WOMEN, WEAPONS, AND WAR

A gendered critique of multilateral instruments

WOMEN'S INTERNATIONAL LEAGUE FOR PEACE & FREEDOM

Index

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Introduction

Synergy stems from the interaction of elements that, when combined, produce an effect that is greater than the sum of the individual elements. This paper considers synergies—and contradictions—related to gender and women in the Arms Trade Treaty (ATT), the UN Programme of Action on trade in small arms and light weapons (UNPoA), a number of UN Security Council, UN Human Rights Council, and UN General Assembly resolutions, and other relevant treaties, declarations, and commitments.

Separately, these instruments offer a piecemeal approach to recognising the impact on women of weapons use, trade, or proliferation, as well as promoting the participation of women in disarmament, non-proliferation, and arms control and in other forms of conflict prevention or resolution. In various instances, they contradict each other—some highlight women's roles as fighters or as policymaking participants, while others categorise women only as victims rather than actors with agency.

Taken together, these instruments have a greater chance of advancing human security, including that of women, and of increasing gender diversity in various forums, negotiations, and initiatives. Some of the contradictions between the instruments considered here could be challenged and overcome if they are implemented more holistically.

However, none of these instruments confront the underlying structures or systems of the problems they are meant to address. That is, they fail to recognise the gendered power structures that prevent women's effective participation in peace and security issues, or that generate and sustain armed conflict and armed violence in the first place.[1]

Perhaps UN instruments are incapable of truly addressing the challenges that generate or sustain armed conflict, developed as they are within a body in which states are the principal actors, and in which security is still predominantly defined as state security defended through military means.[2] But some states, together with civil society organisations and others engaging in the UN system, try to challenge the patriarchal militarism that has overwhelmingly dictated the terms thus far. And we must continue to do so.

Identifying synergies between existing instruments on gender, women, war, weapons, and violence—and framing them as such—is useful to this endeavour. Of course, even if packaged and implemented together we are still left with this challenge described above. Conceptualising these instruments together, though, does afford us the opportunity to consider the wider context of their development and to use those contexts to illuminate the underlying point of concern.

The provisions in these instruments collectively address many different aspects of women, weapons, war, and violence that are crucial to the work of challenging armed conflict and


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armed violence, *even if the stated objective of any of these instruments is not necessarily to do so.*

Together, they seek to:

- prevent the impacts of the international arms trade on women, particularly in terms of gender-based violence;
- highlight the impacts on women of illicit trafficking and possession of small arms and light weapons;
- promote women's participation in policymaking and programme design and implementation related to disarmament, non-proliferation, and arms control, with a particular focus on those policies and programmes related to small arms and light weapons; and
- recognise women's unique experiences in war and their potential contributions to conflict prevention and resolution, as well as other aspects of peace and security.

This paper will explore existing and potential synergies between these instruments, looking at the language they contain. It will suggest where things have come together to promote a useful gendered approach to armed conflict and armed violence prevention and resolution and to disarmament and arms control. It will also examine contradictions and areas where things have gone wrong. Finally, it will offer recommendations for developing an integrated, gendered approach to armed conflict and armed violence with a view to confronting and challenging the overarching structures of patriarchal militarism.

Overview of language on women and gender in the ATT and UNPoA documents

Arms Trade Treaty (ATT)

The ATT, in preambular paragraph 10, notes that civilians, "particularly women and children, account for the vast majority of those adversely affected by armed conflict and armed violence."

In article 7(4), the Treaty makes it mandatory for states parties to take into account the risk of "serious acts of gender-based violence or serious acts of violence against women and children" in their risk assessment processes for transferring conventional weapons, ammunition, parts, or components.

UN Programme of Action (UNPoA)

The UNPoA only mentions women once, in its preamble. It expresses grave concern about the "negative impact on women" of the illicit trade in SALW. It groups women with the elderly and also expresses concern in the same paragraph about the impact of the illicit trade on children, including child soldiers.

UNPoA Fifth Biennial Meeting of States outcome document

The latest biennial meeting of states of the UNPoA, held in June 2014, has several references to women in its outcome document. It commits states to promote the role of women in preventing, combating and eradicating the illicit trade in SALW, "including through access to training, as well as through their meaningful participation and representation in policymaking, planning and implementation processes related to the implementation of the Programme of Action, including stockpile management and physical security measures, and awareness-raising and education." It also highlights states' "grave concern about the devastating consequences of small arms and light weapons on civilians, particularly women and children," as well as "the need to facilitate participation and representation of women in international cooperation and assistance for the full and effective implementation of the Programme of Action and the International Tracing Instrument."

Victims, heroes, or invisible? Problems in categorisation of women and the absence of gender in the ATT and UNPoA

There are some distinctly problematic tendencies in how women are categorised in both the ATT and the UNPoA, in ways that focus on their vulnerability rather than their agency. Neither instrument addresses women as militants or fighters. Only the BMS5 outcome document promotes women's participation in SALW-related work. Neither text engages with the concept of gender, except in reference to gender-based violence in the ATT.

