

ARMS TRADE TREATY MONITOR

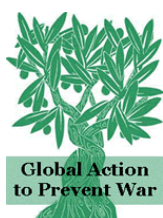
Civil society perspectives
on the Arms Trade Treaty
negotiation process

NO. 6.1

18 March 2013

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Another chance for the arms trade treaty

Ray Acheson | *Reaching Critical Will* of WILPF

At the end of last July, many people—diplomats, civil society activists, UN staff—went home disappointed. After six years of preparatory work, negotiations had failed to produce a robust treaty to regulate international transfers of conventional weapons. These next nine days will offer a second chance to get it right. We must seize this opportunity to develop a treaty that will truly make an impact on armed violence.

From WILPF's perspective, which is shared by many NGO and diplomatic colleagues, our disappointment in July was not because a treaty had not been adopted. In fact, WILPF was relieved that the text under consideration at the time did not become the final treaty. That text was, and still is, insufficient to prevent human suffering caused by armed violence and includes many significant loopholes. Through the course of negotiations and the inevitable compromises reached, the text began looking less and less like the instrument that civil society and many governments had been campaigning for since the 1990s.

Originally, our intention was to create a legally-binding treaty international instrument that would decrease the accessibility of weapons that are used to kill civilians, destroy lives and livelihoods, and undermine human rights and development. We also intended the arms trade treaty to be a tool to increase the *transparency* of the arms trade, not to facilitate or legitimize it.

Yet by the end of July, the draft treaty text provided neither for effective prevention of armed violence nor transparency. In fact, the draft text contains several grave loopholes that could provide *legal cover* for arms transfers that should be outlawed.

This is the worst of any possible outcome: producing not just an ineffective ATT, but one that actually facilitates or legitimizes arms transfers, especially those that will result in armed violence.

In its recent assessment of the draft treaty, Action on Armed Violence describes it as an “arms trader’s charter,” because the language is so ambiguous and oddly structured. This ambiguity ultimately provides coverage for arms traders to function “legitimately” under the treaty’s provisions.

That is but one of many problems with the current draft. The treaty’s provisions on scope, criteria, brokering, and reporting, among other things, need serious work in order for the treaty to meaningfully contribute to human security.

Thus WILPF and others were glad to have these last few months to regroup and to strategize on how to develop a stronger text this March. We and many other civil society and international organizations have produced analysis of the draft text and recommendations on how to fix it in order to ensure that the ATT is robust, comprehensive, and effective.

In the end it will be up to UN member states to ensure that the treaty is as strong as possible. The best outcome is not just any treaty at all. The only acceptable outcome will be a strong treaty. The objective from the very beginning has been an effective instrument to reduce human suffering; this must remain the goal throughout negotiations. The lowest common denominator might be fine for regulating trade in other items, but when it comes to tools of death and destruction, only the highest possible standards will do. •

Paper cut

Dr. Robert Zuber | Global Action to Prevent War

We have begun what is billed as the ‘Final Negotiating Conference’ on the Arms Trade Treaty (ATT), one that we expect will either produce agreement on a Treaty or pass on the process to some alternative structure for bringing about international standards on arms transfers.

This has been a challenging process. It has absorbed a great deal of capacity from states and UNODA, from NGOs and civil society organizations, as well as from diverse citizens who have long dared to hope that an effective ATT could contribute to eliminating prospects for diverted transfers that inflict so much misery on so many.

We have collectively invested much in defining, organizing, and managing this process. We have spent untold amounts of political and organizational capital holding together coalitions, convincing skeptics, soothing frustrations, breaches of trust and bad feelings, and merging agendas and working methods that have largely defied consensus agreement.

For many smaller delegations, time spent on an ATT was not available to work on other core issues in the UN’s security system: on implementation of the UN Programme of Action on small arms and light weapons (UNPoA); on structures to prevent mass atrocities; on fulfilling MDG commitments; on creating viable, effective National Action Plans on UN Security Council Resolution 1325 to guarantee women’s participation in political processes and eliminate impunity for gender violence; on fixing our disarmament infrastructure; and much more. There is only so much energy bequeathed to missions, Secretariat officials and civil society, and it seems as though all have given their share—and then some—to this process.

