Universal Periodic Review of Australia
Recommendations on arms transfers and military spending

37th session of the UPR Working Group (January 2020)

Contents

Introduction .......................................................... 2
Arms transfers ......................................................... 2
Military spending ..................................................... 4
Autonomous weapon systems ....................................... 5
Ties between universities, the Department of Defence, and weapons manufacturers .............. 5
Arms imports, including small arms and light weapons .................................................. 6
Nuclear weapons ...................................................... 6
CEDAW Committee on Australia’s arms transfers and military spending ......................... 7
Suggested UPR Recommendations ........................................ 8
Arms transfers ......................................................... 8
Military spending ..................................................... 9
Nuclear weapons ...................................................... 9
Autonomous weapons .................................................. 10

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Introduction

This advocacy brief presents WILPF concerns and recommendations relating to upcoming review by the UPR Working Group of Australia (37th session, 25 January 2020).

Arms transfers

In 2018, the Australian Government announced plans to boost Australian arms exports. It unveiled a new Defence Export Strategy\(^1\) setting out the policy and strategy to make Australia one of the world’s top 10 weapons exporters within the next decade. The strategy aims, *inter alia*, to “achieve greater export success to build a stronger, more sustainable and more globally competitive Australian defence industry to support Australia’s Defence capability needs.”\(^2\) Plans to boost Australian arms exports are being justified as an opportunity to create jobs. In 2019, the Minister of Defence was quoted as stating that “a strong, exporting industrial base generates economic growth and creates jobs, which is why we’re striving to be in the world’s best.”\(^3\) This suggests a vision for economic growth and job creation that disregards the impact on human rights and the environment of the priority areas for economic growth.

The Defence Export Strategy mentions the words ‘human rights’ only twice:

- in recalling some elements of Art. 7 of the Arms Trade Treaty,\(^4\) to which Australia is a state party; and
- in stating that “Defence exports must also be consistent with Australia’s role in promoting security and stability, both regionally and globally Australia is firmly committed to the ongoing promotion and protection of human rights”.

There is no reference to gender or women in the Defence Export Strategy, not even to the gender-based violence risk assessments required by the ATT.


\(^{2}\) Ibid., page 4.


\(^{4}\) Article 7 requires an assessment to be undertaken of possible negative consequences in relation to human rights, terrorism, peace and security, and transnational organised crime If the assessment identifies that there is an overriding risk of any of the negative consequences identified in Article 7, Australia is obliged to reject the export application.
Moreover, the government announced that it planned to use a $3.8bn fund to underwrite an expansion of arms exports by providing finance to local manufacturers to help them sell more of their defence equipment overseas.

According to the above-mentioned Defence Strategy, Middle East is a priority market for defence exports, with regional defence spending projected to grow. “There are a range of export opportunities for Australian defence industry, including at the platform level, which can help build the capability of regional partners to support Australia’s strategic interests in the stability and security of the region.”

In January 2020, the newspaper The Guardian reported that “Australian companies are selling weapons and military technology to countries around the world accused of war crimes, but the Australian government has refused to say what weapons are being sent overseas and to whom. Nearly 100 permits were issued to export weapons and military technology to the United Arab Emirates, Saudi Arabia, Sri Lanka and the Democratic Republic of Congo over the 2018-2019 financial year. But the Australian defence department has refused to reveal how many weapons have been sold, for how much, or for what purpose.” In March 2020, the Stockholm International Peace Research Institute (SIPRI) reported that “the United Arab Emirates (UAE) has been militarily involved in Libya as well as Yemen over the past five years and was the eighth-largest arms importer in the world in 2015–19. Two-thirds of its arms imports came from the USA during this period. In 2019, when foreign military

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6 The Middle East Region:

3 40 The Middle East is a priority market for defence exports. Regional defence spending is projected to grow as countries seek to expand and modernise their forces, although the rate of growth will be dependent on energy prices. There are a range of export opportunities for Australian defence industry, including at the platform level, which can help build the capability of regional partners to support Australia’s strategic interests in the stability and security of the region. Israel has an advanced and innovative defence industry that also presents opportunities for Australian defence industry to collaborate on the development of advanced capabilities.

