

Policy Brief:

**Why the international
arms trade is a
feminist issue - and
what Germany can do
about it**

CFFP

THE CENTRE FOR
FEMINIST
FOREIGN POLICY



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The international arms trade is a feminist issue...

I The synergies between arms (export) control and the WPS agenda

Feminist activists and organisations, above all the *Women's International League for Peace and Freedom* (WILPF) have – for over 100 years – advocated for an end to the international arms trade and universal disarmament. Indeed, already in 1915, in the middle of the First World War, 1,500 women from both belligerent and neutral countries gathered in The Hague for *The International Congress of Women*, demanding an end to the war and defining principles for lasting peace. (Paull, 2018). One of the 20 resolutions adopted called for “universal disarmament”, as participants were convinced that “private profits accruing from the great armament factories [are] a powerful hindrance to the abolition of war” (Ibid, p.258). More than 100 years later, their demands could not be timelier. Global arms trading is again on the rise: Between 2015-2019, the volume of international arms trade reached its highest level since the end of the Cold War (SIPRI, 2020). Alongside the US, Russia, France, and China, Germany belongs to today's biggest arms supplier while Saudi Arabia, India, Egypt, Australia, and China import most arms (Ibid).

In parallel to the growth of trade in military equipment, this year the international community also celebrates the 20th anniversary of the adoption of UN Security Resolution 1325 on “Women, Peace, and Security” (WPS) which, together with its nine sister resolutions, is a significant international normative and policy framework addressing the gender-specific impacts and gendered drivers of violent conflict (based on Davies and True, 2019). The WPS agenda calls for equal *participation* of women in all aspects of conflict prevention and peacebuilding, including arms (export) control and disarmament processes; the *protection* of women and girls in armed conflict, including from conflict-related sexualised violence facilitated by arms; gender-sensitive and gender-equitable *relief and recovery*, such as gender-sensitive DDR and SSR efforts¹; and the (gender-sensible) *prevention* of armed conflict. Three (2106, 2122, and 2467) out of ten WPS resolutions explicitly reference the *Arms Trade Treaty* (2014), which aims at regulating the international trade in conventional arms² for the purpose of reducing human suffering and contributing to international peace and security (ICRC, 2016). The emphasis of the humanitarian purpose of the ATT is important to understand the treaty not only as an economically motivated trade policy but also as an arms control treaty and a global peace and security policy (Müller-Henning, 2012).

By explicitly referencing the ATT, the WPS re-confirms its synergies with the arms (export) control and disarmament agenda, above all the need to prevent violent conflict (Acheson and Butler, 2019). Despite these obvious synergies, governmental commitments to advance the WPS agenda do not go hand in hand with commitments to restrictive arms (export) control and disarmament. Sweden for example, a trailblazer for gender equality and the first country to adopt a Feminist Foreign Policy, pushed hard for the WPS agenda to be advanced during its non-permanent membership in the UN Security Council in 2017-2018. However, as Irsten (2019) notes “Sweden did not emphasise disarmament (...) as a central tool for implementing the conflict prevention pillar” of the WPS agenda nor did it “stress the effect of weapon proliferation on women's lives, security, and participation”. Moreover, in 2018, Sweden exported military equipment to countries involved in the Yemen conflict (Ibid). Similarly, Germany's increasing commitment to strengthen the WPS agenda is not

¹ DDR refers to disarmament, demobilization, and reintegration of former combatants after a violent conflict while SSR means security sector reform, which aims at enhancing effective and accountable security institutions, operating under civilian control and in line with international human rights standards.

