

Human Rights Developments

In 2000 the intractability of violent conflicts demonstrated the role of weapons transfers in fueling brutal wars—and their tragic humanitarian consequences. The continuation of armed conflicts across the globe was marked by the terrible toll of high civilian casualties, mass displacement, and the widespread destruction of civilian infrastructure. In many cases, armed groups, including both government and rebel forces, routinely targeted civilians in clear violation of human rights and international humanitarian law. In Africa in particular, wars resisted resolution, and associated human rights abuses continued unabated. As the international community increasingly came to realize, unimpeded arms flows were an important part of the problem.

Arms shipments to the Horn of Africa fed an internecine border war between Ethiopia and Eritrea, where fighting had already caused massive displacement of civilians and tens of thousands of mostly military casualties before an arms embargo was imposed and a cease-fire was agreed. In the Democratic Republic of the Congo (DRC) the continuous flow of arms to the war's many participants helped to undermine a 1999 peace agreement and prolong a highly abusive war. Former allies Rwanda and Uganda turned their foreign-supplied guns on each other in DRC, leading to hundreds of civilian deaths and injuries. In Burundi, the lack of so much as a pledge to halt weapons purchases, together with other factors, raised concerns that a shaky, hard-won peace deal would not last, and that as a result civilians would continue to fall victim to abusive armed forces.

In Angola a peace process intended to end a longstanding, brutal war instead brought only disillusionment. Poorly enforced sanctions, including embargoes on arms and diamonds, did little to curb the Angolan rebels' ability to terrorize innocent civilians. In Sierra Leone, a 1999 peace accord crumbled when rebels who were

supposed to have disarmed instead captured hundreds of U.N. peacekeepers, seizing their weapons and holding them hostage for weeks. After May 2000, the rebels who had long targeted civilians also turned their weapons against peacekeepers and pro-government forces. As in Angola, a neglected arms embargo in Sierra Leone (as well as neighboring Liberia) allowed rebels to use diamond revenue to amass weapons and ammunition with which to commit horrific atrocities.

As arms flows fed conflict in Africa and elsewhere, the search for solutions to this grave problem took many forms. Governments, often acting through multilateral organizations, focused on imposing new sanctions or cracking down on illicit arms trafficking by tightening controls on arms brokers. They also acted against the illicit trade in diamonds that, in some cases, facilitated illicit arms sales. Civil society groups, many of them joined in a global campaign to tackle the proliferation of small arms, supported such measures, but also argued for concerted action to further regulate the legal trade in weapons and specifically prevent weapons transfers to areas of violent conflict.

Antipersonnel Landmines

Overall, global progress toward the complete elimination of antipersonnel landmines continued at an impressive pace. Extensive use of mines in the conflicts in Chechnya and Kosovo were disturbing reminders of how far there was to go. Between November 1999 and October 2000, the number of nations ratifying the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Antipersonnel Mines and On Their Destruction (Mine Ban Treaty) grew from eighty-seven to 107. At the time of this writing, a total of 139 countries had signed, ratified, or acceded to the treaty.

The treaty's intersessional work program, established in May 1999, was proven highly successful. The five Standing Committees of Experts met regularly to identify

areas of concern and develop plans to ensure swift and effective implementation of the treaty. Their work served to facilitate better coordination and to spur progress globally on the range of mine issues. In September 2000, the Second Meeting of States Parties to the Mine Ban Treaty was held in Geneva. States Parties, in close cooperation with the International Campaign to Ban Landmines (ICBL), developed an extensive action program for the coming year. Human Rights Watch headed the official delegation of the ICBL to this diplomatic conference.

Parties to Amended Protocol II on landmines of the 1980 Convention on Conventional Weapons (CCW), which only restricted certain types of use of some antipersonnel mines, held their first annual conference in December 1999. The United States made a number of proposals, primarily related to antivehicle mines. A formal review conference of the CCW was scheduled for late 2001. For the fourth straight year, governments were unsuccessful in placing antipersonnel mines on the agenda of the Conference on Disarmament.

The International Campaign to Ban Landmines, the Nobel Peace Prize-winning coalition of more than 1,400 nongovernmental organizations (NGO)s in more than ninety countries, continued to play its lead role in promoting a comprehensive ban on antipersonnel mines and more resources for mine clearance and victim assistance programs. The ICBL was extensively involved in the intersessional work program, and Human Rights Watch was the primary liaison to the key Standing Committee dealing with General Status and Operation of the treaty, as well as the Standing Committee on Stockpile Destruction. The ICBL continued to develop its Landmine Monitor system—the unprecedented initiative marking the first time that civil society groups monitored a disarmament or humanitarian law treaty in a systematic and coordinated way. The Landmine Monitor network grew to 115 researchers in ninety-five countries. Human Rights Watch was the lead organization in developing, coordinating, and implement-

ing the Landmine Monitor system.

