



WILPF Statement to the Meeting of the Arms Trade Treaty Sub-Working Group on Current and Emerging Implementation Issues

21 February 2024

Last year, during the preparatory meeting of CSP9, WILPF delivered a [statement](#) expressing concern that there had been little consideration about the humanitarian and human rights impacts of the arms trade during ATT meetings. We strongly welcome the development of this sub-working group on current and emerging implementation issues and the convening of this particular meeting on Israel's war on Gaza. Addressing arms transfers that may violate the ATT is essential to assure the Treaty's credibility and to concretise the ATT's aim to reduce human suffering.

The ATT sits within the existing framework of international law and should be guided by the interpretation and application of the law as it pertains to acts referenced in the Treaty. Thus, findings by courts, tribunals, special procedures of the UN, and treaty bodies must inform the interpretation of relevant sections of the ATT. The International Court of Justice (ICJ) [found](#) that Israel is plausibly committing genocide and indicated certain measures to be implemented in order to prevent said genocide. Additionally, special procedures of the UN and treaty bodies, as well as civil society, have gathered extensive evidence of human rights abuses, violations of IHL, war crimes, and gender-based violence in the context of Israel's war on Gaza. This evidence needs to influence states' implementation of Articles 6, 7 and 9 of the ATT.

Considering this evidence, as well as the ICJ decision, states which continue to supply weapons to Israel are in violation of Article 6(3) and may be complicit in genocide, as well as in other grave violations of international law. Arms companies may also be found complicit in such violations, including on the basis of international criminal law.

Arms transfers to Israel are also unlawful under articles 7(1) and 7(4) of the ATT. It is important to underscore that risk assessments required by these provisions assess just that – *the risk* that the arms in question will be used to undermine international peace and security, or be used to commit or facilitate serious human rights violations, violations of international humanitarian law, [gender-based violence](#), or violence against women and children. If the risk is high enough, the transfer must be denied. Given the relentless bombing of one of the most densely populated areas in the world and the use of ground invasions and snipers, all of which has led to the massacre of tens of thousands of civilians including scores of children, states cannot claim they are unaware of international crimes and serious violations of international law that have been and continue to be committed by Israel in plain sight.

In a recent [statement](#), the Committee on the Elimination of Discrimination against Women (CEDAW) has stated, "The continuing war and siege cause grievous harm to all women and girls, including pregnant women and women with disabilities. This constitutes a major humanitarian, human rights and public health crisis and a stain on our collective conscience." With thousands of pregnant women being killed by Israeli soldiers, denied access to healthcare, forced to give birth in [extremely unsafe conditions](#), facing escalating rates of premature births and the death of newborns from preventable causes, it is not possible to deny that pregnant women are not facing [gender-based violence](#). Men and boys,

often [targeted](#) in armed conflict under the assumption that men are militants, not civilians, are also subject to gender-based violence by the Israeli forces, which [appear to consider](#) all Palestinian men to be Hamas militants.

In light of this extensive body of evidence, national Courts have already started to rule against the transfer of weapons to Israel. In a case in the US, a federal judge [ruled](#) that “it is plausible that Israel’s conduct amounts to genocide,” and he implored the White House “to examine the results of their unflagging support of the military siege against the Palestinians in Gaza.” In a case in the Netherlands, a court [ordered](#) blocking all exports of parts for the F-35 fighter jet, stating, “It is undeniable that there is a clear risk the exported F-35 parts are used in serious violations of international humanitarian law.”

Thus, considering this extensive body of evidence of violations of IHRL and IHL, as well as gender-based violence and violence against children, WILPF calls on all states to immediately stop arms transfers and the licensing of arms and related equipment to Israel. Arms companies must also uphold their responsibilities. Choosing to continue with these transfers will exacerbate the suffering and the genocide of the Palestinian people, particularly in light of the imminent risks related to Israel’s offensive on Rafah. Continuing these arms transfers will also destroy the credibility of the ATT. If the Treaty is not meant to stop these arms transfers, what is its purpose?

Ordinary people in all the countries exporting weapons to Israel are taking direct action to try to stop their countries’ contribution to the slaughter of Palestinians. They are blockading weapon factories and ports where weapons are being shipped. They are condemning the war profiteering from the corporations making money off the death of Palestinians and the destruction of Palestinian land. They are trying to hold their governments and corporations accountable under international law, including in relation to charges of complicity in genocide. Delegates in this room have an obligation to stand alongside these brave people and do what is right for humanity. Many say that this situation is the ultimate test for international law. It is also an ultimate test for the ATT. Will you use what is in your power to abide by it and to save lives? It’s time to decide, now.