

KILLER FACTS

THE IMPACT OF THE
IRRESPONSIBLE ARMS
TRADE ON LIVES, RIGHTS
AND LIVELIHOODS

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INTERNATIONAL



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INTRODUCTION

The poorly regulated global trade in conventional arms and ammunition has an enormous human cost. Every day, thousands of people are killed, injured, raped and forced to flee from their homes as a result of armed conflict, armed violence, and human rights violations and abuses perpetrated using conventional arms. Inadequate and loophole-ridden national regulations of international transfers of conventional weapons, munitions and associated materiel permit arms to be supplied to those flagrantly violating international human rights and humanitarian law: destroying lives and threatening livelihoods. As governments prepare to meet in July 2010 for the first Preparatory Committee for negotiations for an international Arms Trade Treaty, this short document is intended to provide some basic facts and figures on the impact of armed conflict, armed violence and human rights violations perpetrated using conventional arms.

128 armed conflicts since 1989 have resulted in at least 250,000 deaths each year

In addition, there are an estimated 300,000 armed killings outside of conflict each year

Injuries are likely to be even more numerous than deaths in conflict and armed violence

About 60% of human rights violations documented by Amnesty International have involved the use of small arms and light weapons

26 million people worldwide were internally displaced as a result of armed conflict at the end of 2008

All of the top six countries of origin of refugees in 2008 are locations of armed conflict

Child soldiers have been actively involved in armed conflict in government forces or non-state armed groups in 19 countries or territories since 2004

AT LEAST 250,000 LIVES LOST DUE TO ARMED CONFLICT EACH YEAR

The Uppsala Conflict Data Program has tracked a total of **128 armed conflicts between and within States around the world since 1989**. According to the Program's data, "the widely reported general decline in the number of armed conflicts...in the mid-1990s has now clearly ceased, with the number of recorded conflicts during the last few years fluctuating minimally around 30." During 2008, **16 major armed conflicts** – two more than in 2007 - **and a further 20 other active armed conflicts** were waged in **26 countries** worldwide.¹

A global analysis of reported deaths in armed conflict found that between 2004 and 2007, at least 208,300 violent deaths were recorded in armed conflicts: **an average of 52,000 people killed per year**. Unrecorded deaths – highly likely in the often inaccessible and insecure environments of armed conflict - mean that the real total may be much higher.²

Armed conflict produces an even greater toll of indirect deaths, as those affected by armed conflict are frequently displaced; subject to the destruction of social and economic infrastructure; and denied rights and access to healthcare, water, food and shelter; leading to rising malnutrition, starvation and otherwise preventable diseases. Evidence from epidemiological surveys suggests that between 2004 and 2007 **at least 200,000 indirect deaths resulted from armed conflict every year, and probably far more**: some surveys of the Democratic Republic of Congo suggest that an average of as many as 400,000 direct and indirect conflict deaths may have resulted each year since 2002 in that single country alone.³

300,000 ARMED KILLINGS OUTSIDE OF CONFLICT EACH YEAR

Deaths as a result of armed violence and serious human rights violations perpetrated outside armed conflict likely outweigh those committed during armed conflict itself. Such deaths include armed homicides and those resulting from other armed crime, extra-judicial executions and unlawful killings caused by the excessive use of force by state security forces, and killings resulting from violence against women and other vulnerable groups involving the use or threatened use of arms. An estimated 490,000 non-conflict killings have taken place worldwide each year in recent years, of which an average of 60% - **perhaps 300,000 each year** – are estimated to have been perpetrated using firearms.⁴

CONFLICT INJURIES ARE LIKELY TO BE MORE NUMEROUS THAN CONFLICT DEATHS

Injuries resulting from armed conflict are difficult to estimate, due to inadequate

collection and categorisation of data in public health statistics and armed violence reporting. However, a review of medical literature on conflict deaths between 1940 and 1993 found that ratios of reported battlefield injuries to deaths have varied from 1.9 to 27.8 injuries to every death.⁵

HUMAN RIGHTS VIOLATIONS AND ABUSES FACILITATED BY CONVENTIONAL ARMS

Beyond killing, weapons are used to perpetrate thousands of human rights violations and abuses each year, from torture and rape to arbitrary arrests and denials of the rights to freedom of expression, movement, education, health and shelter. **Detailed research on a structured sample of 10 countries found that about 60% of all individual cases of human rights violations and abuses both within and outside of armed conflict documented by Amnesty International between 1991 and 2002, directly involved the use of small arms and light weapons.**⁶ This is likely an underestimate of the human rights toll resulting from the misuse of conventional arms.⁷