In September 2000, the ICBL released the 1,100-page *Landmine Monitor Report 2000*, with information on every country of the world with respect to mine use, production, stockpiling, trade, mine clearance, and victim assistance. Human Rights Watch served as the coordinator, editor, and publisher of the report. The report found that since the Mine Ban Treaty entered into force in March 1999, virtually every indicator of progress was positive: decreasing use and production, a near complete halt to trade, more than 22 million stockpiled mines destroyed by at least fifty nations, increased funding for mine clearance, more land returned to communities, and decreasing numbers of mine victims in heavily affected nations. However, Landmine Monitor identified eleven governments that had apparently used antipersonnel mines in this period, including treaty signatories Angola, Burundi, and Sudan (none of which had ratified the treaty), as well as at least thirty rebel groups.

As part of its efforts to get all governments to ratify or accede to the Mine Ban Treaty, and to promote effective implementation of the treaty, the ICBL hosted or co-hosted with governments a number of regional conferences (in Azerbaijan, Belarus, Egypt, Georgia, Malaysia, and Slovenia), as well as national seminars and workshops (in India, Iran, Japan, Nepal, Nigeria, and the U.S.). ICBL members also undertook advocacy missions to Kosovo, South Korea, and the United Arab Emirates, in addition to meetings at the United Nations in Geneva and New York.

Conventional Weapons

In 1999 global military spending rose, marking an end to the sharp decline in spending from Cold War-era peak levels. According to the Stockholm International Peace Research Institute (SIPRI), worldwide defense spending grew to approximately U.S. \$780 billion in 1999 (\$719 billion in constant 1995 U.S. dollars), the most recent year for which figures were available in October

2000. SIPRI attributed this increase of about 2 percent from 1998 to resurgent spending by a handful of the world's largest military spenders and higher military expenditures by African countries engaged in armed conflicts.

Competition for weapons contracts remained intense, with many arms suppliers vying for clients and a few countries dominating the market for expensive weapons systems. The United States Congressional Research Service (CRS) reported the delivery of arms worth \$18.4 billion by the U.S., more than half the total value of arms deliveries worldwide. The United Kingdom ranked second, delivering \$4.5 billion in weapons, and Russia third, delivering \$2.7 billion. These top three arms exporters together accounted for 75 percent of global arms deliveries, which declined from \$36.4 billion in 1998 to about \$34 billion in 1999.

In addition to completed arms deliveries, another \$30.3 billion in arms sales were negotiated worldwide in 1999, a sharp increase over the previous year's figure of \$22.98 billion. The United States once again dominated the field, negotiating almost \$11.8 billion in agreements, followed by Russia, whose efforts to boost arms exports resulted in \$4.8 billion in agreements, a sizable jump from \$2.6 billion the previous year. The value of third-ranked Germany's arms transfers agreements slipped to \$4 billion from \$5.1 billion in 1998.

Chemical Weapons

At this writing 140 states had ratified or acceded to the 1993 Convention on the Prohibition of the Development, Production, Stockpiling, and Use of Chemical Weapons and on their Destruction (Chemical Weapons Convention, CWC). The most notable addition in 2000 was the Federal Republic of Yugoslavia, which acceded in April. Thirty-four states had signed the treaty but not yet ratified it. While many states parties failed to comply with all aspects of the CWC's timetables, as of May 2000 all had submitted their initial declarations to the Secretariat of the Organization for the Prohibition of

Chemical Weapons (OPCW), the body overseeing the implementation of the CWC. However, well under a half of the states parties had enacted national legislation required by the CWC. In addition, Russia had to ask the Fifth Conference of States Parties to extend the April 2000 intermediate destruction deadline (for the destruction of 1 percent of its chemical warfare munitions stockpile) mandated in the CWC. The OPCW had conducted 739 inspections of 352 sites in thirty-five states parties by May 2000. By the third year after entry into force of the CWC on April 29, 2000, non-states parties to the CWC could no longer import, or were severely restricted in importing, certain chemicals that could be used to synthesize chemical warfare agents.

