

WOMEN'S INTERNATIONAL LEAGUE FOR  
**PEACE & FREEDOM**  
AUSTRALIA



**AUSTRALIA'S 3<sup>RD</sup> UNIVERSAL PERIODIC REVIEW**

**SUBMISSION**

**July 2020**

**WILPF Australia works locally and globally to bring women together to build inclusive and permanent peace and security, disarmament, economic and social justice, and environmental sustainability, from a feminist perspective, and to ensure human rights are protected for all.**

**WILPF Australia celebrates 100 years of peace and human rights building.**

**Women's International League for Peace and Freedom - Australia**

Consultative Status with United Nations ECOSOC, UNCTAD and UNESCO

Consultative Relations with FAO, ILO, and UNICEF

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## A. OVERVIEW

1. WILPF Australia works locally and globally to bring women together to build inclusive and permanent peace and security from a feminist perspective, and to ensure human rights are protected for all, while opposing injustice, inequality, and militarism.

2. In this submission WILPF Australia provides a summary of human rights concerns related to: the need for Australia to address peace with its own indigenous Aboriginal and Torres Strait Islander people; increasing militarisation in terms of resourcing, responses to domestic crises, and aspirations to become a major global defence exporter; and the contradictions with Australia's policy and practice commitments to the Women, Peace and Security agenda.

## B. ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLES

3. From the outset, we must acknowledge that within Australia, the discussion of a just and inclusive society must address the fact that ***indigenous Aboriginal and Torres Strait Islander people who are the first sovereign Nations of the Australian continent and its adjacent islands have never ceded sovereignty of their lands.*** The Australian Constitution does not recognise Aboriginal and Torres Strait Islanders and enables the Australian government to enact discriminatory and race based policies and legislation.<sup>1</sup> Australia remains the only former British colony without a Treaty. In 2017 the Uluru Statement called for a Makaratta Commission or Treaty, Truth and Justice Commission.<sup>2</sup> Until there is substantive acknowledgment of these issues in Australia there will not be ***true peace.***<sup>3</sup>

### Recommendations

4. The Australian Government must:

- o **fully address the human rights, political and socio-economic marginalisation of Aboriginal and Torres Strait Islander peoples Australia must hold a referendum to revise the Constitution and to establish a Makaratta Commission and Treaty, Truth and Justice Commission to develop a Treaty with the First Nations Peoples of Australia.**

## C. INCREASING MILITARISM

5. Australia continues towards increased militarism. Since the last Defence White Paper of 2016<sup>4</sup>, defence expenditure has moved steadily towards 2% of GDP. This was reinforced in the recent release of the 2020 Defence Strategic Update and 2020 Force Structure Plan<sup>5</sup> which promote aggressive deterrence "to deploy military power to shape our environment ...and when required, respond with military force." The Update maintains that it responds to a changing strategic and economic environment, and the prospect of 'high intensity military conflict' in the Indo-Pacific, including the long term impacts of COVID-19. This strategy includes: an expanded budget, enhanced military capability including long-range strike weapons, increased forces and the consolidation of the military role in domestic crises. The overall budget has increased to a total estimated funding of \$575 billion across the decade.

6. In 2020, the 'normalisation' of the use of military personnel has become part of the domestic response to severe bushfires and COVID-19. For example, Australian Defence Force (ADF) personnel and equipment were

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<sup>1</sup> Expert Panel on Constitutional Recognition of Indigenous Australians. Recognising Aboriginal and Torres Strait Islander Peoples in the Constitution: Report of the Expert Panel. 2012. Report of the Special Rapporteur on the Rights of Indigenous Peoples on her Visit to Australia. A/HRC/36/46. 2017. Close the Gap 2020. <http://www.humanrights.gov.au>

<sup>2</sup> Expert Panel on Constitutional Recognition of Indigenous Australians. Recognising Aboriginal and Torres Strait Islander Peoples in the Constitution: Final Report of the Referendum Council. 2017.

<sup>3</sup> Uluru Statement From The Heart. 2017. <https://www.referendumcouncil.org.au>

<sup>4</sup> Australia. Defence White Paper. 2016. <https://www.defence.gov.au>.

