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<b>Project Title</b>	Exploring the potential for a diagnostic tool to enable arms export licensing officers to conduct risk assessments to prevent arms transfers contributing VAW and GBV, in accordance with ATT Article 7.4
<b>Responsible division at FDFA</b>	Abteilung Sicherheitspolitik (ASP)
<b>Budget</b>	60'200 CHF
<b>Duration</b>	May to December 2020
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## Executive Summary

The Arms Trade Treaty (ATT), under Article 7.4, directs exporting State Parties to take into account the risk of gender-based violence (GBV) and violence against women and children (VAW) in their export risk assessments. To date, no ATT state party has shown that it has developed or uses a diagnostic tool to conduct risk assessments to assess the potential that an export of conventional arms, ammunition, or parts and components, could be used to commit or facilitate serious acts of GBV or violence against women and children, in accordance with ATT Article 7.4. Therefore, this project seeks to explore the feasibility and parameters for an export licensing risk assessment tool and indicators that can operationalize ATT Article 7.4.

## Keywords

Arms Trade Treaty (ATT), arms export licensing, gender-based violence (GBV), violence against women and children

## Project description

### Rationale

The Arms Trade Treaty (ATT), in its art. 7.4, directs exporting State Parties to include "...the risk of the conventional arms...being used to commit or facilitate serious acts of gender-based violence or serious act of violence against women and children" in their export risk assessments. The requirement to assess for the risk that an export of conventional arms, ammunition, or parts and components could be used to commit or facilitate serious act of gender-based violence (GBV) and violence against women and children constitutes a new risk assessment criterion for export licensing officials, as evidenced by exchanges that took place during the sixth conference of states parties to the ATT in 2019.

There exists a strong and well-established legal basis, diagnostic tools, and sources of information for determining potential violations under ATT Articles 6 and 7.1. In the case of

Article 7.4, however, there is limited experience amongst the export control community in determining the risk that an export of conventional arms, ammunition or parts and components could be used to commit or facilitate “serious acts of gender-based violence” or “serious acts of violence against women and children”. Furthermore, there is a lack of diagnostic tools and authoritative, widely accepted sources of information that reveal the required level of information on the conventional arms used to commit or facilitate serious acts of GBV and violence against women and children and the perpetrators of such acts.

The last two decades, especially since the inception of the Women, Peace and Security in October 2000, have focused a high level of international attention on gender-based violence (GBV) and violence against women and children. That attention has provided impetus, political support, and funding for research on the prevalence of such violence. International institutions, researchers, and civil society organizations have leveraged that support to develop a series of initiatives on measuring and categorizing GBV and violence against women and children at the national level. These initiatives have not resulted in a comprehensive and universally accepted database of the incidence of GBV and violence against women and children on a country-by-country level, let alone provide the information that an export licensing officer requires to determine the likelihood that an export of conventional arms, ammunition, or parts and components could be used by the authorized end user to commit or facilitate serious acts of GBV and violence against women and children.

Export licensing officers, therefore, face a challenge in determining the potential risk that conventional arms could be used to commit or facilitate serious acts of GBV and violence against women and children. The exchanges that have taken place in the context of the ATT CSPs indicate that ATT states parties and signatories are not currently equipped with appropriate tools and solid sources of information to make an objective and well-informed export risk assessment in accordance with Article 7.4.

The Small Arms Survey proposes to convene a workshop to consider the feasibility and parameters for a diagnostic tool and sources of information that could be used to operationalize ATT Article 7.4 for export licensing officers. The workshop will bring together global experts on GBV and violence against women and children and export licensing officers. The aim of the workshop will be to determine the key questions to ask of an export licence application, and the sources of information to answer these questions, when seeking to assess the likelihood that the conventional arms, ammunition and parts and components covered by the application could be used to commit or facilitate serious acts of GBV and violence against women and children. As a result of the input from this group of experts, including relevant actors at FDFA (the Export Controls and Private Security Services Section) and SECO (Bilateral Economic Relations Division), the Small Arms Survey will prepare a workshop report that summarizes the group’s considerations on the feasibility and parameters for a risk assessment tool and indicators (GBV-RATIND) to enable export licensing officers to make credible and defensible determinations of risks under ATT art 7.4. The conclusions and recommendations of the workshop report can be refined into a tool and set of indicators that could be tested in 2021, before a follow-up project internationalizes these “field-tested” good practices among other ATT states parties

#### Project outcome

Export licensing officers will have a better understanding of the feasibility and parameters of a GBV risk assessment tool and indicators (GBV-RATIND) to conduct risk assessments in accordance with Art 7.4 of the ATT.

#### Output

A workshop report that identifies the parameters of a GBV risk assessment tool and indicators (GBV-RATIND) and potential data sources for arms export control risk assessments.

## Activities

Desk research; planning, design and development of consultations with GBV and violence against women and children data experts; consultation with relevant institutions (FDFA and SECO); systematization of findings and development; presentation / validation in Bern and production of the workshop report (in English, basic layout, format pdf and web-based).