In an exception to this progress, the Iraqi government continued to reject cooperation with the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC), the successor of the U.N. Special Commission (UNSCOM). UNMOVIC, charged with inspecting Iraq's weapons of mass destruction (WMD), was again denied access in August, amplifying concerns that Iraq was seeking to revive its WMD programs. An examination of available information and materials (primarily soil samples) by British, U.N., and other officials in response to claims that the government of Sudan had used chemical weapons in southern Sudan in 1999 found no concrete evidence to support the allegations.

Biological Weapons

As of October 2000, 144 states had ratified the 1972 Convention on the Prohibition of the Development, Stockpiling, and Use of Bacteriological (Biological) and Toxin Weapons and on their Destruction (Biological Weapons Convention, BWC), while eighteen states had signed but not yet ratified. Negotiations continued on a legally binding protocol to improve implementation of the treaty. An ad hoc group charged with developing verification mechanisms, which began negotiating a draft compliance protocol in 1997, found broad agreement on many

key issues. However, several issues remained unresolved after the group's July/August meeting, including definitions of which facilities should be required to submit declarations, the scope and purpose of visits, and procedures for launching and conducting investigations. The ad hoc group hoped to finalize the text of the protocol before the fifth review conference of the BWC in 2001.

Mechanisms of Arms Control

United Nations

The member states of the United Nations, as well as the U.N. Secretariat, focused greater attention on international transfers of small arms and light weapons in 2000. These weapons were a particular source of concern because of the enormous humanitarian impact of their widespread availability and misuse. In areas of violent conflict in particular, well-armed, unaccountable actors often used small arms to carry out attacks on civilians.

Following the recommendation of U.N. experts, the U.N. General Assembly agreed in December 1999 to hold in mid-2001 the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All its Aspects. As of October 2000, planning for the event had proceeded slowly. An initial meeting of the preparatory committee for the conference, held in February/March 2000, yielded few results. The venue and date remained undecided, and decisions on the scope of the conference, the desired outcome, and the participation of NGOs likewise remained unclear. Further preparatory meetings were scheduled for January and March 2001. In the interim, several regional conferences and initiatives on small arms allowed governments to develop and refine policy positions and build momentum for the 2001 U.N. conference. For example, the Organization for Security and Cooperation in Europe (OSCE) convened a small arms seminar in April 2000 and worked to negotiate an OSCE text on small arms to be adopted later in the year.

At U.N. headquarters, Secretary-Gen-

eral Kofi Annan continued broadbased consultations with governments and some NGOs to identify the magnitude and scope of illicit trafficking in small arms, measures to combat such trafficking, and possible U.N. contributions to information-sharing on small arms. He released reports on these consultations in September 1999 and August 2000, for review in advance of the 2001 conference. The U.N. group of experts on small arms also worked throughout the year to prepare a background study and recommendations for consideration at the conference, with special attention to the feasibility of limiting the manufacture and trade in small arms. Only a handful of states had responded to a request by the secretary-general request for comments on the recommendations provided in earlier expert reports on small arms. These replies were included in a July report to which future responses could be added. The goal of curbing the small arms trade was noted repeatedly in different U.N. fora, including at the Millennium Summit of world leaders in September.

In 2000 the United Nations compiled information on weapons transfers for the eighth year. The U.N. Register of Conventional Arms was established in 1992 as a transparency and confidence-building mechanism relying on data submitted voluntarily by states. In 1999 eighty states supplied information to the register, a marked decline from ninety-seven responses the previous year. As in the past, many states furnished incomplete information or supplied it late, while others declined to participate. The 2000 register, which contained composite information regarding 1999 transfers, was issued in August and included information from eight-four states at that time. Responding to a request by the General Assembly, a U.N. group of experts met in 2000 to consider the further development of the register, as well as mechanisms to increase transparency related to weapons of mass destruction, and their conclusions were described in a separate August report. Government comments regarding the proposed expansion of the U.N. register were ap-

pending to the register itself.

In December 1999 the General Assembly requested states to furnish information about their military expenditures annually. The first composite report with the resulting thirty-two responses was issued in July 2000. The secretary-general also responded, in an August report, to a General Assembly request for information on international assistance to curb illicit arms trafficking and provide assistance with weapons collection programs.

Under U.N. auspices, negotiations continued on an International Convention Against Transnational Crime, to be supplemented by three protocols. The General Assembly requested an ad hoc committee to prepare a draft Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, as well as two protocols on other topics, for approval by the General Assembly before the end of 2000. The ad hoc committee approved a draft of the convention itself in July, but had not finalized the draft firearms proposal as of October 2000, when another negotiating session was scheduled to take place.