Armed conflict and armed violence often fuelled by the widespread availability of arms also generate massive human rights violations and abuses. These include:

- *the use of child soldiers*: although their numbers are difficult to estimate, thousands of children in **19 countries or territories between April 2004 and October 2007** were actively involved in armed conflict in government forces or non-state armed groups, jeopardising their physical and mental integrity.⁸

- *violations resulting from displacement of people and communities*: the UN High Commission for Refugees (UNHCR) estimated in 2008 that **26 million people worldwide were internally displaced as a result of armed conflict**, a figure which has increased over the past decade.⁹ Displacement often contributes to the deprivation of civil, political, economic, social and cultural rights. In an armed conflict, forcible displacement is contrary to international law unless for reasons other than military imperative or the security of the civilians involved.

In addition, many of the estimated 15.2 million refugees worldwide have fled human rights violations engendered by armed violence. While refugees' status is based on persecution for their race, religion, political opinion, nationality, or social group, much of this persecution occurs in the context of armed conflict, or is manifested through armed violence. It is notable that **all of the top six countries of origin of refugees in 2008 are locations of armed conflict**: Iraq, Somalia, Sudan, Colombia, the Democratic Republic of Congo and Afghanistan. UNHCR estimates that Afghanistan alone is currently the origin of a quarter of all refugees worldwide.¹⁰

THE INTERNATIONAL ARMS TRADE AND COMMITMENTS ON HUMAN RIGHTS

The scale of the international arms trade is difficult to estimate. Comprehensive published data about this opaque trade simply does not exist for much of the world. Many arms transfers, both legally authorised and illicit, are unreported and undocumented. Some States publish no information regarding their conventional arms sales, exports or imports. Others produce information about significant *contracts* for arms exports, but no meaningful information regarding actual transfers of conventional weapons, equipment and munitions. For example, the Ministry of Defence of Israel reported in October 2009 that it had signed export contracts for weapons worth \$20.3bn between 2005 and 2008, but has provided no information on actual arms deliveries: concrete figures for Israeli arms exports are therefore not available for inclusion in the 'league tables' of major conventional weapons and small arms transfers detailed below, despite Israel being a globally significant arms exporter.¹¹

Nevertheless, meaningful statistics do exist to indicate that a large proportion of the total reported international arms trade, by commercial value, is conducted by States which are already legally bound by specific human rights risk assessment criteria in their national export control legislation, alongside other ethical and humanitarian criteria.¹²

For example, eight of the top ten reported exporters of 'major conventional weapons' between 2004 and 2008, responsible for 62% of these reported transfers worldwide [USA, Germany, France, UK, Netherlands, Italy, Spain, Sweden], have legally-binding human rights standards in their national export control legislation.¹³ Moreover, the two exceptions, the Russian Federation and Ukraine, have expressed their commitment in the Organisation for Security and Cooperation in Europe (OSCE) to "take into account...the respect for human rights and fundamental freedoms" of the recipient state when considering arms transfers, although this political commitment is not legally binding.¹⁴ Russia and the Ukraine are amongst forty of the world's largest arms producers and exporters grouped in the Wassenaar Arrangement who have committed themselves to avoid international arms transfers that will contribute to "*the violation and suppression of human rights and fundamental freedoms*".¹⁵

Likewise 8 of the top 10 reported exporters of military small arms and light weapons between 2000 and 2006 [USA, Belgium, France, Germany, UK, Norway, Italy, Switzerland] have legally-binding national standards that require respect for human rights.¹⁶ One other of these 10 States, Canada, has made commitments to respect human rights standards in arms export control.¹⁷ Only China has neither national laws nor national policy requiring arms exports to be assessed against human rights criteria at all.

These legally-binding arms export criteria requiring respect for human rights remain in some cases inadequate, and their application inconsistent.¹⁸ A common international standard that requires arms transfers to be stopped if they are likely to

contribute to serious violations of human rights, with strong enforcement, meaningful accountability and independent oversight, should be incorporated in the Arms Trade Treaty that is to be negotiated in the United Nations. Such a standard designed to prevent *blatantly irresponsible* arms transfers would not be antithetical to the legitimate international arms trade in which States lawfully sell, acquire and possess arms for security, law enforcement and self-defence, consistent with international law and best practice standards. In comparison with this legitimate trade, the human cost of irresponsible arms transfers on people's lives, rights and livelihoods would appear to be far in excess of their monetary value.

