



*Photo: Stop Arming Saudi demonstration in London © Campaign Against Arms Trade*

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Reaching Critical Will

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# MAKING SURE THE RHETORIC MATCHES THE REALITY

Ray Acheson | Reaching Critical Will, Women's International League for Peace and Freedom

As the Fifth Conference of States Parties (CSP5) to the Arms Trade Treaty (ATT) kicked off on Monday morning, it was rather surreal to hear government officials and international organisations discussing in-depth the gender aspects of the treaty. The Women's International League for Peace and Freedom (WILPF), International Action Network on Small Arms (IANSA) Women's Network, and other activist groups worked for years to ensure that the ATT included provisions on gender, including a legally binding requirement to include gender-based violence (GBV) in arms export risk assessment processes. While over 100 states came to support this call and ensured its place during the ATT's negotiation, in the five years since the treaty's adoption there has been little attention to this particular provision. We are told time and again that there is not enough information about the link between the arms trade and GBV, or that that export licensing officials don't understand how to include it in their assessments. In the ensuing years, WILPF and others have produced many materials and organised workshops for diplomats and other relevant officials. But having gender and gender-based violence be the theme for this year's CSP has brought attention to this critical aspect of the treaty to a whole new level.

Unfortunately, as survivors of armed GBV can attest, the problem of gender-based violence is global, rampant, unabating, and incredibly traumatising. Speaking during the opening panels of CSP5, Nounou Booto Meeti of the Center for Peace and Security and Armed Violence Prevention described her own personal experience of gender-based gun violence, while Annie Matundu Mbambi of WILPF DRC talked about how weapons are "constantly used as a symbol of power and authority," undermining gender equality, human security, justice, and human rights. Most of the interventions by panelists, states, international organisations, and non-governmental organisations focused on the violence against women aspects of GBV, highlighting the horrific crimes of murder, abuse, rape, sexual slavery, sex

trafficking, forced prostitution, forced pregnancy, enforced sterilisation, and more, which are so frequently facilitated by the presence of weapons. Others such as the International Committee of the Red Cross (ICRC), the former president of Latvia, the delegation of Austria, and WILPF also highlighted that GBV also includes targeting men and boys on the basis of their sex—such as mass killings of men to prevent them from joining hostilities—and against LGBT+ people on the basis of their sexual orientation or gender identity.

The ATT has not yet been used effectively to reduce or prevent GBV, even though it has potential to do so. "Like the Geneva Conventions, the Arms Trade Treaty aims to protect people, save lives and reduce suffering, based on the universal principle of humanity," said ICRC Vice President Gilles Carbonnier. "These rules are not an abstract norm. They are a practical tool in the interests of all to protect lives and, ultimately, in the interests of international and regional peace, security and stability." When 100 activist groups demanded the ATT include a legal provision to prevent GBV, and when 100 states supported that call in the lead up to its adoption in 2013, they did not do so in an exercise of futility. They truly believed, and still do, that this treaty can have a meaningful impact. But only if it is implemented.

Right now, the main problem across all of the provisions of the ATT—not just article 7(4) on GBV but those related to all of the prohibitions and risk assessment requirements—is that the treaty is not being effectively implemented. Arms transfers to countries where there are known violations of human rights and international humanitarian law (IHL), including a prevalence of GBV, have continued since the treaty entered into force—such as to Cameroon, India, Saudi Arabia, and many others. When it comes to Saudi Arabia, many of the ATT's states parties and signatories are engaged actively in war profiteering, directly facilitating through the provision of weapons both the massive humanitarian crisis in Yemen and oppression of women's and other human rights in Saudi Arabia.

"Humanitarian imperatives must never be trumped by economic, security and diplomatic interests," warned the ICRC. Yet we see this every day in the context of the ATT.