European Union

The European Union Code of Conduct on Arms Exports entered its second year in 2000. Under the non-binding code, states agreed, among other provisions, not to authorize arms exports to human rights abusers, areas of violent conflict, or countries that might retransfer the weapons to unauthorized third parties. The E.U. member states claimed the code was a success, but the lack of transparency about its implementation made it impossible to verify that the code had led to a convergence of arms export practices. The first report on the implementation of the code was published under pressure from the European Parliament, NGOs, and others. It was disappointingly short on information. It was not clear at this writing whether the E.U. Council of Ministers would publish the second report, due before the end of the year. There were few indications that

it would include information on the weapons sold or identify arms recipients, as urged by NGOs.

The E.U. Code, already subscribed to by more than a dozen non-E.U. countries, further extended its reach when the United States endorsed the code in December 1999. The E.U. hesitated to use this commitment to influence arms export policies of the countries in question, in particular the candidate countries for E.U. membership. E.U. member states also were reluctant to strengthen the code by making it legally binding, improving end-user control, and introducing rules for brokering and licensed production. The E.U. achieved agreement in 2000 on control lists for military goods and dual-use goods under the code.

At the national level, the German cabinet in January 2000 adopted guidelines to bring its arms export controls in line with the E.U. Code, and Germany joined France in issuing its first national report on arms exports in 2000. This brought the number of member states that publish annual arms exports reports to eight (Belgium, Italy, Netherlands, Spain, Sweden and U.K. being the others). In the U.K., the ruling Labor Party announced in September that it would introduce a system of licensing for arms brokering and trafficking, as strongly advocated by NGOs.

North Atlantic Treaty Organization

The North Atlantic Treaty Organization (NATO), which had been slow to recognize the dangers small arms proliferation posed to human rights and the security interests of the alliance, made strides in 2000 to begin work in this area. In February 2000 NATO's Euro-Atlantic Partnership Council (EAPC), which brings together NATO allies and former Warsaw Pact countries, incorporated a chapter on small arms into the work program of NATO's Partnership for Peace. This move created new training and assistance programs to destroy surplus small arms and improve the management and security of weapons stockpiles in partner countries. As of October 2000, few countries had taken up

the offer of help. Under an initiative sponsored by the U.S., Germany, and Norway and announced in September 2000, Albania was to destroy 130,000 small arms by the end of 2000. A small arms destruction team traveled to Bulgaria in October for an assessment visit, but it was unclear at this writing whether the discussions would result in agreement to undertake a small arms destruction program.

The EAPC's working group on small arms, which spurred creation of the new programs, as well as a series of seminars on various small arms topics, could not agree to take up concrete action on more politically sensitive topics, such as transparency in the arms trade and arms export controls. A planned November seminar was expected to identify practical assistance needs related to export controls that could be met through partnership-sponsored assistance programs, such as the provision of software and equipment. There was little expectation that a consensus would emerge to move forward on harmonization of such controls.

For the first time NATO aspirants were required in 2000 to report on participation in major arms control agreements in an appendix to their annual Membership Action Plans. NATO, however, did not ask aspirant countries to report on compliance with key policy commitments, such as the E.U. Code of Conduct, that explicitly addressed the human rights implications of conventional arms transfers.

At a Euro-Atlantic Partnership Council ministerial meeting in May 2000, Canadian foreign minister Lloyd Axworthy linked NATO membership to responsible arms trading practices. He stated that national parliaments would be unlikely to approve NATO enlargement unless candidates did their best to halt irresponsible flows of surplus weapons, echoing a warning that NATO officials said was communicated privately to aspirant countries. Human Rights Watch had repeatedly called on the alliance and individual member states to use such leverage to press for reform of aspirant countries' arms trade behavior.

Military modernization efforts in Central and Eastern Europe, linked to NATO enlargement, continued to result in vast quantities of surplus small arms, as well as heavy weapons, being offered for sale. NATO member states made assistance available to partners to destroy surplus small arms, as noted, but did not adopt a broader approach. Human Rights Watch called for NATO states to provide incentives for the disposal of excess weapons, including heavy military equipment, that otherwise risked being sold to human rights abusers. To stem the dumping of Soviet-standard weapons into the marketplace, Human Rights Watch further called for the provision of newer, NATO-standard equipment to candidate countries and new allies to be made contingent on their responsible disposal of quantities of surplus arms.

