Opening for Signature of the Arms Trade Treaty

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Statement by
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This is a historic occasion. States have never before signed an international treaty that aimed to regulate the arms trade, with the express purpose of reducing human suffering. The widespread availability of conventional arms exacts a terrible human cost and the Arms Trade Treaty is the first concerted international response.

I should like to take this opportunity to pay tribute to the States that steered this process, to the United Nations, to Ambassadors Moritán and Woolcott, and to the many non-governmental organizations, National Red Cross, and Red Crescent Societies that worked tirelessly to bring us to this point. Together, we have forever changed how arms transfer decisions are made and how the world will perceive them.

The explicitly humanitarian concerns of the Arms Trade Treaty may be discerned in each one of its provisions. The preamble recognizes the consequences, in humanitarian terms, of the illicit and unregulated trade in conventional arms, as well as the fact that the vast majority of persons adversely affected by armed conflict and other forms of armed violence are civilians. It acknowledges the challenges that victims typically face and their need for care, physical rehabilitation and social and economic inclusion. A critical element in the treaty is the explicit recognition of each State's duty, notably under the 1949 Geneva Conventions, to respect and ensure respect for international humanitarian law. It is worth noting that the treaty iterates a similar principle: respecting and ensuring respect for human rights. All these affirmations support the treaty's express purpose: to reduce human suffering.

These affirmations also underpin the principal obligations of the Arms Trade Treaty. One of the most significant aspects of the treaty is its absolute prohibition of arms transfers when a State knows that arms in question would be used to commit genocide, crimes against humanity, or certain war crimes. Another such obligation is the requirement that each State assess the risk of misuse - that is, determine whether the arms being exported could be used to commit a serious violation of international humanitarian law or of international human rights law. When a government finds that there is an overriding risk of such violations, it must not export the arms. The ICRC maintains that all these requirements are vital for ensuring that conventional arms do not end up in the hands of those who may be expected to use them to commit war crimes or serious violations of human rights law. If they are implemented in the consistent, objective and non-discriminatory manner required, these provisions would go a long way towards realizing the treaty's humanitarian purpose.
The range of conventional weapons it covers, and the inclusion of ammunition and parts and components, also reflects the humanitarian purpose of the treaty. As the ICRC's 1999 study - *Arms Availability and the Situation of Civilians in Armed Conflict* - showed, poor controls on small arms and light weapons have facilitated violations of international humanitarian law and human rights law and have hampered assistance activities. So many of these weapons are already in circulation; but as the UN Secretary-General has noted, "their value depends on an uninterrupted supply of ammunition." Given this, the treaty's restriction of ammunition transfers will ensure that it has a positive impact in the near term. Finally, the treaty sets out recording and reporting obligations, which will make it possible to monitor compliance and take follow-up measures, thus helping to ensure that the treaty is implemented in the best possible way.

Signing this treaty is an important achievement, but the true measure of success is the extent to which it changes people's lives in the years to come. If States were to sign this instrument but continue to transfer – or leave themselves the option to transfer – arms to warring parties with a record of committing serious violations of humanitarian law, this would severely undermine the humanitarian purpose, indeed the credibility, of the Arms Trade Treaty. Interpretation and implementation in good faith will help protect the lives and the well-being of millions of people throughout the world. The ICRC welcomes the declarations that governments have already made, of their intention to apply the treaty in a manner most conducive to realizing its purpose. We encourage other States to do so when they sign and ratify the treaty. We call on all States to join the treaty and further its humanitarian purpose.

In most of the countries in which it works, the ICRC is confronted by the grim consequences for civilians of inadequate controls over international transfers of conventional weapons. We are honoured to have played a part in this important development of international law; and we look forward to continuing to work with you to ensure that the promises of this treaty become a reality as swiftly as possible.