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Key Points and Policy Recommendations

- The Philippines should intensify the implementation of the Republic Act 10951, Trade Custom and Law Enforcement to monitor unregistered firearms in the country.
- There is a need for Management Laws on the Arms Trade Treaty to enable effective implementation as part of the country's obligation.
- The ongoing peace process initiative of the Philippine government should be continued in support to the decommissioning of loose small arms and light weapons in the country.

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Arms Trade Treaty and its Promise to Gender and Development of the Philippines: The Nexus of Security and Development

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The end of Cold War period significantly changed the international politics and security environment. The utility of interstate war waned consequent to the rise of unipolar world with the United States operating as hegemonic entity. Nevertheless, the post-Cold War world also paved the way for the rise of non-state actors involved in armed conflict situations¹. The proliferation of conventional arms has intensified the violence and casualties during armed conflict. In addition to this, organized crimes, gangs, and banditry have enjoyed the unregulated trade of such harmful inventions. Countries in the Global South like the Philippines are the niches for the unrestricted flow of arms.

In 2020, there were 211,000 people violently killed by firearms globally, 90% (190,000) of which were men while the remaining 10% (20,800) were women². In the Philippines, there were 1,486 conflict deaths and 6,257 violent deaths recorded in 2020—596 and 548 of which were female victims of lethal violence and firearm killings, respectively.³ Far more worrisome is the bleak existence of 664,480 unregistered firearms owned by private individuals.⁴ The present data shows that the pariah conventional arms constitute the rampant cases gender-based violence. The success of the forging of the Arms Trade Treaty (ATT) in 2014 purports to transform these violent dynamics emanating from the illicit trade of arms.

The Philippines Senate's concurrence on the ratification of the ATT on 26 January 2022 paved the way for a new dimension in the country's political, social, and to some extent, trade environment. The ATT, which purports to regulate the illicit trade and transfer of conventional arms among member-states has positive impacts not only to the international security environment but also articulates positive outlook for the Philippine national security and gender and development.

Since the Philippines continue to suffer not only in humanitarian casualties during armed conflict but also in times of indiscriminate killings by organized crime groups and syndicates that contributes to the

rampant increase of domestic homicide, violence against women, and criminality, the ATT offers new opportunities for the Philippines to address these problems. In this regard, this paper seeks to answer the following: 1) What is the utility and relevance of non-state actors, particularly the non-governmental organization in changing the international security landscape; 2) What are the promises of the ATT and how can the effective implementation of it will influence the Philippine national security and development agenda, particularly on how the ATT can contribute in decreasing the gender-based violence incidents in the country; and 3) How can the Department of National Defense, Philippine National Police, and other government agencies help realize the opportunities that the ATT offers for the Philippines?

This paper argues that despite the humanitarian benefits and gender and development advantages that the ATT holds for the Philippines, structural and organizational problems of the country, namely: the permeability of borders and the underground economy in southern Philippines, and ineffective institutional law enforcement may make the positive gender and humanitarian outcomes elusive, if not futile.

BACKGROUND OF THE ISSUE

The Advent and Evolution of the Arms Trade Treaty

International security, both in policy and academic arena, has been a controversial branch of international relations. Despite the apparent disconnect between policymakers and scholars,⁵ their concepts of security have been in intriguing scrutiny. For instance, theorists like Waltz deduced the accumulation of state's power as a means of security as primary behavior in anarchic international system.⁶ Security, in this lens, is aimed at ensuring the survival of states.