Other Regional Mechanisms

The Wassenaar Arrangement on Export Controls entered its fifth year of operation and the thirty-five participating states concluded the first overall assessment of its functioning in 2000. Participants agreed to improve the efficiency and effectiveness of the General Information Exchange on non-participating states, and to improve transparency in the exchange of information on arms deliveries. States also affirmed that: "there should be strong, effective, transparent and national law-based enforcement of export controls. The elements of export control enforcement include a preventive programme, an investigatory process, penalties for violations, and international cooperation." Members also discussed for the first time including small arms and light weapons in the regime, as well as the possibility of also developing common export guidelines for man-portable surface-to-air missiles, a proposal heavily favored by the U.S. The U.S. also proposed expanding the list of seven reporting categories for weapons to seventeen, and that member countries report all arms transfers to areas of armed conflict. In addition, the U.S. publicly encouraged Wassenaar states to enhance the transparency of arms exports through the

publication of annual reports.

In November 1999, members of NATO and the former Warsaw Pact agreed to update the 1990 Conventional Forces in Europe (CFE) Treaty to impose national, rather than bloc-to-bloc, ceilings on holdings of certain heavy weapons. The adapted treaty will take effect once thirty states ratify it.

Also in November 1999, on the occasion of an OSCE summit in Turkey, the participants in the Stability Pact for South Eastern Europe issued a declaration on small arms and light weapons. They agreed to combat illicit arms trafficking and to destroy surplus and seized weapons.

Within the Organization of American States (OAS), at this writing the United States Senate had not acted to provide its advice and consent for ratification of either the 1997 Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Material or the 1999 Inter-American Convention on Transparency in Conventional Weapons Acquisitions. Only one state, Canada, had ratified the Transparency in Conventional Weapons Acquisitions convention, which seeks to increase transparency and build confidence and security among American states. At this writing, there were ten states party to the OAS illicit arms trafficking convention.

At the December 1999 summit in Togo of the Economic Community of West African States (ECOWAS) the sixteen member states adopted an action plan to complement the three-year moratorium on the import, export, and manufacture of light weapons announced in 1998. The action plan included a code of conduct outlining the procedures and requirements for obtaining a waiver, and the creation of a prototype arms register and weapons database for the West Africa region promoted as a forerunner for an Africa-wide register. Although the small arms moratorium had great symbolic value, ECOWAS lacked the financial resources to provide for substantial monitoring and enforcement mechanisms to prevent highly abusive forces, including rebels in Sierra

Leone, from receiving further weapons. The moratorium therefore achieved little success in curbing the flow of small arms in West Africa, as arms continued to flow to member states such as Liberia and Sierra Leone and make their way into the hands of human rights abusers. ECOWAS received some international assistance, including a grant from the United States to assess individual states' ability to control the flow of small arms, as well as the support of NGOs who sought to strengthen the moratorium.

In Southern Africa, the states of the Southern African Development Community negotiated a draft of a Firearms Protocol to combat the illicit manufacturing, trafficking, possession, or use of firearms. At this writing, the text had not been finalized and adopted.

Arms Embargoes

There were important developments with regard to mandatory U.N. arms embargoes in 2000, including a groundbreaking U.N. report released in March detailing how a highly abusive rebel group in Angola breached a 1993 arms embargo. The report was prepared by an expert panel overseen by the chair of the Security Council Angola sanctions committee, then Canadian ambassador to the U.N. Robert Fowler. The "Fowler report" was remarkable for naming the individuals (including heads of state), companies, and countries implicated in sanctions-busting and also for calling for their punishment. That call went unanswered, with the Security Council deferring action until a further investigation could be completed, anticipated for October 2000. The government of Bulgaria and the presidents of Burkina Faso and Togo, for example, rejected charges that they helped Angola's UNITA rebels breach international sanctions.

As was the case with a previous ad hoc U.N. arms inquiry on Rwanda, Human Rights Watch's efforts to document violations of embargoes imposed on human rights abusers helped pave the way for the U.N.'s investigation. In addition, Human Rights Watch

offered a sympathetic critique of the Angola panel's work, highlighting lessons that would later inform the creation of a dual arms/diamonds inquiry for Sierra Leone. The Security Council mandated the Sierra Leone inquiry in July 2000, two months after Revolutionary United Front (RUF) rebels overran U.N. peacekeepers and NGOs, including Human Rights Watch, proposed this and other measures to prevent the RUF from rearming to continue an unspeakably brutal war. At the same time, to cut off the RUF's source of financing, the Security Council imposed an embargo on all diamond sales that were not authorized by the government of Sierra Leone. In line with the Fowler report's "naming and shaming" approach, several governments, particularly the U.S. and U.K., publicly chastised Liberia and its president for supporting Sierra Leone's rebels, including by trading arms for diamonds, and named Burkina Faso as a transit point for illegal arms shipments. These statements were repeated at a U.N. Sierra Leone sanctions committee hearing on the diamond and arms trades in Sierra Leone, at which Security Council members and others, including a Human Rights Watch representative, made statements. The U.N.'s Sierra Leone investigative panel was due to prepare a report by the end of October. At this writing, the Security Council had not taken needed steps to ensure effective enforcement of the neglected arms embargoes on Sierra Leone and Liberia, for example the deployment of well-equipped U.N. forces to monitor borders (especially with Liberia), roads, and airstrips bordering on rebel-controlled areas and halt any weapons shipments they detect.