Women as a vulnerable group

Women tend to be treated in these texts as vulnerable victims, usually grouped together with children and the elderly.

Women can indeed suffer disproportionate or differential impacts from the use or proliferation of weapons, depending on circumstance. We see this most easily with guns and other small arms. The illegal or poorly regulated arms trade results in weapons flows to areas of conflict and instability in order to generate profits. These sales often result in ample access to small arms, which are used in conflict and after it to commit gender-based violence, including sexual violence.[3]

Outside armed conflict, the widespread possession of small arms and lights weapons leads to an increase in gender-based violence, and in particular intimate-partner violence or domestic violence.[4] Studies show that there is a direct correlation between femicide rates and the use of firearms. Firearms were used in a third of all femicides worldwide, reaching 60% in some Latin American countries such as Brazil, Colombia, El Salvador, Guatemala, and Honduras.[5]

Even when women are not targeted for acts of gender-based violence, they can face different experiences from the use of weapons. The use of explosive weapons in populated areas, for example, can have a unique effect on women, such as in relation to their access to public places and services. Women affected by explosive violence often have fewer opportunities to engage with health care services and reconstruction processes. If heading the household, as women often do during armed conflict, they sometimes face systematic discrimination in trying to provide for their families. They also become more susceptible to further physical attack and sexual exploitation, especially when displaced from their homes.[6]

However, it is not correct that women (and children), as a particular "group" of civilians, "account for the vast majority of those adversely

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affected by armed conflict and armed violence" as the ATT asserts. Women are disproportionately impacted by certain kinds of violence and do face

unique consequences from armed conflict and armed violence. But the vast majority of direct victims of armed conflict and armed violence are men, and this is also a manifestation of gendered structures and norms that all of the instruments fail to address.

The framing of women as the most "adversely affected," together with children, creates a narrative of their vulnerability in comparison to men—even though men are more likely to be the direct victims. But despite exposure to particular acts or consequences of armed conflict and armed violence, women are no more inherently vulnerable than men. Discrimination and sexism tend to make recourse to defence or remedy more difficult, but to suggest that women are more adversely affected is incorrect.
Women are also not legally, politically, or physically comparable as a group to children or the elderly. Nor are women a homogenous group. Women are different ages, races, ethnicities, religions, and sexualities; are differently abled; have different political views, different socioeconomic statuses, and vastly different experiences in the world, in societies, in communities, and at home. As a result of this, women have different experiences before, during, and after armed conflict and armed violence.

To group all women together, and to group all women with children and the elderly, as vulnerable or as victims, is to strip 50% of the population of its agency and its diverse identities, experiences, and capacities. It also reinforces persistent constructions of women as the "weaker sex" in need of protection, and of men as the more "powerful" sex with a given responsibility to "protect" women.

There is a long social history to the construction of women as the "weaker sex," especially in the

context of armed conflict.[7] Even in the relatively recent Geneva Conventions, women are framed primarily as objects in need of protection and note that in all circumstances, "women shall be treated with all the regard due to their sex."[8] Whether made on the basis of a "biological" or a "social" model, the framing of women as vulnerable and in need of protection reproduces the idea that "women and children" are "innocent" while adult men are neither innocent nor vulnerable.

Assuming all military-aged men to be "potential" or actual combatants or militants entrenches a tendency to support "violent masculinities"—a social construction in which masculinity is linked with preparedness to use military action and to wield weapons. Such social constructions underpin the tendency for men to make up the majority of those participating in military roles in conflict.[9] By working to entrench such essentialisms, associating maleness with militancy increases the vulnerability of men in the immediate term, exacerbating other "gender-based vulnerabilities that adult civilian males face, including risks of forced recruitment, arbitrary detention, and summary execution."[10] We can also see this in the reported policy of using maleness as a signifier of militancy in the targeting and casualty analysis of drone strikes.[11] Thus while such constructions promote a masculine role of "protecting" others, they also effectively devalue male life, producing a widespread acceptance of the relative expendability of men compared to women.

Thus the automatic framing and emphasising of women as primarily vulnerable victims and innocent civilians exposes men to further violence and strips women of their agency.

Women as participants

Upholding ideas of women only as weak and in need of protection is an efficient way to enable their continued exclusion from authoritative social and political roles, which also weakens the potential effectiveness of those processes. The constant reproduction of these norms have concrete effects on how women are positioned in society, and as such undermine the promotion of women's "full and effective" participation advanced in the BMS5 outcome document. BMS5 commits states to promote the role of women in preventing, combating and eradicating the illicit trade in SALW, including through access to training, as well as through their meaningful participation and representation in policymaking, planning, and implementation processes related to SALW. In contradiction to this commitment, the participation of women is not included in either the ATT or the UNPoA. In both instruments, women are treated as victims and grouped with children.

