

The Impact of the UK's Arms Transfers and Military Spending on Women's Rights

Joint Shadow Report

CEDAW Committee, 72nd Session

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Quakers in
Britain



WOMEN'S INTERNATIONAL LEAGUE FOR
PEACE & FREEDOM
UNITED KINGDOM



Christian Aid, the Quakers in Britain and WILPF UK submitted this shadow report to the Committee on the Elimination of Discrimination against Women (CEDAW Committee), which will review the UK's eighth periodic report during its 72nd session on 26 February 2019.

Christian Aid works globally for profound change that eradicates the causes of poverty, striving to achieve equality, dignity and freedom for all.

Quakers in Britain are a faith group committed to working for equality, peace and justice. This commitment leads them to seek positive social and legislative change.

WILPF UK is a national section of the Women's International League for Peace and Freedom. WILPF mobilises women in building peace and promoting social, economic and political justice.

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Joint submission to the UN Committee on the Elimination of Discrimination against Women, 72nd session (February 2019)

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I. Introduction

1. This report provides a summary of concerns relating to: the UK's arms transfers to several countries, foremost among which is Saudi Arabia; and the UK's increasing military spending and plans to update its nuclear arsenal, which are in sharp contrast with the deep cuts of public services undertaken in the name of austerity. All these have a clear impact on, among other things, the implementation of the Women, Peace and Security agenda and women's human rights more broadly, both externally and internally.

2. The CEDAW Committee has consistently expressed concerns, both in Concluding Observations and General Recommendations, about the specific negative consequences of arms transfers on the rights of women and girls. It has addressed the impact of austerity measures on women's rights.

It has highlighted how cuts to social spending and the increase of the defence budget represent a setback in the implementation of the Convention and of the Sustainable Development Goals.¹

II. Militarisation and Military Spending

A. Increase in Defence Spending and Securitisation

3. The United Kingdom has the fifth largest military budget in the world. In 2017 alone, the country spent £36.8 billion in military expenditure.² In December 2018, the government announced the allocation of £1.8 billion of extra spending to the Ministry of Defence in defence budget for the following year; much of this increased amount is for the UK's on the ongoing renewal of the UK's Trident nuclear programme.³

4. The UK has, for some time, championed addressing the challenges facing conflict-affected and fragile states, having committed to spending 50% of the international aid budget on such countries.⁴ However, more than 50% of arms exports are sold to countries within the same region.⁵

5. The increased investment in defence perpetrates a militarised system and armed conflict, which has specific impact on women and girls living in both conflict and non-conflict areas. It has dislocated funds from development aid, used to promote and protect human rights, to foment the war

¹ See, CEDAW Committee's Concluding observations on the eighth periodic report of Australia, UN Index: CEDAW/C/AUS/CO/8, paragraph 45, July 2018.

² SIPRI "Military expenditure by country available in https://www.sipri.org/sites/default/files/2_Data%20for%20all%20countries%20from%201988%E2%80%932017%20in%20local%20currency.pdf

³ Ministry of Defence "Mobilising, Modernising, and Transforming Defence: A report on the Modernising Defence Programme" 18 December 2018, available in https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/765879/ModernisingDefenceProgramme_report_2018_FINAL.pdf.

⁴ How the UK spends its aid budget, Arthur Baker (CGD), Sam Crossman (IFS), Ian Mitchell (CGD), Yani Tyskerud (IFS) and Ross Warwick (IFS), available at: assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/722389/Methodology-Note-Fragileand-conflict-affected-states-and-regions.pdd.

⁵ Sustainable Security Index 2019, Oxford Research group.

machinery.⁶ In practice, this undermines any attempt at gender-sensitive conflict prevention agenda and fails to tackle the root causes of conflicts.

