United Nations
Diplomatic Conference
on the
Arms Trade Treaty

New York, 2-27 July 2012

Statement
in the High Level Segment
by
Christine Beerli
Vice-President
International Committee of the Red Cross

This statement will soon be available, in all six official UN languages,
on the ICRC website:

www.icrc.org
The work you do here this month will affect the lives, health and well being of tens of millions of people around the world for decades to come. A strong Arms Trade Treaty is crucial for protecting civilians as well as medical and humanitarian workers assisting those who are most vulnerable. An effective Arms Trade Treaty is an essential tool for ensuring that international humanitarian law is respected by all parties to armed conflicts, be they international or non-international in nature.

In many parts of the world, weapons are far too easy to obtain and armed violence is pervasive: this situation is created and sustained by the inadequately regulated international trade in conventional arms. In 1999, the International Committee of the Red Cross (ICRC) published a study conducted at the request of States party to the Geneva Conventions. It showed that in many contexts where weapons are widely available, civilians face similar risks of being wounded or killed in weapons-related violence after an armed conflict has ended as during it. Last year, an ICRC study entitled Health Care in Danger, based on data from 16 countries in which the organization works, revealed that armed attacks on health-care facilities and personnel, and on ambulances and people seeking health care, should be a global concern.

In most of the countries in which it works, the ICRC is witness to the effects of inadequate control over transfers of conventional weapons. Tens of thousands of victims receive ICRC medical support. Those who have been disabled are treated either in our rehabilitation centres or in those that we support. All too often, however, assistance for the sick and wounded is simply not available because humanitarian operations have been suspended or delayed owing to armed attacks and armed security threats. The ICRC study, Health Care in Danger, drew attention to the indirect consequences of armed attacks on health infrastructure and personnel. Following a single attack on a hospital, 2,000 persons in need suffered a dramatic reduction in surgical care for years. In one of the poorest countries on earth, an estimated 150,000 medical consultations per year will not take place as a result of the killing of two doctors and 15 medical students at a graduation ceremony. In another country ravaged by armed violence, 628 health-care professionals had been killed and 18,000 doctors had fled - with catastrophic consequences for the health system.

As long as weapons are too easily available, they will be misused, lives will continue to be lost, serious violations of humanitarian law will continue to be committed, and medical and humanitarian assistance will continue to be endangered.

The negotiation of an Arms Trade Treaty is an historic opportunity. For the first time since the establishment of the United Nations, governments have an opportunity — and thus a responsibility — to put in place international standards for the transfer of conventional weapons. One of the most important objectives of the Arms Trade Treaty must be to reduce the human cost of the availability of weapons. It must do so by setting clear rules for transferring conventional arms, as States have done for other dangerous materials, including hazardous chemicals, toxic waste and narcotic drugs.

At three International Conferences of the Red Cross and Red Crescent since 2003, States party to the Geneva Conventions of 1949 have recognized that their obligation "to ensure respect" for humanitarian law entails a responsibility to ensure that the arms and ammunition they transfer do not end up in the hands of those who may be expected to use them in violation of the law. The Arms Trade Treaty should require States to assess the likelihood that serious violations of humanitarian law will be committed with the
The treaty should prohibit transfers when there is a clear risk of that happening, in both international and non-international armed conflicts. In this regard, it is important to emphasize that serious violations of humanitarian law are well defined. They include "grave breaches" as defined in the Geneva Conventions and their Additional Protocol I of 1977, and "war crimes," as defined in Article 8 of the Rome Statute of the International Criminal Court.

Conventional weapons of every kind can be used to commit serious violations of humanitarian law and international human rights law. The treaty should therefore cover all such weapons. It is equally important that the treaty cover ammunition, which is the "fuel" of weapons-related violence. There are already massive numbers of weapons in circulation, but their impact depends on a constant supply of ammunition. To be truly effective, the Arms Trade Treaty must apply the same criteria to ammunition transfers that it does to transfers of weapons.

The end of the Cold War and the exponential increase in international trade in recent decades have had many benefits. But they have also facilitated the flow of conventional weapons throughout the world, with appalling consequences for civilians and their communities. Arms and ammunition must never be regarded as just another form of commercial goods. It is now time for governments to renew their commitment to the Geneva Conventions, to international human rights law and to the rule of law in general, by establishing strict and universal rules for international transfers of conventional weapons.