



Photo: No arms for atrocities, protest outside United Nations in New York, 2013 © Control Arms

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WHAT WILL—AND WON'T—BE DISCUSSED AT CSP5

Allison Pytlak | Reaching Critical Will, Women's International League for Peace and Freedom

During WILPF and Ireland's recent workshop on gender, gender-based violence, and the ATT, Ambassador Karklins of Latvia reflected on a photo he had seen from the early days of the United Nations: rows and groups of men are seated around negotiating tables, with only a few (if any) women present, in a stark depiction of gender inequality and related social norms. We have all seen these types of images before in the annals of UN (and really all) history; indeed, an entire room at the World Trade Organisation features a series of such paintings in which women answer phones, get ogled, and bring coffee and files to busy-looking, pipe-smoking, wheeling-and-dealing men.

Fast forward to 2019. It would be great to say that these are *Mad Men*-like scenarios of the past, but we all know they are not. The gains made in gender diversity within multilateralism are not insignificant, but still a long way from ideal—particularly in disarmament and security, where many traditional gender norms around participation, power, and decision-making still hold.

Gender diversity is one part of a package of decisions and recommendations drafted by Ambassador Karklins in his capacity as the president of the Fifth Conference on States Parties (CSP5) to the ATT, which will hopefully be adopted by ATT states parties by the end of the conference and implemented thereafter. Gender and gender-based violence (GBV) have been the thematic focus for the ATT community over the last ten months, as other subjects such as diversion and the Sustainable Development Goals have been for past CSPs. This publication noted at the outset of CSP4 that gender has been an under-explored and lesser-referenced subject in the ATT context, particularly vis-à-vis the growing interest in it within other disarmament fora. As a 2015 WILPF study revealed, many ATT states parties were unsure how to approach and implement the Treaty's criterion on GBV prevention for reasons ranging from access to relevant data to not understanding it as distinct from a human rights assessment.

The decision for gender and GBV to be the thematic focus for CSP5 is changing that. The ATT's working groups, especially on implementation, have enabled discussion between states parties and observers about agreed understandings of what is GBV; how the ATT obligations in this area align with human rights conventions and the Women, Peace and Security Agenda; the challenges of gathering, and need for, sex- and gender-disaggregated data; and not least, existing state practice and interpretation of ATT Article 7.4. A growing number of international and civil society organisations have begun to contribute research and guidance in this area or are organising trainings and side events with policymakers and practitioners.

The president's draft decisions are divided across three categories: representation and participation; gendered impact of armed violence; and the GBV risk assessment criteria found in ATT Article 7.4. Within each category there are recommendations for states parties and other stakeholders to undertake, sometimes in cooperation with one another and others in the course of national policy. The document has come a long way since its initial draft; but it needs some further adjustments to make it truly meaningful. It contains good and thoughtful recommendations, but there is a risk that if states are only "encouraged" to take certain actions, states parties will not do so. Follow-up and adherence will be crucial at the national level and within the ATT ecosystem of working groups and intersessional work, and will require the involvement of civil society, the ATT Secretariat, and other stakeholders. Moreover, the decisions and recommendations of CSP5 need to be better communicated to officials directly involved in arms transfer practice, to close the gap between them and policymakers. At the same time, future dialogue on gender and GBV in ATT meetings must be better informed by individuals with direct knowledge and lived experience. It will be interesting to see the degree to which delegations demonstrate diversity in this meeting, either in their representation within the room or consultation and input to statements delivered.

Beyond gender, the CSP5 will cover the usual topics of universalisation, implementation, and reporting and needs to take various administrative and financial decisions, which can often eat up a surprisingly large amount of the agenda. The working groups in each of these areas are putting forward various conclusions and resources for endorsement. In the area of universalisation, for example, a welcome package and universalisation toolkit is being proposed.

The Working Group on Treaty Implementation (WGETI) will seek endorsement on a “Voluntary Basic Guide to Establishing a National Control System” but the president also recommends suspending the work of the sub-group on Article 5 in order to focus on other ATT articles, in this case specifically Article 9 on transit and trans-shipment. The WGETI will also further expand its “List of Possible Reference Documents to Be Used by States Parties in Conducting Risk Assessments under Article 7” with new resources pertinent to Article 7.4; there is also a recommendation that in 2020 the Group take forward the development of a voluntary training guide on GBV. Several suggestions are being made for how to continue and step-up work around Article 11 on diversion.

Diversion has also been taken up by the Working Group on Transparency and Reporting (WGTR). In meetings held earlier this year, it decided to organise a first informal meeting in the margins of CSP5 to discuss “concrete cases of detected or suspected diversion that states parties are dealing or have dealt with as a solid basis for further exchanges”. An open meeting for all interested stakeholders will occur on Tuesday morning, while a closed session for states parties and signatories only is scheduled for Wednesday. The WGTR is also registering concern about the downward trend in annual reporting rates (although does not comment on the growing number of those kept private) and is outlining plans for outreach, capacity building, information sharing, and various mechanisms to make reporting easier.

