



EXTERNAL EVALUATION OF AMNESTY INTERNATIONAL'S ARMS TRADE TREATY CAMPAIGN

EXECUTIVE SUMMARY

PURPOSE AND METHODOLOGY

This external Evaluation¹ of two years of Amnesty International's (AI) Campaign in favour of an Arms Trade Treaty (ATT) was commissioned to assess AI's contribution towards the content and adoption of the remarkable treaty which was finally adopted on 2 April 2013. The campaign was a long-term effort funded predominantly through AI's members and supporters. The campaign activities carried out by the International Secretariat (IS) of AI were entirely funded by NRK² during 2013.

After consulting relevant internal and external documents, the data for this Evaluation was collected almost exclusively in one to one telephone interviews with a range of stakeholders, including diplomats, AI staff and members and other relevant civil society activists.

BRIEF INTRODUCTION OF THE CAMPAIGN

AI's call for a legally-binding instrument to control arms dated back to the early 1990's, but by the beginning of the period under review for this Evaluation (2012 – 2013) after many years of campaigning and advocacy by AI and its partners, the overwhelming majority of states in the UN had become committed to pursuing a legally-binding instrument. An official draft of the treaty prepared by the ATT Conference Chair from July 2011 included the 'Golden Rule' on human rights and various other provisions which AI had been calling for. It was clear that AI's previous activities, whether individually, within the Control Arms Campaign (CAC) or with other NGO partners, had already had a significant impact by early 2012 but powerful states including the USA, China and Russia were still opposed to the Golden Rule. The focus of AI's strategy and campaign activities during the period under Evaluation was in the first instance to ensure that this Golden Rule, which requires all state parties to conduct a rigorous case by case basis assessment of whether a transfer would pose a substantial risk of being used to commit or facilitating serious violations of international human rights law or international humanitarian law, was supported by a large majority of states. AI international advocacy efforts were also focused on other AI demands regarding the scope of the treaty and its reporting and other mechanisms reflected to some extent in the 2011 draft Treaty text which was expected to be decided in a month-long UN negotiating conference in July 2012.

AI conducted focused advocacy in key capitals around the world and with key delegations at UN meetings to influence governments' support for legally-binding arms control and specific wording which would enhance human rights. The IS Military Security and Policing (MSP) Team and AI delegations to the UN tracked voting patterns to enhance the impact of AI's advocacy, which aimed to influence key governments, whether identified initially as blockers or champions, towards a consensus vote in favour of the ATT.

¹ The evaluation was carried out by Carolyn Norris, an independent consultant commissioned for the evaluation

² The Norwegian Broadcasting Corporation (NRK) selected Amnesty International as the organisation to benefit from its annual fund-raising initiative.



AI also launched global campaign actions and media work of its own and with various NGO partners, such as International Action Network on Small Arms (IANSA), and the Women's International League for Peace and Freedom (WILPF) to influence public opinion and diplomats involved in negotiating the treaty.

The Campaign included the following key activities:

- AI conducted, coordinated and targeted advocacy around the two UN Conferences, including their preparatory and informal inter-sessional meetings, both in New York and in many capital cities. This was carried out by IS and Section staff. In addition, the head of the IS Control Arms team and the legal adviser were also invited to some closed-door meetings which provided additional advocacy opportunities.
- AI regularly provided detailed legal and policy advice both for public information and to inform treaty negotiating teams of various governments, their ministers and other senior officials in home capitals.
- AI produced research reports and briefings which highlighted the impact on the human rights of communities and individuals of irresponsible arms transfers from powerful arms supplier states to a range of countries, including, the Darfur and Kordufan regions of Sudan, on South Sudan, the Democratic Republic of Congo and Côte d'Ivoire. Briefings also contained cases on Bahrain, Bangladesh, Chad, Colombia, Guatemala, Egypt, Philippines, and Syria. Many of these were translated into Arabic, Spanish and French. Thematic data on the global arms trade, the main trading countries and the lethal effects were provided by the IS MSP team to AI sections, such as the Killer Facts dossier.
- AI organised coordinated campaigning events and activities in many capitals and at the UN conferences, culminating in the 100 days countdown to the July 2012 meeting, and again during the March 2013 conference. These were supplemented with on-going event-based campaign responses targeting the P5 and major arms exporters at key moments during the negotiations.
- Media work was organised through traditional news releases and op eds, as well as through social media, targeting the key players in the negotiations specifically around the two main UN Conferences in 2012 and 2013 in general, and specifically around the two main Conferences.