<sup>5</sup> 2020 Defence Strategic Update and 2020 Force Structure Plan. 1 July 2020. <https://www.defence.gov.au/strategicupdate-2020/>

used to provide back up and logistical support for civilian fire fighters, while naval ships evacuated large numbers of people trapped on beaches by the fires in coastal communities. With the onset of the COVID-19, a Defence Task Force has been established<sup>6</sup> and ADF personnel are being used in a range of activities from providing medical and logistic response to COVID-19 outbreaks, security support at international airports and interstate highway closures, and assisting a private company to with the manufacturing of face masks. However, the ‘normalising’ of military solutions and the broadening of the military’s role in the domestic sphere have not been clear articulated and delineated at either a legal or political level. From a human rights perspective, if ever these domestic crises deteriorated into civil unrest, Australians would need to be assured that only civilian authorities would be used to control any such situations.

7. Australia’s increased military expenditure, growth as an exporter of armaments, and its expansion of military force in the time of COVID raise serious concerns about Australia’s human security and human rights priorities. In a time of global pandemic turmoil, the priority needs for global collaboration, cooperation and peace making to address health, economic, social and political needs are most urgent. Yet, Australia prioritises increased military expenditure. This is as Australia works to manage increasing numbers of COVID cases, rising unemployment, economic recession, growing issues of mental health, domestic violence and social challenges for its citizens and residents.

### **Recommendations**

8. The Australian Government must:

- o **review current policies and spending, to prioritise peaceful solutions ahead of increasingly militarised solutions to domestic, regional and global situations.**
- o **clearly articulate and implement specific political and legal measures which ensure that civilian authorities determine the priorities and actions in case of domestic crises, to fully ensure the human rights of all Australian citizens and residents.**

### **D. ARMS TRADE**

9. In 2018 the Australian Government released its Defence Export Strategy (DES)<sup>7</sup> Its aim is to make Australia one of the top 10 global defence exporters in the next decade. It claimed the plan would boost Australian industry, increase investments, create jobs for Australian businesses and smooth out the rise and fall in demand for existing businesses that supply military equipment. The DES includes a \$A3.8 billion Defence Export Facility administered by Australia’s export credit agency (EFIC); and \$A20 million per year to implement the DES and support industry exports.

10. Stockholm International Peace Research Institute (SIPRI) noted at the time that Australia was ranked 20<sup>th</sup>, and in terms of arms-dealing with a market share of just 0.3% in the global arms export market.<sup>8</sup> It is not clear whether the DES has been successful given the high level of secrecy surrounding all defence matters. But SIPRI reports that Australia fell to 25<sup>th</sup> place by June 2019. However, official figures from Department of Defence show that Australia issued \$A4.9 billion worth of permits, up from \$A1.6 billion the previous year.<sup>9</sup>

11. The lack of data and transparency leads to a significant concern that weapons exports approved by the Australian Government could be to countries accused of war crimes and potentially be used to commit human rights abuses. The Government does not publish reports on the countries of destination but only reports sales by region, which makes the arms much more difficult to track. However, in March 2020, *The Guardian* newspaper managed to obtain documents surrounding foreign weapons sales under freedom of information

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<sup>6</sup> Top Australian Army general to head military taskforce to manage coronavirus outbreak. 13 March 2020. <https://www.abc.net.au>

<sup>7</sup> Australian Defence Export Strategy. 2018. <https://www.defence.gov.au/Export/Strategy/Default.asp>

<sup>8</sup> [https://www.sipri.org/sites/default/files/2019-04/fs\\_1904\\_milex\\_2018\\_0.pdf](https://www.sipri.org/sites/default/files/2019-04/fs_1904_milex_2018_0.pdf)  
[://www.sipri.org/sites/default/files/2019-12/aus\\_2018.pdf](https://www.sipri.org/sites/default/files/2019-12/aus_2018.pdf)

laws.<sup>10</sup> They showed that between June 2018 and July 2019 Australia issued 45 weapons export permits to the United Arab Emirates, 23 to Saudi Arabia, 14 to Sri Lanka and 4 to the Democratic Republic of Congo.

12. A number of conflicts raise particular human rights concerns. In Yemen, both the UAE and Saudi Arabia have been involved in the conflict for the past five years. Since the conflict began more than 100,000 people have died, and 14 million people are at risk of starvation or death from disease. According to *Save the Children* 85,000 children have already died.<sup>11</sup> It is unknown whether any Australian weapons or technologies are being used in Yemen as details of exactly what has been sold are not usually provided by Australia's Department of Defence.