States and civil society groups alike sometimes seem to alternate their framing of women as agents and subjects depending on forum, audience, or political change being sought. This has serious implications for actual policy design and implementation. It also affects the quality of women's participation in various situations.

The idea of what is effective participation has not been publicly raised in the development of these instruments. But it is evident that the framing of women as weak and vulnerable is often used to construct "a feminized and devalued notion of peace as unattainable, unrealistic, passive, and (it might be said) undesirable."[12] Ideas about gender shape, limit, and distort political discourse and political processes through which decisions are made—especially when it comes to armed conflict. The devaluation of certain perspectives, ideas, and, interests because they are marked as "feminine," coupled with the equation of masculinity with violence gives war positive value as a show of masculine power. At the same time the perception that not going to war is weak makes it more difficult for political leaders to take decisions not to embark on military action. Similarly, such constructions make it more difficult to cut military spending or engage in disarmament.[13]

This means that even if women do participate in negotiations or discussions on matters related to peace and security, their positions or ideas are often forced to conform to the dominant perspective—underpinned by notions of violent masculinity—in order to be taken seriously. This is not to say that women bring one perspective to a conversation and men bring another. It rather highlights the gendered understandings of war and peace, disarmament and armament, strength and weakness, which dictate what is considered "acceptable" by the dominant perspective in such conversations.

Gender

Gender is not about men and women. It is about socially constructed ideas that attribute meaning to and differentiate between sexes. Gender is the range of characteristics associated with woman, intersex, man, masculine, feminine, transgender, etc. In his 2002 report Women, Peace and Security, the UN Secretary-General explains that conceptions of gender "vary according to socio-economic, political and cultural contexts, and are affected by other factors, including age, race, class and ethnicity. Gender roles are learned and are changeable."[14] Socially constructed understandings of gender affect perceptions of social roles, behaviour, and identity, and have implications for relations between people. Conceptions of gender provide a way of structuring relations of power, in families, communities, societies, and subsequently also in international relations.

The instruments studied in this paper do not address gender.

Only the ATT includes the concept of gender in its provision on preventing gender-based violence (GBV). GBV is violence perpetrated against a person based on their sex (male, female, other) or gender (socially constructed conceptions of masculine and feminine). Acts of GBV disproportionately impact women and girls, but boys, men, or others can be targeted for acts of violence on the basis of their sex, sexual orientation, or gender identity.[15] For example, men who do not conform to dominant

conceptions of masculinity, either because of their sexuality or other factors, are sometimes subject to violence on this basis. In armed conflict, men have also been systematically targeted for sexual violence.[16]

Having this explicit, binding criterion in the ATT on preventing GBV ensures that it should be taken into account when arms export officials are looking at compliance with international humanitarian law and international human rights law. It also requires states to act with due diligence to ensure the arms transfer will not be diverted to non-state actors such as death squads, militias, or gangs that commit acts of GBV.

Unfortunately, the threshold officials are obligated to consider is "overriding risk" rather than "substantial risk". The ATT as such fails to sufficiently reflect existing international obligations relating to human rights law and humanitarian law and this weakness affects all of the criteria for risk assessments. The exporting state could, with reference to the ATT text, determine that some unidentified interest is more important than preventing violations of international humanitarian law and international human rights law, including GBV. Thus risk assessments will to a large extent depend on how "risk" is interpreted and assessed. Clear interpretative statements from governments and political pressure from civil society and others will remain crucial to ensuring that the most robust interpretation is implemented.

It is particularly important to maintain a focus on the issue of interpretation as the concept of GBV itself became contentious during ATT negotiations, with the Holy See working actively to mobilise opposition to its inclusion from a handful of states. They pushed for the term "violence against women" rather than "gender-based violence". In the end, article 7(4) addresses both. This fight continued into the General Assembly in 2014 over the adoption of the resolution on women, disarmament, non-proliferation, and arms control, when the Arab Group argued that GBV should be narrowly defined as violence directed towards women because they are women, or violence that affects women disproportionately.

This is a deeply discriminatory interpretation of the concept of GBV, which in fact captures a broad range of acts of violence, as described above, having in common that they are based on socially constructed norms, perceptions, and power relations of gender—a concept that itself goes beyond sex-differences.

It is critical that other states, together with civil society, continue to push back on interpretations that try to equate GBV with, and thus limit recognition to, violence against women. Such interpretations disregard the widespread human suffering caused by other forms of gender-related violence. We must ensure the current momentum around gender and disarmament develops progressively and results in action that takes into account the human rights and security of all, not just some, people.

Other relevant instruments

Much more work is needed to overcome the dominant framing of women as merely innocent victims, to advance gender diversity in participation, and to incorporate gender perspectives into disarmament and arms control initiatives that can help reshape our understandings of available choices.