² The ATT applies to battle tanks, armoured combat vehicles, large-calibre artillery systems, combat aircraft, attack helicopters, warships, missiles and missile launchers, and small arms and light weapons, corresponding ammunition, as well as the “export of parts and components where the export is in a form that provides the capability to assemble the conventional arms” listed above (ATT, Art. 4). In the context of German regulations, this should not only apply to weapons of war and other military goods but also the transfer of technologies, know-how and financial support to subsidiary companies outside of Germany.

complemented by changes in interlinked policy areas. This is e.g. demonstrated by the current National Action Plan (NAP) on WPS, in which Germany commits itself to foster women's participation in conflict prevention, including disarmament and arms control processes, but does not explicitly focus on conflict prevention, let alone on disarmament or arms (export) control (CFFP et al, 2020). This ambiguity can have devastating consequences: According to the *Campaign Against Arms Trade*, in 2019, Germany exported small arms and light weapons and corresponding ammunition worth of almost 200 million Euros to the US (CAAT, 2020) – the most dangerous high-level income country for women in terms of gun violence, in which the access to a gun makes it 500 per cent more likely that an abusive partner will kill his woman partner (Everytown, 2019, p.7). This lacking policy coherence is a common trend: Out of 84 NAPs (December 2019), only 26 NAPs include references to disarmament and provide specific actions to disarm society (PeaceWomen, 2020). After two decades of WPS, the focus of the implementation of the WPS agenda continues to be on the participation of women in peace processes and peacekeeping missions and the prevention of certain types of conflict-related violence – instead of on the prevention of conflict per se (Hamilton et al, 2020). Moreover, it remains detached from national and international efforts to strengthen arms (export) control and disarmament. A notable exception is the current Irish NAP, which explicitly focuses on conflict prevention, which includes commitments to advance disarmament and arms control (CFFP et al, 2020). The main reason for this siloed approach is the failure to acknowledge that promoting effective conflict prevention would require transforming our militarized security structures (based on Kapur and Rees, 2019). For these reasons, this policy brief will, firstly, briefly outline the gendered dimensions of the proliferation of conventional weapons, and, secondly, outline concrete policy recommendation for Germany on how to better align its efforts to advance arms export control with the WPS agenda.

II.I. Gendered consequences of the proliferation of conventional weapons

The proliferation of arms affects people differently based on their sex, gender, and/or their sexual orientation (Reaching Critical Will, 2020). While men and boys constitute more than 80 per cent of people who die from armed conflict or armed violence, women, girls, and gender non-conforming people suffer disproportionately from gender-based violence (GBV) (Acheson, 2020). GBV – violence directed at a person because of their sex and/or socially constructed gender role in society including sexual orientation, gender identity or apparent non-conforming behaviour – is rooted in the unequal power relations within our societies and is the most prevalent form of violence in the world (Chinkin, 1991 and Gerome, 2016). It is present in all societies across the world – in times of conflict and peace – and can take various forms: sexualised violence (e.g. forced prostitution), physical violence (e.g. intimate partner violence), emotional and psychological violence (e.g. humiliation), and socio-economic violence (e.g. prevention of the enjoyment of economic, civil or political rights) (Gerome, 2016). It should be noted that GBV has a strong impact on all aspects of the women's human security, is an expression of and maintains structural violence against women: GBV is "shown to be intertwined with the feminisation of poverty, transnational labour exploitation, trade liberalisation, limitations on their sexual and reproductive rights, and control of their mobility" (True, 2010, p.58).

There is a clear link between arms and GBV: For example, on average, firearms are used in one-third of all femicides worldwide and countries with high levels of femicides are also characterised by a higher proportion of femicides committed with firearms (Small Arms Survey, 2012). The link between small arms and light weapons (SALW) and GBV is receiving increased international attention, however, it should be noted that all types of conventional weapons, including drones, can be used to commit or facilitate GBV (Acheson, 2020).

In 2014, the international community adopted the *Arms Trade Treaty* (ATT), which for the first time recognised the link between the international arms trade and GBV. According to this treaty, the exporting State Party is legally obliged to "take into account the risk of the conventional arms [covered

by the ATT] being used to commit or facilitate serious acts of gender-based violence or serious acts of violence against women and children” (ATT, Article 7.4). Importantly, the ATT applies to a wider range of uses of conventional arms than violence that is directly being committed with a weapon (Control Arms and IHRC, 2019). As *the Oxford Commentary* on the ATT notes, weapons might facilitate GBV even when they are one or two steps away removed from the actual violence” (Casey-Maslen et al., 2016, para. 7.35). This includes e.g. situations in which armed prison guards facilitate sexualised violence against detainees by other (unarmed) detainees because they restrict the survivors’ movements (Control Arms and IHRC, 2019). Accounting for this requirement of the ATT would contribute to a more effective and gender-sensible conflict prevention as required by the WPS agenda.

