

Arms Trade Treaty Monitor

NGO reporting and analysis on the second session of the preparatory committee for the United Nations Conference on the Arms Trade Treaty, 28 February - 4 March 2011

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Tuning the strings

Dr. Robert Zuber | Global Action to Prevent War

It has been over six months since delegates last gathered at the UN to discuss core elements to be included in a final Arms Trade Treaty. Over these intervening months, governments reviewed their positions on scope and structure, diplomats attended strategy sessions in Boston, Montevideo, and elsewhere, and NGOs described pathways to progress on key elements that can help make the ATT as reliable as it is groundbreaking.

Our own organizational efforts are directed towards questions of structure—finances and monitoring—needed to make the ATT sufficiently robust to flag and deter illicit transfers. But this PrepCom is not so much about structural issues as about scope and elements, and we endorse efforts by IANSA, Control Arms, and others to bring clarity and urgency to those discussions.

We also endorse efforts to broaden the scope of civil society participation in this ATT process. We recognize that it will take much

more than the collected expertise gathered around the UN to ensure a treaty that is clear, transparent, implemented in good faith, and capable of being carefully and accurately monitored. There are talents and networks in abundance within diverse global regions, and those voices must be present—or at the very least represented with the greatest of care—to ensure continuous, robust advocacy in all areas of the world where arms transfers can easily get off the straight and narrow track.

Finally, given our broad mandate, we are also preparing for what we (and others) feel are important and complementary gatherings of potential allies in efforts to ensure transparent transfers that respect human rights. The ATT process overlaps with both the Commission on the Status of Women (CSW) and the Special Committee on Peacekeeping Operations. While this CSW will focus on education and training, strong connections are being made to initiatives to promote women's participation in efforts to

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regulate arms transfers and end the illicit arms trade. And while the Committee will focus on a broad range of peacekeeping concerns, protection of civilians will be a core agenda item, protection which is jeopardized by the existence of so many diverted or otherwise ill-begotten weapons.

The ATT is a complex process and efforts must be made to carefully ‘tune the strings’ and arrive at a treaty that can both

achieve consensus and enable the important work of regulating the global arms trade. But the ATT is also part of larger security system with diverse players, complementary interests and urgent expectations. As we all work together to refine and build support for an ATT, we should not lose sight of the other issue interests and resources that can complement our immediate efforts and help ensure our long-term success.

The ATT, women, and gender

Emma Rosengren | Women’s International League for Peace and Freedom, Sweden

The importance of women’s participation in the sphere of international peace and security has been given increased international attention during recent years. The Beijing Declaration and Platform for Action from 1995 specifies women’s political representation as crucial to reach equality, development, and peace. Furthermore, United Nations Security Council resolution (UNSCR) 1325 on Women, Peace, and Security highlights the importance of women’s participation in all levels of decision-making in the sphere of peace and security, as well as the need for an integrated gender perspective. UNSCR 1325 has been followed up by several related resolutions, 1820, 1888, 1889, and 1960, which together constitute the Women, Peace, and Security Agenda.

However, women’s participation in international disarmament and arms control negotiations is still very low, and the negotiations too often tend to ignore the importance of women’s participation, experiences, and the mainstreaming of a gender perspective. The consequence is biased outcomes, with a disproportional and narrow focus on the experiences of a very limited number of men.

Regardless of men’s disproportionate representation in international disarmament and arms control fora, recent arms control discussions have succeeded in including some aspects highlighted in the Women, Peace, and Security Agenda mentioned above. Thanks to the hard work of a few states with the support of some civil society organizations, the Convention

on Cluster Munitions, which entered into force in 2010, includes language on the importance of UNSCR 1325 in its preamble. Last year, on 28 October, UNGA First Committee adopted draft resolution A/RES/65/69 on “Women, disarmament, arms control and non-proliferation” without a vote. Even though the adopted version includes several unfortunate changes from the original text tabled by Trinidad and Tobago, it is interesting and appreciated that the First Committee has been able to adjust to the changing discourse of the international community by recognizing the importance of women’s contributions to these issues.

