



In 1932, WILPF collected six million signatures for the World Disarmament Petition, which was delivered to the World Disarmament Conference in Geneva. Photo © Nadia Joubert

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EDITORIAL: WHAT WILL IT TAKE?

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

In April 1915, more than 1,100 women gathered in The Hague as the first World War raged all around them. They were united by a shared vision about the root causes of violence and conflict and a desire to take decisive and collective action for peace. The meeting ended with the founding of what would become the Women's International League for Peace and Freedom (WILPF).

The **first resolution** WILPF adopted called for an end to the "madness and horror of war". It also warned that the "profits accruing from the great armament factories" would be a "powerful hindrance to the abolition of war."

The warning has, regrettably, been borne out over time. More than a century later, the horror of war still causes immense human suffering the world over, fuelled by the unrelenting and ever-profitable business of making and selling arms. From Libya to Yemen, Tigray to Myanmar, and Syria to Ukraine, lives, livelihoods, limbs, homes, vital infrastructure, and in some instances even entire generations of families are lost or forever impacted. The most recent **report** on the global arms trade from the Stockholm International Peace Research Institute (SIPRI) notes that international arms transfers remain close to the highest level since the end of the cold war. As transfers from some countries level off, other exporters are rising to take their place. In **2019**, global military expenditure saw its largest annual increase in a decade, reaching \$1917 billion.

That business has continued apace throughout the worst global public health crisis in a century has felt especially despicable. In some countries, arms production facilities have been deemed "**essential services**" and remained open, putting employees at risk of contracting COVID-19 and preventing their possible conversion to producing needed protective gear or ventilators. Emboldened by the chaos and unpredictability of the pandemic, some authorities have **securitised their approaches to public health**, including through **enhanced surveillance** and public control measures that sometimes involve military

equipment, or what are considered to be dual-use goods in ways that impact human rights. Resources have gone into **military spending**, sometimes at the **expense** of healthcare and human security.

Against this backdrop, states parties to the Arms Trade Treaty (ATT) and other stakeholders are meeting this month for the first round of interactive meetings to be held in over one year. There has been an impressive amount of documentation and paperwork developed in preparation for this round of intersessional talks, and WILPF can only reiterate its longstanding call for the many working papers, unpacking exercises, reports, results, and templates to not distract the ATT community from addressing more politically challenging issues—in particular, ongoing arms transfers that undermine the most essential aspects of the Treaty.

New ways of working: new topics of focus

The COVID-19 pandemic has **upended all multilateral processes**, and the ATT meeting cycle has been no exception. The last time state representatives met in-person was February 2020. The subsequent round of intersessional work took place via written submissions, as did the **Sixth Conference of States Parties (CSP6)** in August. Diverse states and civil society organisations, including WILPF, **expressed concern** that certain aspects of the CSP6 meeting cycle were not held transparently, and this generated confusion about both process and substance. With no end to the pandemic in sight, it is foreseeable that non-traditional working methods will be the norm for some time to come—making transparent and consultative ways of working more important than ever.

Positively, the CSP7 president, Ambassador Gberie of Sierra Leone, has taken a consultative approach to planning this meeting cycle by outlining the options for meeting modalities and formats and asking states and civil society to offer input along the way, in an effort to find a method that works for all, or at least for most. The result has been that all of the ATT's three working groups and

sub-working groups will meet virtually for a week of intersessional meetings and one preparatory committee meeting for the CSP7 scheduled to take place in August-September 2021 (format TBD).

Also on the agenda for the April meetings is a thematic discussion on stockpile management. Stockpile management has not figured prominently in past ATT-related discussions or meetings. Some might even say that it fits more within the remit of the [UN Programme of Action \(UNPoA\) to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons \(SALW\) in All Its Aspects](#), which contains several action points meant to improve the security and management of weapons stockpiles. It has been heard informally that some states are hesitant to approach this topic for this reason and would like to keep the topics separate. Yet Ambassador Gberie has expressed that the focus on this topic stems from Sierra Leone's own experience with armed conflict and violence:

Far too often in the recent past, weapons legally acquired by States end up being used by forces that they were not meant for. Illicit transfers and diversions from official stockpiles have become major issues in conventional arms regulation in many countries in Africa and elsewhere. This is why this presidency, in collaboration with its bureau, will pay particular attention to the international trade in, and movement of, small arms and light weapons.