II.II Imbalanced representation at disarmament and arms export control processes

A second gendered dimension of the international arms trade is the strong underrepresentation of women and those affected by armed violence in international processes on arms (export) control and disarmament: In its 2019 study, UNIDIR found that men make up to 80 per cent of participation in arms control, non-proliferation and disarmament diplomacy meetings and that the “proportion of women tends to decline as the importance of the position increases” (Hessmann Dalaqua et al., 2019, pp.5-6). Germany is no exception here: Its delegation to the *Fifth Conference of State Parties to the ATT* in 2019 included seven men and three women (CSP5, 2019b). This overrepresentation of men violates the political rights of women and gender non-conforming people and reinforces gendered stereotypes by considering women mainly as victims instead of acknowledging they can also be experts on arms (export) control or perpetrators of armed violence (Reaching Critical Will, 2020). Furthermore, international discussions “about weapons and war are almost never led by — or have meaningful participation of — those who live with the daily realities of either” (Acheson, 2020, p.154). On the other hand states have encouraged the arms industry to play a greater role in these forums and, generally, in discussions on security and defence: One example of this dynamic is the *Group of Personalities on Defence Research*, the advisory body which sets out the agenda for an EU military research programme, in which ten out of sixteen members have links to the defence industry (Vranken, 2018).

This imbalanced representation allows governments to focus predominantly on “theories of strategic stability” (Minor, 2015, p.711) instead of facing the impacts of arms and armed violence. However, the *Humanitarian Initiative*, driven by civil society organisations like the *International Campaign to Abolish Nuclear Weapons* and non-nuclear armed states, managed to increasingly shift the established narrative of nuclear disarmament away from a focus on (state) security through deterrence to the humanitarian consequences of any use of nuclear weapons (based on Ibid). Critical to the success of the *Humanitarian Initiative* were the testimonials of survivors of the Hiroshima and Nagasaki bombings and the expertise by potential first responders to a nuclear incident (based on Ibid). For these reasons, civil society was dissatisfied that language on women’s participation as well as on victim’s assistance was deleted from the final draft of the ATT (Acheson and Butler, 2019).

II. III Power and arms

Dismissing the humanitarian consequences contributes to a third gendered dynamic of the international arms trade. The reinforcement of gendered understandings of security, which reflects how political activities are structured hierarchically in line with associations of masculinity and femininity (Cohen, 2013). Armament is considered as strong, rational, and powerful whereas disarmament is seen as weak, naïve, and unrealistic (Reaching Critical Will, 2020). This understanding links power to arms and arms to power and builds on the notion of violent masculinities, according to which being a man is linked to willingness and ability to use (armed) violence to protect the vulnerable (e.g. women). As in the case of nuclear weapons, this narrative makes it hard for governments to

commit to substantive arms (export) controls and disarmament because they do not want to be seen as weak.

For these reasons, feminist scholars continue to highlight the interdependence of gender equality within a state and the state's peacefulness: The "higher the level of gender inequalities within a state, the greater the likelihood such a state will experience internal and interstate conflict" (Rees and Kapur, 2019, p.138; based on Hudson et al., 2008/2009), fragility or terrorism (Hudson, 2020). The quantitative work of Caprioli (2000) further confirms that domestic gender equality has a pacifying effect on state behaviour on the international level. Gender serves as a critical model for the societal treatment of differences between individuals and collectives (Hudson et. al, 2012): If we deem it legitimate to violently subordinate, discriminate and harm women (arguably the first 'Other'³), we are more likely to approve the violent subordination, discrimination and harming of other Others, such as states, nations, and peoples (Hudson et. al, 2012). At the same time, by legitimizing armed violence to resolve disputes, governments also legitimate violence at home, and make it harder for women and gender non-conforming people to challenge gender inequality and leave abuse situations (WILPF, 2014; Charlesworth and Chinkin, 2000). Thus, governments who are committed to advancing peace and security should focus on advancing international arms (export) control, disarmament, and gender equality instead of armament.