As of October 2000, embargoes remained in place against grossly abusive non-state groups in Angola, Rwanda, and Sierra Leone, as well as against Iraq, Liberia, Somalia, and the Federal Republic of Yugoslavia. The 1992 embargo on Libya was suspended in 1999. A new mandatory arms embargo was imposed on Ethiopia and Eritrea in May 2000 in response to derailed peace talks and continued fighting, but was limited

to a twelve-month time frame. This move reflected an ongoing debate about reform of U.N. sanctions regimes. The Security Council convened a special debate on sanctions in April 2000, and a Security Council working group subsequently began studying sanctions in order to propose measures to enhance their effectiveness. This debate was informed by several initiatives both within and outside the U.N. to analyze weaknesses in U.N. sanctions regimes and develop recommendations for action. A proposal, advanced by Human Rights Watch and other nongovernmental organizations, to create a permanent U.N. embargoes unit appeared to gain support in 2000.

Tackling Small Arms Proliferation

Small arms and light weapons continued to be the weapons of choice in wars around the world. Plentiful, highly portable, easy to maintain, and relatively inexpensive, these weapons were often turned against civilians. A 1999 study by the International Committee of the Red Cross (ICRC) noted that even by very conservative estimates drawing on the ICRC's database of treated weapons injuries, more than a third of all victims of armed attacks were civilians. The ICRC argued for legal restraints on the trade in small arms based on respect for international humanitarian law.

With the U.N. conference on small arms planned for 2001, NGOs geared up for the event. The International Action Network on Small Arms (IANSA), which counted well over two hundred participants, including Human Rights Watch, pressed for the conference to address the legal trade in arms, as well as illicit trafficking; to result in concrete actions rather than mere rhetoric; and to be inclusive of the views of civil society. The formation of an Eminent Persons Group on Small Arms brought several high-profile figures to the global campaign.

Although IANSA participants recognized that supply-side measures alone could not fully address the impact of arms flows on civilians, reining in weapons exporters and arms brokers continued to be an important

element of the small arms campaign. For example, tons of surplus arms sold cheaply by former Warsaw Pact countries that were new or aspiring members of NATO contributed to the widespread availability of small arms and their low price. These countries, as well as several former Soviet republics and China, had much greater need for hard currency than for large stockpiles of aging Soviet-standard military equipment. As with small arms originating in countries with lax controls, surplus heavy weapons were often sold without consideration for the dangers posed by arms sales to areas of conflict marked by gross human rights abuses.

Bulgaria in particular was scrutinized for its record of arms transfers, with several governments and organizations joining Human Rights Watch in criticizing the country's poor controls. U.S. President Bill Clinton raised arms trade concerns with the Bulgarian prime minister during a November 1999 visit, and NATO officials also stated that the topic had been discussed at high levels with Bulgarian officials. These efforts were reinforced by the U.N.'s Angola panel, which named Bulgaria as the UNITA rebels' main arms supplier in March 2000 and called for NATO to weigh Bulgaria's membership bid with this behavior in mind. The head of the panel also explicitly linked Bulgaria's pending accession to the European Union with efforts to clean up its arms export practices.

These efforts began to bear modest fruit as the Bulgarian government, feeling the pressure, promised to tighten controls. It undertook to restrict the use of falsified arms trade documents by working with other southeast European countries to develop standardized and hard-to-forgo alternatives, moved to create an independent oversight agency for the arms trade, asked for help destroying surplus small arms stocks, and promised to push for adoption of reforms to the national arms trade law. Still, much remained to be done. Proposed legal changes were insufficient to close important loopholes, and neglected to incorporate into law human rights criteria for arms exports. Bulgaria also repeatedly reneged on its pledge to

adhere to the non-binding E.U. Code of Conduct on Arms Exports, while implementation and enforcement of the country's existing arms trade law remained a serious problem.