In just a week, arms companies from around the world will be setting up shop in London for Defence and Security Equipment International (DSEI), one of the biggest arms fairs in the world. Government officials will meet with arms dealers to make the sales that fuel conflict, violence, and repression around the world. The weapons on display there today will be used in conflicts tomorrow. This should sit in stark contrast to what goes on at the CSP, as a place for states to seriously discuss how to prevent human suffering from the proliferation and use of weapons. Listening to participants on Monday discuss the importance of preventing GBV and ensuring human rights and IHL, one could see how the ATT could be positioned to do just that. Yet it's hard not to be concerned about the meaningfulness of the words said in Geneva versus the actions that will be taken soon in London, or in the cities and towns that have been turned into battlefields.

Ms. Izumi Nakamitsu, UN High Representative for Disarmament Affairs, warned delegates that the global value of the international arms trade has been increasing, not diminishing, since the ATT was adopted. Costa Rica pointed out that the ATT was never envisioned to legitimise the arms trade, but rather to facilitate disarmament and the reduction of military spending. Based on an assessment of current realities, it has certainly not met these objectives. Ambassador Jānis Kārkliņš of Latvia,

president of CSP5, noted in his opening remarks that the success of the ATT will not be measured by its institutional arrangements or its bank balance, but in how far it has realised its objectives and purpose. In this context, we have much work to do.

Other UN bodies and mechanisms are stepping up to provide assessments and recommendations for better implementation of the ATT and other arms trade-related obligations. In July, the Human Rights Council adopted by consensus a resolution on the impact of arms transfers on human rights. The resolution acknowledges the role arms transfers can play in facilitating GBV and invites states to consider the recommendations produced by the UN Office of the High Commissioner for Human Rights in 2017. The Committee on the Elimination of Discrimination against Women called on states to address the gendered impacts of international arms transfers through ATT ratification and implementation. There needs to be better integration between the ATT and the UN's human rights and disarmament mechanisms and processes, because right now, those mechanisms are leading the way.

In a week, activists and artists will once again work to shut down the DSEI arms fair and will likely be arrested for trying to prevent future atrocities. Here in Geneva, delegates to this meeting of the only legally binding treaty regulating the international arms trade have an obligation to do whatever they can to show that they intend to put people over profits. As Ms. Matundu Mbambi said to close her remarks, "Less Arms, Less Sexual Violence, Less Gender-Based Violence."

## ATT AND GENDER-BASED VIOLENCE

Still not sure how to implement the ATT's provision on gender-based violence?



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## SIDE EVENT REPORT: NATIONAL AND LOCAL PERSPECTIVES ON PREVENTING GBV THROUGH ARMS CONTROL

Allison Pytlak | 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) preparatory process has been a welcome opportunity for the Arms Trade Treaty (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 in the UN context 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.

WILPF's side event on Monday aimed to fill this gap by bringing the diverse experiences of five women from its national sections and partners to CSP5. Panelists included Diana Salcedo (WILPF Colombia), Regina Ouattara (WILPF Burkina Faso), Annie Matundu-Mbambi (WILPF DRC), Nadee Gunaratne (WILPF Sri Lanka), and Rasha Obaid (Peace Track Initiative – Yemen), with moderation by Allison Pytlak of WILPF International's disarmament programme, Reaching Critical Will.

The discussion covered many dimensions of the gender issue, starting with some of the lesser-understood or under-discussed forms of GBV that are fueled by the presence and use of weapons, such as psychological and socioeconomic violence. For example, Ms. Matundu-Mbambi described the fear and intimidation that leads women to take refuge in forests and the challenges of accessing maternal, and general, healthcare; while Ms. Obaid described the slow militarisation of local communities in Yemen as a result of the accumulation of arms and related insecurity, even in communities that are not officially involved in the civil conflict there.

There was also reflection on the point that some ATT states parties have raised concerns about the challenges of easily accessible data by which to

assess for the risk of GBV. While past WILPF events have pointed to how information and assessments made and collected in the context of human rights instruments or in the area of the women, peace, and security agenda can be better leveraged for this purpose, challenges remain. Ms. Gunaratne described that in the research that WILPF Sri Lanka has conducted on GBV and small arms, there is a lot of information about GBV but not necessarily in relation to the use of weapons.

