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UN: States must urgently shore up ‘serious deficiencies’ in draft arms treaty text

Serious deficiencies in a new draft Arms Trade Treaty text would fail to prevent arms transfers to countries where they could be used to commit or facilitate summary and arbitrary killings, torture and enforced disappearances, Amnesty International said today.

The organization’s analysis of a new draft of the treaty circulated late on Friday found that the proposed text also falls short in other areas, including provisions relating to states’ public reporting on arms transfers as well as future amendments to the treaty.

UN Member States are expected to come to a consensus and adopt a final treaty by Thursday 28 March.

“The deadline is rapidly approaching for diplomats to agree decent rules to prevent the unlawful killing, grave abuses and devastation caused by the reckless international arms trade – governments need a wake up call to get their diplomats to shore up these serious deficiencies in the latest draft,” said Brian Wood, Head of Arms Control and Human Rights at Amnesty International.

“There have been welcome moves in this draft to ensure arms transfers that fuel genocide, crimes against humanity and war crimes constitute a red line that states may not cross – thanks in large part to years of campaigning by Amnesty International and our partners.

“But it would be unconscionable to allow arms transfers to go ahead with full knowledge of heinous acts being committed just because the acts are not during an armed conflict or part of a widespread or systemic attack on a specific civilian population.”

The current draft treaty would ban arms from going to countries known to use them for war crimes, genocide and crimes against humanity – but not if the arms would facilitate summary and arbitrary killings, enforced disappearances or torture committed outside armed conflict or as part of a widespread or systematic attack on a specific civilian population.

In addition, the draft treaty would allow a state to make arms transfers even where there is a real danger the arms will be used for war crimes or gross violations of human rights – provided the sending state deemed that the transfers would contribute to peace and security.

According to the UN Human Rights Committee and international law, states already have a supreme duty to prevent wars and crimes against humanity, not merely to wait for them to happen. States must act to stop the most serious violations of human rights that lead to such violence and atrocities.

For almost 20 years, Amnesty International has been lobbying for an international Arms Trade Treaty on the basis of a Golden Rule – states should assess any proposed arms transfer to see if there is a substantial risk the arms will be used to commit or facilitate serious violations of human rights. If there is such a risk,

the transfer should not take place.

Besides eroding respect for human rights and the rule of law, allowing arms transfers to go ahead in such circumstances takes an immense toll on peace, human security and development.

Amnesty International has documented how persistent acts of brutality can have devastating long-term consequences – including in Bangladesh, where there has been a consistent pattern of killings, torture and disappearances by the Rapid Action Battalion (RAB); the Philippines, where private militias perpetrate massacres against civilians, including more than 60 people in Maguindinao in November 2009; Guinea in the run-up to the September 2009 massacre of more than 150 unarmed protesters in a stadium in Conakry; and Guatemala, where residents suffer from very high levels of armed violence amid a proliferation of small arms.

“The whole purpose of a global Arms Trade Treaty is to end the body bag approach – to nip armed violence in the bud and to prevent serious violations of human rights by cutting off the irresponsible arms supplies that fuel them,” said Wood.

“If the final treaty is to pass the acid test of public credibility and deliver better security to the world’s population, UN Member States must act now to reach a more holistic approach to ensure governments never aid human rights abusers by giving them the means to murder and torture.”

[Click here to download a broadcast-quality video interview from the United Nations Final Conference on the Arms Trade Treaty.](#)