



# THE ROLE OF BUSINESS ENTERPRISES IN THE DEVELOPMENT AND TRADE OF WEAPONS

*An Intersection Between IHL and IHRL*

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*The role of arms companies in deadly conflicts marred by serious human rights violations has been the elephant in the room for long.*

”

**Patrick Wilcken**

Arms Control Researcher,  
Amnesty International





# SCALE

## Global Arms Trade

### TOP 5 EXPORTING COUNTRIES


- (1) United States (36%)
- (2) Russian Federation (21%)
- (3) France (6,8%)
- (4) Germany (6,4%)
- (5) PR China (5,2%)

### TOTAL ARMS SALES (2017)

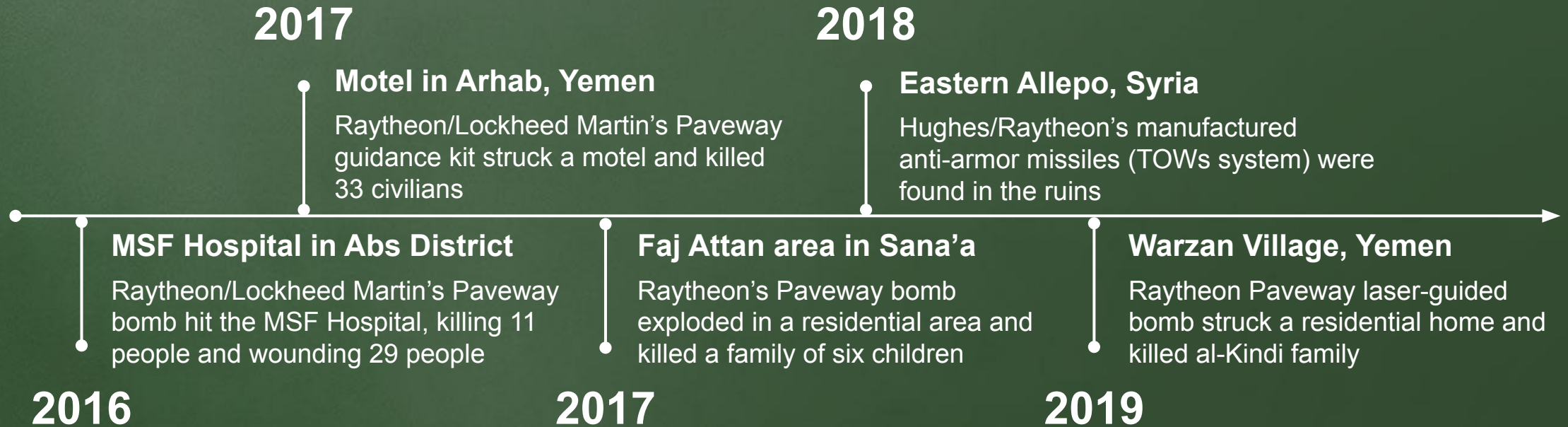
Top 100 arms companies made  
\$398.2 billion of arms sales

### TOP 5 IMPORTING COUNTRIES

- (12%) Saudi Arabia
- (1) (9,5%) India (2)
- (5,1%) Egypt (3)
- (4,6%) Australia (4)
- (4,2%) Algeria (5)



# Arms Manufactured by Business Enterprises (Impacts during Armed Conflicts)





**WHERE DO THE IHL  
& IHRL STAND?**





# *An Overview*

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## **BUSINESS ENTERPRISES & IHL**

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# CARDINAL RULES ON WEAPONRY

1

It is prohibited to employ weapons, projectiles and material and methods of warfare of a nature to cause superfluous injury or unnecessary suffering.