There are different ways of including relevant language on women, peace, and security in the arms trade treaty (ATT) process. For example, it is crucial to recognize that arms transferred without regulation continue to kill or maim civilians, of which a majority are women and children, long after conflicts end. Furthermore, it is important to recognize the need to provide gender-sensitive assistance to victims of arms transferred without regulation and to address the special rights and needs of vulnerable groups. This can be done by requiring all state parties, with respect to victims of the arms regulated in this treaty and in areas under its jurisdiction or control, to, in accordance with applicable international humanitarian and human rights law, adequately provide age- and gender-sensitive assistance, including medical care, rehabilitation, and psychological support, as well as provide for their social and economic inclusion. Due to a

general lack of information on these issues, it is important to encourage all state parties to make every effort to collect reliable, gender disaggregated and relevant data with respect to victims of these weapons.

UNSCR 1325, 1820, 1888, and 1960 explicitly target sexual violence. In his report on 1820/1888 in December 2010, the UN Secretary-General stressed, “Sexual violence as a tool of war can become a way of life: once entrenched in the fabric of civilian society, it lingers long after the guns have fallen silent.” Keeping that in mind, the ATT should recognize the involvement of conventional weapons in facilitating violence against women, including sexual and gender-based violence. Moreover, it is appropriate to stress that “conflict-related sexual violence,” when used or commissioned as a tactic of war in order to deliberately target civilians or as a part of a widespread or systematic attack against civilian populations, is a serious violation of human rights and international law that significantly exacerbates situations of armed conflict and impedes the restoration of international peace and security. In this regard, the ATT should explicitly affirm that the regulation of arms transfers should be designed to help prevent such acts of sexual violence as highlighted in the resolutions.

More generally, the ATT should also require that state parties do not issue a license or

authorization where there is a substantial risk that the export under assessment may be used in acts that may constitute a war crime, a crime against humanity, or a constitutive act with respect to genocide, noting that rape and other forms of sexual violence can constitute such crimes. Furthermore, it should also require that state parties shall not issue a license or authorization where there is a substantial risk that the export under assessment may be used in acts of gender based violence as prohibited and defined in the Declaration on the Elimination of Violence against Women; or where there is a substantial risk that the export under assessment may exacerbate situations of armed conflict and impede the restoration of international peace due to the enablement of sexual violence commissioned as a tactic of war in order to deliberately target civilians; or as a part of a widespread or systematic attack against civilian populations, as highlighted in UNSCR 1325, 1820, and 1888.

An ATT will be focused on regulating the international trade of conventional weapons. However, it is important that this opportunity to include women’s experiences of war and armed violence is not ignored. Even though women most likely won’t be equally represented at the negotiation table when the ATT is being written, negotiators must not ignore the fact that women do exist.

Time to get serious about the ATT

Ben Murphy | Oxfam Australia

Once again, I'm joining a group of campaigners from around the world for a one-week session of the negotiations towards an Arms Trade Treaty (ATT) at the UN in New York (the so-called PrepCom). With this short timeframe in mind, NGOs and a number of States are pushing hard for the discussion to move into a new phase—away from generalised statements and into the concrete drafting and debate of actual treaty text, clearer definition of terms, and clarification around particular elements of the treaty.

So what is it all about? The last few decades have seen the adoption of a number of international agreements regulating the trade of

or banning many types of weapons, including chemical, biological, landmines, and cluster munitions. However, there is still no truly international, legally-binding instrument that regulates the ways that states trade the whole range of conventional weapons—broadly speaking, *everything else*—with each other. This includes weapons like tanks, attack helicopters, artillery as well as small arms—revolvers, rifles, carbines and machine guns designed for use by one person—which, along with ammunition, are responsible for most conflict related deaths in recent decades. This led former UN Secretary General Kofi Annan to

dub small arms ‘*the real weapons of mass destruction*’. Clearly there is a gap that needs to be addressed. And the good news is that States have recognised this deadly gap and have decided to take action. That’s why we’re all meeting in NY next week. Whilst many states are now champions of an ATT, exactly how strong and comprehensive the instrument should be is highly contested. Some states see the Treaty as an opportunity to raise all states to a much higher standard, whilst others are concerned it will damage their emerging arms industries. Some countries that have been wracked by conflict and organised crime describe the ATT as ‘life or death,’ while others are resistant to a strong instrument that may require significant changes in current practice.