6. Demilitarisation is essential to prevent conflict and to the promotion of sustainable peace.⁷ Excessive global military spending feeds into a vicious cycle of societal instability, creating an unsuitable environment to pursue gender equality. Militarisation of border controls has also exacerbated military spending; those who are displaced and trapped in the asylum system become increasingly vulnerable and often victims of harassment and/or gender violence.⁸

B. Military Spending and Austerity

7. The increase in the Ministry of Defence's (MoD) budget in the name of security is in sharp contrast with the deep cuts of public services undertaken in the name of austerity. It is worth noting that while over £20 billion would be spent for the renewal of the Trident - the UK's nuclear system - £12 billions have been cut from the welfare budget, which impacts disproportionately women and girls.⁹

8. In its previous review of the UK, the Committee had raised its concern about the serious cuts in funding for social programmes and organisations that provide services for women.¹⁰ In its General Recommendation 35 on gender-based violence against women, the CEDAW Committee has stressed that austerity measures "further weaken the state responses" to gender-based violence.¹¹ Reductions in social care services tend to increase the burden on primary caregivers who are often women.¹²

⁶ <https://www.theguardian.com/global-development/2018/mar/29/watchdog-warns-1bn-aid-conflict-fund-leaves-uk-at-risk-of-liaising-human-rights-abusers-icai>, <https://www.express.co.uk/news/uk/981248/aid-cash-to-be-spent-on-defence>.

⁷ Global Study on 1325 [https://www.peacewomen.org/sites/default/files/UNW-GLOBAL-STUDY-1325-2015%20\(1\).pdf](https://www.peacewomen.org/sites/default/files/UNW-GLOBAL-STUDY-1325-2015%20(1).pdf).

⁸ <https://www.middleeasteye.net/news/security-fair-border-arms-companies-government-1523676820>.

⁹ See <https://www.gov.uk/government/speeches/chancellor-george-osbornes-summer-budget-2015-speech>; and <https://www.theguardian.com/commentisfree/2017/mar/16/women-austerity-poor-vulnerable-gender-inequality>.

¹⁰ CEDAW/C/GBR/CO/7, paragraph 20.

¹¹ CEDAW/C/GC/35, paragraph 7.

¹² Special Rapporteur on Extreme Poverty. Statement, London, 16 November 2018.

Women are more likely to have to make up to cuts to services through unpaid work. Women also make two thirds of the UK's public sector labour forces.¹³ Austerity policies disproportionately affect poorer families.¹⁴ Spending cuts contribute to the feminisation of poverty, and the deepening of gender inequalities within the family and society as a whole. Following on his official visit to the UK, the UN Special Rapporteur on extreme poverty and human rights stated that women in the UK "are particularly affected by poverty."¹⁵

Recommendations

9. The UK should:

- a) Undertake a gender-sensitive and gender-responsive analysis of the impacts of increasing the military budget, in consultation with women's organizations and women and girls in the UK;
- b) Implement policies that move away from austerity measures and instead focus on investments in the public sector promoting thus social cohesion and gender equality, including by implementing the recommendations of the UN Special Rapporteur on extreme poverty and human rights. As an intermediary step implement immediate measures to mitigate and remedy the impact of austerity measures on women and the services provided to women;
- c) Develop a stronger coherent, cross-government approach to delivering peace and the Women, Peace and Security agenda with open and shared objectives. It should invest more in effective peacebuilding initiatives, particularly supporting local peace actors and peacemakers, particularly women, and women human rights defenders, who know their communities, understand the political and cultural issues, and are building peace every day;

¹³ https://wbg.org.uk/wp-content/uploads/2016/12/RRB_Reports_4_1653541019.pdf.

¹⁴ See, for example, The Impact of Austerity on Women in the UK by the Women's Budget Group, available at: <https://www.ohchr.org/Documents/Issues/Development/IEDebt/WomenAusterity/WBG.pdf>.