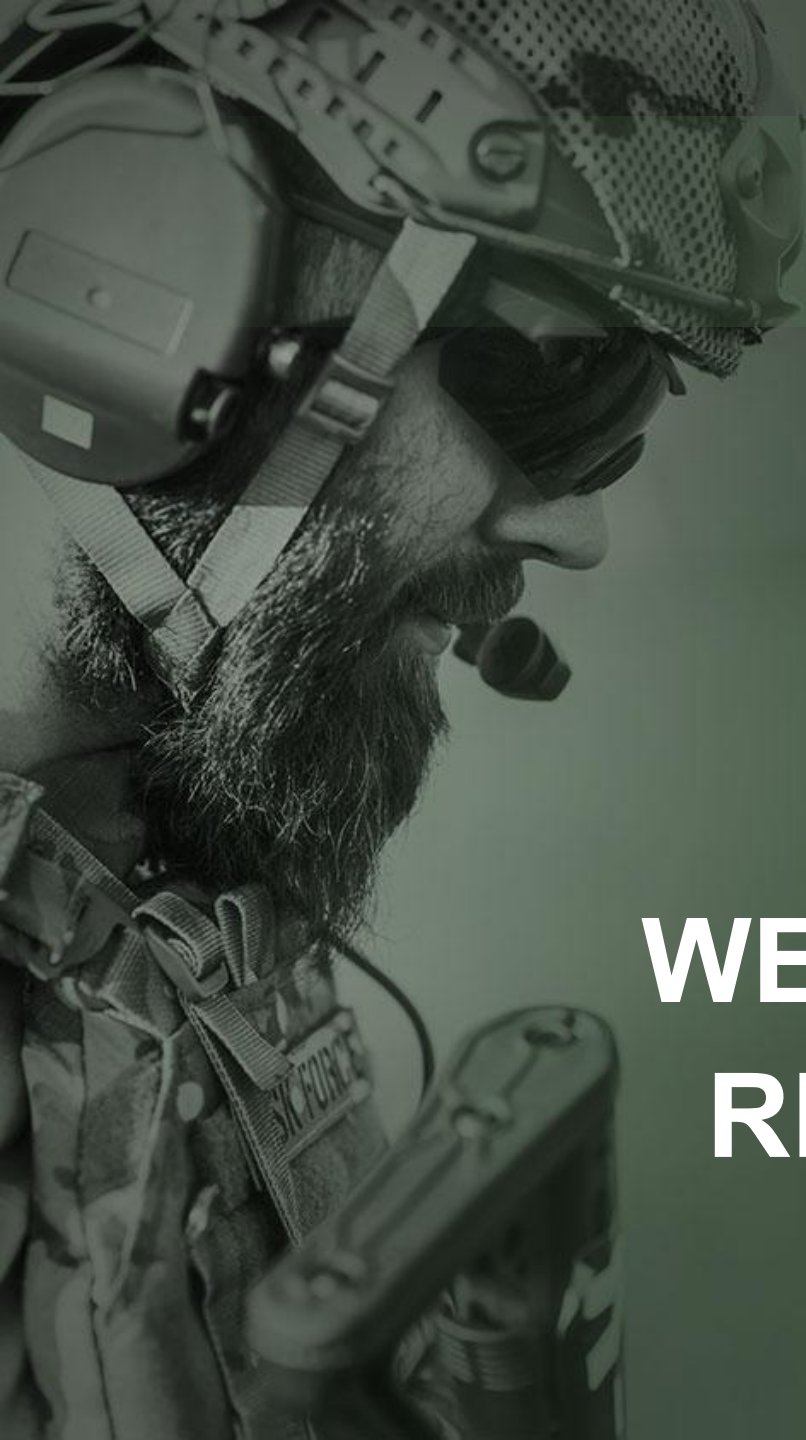
Art. 35(2) AP-I

2

Indiscriminate attacks are prohibited. Indiscriminate attacks are [...] (c) those which employ a method or means of combat the effects of which cannot be limited as required by this Protocol.

Art. 51(4) AP-I





## ART. 36 AP-I

# WEAPON REVIEW

In the study, development, acquisition or adoption of a new weapon, means or method of warfare, a High Contracting Party is under *an obligation to determine* whether its employment would, in some or all circumstances, be prohibited by this Protocol or by any other rule of international law applicable to the High Contracting Party.





# *An Overview*

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## **BUSINESS ENTERPRISES & IHRL**

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## GUIDING PRINCIPLES ON BUSINESS AND HUMAN RIGHTS

Implementing  
the United Nations  
“Protect, Respect and  
Remedy” Framework

# UN Guiding Principles on Business and Human Rights

## Principle 15(b)

In order to meet their responsibility to respect human rights, business enterprises should have in place policies and processes appropriate to their size and circumstances, including:

[...]

- (b) A human rights due diligence process to identify, prevent, mitigate and account for how they address their impacts on human rights.





## GUIDING PRINCIPLES ON BUSINESS AND HUMAN RIGHTS

Implementing  
the United Nations  
"Protect, Respect and  
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# UN Guiding Principles on Business and Human Rights

## Principle 17

In order to identify, prevent, mitigate and account for how they address their adverse human rights impacts, business enterprises should carry out human rights due diligence. The process should include assessing actual and potential human rights impacts, integrating and acting upon the findings, tracking responses, and communicating how impacts are addressed.

Human rights due diligence:

- (a) Should cover adverse human rights impacts that the business enterprise may cause or contribute to through its own activities, or which may be directly linked to its operations, products or services by its business relationships;
- (b) Will vary in complexity with the size of the business enterprise, the risk of severe human rights impacts, and the nature and context of its operations;
- (c) Should be ongoing, recognizing that the human rights risks may change over time as the business enterprise's operations and operating context evolve.



# Lockheed Martin's Code of Conduct (Sec. 4)

## We are Committed to Protecting Human Rights

### We Set the Standard

We are committed to good citizenship, which includes the protection and advancement of internationally recognized human rights.

### Fair Treatment

- We treat others with respect and dignity, encourage diversity and diverse opinions, promote equal opportunity for all and help create an inclusive and ethical culture.
- We prohibit harassment, bullying and discrimination, use of child, compulsory or forced labor, trafficking in persons and any acts associated with modern day slavery for any purpose.

### Resource Access

- We promote environmental responsibility by reducing our use of natural resources and maximizing the efficiency of our products.
- We innovate technologies that can protect and provide access to natural resources.
- We support economic access through fair and inclusive hiring and remuneration practices and supplier diversity outreach.

**CURRENT  
PRACTICE**



Thank You