Advocates and NGOs will spend the next week both putting pressure, and working collaboratively with states, to ensure we move towards the strongest ATT possible. This requires a combination of lobbying, and

supporting Government delegations with research, workshops and analysis that works towards resolving many of the challenges associated with the ATT. The focus of the work next week is on **Scope** (i.e. the types of weapons and equipment, as well as the activities/types of transfer to be covered by an ATT), **parameters** (meaning the criteria against which a transfers is assessed before it is authorized), and finally **international cooperation and assistance**.

We’ve seen some incredibly positive developments already, particularly in Australia—my home country—which has been a leading figure in the ATT process since 2006. As the chair of the Pacific Small Arms Action Group (PSAAG) I’m also in a position to advocate alongside Pacific States on a number of the small arms challenges facing small island nations in the Pacific. I’ll be blogging and tweeting from inside the UN all next week @Ben_Murphy83.

Beyond the ATT

Ray Acheson | Reaching Critical Will of WILPF

The international arms trade is big business. The Stockholm International Peace Research Institute estimates that the value of the annual global arms trade as of 2007 was about 50.5 billion USD. The five permanent members of the UN Security Council (China, France, Russia, the United Kingdom, and the United States), account for about 76 per cent of arms sold each year. Most sales are to developing countries.

Despite the global economic crisis, global military expenditure has continued to increase, totaling an estimated 1.5 trillion USD in 2009. And just like personal wealth has become increasingly concentrated among a few rich elites in countries around the world, the arms industry has become increasingly concentrated, nationally as well as internationally. The share of the top five companies in the total arms sales of the “SIPRI Top 100” increased from 22 per cent in 1990 to 43 per cent in 2005. Companies are getting bigger and growing richer while the arms they produce hasten the disintegration of societies

and economies around the world.

As the “commodities” and products of militarism (weapons) grow and spread, so does their use. Armed conflict, war, terrorism, occupation—and the threat of all these—are cause and consequence to the ever increasing levels of militarism and military spending around the world. While military expenditure increases every year, investments in conflict resolution, peace building, and development lags far behind, making clear the links between military spending, the arms trade, violent conflict and the reduction of available resources for social and economic development and gender equality.

Armed conflict and excessive militarism prevent economic stability and sustainable livelihoods and absorb vast amounts of funding that could otherwise be spent on human security, including the achievement of the Millennium Development Goals. Funds reserved for development initiatives are increasingly spent on emergency relief and

rehabilitation operations to clean up after violent conflict. The high level of militarism is also inextricably linked to the reported human rights violations and the failure of peace processes.

This is why the Women's International League for Peace and Freedom (WILPF) believes that an arms trade treaty (ATT) should not be limited to proscribing procedures to authorize arms transfers, nor should it be used to legitimize the arms trade. Its primary purpose should be preventing armed conflict, preventing the violation of human rights and international humanitarian law, and seriously reducing the culture and economy of militarism.

WILPF endorses the "Five Golden Rules" developed by the Control Arms campaign to help stop international transfers of conventional arms that are likely to be used for serious human rights violations and fuel conflict and poverty. In addition, WILPF urges that an ATT recognize that sexual or gender-based violence, when used or commissioned as a tactic of war in order to deliberately target civilians or as a part of a widespread or systematic attack against civilian populations, can significantly exacerbate situations of armed conflict and may impede the restoration of international peace and security. The regulation of arms transfers must help prevent such acts of sexual violence as highlighted in UN Security Council resolutions 1325, 1820, 1888, and 1889.

