

Parties to the voluntary guide are anonymous. Given that transparency is a key purpose of the ATT, we see value in attaching the content of each input with its source. In doing so, states seeking to gain a deeper understanding of these key concepts could benefit from the ability to engage individual respondents in further discussions.

Also in this regard, we support ICRC's point to focus the guide on practical experiences, as these are useful to all states parties to establish the highest possible common standard for the international trade of conventional weapons.

Thank you, Mr. Chair.

FOLLOW UP:

Mr. Facilitator, I would like to provide a brief response to the question you raised concerning how to further elaborate the undefined terms and concepts set out in Chapter 1 of the Voluntary Guide. One possibility would be to convene small group meetings of ATT stakeholders that could then make recommendations or share ideas with the sub-working group. We are happy to explore this and other ideas on this topic in more detail – subsequently or in writing.

Thank you, Mr. Facilitator.