



## **WGETI, sub-working group on exchange of national implementation practices (scope)**

**Tuesday 25 February 2025**

### **Statement delivered by Frank Slijper (PAX) on behalf of Control Arms**

Thank you Madam facilitator,

Under this item Control Arms wishes to raise an issue that has become especially pertinent over the past year and a half: the export control of parts and components along the whole supply chain.

Since the end of the Cold War, the military industry has become increasingly transnational, with multiple companies across several countries often involved in the production of parts and components for a single full system. These components are first transferred to the country of assembly, in which they are integrated into the final weapon system before being exported to their final destination.

A case in point is the F-35 fighter jet, which is the world's largest-ever weapons programme. Led by the United States Government and US company Lockheed Martin, seven partner countries and hundreds of companies in those countries supply parts and components for the F-35.

The F-35 has been purchased not only by the United States and its partner states, but also non-partner states, including Israel, which has ordered 75 fighter jets, of which some 36 are still to be delivered. Since October 2023, Israel has heavily relied on F-35 jets in its bombing of Gaza, with airstrikes being identified by leading human rights monitors and humanitarian organizations as a major cause of civilian casualties.

In a joint letter that was sent last week to the relevant ministers in all F-35 partner countries, more than 230 civil society organisations, including Control Arms, called upon those governments to immediately stop all F-35 related arms transfers to Israel, both directly and indirectly.

The letter points out that ATT State Parties, in accordance to Articles 6 and 7, not only face the obligation to deny export licences whenever there is an overriding risk that proposed arms transfers, including their parts and components, could be used in violations of human rights or international humanitarian law (IHL), but that States Parties also need to ensure that such abuses are not committed with arms first transferred through intermediary states, namely the United States.

In this case, the United States—the key supplier and integrator of the F-35 for Israel—is not a party to the ATT. However, all other F-35 partner nations are ATT State Parties.



This difference in legal obligations, beyond the moral and ethical responsibilities, underscores the importance of F-35 partner countries to not blindly transfer parts and components to the United States without demanding that they may not, under the current circumstances of overriding risk, be re-transferred as spare part or integrated in newly-built fighter jets, to Israel.

A key impediment to observing ATT obligations is the reduced regulatory oversight that has become increasingly common in joint military production programs: when a number of states are producing components for a final full system, in many cases, those states do not conduct risk assessments on the eventual end-user of those systems. Instead, they either conduct a risk assessment considering the potential threats posed by the country of final assembly or, as is the case with some F-35 partner nations, do not conduct a risk assessment at all.

The reasoning for this is that these joint production partners share common export control norms and therefore would agree on what other customers would be acceptable countries of final destination.

Some F-35 partner states have also argued that the supply chain is simply too complex to trace components from the point of production to the point of end-use.

On this, Control Arms makes two points:

First, the existence of advanced tracing mechanisms as well as end-user documentation should all but satisfy such concerns, as we have seen in combating the transfer of critical components to other states accused of committing war crimes and as employed in other industries.

And second, whereas the preamble of the Treaty does note that it should not “hamper international cooperation and legitimate trade in materiel”, this does not obviate States Parties’ binding obligations to ensure that their military exports are not used in serious violations of human rights, such as those that have occurred in Gaza and elsewhere.

The issues posed by joint military production programmes have existed for sometime now. However, against the background of the current geo-political realities and given the risk of genocide in the Occupied Palestinian Territories, addressing the issue of parts and components within the ATT community has become particularly urgent.

Political will is needed to ensure that the ATT is meaningfully implemented and in compliance with the core purpose of the treaty: to reduce human suffering.

I thank you.