13. The Democratic Republic of Congo (DRC) has been overwhelmed by violent conflict since 1966. Further questions arise as to whether Australian weapons sold to DRC have contributed to this violence, including gender based violence.

14. It is understood that every weapons sales permit is supposed to be checked for overriding risks that the weapons may be used to commit human rights abuses. However, no checks are carried out on how the weapon is used once it leaves Australia. Specifically, there is no provision in the sales permit form for information on possible human rights and gender based violations.

15. This lack of transparency raises critical questions as to Australia's accountability in terms of human rights related to the export arms strategy. This fundamental concern is further reinforced with the Government's 2020 Defence Strategic Update promising "an unprecedented program of investment and opportunity for defence industry" facilitated through the Australian Industry Capability Program, to ensure "Australian companies can participate in projects that develop Australia's sovereign defence industrial base."<sup>12</sup> How will Australia demonstrate that export arms defence strategies do not contravene basic human rights principles and practice?

### **Recommendations**

16. The Australian Government must:

- o **ensure that there is full ethical and human rights public accountability and transparency around the Defence Export Strategy implementation and practice (and related programs such as the Australian Industry Capability Program), including: detailed annual reports on weapons sales, including dollar values by sale, by country not region; compliance with Arms Trade Treaty (ATT), including gender assessments as required by the ATT and CEDAW.**
- o **review the purpose and funding being directed at the Defence Export Strategy (and related programs such as the Australian Industry Capability Program) to support "a job creation", particularly in the light of the current crises around climate change and COVID-19.**

### **E. WOMEN, PEACE AND SECURITY POLICY AND PRACTICE**

17. The Women, Peace and Security (WPS) agenda as encapsulated in United Nations Security Council Resolution (UNSCR) 1325, is a key framework advocating for gender equality and women's participation and the integration of gender analysis and practice into peace building, conflict prevention, resolution, and post-conflict reconstruction, as well as in responding to humanitarian disasters and crises such as the COVID-19 pandemic.

18. Australia's first National Action Plan (NAP) on Women, Peace and Security (WPS) 2012-2018, was extended to June 2019 (NAP1). A second NAP (NAP2) has been under development by the Australian Government and it is

<sup>10</sup> <https://www.theguardian.com/world/2020/jan/14/blanket-secrecy-surrounds-australian-weapons-sales-to-countries-accused-of-war-crimes>

<sup>11</sup> <https://www.savethechildren.org/us/about-us/media-and-news/2018-press-releases/yemen-85000-children-may-have-died-from-starvation>

) Defence Strategic Update and Force Structure Plan. 1 July 2020. Factsheet Defence Industry and Innovation. [/www.defence.gov.au/strategicupdate-2020/](http://www.defence.gov.au/strategicupdate-2020/)

anticipated it may be launched by the end of 2020.<sup>13</sup>

### First Australian NAP

19. NAP1 is 'outward looking' in orientation; i.e. focused on Australia's work overseas rather than on domestic policy and activities. It has been aligned with 5 thematic areas: prevention, participation, protection, relief and recovery and normative. NAP1 had many challenges including:<sup>14</sup>

- **lack of a vision statement:** There was no clearly articulated vision.
- **lack of a robust monitoring and evaluation framework:** Reporting focused around individual agency activities and outputs, without a coordinated framework to assess progress, achievements and impacts.
- **lack of emphasis on conflict prevention:** NAP1 focused on protection, and under emphasised the gendered analysis of conflict and conflict prevention, despite its identification as one of 5 thematic areas of the NAP.
- **lack of specific WPS budget allocation:** There was no specific budget allocation for the implementation of the Australian NAP, or for structured engagement with civil society. It was assumed that NAP1 implementation would be incorporated within existing agency resources, with civil society engagement on a voluntary basis.
- **lack of policy coherence:** NAP1 lacked policy integration and coherence, particularly between Australia's international commitments on WPS related issues and domestic policies. This is clearly evident in Australia's position on the arms trade.
  - Australia was a strong supporter of the Arms Trade Treaty (ATT), noting at the time of its adoption "we look forward to the contribution that implementation of the ATT can make to reducing gender-based violence in conflict settings."<sup>15</sup> Australia supported the integration of gender-related text into UNSCR 2117 on Small Arms and Light Weapons, the first ever SCR dedicated to addressing small arms and light weapons.
  - Australia's 2016 Foreign Policy White Paper notes that, "Australia has an abiding interest in working towards the ultimate goal of a world without weapons of mass destruction... Proliferation networks, including for missile technology and small arms, threaten the security of the Indo-Pacific."<sup>16</sup>
  - NAP1 and these commitments stand in stark opposition to the Australian Government's Defence Export Strategy announced in 2018, as does the intention to become one of the world's largest arms manufacturers and exporters over the next decade.