It should be recognised that the use of conventional arms could result in the perpetration of serious violations of a spectrum of human rights law including civil, cultural, economic, political and social rights, and rights relating to women, children, minority and indigenous groups. Many of these human rights have attained the status of customary international law binding on all States regardless of whether they are parties to a particular treaty.

Moreover, when considering the authorization of the transfer of conventional arms, all States must equally consider the recipient's respect for IHL and should not authorize transfers if there is a substantial risk that the arms will be used to commit serious violations of IHL or international human rights law. In addition, international human rights law also applies during times of armed conflict and is not displaced by the application of IHL.¹⁹

All Member States of the United Nations have already accepted the centrality of human rights and their application to a range of state activities, including the transfer of conventional arms and ammunition. The UN Charter requires Member States to promote the full range of human rights, including "*universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.*"²⁰ The Charter also requires Member States to "take joint and separate action"²¹ in cooperation with the UN to promote human rights. These UN Charter provisions reflect a positive obligation of all States to cooperate in the protection and fulfilment of human rights within and beyond their borders. States are required to refuse aid or assistance that will contribute to ongoing serious breaches of non-derogable human rights and peremptory norms of international law.²²

International transfers of 'major conventional weapons', and small arms and light weapons

The Swedish International Peace Research Institute (SIPRI) compiles data on publicly reported and documented transfers of 'major conventional weapons': complete aircraft, armoured vehicles, artillery, sensors, air defence systems, missiles, ships, engines and weapons turrets. This authorised and publicly reported trade is dominated by a relatively small number of States:

| <i>Top 10 reported exporters of 'major conventional weapons' 2004-2008</i> | <i>Share of total reported transfers of 'major conventional weapons', 2004-2008 (%)</i> | <i>Self-reported financial value of all arms exports (constant (2007) US\$ bn), 2004-2007</i> |
|---|--|--|
| USA | 31 | 51.415 |
| Russian Federation | 25 | 26.934 |
| Germany | 10 | 6.877 ²³ |
| France | 8 | 26.162 |
| UK | 4 | 12.193 |
| Netherlands | 3 | 5.050 ²⁴ |
| Italy | 2 | 4.737 |
| Spain | 2 | 3.473 |
| Ukraine | 2 | N/A |
| Sweden | 2 | 5.182 |

Source: SIPRI Arms Transfers Database; SIPRI dataset on financial value of national arms exports; 'Recent trends in the arms trade', SIPRI Background Paper, April 2009

However, these transfers do not include substantial international transfers of support equipment and services, parts and components, munitions or ammunition. Nor do they include the large international trade in some less sophisticated types of weapons, including small arms and light weapons, which are produced, stockpiled and transferred by a much wider range of States.

Many States report some of their transfers of small arms, light weapons and ammunition to the UN customs statistics database, COMTRADE, **which recorded international transfers of small arms and light weapons worth between \$2.31bn and**

2.97bn annually between 2001 and 2006. This customs data, however, is partial, often inaccurate, and widely redacted or withheld by many States, including some major small arms and ammunition exporters.

Top 10 reported exporters of military small arms and light weapons, 2000-2006 ***'Average' value of reported exports, 2000-2006 (constant (2006) US\$)***

| | |
|-------------|-------------|
| USA | 228,512,000 |
| Belgium | 27,136,000 |
| France | 22,651,000 |
| Germany | 16,213,000 |
| UK | 13,651,000 |
| China | 10,148,000 |
| Norway | 9,520,000 |
| Italy | 9,331,000 |
| Canada | 8,857,000 |
| Switzerland | 6,945,000 |

Source: UN Comtrade database data analysed by Small Arms Survey in Small Arms Survey Yearbook 2009, p.23. 'Average' value refers to averaging discrepant reports of imports and corresponding exports by importing and exporting States

CONCLUSION

In December 2009, the UN General Assembly (UNGA) adopted a resolution to convene Preparatory Committees in 2011 and 2012 to develop a "strong and robust" international Arms Trade Treaty. The Treaty will be to be finally negotiated at "the United Nations Conference on the Arms Trade Treaty", to sit for four consecutive weeks in 2012. This Conference will "elaborate a legally binding instrument on the highest possible common international standards for the transfer of conventional arms".²⁵

