

Preparatory Committee in preparation of 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

International Committee of the Red Cross (ICRC)

Statement during thematic debate, Cluster III, 17 January 2006

Mr. Chairman,

To "reduce the human suffering caused by the illicit trade in small arms and light weapons" (Preamble, paragraph 4), full attention must be devoted to all dimensions of the problem. In the experience of the ICRC working in armed conflict and post-conflict situations around the world, it is not only the easy access to weapons that causes this suffering, but also their widespread misuse in violation of basic humanitarian principles and international law. Controlling the supply of weapons will thus only have a limited impact on reducing small arms violence unless the complex factors driving the demand for and misuse of weapons are also addressed. The Programme of Action acknowledges the need for such a comprehensive approach in "stressing the urgency of (...) combating this trade simultaneously from both a supply and demand perspective" (Preamble, paragraph 7).

Increasing the capacity and the will of those who bear weapons to act in accordance with international rules is essential to reducing the misuse of small arms. In this regard, the ICRC would like to emphasize the need for further efforts to ensure that military, security and police forces, as well as other arms bearers, use weapons in accordance with international humanitarian law and human rights law. Rules concerning the responsible use of weapons, such as those contained in Protocol I additional to the 1949 Geneva Conventions, the UN Basic Principles on the Use of Force and Firearms and the UN Code of Conduct for Law Enforcement Officials, need to be better known, applied and respected. This must be combined with the establishment of effective sanctions for those found responsible for violations of these rules, whether state agents or non-state actors.

By increasing people's safety and security, such measures may also contribute to reducing the demand for illicit weapons in areas where such demand is a response to insecurity.

At the International Conference of the Red Cross and Red Crescent in 2003, States party to the Geneva Conventions acknowledged the importance of capacity-building in this area as an integral element in reducing the human suffering resulting from the uncontrolled availability and misuse of small arms. The Agenda for Humanitarian Action adopted by the Conference, established that: "*States, with the support of the ICRC and National Societies, should ensure that armed, police and security forces receive systematic training in international humanitarian law and human rights law, in particular concerning the responsible use of weapons. Where appropriate, similar training should be encouraged for organized armed groups.*" (Agenda for Humanitarian Action, Final Goal 2.3, Action 3).

Furthermore, Section III, paragraph 6, of the UN Programme of Action calls on "*States and international and regional organizations*" to "*consider assisting (...) in building capacities in areas including (...) law enforcement (...)*". (UN Programme of Action, Section III, para. 6)

The ICRC believes the Review Conference should reaffirm States' existing responsibility to ensure that State officials use small arms and light weapons in accordance with international law, including international humanitarian law and human rights law. It should also support enhanced capacity-building for military, security and police forces, as well as other arms bearers, in the practical application of these rules.

Thank you, Mr. Chairman.