To begin this work, it is useful to explore the potential synergies between other existing instruments and the ATT and UNPoA. These include:

- UN General Assembly resolutions on women, disarmament, non-proliferation and arms control;
- UN Security Council resolutions on women, peace and security;
- UN Security Council resolutions on small arms and light weapons;
- UN Human Rights Council resolutions on arms transfers and firearms;
- Convention on the Elimination of All Forms of Discrimination against Women;
- Beijing Platform of Action;
- Convention on Cluster Munitions;
- Geneva Declaration on Armed Violence and Development; and
- Safe Schools Declaration.

UN General Assembly resolution on women, disarmament, non-proliferation, and arms control

The first version of this resolution, introduced to First Committee by Trinidad and Tobago in 2010, was adopted by consensus as resolution 65/69. Subsequent resolutions were adopted in 2012, 2013, and 2014. Overall the resolution commits states to promote and facilitate the participation of women in disarmament, non-proliferation, and arm control initiatives and programmes.

The latest version reflects the women, peace, and security agenda; encourages action to prevent arms transfers that could be used to facilitate gender-based violence (GBV) and violence against women and children, including through implementation of the ATT; and encourages states to strengthen the collection of sex and age disaggregated data on the impact of armed violence. These textual improvements resulted in a vote on the resolution for the first time, with several non-signatories to the ATT abstaining on the paragraph referencing the ATT.

UN Security Council resolutions on women, peace and security (WPS)

The so-called WPS agenda consists of eight UN Security Council resolutions (UNSCR) that seek to guide work to promote gender equality and strengthen women's participation, protection, and rights in conflict prevention through to post-conflict reconstruction contexts.

UNSCR 1325 (2000) represents the first time the Security Council addressed the disproportionate and unique impact of armed conflict on women. It recognises the targeting of women (and children) by combatants and the consequent adverse impacts this has on

"durable peace and reconciliation". In this regard it calls on all parties to armed conflict to protect women and girls from gender-based violence, particularly sexual violence. It invites the UN Secretary-General to study the impact of armed conflict on women and girls, the role of women in peacebuilding, and the gender dimensions of peace processes and conflict resolution.

It also recognises the undervalued and underutilised contributions women make to conflict prevention, peacekeeping, conflict resolution, and peacebuilding. It stresses the importance of women's equal and full participation as active agents in peace and security. It has language relating specifically to disarmament, in which it "Encourages all those involved in the planning for disarmament, demobilization and reintegration to consider the different needs of female and male ex-combatants and to take into account the needs of their dependents." It also emphasizes the need for all parties to ensure that "mine clearance and mine awareness programmes take into account the special needs of women and girls."

UNSCR 1820 (2009) recognises sexual violence as a weapon and tactic of war. It calls for training of troops on preventing and responding to sexual violence and for more deployment of women in peace operations. It specifically requests the development of effective mechanisms for protecting women and girls from sexual violence in disarmament, demobilisation, and reintegration (DDR) processes.

UNSCR 1888 (2009) reiterates that sexual violence exacerbates armed conflict and impedes international peace and security. The resolution emphasises the importance of addressing sexual violence from the outset of peace processes and mediation efforts, including in DDR processes. It calls for the promotion of women's leadership to address conflict-related sexual violence in peace talks, negotiations, and as peacekeepers.

UNSCR 1889 (2010) focuses on post-conflict peacebuilding and on women's participation in all stages of peace processes. It notes that "women in situations of armed conflict and post-conflict situations continue to be often considered as victims and not as actors in addressing and resolving situations of armed conflict" and stresses the need "to focus not only on protection of women but also on their empowerment in peacebuilding." It recognises that understanding the impact of armed conflict on women and girls can "significantly contribute to the maintenance and promotion of international peace and security" and requests that the UN Secretary-General's country reports include information on such impacts.

It demands all parties to conflict cease any violations of applicable international law committed against women and girls in armed conflict or post-conflict situations and to end impunity for sexual violence. It also calls on those planning DDR programmes to account for the "particular needs of women and girls associated with armed forces and armed groups


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and their children, and provide for full access to these programmes."

UNSCR 1960 (2011) reiterates the call for an end to sexual violence in armed conflict and sets up a "naming and shaming" mechanism, sending a direct political message that there are consequences for sexual violence. It doesn't include any specific language on disarmament or arms control.

UNSCR 2106 (2013) focuses on operationalising current obligations. It notes the ATT provision on GBV. It requests the Secretary-General and UN entities to assist national authorities in addressing sexual violence concerns in DDR processes, including by "establishing protection mechanisms for women and children in cantonment sites, as well as for civilians in close proximity of cantonment sites and in communities of return, and by offering trauma and reintegration support to women and children formerly associated with armed groups, as well as ex-combatants."