III Way forward: Strengthening the synergies between WPS, arms (export) control, and disarmament

Entering the third decade of the WPS agenda, governments have the opportunity to shift gears and start to prioritize reducing the international arms trade and strengthening arms control and disarmament – as an important contribution to also advance WPS. In the short-term, this must include adequately accounting for the risk of exported arms and military equipment being used to commit or facilitate GBV, in line with the ATT. In a next step, this must include ending the export of those weapons that are in particular known to facilitate GBV, such as SALW, and starting to embrace the gendered impacts of international arms trade beyond GBV. Ultimately, the international community needs to start working towards an end of all arms exports and comprehensive arms control and disarmament. The next session spells out these steps for Germany in more detail.

....and what Germany can do about it

III. I. Political ambiguity: The tensions between Germany's commitment to advance gender equality and the unwillingness to restrict its arms exports

Over recent years, Germany has stepped up its commitment to implement and advance the 'Women, Peace, and Security' (WPS) agenda, at whose core is "the prevention of armed conflict and a roll back of the escalating levels of militarization making homes, communities and nations less rather than more secure" (Global Study 2015, p.194). Multiple WPS resolutions acknowledge the unique impact the proliferation of conventional arms can have on women and girls and explicitly reference the *Arms Trade Treaty* (ATT), including resolution 2467 (2019) which was introduced to the UN Security Council by Germany. As a State Party to the ATT, Germany is required to deny an export of conventional arms when there is a risk that these arms are "being used to commit or facilitate serious acts of gender-based violence or serious acts of violence against women and children" (ATT, Article 7.4). However, Germany continues to be the fourth biggest arms exporter in the world and has, over the last decades, repeatedly authorised exports that violate international human rights law and international

³ Othering is a notion that refers, amongst other things, to differentiating discourses that lead to a moral and political judgment of superiority and inferiority between 'us' and 'them', and within groups' (Dervin, 2015). The term was coined by Edward Said (1978).

humanitarian law (SIPRI, 2020; Wisotzki, 2020). Moreover, Germany only inadequately accounts for the risk of GBV in its arms export risk assessments (Bernarding and Lunz, 2020) and, in contrast to countries like Ireland, Germany does not prioritize conflict prevention in its current NAP on WPS, let alone arms (export) control or disarmament (CFFP et al, 2020).

By failing to adequately account for the risk of gender-based violence (GBV) in its arms export control and to recognise the interlinkages of the proliferation of arms for the WPS agenda, the German government is undermining its own goals of strengthening women's rights and advancing gender equality internationally. For these reasons, the German government needs to align its arms export control with both, its efforts to implement the 'Women, Peace, and Security' agenda and advancing gender-equality more broadly. Ultimately, this means to prepare to cease all arms export to all countries, including to EU, NATO and NATO-equivalent countries and wholeheartedly supporting international efforts on arms control and disarmament.

Acknowledging that this is a long-term process, this policy brief outlines concrete policy-recommendations for the short term on how Germany can adequately account for the risk of GBV in its arms export control system; for the medium term on how Germany's arms export control can be rendered more gender-sensitive beyond accounting for the risk of GBV; and for the long-term on how to set the scene to end all arms exports.

III.I.I Short-term: Effectively accounting for the risk of GBV in its arms export control⁴