Under the leadership of Ambassador Woolcott of Australia, we have nine days to attempt to justify all of the

energy and funding that have preceded this session. Our task now is to fix the text we have to work with, to decide if there is good enough reason to move it forward for ratification, and to restart the task that should have taken up more of our commitment all along—developing a ‘culture’ of engagement on transfers that can build more trusting and transparent relationships among states, technical experts, civil society groups, and others.

Those who follow the Treaty Bodies review process know this well: the best treaties in the UN system consolidate these ‘cultures’ rather than establish them. They offer both normative guideposts and legal frameworks towards collaborative action that can address threats and challenges, provide meaningful oversight of key provisions, and allow for states to modify those provisions once negative unforeseen consequences become apparent. The current ATT draft text incorporates little from these benchmarks. It thus remains a bit of an ‘outlier’ event, one which threatens to disappoint after adoption as much as it has frustrated in its development.

We have all waited eagerly over the past 10 years for governments and other stakeholders to adopt this Treaty, but also to focus much more on developing a culture of responsible transfers that can both eliminate threats of diversion and complement other components of the UN’s security system that are equally necessary to minimizing the diverse, widespread, negative impacts of illicit transfers.

Fortunately, we still have a bit of precious time remaining to fix this Treaty and get to work on establishing a more robust culture on transfers. We still need the paper treaty. But we need the culture even more. With the time, energy, and good will that remain, it’s time to get serious about both. •

ATT MONITOR

18 MARCH 2012 | Vol. 6, No. 1

The *Arms Trade Treaty Monitor* features civil society reporting and analysis on the process to develop an Arms Trade Treaty (ATT). It is coordinated, edited, and published by the Reaching Critical Will programme of the Women’s International League for Peace and Freedom (WILPF) in partnership with Global Action to Prevent War. PDF versions of all *ATT Monitors*, along with statements and other documents from the ATT process, are available at www.reachingcriticalwill.org.

All views expressed in this publication are solely those of the contributing authors and do not necessarily reflect the positions of the supporting organizations.

Preventing a stillborn ATT

Daniel Mack | Instituto Sou da Paz, Brazil

For over a decade, civil society has had high hopes for the Arms Trade Treaty. Not because of unreal expectations, but because of real needs—only a strong ATT will make any difference to actually “prevent the international trade in conventional arms from contributing to human suffering”.

As delegations begin the final dash towards the conclusion of a treaty text, those hopes live on, but coexist with significant fear that the ATT about to emerge could be stillborn. In many articles and passages, the draft treaty text, if unchanged, would arguably do harm to current international law and practices rather than ameliorating them. In that sense, having no ATT would be better than birthing a verifiably weak treaty. *Primum non nocere*.

While several parts of the draft threaten to make things worse than they already are (Articles 3.3, 4.1, and 5.2 spring to mind), other articles in the draft seem to simply reaffirm the status quo of the international arms trade, which presumably the ATT intends to change—for the better. One of these is Article 2A (Scope, Covered Items).

The draft states in its Goals and Objectives that the ATT intends to regulate the “international trade in conventional arms” in order to prevent the aforementioned “human suffering”. Thus it stands to reason that, when it comes to which items to regulate, the treaty must include all those that cause that effect, not a select few. No human suf-

fering is less important because caused with a different kind of weapon—especially when the difference between categories is often completely arbitrary.

As such, it becomes immediately obvious that the eight categories listed in Article 2A1 read less like the scope of an Arms Trade Treaty than they would for something like “A Few Major Offensive Weapon Systems Export Treaty”. Of course, we all know how we got here—the list is based on a Cold War-era transparency mechanism that has nothing to do with whether the arms are dangerous or the transfers should be authorized. Still, it remains surprising considering that eventual exclusions in Scope will be the most visible and obvious to the world’s citizens and media, not depending or being particularly flexible to nuances of legal interpretation. They are also extremely easy to fix, minus that pesky “political will” part.