Panelists provided their views on what constitutes true gender diversity and a gender perspective in disarmament and arms control. "The gender perspective is a political choice that makes visible the prejudices and inequitable roles that reproduce the attitudes of discrimination and exclusion within a country," noted Ms. Salcedo. "It is a tool that allows for denouncing and deconstructing the gender mandates that justify physical, psychological, economic, and sometimes sexual violence towards women and people with diverse gender identities."

All panelists underscored that gender is not about women alone and also that it's necessary to understand women not just as victims of GBV, but also in playing roles as combatants, and active contributors toward peacebuilding and disarmament. This needs to be better reflected in policies and programming, including through "developing women's leadership for inclusive governance in security in general, and arms control in particular," explained Ms. Ouattara. "A gender perspective is a must if you want an inclusive approach to sustainable development," she concluded.

In her closing remarks, Ms. Pytlak encouraged states to integrate these concrete examples into the development of arms control and disarmament policy and programming—and to better engage



## NEWS IN BRIEF

Katrin Geyer and Allison Pytlak | Women's International League for Peace and Freedom

*The News in brief is not a comprehensive recording of all statements and positions but attempts to capture key points from discussions.*

### Opening and thematic panels

- The International Committee of the Red Cross (ICRC) stressed the need to end cycles of violence and human suffering through ATT implementation and respect for the law, including international humanitarian law (IHL), which is not an “abstract norm”. The ICRC stated that humanitarian imperatives must never be trumped by economic, political, or diplomatic interests, and that the ATT cannot be taken for granted. Discussions about practical implementation are necessary.
- Deputy Minister Salazar Rojas of Costa Rica says CSP5 must not legitimise the arms trade and that the ATT is about disarmament, reducing excessive military spending, and the damage civilians suffer.
- The UN High Representative for Disarmament Affairs noted that the global value of arms transfers is 7.8 per cent higher from 2014–2018, after the ATT was adopted, compared with previous five-year period.

### Participation and representation

- UN High Rep urged that balanced representation and participation is about more than just the numbers noting that women tend to have fewer opportunities to speak and seldom are heads of delegations.
- Deputy Minister Christine Hoebes of Namibia stressed the importance of meaningful representation

### Gendered impacts and gender-based violence (GBV)

- Nounou Booto Meeti of Control Arms described her own personal experience of GBV.
- Vaira Vike-Freiberga, former president of Latvia, noted that the presence of weapons increases risks and volatility of domestic violence and GBV.
- UN High Rep also recognised it is important to understand the impacts of the arms trade and weapons use on non-binary and other LGBT people.
- Annie Matundu-Mbambi of WILPF DRC noted that GBV is prevalent everywhere in world and exacerbated by the arms trade.



Photo: WILPF side event panel © Ray Acheson

- ICRC highlighted an often overlooked form of GBV, in which “military-aged males are the victims of mass killings” to prevent them from fighting back.

#### *ATT GBV risk assessment*

- The ICRC said that the GBV provision is part of the ATT’s heart but it must applied “rigorously and consistently” in practice.
- Ms. Booto called on states parties develop robust risk assessment processes that provide specific training and resources related to gender-based violence and the ATT.

#### *Gender analysis*

- UN High Rep urged better use of gender analysis to help inform disarmament policies; noting that gendered aspects and impacts of weapons must be enhanced. She also encouraged engagement with gender advisors and focal points.
- Deputy Minister Christine Hoebes of Namibia highlighted the connections between ATT commitments in the area of GBV prevention and the Women, Peace and Security Agenda, as well as the links to development. Ms. Hobes said that the WPS Agenda can benefit from gender responsive disarmament and gender analysis in arms control discussions.

#### **Thematic discussion on gender and GBV**

- Many delegations, including the EU, Guatemala, Netherlands, Chile, Japan, and Argentina on behalf of 46 states, recalled that the ATT is the first arms regulation treaty to recognise the links between the transfers of conventional arms and GBV.
- Every state party welcomed the president’s decision to focus on gender and GBV at CSP5. Many noted the useful, productive, and helpful discussions that took place throughout the preparatory and working group meetings earlier this year.
- The vast majority of states that took the floor expressed their support for the president’s draft decisions and recommendations.