¹⁵ "(...) (i) Women: Women are particularly affected by poverty. Reductions in social care services translate to an increased burden on primary caregivers who are disproportionately women. Under Universal Credit, single payments to an entire household may entrench problematic and often gendered dynamics within a couple, including by giving control of the payments to a financially or physically abusive partner. Changes to the support for single parents also disproportionately affect women, who make up about 90% of single parents, and as of August of this year, two-thirds of Universal Credit recipients who had their benefits capped were single parents. Single pensioners are also driving the uptick in pensioner poverty, and are significantly more likely to be women." See full statement available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23881&LangID=E>

- d) Actively consult with civil society, particularly with women's organisations, and ensure greater transparency of government strategies and operations, including funding mechanisms. Greater collaboration and input from aid agencies, NGOs and civil society should also be sought to help to inform more effective responses;
- e) Undertake a gender-sensitive and gender-responsive analysis of the security sector, including military spending and procurement policies, in consultation with women's organizations, to address the different security experiences, needs and priorities of women in other countries;
- f) Significantly reduce military spending and increase investment of resources in international development budget to promote gender equality and women and girls' human rights;
- g) Prioritise structural or longer-term approaches to preventing armed conflict that address the underlying causes of war and violence. They should aim to bring about a reduction in the potential for armed or political violence over time, and promote non-violent means to address acute need and rights entitlements.

Arms transfers

A. Extraterritorial impacts of arms transfers

10. According to the UK government's own estimates, the UK is averaging second place in the global rankings of defence exporters on a rolling 10-year basis.¹⁶ The UK was the sixth largest exporter of major arms between 2013-2017 and its main markets were Saudi Arabia, Oman and Indonesia.¹⁷ In December 2018, Christian Aid pointed out that the main countries targeted for increased arms

¹⁶ Defence and Security Organisation (2018) 'UK Defence and Security Export Statistics for 2017' 29 August 2018. Available at <https://www.gov.uk/government/publications/defence-and-security-exports-for-2017/uk-defence-and-security-export-statistics-for-2017>.

¹⁷ Foreign and Common Office (2017) 'United Kingdom Strategic Export Controls Annual Report 2016'. 20 July 2017. Table 7.III. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/629853/Strategic_Exports_AR_2016_tagged.pdf

exports from the UK are either within designated fragile regions, or conducting military operations within or against fragile states.¹⁸ In the same month, Action on Armed Violence (AOAV) published an analysis of UK arms exports indicating that between 2008 and 2017 the government almost universally approved military arms exports to the countries that appear on the UK's own list of countries of concern ("Human Rights Priority Countries").¹⁹ Notwithstanding the government's view that it "operates one of the most robust arms export control regimes in the world,"²⁰ various actors are challenging the export of arms to countries with dubious human rights records, in particular to Saudi Arabia due to its involvement in the armed conflict in Yemen.²¹

11. Arms sales to Saudi Arabia are in direct violations of the ATT and the EU's Common Position. Already in 2015, eminent international law experts concluded that the UK Government was in breach of national, EU and international law and policy by supplying weapons to Saudi Arabia in the context of Saudi Arabia's military intervention and bombing campaign of Yemen.²² Concerns have also been expressed by international human rights mechanisms, including by the Committee on Economic, Social and Cultural Rights in 2016, which recommended the UK to: "Conduct thorough risk assessments prior to granting licences for arms exports and refuse or suspend such licences when there is a risk that arms could be used to violate human rights, including economic, social and cultural rights."²³

¹⁸ See 'Resourcing war and peace. Time to address the UK Government's double standards', Christian Aid (December 2018), available at: <https://www.christianaid.org.uk/sites/default/files/2018-12/Resourcing%20war%20and%20peace%20report.pdf>.

¹⁹ See 'UK arms exports examined', December 2018, available at: <https://aoav.org.uk/2018/uk-arms-exports-examined/>.

²⁰ <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2018-05-23/HCWS716/>.

²¹ Answer on Yemen military intervention (HL3497) (December 2017) can be accessed via: <https://www.parliament.uk/written-questions-answers-statements/written-question/lords/2017-11-22/HL3497>.

²² See "Matrix members find UK Government is in breach of national, EU and international law and policy", reporting on the comprehensive legal opinion by lawyers, Professor Philippe Sands QC, Professor Andrew Clapham and Blinne Ní Ghrálaigh, who concluded that by supplying weapons to Saudi Arabia "the UK Government is in breach of its obligations under the Arms Trade Treaty, the EU Common Position on Arms Exports and the UK's Consolidated Criteria on arms exports." <https://www.matrixlaw.co.uk/news/matrix-members-find-uk-government-is-in-breach-of-national-eu-and-international-law-and-policy/>.