Though some claim the line “within the following categories at a minimum” will allow countries to implement a more comprehensive scope, that argument seems disingenuous at best. The complete absence of an ATT also allows countries to make their control lists and transfer decisions as strict—or lax—as they want. The point is not to restate choices that already exist, but rather to give birth to clear international obligations—the “highest possible common standards”. (Language such as “as appropriate” and “as defined on a national basis” in Article 2A2 finishes the foot-shooting job.)

continued on page 5

INVITATION

You are cordially invited to a reception marking the opening of the United Nations Final Conference on the Arms Trade Treaty.

DATE

Tuesday, 19 March, 2013

PLACE

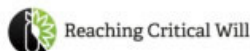
Church Centre for the United Nations,
2nd floor, 777 UN Plaza
(corner of E 44th and First Ave.)

TIME

6:00 -8:30 pm

RSVP

dybeck@parlforum.org



Recommendations for success

Katherine Prizeman | *Global Action to Prevent War*

As the “Final Conference for an Arms Trade Treaty” begins this week in New York, it is important to approach the next nine days of negotiations energetically and strategically in order to achieve a robust instrument that will have tangible impacts on the ground. It is not enough to simply adopt a treaty—it must be a treaty worthy of implementation that will actually impact arms transfer policies and, in turn, promote international peace and security. The draft treaty currently on the table is insufficient in many respects, but a stronger, fully implemented treaty would go a long way towards diminishing the devastating consequences of the illicit and irresponsible arms trade.

The following recommendations cover specific actions that should be taken by the Conference as well as broader thematic approaches that should be considered by negotiators.

- **Make the most of plenary sessions.** It is anticipated that should a contention arise around the text, a facilitator will be appointed to hold informal consultations to find a proposed solution to bring back to the plenary for adoption in order to make the best use of the time allotted for negotiations. It is essential that delegations use the allotted plenary sessions to comment on the text (or suggest alternatives) rather than merely reiterate well-known national positions.
- **Dispense with general comments.** It is essential to address procedural matters and then move directly to discussion on textual proposals. Interventions must be short and focused on specific, textual issues.
- **Prepare to talk about the text and propose solutions.** Member states must use the remaining time to not only familiarize their delegates with the draft text, but also brainstorm solutions in order to speak fluidly and constructively on each article in order to offer solutions to the remaining textual contentions. The time has come to seek points of convergence rather than focusing on topics of irreparable divide, and proposals seeking actionable compromise must be identified by all states.
- **Close substantive loopholes.** It is imperative that the textual loopholes be closed during the negotiations if the ATT is to have a real impact on international peace and security. These primary loopholes seriously weaken the strength of the ATT and must be addressed in a thoughtful manner.
 - o Ammunition and munitions must be treated as primary scope items and subject to comprehensive risk assessments and record keeping/reporting requirements;
 - o The defense cooperation agreement clause must be deleted;
 - o Diversion must be a primary criterion for national risk assessment;
 - o There must be a clearer national risk assessment that is objective, binding, and not subject to national discretion or balancing against “contribution to peace and security”;
 - o The Treaty must be able to be strengthened over time such that amendments can be adopted by a 2/3 majority.



Arms Trade Treaty Side Event at the United Nations

ATT Implementation: Arms Transfers and the Global Supply and Transport Chain

co-hosted by

The Ministry of Foreign Affairs of Denmark
Stimson

March 19, 2013
13:15-14:30
United Nations, New York
North Lawn Building
Conference Room B

Keynote Address

Hon. Mr. Villy Søvndal, Foreign Minister, Denmark and

Panelists

Ms. Trine Christensen, Deputy Director, Amnesty International, Denmark
Mr. Thierry Jacobs, Strategic Analysis and Relations Executive, FN Herstal

Moderator

Ms. Ellen Laipson, President and CEO, the Stimson Center

*Formal comments by Minister Søvndal will be followed by a moderated discussion among all participants.

**Lunch will be provided

o Diversion must be a primary criterion for national risk assessment;

o There must be a clearer national risk assessment that is objective, binding, and not subject to national discretion or balancing against “contribution to peace and security”;

o The Treaty must be able to be strengthened over time such that amendments can be adopted by a 2/3 majority.