- Switzerland and WILPF urged more clarity on the proposal to add a question related to GBV to the reporting template, stating that it should be about adding information about the status of GBV and arms transfers in that context.

- The majority of states welcomed the panellists’ contributions in illustrating vividly the need for gender perspectives of the ATT’s implementation.
- Argentina on behalf of 46 states underscored that this focus should continue to be explored on an ongoing basis, and offered their support for continued work on this for subsequent presidencies.
- Various delegations, including Costa Rica, Germany, Guatemala, Sweden, Chile, South Africa, Australia, WILPF, and Control Arms noted the importance to include, and the strong link with, the Women, Peace and Security in states parties’ efforts to include gender perspectives into the ATT’s work.
- Ireland informed that this year, it launched its third national action plan on 1325, prioritising gender analyses in disarmament, arms control and non-proliferation.
- Many participants, including New Zealand, the Netherlands, the EU, Guatemala, Palestine, Germany, Peru, and WILPF, underscored the links between the effective implementation of the ATT, and the achievement of Agenda 2030 and the Sustainable Development Goals (SDGs).
- Many states, including Germany, Sweden, Chile, Ireland, Argentina on behalf of 46 states, and Mexico, amongst others, welcomed the contributions and inputs provided by civil society organisations to this year’s thematic focus.

#### *Participation*

- New Zealand and Peru noted that all states should be alert to the role that women play in advancing peace and security.
- New Zealand, ROK, China, and Palestine encouraged all states to promote and facilitate women’s participation in these processes.

- The EU affirmed the need for women's active participation at all levels and gender diversity in the implementation of the ATT. The UK, and Argentina on behalf of 46 states had similar views, and stressed the need for women's active participation also in leadership roles.
- In a similar vein, Austria hoped "with all due respect" to see a woman presiding over the Conference within the next five years. It said that women bring special expertise and different perspectives to discussions and substance around the regulation of the arms trade.
- Switzerland said that it shouldn't be only about numbers but that states must foster a constructive working environment as well.
- Control Arms proposed for the Secretariat to consider the level and nature of participation by gender.
- Japan and Switzerland supported the consideration of gender balance in the ATT's sponsorship programme. WILPF urged the programme to report back on this, including what obstacles they encounter.
- Mexico and Sweden reminded that it was important to see women not only as victims but also as actors and decision-makers.
- WILPF noted that diversity in discussions should also include meaningful participation of those who have experienced arms-related GBV in local contexts, as well as including non-binary and other LGBT+ people and other marginalised communities.
- Argentina, on behalf of 46 states, sees concrete value in striving for gender balance in panels, delegations, and events.
- Sweden and International Action Network on Small Arms (IANSA) referenced the UN Secretary General's disarmament agenda that also calls for gender parity and women's active participation in all decision-making processes in disarmament and arms control processes. IANSA also reminded of the UNPoA's final report from the Third Review Conference last year that encouraged "the full participation of women, including in leadership roles."
- South Africa reminded states parties of the crucial role that women played in South Africa's transition and transformation in its peace process.
- Costa Rica affirmed the need for an increase of women working in peace building activities.
- South Africa and Mexico noted that the contribution of women and girls remained undervalued and under-resourced.
- EU supported the president's proposal to track progress in gender balance.
- UK supported the draft decision's proposal for the Voluntary Trust Fund (VTF) to encourage gender considerations in project proposals.