- Introduce the risk of GBV in the *Political Principles of the Government of the Federal Republic of Germany for the Export of War Weapons and Other Military Equipment* as one explicit criterion that mandatorily *needs* to be accounted for in the arms export risk assessment (Bernarding and Lunz, 2020).
- In the standard form for the annual human rights reports, which are the basis for the arms export risk assessment, introduce, in cooperation with civil society, specific questions and indicators on
 - a) the prevalence of all forms of GBV in the recipient state;
 - b) the prevalence of GBV committed with or facilitated by arms and
 - c) the recipient State's capacity to prevent and punish acts of GBV (Control Arms, 2018).⁵
- Ensure that feminist civil society expertise informs the human rights risk assessments.⁶
- Acknowledge the ATT's requirement to also account for the risk that exported arms or items can facilitate GBV (Bernarding and Lunz, 2020).
- In line with the recommendations passed by the *Fifth Conference of State Parties to the ATT* (CSP5), ensure that any German delegation to arms (export) control and disarmament meetings and processes are gender-equal across all levels and include delegates with expertise on gender and GBV. Ensure to proactively share information on Germany's practice of accounting for GBV and facilitate learning between states (CSP5, 2019) (Bernarding and Lunz, 2020).
- Support civil society and survivors of armed violence to shape national as well as international processes on disarmament and arms (export) processes, and to provide expertise on the interlinkages of the GBV, gender equality, and the international arms trade.⁷
- Organize mandatory training on the interlinkages of GBV and international arms trade for all embassy staff members, desk officers and export licensing officials within the relevant ministries and federal offices involved in the arms export control process.
- On the EU level, advocate for the importance of gender-sensitive risk assessments of arms exports.

⁴ Please see the study "Exporting Inequality and Violence" by Bernarding and Lunz (2020), commissioned by Greenpeace for a more detailed discussion on this question.

⁵ Control Arms (2018), Gerome (2016), ECCHR and WILPF (2017) provide an overview of indicators and questions that should be considered.

⁶ Control Arms (2018), Gerome (2016), and ECCHR and WILPF (2018) provide a good overview of useful sources of information.

⁷ Based on suggestions by Verity Coyle.

- Act upon Germany's special responsibility to survivors of GBV and violence facilitated by German arms, both in peace and wartimes. This includes the protection of civilians, gender-sensitive peacebuilding efforts and gender-sensitive relief and recovery in violent conflicts facilitated by German arms but also e.g. support to survivors of intimate partner violence in non-conflict settings.

III.I.II Medium-term: Rendering German arms export control system more gender sensible beyond GBV

- Design and implement a single harmonised and gender-sensitive law on arms export control law, which replaces and encompasses the *German War Weapons Export Act*, the *Foreign Trade Law* and the *Political Principles of the Government of the Federal Republic of Germany for the Export of War Weapons and Other Military Equipment*.
- Organize mandatory training on the interlinkages of gender inequality and the international arms trade for all embassy staff members, desk officers and export licensing officials within the relevant ministries and federal offices responsible for arms (export) control, disarmament, and WPS.
- Ensure that the third German NAP on WPS explicitly focuses on preventing conflict, including concrete commitments to start pursuing a truly restrictive arms export policy, such as ending the export of SALW and corresponding ammunition to any country (based on CFFP et al, 2020).
- Ensure that, in principle, comprehensive gender-sensitive human rights and international humanitarian law assessments are also being done for any arms or military equipment exported to EU, NATO, and NATO-equivalent countries (based on Bernarding and Lunz, 2020).
- Ensure that the annual German arms exports include information on the reason for denial of export licenses, including a stand-alone criterion for GBV (Bernarding and Lunz, 2020).
- Advocate among EU member states for a sanctioning mechanism for non-compliance with the EU Common Position, and coherent interpretation of its eight criteria (Besch and Oppenheim, 2019).

III.I.III Long-term: Ending Germany's arms exports

- Design and implement a policy for the end of German exports of arms, military equipment, technology, know-how and support to subsidiary companies, with clear timelines and milestones.
- Initiative an inclusive process on designing a German arms export conversion policy, leading to a comprehensive arms export conversion policy.
- Advocate among EU member states for a reversion of the militarisation of EU security policies, including ending the influence of the defence industry in Brussels.⁸
- Take up an international leadership role in advocating for an end to arms exports. This includes highlighting the interlinkages between the international arms trade, GBV, and gender inequality in statements and speeches.

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⁸ See Bernarding and Lunz (2020b) for a more detailed discussion on what a Feminist Foreign Policy would mean for EU arms exports.

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