• **Do not let consensus become de-facto veto power or force a dangerous lowest common denominator.** Member states are tasked with the difficult challenge of preventing the consensus rule from dictating a weak or no outcome at the end of these nine days. In order to do so, the majority of states must work together to prevent any one states from derailing the entire process.

continued on next page

Recommendations, cont'd

Therefore, the majority of like-minded states that support a robust instrument must actively work against the exertion of such a veto power. Moreover, there will inevitably be a threat of veto if the text is too weak. That is to say, the more progressive states may also reserve the right to wield veto power should the text prove inadequate.

- **Engage “skeptical” states as much as possible.** Due to the consensus rule, the concerns of all member states will have to be addressed in order to achieve a robust and universal treaty. States that have serious reservations regarding the potential manipulation of the Treaty must be heard and sufficiently convinced that the standards of the arms trade will be implemented universally and in an objective and non-discriminatory fashion.
- **Be mindful that the treaty does not legitimize the arms industry, blunt needed reforms or encourage further domestic production.** The ATT must not be used as a means to further legitimize the arms trade by encouraging those that do not currently export weapons to begin to do so. Merely facilitating the arms trade is woefully insufficient if the ATT is intended to have a substantial impact on curbing the human suffering and insecurity that result from the unregulated trade in conventional weapons. In many ways, because of the significant loopholes that remain in the latest draft text, the current process is potentially headed down this road of legitimizing an industry that it should be seeking to deter through robust, universal standards. Such a pathway must be avoided.
- **Avoid an “exporters-only” treaty that provides for further divisions between developing and developed states.** The current formulation of the draft text relies heavily on exporting state risk assessments. It is essential that the ATT treat equally all member states whether as exporters, importers, transshipment territories, or brokers. The dangerous consequences of the unregulated trade in conventional arms are a challenge that must be addressed by all member states that have equal levels of obligation and accountability set forth in the Treaty.

While much progress was made in July 2012, culminating in the draft text from 26 July, there remain substantial and political issues to be resolved. Such issues must be resolved if the ATT is to have a lasting and genuine impact on international peace and security. While such a task is formidable and negotiating time is short, it is a task worth investing time and energy in order to codify standards for the arms trade in order to positively impact communities on the ground that suffer most from the deadly consequences of the unregulated trade in conventional arms. •

Preventing a stillborn ATT, cont'd

Anything less than “all conventional arms,” period, cannot be said to respect that basic objective of the ATT. Do smaller caliber artillery systems not have huge, and proven, potential for inflicting “human suffering”? Can armored vehicles, or military aircraft and helicopters not tagged with “combat” or “attack,” be purposely excluded while searching for the “highest possible” standards? Do unmanned aerial vehicles (“drones”) not threaten “international and regional peace, security and stability”?

These gaping holes in CRP.1 are mind-boggling and dangerous—and we haven’t even entered the essential areas of “ammunition or munitions” and “parts and components”. Much has been, and will undoubtedly continue to be said much more eloquently than I could, by African, Caribbean, and Latin American nations that know first-hand that small arms ammunition is the fuel of armed violence and conflict, and as such, cannot possibly be left partially excluded as in CRP.1.

But the list keeps growing—what about munitions for heavier weapons, bombs, mines, grenades, weaponized explosives of all sort? Only terrorists, criminals, rogue brokers, illegal armed groups, and unscrupulous industry will welcome an ATT that fails to include them as CRP.1 does. And think of genocidal or repressive regimes laughing as they procure all the parts and components they need for weapons they can mount at home to use to murder their own people ...

All the aforementioned exclusions are particularly worrisome because they would cripple the norms for “pre-transfer” decisions on criteria needed to prevent “human suffering,” but usually stem from “post-transfer” concerns—often regarding transparency. In other words, most governments attempting or accepting the exclusion of any of the items mentioned above will not argue that transferring the equipment is not risky in its implications, but rather they simply don’t want to be obliged to report on them. Or, worse, they have been complacent and accepted a short-hand for “conventional arms,” for the sake of political convenience, that bears little resemblance with the actual category of equipment that should constitute Covered Items.