#### *Gendered impacts*

- EU, Mozambique, Mexico, Montenegro, Netherlands, Argentina on behalf of 46 states, Control Arms, WILPF, Switzerland, and Germany, amongst others, expressed support to the president's proposal to systematically encourage gender-disaggregated data to assess the impact of armed violence in the ATT. Germany said that the ample lack of statistics is one of the main challenges in understanding the gendered impact of armed violence as well as the nexus between GBV and arms control.
- Costa Rica encouraged the implementation of registries to collect data disaggregated by sex and gender, so to better implement arms control policies.
- Control Arms noted that data gathered should focus on both direct and indirect impacts of armed conflict and weapons-related violence. In that context, Control Arms and WILPF reminded of the disproportionate and often indirect gendered impacts that are of socio-economic or psychological nature. Control Arms and WILPF also urged to understand impacts on gender non-conforming people.
- Mozambique, Small Arms Survey (SAS), and IANSA suggested the inclusion of data collection disaggregated by age also. Guatemala also noted it was important to have relevant data disaggregated by gender and

age, as well as other data points related to the victims of armed violence.

- SAS said they identified “a clear need” for capacity-building on data collection, and the need to strengthen national-level data collection and availability to ensure a more accurate analysis of the gendered impacts of armed violence.
- Argentina, on behalf of 46 states, reminded about the differential gendered impacts of conventional weapons in non-conflict environments.
- Ireland and WILPF reminded that the existence of conventional weapons exacerbates power imbalances and facilitate acts of violence, including those rooted in gender discrimination.
- South Africa noted that the exploration and elaboration of relevant terminology is being done in other fora, and cautioned against duplicative efforts or inconsistent results in the ATT context.

#### *Risk assessment*

- Costa Rica encouraged states to design effective mechanisms to implement Article 7(4), including by adopting criteria in its risk assessment that take into account gender and human rights perspectives. The EU and Australia, amongst others, also noted the importance for states to conduct risk assessments with due consideration for the risk of GBV.
- New Zealand observed that the panellists’ contributions highlighted “too well” that states give appropriate expression in decisions on arms transfers in risk assessments to GBV.
- New Zealand, Germany, the UK, ROK, Japan, Argentina on behalf of 46 states, and the EU supported the President’s proposal to develop a voluntary manual, including best practices for risk assessments including the GBV criteria.
- Germany informed participants that it usually invokes the EU Common Position that requires consideration of international humanitarian law (IHL) and international human rights

law (IHRL). Germany says such assessment includes assessments against GBV specific violations.

- Argentina informed that it places restrictions on the domestic possession of firearms based on GBV.
- UK said it was useful to consider a wide range of relevant data and information insofar as it is “realistically informing the risk assessment process.” Germany acknowledged that including specific GBV assessments are challenging at times, as acts of GBV are often happening in a context of serious human rights violations or armed conflict.
- South Africa supported the president’s recommendation for the WGETI to take a broader approach to the application of gender perspectives beyond Article 7(4).
- ROK supported the inclusion of a question on GBV in the annual reporting template, arguing that it would contribute to raising awareness about GBV. South Africa observed that the president’s proposal to include a GBV question into the annual reporting template might be difficult. It stated that with respect to Article 13, states parties are requested to report on authorised imports and exports, which would make it difficult to include a question on GBV to the template as is. Belgium agreed and said that reporting obligations in the annual template only relate to authorised actual imports and exports, and not to implementation measures. Belgium and Control Arms suggested to include a question on GBV in the initial reporting template.
- EU supported the use of a wide range of data for risk assessments, and reminded that the UN Programme of Action on Small Arms and Light Weapons (UNPoA) also encouraged states to collect gender-disaggregated data. IANSA also drew attention to the UNPoA being complementary to the ATT and other instruments.
- EU observed that such efforts could also help to measure progress achieved for SDG 5.2.



## Human rights mechanisms

- Peru reminded states of the recently adopted Human Rights Council resolution on arms transfers, focusing especially on its impact on women and girls, which was adopted by consensus on 12 July 2019. It requests the Office of the High Commissioner for Human Rights (OHCHR) to prepare a report on the impact of the diversion on women and girls, which should be useful for the implementation of Article 7(4).
- Chile also drew attention to the link between the ATT and other international instruments that can strengthen its implementation, such as the HRC resolution.
- Next to HRC resolutions, WILPF encouraged to include other relevant human rights instruments into the decision, such as the Committee on the Elimination of All Forms of Violence Against Women (CEDAW Committee), as well as the Committee on Economic and Social Rights.

