



ICRC

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**Preparatory Committee for the 2006 Conference to Review Progress
Made in the Implementation of the Programme of Action to Prevent,
Combat and Eradicate the Illicit Trade in Small Arms and Light
Weapons in All Its Aspects**

9 January – 20 January 2005

Statement by the International Committee of the Red Cross (ICRC)

New York, 12 January 2006

Mr. Chairman,

The International Committee of the Red Cross (ICRC) welcomes this opportunity to address the Preparatory Committee for the Review Conference of the UN Programme of Action on Small Arms and Light Weapons. The concerns we present here are also shared by National Red Cross and Red Crescent Societies throughout the world and by their International Federation (IFRC). Indeed, the ICRC, together with many of its partners within the Red Cross and Red Crescent Movement, witnesses daily the humanitarian problems caused by small arms and light weapons, not only during armed conflicts but also long after wars have ended, and supports strongly any measure which could contribute efficiently to reduce their unregulated availability or misuse.

The task of this Preparatory Committee is to prepare the ground for a successful Review Conference in just over five months. To perform this task effectively, the objective of the UN Programme of Action itself must constantly be kept in mind. That objective, according to the preamble is: *"to reduce the human suffering caused by the illicit trade in small arms and light weapons in all its aspects and to enhance the respect for life and dignity of the human person through the promotion of a culture of peace"*. This is an ambitious objective which is still far from being achieved. The Review Conference will need to assess whether the Programme of Action incorporates all the tools necessary to achieve its objectives and whether more precision is needed to promote its full and effective implementation in the coming years.

The Programme of Action has clearly led to the establishment of norms and mechanisms that can produce long term benefits. The Biennial Meetings of States in 2003 and 2005 have discussed implementation of the Programme of Action and we would not propose here to assess its achievements and challenges. However, our overall observation is that many of the provisions of the Programme of Action are of a general nature and that implementation would be enhanced by more precision. This would also make it easier to determine the extent to which progress is being made. In this spirit, the ICRC would like to highlight four issues that we believe the Review Conference should address:

First, the ICRC considers it essential that an effective international framework is established to put an end to **illicit arms brokering activities**. Without a global regulatory framework, unscrupulous arms brokers can continue to facilitate illicit weapons transfers into conflict areas where persistent and grave violations of international humanitarian law occur by taking advantage of loopholes and inconsistencies in national and regional laws and control mechanisms. To be effective, efforts to prevent the illicit trade in small arms and light weapons should surely include adopting measures to regulate the activities of those who often orchestrate such transfers. This is at the very core of what the Programme of Action was designed to address. We welcome the decision to establish a Group of Governmental Experts to consider further steps in this area. However, the Review Conference should ensure that this Group has a clear mandate to propose to States elements of an international legal framework to regulate arms brokering activities, building on the work already undertaken by the previous UN Group of Experts on brokering.

Second, the Review Conference should define **common standards for arms transfer decision-making**. The Programme of Action calls on States to *"assess applications for export authorizations according to strict national regulations and procedures (...) consistent with the existing responsibilities of States under international law (...)"* and to *"establish and maintain an effective national system of export and import licensing or authorization"*. (Section II, Article 11). Because this provision gives rise to a broad range of interpretations, the Review Conference could usefully identify the key elements of an effective transfer control system and the relevant international legal responsibilities of States. The latter should

certainly include States' obligation to "respect and ensure respect" for international humanitarian law.

Thirdly, the ICRC considers it important that the Review Conference recognize the need for increased efforts to address the **demand for small arms and light weapons**. Illicit markets are after all driven by an existing demand. Unless a reduction in the demand for small arms can be achieved, attempts to better control their supply are likely to be only partially successful and may merely shift the source of supply to the weakest link in the control chain. The Programme of Action calls for "*combating this trade simultaneously from both a supply and demand perspective*". However, measures on the demand side by which this commitment can be implemented in practice should be further elaborated by the Review Conference.

Finally, the Review Conference should support further measures to **reduce the misuse of weapons** in violation of international humanitarian and human rights law. Enhanced respect for existing norms and principles, such as those contained in international humanitarian law, can only increase people's safety and security. In practical terms, there is a need for further efforts in the area of capacity-building for military, security and police forces, as well as other weapons bearers, in the practical application of international humanitarian law. This must be combined with the establishment of effective sanctions for those found responsible for violations of these rules, be they state or non-state actors.

The ICRC would be pleased to further elaborate in the thematic discussions on the issues raised above. In our view the Review Conference will succeed if it provides more precision to guide implementation in key areas, such as reducing demand and producing standards for arms transfer decisions, and if it increases the level of commitment in other fields such as the prevention of illicit arms brokering. It is incumbent on States to do everything within their power to reduce the unspeakable human suffering resulting from the unregulated availability and misuse of small arms and light weapons. The Review Conference can contribute significantly towards this humanitarian end if it facilitates progress by providing a "road map" rather than limits it by seeking only the lowest common denominator. This would mean agreeing on what is necessary to address the problem while acknowledging that different countries and areas of implementation might proceed at different speeds or in different ways.

Thank you, Mr. Chairman.