On the other hand, hard-liner realists like Mearsheimer argued that states should gain absolute power over others not only to secure itself but also dominate as regional hegemon through military means⁷. The pursuit of security of a state renders the insecurity of the other, which then creates cyclical insecurity in states' relations. Hence, states, in order to prevent war or invasion by others, accumulates power articulated in their national security. However, this treatment of security it produces is underdeveloped and is a contested concept.⁸

There is a growing acceptance that the contemporary international security is not solely dominated by states. Both the academic literatures and practice of international relations suggests that non-state actors have relevant roles affecting state behavior and interests, whereby widener of security studies claimed the broadening of security environment in the 21st century have put premium on non-traditional security agenda.⁹ In this regard, non-traditional security threats like internal armed conflict, violent terrorism, humanitarian crises, and gender-based violence have become integral parts of global security policy. Most of these threats cannot be solved solely by the projection of military force, rather these threats are addressed through an effective socio-economic policies or development. Sen argued that human "functionings" or the ability of the people to achieve their desired future and capabilities are solved through economic growth and effective governance as defined by the pursuit of development.¹⁰

Corollary to this, transnational advocacy networks like civil society organizations are successful in buttressing their normative claims in ushering marginalized issues of security in the forefront of international security agenda that prompts change in political policy of states, affecting their sovereignty.¹¹ For instance, the forging of ATT was the fruit of painstaking campaign of the civil society coalition of the Control Arms. The Control Arms, continuing the

advocacy momentum of Oscar Arias Sanchez in late 1990s, was successful in articulating the evidence-based outcome of the unregulated transfer and trade of small arms and light weapons (SALWs) to the increasing humanitarian casualties in armed conflicts, terrorism, and crime situations at the expense of socio-economic development all over the world.¹²

Accordingly, the international lobbying of Control Arms around the world has proven effective when they submitted the Million Faces Petition to then United Nations (UN) Secretary General Kofi Annan in 2006.¹³ Since then, the Control Arms launched an assiduous “*People’s Consultation*” that ultimately led to the passing of UN General Assembly Resolution A/RES/63/240 in 2008,¹⁴ which called for the establishment of an international standard for arms trade treaty.

From this backdrop, the paper claim that non-state actors, in this case—the Control Arms has the ability to influence the securitization process¹⁵. The Control Arms’ security speech act of asserting that the unregulated transfers and trade of SALWs (through ATT) are existential threats to human security, particularly on women¹⁶; and that these weapons have adverse effects on country’s development¹⁷ proves that there is nexus between security and development.¹⁸

Arms Trade Treaty: Institutionalizing the Nexus of Security and Development

The principal sponsors of the ATT (the Control Arms with the help of Argentina, Japan, and the United Kingdom etc.) were cognizant of the fact that illegal transfers of SALW in a globalized world have perilous effects on the development and human security. The mutually constitutive relationship of the notion that there is no development without security; and no security without development¹⁹ has been the strong foundations of the ATT.

The preamble principles set out in the ATT provides that “*development, peace, and security, and human rights are intertwined and mutually reinforcing*”,²⁰ this means that the one of the main purposes of the ATT is not only to address the illicit trade but also to promote development and human rights.

Specifically, Article 7 (4) of the ATT sets a clear-cut obligation for the exporting states to ensure and assess that the transfer of SALWs will not be used in the commission of gender-based violence (GPV) on women and children.²¹

In other words, ATT implicitly integrates the Sustainable Development Goals (SDGs) to its purpose and obligation among its member-states.²² This runs in parallel with the 2030 SDG 5, 16 and 16.4 aimed at achieving gender equality and empower women and girls; and at promoting peaceful and inclusive societies; reducing illicit financial and arms flow and combating organized crime, respectively.²³ In this respect, the ATT purports to achieve not only the regulation of illegal trade in SALWs but also the promotion and improvement of the welfare, living conditions, and human rights of people within and among the Treaty’s state parties.

Gender-Based Violence and Illegal Conventional Weapons

Gender-based violence (GBV) has been and continue to be one of the most common problems in all societies. It became common knowledge to the policy realm that GBV has been one of the impediments to social and economic development of a country. Undoubtedly, GBV is a threat to the security of human individual, particularly on female and children.