## Other

- Costa Rica provided an overview of national policies and measures that seek to regulate the proliferation of firearms in Costa Rica. It noted that it does so by collecting sex- and gender-disaggregated data, and including gender perspectives that inform national policies.
- Mozambique and Austria informed about their leading roles in the political process to stop the use of explosive weapons in populated areas, and both highlighted the gendered impacts of indiscriminate shelling. Austria reminded of the harrowing situation in Yemen, where civilians are subject to direct and indirect forms of GBV from the use of explosive weapons.
- Austria noted that GBV also includes acts of violence based on sexual orientation and gender identity. It congratulated Botswana for recently joining the Treaty and for overturning laws criminalising homosexuality.
- WILPF urged that, “the understanding and knowledge that accumulates here as a

result of these recommendations must be channelled into policy and programming at local and national levels.”

## General debate

### Universalisation

- Mexico, the Netherlands, and Mali welcomed the most recent countries that have ratified or acceded to the ATT.
- Spain supports prioritising universalisation, noting that it affects implementation.
- UK urged developing better understandings about what prevents participation and that the ATT's scope and objectives be clearly communicated.
- Japan stressed the importance of universalisation. It has undertaken global efforts but focuses mostly on the Asia-Pacific region.
- Netherlands and EU said they are disappointed by the announcement from the United States about wanting to withdraw its signature.

### Implementation

- Mexico said the biggest challenge facing the ATT is effective implementation; noting that this should be a dynamic exercise that responds to new trends. It emphasised the importance of articles 6 and 7.
- South Africa emphasised that priority be placed on strengthening weak control systems and support to legislative efforts. It welcomed the opportunities provided through the working groups to share experiences, engage with experts, and outputs such as the draft Basic Guide on Establishing National Control Systems. North Macedonia welcomed the Guide as enabling faster and universal implementation.
- EU supports continuing the voluntary sharing of information about various aspects of arms export control systems and encouraged better exchanges for implementation now that the Treaty's institutional structure is established.

- UK cautioned against implementation or reporting processes that put too much burden on states.

#### *Diversion*

- Mexico described diversion and access to small arms and light weapons as one of the biggest challenges worldwide, and a threat to social cohesion, human rights, and development.
- Spain said it would like to see more exchange on best practices in establishing control systems to avoid diversion and reduce violence.
- UK welcomed the renewed focus on diversion, noting that it requires more international cooperation and interaction with more stakeholders. It named industry as an important constituency in this regard.
- Japan welcomed the upcoming sessions, open and closed, on diversion at CSP5.

#### *Transparency and reporting*

- EU said the ATT can build transparency and act as a confidence building mechanism.
- Germany noted that implementation will not improve if states do not fulfill their reporting obligations.
- Netherlands stressed that transparency is a central tenet of the ATT and urged all states to submit their reports.

#### *Financial and administrative matters*

- EU, Spain, Germany, the UK, and the Netherlands expressed concern at the financial situation of the Treaty.
- Germany congratulated the ATT Secretariat for managing the sponsorship programme.
- Netherlands said it is happy to contribute to the programme and encourages other states to do so as well.
- South Africa, Germany, and Japan spoke positively of the Voluntary Trust Fund (VTF).

#### *Gender and gender-based violence (GBV)*

- EU welcomed the decision to put GBV at the centre of CSP5.
- North Macedonia said it is happy to see the progress on these subjects within the working groups.
- UK supports mainstreaming gender.

#### *Sustainable Development Goals (SDGs)*

- EU referenced links between ATT implementation and the SDGs, in particular targets 16.4 and 5.2. North Macedonia noted that ATT implementation contributes to many SDGs.

#### *Human rights*

- The Lima Group highlighted the violations of human rights occurring in Venezuela and urged all states parties to not authorise exports of arms or their components if they have knowledge of the existing risk that they would be used to commit serious violations of human rights.

# ATT MONITOR

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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