South Africa, another arms exporter, has disappointed human rights and arms control advocates with some of its sales. While its arms control policy was in principle quite strong, Pretoria had furnished weapons to clients such as Algeria which did not meet South Africa's code of conduct criteria on human rights and conflict. Further, a long-awaited bill intended to formalize the remarkable arms control reforms made since 1994 (the end of the apartheid era) fell seriously short of expectations. Among other shortcomings, the bill presented to parliament in July 2000 left out the human rights criteria at the core of South Africa's ethical arms export policy. After strong protest from NGOs, the bill was withdrawn for redrafting.

Weapons and the Conduct of War

Targeting in Warfare and Civilian Casualties

In a report released in February 2000, based on an investigative mission in August 1999, Human Rights Watch estimated that the seventy-eight-day bombing campaign against Yugoslavia resulted in about 500 civilian deaths in ninety separate incidents. Human Rights Watch concluded that NATO violated international humanitarian law, but did not commit war crimes. One-third of the incidents and one-half of the deaths were the result of attacks on illegitimate or questionable targets, including Serb Radio and Television, heating plants, and bridges. Human Rights Watch criticized the use of cluster bombs in populated areas, insufficient precautions in warning civilians of attacks, and insufficient precautions in identifying the presence of civilians when attacking convoys and mobile targets. Human Rights Watch called for changes in targeting and bombing doctrine to ensure compliance with international humanitarian law.

Cluster Bombs

The use of cluster bombs by NATO in the Kosovo conflict generated extensive attention to the negative humanitarian impact of these weapons. U.S. and U.K. aircraft dropped about 1,600 cluster bombs on Yugoslavia, containing about 300,000 individual bomblets. According to a Human Rights Watch investigation, at least ninety and as many as 150 civilians died in incidents involving NATO use of cluster bombs—15 to 25 percent of all civilian deaths in the conflict. The large number of civilian casualties reflected both the difficulty of accurately targeting cluster bombs, and the decision to use them in populated, urban areas.

Cluster bombs not only posed a special danger to civilians during conflict, but like landmines, continued to take civilian victims even after the war ended. Cluster bomblets that did not explode on impact as designed became de facto antipersonnel mines that would then explode from the contact of a person. Using a very conservative estimated failure rate of 5 percent, the air war resulted in some 15,000 unexploded bomblets littering the country. Those bomblets had caused several hundred civilian casualties since the end of the bombing campaign in June 1999; more children had been killed or injured by cluster bomblets than landmines.

In December 1999, in a memorandum to delegates to the Convention on Conventional Weapons, Human Rights Watch called for a moratorium on the use of cluster bombs by all nations until humanitarian concerns can be adequately addressed. Subsequently the International Committee of the Red Cross and other organizations also called for a use moratorium. In September 2000 the ICRC called for a new “remnants of war” protocol to the CCW that would require users to be responsible for post-conflict clean-up and require self-destruct mechanisms on munitions such as cluster bombs.

United States Policy

Antipersonnel Landmines

There was no change in the Clinton administration policy announced in May 1998 that the U.S. would join the Mine Ban Treaty in 2006 if the Pentagon was successful in identifying and fielding alternatives by that time. After several years of inaction, Pentagon spending and activities related to the search for alternatives expanded, but it also became increasingly clear that the 2006 date was unlikely to be met. While the U.S. deserved credit for continuing to increase the amount of money it devoted to mine clearance programs around the world, it had not taken adequate steps to move closer to a comprehensive ban on the weapon.

There were several disturbing developments in 2000. For the second year in a row, the Pentagon asked for \$48 million for a new mine system called RADAM that would contain not only antitank mines, but also antipersonnel mines banned under the Mine Ban Treaty. Congress cut funding to \$8 million in 1999 and appropriated \$28 million in 2000. Moreover it came to light that the “alternative” that was farthest along in the developmental stages, the so-called man-in-the-loop system, still contained a feature that when activated would return the munition to traditional antipersonnel mine status, and therefore be prohibited by the ban treaty. Human Rights Watch also discovered U.S. Air Force plans to stockpile antipersonnel mines in Qatar, a party to the Mine Ban Treaty.

Conventional Weapons and Military Transfers or Training

U.S. efforts in 2000 to control the flow of conventional weapons focused on illicit trafficking in small arms and light weapons. In February 2000, the Department of State released a fact sheet outlining U.S. priorities in this area, which included increasing domestic and international transparency of arms transfers, helping other countries destroy surplus weapons stocks, and enforcing U.N. arms embargoes. These priorities reflected

input from U.S.-based NGOs, often acting in concert as members of the Small Arms Working Group and the Arms Transfers Working Group.

