



Women's International League for Peace and Freedom
Statements to the Sixth Conference of States Parties to the Arms Trade Treaty
17 August 2020

STATEMENT ON TREATY IMPLEMENTATION

The process to negotiate and adopt the Arms Trade Treaty was driven by a collective desire to reduce human suffering as caused by the international arms trade. The COVID-19 pandemic has further demonstrated the futility of providing security through military means and has both revealed and created new dimensions of insecurity and suffering.

In this context and building on years of calls from those directly impacted by the arms trade, the Women's International League for Peace and Freedom (WILPF) again calls on ATT states parties to take a more robust, reality-based, and compliance-oriented approach to the subject of Treaty implementation. In order for the ATT to have the intended impact and maintain credibility, it is time to forego conference and meeting discussions that occur in a vacuum and examine actual practice and transfers of concern. The same time and resources being given to help lesser-resourced states parties build national control systems should also be given to examining the implementation record of well-resourced exporters. Compliance is an issue for all, and one that is not conditional.

There are various methods by which this might occur: the Working Group on Treaty Implementation (WGETI) could allocate time to compliance, or create another sub-working group on the subject. Any state party, signatory, or observer could raise concerns through a statement or written submission. There may also be possibilities to take this up in the context of reporting or discussions of transparency. There are also important linkages to be made with how concerns about the actions of states parties and specific arms transfers have been expressed and addressed outside of Treaty meetings, such as through the Human Rights Council's Universal Periodic Reviews, for example, and national legislative processes.

With respect to the documentation prepared by the chair of the WGETI for adoption at CSP6, WILPF offers the following points:

Proposed workplan for the WGETI sub-working group on articles 6 and 7

The new draft workplan for the sub-working group has greater clarity and specificity in multiple areas than in earlier versions. WILPF appreciates the inclusion of more expert presentations at the opening of the planned future sessions, which will be of value toward ensuring that discussion is well-guided and anchored in existing interpretations and usage of the legal concepts and terms outlined.

There is still some ambiguity around the purpose, audience, and responsibility for the maintenance of the proposed voluntary guide. Aspects of the draft workplan indicate that

this document will be a reflection of the ‘unpacking’ exercise to be conducted by the sub-working group over the next two meeting cycles which would help to capture existing practice and understandings, but not necessarily offer ‘guidance’. Moreover, greater specificity is encouraged around who the final audience of such a guide will be, even within government, as that will impact the nature, tone, and type of information such a guide would contain. WILPF encourages that time allocated to substantive discussions for the draft voluntary guide be used also to cover these topics and notes that throughout this process, it will be important to be aware of already published guidance.

WILPF welcomes that the proposed workplan highlights ATT article 7.4 in the planned discussion on mitigating measures as a way to advance the decision taken by states parties at CSP5, as contained in paragraph 22(c)(ii) of the Final Report. Otherwise, there is no mention of gender or gender-based violence (GBV) anywhere in the draft report of the WGETI chairperson to CSP6 or in proposed plans for future work. It’s not clear how the other outcomes adopted at CSP5 in 2019 will be actioned, especially those contained in paragraphs 21, or 22(c)(i) and 22(c)(iii) of the CSP5 Final Report. It’s also noteworthy that the impetus for a voluntary guide originates with the CSP5 decision found in 22(c)(vi) on gender-based violence in ATT risk assessment procedures and has now been enlarged to include other aspects of article 6 and 7 yet omits the original specific references to article 7.4. WILPF calls on states parties to be mindful of commitments undertaken at CSP5 and remains ready to engage with all stakeholders in advancing their implementation.

WILPF refers to its submission to the sub-working group on articles 6 and 7 of the Working Group on Effective Treaty Implementation (WGETI) made during the preparatory meeting in February 2020. The submission offered suggestions as to how commitments on gender and the prevention of GBV as agreed upon at CSP5 could be integrated and implemented in this and future review cycles. WILPF annexed this to its written submissions made in May 2020 and registered concern that most of the agreed commitments on gender and GBV were not well incorporated into the WGETI’s, and the Working Group on Transparency and Reporting’s (WGTR) planned work per the CSP5 decisions.

WILPF’s February submission to the WGETI also encouraged the mainstreaming of gender perspectives and analysis across different articles. Then, as now, WILPF encourages working group chairpersons, future CSP presidents, the ATT Secretariat, and those responsible for administering the sponsorship programme and the Voluntary Trust Fund, to pro-actively encourage gender diversity in future meetings and events of the ATT.

Proposed workplan for the WGETI sub-working group on article 11

The proposed workplan for this sub-working group appears straightforward in covering the many different places in the arms transfer chain where diversion can appear. Ensuring that the responsibility of all states and stakeholders is explored fairly and equitably will be important to the effectiveness of future discussions.

Yet, this sub-working group also constitutes a natural home for states and other stakeholders to discuss and exchange information concerning real or suspected cases of diversion. The proposed diversion information exchange forum is problematic in numerous ways, which is addressed in greater detail in WILPF’s statement on transparency and

reporting. Rather than using this sub-working group as a way to learn about diversion in a thematic or abstract way, it could be utilised practically to foster stronger treaty implementation with respect to diversion prevention.

WILPF supports the new inclusion of sessions that will look at the role of civil society in preventing diversion, alongside the already planned sessions to consider the role of industry.

In considering the role of industry in preventing diversion, WILPF would like to call attention to existing international standards of corporate responsibility, in particular the UN Guiding Principles on Business and Human Rights. States must also account for the principles of due diligence and the responsibility to not aid or assist in the commissioning of an internationally wrongful act.

This point is underscored in the June 2020 report of the Office of the UN High Commissioner for Human Rights (OHCHR) on the impact of diverted, unregulated or illicit arms transfers on the human rights of women and girls.¹ In that vein, WILPF encourages that the gender dimensions of diversion and the impact on human rights not be overlooked in the planned future discussions and encourages all stakeholders to review the OHCHR report.

¹ *Impact of arms transfers on human rights*, Report of the UN High Commissioner for Human Rights, 19 June 2020, A/HRC/44/29, https://www.reachingcriticalwill.org/images/documents/Resources/HRC/hrc_44_29.pdf.