²³ E/C.12/GBR/CO/6 (CESCR, 2016), para. 12 c)

Moreover, the UK accepted a UPR recommendation to “carefully assess the transfer of arms to those countries where they are likely to be used for human rights abuses and violations.”²⁴

12. Yet, UK’s arms transfers to Saudi Arabia continue unabated, despite significant evidence that the Saudi-led Coalition, which has been engaged since March 2015 in the conflict in Yemen, is using UK-made weapons in acts that may constitute violations of international humanitarian law and international human rights law in Yemen.²⁵ Coalition airstrikes continue to be the leading cause of civilian casualties.

13. The UK Committees on Arms Exports Controls themselves were divided over the decision on whether to cease arms exports to Saudi Arabia.²⁶

14. The UK is a State party to the Arms Trade Treaty (ATT)²⁷ and supported the call for the inclusion of provisions around gender-based violence during the drafting of the Treaty. Article 7 (4) of the ATT requires that States shall, prior to authorization of the export of arms under its jurisdiction, in an objective and non-discriminatory manner, take into account the risk of conventional arms “being used to commit or facilitate serious acts of gender-based violence or serious acts of violence against women and children.”²⁸ It is important to underscore that risk assessments required by the ATT assess just that – the *risk* that the arms in question will be used in any of the ways prohibited by the Treaty. It is not necessary to establish the direct presence of a transferred item as having been used in a specific act in order to prevent future transfers of the same item. If the risk alone is high enough, the transfer must be denied.

²⁴ UN Index: A/HRC/36/9, paragraph 134.132, and Annex to A/HRC/36/9/Add.1, page 47, both available at: <https://www.ohchr.org/EN/HRBodies/UPR/Pages/gbindex.aspx>.

²⁵ <https://www.theweek.co.uk/checked-out/86700/the-truth-about-uk-arms-sales-to-saudi-arabia>.

²⁶ See: <https://researchbriefings.parliament.uk/ResearchBriefing/Summary/SN02729>.

²⁷ United Nations (2014) ‘Arms Trade Treaty’. New York, 2 April 2013. Available at: https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=XXVI-8&chapter=26&lang=en.

²⁸ United Nations (2014) ‘Arms Trade Treaty’. New York, 2 April 2013. Available at: https://thearmstradetreaty.org/hyper-images/file/ATT_English/ATT_English.pdf?templateId=137253.

15. In addition, the UK's National Action Plan on Business and Human Rights states, in article 16, that the goods and technology exported through the licence system must be assessed by the National Arms Export Licensing Criteria which must take the "full account of possible human rights impacts".²⁹

B. Potential impacts of Brexit on the UK's arms control policy

16. The consequences of Brexit on the UK's arms export controls are not clear although the government has stated that the Consolidated EU and National Arms Export Licensing criteria will remain in force until they may be amended.³⁰ Civil society groups, including ours, have concerns about the risk of departing from the EU Common Position standards towards a lower degree of scrutiny of arms exports with human rights standards. So far, there is not a clear position about potential implications of Brexit on arms control policies.³¹

Recommendations

17. The UK should:

- a) Uphold and enforce standards at least equal to the EU Common Position post-Brexit, to prevent arms being used to commit or facilitate acts of gender-based violence, in accordance with the UK's obligations under article 7.4 of the Arms Trade Treaty;
- b) Immediately suspend arms sales to Saudi Arabia, and any other conflict zones where there is a clear risk that arms might be used to facilitate or commit serious violations of international human rights law and international humanitarian law, in line with its obligations under the Arms Trade Treaty;

²⁹https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/522805/Good_Business_Implementing_the_UN_Guiding_Principles_on_Business_and_Human_Rights_updated_May_2016.pdf.

³⁰ Answer on the UK arms export policy when leaving the EU (PQ7599) (September 2017) can be accessed via: <https://www.parliament.uk/written-questions-answers-statements/written-question/commons/2017-09-04/7599>.