At long-last birth, the ATT shall have many mothers. At the risk of sounding overly dire, which my own mother will be familiar with, in Scope the Treaty either includes the items mentioned above—all of which have been responsible for myriad documented cases of “human suffering” —or none of those mothers will be able to be particularly proud parents. •

The dangers of an arms trader's charter?

Iain Overton | *Action on Armed Violence*

Arms and bullets continue to destroy lives. Every continent in the world is marred by the devastation caused by armed violence.

This much is true.

But what is equally true is that today no effective international regulation of the global arms trade exists to combat this violence.

There is clearly a pressing need for a global Arms Trade Treaty. Such a treaty could create a binding regulation of the international trade in conventional weapons for the first time.

This March members of AOAV will be travelling to a diplomatic conference at the UN in New York to be part of a unique opportunity to secure a treaty that could stem the flow of weapons and ammunition around the world.

AOAV's goal is to ensure that the human cost of the unregulated arms trade is clearly visible and present in the negotiating room, helping to ensure that any treaty that comes out of it will be a significant step towards a better, more peaceful world.

The treaty coming out of these negotiations could be just that. And the time for such a landmark moment is fast upon us.

This March those inside the UN building in New York will be faced with a choice: a choice that could help slash the trade in violent arms. A choice that could create a real opportunity to stop gunrunners operating with impunity on the shady fringes of this deadly trade.

The UN has been close before – but last time it didn't quite get to a powerful agreement.

Eight months ago, in July 2012, a diplomatic conference failed to reach an agreement on an Arms Trade Treaty. This month, they will get a second, and final, chance to do the right thing.

But how effective will this second round of negotiations be?

At first glance, not effective at all. The current draft treaty on the table suffers from weak and ambiguous language. It gives states tremendous wiggle room to go through with arms transactions that would result in unac-

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control arms

Invitation

Opening Reception for the Final Diplomatic Conference on the Arms Trade Treaty

Welcome from: Paul O'Brien, Oxfam

Remarks from:
H.E. Erkki Tuomioja,
Minister of Foreign Affairs, Republic of Finland

Djimon Hounsou,
ATT Advocate and Academy Award Nominated Actor

Monday, March 18, 2013, 6:30pm The Japan Society, 333 East 47th St

rsvp@controlarms.org

Arms trader's charter, cont'd

ceptable armed violence. In effect, it gives them legal cover to continue to do so.

As it stands the draft treaty could be construed to be almost an arms trader's charter so loose is the language. And it undermines all of its provisions by allowing states to continue with their existing arms contracts even if they go against the obligations of the treaty.

Why is this? Perhaps because the current position of many member states is for consensus on an outcome rather than to get the best treaty possible.

But this is a wrong attitude to take. AOAV believes that member states must not take the easy option. Dogmatic support for a consensus-based result creates the danger that negotiations are driven towards a lowest-common denominator outcome and that significant support for efforts to strengthen the treaty will be ignored.

This bland and unambitious approach to a rare opportunity to improve the world should not be allowed.

The states negotiating this treaty seem to have forgotten the humanitarian purpose behind it. They seem, for instance, to have cast aside any discussions related to the victims of armed violence.

It is AOAV's position that governments, to ensure that this treaty has a real and lasting impact on the victims and survivors of armed violence, must go further. The treaty must include provisions committing states to investing in ensuring victims receive the assistance they need to recover.

If the Arms Trade Treaty really is to make the grade, AOAV believes that players at the UN in March must close the loopholes that remain open in the draft treaty.

They must remember that they are seeking to regulate instruments of death. This isn't trade in televisions or refrigerators. They must keep in mind the humanitarian impact of this unregulated trade.

They must address the fact that the current draft text does not do enough to increase responsibility and restraint in international arms transfers, leaving millions of people at the mercy of irresponsible arms deals.

