



Seventh Conference of States Parties to the Arms Trade Treaty

**Working Group on Effective Treaty Implementation
Sub-Working Group on Article 11**

28 April 2021

**Delivered by: Mr. Daniel Mata,
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Thank you for giving me the floor, Madam Facilitator.

Control Arms welcomes the Paper outlining ‘key elements of a process for assessing the risk of diversion’ as a helpful summary of the discussions during the meeting of the Article 11 Sub-working Group on 5 February 2020. As this Sub-working Group continues its work on assessing the risk of diversion it will be important to bear in mind work already undertaken in this area and the measures elaborated within the document [Possible Measures to Prevent and Address Diversion](#) contained in Annex D to the WGETI Chair’s Report to CSP4, which provides a clear and comprehensive list of steps that can be taken to *minimise* diversion risks. The remainder of this statement will focus on two elements of this morning’s agenda. In the interests of time-efficiency, I will address both of these elements now.

Firstly, Control Arms welcomes the inclusion of an agenda item which seeks to identify diversion risk indicators. While some useful indicators can be inferred or extrapolated from the report to CSP4 which I referred to a moment ago, it is worth noting that a number of exporting states have specific risk assessment guidance that includes ‘red flags’ or risk indicators. It could be useful, therefore, to gather examples of diversion risk indicators that are currently in use among states, with a specific focus on each phase in the arms transfer chain. Since most diversion cases occur once an arms shipment has left the exporting state, a focus on indicators for diversion during and after delivery is particularly important. And in light of the thematic focus of the CSP7 Presidency, developing indicators for diversion risks based on inadequate or ineffective stockpile management procedures seems especially apposite.

Control Arms also welcomes the inclusion of risk mitigation as an agenda item. In our view mitigation does not always receive the attention it warrants. It is, however, critical that a clear distinction is made between standard export licensing procedures – such as requiring and verifying end-use certificates -- and mitigation measures, which are case-specific measures



designed to respond to specific diversion risks that would otherwise result in a prospective transfer being refused or cast into serious doubt. Moreover, where diversion risks are identified, the mere adoption of a mitigation measure should not be considered enough to allow an arms export to go ahead. Only where mitigation efforts demonstrably reduce diversion risks to a low level should the transfer go forward. In this regard, an ongoing exchange among states concerning their diversion risk mitigation practices would also be a very useful step towards developing common understandings in this area.

To conclude, we hope that, notwithstanding the closed nature of the newly established Diversion Information Exchange Forum, substantive exchanges on diversion risk will continue within this Sub-working group of WGETI. This is not only because it is included in WGETI's mandate, as adopted at CSP3, but because, as has been demonstrated year after year, civil society, the private sector and other stakeholders have much to contribute in this area.

Thank you, Madam Facilitator.