

Statement of the International Committee of the Red Cross

July 15, 2011

Thank you, Mr. Chairman, for your helpful consolidated draft paper and for this opportunity to share some views.

The ICRC considers it essential that criteria based on serious violations of international humanitarian law and human rights lead to the denial of arms transfers when there is a substantial risk that they will be used for serious violations of these bodies of law. We are pleased that your draft paper clearly reflects this.

Regarding the scope of the treaty, it has come to our attention that, depending on one's interpretation of the list of items under Section IV, there are weapons or weapons systems that may or may not be covered, such as air-dropped munitions, demolition charges and hand grenades. These ambiguities highlight the shortcoming of an approach based on lists of conventional weapons. For this reason, we believe it should be made clear in the paper that the treaty applies to all conventional weapons and that the list under Section IV is only indicative and not exhaustive.

We agree with others that the relationship between transfers and other transactions is not clearly defined and is presented differently in the main text and in Annex A. This makes it difficult to understand which transactions are covered by the criteria in Section V. In the view of the ICRC all of the transactions and activities listed in Annex A should be subject to the treaty's criteria.

We welcome the fact that among the goals of this treaty, according to your draft, is the goal of preventing human suffering. This, above all, means reducing the number of new victims of armed violence resulting from unregulated or inadequately regulated access to weapons. To achieve this, more understanding is needed about who is being killed and injured, with what weapons and in what contexts. Without such information it will be difficult to measure the success of the treaty, implement national policies and effectively target national or international assistance to victims. We would suggest that the treaty encourage States to support research and data collection aimed at understanding the human costs and humanitarian impacts of conventional arms. Language along these lines can be found in the UN Programme of Action on Small Arms and Light Weapons. We would also support a clear recognition of the plight and needs of victims of armed conflict and other types of armed violence in the preamble of the treaty.