To have teeth, the treaty must have strong compliance measures. It is only in such a way that it will be able to reign in the unscrupulous middle-men who are so often at the centre of illicit and irresponsible international arms transfers. In this way public reporting on all transfers must become an obligation on UN member states.

Activities such as brokering must also be carefully and comprehensively covered by the treaty. If all types of arms transfer are not included, as is currently the case, there is a real risk that a variety of ways in which arms move across borders or change possession will still be allowed. And there is a real risk that loans, gifts, and barter would go under the radar, as would transfers taking place from one state to another that take place within one country (e.g. during a military exercise). Transfers should be denied if there are substantial risks of armed violence as a consequence of such action. It's as simple as that.

The treaty as it stands also would not prevent the international transfer of many types of conventional weapons, including armoured troop-carrying vehicles and many types of military aircraft and helicopters (including unmanned drones) to countries where there are concerns over human rights.

And it goes on. Another major loophole in the text is that ammunition and parts and components are not included in the scope of the treaty. Rather they are addressed under the section on exports. As a consequence, these crucial items are controlled in a very limited scope.

There are currently no official estimates of the total annual value of authorized transfers of ammunition. There are no official systems in place to record the flow of ammunition to regions where there are serious humanitarian concerns and ongoing conflicts. There should be.

The reporting requirements of the existing treaty will do little to enhance transparency in the international arms trade. There are three fundamental flaws in the provisions on reporting: First, record-keeping and reporting requirements do not apply to transfers of ammunitions or to parts and components. Second, there is no provision for national reports to be made publicly available. Third, states are at liberty to exclude information that is considered sensitive owing to 'commercial' or 'national security' interests.

Finally, AOAV believes that the treaty must also have a rapid entry-into-force element. Every year, every month, every hour another violent act is perpetrated, a violent act that we believe is in part preventable.

Emily Dickinson famously wrote that March is the month of expectation. Let it be so. •

This article originally appeared on 14 March 2013 on the AOAV blog at <http://www.aoav.org.uk>.



STOCKHOLM INTERNATIONAL
PEACE RESEARCH INSTITUTE



Permanent Mission
of the Federal Republic of Germany
to the United Nations
New York



“Arms Transfers, Transparency, and the ATT”

March 18, 2013, 1:15-2:30 pm
(a light lunch will be served from 12:45 – 1:15 pm)
UN Headquarters New York
North Lawn Building, Conference Room B

When UN member states begin the final conference on the Arms Trade Treaty (ATT) on March 18, 2013, they will have a number of contentious issues to resolve. This side-event at the UN on the first day of the ATT Conference will bring together perspectives from various actors to inform the negotiations towards a robust, legally binding treaty to strengthen the regulation of the international trade in conventional arms. This side-event will show how transparency in the international arms trade can help states fulfill the goals and objectives of the ATT and deliver a treaty that can make a meaningful impact on peace, security and stability.

The event will begin with an introduction to the key findings of the updated version of the SIPRI Arms Transfers Database, which will be launched on the opening day of the final UN conference on the ATT. The data contained in the SIPRI Arms Transfers Database shows an expanding number of exporters, due not only to the internationalization of arms production via co-production and technology transfer arrangements, but also due to the fact that in many regions states re-export second-hand arms and surplus ammunition. This lends weight to the view that an ATT will contain obligations not just for ‘major’ arms producers and arms exporters, and it is therefore worth considering the options available for oversight of arms export and also import decision-making.

Program

Opening Remarks:

Virginia Gamba, Director and Deputy to the High Representative for Disarmament Affairs, United Nations

Brief Presentations:

Paul Holtom, Director of the Arms Transfers Programme, SIPRI

Uta Zapf, Member of Parliament, Germany

Jürgen Bühl, German Industrial Union of Metalworkers, IG Metall

Simon Asoba, Project Manager, FES Regional Security Policy Project Nigeria

Discussion Chair:

Ambassador Paul Beijer, Head of the Swedish Delegation to the ATT Conference

Closing Remarks:

Ambassador Jörg Ranau, Commissioner for Export Controls and Technology, Head of the German Delegation to the ATT Conference

For further information about the program contact Volker Lehmann, Senior Policy Analyst, FES New York, E-mail: vlehmann@fesny.org

Please RSVP [here](#)

Make it binding: include gender-based violence in the ATT

Sofia Tuvestad | WILPF Sweden and Maria Butler | PeaceWomen of WILPF

As UN member states gather for the second Diplomatic Conference on an Arms Trade Treaty (ATT), they must recognize their responsibility to prevent human suffering and adopt a treaty that applies human rights obligations to the international transfer of arms. An ATT that fails to accurately reflect existing international human rights law, and international humanitarian law, would be a failure.