UNSCR 2122 (2013) explicitly affirms an "integrated approach" to sustainable peace, recognising the need to "address the gaps and strengthen the links between" peace and security, human rights, and development "as a means to address root causes of armed conflict and threats to the security of women and girls in the pursuit of international peace and security." It acknowledges the adoption of the ATT, notes its provision on GBV, and looks forward to the "important contribution that implementation of the Arms Trade Treaty can make to reducing violence perpetrated against women and girls in armed conflict and post-conflict situations."

UNSCR 2242 (2015) includes language on small arms, encouraging the empowerment of women to participate in efforts related to the "prevention, combating, and eradication of the illicit transfer, and the destabilizing accumulation and misuse of small arms and light weapons," and calls on all relevant entities "to take into consideration the specific impact of conflict and post-conflict environments on women's and girls' security, mobility, education, economic activity and opportunities, to mitigate the risk of women from becoming active players in the illicit transfer of small arms and light weapons."

UN Security Council resolutions on small arms and light weapons

On 26 September 2013, the UNSC adopted its first resolution on SALW. **UNSCR 2117** includes some language on women. It recalls "with grave concern" that the illicit transfer, destabilising accumulation, and misuse of SALW "fuel armed conflicts and have a wide range of negative human rights, humanitarian, development and socioeconomic consequences, in particular on the security of civilians in armed conflict, including the disproportionate impact on violence perpetrated against women and girls, and exacerbating sexual and gender-based violence and the recruitment and use of children by parties to armed conflict in violation of applicable international law."

It emphasises the importance of approaches to disarmament, demobilization, and reintegration (DDR) that, among other things, "provides for the special needs of children and women, and women's full and effective participation in all efforts for the maintenance and promotion of peace and security, in line with UNSCR 1325."

It urges all relevant actors to "take further measures to facilitate women's full and meaningful participation in all policymaking, planning and implementation processes to combat and eradicate the illicit transfer, destabilizing accumulation, and misuse of small arms and light weapons in all its aspects." It also calls on all those involved in planning for DDR and justice and security sector reform efforts "to take into account the particular needs of women and children, and to provide for their full access to these programmes inter alia, through consultation with civil society, including women's organizations, as appropriate."

This "grave concern" about sexual and gender-based violence expressed in **UNSCR 2117** is reiterated in **UNSCR 2200** (2015), adopted by the UN Security Council two years later. The resolution adds new language emphasising that illicit trafficking of SALW "could harm civilians, including women and children". It includes a truncated version of the paragraph stressing the importance "of women's full and effective participation in all efforts related to countering the illicit transfer, destabilizing accumulation and misuse of small arms and light weapons, in line with its resolution 1325 (2000)."

Paragraph 16 encourages member states "to better understand the impact of the illicit

transfer, destabilizing accumulation and misuse of small arms and light weapons on women and children, through, inter alia, strengthening the collection of data disaggregated by sex and age and developing appropriate and effective national risk assessment criteria."

In paragraph 17 the resolution calls upon all relevant actors "to take into consideration the specific impact of conflict and post-conflict environments on women's security, mobility, economic activity and opportunities, to mitigate the risk of women from becoming active players in the illicit transfer of small arms and light weapons."

Paragraph 18 urges all relevant actors "to take further measures to facilitate women's full and meaningful participation in all policymaking, planning and implementation processes to combat and eradicate the illicit transfer, destabilizing accumulation and misuse of small arms and light weapons in all its aspects, and in that regard, encourages empowering women, including through capacity building efforts, as appropriate, to participate in the design and implementation of efforts related to the illicit transfer, destabilizing accumulation and misuse of small arms and light weapons, and calls upon all those involved in the planning for disarmament, demobilization and reintegration and justice and security sector reform efforts to take into account the particular needs of women and children associated with armed forces and armed groups, with the participation of women, and to provide for their full access to these programmes inter alia, through consultation with civil society, including women's organizations, as appropriate."

Paragraph 26 requests the UN Secretary-General to include in his reports and briefings on country-specific situations information on the impact of the illicit trade in SALW on protection of civilians in armed conflict, including impacts on "refugees, internally displaced persons, women, children, and other vulnerable groups."

UN Human Rights Council Resolutions on arms transfers and firearms

The Human Rights Council (HRC) addressed for the first time in a clear and direct manner the topic of weapons and human rights in September 2013. Since then, three resolutions have touched on arms transfers and firearms and the consequences on human rights. All these three resolutions contain references to women, although some of these references suffer from the problematic framings described above.

UNHRCR 24/35, "Impact of arms transfers on human rights in armed conflicts," was adopted shortly after the adoption of the ATT, in September 2013. It urges all states to refrain from transferring arms to those involved in arms conflicts when there is overriding risk of human rights violations. This resolution references the particular impact of arms transfers on women, even though it includes them next to other "vulnerable groups". It very rightly recalls that

widespread availability of arms may increase the risk of sexual and gender-based violence.

UNHRC 26/16, "Human Rights and the regulation of civilian acquisition, possession and use of firearms," was adopted in June 2014. It acknowledges that domestic regulations on the possession of firearms have an impact on human rights. It mentions the impact of widespread possession of firearms on rates of inter-partner violence.