It is clear from the facts available that a "strong and robust" Arms Trade Treaty is one that should contain provisions to prevent international transfers of conventional arms where there

is credible and reliable information indicating a substantial risk that the intended recipient is likely to use these arms to commit or facilitate serious violations of international human rights law or international humanitarian law. Where there is clear information indicating such a substantial risk, States should be required under the treaty to refuse or revoke authorisation for the transfer of arms in question until the substantial risk of further serious violations using such arms has been curtailed through remedial action.²⁶

¹ Swedish International Peace Research Institute, *SIPRI Yearbook 2009*, Appendix 2A; Uppsala Conflict Data Program, Frequently Asked Questions (http://www.pcr.uu.se/research/UCDP/links_faq/faq.htm#4 accessed 21 April 2010)

² Geneva Declaration, *Global Burden of Armed Violence* (September 2008), pp. 9-30

³ Geneva Declaration, *Global Burden of Armed Violence* (September 2008), pp. 31-48. Benjamin Coghlan et al, *Mortality in the Democratic Republic of Congo: an ongoing crisis* (International Rescue Committee, 2008)

⁴ Geneva Declaration, *Global Burden of Armed Violence* (September 2008), p.67

⁵ David R Meddings and Robin M Coupland, 'Mortality associated with use of weapons in armed conflicts, wartime atrocities, and civilian mass shootings: literature review', *British Medical Journal*, Vol. 319 (1999), pp. 407-410

⁶ Amnesty International and Omega Research Foundation, internal research document, December 2003. The ten countries analysed were Algeria, Brazil, the Russian Federation (Chechnya), Colombia, DRC, East Timor, Egypt, France, Jamaica and Nepal.

⁷ Some cases will have involved the use of weapons but not have had their involvement recorded. Other human rights violations will have involved other kinds of conventional arms beyond small arms and light weapons

⁸ Coalition to Stop the Use of Child Soldiers, *Global Report 2008*, Facts and Figures (www.childsoldiersglobalreport.org/content/facts-and-figures-child-soldiers)

⁹ UNHCR, *Global Report 2008 – Internally Displaced Persons* (<http://www.unhcr.org/4a2d199b2.html> accessed 21 April 2010)

¹⁰ UNHCR, *Statistical Yearbook 2008*, pp. 9-10

¹¹ 'Defense exports over \$6bn', *Globes (Israel)*, 6 October 2009, based on figures supplied by Israel's Foreign Defence Assistance and Defence Export Organization (SIBAT) to the "Defense News" publication

¹² It is not possible in this short document to include an exposition and analysis of States' obligations and commitments to respect human rights when considering arms transfers. For a recent account, see Amnesty International, *How to apply human rights standards to arms transfer decisions* (Index: ACT 30/008/2008), 1 October 2008.

¹³ Germany, France, the UK, the Netherlands, Italy, Spain and Sweden are bound by the European Union's Common Position 2008/944/CFSP, adopted on 8 December 2008, defining common rules governing control of exports of military technology and equipment. Criterion 2 (on human rights) of this Common Position requires European Union Member States to "deny an [arms] export licence if there is a clear risk that the military technology or equipment to be exported might be used for internal repression"; and "exercise special caution and vigilance in issuing licences, on a case-by-case basis and taking account of the nature of the military technology or equipment, to countries where serious violations of human rights have been established by the competent bodies of the United Nations, by the European Union or by the Council of Europe".

The US Foreign Assistance Act 1961 (as amended), Section 502B, States that "no security assistance may be provided to any country the government of which engages in a consistent pattern of gross violations of internationally recognized human rights", where security assistance is defined as "any licence...[for] the export of defense articles or defense services [on the US Munitions List] to or for the armed forces, police, intelligence, or other internal security forces of a foreign country". In addition, the Leahy provision in successive versions of the US Foreign Operations Appropriations Act (see Section 551 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act 2006) and the Defense Appropriations Act (see Section 8061 of Defense Appropriations Act 2009) States that foreign military or security assistance (equipment or training) to foreign government forces may not be provided to "any unit of the security forces of a foreign country if the Secretary of State has credible evidence that such unit has committed gross violations of human rights" unless "the Secretary determines and reports to the Committees on Appropriations that the government of such country is taking effective measures to bring the responsible members of the security forces unit to justice" (Department of State) or "all necessary corrective steps have been taken" (Department of Defense). The Leahy provision in the Defense Appropriations Act can also be waived by the Secretary of State for Defense if she or he determines that "extraordinary circumstances" require it.

