

# An Arms Trade Treaty: Minimum standards to control the international arms trade

In a step forward, governments agreed at the UN in 2001 that there should be rules governing arms exports that are “consistent with...international law”. However they failed to spell out what this means in practice, and arms sales to human rights abusers have continued. An Arms Trade Treaty is desperately needed to outline the responsibilities of governments to control this deadly trade.

As a minimum, all States must prohibit international transfers of arms which:

- 1 violate their existing obligations under international law, including those arising out of the UN Charter, arms embargoes and other decisions of the UN Security Council
- 2 are indiscriminate (such as antipersonnel landmines) or cause unnecessary suffering (such as dum dum bullets or laser blinding weapons);
- 3 are likely to be used to commit serious violations of human rights such as torture, rape or unlawful killings;
- 4 are likely to be used to commit serious violations of international humanitarian law;
- 5 are likely to be used to commit genocide or crimes against humanity;
- 6 or are likely to be diverted and used to commit any of the above acts.

Furthermore there should be a presumption against the authorization of arms transfers likely to:

- be used for violent crimes;
- endanger the security of the region;
- or endanger sustainable development.

These controls must apply to all arms transfers whether they be direct transfers of weapons by governments, commercially exported arms, deals organized by arms brokers or the transshipment of weapons.

To make sure that all the governments are living up to their obligations, all states should publish an annual report covering all of the international arms transfers from or through their territory or that were authorized by them.

*‘If traders are selling the rebels these weapons they also have responsibility for the bullets that were fired and put me in this hospital.’*

**Bacary Biaye, in his twenties, who was shot and lost the use of his legs, Casamance, Senegal**

## What can I do to ensure my country is not trading in repression?

- 1 **Write to your Prime Minister or President and to the Foreign Affairs Minister of your own government today:**
  - Raise your concerns regarding the transfer of arms and security equipment to human rights abusers around the world.
  - Ask for assurances that your government will never allow the transfer of such goods to countries where they are likely to facilitate human rights abuse or breach international humanitarian law.
  - Ask your government to endorse the declaration of principles above and to promote these principles internationally as well as incorporate them in the national laws regulating arms transfers.
- 2 **Join the Campaign. Go to the Arms Trade Treaty web site (<http://www.armslaw.org>). Here you can:**
  - find out the truth about the international arms trade;
  - learn more about the Arms Trade Treaty campaign and link up with organisations involved;

The following organisations have endorsed the Arms Trade Treaty:



# No more arms for atrocities

## Campaign for an International Arms Trade Treaty

The arms trade is out of control: fuelling armed conflict, undermining sustainable development, and aiding repression around the world. And despite their promises to uphold international law and protect human rights, the governments, corporations and citizens of some of the world's most powerful states are among the world's leading arms dealers. And often they do not seem to care who their customers are or what use will be made of their weapons. Arms continue to flow to those who use them for torture, repression, war crimes and crimes against humanity. This can and must end now. It is time to put people before profits. It is time to place tough controls on the arms trade. It is time for an International Arms Trade Treaty.



The arms trade contributes to criminality, armed conflict and human rights violations around the world. The process initiated in 2001 by the UN Conference on Small Arms and Light Weapons provides the international community with an ideal opportunity to control and end irresponsible transfers which breach international law.



Graves of victims of the conflict in the Democratic Republic of Congo, 2000

# Arms Out of Control

## Do you remember Rwanda?

Starting in April 1994, hundreds of thousands of men, women and children were murdered in the streets, churches, schools and homes of Rwanda. In just a hundred days a genocide was carried out, the killers using machetes and farm implements but also rifles, pistols and machine guns. Did you know that arms dealers, brokers, transporters, weapons manufacturers and even some governments in Western and Eastern Europe, the Middle East, Africa and Asia actually assisted the killers? They supplied the genocidal forces of Rwanda with the weapons they used to carry out their crimes. And did you know that since 1994 none of the individuals and companies who fuelled the Rwandan genocide through the provision of these arms has ever been brought to justice? Not one. The international community failed the people of Rwanda in their time of greatest peril.

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Victims of the Rwandan genocide, 1994

Despite the media and UN revelations of the arms to Rwanda scandal, most governments have not changed their laws to effectively control the arms trade. They still allow arms to flow to human rights abusers in many areas, be they armed opposition groups or repressive government security forces. And it is ordinary people living in communities ravaged by armed violence, who have paid for this failure.

## Democratic Republic of Congo

It is estimated that up to three million people have died as a result of the conflict in the Democratic Republic of Congo (DRC) since 1998. Crimes against humanity have been committed by the warring parties fighting to control the vast natural resources of the country. Atrocities and abuses have been reported not only in the diamond fields of Mbuji-Mayi, but also near the DRC's abundant reserves of cobalt, coltan (a component for electronic chips in cell phones and laptops), copper, gold, timber, uranium and water. In 2002, a UN Panel of Experts uncovered evidence of links between trafficking in natural resources and illegal arms involving international networks mainly in Africa and Europe. Two of the most notorious arms dealers named in the UN report – a Russian and a British businessman – who have reportedly each made millions of dollars out of such trade, remain untouched by their home governments. Other governments, like that of Ukraine, have even authorized the supply of weapons to the Democratic Republic of Congo.

*'I am convinced now that the lives of Congolese people no longer mean anything to anybody. Not to those who kill us like flies, our brothers who help kill us or those you call the international community... Even God does not listen to our prayers any more and abandons us.'*

Salvatore Bulamuzi, a member of the Lendu community whose parents, two wives and five children were all killed in recent attacks on the town of Bunia, province of Ituri, one of the regions in the DRC most affected by a widespread availability of arms.



Weapons found in Kisingani in 2002.