Strangely—but no longer surprising—is that what we are unlikely to hear about at CSP5 is the international arms trade itself. Amid the guides, packs, plans, and budgets described above, there is once again no planned exchange in any format

about the ongoing transfers of some states parties that are questionable at best, illegal at worst, and most definitely inhumane. In a year that has seen weapons perpetuate genocide in Myanmar, the violent undoing of Yemen, and bloody attacks on civilians in Cameroon, violations of core ATT obligations—including the role of transit states—are not being addressed at all in this space. This is in spite of high profile legal actions, protests, and debates about many of these weapons transfers. Instead, the ability of smaller or less-developed states parties to become Treaty-compliant—along with a host of administrative and procedural issues—is routinely spotlighted. This sends a message of double standards, in which the bad behaviour of larger and generally Western states parties and signatories goes unchecked and unscrutinised, as they divert attention instead to “helping” their smaller counterparts overcome their “shortcomings”, which are posited and framed as the real challenges to Treaty implementation.

This sets a narrative about who counts and what matters, and also largely reinforces and legitimises global arms trading by making countries better at doing it. The recommendation of the out-going WGETI chairperson for that group to focus in future on unpacking how states parties interpret key concepts like “facilitate,” “serious,” and “overriding” risk found in Articles 6 and 7 could potentially become a mechanism by which exporting states parties have to better explain their interpretation, and by consequence, their actions. But that seems a distant prospect, if prevailing power dynamics continue. Imagine if the same time and resources given to helping build national control systems was given to asking why certain exporters knowingly send weapons into situations of conflict, human rights abuse, or high levels of armed violence? This is not to say that the capacity building activities are not necessary, but it is to say that compliance is an issue for all, and it is not conditional.

TAKING A DEEP DIVE INTO GENDER AND GENDER-BASED VIOLENCE IN THE CONTEXT OF THE ATT : REPORT BACK FROM AN INTERACTIVE WORKSHOP CO-HOSTED BY IRELAND AND WILPF

Katrin Geyer | Reaching Critical Will, Women's International League for Peace and Freedom

The thematic focus on gender and gender-based violence (GBV) as part of the Fifth Conference of States Parties (CSP5) to the Arms Trade Treaty (ATT) is a welcome opportunity for states parties to take stock of existing practice in this area and identify where knowledge and implementation gaps remain. This is why, ahead of CSP5, the Permanent Mission of Ireland and the Women's International League for Peace and Freedom (WILPF) co-hosted an interactive and informal workshop on gender, GBV, and the ATT. The workshop allowed for in-depth discussions exploring opportunities and challenges in advancing gender perspectives within the ATT context, including the implementation of the ATT's provision on GBV, and left participants with an appetite to keep the conversation going, and with much food for thought for CSP5 and beyond.

On 23 August, more than 30 state party representatives, including the president of CSP5, Ambassador Karklins of Latvia, along with representatives from the United Nations Institute for Disarmament Research (UNIDIR), the International Committee of the Red Cross (ICRC), Small Arms Survey, Control Arms, the Office of the High Commissioner for Human Rights (OHCHR), and others, explored a range of core concepts relevant to the ATT's implementation, but also to other disarmament and arms control fora more broadly.

With that objective in mind, the workshop was structured around three main sessions: 1) a discussion about what a gender perspective is and why it matters in the ATT context and beyond; 2) an analysis of the scope of GBV; and 3) an overview of existing tools to assess for the risk of GBV in export risk assessments. The workshop also featured various interactive activities,



Photo: Permanent Mission of Ireland

requiring participants to reflect on how gender norms influence discussions in security fora, and in our own lives, or smaller break-out groups allowing for more detailed exchanges.

Ray Acheson of WILPF kicked off the first session, and offered an in-depth feminist analysis of gender norms and discourse. She laid out how gender norms, in particular "violent masculinities," negatively impacts men, women, and non-binary and other LGBT+ people, and how the same norms pose challenges to disarmament and discourse in UN fora. She stressed the importance of having meaningful diversity in discussions around disarmament and arms control, including survivors of weapons-related violence and those from marginalised communities.

In the second session, Annie Matundu-Mbambi, president of WILPF DRC, spoke about how conventional arms facilitate and contribute to different types of GBV in her country. She described how conventional weapons have facilitated not only physical and sexual violence,

but also economic and psychological violence against women, including social oppression, and how the widespread availability of small arms and light weapons (SALW) has caused trauma in DRC's society, an impact less visible but not less grave. Raluca Muresan of Control Arms then reported back on a workshop Control Arms held earlier this year with export licensing officials from Eastern European countries. Control Arms took two key things away from that exchange; officials need more clarity on the term “facilitate” GBV, as contained in Article 7(4), and outlined the fact that export officials will have to go beyond traditional information sources to make informed decisions before approving licenses. Ms. Muresan underscored that when considering licenses, officials have to think of GBV implications “in the broadest possible way,” and across a range of equipment beyond SALW.

