



ICRC

**Second Biennial Meeting of States
to Consider the Implementation of the United Nations Programme of Action to
Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons
in All Its Aspects**

United Nations Headquarters, 11 July – 15 July 2005

**Statement by the International Committee of the Red Cross (ICRC)
New York, 12 July 2005**

Mr. Chairman,

The International Committee of the Red Cross (ICRC), on behalf also of the National Red Cross and Red Crescent Societies and their International Federation (IFRC), welcomes this opportunity to address the Second Biennial Meeting of States to consider the implementation of the UN Programme of Action. This Second Biennial Meeting takes place at a critical moment in the global efforts to prevent unregulated small arms proliferation. The coming year will require enhanced efforts by States, NGOs and others to prepare for next year's Review Conference, and even more importantly, to ensure that the commitments in the Programme of Action translate into a measurable improvement in the situation of civilians affected by small arms violence. This will be the basis on which the Programme of Action must be assessed one year from now.

From a humanitarian perspective, one of the significant achievements since the last Biennial Meeting were commitments made at the 28th International Conference of the Red Cross and Red Crescent in December 2003 by States Parties to the Geneva Conventions and all Red Cross and Red Crescent Societies. In addition to undertaking a range of practical measures aimed at reducing the human cost of the uncontrolled availability and widespread misuse of weapons, the participants affirmed that States' obligation to "respect and ensure respect" for international humanitarian law requires strict control of the availability of weapons and ammunition to ensure that they do not end up in the hands of those who will use them to violate humanitarian law.

On this basis, the ICRC has worked to encourage States to include in their arms transfer regulations a requirement not to authorize transfers when they are likely to be used to violate humanitarian law. The ICRC is pleased to note that these efforts have been partly successful. The number of national laws and regulations and regional norms on arms transfers that require consideration of respect for international humanitarian law has significantly increased. Notable developments in the last two years include references in the *OAS' Model Regulations for the Control of Brokers of Firearms* and the *Guidelines for the Import, Export and Transit of Small Arms and Light Weapons in the Great Lakes Region and Horn of Africa*. The ICRC is also pleased that an amendment that clarifies and strengthens the existing humanitarian law criterion is expected to feature among the main improvements resulting from the review of the EU Code of Conduct on Arms Exports.

Still, existing regional arms transfer criteria vary and not all regions have adopted such commitments. In terms of national legislation, only a handful of countries have included criteria based on humanitarian law in their arms transfer laws. This highlights the need for commonly agreed standards in this field to achieve consistent approaches to arms transfer decision-making among States. The ICRC therefore supports the development of an international agreement that would define common standards for regulating arms transfers based on States' responsibilities under international law, including international humanitarian law. We are pleased to note that an increasing number of States also believe that such a global agreement on arms transfers is necessary and encourage all States to consider the value of such a framework.

The ICRC has also highlighted the need to act with greater urgency to prevent illicit arms brokering, identified in the Programme of Action as one of the key areas in which States should consider further measures. By orchestrating weapons transfers into conflict areas where persistent and grave violations of international humanitarian law occurs—often in violation of UN arms embargoes—some arms brokers contribute to the exacerbation of these armed conflicts and facilitate continued violations. They are able to continue their illicit arms trafficking activities with impunity by exploiting loopholes and inconsistencies in national and regional mechanisms. This can only be countered through the establishment of an effective global legal regime. Regrettably, further progress towards this goal will only be initiated after the Review Conference. Until a global legal framework can be established, the ICRC urges States to take further action at the national and regional levels to counter illicit arms brokering activities, including by criminalizing and prosecuting such activities.

With regard to the other follow-up measures identified in section IV of the Programme of Action, the most notable development is the recently agreed instrument to promote identification and tracing of illicit small arms. This new instrument will offer possibilities for enhanced international cooperation in this area. The ICRC hopes that States will now demonstrate their commitment to the humanitarian objective of the marking and tracing instrument by swiftly translating its provisions into concrete action.

Mr. Chairman,

Since the adoption of the Programme of Action in 2001, it has become evident that there are additional issues that must be addressed if States are to effectively prevent the widespread proliferation and misuse of small arms and light weapons. The development of global controls on brokers and agreed standards for international arms transfers would not only be complementary to the Programme of Action and the new instrument on marking and tracing, but the success of each will likely depend on adoption of the others. A more comprehensive approach to the prevention of small-arms violence will also require greater efforts to influence the behaviour of those who bear weapons and to reduce the vulnerability of the victims.

This second Biennial Meeting has a crucial role to play in identifying the lessons learned as well as the challenges observed in implementing the Programme of Action. The ICRC urges all participants to use the thematic debates to identify not only what has been achieved, but what more needs to be done. A thorough discussion of the efforts of the past four years is essential so that next year's Review Conference can chart a course for the future. It is clear that in the context of the Programme of Action progress has been made in establishing a variety of mechanisms and norms which can produce long term benefits. States, international organizations and NGOs have invested considerable resources and energy to support implementation. However, we are still far from being able to conclude that the Programme of Action has saved lives on the ground or led to an overall reduction in the availability of illicit arms. More binding and comprehensive measures are sorely needed. The International Committee of the Red Cross urges all delegations to use the year ahead to ensure that the Review Conference will enhance the global efforts to end the immense human suffering facilitated by easy access to small arms and light weapons.

Thank you, Mr. Chairman.