

AMNESTY INTERNATIONAL Public Statement

30 November 2000

AI Index pol 34/09/00 - News Service Nr. 227

Amnesty international gives cautious welcome to OSCE initiative on small arms

Amnesty International welcomes today the document adopted by the Organisation for Security and Cooperation in Europe (OSCE) on Small Arms and Light Weapons as it represents a statement of intention by many of the worlds largest producers, marketers and purchasers of small arms. "At the dawn of the 21 century it is scandalous that those who supply small arms are not subject to proper monitoring and control. This document is a first step on the road to stopping the flow of small arms reaching human rights abusers around the world " said Amnesty International Deputy Secretary General, Vincent Del Buono.

Amnesty International welcomes the attempt to address issues of transparency, licencing of exports and the licenced production of weapons to non-member states. The organization however calls on the member states to address the loopholes that undermine its potential for effectiveness. "It is crucial that the loopholes and caveats contained within the document are closed if it is to realise its true potential " added the Deputy Secretary General.

The organization believes that the cornerstone of any responsible arms policy must be transparency. It therefore calls on member states to review the document and include an explicit commitment to:

National annual public reports of arms exports that clearly detail the type, quantity, value and destination of small arms that have received export licences;

Mechanisms that facilitate prior public scrutiny of arms export decisions and allow for governments to be held accountable to the

commitments contained in their national export controls and international treaty obligations. Such mechanisms should require all OSCE governments to produce a register of all licences applied for in advance of those licences being granted. Ideally this register should be set before the full session of the national parliament to enable it to measure prospective exports against national, regional and OSCE export criteria;

Include as part of the annual report, any instances of undercutting (both of where a licence has been granted which undercuts refusal by another member state, and where an export licence which has been refused has been taken up by another member state).

In addition, the language contained within the document relating to small arms export licensing procedures is weak and open to interpretation. Amnesty International calls on member states to:

Make an absolute concrete commitment that there will be a prohibition on all small arms exports where there is a clear risk that these will be used to facilitate war crimes, crimes against humanity or serious human rights violations. Failure to do so would be a neglect of states' current obligations under international human rights and humanitarian law.

Furthermore Amnesty International calls for the activities of arms brokers and shippers to be strictly regulated:

All OSCE member states should compile a list of registered brokering agents and all those on this list should publish their audited accounts relating to arms trading. Agents who break laws regulating arms exports or deliberately supply misleading information about their arms transactions should be prosecuted and banned from any further arms brokering;

OSCE controls should apply to all OSCE passport holders wherever they live, and to any company or individual resident or registered in an OSCE state. Such measures would help to ensure that brokers are unable to escape regulation simply by stepping outside an OSCE state.

The trade in small arms is truly global. In order to address this issue, Amnesty International believes that the document on Small Arms and Light Weapons must provide a strict regulatory system governing the licenced production of small arms and light weapons. Licensed production is the system whereby one company enables a company in another country to manufacture its products under licence. In many OSCE countries such licensed production agreements are inadequately controlled or not controlled at all. The effects of such paucity of control are deadly. Amnesty International recommends that:

OSCE member states should not allow the licensed production of small arms and light weapons where there is a risk that this equipment will be transferred to sensitive and proscribed end-users. Beyond this, the OSCE member states should introduce US-style extra-territorial powers (which prohibit the re-export of US technology without US government consent) in order to discourage recipients from engaging in the unlicensed transfer of technology imported from OSCE member states.

Background

Amnesty International is campaigning in the run up to the 2001 UN Conference on Small Arms and Light Weapons in all its Aspects for tougher controls on the manufacture and supply of small arms and light weapons. Amnesty International is a member of the International Action Network on Small Arms representing over 250 organisations worldwide.

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Last updated : November 30