In November 1999 the International Arms Sales Code of Conduct Act of 1999 was signed into law as an amendment to the Consolidated Appropriations Act for Fiscal Year 2000. The amendment, the result of a compromise between Representatives Cynthia McKinney (Democrat, Georgia) and Sam Gejdenson (Democrat, Connecticut), required the Clinton administration to support efforts to negotiate an international code of conduct for arms transfers. The following month, the U.S. endorsed the 1998 E.U. Code of Conduct on arms exports. At this writing, the U.S. government had not incorporated into national regulations E.U. Code criteria that went beyond those already followed by the U.S., so it was unclear how the U.S. intended to adhere to the criteria. Also in the Consolidated Appropriations Act, Congress required the Secretary of State to submit by May 2000 reports on small arms proliferation and the arms export licensing process. At this writing, both reports to Congress were pending.

At a NATO meeting in May 2000, Secretary of State Madeleine Albright announced arms export reforms to facilitate U.S. arms exports to close allies. Under the Defense Trade Security Initiative, the U.S. introduced seventeen changes to its domestic arms regulations, most aimed at expediting the export licensing process. NGOs expressed concern that the exemptions would undermine efforts to monitor U.S. weapons exports and ensure that they are not illegally diverted to unauthorized end users.

The Leahy Amendment, which prohibited the U.S. from giving security assistance to abusive forces, continued to have a beneficial impact on U.S. policy. In August, U.S. Special Forces arrived in Nigeria to help train and equip battalions of Nigerians to serve as peacekeepers in Sierra Leone. In order to comply with the Leahy law, the U.S. pledged to screen all potential trainees and exclude those suspected of having commit-

ted human rights abuses. It did not, however, take the further step of promoting prosecution of human rights abusers as a condition for such assistance.

In March 2000 the Departments of Defense and State released a three-part report outlining foreign military training programs in fiscal years 1999 and 2000, of which two parts were classified. The declassified portion of the report was a disappointing setback for efforts to increase transparency in foreign military assistance. It no longer identified the foreign military units trained, for example, and thus made more difficult the monitoring of U.S. compliance with the Leahy law.

In July 2000, the U.S. General Accounting Office released a report summarizing U.S. efforts to stem the proliferation of small arms. It stated that between 1996 and 1998, the U.S. authorized transfers or delivered \$3.7 billion in small arms, primarily to close allies (Turkey was one top recipient), and acknowledged that some of these weapons had ended up on the black market. The GAO also noted U.S. contributions to international efforts to control the trade in small arms and its role in helping other states destroy excess weapons. In a second report, released in August, the GAO examined the U.S.'s end-use monitoring efforts. The GAO concluded that the Department of Defense was failing in three areas: requiring field personnel to conduct and report on end-user checks; requiring field personnel to conduct such checks in response to specific circumstances or for certain weapons systems; and complying with the reporting requirements of the Arms Export Control Act of 1996. The report attributed these failures to inadequate training and guidance provided to field personnel on end-use monitoring requirements.

In September 2000 the Defense Department released its portion of the annual "Section 655" report, detailing arms sales for fiscal year 1999. As of October 2000, the State Department had not yet released its complementary portion.

Chemical and Biological Weapons

The United States was in “technical non-compliance” with the 1993 Chemical Weapons Convention until May 2000, when, three years late, it began submitting its initial declarations under the treaty with respect to possession or production of chemical weapons. Although U.S. declarations included almost 600 chemical manufacturing facilities, it was unclear if all facilities that should be declared were included. Inspections of U.S. industry facilities also began in May. According to the U.S. General Accounting Office, the United States would most likely not meet the 2007 deadline for the complete destruction of its chemical weapons stockpiles.

There was concern in 2000 that the U.S. was not providing needed leadership in the negotiations for a compliance protocol to the 1972 Biological Weapons Convention (BWC). The ad hoc group charged with negotiating the protocol hoped to complete its work before the fifth review conference of the BWC, scheduled for late 2001, but absence of U.S. support for this effort undermined its prospects for success.

Relevant Human Rights Watch

Reports:

Angola Unravels: The Rise and Fall of the Lusaka Peace Process, 9/99

Landmine Monitor Report 2000: Toward a Mine-Free World and the Executive Summary: Landmine Monitor Report 2000, 9/00

NATO: Civilian Deaths in the NATO Air Campaign, 2/00

South Africa: A Question of Principle: Arms Trade and Human Rights, 10/00

United States: Clinton’s Landmine Legacy, 7/00