### Recommendations

20. The Australian government must:

- **demonstrate in its second Australian NAP on WPS, how Government policies, plans, and actions are promoting gender equality, peace and security both domestically and internationally, and critically engaging with civil society and the diversity of girls and women's voices to promote peaceful, just and sustainable societies.**

21. Key recommendations include:

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<sup>13</sup> Australian National Action Plan on Women Peace and Security (2012-2018). The plan was officially extended (in late 2017) until 2019, to accommodate the development of the second NAP. It was anticipated that the second NAP was to be launched in mid-2019. The Australian NAP, Progress Reports and the Independent Interim Review are available at <https://www.pmc.gov.au/office-women/international-forums/australian-national-action-plan-women-peace-and-security-2012-2018>. The Addendum to the Australian National Action Plan on Women, Peace and Security 2012–2018 is available at <https://www.pmc.gov.au/sites/default/files/publications/addendum-australian-national-action-plan.pdf>

<sup>14</sup> Australian Civil Society Coalition on Women, Peace and Security CEDAW Shadow Report Submission 2018; 2016, 2017, 2018 Annual Dialogue Reports; Issues Papers. <https://wpscoalition.org/>

<sup>15</sup> Quinlan, G. 2013, 'Women, Peace and Security: Statement by HE Mr Gary Quinlan, Ambassador and Permanent Representative of Australia to the UN Security Council', 18 October 2013. <https://dfat.org.au>

<sup>16</sup> <https://www.fpwhitepaper.gov.au/> p. 83.

**1. Develop a clearly articulated vision statement and resource a robust monitoring and evaluation framework for accountability to assess progress, achievements and impacts.**

**2. Give primacy to peace and conflict prevention by adopting a rights-based human security approach to peace and security policy and practice that recognises freedom from fear and oppression as fundamental to the promotion of peace and security.**

**3. Implement an interlinked domestic and international focus on women, peace and security.**

- Build a domestic program around addressing inequality (promoting gender equality, eliminating gender-based violence, building social cohesion and inclusion, promoting peace, coordinate with related domestic policies (e.g. family and domestic violence, migration, climate change, prevention of violent extremism) and create spaces for ongoing sustained engagement with diverse women and girls and their organisations.
- Build policy coherence with a review of foreign, security and defence policy (e.g. arms manufacture and export) to ensure that Australian government policies and practice are not in opposition to the implementation of UNSCR 1325 and subsequent SCRs on WPS.
- Build an international program grounded in principles of ensuring gender equality, promoting peace and stability, focusing on preventing conflict and reflective of international human rights commitments.
- Promote Sustainable Development Goals, in particular Goals 5 (gender equality and women's empowerment) and 16 (promote peaceful and inclusive societies), as a pathway to peace and stability.

**4. Resource and protect robust, diverse and vibrant civil society spaces.**

- Proactively engage with and resource civil society engagement and support the work of diverse women and girls and their organizations, so that civil society organisations and women's organisations are seen as partners and not instrumentalised for their expertise, or just as a mechanism for consultation.
- Enable diversity and ensure diverse women's and girls' voices and leadership are heard in all aspects of peace and security policy development and implementation.

**5. Foreground women's substantive participation and agency in conflict prevention, protection and post-conflict reconstruction.**

**6. Incorporate recommendations made in the Global Study on the Implementation of UN Security Council Resolution 1325 and CEDAW General Recommendation 30.<sup>17</sup>**

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<sup>17</sup> Preventing Conflict, Transforming Justice and Securing the Peace. <http://wps.unwomen.org/>. CEDAW General Recommendation 30 on women in conflict prevention, conflict and post-conflict situations. Including responding to the WPS recommendations in the CEDAW Committee's Concluding Observations on Australia's 8<sup>th</sup> Periodic Review. 25 July 2018. <https://www.ohchr.org>