

State of Palestine

Treaty Implementation Item

Your Excellency,

The State of Palestine appreciates the progress achieved by the Chair and the facilitators of each of the sub-Working Groups on Effective Implementation.

The rules set out in the Treaty text are clear. Implementation however is not always a reality. We reiterate that compliance with the ATT is an obligation, and can never be conditional. We urge States to openly discuss irresponsible arms transfers, most notably in the context of conflicts, to identify what important risk assessment looks like.

In addition, we would like to make the two following points:

First, effective implementation requires enhancing collaboration and information-sharing between the ATT and relevant UN mechanisms which have a central role to play in conventional arms control.

Second, we commend and support efforts by the wider community of stakeholders, including civil society, academia and international organizations that remain committed and engaged to the ATT process. The role of civil society in raising awareness of our Treaty's aims and in supporting its implementation cannot be understated. The impressive roster of side events hosted by them is further evidence that they are vital drivers of the ATT process.

Your Excellency,

With respect to the methodology exercise for unpacking key concepts, we thank the facilitator of this group for his excellent work. We believe that this exercise encourages much-needed information sharing among ATT stakeholders and exemplifies one of the key purposes of the ATT, that is, to promote transparency.

The State of Palestine is one of the 20 states that participated in this exercise. We welcome the fact that some of the comments we presented in the preparatory meeting in April are reflected in the WG Chair's draft report to CSP8. However, other critical comments made by our delegation and by other delegations have so far not been reflected, and we would like here to re-emphasise their importance:

First, majority of states worldwide support the constructive knowledge approach that has also received support from the International Court of Justice and the ICRC. Despite this, the interpretation of “knowledge at the time of authorization” has not been reflected in the document.

Second, with reference to “serious violations of international human rights law”, we mentioned in April that we believe the summary should either include a comprehensive list of examples of jus cogens norms, or otherwise keep the wording general. The current listing is selective.

Third, we recommended including references to legal studies on the ATT issued by the ICRC and other neutral international bodies. Such studies contribute to the development of international humanitarian law and promote respect for it by governments and all arms bearers.

Fourth, in paragraph 8, page 9 of the guideline, the sentence that reads “the inclusion of the reference in this document is not intended to apply criminal law standards regarding individual criminal responsibility to these ATT provisions” does not reflect a common understanding by all States parties and should be deleted.

Last but not least, we consider it critical to include the general rule on the interpretation of treaties, as codified in article 31 of the (Vienna Convention on the Law of Treaties).

In closing, we reiterate that national interpretations must be compliant with ATT commitments, and with well-established international legal standards.

Therefore, as it is only 20 states that have participated in the exercise, we cannot decide in the conference that Chapter 1 has been finalized.

I thank you.

Reporting Item

Mr Chair ,

The State of Palestine recognizes and appreciates the progress achieved by You , your efforts have continues to pave the way towards effective transparency in reporting.

Annual Reports are one of the main methods for transparency and building confidence at our disposal. Reporting on implementation should reflect accurate and comprehensive data, as well as compliance, inconsistencies and gaps. Reporting the total number of each weapon type without stating final exporting or importing countries, is not sufficient to determine compliance.

We are saddened by the continuous decline in reporting rates. If this trend is continued, it will seriously hamper our work on the ATT. We call on all States Parties to fulfil their treaty obligations to submit their initial and annual reports, as transparency is key to confidence building among states, leading to international and regional peace, security and stability.

Furthermore , we welcome constructive steps emerged from the Working Group on transparency and Reporting , towards improved mechanisms encompassing the use of clear and uniform terminology when completing the annual reports.

Thank you