¹⁴ OSCE, *Principles governing international arms transfers*, adopted at the 49th Plenary Meeting of the Special Committee of the OSCE Forum for Security Co-operation in Vienna on 25 November 1993

¹⁵ *Wassenaar Arrangement Best Practice Guidelines for Exports of Small Arms and Light Weapons* as adopted by the Plenary of 11-12 December 2002, whereby "2. Each Participating State will avoid issuing licences for exports of small arms and light weapons where it deems that there is a clear risk that the small arms in question might... (h) Be used for the purpose of repression; (i) Be used for the violation or suppression of human rights and fundamental freedoms." In addition, the *Wassenaar Arrangement Elements for the Objective Analysis and Advice Concerning Potentially Destabilising Accumulations of Conventional Arms* approved 3 December 1998, provides a set of elements to be taken into account by members in assessing whether an arms transfer might contribute to "potentially destabilising accumulations of conventional weapons". These include human rights: whether there is "a clearly identifiable risk that the weapons might be used for the violation and suppression of human rights and fundamental freedoms? Does the state comply with internationally-recognised human rights, anti-terrorism and non-proliferation norms?"

¹⁶ For European Union Member States, see note 12. Norway has also aligned itself to the EU Common Position on arms exports, formally reflected in national export control rules in May 2009. Swiss export law States that export licences for 'war material' "shall not be granted for export trade and for contracts under Article 20 WMA if...the country of destination violates human rights in a systematic and serious manner" (Ordinance on War Material of 25 February 1998, status as on 1 January 2010, Article 5)

¹⁷ Canada has established a policy to “closely control” arms exports to “countries whose governments have a persistent record of serious violations of the human rights of their citizens”, although this has not been written into Canada’s national export control law. Foreign Affairs and International Trade Canada, *Export Controls Handbook* (May 2009), p.43 (<http://www.international.gc.ca/controls-controles/assets/pdfs/documents/ExportControlHandbook-eng.pdf> accessed 4 May 2010)

¹⁸ Amnesty International, *Blood at the Crossroads: Making the Case for Global Arms Trade Treaty* (Index: ACT 30/011/2008), 17 September 2008

¹⁹ The Human Rights Committee has also affirmed that in situations of armed conflict, “both spheres of law are complementary, not mutually exclusive” UN CCPR Human Rights Committee, General Comment 31 on The Nature of the General Legal Obligation on the States Parties to the International Covenant on Civil and Political Rights, CCPR/C/21/Rev.1/Add.13, 26 May 2004, para 11

²⁰ Article 55 (c) of the UN Charter. Emphasis added.

²¹ Article 56 of the UN Charter.

²² Under general principles of state responsibility, the responsibility of a state is engaged if it aids or assists the commission of an internationally wrongful act, including a human rights violation, by another state in the knowledge of the circumstances of the internationally wrongful act. The commission of serious violations of human rights would include violations of the non-derogable provisions of the 1966 International Covenant on Civil and Political Rights (ICCPR), the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and other international human rights treaties. The most prominent right likely to be breached using arms, including small arms and light weapons is the right to life. This right imposes both a positive duty on States to enact laws to protect the right to life and a negative duty not to arbitrarily deprive anyone of their right to life. Other non-derogable rights have been set out for Member States by the UN Human Rights Committee. In its General Comment on States of Emergency, the Committee broadened the list of non-derogable rights contained in Article 4 of the ICCPR to include: the prohibition against arbitrary detention; the prohibition against taking of hostages, abductions or unacknowledged detention; the protection of the rights of persons belonging to minorities; taking of hostages, abductions or unacknowledged detention; the protection of the rights of persons belonging to minorities; the deportation or forcible transfer of population without grounds permitted under international law; and the prohibition against engaging in propaganda for war, or in advocacy of national, racial or religious hatred that would constitute incitement to discrimination, hostility or violence (UN Doc. CCPR/C/21/Rev.1/Add.11, 31 August 2001).

²³ Only includes ‘weapons of war’ as defined in German national export law.’

²⁴ Value of arms export authorisations, which may be greater than actual exports

²⁵ UN General Assembly Resolution 64/48, 2 December 2009

²⁶ Amnesty International, *How to apply human rights standards to arms transfer decisions* (Index: ACT 30/008/2008), 1 October 2008; International Committee of the Red Cross (ICRC), *Arms Transfer Decisions: Applying International Humanitarian Law Criteria* (Geneva, 2007)

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