A substantive paper prepared by the presidency outlines some of the touchpoints between this topic when addressed in the ATT context and when addressed by other international instruments. It identifies four possible steps for states parties to consider adopting at the CSP7 that could potentially build out in practical ways the “synergy” that many states refer to when they are speaking about the relationship between the UNPoA and the ATT, among other frameworks.

The paper also notes that improved stockpile management is important to preventing diversion, which is an active area of work and discussion within the ATT community, including through the WGETI sub-working group on article 11; the newly

(and not altogether transparently) constituted Diversion Information Exchange Forum, aka the DIEF; and the thematic focus of CSP4 in 2018 and, to some extent, CSP6.

The practice of adopting an annual thematic focus for the CSPs has been a way for the ATT community to take a closer look at what are often cross-cutting topics and build knowledge and capacity on them. At the same time, not all thematic topics have enjoyed sustained interest overtime and, in some cases, relevant outputs and commitments have been overlooked in the rush to move onto a new topic.

The outcomes from CSP5 on gender and gender-based violence are one example. The CSP5's [final report](#) contained several commitments that states parties agreed to undertake in this area. [WILPF](#) had made a range of suggestions for how to practically advance those commitments. Some have been taken forward, such as in the context of the WGETI's sub-working group on articles 6 and 7 and its unpacking exercise (now expanded to include all of article 7). Others, such those on GBV risk assessment processes and data collection, are possibly being implemented in national contexts, but there's not really been a space or place to report back on that during international meetings because of how meetings are structured and the shifting focus to a new topic. Other commitments and recommendations from CSP5—including some that might be considered low-hanging fruit, such as encouraging improved gender diversity in ATT meetings and activities—feel like they've been forgotten entirely.

Going forward, [WILPF](#) encourages states parties and others in the ATT community to take stock and review implementation of outputs stemming from past CSPs. One way to do this could be to build time into CSP agendas for a formal review of past commitments and outputs and do better to track their progress into the future—as well as share experiences and challenges of doing so with other states and civil society.

Old ways of working; topics that are never the focus

There will likely be continuity in other areas.

Changes that were proposed for the two ATT reporting templates are again on the table for states to consider. Overtime, reporting rates have declined and a greater number of reports are being kept private each year. Other issues have also arisen with respect to the quantity and quality of data provided and if that enables a strong enough basis to conduct necessary analysis and review, whether done by other states parties or civil society initiatives. Many of the proposed changes could bring improvement in this area, and the co-chairs of the Working Group on Transparency and Reporting (WGTR) are also opening up space in the meeting agenda for exchange on how report data is presently being used (and how it could be used) and what the challenges that some states parties are experiencing, including why some reports are not being made public, among other topics.

One of the more controversial decisions adopted at CSP6 was the establishment of the Diversion Information Exchange Forum (DIEF). Civil society and a few states expressed concern about it in CSP6 statements, with [Control Arms](#) noting that the method in which it was established “undermines the ATT’s purpose of transparency and its historic inclusion of civil society.” The chairperson of the DIEF is scheduled to give a briefing during the WGTR session, and a link to its Terms of Reference (TOR) has been made available (on the meeting schedule) on the ATT Secretariat’s website. The inability of non-states parties (including ATT signatories) to access the TOR and other documentation was a significant part of the concern around the DIEF’s establishment.

Incidentally, “transparency and exchange of information” in the context of diversion was the thematic focus of the CSP6 meeting cycle and the subject of [a paper](#) prepared by the CSP6 president, Ambassador Villegas of Argentina. The outputs proposed in that paper were not adopted at CSP6 and it’s been re-submitted, with [tracked changes](#), for consideration during this meeting cycle in the context of the Working Group on Treaty Universalisation (WGETU) meeting—which seems like an unusual home for this topic.

What feels unlikely to be a topic of focus in this round of meetings (once again) is arms transfers being made by ATT states parties right now that are fuelling armed violence and calling into question their compliance with core ATT provisions, including article 6 and article 7. Civil society has been vocal about continued transfers to Saudi Arabia, and the United Arab Emirates (UAE) from the [United Kingdom](#), [France](#), and [Spain](#), and the [United States](#) (an ATT signatory), in the context of the use of those weapons and items in Yemen. The [final report of the UN Panel on Libya](#) is damning for its revelation of how arms and military equipment are reaching Libya despite the arms embargo. It further illustrates how offshore production, a lack of corporate human rights accountability, lax transit practices, and other legal loopholes demand a more rigorous application of all ATT articles.