UNHRC 29/10 follows from 26/16 to request a report from the UN High Commissioner for Human Rights on the good practices in regulating possession of firearms.

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

CEDAW was adopted in 1979 by the UN General Assembly. It defines what constitutes discrimination against women and sets up an agenda for national action to end such discrimination. CEDAW is a form of international law that, as part of a human rights system and as a treaty, requires state action in a way that UN Security Council resolutions might not, in part because they are more directed towards the UN system rather than national legislation. CEDAW refers to the periods before, during, and after armed conflicts, which recognises that GBV in armed conflict is part of a larger systematic discrimination against women, girls, and others who do not conform to hegemonic masculinities.

Credit: UN Photo/Jean-Marc Ferré

CEDAW only has one reference to disarmament, affirming that, among other things, "general and complete disarmament, in particular nuclear disarmament under strict and effective international control … will promote social progress and development and as a consequence will contribute to the attainment of full equality between men and women."

In November 2013, the CEDAW Committee adopted a general recommendation (30) on women in conflict prevention, conflict, and post-conflict situations. In this document, the Committee outlines the concrete measures states parties can take to ensure that women's human rights are protected before, during and after a conflict. It notes that CEDAW requires states to focus on conflict prevention, which includes "robust and effective regulation of the arms trade, in addition to appropriate control over the circulation of existing and often illicit

conventional arms, including small arms, to prevent their use to commit or facilitate serious acts of gender-based violence."

It goes on to note, "There is a correlation between the increased prevalence of gender-based violence and discrimination and the outbreak of conflict. For example, rapid increases in the prevalence of sexual violence can serve as an early warning of conflict. Accordingly, efforts to eliminate gender-based violations also contribute in the long term to preventing conflict, its escalation and the recurrence of violence in the post-conflict phase." The Committee also notes that "proliferation of conventional arms, especially small arms, including diverted arms from the legal trade, can have a direct or indirect effect on women as victims of conflict-related gender-based violence, as victims of domestic violence and also as protestors or actors in resistance movements." Thus it recommends that states parties "address the gendered impact of international transfers of arms, especially small and illicit arms including through the ratification and implementation of the Arms Trade Treaty (2013)."

Beijing Platform for Action

The Beijing Platform for Action was adopted at the UN Fourth World Conference on Women in Beijing in 1995. Its section on women and armed conflict includes strategic objectives on reducing excessive military expenditures and controlling the availability of armaments.

Specifically, it calls on governments to:

- convert military resources and related industries to development and peaceful purposes;
- explore new ways of generating new public and private financial resources including through the "appropriate reduction of excessive military expenditures, including global military expenditures, trade in arms and investment for arms production and acquisition" in order "to permit the possible allocation of additional funds for social and economic development, in particular for the advancement of women";
- investigate and punish members of the police, security, and armed forces who perpetrate acts of violence against women, violations of international humanitarian law, and violations of the human rights of women in situations of armed conflict;
- recognise and address the dangers to society of armed conflict and the negative effect of excessive military expenditures, the arms trade, and excessive investment for arms production and acquisition;
- recognise that women and children are particularly affected by the indiscriminate use of anti-personnel landmines and thus undertake a number of actions to prevent their trade and use;
- work actively towards general and complete disarmament under strict and effective international control, support negotiations of a nuclear test ban treaty, and exercise restraint in nuclear testing.

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Convention on Cluster Munitions (CCM)

The CCM was adopted in 2008 in response to the humanitarian harm caused by cluster munitions. It expresses concern that cluster munitions kill or maim civilians, including "women and children". It references UNSC resolution 1325. It requires states parties to adequately provide gender-sensitive assistance, including medical care, rehabilitation, and psychological support, to cluster munition victims in areas under their jurisdiction or control.

Geneva Declaration on Armed Violence and Development

The Geneva Declaration was adopted in 2006 in order to "promote sustainable security and a culture of peace by taking action to reduce armed violence and its negative impact on socio-economic and human development."

Among other things, it commits signatory governments to "stem the proliferation, illegal trafficking and misuse of small arms and light weapons and ammunition, and lead to effective weapons reduction, post-conflict disarmament, demobilization and reintegration, and small arms control, including control of arms transfers and of illicit brokering." It commits them to "take further action to deal effectively both with the supply of, and the demand for, small arms and light weapons," including by implementing the UNPoA "and promoting the development of further international instruments, including legally binding ones."

The Declaration also requires its signatories to "promote a comprehensive approach to armed violence reduction issues, recognizing the different situations, needs and resources of men and women, boys and girls, as reflected in the provisions of UN Security Council Resolutions 1325 and 1612."

Safe Schools Declaration

The Safe Schools Declaration was developed through state consultations led by Norway and Argentina in Geneva throughout the first half of 2015. It is aimed at preventing states from using schools or universities for any purpose in military operations. The Declaration notes that attacks on schools and universities have been used to further gender discrimination by preventing the education of girls.