The draft treaty text from July 2012 would make the treaty insufficient to prevent human suffering. One of the loopholes is the lack of clear and binding specific provisions with the aim of preventing armed gender-based violence. Despite the fact that over 75 member states supported the inclusion of gender-based violence provisions during the first ATT DipCon, the draft treaty fails to adequately respond to the gendered impact of international arms transfers. The adopted treaty must reflect states' existing obligations under international law with respect to the prevention of gender-based violence.

The wording on gender-based violence in article 4(6)(b) of the draft ATT provides only for optional consideration of "feasible measures" to be taken in order to avoid the transferred weapons being used to commit acts of gender-based violence. The non-binding nature of article 4(6)(b) in the draft generates a legal contradiction, as gender-based violence is a violation of human rights law and can constitute a violation of international humanitarian law. 4(6)(b) fails to acknowledge this. States' existing obligations to respect, protect, and fulfil women's rights are not subject to optional considerations. This contradiction must be eliminated.

In addition, the wording on gender-based violence in the ATT draft seems to rest on the assumption that states are able to carry out measures that would mitigate any risk of the arms in question being used to commit gender-based violence. This is unrealistic; most states would not be able to conduct these kinds of measures. When such

a risk is identified, the arms should not be transferred. It must be a mandatory prohibition.

Thus WILPF calls for legally-binding gender provisions in the criteria of an ATT that require states not to authorize an international transfer of conventional arms where there is a substantial risk that the arms under consideration are likely to be used to perpetrate or facilitate acts of gender-based violence, including rape and other forms of sexual violence. There could be several options to make this happen. The wording on gender-based violence could be moved into article 4(2), along with provisions on international human rights and humanitarian law, making it legally consistent and subject to the same mandatory risk assessment process as well as to transfer prohibitions.

In addition, the preamble reference to women (currently paragraph 11) should be strengthened to recognize the gendered dimensions and impacts of the arms trade, particularly gender-based violence. The internationally accepted term gender-based violence is used in UN General Assembly and UN Security Council resolutions. It should consequently be used in an Arms Trade Treaty as well, to ensure that the treaty fully acknowledges the gender dimensions of armed violence from the perspective of both the perpetrator and the victim.

A gender-sensitive Arms Trade Treaty could significantly contribute to the prevention of gender-based violence, as well as promote the implementation of existing frameworks such as the UNSC agenda on Women, Peace and Security. A weak treaty will on the contrary do more harm than good. Consequently, member states should not consent to a compromised treaty that risks undermining existing obligations. Wide cross-regional support, legal precedent, and UN policies and mandates mean it is now critical that the ATT explicitly includes a strong legally binding reference that will be effective in preventing human suffering caused by armed gender-based violence. •

MAKE IT BINDING

INCLUDE GENDER-BASED VIOLENCE IN THE ATT



ATT MONITOR 6.1



CALENDAR OF EVENTS

Time	What	Where	Who
10:00-13:00	Plenary: Opening and general exchange of views	Conference Room 1 North Lawn Building	
13:15-14:30	Transparency in International Arms Trade and Other Means to Strengthen Arms Trade Treaty	Conference Room B North Lawn Building	Permanent Mission of Sweden to the UN, SIPRI, FES
15:00-18:00	Plenary: Preamble, Principles, Goals and Objectives	Conference Room 1 North Lawn Building	
18:00-21:00	Opening reception	Japan Society 333 East 47th Street	Control Arms RSVP required: rsvp@controlarms.org



Reaching Critical Will