Conversely, there are instances where export permits and transfers have stopped for reasons that align with ATT requirements, such as [Canada’s recent denial](#) of export permits to Turkey over diversion concerns; and [Italy permanently ceasing](#) all sales to Saudi Arabia and the UAE earlier this, following similar (albeit sometimes) temporary moves by just a few other European countries. These set a positive example of Treaty implementation as well as set a benchmark for future arms transfer decisions—as well as highlights the inconsistencies across states parties regarding transfers to similar recipients and locations, as well as contradiction within single countries on how equally they may be applying their risk assessments. It would benefit Treaty implementation overall to have a channel and space to exchange on these incongruities.

Against the backdrop of most major exporter states continuing to profit off the arms trade in a global health crisis and states parties’ limited time and resources, the elaboration of ever-more detailed work plans, guidance documents, and other activities, raise a number of questions about the real-world impact of the ATT.

As noted in our [coverage of CSP6](#), it’s only ever been civil society, the International Committee of the Red Cross, and a small handful of states that speak to this concern, and it’s mainly being raised in side events and reports. Noteworthy in that regard is the [side event](#) taking place in this round

of talks on irresponsible arms flows to Myanmar, organised by Amnesty International and Control Arms.

In describing the horror of war, WILPF's founders also protested war's "reckless sacrifice of human life and the destruction of so much that humanity

has laboured through centuries to build up." What will it take for states parties and others to not be reckless with the responsibilities entrusted to them—and rather to be bold, by holding one another to account and by robustly implementing their obligations under international law?



Control Arms and Amnesty International invite you to a discussion on

The Situation in Myanmar: How Irresponsible Arms Flows Fuel the Crisis

opening remarks by

Ambassador Sang-beom Lim of the Republic of Korea
Chair of the ATT Working Group on Effective Treaty Implementation

with

Mr. José Ramos-Horta
Nobel Peace Prize Co-Recipient and Former President of Timor-Leste (video address)

Ms. Wai Hnin Pwint Thon
Burmese Human Rights Defender

Mr. Patrick Wilcken
Amnesty International

Moderated by
Ms. Cindy Ebbs
Control Arms

Wednesday, 28 April at 15:15-16:30 CET.

Kindly Register [here](#)

control arms



WEBINAR REPORT: ON THE CORRELATION BETWEEN SMALL ARMS AND LIGHT WEAPONS AND VIOLENCE AGAINST WOMEN IN IRAQ

Nihad Kasmi | Women's International League for Peace and Freedom

In recent years, many steps have been taken at the international, national, and local levels to call attention to and meaningfully address the gendered impact of international arms transfers and illicit proliferation. As a result of rapid proliferation, small arms and light weapons (SALW) are now among the primary weapons used in conflicts, interpersonal violence, and criminal activity around the world. A growing body of evidence suggests that women are disproportionately impacted by the proliferation of SALW. Recent statistics show that the risk of a woman being murdered during a domestic violence situation increases by 500 per cent when a gun is present.

Seeking to unpack and address the impact of the proliferation of firearms on women in Iraq, the Women's International League for Peace and Freedom (WILPF) hosted a webinar on 13 April 2021 to discuss the findings of a recently launched report, *The Correlation between the Proliferation of Small Arms and Light Weapons (SALW) in Iraq and Rates of Violence Against Women*. The report is a collaborative project between WILPF and Asuda for Combating Violence against Women in Iraq. During the webinar, the speakers presented the conclusions of the report based on collected information and interviews in six key sample governorates in Iraq and Kurdish Region of Iraq (KRI): Baghdad, Basra, Erbil, Duhok, Mosul, and Sulaymaniyah. During the event, the researchers also described some of the challenges faced in the data collection process and provided a number of valuable recommendations.

Disaggregated data and under-reported gender-based violence (GBV)

One main objective behind conducting this research was to create a record of data that is representative of experiences related to the use of firearms in violence against women throughout all regions of Iraq. This is intended to help governments,

NGOs, and international human rights advocacy organisations to better understand firearms and their availability as a root cause of violence against women, and to address the impacts of firearms on women. The report also seeks to advocate for and inform actions and policies to reduce the impact of firearms on Iraqi women at risk of violence and abuse such as sexual and physical GBV.

While conducting interviews, the researchers became aware that firearms are not only being used in acts of violence but are also being leveraged to deprive women from seeking an education, forcing women into marriage, depriving women of their legal rights, and preventing women from working—instances that are largely unreported but very widespread. Collecting data on the use of firearms in acts of violence against women is a challenging process in Iraq, as no singular organisation or authority is responsible for recording this information in a centralised database. The report notes that a “number of institutions collect data in a fragmented and unstructured manner and this data is not made available in a shared database.” Moreover, due to directives from the Ministry of Interior, official data is strictly controlled and not shared publicly.” Underpinning all of this is the fact that GBV is under-reported because many women victims and survivors of GBV, especially domestic violence, are unable or afraid to do so.