Synergies and contradictions

In some regards, these texts fall into the same trap as the ATT and UNPoA in their categorisation of women as vulnerable victims alongside children, the elderly, and / or the disabled. None of these texts goes as far as to incorporate a comprehensive gender perspective into their conceptions of power in relation to weapons use, trade, and proliferation. Overall, however, they mostly do better than the ATT and UNPoA on their own in terms of promoting women's participation in peace and security initiatives and in recognising the different roles that women and girls can inhabit. However, there are some contradictions between some of the ways that these instruments, particularly the UNSC resolutions on WPS, have been implemented and the overall goal of preventing armed conflict and armed violence that these instruments ostensibly seek.

Synergies

The most synergy between some of these texts exists at the intersection of armed conflict and gender discrimination or gender-based violence. CEDAW, the Safe Schools Declaration, and all of the UN Security Council, Human Rights Council, and General Assembly resolutions recognise the disproportionate harm to women and girls from gender-based violence and connect this in some way to weapons use, trade, or proliferation. The Convention on Cluster Munitions and the UN Security Council resolutions on women, peace and security (WPS) require certain actions to mitigate this harm, whether through victim assistance or mechanisms to prevent gender-based violence (GBV), particularly sexual violence, in armed conflict. This fits well with the ATT's legally-binding provision aimed at preventing arms transfers that risk facilitating acts of GBV.

Participation is probably the most synergist element of the existing texts considered here. Following the developments in the UN Security Council resolutions on WPS, for example, UNSCR 2117 on SALW is not limited to the participation of women in discussions and negotiations or policy development. It recognises that women and girls may also be fighters that need access to DDR programmes and that their unique experiences as soldiers may require specific attention. It also recognises, in this context, the importance of consulting with civil society, including women's organisations.

Some of these texts also demonstrate that there are ways to acknowledge the unique and grave impacts of the use or trade of weapons on women and girls, as distinct to men and boys or others, without categorising them as innocent, vulnerable, or victims. UNSCR 2220 (2015) on SALW calls for consideration of the specific impacts of conflict and also post-conflict environments on women's security, mobility, economic activity, and opportunities, with the aim of mitigating the risk of women becoming active players in the illicit transfer of SALW. To this end, it encourages states and others to collect sex- and age-disaggregated data to better understand the impact of SALW on

women (and children) and to help with developing national risk assessment criteria for arms transfers. The newest WPS resolution, 2242 (2015), calls for actions to mitigate the risk of women becoming active players in the illicit transfer of SALW.

Even though UNHRCR 29/10 has been criticised for not explicitly mentioning the ATT, the synergy between these documents is inevitable. The report requested in the resolution regarding good practices on regulations of the possession of firearms and human rights is another example of synergies that can be exploited between ATT and the Human Rights Council. The conclusions of this report should feed into the standards of assessment to allow export of firearms. To assess if there is an overriding risk of weapons being used to facilitate acts of GBV, comparing domestic regulations of possession of firearms to the best practices mentioned in the report can be an effective tool that integrates a human rights approach.

Probably the most impressive product of the synergies between the WPS resolutions, ATT, and SALW instruments is CEDAW general recommendation 30. It recognises not just that women are victims of GBV or sexual violence but that such violence can be an early warning indicator of conflict. On this basis, it suggests that efforts to eliminate GBV can also contribute to preventing conflict. It explicitly pulls in the relationship between GBV and weapons, noting that proliferation of conventional weapons affects women in conflict, in domestic situations, and as protestors or actors in resistance movements. It thus simultaneously highlights the potential targeting of women as well as their agency in a variety of roles.

The general recommendation could and should have gone further to promote women's participation in designing solutions to the challenges it identifies. However, it is a concrete example of a tool that has drawn together concerns about gender-based violence and power structures in the use, trade, and proliferation of arms.

Contradictions

Yet there are also risks when it comes to promoting women's participation in this sphere. The way that the UNSC resolutions on WPS have been interpreted, for example, risks promoting women's participation foremost within the highly masculine militarised security structures that tend to generate rather than prevent or end armed conflict. In the course of engaging governments and militaries to promote the implementation of 1325, the inherent contradictions of the text became clear to those who saw the resolution as a vehicle to have women, especially women in civil society, recognised as actors capable of, and necessary agents in, ending of war and achievement of peace and redefining security. The militaries instead ultimately used it as a vehicle to promote and enhance women's contributions to war.[17]

Credit: UN Photo/Amanda Voisard

One of the key practical effects of the efforts in support of gender mainstreaming has been to promote the inclusion and advancement of female soldiers, with the aim of increasing the proportion of women in militaries and of fielding all-women military units (at times focused on specific tasks thought appropriately performed by women) or providing gender-sensitive trainings where a "gender perspective" is deemed necessary. While the latter is welcome, the idea of incorporating women into the fighting forces as an effective implementation of 1325 is anathema to many of the feminist antimilitarists that promoted the resolution during its negotiation. While working for gender equality, this perspective also requires a critique of the power relations that sustain war and militarism.[18]