UNHCR defines GBV “as detrimental acts inflicted to an individual

based on their gender". GBV is a characteristic of the power relationship structure between men over women in a society. GBV occurs in different forms and contexts—it can be sexual, physical, economic, or even threats of violence, coercion, and manipulation.²⁴

J. Ann Tickner argued that social processes and norms made social interactions like politics to be masculinized puts women in marginalized and excluded positions.²⁵ Hence, it can be argued that the GBV is a product of iterated masculinized social interactions.

The United Nations Development Programme's (UNDP) recent study shows that there were 30% women subjected to GBV at the global level; and that the chances of violence on women increase when perpetrators have access to firearms.²⁶ Far more worrisome is that misuse of firearms do not only presents physical GBV, it can also be employed to inflict psychological, coercion, towards women. More so, the same study on GBV and firearms in the Republic of Serbia stated that there is a relation between misuse of firearms and GBV. For instance, 63.2% of women were killed using a firearm, while 36.8% of which make up men. Also, women accounts for 91.1% of victims of firearms in an intimate partner violence.²⁷

The prohibition of illicit trade and transshipment of battle tanks, armored combat vehicles, large-caliber artillery systems, combat aircraft, attack helicopters, warships, missiles and missile launchers, and small arms and light weapons²⁸ are some example of alleviating human suffering, particularly the GBV that is prevalent both in armed and non-armed conflict situations within and among states, given especially the predicament that most of the victims of SAWLS are women and children—who are

deemed the most vulnerable to inhumane exploitation, discrimination, and sexual abused.²⁹ The possession of illegal SALW by actors in armed conflicts constitute direct and indirect impacts on GBV.

On one hand, armed actors like militia and paramilitary entities, in either civil war or internal armed conflicts directly used conventional weapons to intimidate young women and children for sexual violence and rape. On the other hand, the presence of illicit weapons increases the emotional disturbance and psychological trauma of women and children as they instill fear and paranoia.³⁰

Global Study on Firearms Trafficking (2020) reported that there are more than 550,000 conventional firearms seized around the world.³¹ Drawing from these figures, it qualitatively gives the impression that crimes, deaths in armed conflict, and GBV can be prevented as the availability of SALWs for bandits, criminals, terrorists, and armed groups are decreasing. The ATT, therefore, can help reduce human suffering, whereby relative stability and reduction of human insecurity may lead to the realignment of resources for defense to socio-economic development.³²

MAJOR CASE ISSUES

Implications of the ATT on the Philippines' Gender and Development

In order to understand the promising effects of the ATT to the Philippines' Gender and Development, the paper finds it necessary to explore the dynamics and status of the country's internal security in relation to the illicit flows of conventional arms (specifically GBV during armed and non-conflict situation), and the country's gender and development position. Currently, the Philippines ranks 125th out of 163 countries in the Global Peace Index, improving from 129th place from the

previous years.³³ The relative peacefulness of the country can be attributed to the decreasing intensity of internal armed conflicts and improving safe and security due to the Philippine government's strong commitment to peace process.³⁴ Accordingly, the communist insurgency problem has been decreasing as 24,000 armed rebels reportedly surrendered to the authorities.

Meanwhile, as part of the Decommissioning Phase II of the Normalization Program under Comprehensive on the Bangsamoro, there will be another 35% percent of the allegedly 2,100 arms of the Moro Islamic Liberation Front (MILF) that will be surrendered.³⁵ The cooperation between the Philippine government and MILF decreases the likelihood of SALWs being used in committing GPV in Mindanao.