Legal gaps and their impact on the linkages between the spread of SALW and gender-based violence

During the webinar, Judge Badaradin Barzinji explained how the legal landscape plays a role in making it challenging for victims to report violence. There is no federal domestic violence law in Iraq. Article 41 of the Iraqi Penal Code of 1969 states that “disciplining of a wife by her husband is the exercise of a legal right” and beatings fall within the concept of “disciplining”. The judge

underlined the necessity to repeal or amend the discriminatory provisions contained in the Iraqi Penal Code of enacting the Law on Protection from Domestic Violence, and the necessity to limit the possibility of obtaining a permit to carry weapons. He further called for effective investigations of crimes of violence against women.

The event was a great opportunity to discuss challenges such as the lack of gender and sex-disaggregated data; the under-reporting of gender-based violence; the role played by weapons in facilitating all forms of gender-based violence; the human cost and impact of weapons diversion; the long-term consequences of arms exportation; and the fact that gender norms must be addressed. It was also an opportunity to exchange on how to more effectively close the gaps between commitments being made in UN settings and practice on the ground.

FEDERAL SUPREME COURT DECISION STRENGTHENS CALLS FOR RENEWED ARMS EXPORT LAW IN GERMANY

Jennifer Menninger and Victoria Scheyer | WILPF Germany

For the first time in German history, an arms producing company was held accountable for its illegal arms trade. Heckler & Koch (H&K) has to pay more than three million euros after the Federal Supreme Court (Bundesgerichtshof; BGH) agreed with the 2019 judgement by the Federal State Court Stuttgart that the entire proceeds from the illegal transaction should be confiscated. The sentence had been imposed after the company's illegal arms trade to unsafe provinces in Mexico, as was uncovered in 2010 by a whistleblower. The BGH also confirmed the suspended sentences against two former employees. H&K had requested to only pay 200,000 euros and had therefore appealed to the BGH without success.

For the German peace movement, the decision is still a disappointment, as the CEOs were acquitted and only the administrative staff found guilty. The prosecution had sought a stronger sentence. Additionally, the victims of the 2015 shooting of Mexican students with the illegally traded guns **were not allowed** as joint plaintiffs.

Groundbreaking and relevant to the Arms Trade Treaty (ATT) is that the German arms export laws have evidently failed their purpose, which is—in accordance with Germany's ratification of the ATT in 2014 – not to permit illicit arms deals. The German government argued that end-use declarations (EUD) are part of an arms export license. However, both courts denied that EUD are a part of export licences under the War Weapons Control Act. Weapons that were declared in the EUDs for usage in specific regions of Mexico still ended up in areas with high violence. H&K obtained the export permit under a deliberately false statement in the EUD, omitting specific regions. For this reason, H&K could only be convicted on the basis of the Foreign Trade and Payments Act for fraud and not under the War Weapons Control Act (Kriegswaffenkontrollgesetz).

This clearly demonstrates that a new law is needed to close this gap of the **"absurdity of this core element of German arms export control"** – which was also demanded by the BGH.

The case has demonstrated that German arms export laws are only partly fulfilling the obligations under the ATT, including its requirements to consider serious cases of human rights violations and gender-based violence and femicides in states parties' risk assessments. Arms exports to countries such as Mexico or Egypt, where femicide, other forms of gender-based and sexual violence and organised crime are high, need to be illegal. Peace networks and organisations such as "Aktion Aufschrei - Stoppt den Waffenhandel" and Greenpeace **are advocating** for a renewed arms export control law in Germany. This law would ban

arms exports in principle and exceptions would have to be justified in detail. Furthermore, the new law would eliminate preferential treatment for NATO and NATO-equivalent countries, it would strengthen victim protections, and would establish an arms conversion fund to encourage conversion from military to civilian and sustainable production. Since arms exports are very lucrative for German companies—Germany was **the fourth largest arms exporting nation** in 2020 – there is a need for clear and strong legal regulations in accordance with the ATT.

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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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A PROGRAMME OF THE
WOMEN'S INTERNATIONAL LEAGUE FOR
PEACE & FREEDOM



www.wilpf.org

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

ATT MONITOR

Vol. 14, No. 1
25 April 2021

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