The keystone of the WPS agenda, UNSCR 1325 fails to lend itself to prevention of war or to challenging the legitimacy of systems that generate war. It is underpinned by the idea of "making war safer for women", as if this was possible. Because it aims to protect women in war and insists they have an equal right to participate in the processes and negotiations that end particular wars, 1325 leaves war itself in place.[19]

Recommendations

The negative impacts on our society of patriarchy and male privilege are perhaps nowhere more pervasive and pernicious than in the field of weapons, war, and militarism. By consequence, much of the discussion on disarmament perpetuates the highly problematic gender constructions of men who are violent and powerful and women that are vulnerable and need to be protected. Gender perspectives in disarmament, peace, and security must be about exposing and challenging this state of affairs, not about including more women in the existing systems of structural inequalities and violent masculinities.

Developing a holistic approach to the small arms, arms trade, and women, peace and security agendas is critical to ensure that these agendas contribute to the reduction and prevention of armed conflict and armed violence. This should be the objective of any instrument dealing with weapons, war, or violence. What is needed is an approach that prevents gender-based violence without categorising women simply as vulnerable victims; that promotes a positive role for women in ending conflict rather than participating in it; and that includes a critique of the gendered dimensions of militarism and armed violence, including by analysing and taking action on militarised violent masculinity norms.

We must also work to ensure that the instruments and commitments developed have an impact in the real world. Having good language on paper is only the first step in achieving change. Thus, implementation of the ATT, UNPoA, UNSC and UNGA resolutions, and other relevant instruments must utilise the synergies created by:

- recognising and addressing the unique or differential impacts on women of weapons use, trade, and proliferation without merely treating them as victims;
- promoting gender diversity in preventing and ending conflict, including through the promotion of women's full and effective participation; and
- incorporating gender perspectives in challenging the structures and institutions of armed conflict, armed violence, the arms trade, arms production, and militarism.

To do so, and to gain the most from the potential synergies between the instruments considered here, states, international, regional, and national organisations, and civil society groups should consider the following recommendations:

1. Gender-based violence must be interpreted as violence based on socially constructed norms, perceptions, and power relations of gender. This can indeed include violence against women. But it also includes attacks based on other forms of gender and sexuality norms and discrimination.

2. Women must not be categorised as vulnerable or innocent victims and harm specifically to women must not be framed as a problem in itself. Instruments and initiatives should recognise the differential impacts of

weapons use, trade, and proliferation on women and others without rendering them helpless victims that lack agency and without implying that harm to women makes the mechanism of harm more egregious.

3. States, international organisations, and civil society groups must **strengthen the collection and analysis of sex- and age-disaggregated data on the impact of weapons**, including through the implementation of systematic casualty recording.The motivation in documenting and highlighting differential impacts on women should be to ensure that they receive equal and adequate protection, care, rehabilitation, and participation as men in preventing and recovering from armed conflict and armed violence.

4. Gender diversity in disarmament, non-proliferation, and arms control must promote the participation of women but also of those not conforming to dominant gender or sexuality norms. Armed violence also has differential impacts on LGBTQI people, which should be reflected in discussions about weapons, conflict, and violence. It should ensure a range of perspectives can be presented in discussions and negotiations, including critiques of dominant structural inequalities and normative framings. "Effective" participation of women and others creates space for alternative conceptions of security and focus on preventing armed conflict and armed violence rather than on responding to it with military force.

5. Initiatives promoting gender diversity in any of the above should include an explicit critique of militarism and war, including of the patriarchal structures that sustain them. As Carol Cohn put it, to truly challenge war, we must address "the pernicious, pervasive complexities of the gender regimes that undergird not only individual wars but the entire war system."[20] And as Cynthia Cockburn argues, we should also recognise gender power relations "as a predisposing, and thus causal, factor in militarization and war."[21] Without a critique of hegemonic violent masculinities, we are held hostage by militarist states and military institutions, as has been seen in the implementation of UNSCR 1325. Therefore, relevant initiatives should include constructive criticism of these frameworks with a view to advancing the overall objective of peace.

6. All treaties, resolutions, commitments, and declarations on the production, possession, transfer, proliferation, or use of weapons must have a gender perspective. They need to take into account differential gendered impacts; gender diversity in the negotiation or elaboration of relevant instruments; and an analysis of the gendered dimensions of the challenges being confronted.

7. Similarly, instruments dealing with women, peace and security or women's human rights must incorporate issues related to weapons, war, and violence. They should promote disarmament and arms control as integral to enhancing women's human rights, preventing GBV, and preventing and ending armed conflict and armed violence.

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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 organization in the world.

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