3 41 However, a number of countries in the Middle East region operate substantial offset policies and variable procurement strategies, which may make securing exports more difficult. Conflicts in the Middle East are significant sources of global insecurity and Australia’s defence export controls system will continue to ensure that defence exports do not prejudice Australia’s security, defence or international relations and are consistent with Australia’s international obligations and commitments.” Page 51 of the Defence Export Strategy, [https://www1.defence.gov.au/business-industry/export/strategy](https://www1.defence.gov.au/business-industry/export/strategy)

involvement in Libya was condemned by the United Nations Security Council, the UAE had major arms import deals ongoing with Australia, Brazil, Canada, China, France, Russia, South Africa, Spain, Sweden, Turkey, the UK and the USA.”

The proliferation of and easy access to weapons exacerbates the risk of gender-based violence and, therefore, Australia has a duty to take measures to prevent arms transfers that may facilitate human rights violations, including gender-based violence. It must take effective measures to prevent that the transfer of weapons facilitates or exacerbates gender-based violence or violence against women in other countries.

**Military spending**

In addition, Australia's 2016 Defence White Paper committed the government to an 81% increase in the overall military budget over the next decade. This increase is reportedly decoupled from the GDP growth, meaning that there will be no reduction in defence spending even if Australia’s economy contracts. In 2020, the Australian government released a “Strategic Update” to its White Paper, announcing it would spend $270 billion on its military in the next decade—roughly a 40 per cent increase from what was earmarked in 2016. The increase in the defence budget is in sharp contrast with the cuts in public spending and services undertaken in the name of austerity.

In 2018, the CEDAW Committee stated that it considered some of Australia’s “recent cuts to social, health, education and justice budgets, reduction of taxes for high income groups and increase of the defence budget represent a setback in the implementation of the Convention and of the Sustainable Development Goals.”

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**Autonomous weapon systems**

Autonomous weapon systems, which would operate without meaningful human control, pose fundamental risks to human rights and international humanitarian law. They can also be used to facilitate gender- and race-based violence, exacerbate gender and race-based inequalities and harms, and lower the threshold for conflict and violence.$^{12}$

The Australian Defence Force has a policy that lethal decision-making during conflict will always include a human but does not specify the degree of human control or involvement. Australia has not supported a prohibition or any other legal regulation or limitation of autonomous weapon systems when this issue is discussed at the Group of Governmental Experts on lethal autonomous weapon systems at the Convention on Certain Conventional Weapons (CCW).

The 2020 Defence Strategic Update identifies the acquisition of loitering munitions and options to invest in “autonomous combat aircraft”. The Department of Defence is allocating significant funds for developing autonomous systems and is embarking on extensive research in this area.$^{13}$

**Ties between universities, the Department of Defence, and weapons manufacturers**

In order to fulfil these goals, the Australian government is seeking to increase ties between universities, the Department of Defence, and weapons manufacturers. In 2017, the University of Melbourne established a research partnership with US-company Lockheed Martin and UK-company BAE Systems. BAE also has research partnerships with other Australian universities. These companies produce weapons used in current wars, have been accused of bribery and corruption, and manufacture nuclear weapons, which is prohibited under the Treaty on the Prohibition of Nuclear Weapons. These partnerships risk academic freedom, risk tying Australian research to US weapons

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manufacturing needs and desires, and risk limiting Australian scientific research to weapons and war rather than other pursuits that are beneficial to society.\textsuperscript{14}

\textbf{Arms Imports, Including small arms and light weapons}

Figures from SIPRI show that Australia jumped from being the fourth-highest weapons importer in 2017, to being the world’s second biggest military purchaser in 2018, importing more military equipment than any other country bar Saudi Arabia. In March 2020, SIPRI also reported that a demand for the USA’s advanced military aircraft increased, particularly in particularly in Europe, Australia, Japan and Taiwan.\textsuperscript{15}

Australia is ranked as one of the world’s major gun importers, coming seventh in the annual global Small Arms Survey for 2016, high enough to see it categorised in the top tier of gun importers.\textsuperscript{16} The most recent annual survey, based on data from 2016, shows a steady rise in gun imports between 2011 and 2016, despite the strict gun laws introduced across the nation after the Port Arthur massacre in 1996. In the same survey, Australia also ranked as the 13\textsuperscript{th} largest exporter of small arms and light weapons in the world and ranked 25\textsuperscript{th} in the transparency of its arms trade.\textsuperscript{17}

\textbf{Nuclear weapons}

Australia’s 2017 Foreign Policy White Paper states that “Australia has an abiding interest in working towards the ultimate goal of a world without weapons of mass destruction;”\textsuperscript{18} and it includes a commitment to “continue to strengthen the Treaty on the Non-Proliferation of Nuclear Weapons (NPT),

\begin{itemize}
\item \textsuperscript{18} https://www.fpwhitepaper.gov.au/foreign-policy-white-paper/chapter-six-global-cooperation/countering-proliferation-weapons-mass
\end{itemize}
which is the cornerstone of the nuclear non-proliferation regime, especially through the 2020 and 2025 NPT review cycles.”