An ATT will likely only be focused on regulating the international trade of conventional weapons. However, WILPF would like to highlight the broader context in which this treaty will one day operate: a world of increasing economic inequalities and political instabilities, shrinking natural resources and environmental deterioration, and increasing complexity of societies through globalization and technological change. Above all else, weapons are tools of violence and oppression for those that use them and tools of financial gain for those who make and sell them. While the major arms producing and purchasing governments have no interest in an ATT that prevents the manufacture or sale of arms altogether, they can at least help to build the foundations for not just the regulation but the *reduction* of trade, along with the reduction of military spending and the redirection of economic resources.

An ATT would help realize the mandate of Article 26 of the UN Charter, which in essence demands "the establishment and maintenance of international peace and security with the least diversion for armaments of the world's human and economic resources" through "the establishment of a system for the regulation of armaments." But Article 26 goes beyond the mere regulation of the arms *trade* to the regulation of armaments themselves. It foresees a redirection of military expenditure, *implying that the system of regulation will afford security by other means.*

This system could, as Costa Rica's delegation suggested in December 2008 during a UN Security Council open debate on Article 26, consist of establishing regional commitments to maintain collectively agreed levels of military spending, with the UN Security Council and regional organizations serving as effective guarantors of compliance. At the same debate, Bolivia's delegation made a recommendation that could also be useful in mapping out the "beyond the ATT" landscape: it urged the UN to take measures to prevent arms manufacturing countries from encouraging arms races in developing regions by sending some countries in the region millions of dollars worth of armaments, which "forces every country to naturally feel the need to find a mechanism with which to defend itself, even at the cost of hunger for its people."¹

Dozens of governments participated in the open debate and many more proposals have been made over the years. The point to be made here is that the ATT will not exist in a vacuum; the context in which will operate is a dangerous and deadly world that requires not just stringent regulation of the arms trade but a regulation of the arms industry and of military spending. WILPF looks forward to working with delegations over the course of the negotiations and beyond to ensure that the ATT is the strongest step along this path that it can possibly be.


¹ See Reaching Critical Will's report on the debate: <http://www.reachingcriticalwill.org/political/article26/UNSCdebate/report.html>

Calendar of Events

When	Where	What	Who
Tuesday, 1 March 1:15–2:30 PM	Conference Room 6 North Lawn Building	<i>Comprehensive Scope for a robust ATT</i>	Amnesty International, Caritas
Wednesday, 2 March 1:15–2:30 PM	Conference Room 1 North Lawn Building	<i>Saving Lives: Preventing Gun Violence Through the ATT</i>	IANSA, ForUM, Amnesty International, Mission of Norway to the UN
Thursday, 3 March 1:15–2:30 PM	Conference Room 6 North Lawn Building	<i>An ATT and Ammunition</i>	Mission of Trinidad and Tobago to the UN, Germany Ministry of Foreign Affairs, Norwegian Forum for Environment and Development, Norwegian Church Aid, PRIO, Control Arms
Friday, 4 March 1:15–2:30 PM	Conference Room 1 North Lawn Building	<i>Disarmament through education: women take the lead</i>	UN Office for Disarmament Affairs, Mission of Norway to the UN, Religions for Peace, IANSA Women's Network

The Mission of Norway to the UN, Amnesty International, ForUM and IANSA present

Saving Lives: Preventing Gun Violence Through The Arms Trade Treaty



Wednesday 2 March 2011 1:15 - 2:30pm
Conference Room 1 North Lawn Building UNHQ

Chair:
Ms. Agnes Marcellou: Chief, Regional Disarmament Branch, UNODA

Speakers:
Ms. Rashida Manjoo: UN Special Rapporteur on Violence Against Women, Its Causes and Consequences
Mr. Francis Forbes: Crime, Security and Liaison, Implementation Agency for Crime and Security (IMPACS), Jamaica
Dr. Ogebe Onazi: International Physicians for the Prevention of Nuclear War (IPPNW), Nigeria
Ms. Claire da Silva: International Lawyer