KEY FINDINGS

During the campaign phase under evaluation, it was AI's lobbying and advocacy, in particular at the July 2012 and March 2013 UN Conferences on the ATT, which most saw as AI's most significant contribution. AI delegates at these Conferences were sought out by diplomats for their legal advice which was seen as reliable and realistic and gave AI staff access to closed-door meetings where treaty wording was discussed in detail. The global nature of AI's approach was also much appreciated, as AI Section representatives – whether from South Korea, Senegal, Mexico or Venezuela - were all well-briefed and experienced.

One element of success frequently highlighted was the long-term nature of AI's involvement in this issue both with UN delegations but also in capital cities and at regional bodies, such as the European Union (EU), African Union (AU) and other regional bodies which enhanced AI's legitimacy and inspired confidence. One statement summarises the findings: *'The ATT has human rights as part of its genetic code. Without AI the treaty would have had no meaning'*.

The resulting treaty prohibits any transfer of conventional arms that would contravene a state party's



existing international obligations, including where a prospective sending state knows the recipient would use the arms for acts of genocide, crimes against humanity or war crimes. The treaty also requires states to conduct assessments of the risk that the proposed recipient of an arms export could use the arms to commit or facilitate serious violations of international human rights law, international humanitarian law and other international criminal law. Gender based violence, violence against women, violence against children, risks of diversion and mitigation measures all have to be taken into account. If there remains a risk that the use of the arms for peace and security justified by international law would be overridden by the use of the arms for such serious violations, then no authorisation can be given to proceed with the export.

AI also pushed for other provisions to protect human rights which were achieved. For instance, the scope of the ATT covers most arms trading activities (including transit trade) as well as most of the current categories of arms and munitions used for serious violations of human rights and war crimes. AI publications and policy interventions consistently raised these issues and made detailed proposals as to how they might be achieved. Although the transparency and compliance mechanisms in the treaty could be stronger, states will nevertheless have to issue annual reports on their arms transfers and their implementation of the treaty, which will be open to challenge, as well as to prohibit and prevent arms trafficking. The treaty provisions can also be amended and state parties will meet regularly to review progress.

Reactions to the need for AI's research reports during this particular period were more mixed. There was a general feeling from those interviewed that they were convinced of the reasons why an ATT was important by the time it reached this stage in the negotiations. They had faith that AI was basing their lobbying on its experience of documenting human rights violation and commitment to prevent such violations. As one person put it: '*Amnesty International brought its experience to the table*', or another expressed it as: '*AI used its experience on the ground to justify its call for norms*'. Similarly, the impact of significant mass mobilisation during this phase of the Campaign was seen as less significant than the direct, hands-on, advocacy work. However, these reservations do not take into account the impact of AI's campaign and research reports on building global solidarity on the issue of arms transfers and influencing public opinion, which in the long-term had helped shape the diplomatic positions being pursued at this stage of the negotiations.

Building on the lessons emerging from this Evaluation, the following Recommendations are made at the end of the report. The first two are specific to future work on the arms trade. The remainder are more generic.

A: Maintain vigilance to ensure ATT is implemented and begins to impact on respect for human rights: The role AI played in achieving the ATT brings legitimacy for the organisation to continue to influence the implementation of the Treaty. Indications that some governments' commitment to sign, ratify and implement may be wavering, add urgency to this recommendation.

B: Mainstream arms trade issues in AI research: An important element of ensuring implementation of the ATT is to produce evidence as to its link to human right violations. AI's reputation for reliable research and analysis on this issue means it is well-placed to influence application of the ATT in this way.

C: Building on the positive experience of the ATT Campaign, define/re-define respective roles of IS and Sections/Structures relating to government lobbying: This Campaign is a positive example of AI working as a Global Movement to effect change. The existence of a specialist MSP network across Sections and the attention paid to meet the needs of specific Section/Structures' national context added strength to the impact of the advocacy.



D: Establish/revisit guidelines for AI's involvement in NGO networks: Clear guidelines would help to avoid some of the challenges faced in the context of this Campaign.

E: Ensure advocacy is targeted and 'smart' – this requires political and power analyses: AI ensured its advocacy was targeted to those with the power to influence and to address their vested interests. This empowered the AI delegates who were sought out for their analysis, and ensured greater impact.

F: Ensure AI planning processes leave room for other long-term complex initiatives such as the pursuit of arms control: The long-term nature of the struggle to achieve an ATT indicates the importance that planning allows for realistic objectives to be set as well as for important initiatives which are not likely to produce immediate results.

G: Use the success of the ATT Campaign to inform development of structures / ways of working in AI's new model of a dispersed IS: As AI moves towards a new, less-centralised structure, one way to measure whether the changes are fit for purpose would be to assess how far it would allow for the approach adopted for this campaign - a coordinated approach with staff in different locations, using different approaches to achieve a common goal.

//ends.//