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Statement of the
International Committee of the Red Cross
delivered by
Ms. Véronique Christory

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Mr President,

Significant changes are afoot in the international debate about nuclear weapons. For decades, the discussion about these weapons focused primarily on military doctrine and security issues. But now there is a growing understanding of their catastrophic consequences for public health, human safety and the environment. More and more States are recognizing and expressing a desire to look more closely at the “catastrophic humanitarian consequences” of any use of nuclear weapons. This recognition was first voiced in the final declaration of the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and in a statement read by Switzerland, on behalf of 16 governments, to the Preparatory Committee for the 2015 NPT Review Conference in May 2012. The decision by Norway to convene an intergovernmental conference next year to address the human and environmental costs of nuclear weapons is further evidence of this trend. In the view of the International Committee of the Red Cross (ICRC), these are important and encouraging developments.

The ICRC has been focused on raising awareness of the incalculable human cost of using nuclear weapons ever since we assisted the victims of the atomic bombing of Hiroshima in August 1945. Our recognition of current dangers and opportunities recently led the International Red Cross and Red Crescent Movement to renew its call for the elimination of nuclear weapons. The Movement, which comprises the ICRC, the International Federation of Red Cross and Red Crescent Societies, and the National Red Cross and Red Crescent Societies of 188 countries, adopted this position at the Movement’s Council of Delegates meeting in November 2011. Our position, which builds upon earlier Movement resolutions, emphasizes the immense suffering that would result from any use of nuclear weapons, as well as the lack of any adequate international response capacity to assist the victims if a nuclear weapon were to be detonated. It recalls the 1996 Advisory Opinion of the International Court of Justice, which expressed the Court’s view that the threat or use of such weapons would generally be contrary to the principles and rules of international humanitarian law. Finally, the Movement calls on all States to ensure that nuclear weapons are never again used and to pursue negotiations to prohibit and eliminate nuclear weapons through a legally binding international agreement.

The ICRC is disappointed that States were unable to adopt an Arms Trade Treaty at the July 2012 Diplomatic Conference. We nevertheless welcome many of the key provisions of the draft treaty text submitted by the President of the Conference on 26 July 2012. We are particularly encouraged that the draft recognizes the humanitarian imperative behind an Arms Trade Treaty and that one of its objectives is to prevent the international trade in conventional arms and their ammunition from contributing to avoidable human suffering and serious violations of international humanitarian law. In our view, an effective treaty will require all transfers of all conventional arms and their ammunition to be scrutinized carefully.

Despite the lack of a result at July’s Diplomatic Conference, the need for an Arms Trade Treaty remains as urgent as ever. As long as international arms transfers continue to be insufficiently regulated, the enormous human cost for individuals and communities around the world will persist. We urge all States to work intensively to conclude negotiations on an effective Arms Trade Treaty early next year. The ICRC remains committed to working with States, the National Red Cross and Red Crescent Societies, and the United Nations and other organizations in order to ensure that a robust Arms Trade Treaty is adopted without delay.

The UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects also has an important role to play in addressing the human cost of arms availability. In many respects its commitments would complement the obligations contained in a future Arms Trade Treaty. During the recent
Second Review Conference on the Programme of Action, States renewed their commitment to implement a number of measures at the national, regional and global levels. We urge all States to undertake these measures with the utmost haste and to devote the resources required to fulfil their commitments in this field.

This year marks the 15th anniversary of the adoption of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction. This historic treaty has saved countless lives by banning the use of anti-personnel mines and ensuring that mined areas are cleared and stockpiles destroyed. It has also brought a greater emphasis on assisting the victims of anti-personnel mines.

The ICRC urges States Parties to make a renewed commitment to fully implement the Mine Ban Convention and to ensure that the promise made 15 years ago to “put an end to the suffering and casualties caused by these weapons” is fulfilled. The ICRC also urges the remaining 36 States that are not yet party to accede to this Convention and, until such time, to express their support for its humanitarian goals by voting in favour of the annual General Assembly resolution on the Convention’s implementation. In past years, around half of those States voted in favour of the resolution. There is no reason, in our view, why this number cannot continue to grow in 2012.

The final matter that the ICRC would like to raise is humanitarian concerns about cyber warfare – that is, means and methods of warfare that rely on information technology and are used in the context of an armed conflict. While the military potential of cyber space is not yet widely or fully understood, it appears that cyber attacks against transportation systems, electricity networks, dams, and chemical or nuclear plants are technically possible. Such attacks could have wide-reaching consequences, resulting in high numbers of civilian casualties and significant damage.

Given the interconnectivity of cyber space, the ICRC is concerned that the attacking party might be incapable of distinguishing between military and civilian computer systems when launching a cyber attack. It might in fact be impossible to target just the military computer network. It might also be difficult to evaluate the indirect effects on civilian networks if military computer networks are attacked.

It is therefore crucial to uphold the rules of international humanitarian law if these new technologies are used in armed conflicts. There is no legal vacuum in cyber space. As with any new technology, cyber operations must comply with international humanitarian law, in particular with the rules of distinction, proportionality and precaution. This is not to deny that there might be a need to develop the law further as technologies evolve or their humanitarian impact is better understood. That will have to be determined by States.

Thank you.