## Milestones

1. Review of existing materials on Article 7(4) completed to provide material for (a) the “food-for-thought paper” and (b) questions for key informant interviews (KII) and the workshop formulated on the feasibility and parameters for the GBV risk assessment tool and indicators (June 2020)
2. Finish conducting KII with licensing officers and violence against women experts, providing information for the “food-for-thought paper” and workshop agenda on current practices and challenges for GBV risk assessments in export controls (including: relationship of Article 7(4) with Articles 6 and 7(1); actual cases; and evidence of licence denials in relation to Article 7.4), as well as actual and potential indicators and sources of information for risk assessments (August 2020)
3. Background research into cases of arms exports used in relation to Article 7.4 of the ATT completed for “food-for-thought” paper and discussion at the workshop (August 2020)
4. Agenda and “food for thought” paper finalized for the workshop (ATT CSP6, August 2020)
5. Workshop convened on the sidelines of ATT CSP6 (ATT CSP6, August 2020)
6. Draft report presented in Bern (October 2020)
7. Final report delivered (November 2020)

Beyond the scope of the current project, but we would like to propose that if the findings of this project are deemed to be of interest to the broader ATT community then we would propose presenting the study during the CSP7 cycle of meetings in 2021

## **Covid 19 contingency planning**

If CSP6 does not take place during August 2020 due to travel restrictions related to the COVID-19 crisis, the Survey will distribute the draft “food-for-thought” paper and present it at a webinar in August or September 2020. The Survey will also conduct additional consultations in August and September 2020 in order to strengthen the paper and the potential tool and indicators.

Funds originally allocated for the organisation of the workshop will be reprogrammed to cover the increased Survey staff costs for these additional consultations.

## **Relevance for FDFA / expected impact**

The project is directly relevant to FDFA and SECO as arms export licensing officers, who face the obligation of assessing the potential risk that exported conventional arms could be used to commit or facilitate serious acts of GBV and violence against women and children, but which are not equipped with a reliable diagnostic tool or solid sources of information to make that determination. The proposed project aims to fill this gap, thus enabling export licensing authorities to determine risks under ATT art. 7.4 and take an informed decision.

The project is consistent with Switzerland’s engagement within the ATT. GBV takes a central role within the ATT, and was a focus issue at the 5th Conference of State Parties.

Furthermore, the project is consistent with the Swiss strategy on the international combat against the illicit trade in and misuse of small arms and light weapons (Schweizer Klein-

waffenstrategie): Under priority 2.1 of the strategy, Switzerland supports enhancing the taking of gender-specific measures to combat the illicit trade in SALW and reduce armed violence, including GBV. Similarly, Switzerland's Fourth National Action Plan to Implement UN Security Council Resolution 1325 lists under its third thematic priority the sub-goal "control of the small arms trade improves the protection of women and girls". Finally, the proposed project goes into the direction of the implementation of recommendation 17 of the Committee on the Elimination of Discrimination against Women, which inter alia recommends to monitor the impact of the misuse and illicit trade of small arms and light weapons on women, including those living in conflict zones.

### **Suggested utilization of project outputs**

The workshop report will be of immediate use by FDFA/ASP and SECO in the development of a diagnostic tool, which can further be developed and tested with the expert community convened under this project to ensure that the approach and guidelines are user-friendly, relevant and fit for purpose, and clear.

After the testing phase (in 2021), the experience will be assessed and, if the result of the assessment is positive, a follow-on project could share this experience within the ATT community to internationalize these good practices with the aim of creating a set of international standards and increase the acceptability of the sources and methods proposed.

## Timeline (2020)

Activity	Milestone	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
1. Desk research (collection and review of existing material on ATT Article 7.4 and indicators in relevant multilateral, national, and NGO documents).	1. (a) Materials prepared for “food-for-thought” paper and (b) questions formulated for KII and workshop								
2. Conduct KII with licensing officers and GBV and violence against women experts regarding the parameters and feasibility of a GBV and violence against women and children risk assessment tool, indicators and data sources or other approaches for operationalizing Article 7.4	2. (a) The section of the “food-for-thought” paper relying on KII data is prepared and (b) potential participants and issues to be addressed at the workshop are identified.								
3. Research to identify, and if possible examine and draw lessons from, cases of arms exports being used in GBV and violence against women and children	3. Inputs are prepared for the (a) “food-for-thought” paper and (b) workshop agenda								
4. Prepare workshop agenda, “food-for-thought” paper, and logistical arrangements for the venue and participants	4. and 5. Workshop materials are ready and the workshop is convened on the sidelines of ATT CSP6								
5. Prepare a draft report, based on the activities described above, that assess the feasibility and potential parameters for a GBV risk assessment tool and indicators (GBV-RATIND) and potential data sources for arms export control risk assessments	6. Draft report and next steps that could be taken are discussed with FDFA and SECO in Bern								
6. Finalize the production of the report	7. Final report is shared with the FDFA and SECO								

Geneva, 21.4.2020