Yet, Australia participates in and supports US possession and deployment of nuclear weapons. It has a stated position that it considers Australia to be under the US “nuclear umbrella” or “extended nuclear deterrence” arrangement. The US-Australian Joint Defence Facility Pine Gap facilitates potential use of nuclear weapons.

Australia boycotted the negotiations of the Treaty on the Prohibition of Nuclear Weapons and has stated that it will not sign or ratify the treaty. Australia gives tacit and explicit support to the United States for its continued possession of and threat to use nuclear weapons, including in Australia’s defence. This puts Australia in contention with its obligations under the nuclear Non-Proliferation Treaty (NPT) to pursue measures in good faith for nuclear disarmament and the end of the arms race, and with its stated national commitments to nuclear disarmament and work towards the ultimate goal of a world world without weapons of mass destruction. It also puts Australia at odds with its stated commitments to international human rights law and international humanitarian law.

CEDAW Committee on Australia’s arms transfers and military spending

In 2018, specifically in relation to Women, Peace and Security, the CEDAW Committee expressed concerns at:

“(a) The State party’s focus on gender equality on the international level not being reflected in domestic security policies and practices;
(b) The defence budget, which amounts to 2 per cent of its GDP, not having accommodated for a specific Women, Peace and Security budget;
(c) The State party’s plans to become one of the world’s top 10 exporters of military hardware, possibly contradicting its engagement for the implementation of Security Council resolution 1325 (2000) on women and peace and security and subsequent resolutions.”

The Committee recommended, in line with its General recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations, that Australia:

“(a) Integrate the gender-sensitivity of its international peace agenda also into domestic security policies and practices;
(b) Allocate specific resources for the implementation of its second National Action Plan on Women, Peace and Security;
(c) Undertake a gender-sensitive and gender-responsive analysis of the security sector, including arms exports, in consultation with women’s organizations, to address the different security experiences, needs and priorities of women.”

**Suggested UPR Recommendations**

**Arms transfers**

- Ensure that the Defence Strategy fully complies with Australia’s obligations, including under CEDAW, the Arms Trade Treaty (ATT) and the Treaty on the Non-Proliferation of Nuclear Weapons (NPT)
- Implement the CEDAW Committee’s recommendations relating to arms transfers and defence budget, including to “undertake gender-sensitive and gender-responsive analysis of the security sector, including arms export, in consultation with women’s organizations, to address women’s different security experiences, needs and priorities,”
- Deny authorisation of any arms sales or transfers when there is a risk that they would be used to commit or facilitate acts of gender-based violence or where there are widespread or serious violations of women’s human rights, including acts of gender-based violence. 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.

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21 Ibid, paragraph 38 (Women, Peace and Security).
22 Ibid.
• In line with its obligations under the Arms Trade Treaty, immediately suspend arms transfers to the UAE, Saudi Arabia, the DRC, Sri Lanka and any other country 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,

• Drop its pursuit of being a top ten arms exporter since it is fundamentally at odds with Australia’s human rights obligations as well as commitments under the Women, Peace and Security agenda.

• 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 Australia’s obligations, including under CEDAW and the Arms Trade Treaty.

• Ensure transparency in its arms transfer decision-making, agreements, and reporting and 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.

• Ensure that the new NAP 1325 address disarmament issues, connect the proliferation of weapons to women’s insecurity, include issues around arms transfers and recognize the disproportionate impact of nuclear weapons on women and girls.

**Military spending**

• Undertake a gender-sensitive and gender-responsive analysis of the impacts of increasing the military budget, in consultation with women’s organizations in Australia;

• Significantly reduce military spending and increase investment in social and environmental spending, thus promoting social cohesion and gender equality, women and girls’ human rights.

**Nuclear weapons**

• In line with obligations under the Non-Proliferation Treaty, suspend Australia’s tacit and explicit support to the USA for its continued possession of and threat to use nuclear weapons, including in Australia’s defence.

• Ensure that the operations at Pine Gap no longer facilitate use of US nuclear weapons.²³

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• Sign and ratify the Treaty on the Prohibition of Nuclear Weapons.²⁴

**Autonomous weapons**

• Support the development of a treaty prohibiting autonomous weapon systems.
• Cease investments in the development of artificial intelligence and autonomous weapon systems.