³¹ "Will Brexit lower Arms Transfer Control Standards?". Saferworld, 6 July 2017. Available at: <https://www.saferworld.org.uk/resources/news-and-analysis/post/720-will-brexit-lower-arms-transfer-control-standards>.

- c) Conduct rigorous and transparent gendered impact assessments of international transfers of arms by adopting national legislation and policies to this effect, developed in full consultation with civil society organisations, in order to fully implement UK's obligations under CEDAW, the Arms Trade Treaty, and the EU Common Position on arms exports;
- d) Deny authorisation of any arms sales or transfers in contexts where gender-based violence is a significant concern or where there are widespread or serious human violations and abuses, including acts of gender-based violence;
- e) Publish information on the number of occasions gender was a factor in a license refusal or was included as a cautionary factor in a licensing decision.

Nuclear Weapons – (Preamble, indent 12, Article 5 and 12)

18. The impacts of nuclear weapons are not gender neutral. Women and girls are biologically more exposed to the harmful health impacts of ionizing radiation than men.³² Research also indicates that women often are the ones most affected by the effects of nuclear radiation, e.g. in relation to psychological health, displacement, social stigma and discrimination.³³

19. In 2017, the Treaty on the Prohibition of Nuclear Weapons (TPNW) was adopted, making history as a gender-sensitive nuclear weapons agreement.³⁴ The Treaty calls attention to the “disproportionate impact” that nuclear weapons have on women and girls, including “ionising radiation”.³⁵ The Treaty also argues for women's participation in nuclear disarmament.

³² Guro Dimmen, Anne (2014) 'Gendered Impacts'. Available at: <http://nwp.ilpi.org/wp-content/uploads/2014/12/No-5-Gendered-impacts.pdf> and also ILPI and UNIDIR (2016) 'Gender, Development and nuclear Weapons: Shared Goals, Shared Concerns'. International Law and Policy Institute and the United Nations Institute for Disarmament Research. Available at: <http://www.unidir.org/files/publications/pdfs/gender-development-and-nuclear-weapons-en-659.pdf>.

³³ *Ibid.*

³⁴ https://treaties.un.org/doc/Treaties/2017/07/20170707%2003-42%20PM/Ch_XXVI_9.pdf.

³⁵ *Ibid.*

20. Nevertheless, the UK has been going backwards in terms of nuclear disarmament. In July 2016, the UK Parliament decided to renew its nuclear weapons deterrent system called Trident, consisting of four nuclear submarines. Replacing the current system is expected to cost £205 billion and the Ministry of Defence has sought to shift this cost to the Treasury.³⁶ The maintenance of nuclear forces diverts public resources away from social care system, such as health, education, and development assistance. Similarly, the production and transport of nuclear weapons put human lives at risk.³⁷

21. Furthermore, both the recognition of gendered impacts of nuclear weapons and the importance of women being included in the disarmament negotiations are key to challenging gendered discourses and stereotypes about disarmament. The rationality that relates nuclear armaments, “hard power”, “state security” to a masculine identity, in detriment to the feminine side constantly related to be “emotive,” “irrational” and “soft power”. To challenge the discourse about nuclear armaments is also about challenging the dichotomy that perpetrates mainstream gender narratives.

Recommendations

22. The UK should:

- a) In line with its commitments under the Non-Proliferation Treaty, suspend funding to renew the Trident nuclear weapon system and promote divestment;
- b) Sign and ratify the Treaty on the Prohibition of Nuclear Weapons.

³⁶ See Ministry of Defence’s Update to Parliament (2017) ‘The United Kingdom’s Future Nuclear Deterrent: The Dreadnought Programme’. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/669771/20171220-2017_Annual_Update_to_Parliament-The_United_Kingdoms_Future_Nu____002_.pdf; and May 2016. Available at: <https://www.independent.co.uk/news/uk/politics/trident-replacement-cost-nuclear-submarines-205-billion-independent-trident-commission-cnd-caroline-a7025956.html>.

³⁷ <http://www.nukewatch.org.uk/wp-content/uploads/2017/08/UnreadyScotland-Report.pdf>.