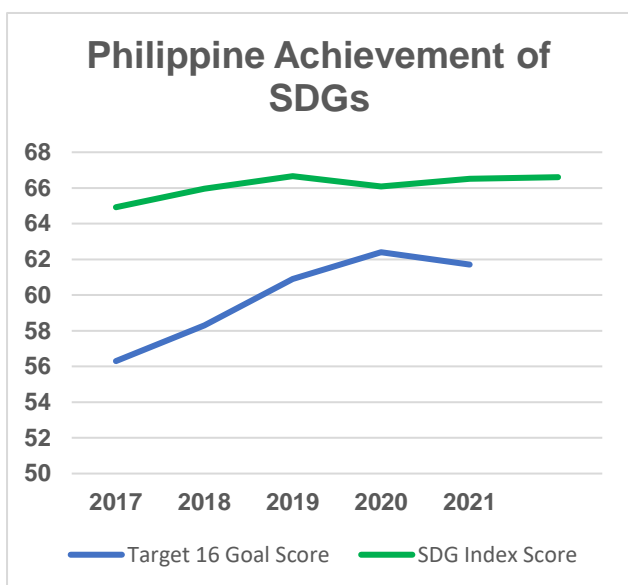


Figure 1 Philippine SDG Score from 2017 to 2022.

Source: Sustainable Development Report 2022 retrieved from <https://dashboards.sdgindex.org/downloads>

On development side, the Philippine ranks 95th out of 163 countries in the world-wide achievement of SGDS, an improvement from being 99th in 2020. Likewise, the SDG 16 target of the Philippines has moderately improved

despite the challenges to peace, justice, and strong institutions continue compared to a stagnating level in 2020.³⁶

Figure 1 illustrates that the Philippines has garnered an increasing SDG Index Score and an improving achievement of Target 16, indicating that the country has been undergoing a transformation process towards a peaceful, inclusive, and sustainable society.³⁶ These positive trends will continue to prosper if the effective implementation of the ATT will complement President Ferdinand Marcos Jr's. prioritization of upholding peace, order, and security as part of his development plan.³⁷

This means that, among others, the Philippine government should internally improve its firmness to resolve the 664,480 unregistered firearms and the steadfast reduction of 1,486 conflict and 6,257 violent deaths emanating from illegal SALWs and by developing and pursuing human-centered security strategy complementary to the country's socio-economic efforts.³⁸

Issues and Challenges on the Philippines' ATT Implementation

The challenge for the Philippine government to enjoy the intended consequences of the ATT on its gender and development plan lies on cross-cutting issues that beleaguered the country and ATT. The feebleness of border security of the Philippines in southern Mindanao and the subsequent threat of diversion of ATT remain as the main obstacles.

The protracted armed conflict and terrorist problem in the Southern Philippines owes largely to the unimpeded flow of resources among non-state actors like the Islamic separatist group—the

Moro National Liberation Front, MILF (prior to CAB); and terrorist and bandit groups like Bangsamoro Freedom Fighters, Abu Sayyaf, Maute Group and alike. The porous archipelagic borders shared by Indonesia, Malaysia, and the Philippines renders the area susceptible for different illegal trades and smuggling activities.

The underground economy in the southern Philippines enables warlords and Islamic insurgency to acquire conventional arms. Hence, the prevalence of underground economy in the southern Philippines and the clandestine nature of it empowers both non-state actors and criminals. Thereby, increasing the possibility of its use in armed conflict and the commissioning of criminal acts.⁴⁰

Corollary to the permeability of borders (especially in the Southern Philippines) and the underground economy therein, the possibility of diversion of SALWs will impede the realization of the ATT to the Philippines. The Preamble and Article 11 of the ATT, explicitly established the provisional principles that both exporting and importing states of conventional arms shall ensure the prevention of their diversions.⁴¹ Given the relatively permeable status and existence of underground economy and the international network of non-state actors and terrorist in the southern Philippines, the threat of diversion will likely continue—lest the government will implement various policies and monitoring program that will address the border problem and clandestine economy.