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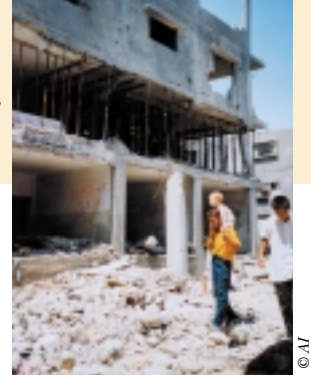
## Sierra Leone

*'The attack on the city of Freetown saw the death of more than 5000 people. Vultures continuously fed on human bodies, as there were no people to bury the dead. People were pressed at gunpoint into houses, which were sprayed with petrol and set on fire. Whoever tried to escape was immediately shot.'*

Isaac Lappia, Director of Amnesty International Sierra Leone.

A Ukrainian arms dealer had organized arms transfers for the RUF rebels in Sierra Leone in violation of UN arms embargoes – one delivery was made just before these atrocities in Freetown. Yet when this arms dealer was arrested last year and put on trial in Italy, he was set free because the judge said the arms did not come through Italian territory.

House destroyed by bombs launched by F-16 fighters in a densely populated neighbourhood of Gaza City, July 2002.



## Israel and the Occupied Territories

The US government has sold F-16 fighter jets and Apache attack helicopters to Israel despite the history of misuse of such weaponry by the Israeli Defence Forces. On 9 April 2003, eyewitnesses reported that Israeli Apache attack helicopters and F16 Jets flew over Gaza city. The helicopters then fired missiles at a Palestinian car killing two people. According to a local eyewitness, “After the attack dozens of residents from the area went outside to investigate and see if they could help in some way, when the helicopters came back and fired two additional missiles at the crowd.” This second attack killed five people, including two children: 13-year-old Ahmad Hamsa Al-Ashraf and 16-year-old Sami Hasan Qassem, both from the Zeitouna neighborhood. According to Gazan doctors, the bodies of all five dead were riddled with shrapnel from the missiles. 47 other Palestinians were wounded in the attack.

*‘I saw bodies on the ground as I ran with my children. The [helicopter] gunships were shooting at us so I could not stop to see if they were alive. The gunships also fired rockets that set the village on fire’.*

Yak Gatdet Kok, from Nhialdiu in southern Sudan

### Killer facts about the arms trade

- Small arms are produced by more than 1,000 companies in at least 98 countries around the world. There are an estimated 550 million small arms in worldwide circulation.
- It is estimated that around the world 1,300 people are shot and killed every day. The UN estimates that in the last decade conventional weapons were used to kill more than five million people and force 50 million to flee their homes.<sup>1</sup> Millions more lost their property, their livelihood or their loved ones.
- The world’s significant arms producers and exporters include the five permanent members of the UN Security Council<sup>2</sup>, the powerful G8 governments<sup>3</sup>, together with countries like Belgium, Brazil, Bulgaria, Egypt, Israel, Poland, Romania, South Africa, Spain and Ukraine. Suppliers and brokers in a number of these countries have exported weapons to armed opposition groups or state security forces that have used them to commit human rights abuses or other violations of international law.

*‘What would actually happen if we did that [refuse to sell parts] is not that the parts wouldn’t be supplied, is that you would find every other defence industry in the world rushing in to take the place that we have vacated’*

Tony Blair, UK Prime Minister, July 2002, justifying UK arms for onward sale to Israel

## Broken promises; broken lives

The international community has developed a number of binding agreements concerning human rights, humanitarian law, and peaceful co-existence. But, when it comes to the international arms trade, these principles often take a back seat to politics and profit. Even when it is clear that an arms sale could contribute to serious violations of these standards, states often proceed regardless. Although individuals that commit war crimes, crimes against humanity and serious human rights violations may well be tried at the International Criminal Court after they have committed their offences, there is no international mechanism to prevent them from receiving arms in the first place.

## No more arms for atrocities: Basic rules to control the international arms trade

Although some states have begun to take on their responsibilities and control this deadly trade at the national level – refusing to sell arms to human rights abusers – their actions are being undermined by other states that are failing to enforce effective controls. Some parts of the world, such as the EU, have begun to develop regional controls; however, irresponsible arms sales have continued. The argument is often “if we don’t sell, someone else will”. This is why international arms controls are so desperately needed. Universally applied and respected controls would help prevent ALL states from exporting weapons and military and security goods to those who will use them to commit torture, “disappearances”, murder, rape or other grave human rights violations.

A coalition of 19 Nobel Peace Prize laureates<sup>4</sup> including the Dalai Lama, Oscar Arias and Desmond Tutu joined with leading human rights, humanitarian and development organizations such as Amnesty International and Oxfam to call upon the world’s leaders to adopt stringent ethical controls on the global arms trade.

<sup>1</sup> UNDP Human Development Report, 2000

<sup>2</sup> China, France, Russia, the UK and the USA

<sup>3</sup> All of the G8 countries - Canada, France, Germany, Italy, Russia, UK and the USA - with the exception of Japan are important arms exporters. Japan nevertheless exports small arms and items for use in military equipment.

<sup>4</sup> American Friends Service Committee, Amnesty International, Oscar Arias, Norman Borlaug, His Holiness the Dalai Lama, John Hume, International Physicians for the Prevention of Nuclear War, Mairead Maguire, Rigoberta Menchu, Adolfo Perez Esquivel, Jose Ramos Horta, Joseph Rotblat, Aung San Suu Kyi, the Reverend Desmond Tutu, Lech Walesa, Elie Wiesel, Betty Williams, and Jody Williams.

*‘We cannot let the free market rule the international arms trade. We must realise that too often this trade is a friend of dictators and an enemy of the people. The time has come to choose human lives over arms.’*

Dr Oscar Arias, Former President of Costa Rica, Nobel Peace Laureate