In the last session, Kelisiana Thynne presented the ICRC's working paper on international humanitarian law (IHL) and its relevance for assessing the risk of serious acts of GBV, which it presented to the session of the Working Group on Effective Treaty Implementation in April this year. She offered clarifications on relevant terminology in the ATT, such as “serious violations of IHL” and “war crimes” (which the ICRC understands to be inter-changeable), and “gender-based violence”. Ms. Thynne stressed that not all acts of serious GBV are sexual in nature. This can include unlawful killing or the unlawful recruitment and use of children in armed conflict when individuals are targeted for gender-specific reasons. Ms. Muresan presented findings from a joint Control Arms Coalition – International Human Rights Clinic at Harvard Law School paper on interpreting key terms under Article 7 with respect to international human rights law (IHRL) and GBV. The terms include: “serious” violations of IHRL; “commit” and “facilitate”; and the concept of “peace and security.” Emphasising the overlap between GBV and serious IHRL violations, Ms. Muresan concluded that ultimately, most acts of GBV are serious.

Andrés Pérez of OHCHR complemented this discussion with his insights from a human rights lens. He argued that the GBV risk assessment doesn't require states to sign up to new legal framework but to implement long-standing

obligations. He offered an historical overview of the development of the recognition of GBV in human rights treaties; and observed that the regulation of the arms trade, GBV, and human rights is linked to a dynamic and longstanding body of international human rights norms and standards, many of which are binding. Mr. Perez drew attention to the recently adopted Human Rights Council resolution on the impact of arms transfers on human rights, including reference to gender-based violence. The resolution was passed by consensus, demonstrating that no state questions the links between arms transfers, human rights and GBV. He concluded his remarks by pointing to various resources within the human rights system that can help states in their assessment, notably the human rights index.

Continuing the conversation on data, Mia Schoeb presented the Small Arms Survey's relevant databases that can be useful for export licensing. She explained how the Survey collects the data and the challenges they are facing. She underscored that the availability of national level data is crucial, and that such data ought to be reviewed by independent actors. She stressed that there often is a lack of sex- or gender disaggregated data collection but that other types of data allow for gender analyses, such as the location (for instance in a market) and time (for instance in the morning) of when a weapon was used.

The workshop concluded with a round of reflections on key take-aways and demonstrated participants' enthusiasm to apply and expand on the workshops' insights and to continue the discussion at CSP5 and beyond.



Photo: Katrin Geyer

upcoming side event 26/09/19

WOMEN, WEAPONS AND WAR

NATIONAL AND LOCAL PERSPECTIVES ON PREVENTING GENDER-BASED VIOLENCE THROUGH ARMS CONTROL



Photo: Charlotte Hooij

CSP5 to the Arms Trade Treaty

Room 5, CICC, Geneva

26 August 2019 (1:15 - 2:45 p.m.)

Light lunch will be served.



Photo: UN Photo/Abel Khojasteh

About the Event

The thematic focus on gender and gender-based violence (GBV) as part of CSP5 is a welcome opportunity for the ATT community to better understand the connections between the international arms trade and GBV. Yet, many of the discussions that have been held among policymakers or experts, have had few direct inputs from those who have experienced GBV in settings of armed violence or conflict and those that are working in national and local contexts to address it.

This side event seeks to provide space for such inputs. A diverse expert panel from different regions, consisting of WILPF section members and partners, will provide concrete case studies and information based on their local and national expertise.

Speakers

- **Ms. Allison Pytlak**,
Event Moderator, Reaching Critical Will Programme Manager at WILPF International Secretariat
- **Ms. Diana Salcedo**,
Director of WILPF Colombia
- **Ms. Regina Ouattara**,
Director of WILPF Burkina Faso
- **Ms. Annie Matundu-Mbambi**,
President of WILPF DRC
- **Ms. Nadee Gunaratne**,
Research Officer at WILPF Sri Lanka
- **Ms. Rasha Obaid**,
Director of the Economic Development and Post-War Recovery Programme at Peace Track Initiative

ORGANISER



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Reaching Critical Will is the disarmament programme of the Women's International League for Peace and Freedom (WILPF), the oldest women's peace organisation in the world. Reaching Critical Will works for disarmament and the prohibition of many different weapon systems; confronting militarism and military spending; and exposing gendered aspects of the impact of weapons and disarmament processes with a feminist lens. Reaching Critical Will also monitors and analyses international disarmament processes, providing primary resources, reporting, and civil society coordination at various UN-related forums.



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The ATT Monitor is produced by the Reaching Critical Will programme of the Women's International League for Peace and Freedom (WILPF) daily during all ATT meetings.

ATT MONITOR

Vol. 12, No. 4

26 August 219

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The views expressed in this publication are not necessarily those of WILPF or Reaching Critical Will.