The diversion occurred during the Libyan crisis (2011), armed conflict in Iraq (2003), and turmoil in Afghanistan (2016) revealed that the inadequate monitoring, unauthorized transfer of SALWS increases the negative impacts of armed conflict.⁴²

POLICY CONSIDERATIONS

This paper forwards policy considerations as contributing agenda to further realizing the opportunities that the ATT set-out for the Philippine national security and gender and development

First, intensify the implementation of the Republic Act 10951, Trade Custom and Law Enforcement. The Philippines should implement stricter and effective implementation of R.A. 19051 or the Comprehensive Firearms and Ammunition Regulation Act.⁴³ Currently, the existence of 664,480 unregistered firearms is a manifestation of a relaxed implementation of the gun law. This can be done by further institutionalizing the monitoring capabilities of Firearms and Explosive Office of the Philippine National Police. Stricter implementation of R.A. 10951 will lessen the number of unregistered firearms. Hence, it will decrease the likelihood of gun violence crime inflicted to people, especially women and children. Moreover, the Bureau of Customs should strengthen the enforcement of its mandate in patrolling the custom borders of the country, particularly in Mindanao. This would help limit the flow of illicit SALWs coming in and out of the porous border in the Southern Philippines. By doing so, it will also address the problem of illicit trade of conventional arms that originates and is empowered by clandestine underground economy in the country.

Second, enact a Management Law on Arms Trade Treaty. The Philippine Senate should enact national law that will enable the implementation of the ATT as part of the country's obligations. The proposed law on ATT shall include the establishment of an authoritative body that will be composed of the Department of Trade and Industry, Philippine National Police, National Security Council, Bureau of Customs and

other relevant security sector stakeholders, to monitor and evaluate the effective implementation of the law. This can be done by reflecting upon the success of the Strategic Trade Management Act (STMA) or Republic Act 10697, which was created as national implementation and legal mechanism of the Non-Proliferation of Nuclear Weapons Treaty. To note, the ongoing monitoring and prohibition of materials and equipment (through trade) used for the build-up nuclear arsenal have decreases the likelihood of armed non-state actors accessing such dangerous weapon. More so, the strict implementation of STMA have increases cooperation at the international level through a series of cooperative deliberations, forums, and dialogues at the United Nations.

Third, ***continue the Peace Process Initiative of the Philippine Government.*** The groundbreaking progress in political stability of the ongoing peace process with the MILF and the increasing improvement on communist insurgency problem brought by the National Task Force to End Local Communist Armed Conflict should be continued. The decommissioning of loose SALWs from MILF and the several accounts New People's Army surrendering their illegal weapons puts the Philippine Government in a positive internal security situation.

This means that the country will be more focused in attending to and putting its resources to non-traditional security and socio-economic development programs, wherein resources can be utilized in addressing poverty, gender-based violence, gender inequality, job insecurity, environmental

degradation etc. This mechanism will be much more effective if the security and development sectors, particularly the Department of National Defense and National Economic Development Authority will continue its healthy cooperation with civil society organizations, considering the on-going thrust of Security Sector Reform and Governance agenda

CONCLUSION

The current study presents that the ATT is not only a breakthrough international agreement addressing internal conflicts. It also offers a wide range of opportunities for socio-economic development. In the Philippines, ATT will not only help address the country's problem of the prevalence of large numbers of unregistered firearms. More importantly, the ATT gives a positive outlook on how the Philippine can effectively address the gender-based violence stemming from the used of unregulated trade of illicit SALWs. Therefore, a relative increase in internal security and decrease in gender-based violence gives a wide political space for the Philippine government to prioritize its socio-economic development program.

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Please scan the QR code to access our Feedback Form for your comments, opinions, and suggestions. Thank you very much and we look forward to hear from you.

¹ Barry Buzan, *People States & Fear*. 2nd Edition, (Lynne Rienner Publisher Inc., 1991)

² Global Violent Death, (Small Arms Survey, 2020)

³ Ibid

⁴ Philippine National Police, *Eleazar Orders Intensified Campaign Against Loose Firearms*, (PNP Official Website, 2021). Date accessed 16 August 2022.

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