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General and complete disarmament

Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects

Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction

Statement by the International Committee of the Red Cross (ICRC)
New York, 11 October 2004
The First Committee this year takes place in a world which seems ever more pre-occupied with the deadly and destructive effects of weapons. This preoccupation extends both to the actual effects we witness in the news each day and to the effects we fear as we learn of the potential for horrific acts of violence made possible by easy access both to weapons and to technologies that can be misused for hostile purposes. Since nearly all aspects of the problem have an international dimension, the First Committee has a crucial role to play in developing an agenda for decisive action at the international, regional and national levels. Adequate controls on the development, production, stockpiling, transfer and use of weapons are indispensable for the defense of international humanitarian law, human rights and the protection of civilian populations from acts of terror. The stakes could not be higher nor the need for concerted international action more urgent.

The priorities of the International Committee of the Red Cross (ICRC) are based on the "Agenda for Humanitarian Action" adopted by States Parties to the Geneva Conventions at the 28th International Conference of the Red Cross and Red Crescent last December. These priorities include: (1) strengthened controls on arms transfers—especially of small arms and light weapons, (2) the rapid ratification and implementation of the new Protocol on Explosive Remnants of War, (3) the universalisation of the Ottawa Convention and success of its first Review Conference in Nairobi, (4) preventing the misuse of rapid developments in the life sciences for hostile purposes and (5) ensuring that all States establish internal mechanisms to review the legality of new weapons and methods of warfare.

A huge proportion of the civilian suffering we witness in the field each day, year after year, results from the easy availability of small conventional weapons and ammunition to forces which act with no regard for the norms of international humanitarian law or human rights law. Yet all of these weapons originate in States Parties to the Geneva Conventions and fall into the hands of those who violate these norms through inadequate controls on their transfer. In recognition of these facts States at the 28th International Conference recognized that their existing responsibility to "respect and ensure respect" for international humanitarian law entails an obligation to strengthen controls on arms availability and to assess the degree to which a potential recipient is likely to respect this law.

These commitments should be converted into intensified implementation of all aspects of the UN Programme of Action on Small Arms and Light Weapons in advance of the Biennial Review meeting in 2005 and result in the strengthening of national laws and policies on arms transfers. Increasing attention also needs to be given to demobilization and disarmament in post-conflict situations and to the destruction of the massive volume of surplus weapons currently in circulation. Although the number and variety of initiatives in this field are encouraging, an improvement of the situation of civilians in zones of tension around the world is not yet evident.

The ICRC encourages States to conclude at the earliest possible time ongoing negotiations on measures which will enable States to effectively trace small arms, light weapons and their ammunition. This is an essential element of responsible arms transfer policies which will help prevent weapons falling into the hands of those who violate international humanitarian law. We also encourage the First Committee to mandate an Expert Group to develop proposals for an international system of controls on arms brokers. Successive United Nations reports have documented the role of unscrupulous arms brokers in undermining international efforts to put an end to current violations of international humanitarian law and human rights. Indeed, the success of efforts to implement the UN Programme of Action and a future system of marking and tracing are not only complementary to but may depend upon ensuring that arms brokers are not operating, as is often the case today, outside of both national and international law. The ICRC is convinced that States cannot afford to lose time in this regard and that work on brokering should proceed in parallel to other efforts.

The human cost of explosive remnants of war grows higher with each successive conflict. The burden of clearing these devices continues to expand far more rapidly than the resources available. In
the face of this challenge the ICRC commends States Parties to the 1980 Convention on Certain Conventional Weapons which last November adopted a new Protocol on Explosive Remnants of War. This Protocol provides a prescription for both preventing and remedying the problems caused by unexploded and abandoned munitions. To the many States that are not yet party to the Convention the adoption of this protocol should demonstrate its importance as a forum for addressing pressing humanitarian problems caused by the use of weapons. The amendment of the Convention's scope of application in 2001 to cover non-international armed conflicts was a crucial step in making the Convention pertinent to the kinds of conflicts which are prevalent today. We urge all States Parties to ratify this amendment at the earliest opportunity. In addition, we urge all States which are not yet party to the Convention and its five protocols to become parties in 2005 - the twenty-fifth anniversary of the adoption of this important instrument. We also look forward to discussing with delegations the new Protocol on Explosive Remnants of War at the briefing being hosted by the delegation of the Netherlands on 19 October.

The Nairobi Summit on a Mine-Free World in late November will be a crucial moment in the life of the Convention on the Prohibition of Anti-personnel Mines. This first review conference can affirm that the Convention is one of the very few success stories in recent multilateral arms control efforts. Since the Convention's signing by political leaders from around the world in 1997 one hundred and forty-three States have become parties. Thirty-seven million anti-personnel mines have been destroyed by States Parties, these States have provided more than 1.2 billion US dollars for mine action and significant clearance operations are underway in most affected States Parties. Most importantly, the number of mine victims globally has been reduced and in several affected countries reduced dramatically.

Nonetheless, ensuring that all of the Convention's promises are fulfilled will require increased clearance efforts, as deadlines beginning in 2009 approach, and more focused attention to the lifelong needs of mine victims. The ICRC welcomes the recommitment of all States at the 28th International Conference of the Red Cross and Red Crescent to the goal of the global elimination of anti-personnel mines. This is best achieved by the early adherence of non-party States to the Ottawa Convention. We encourage all who can adhere before the Nairobi Summit to do so. We also urge all States Parties to be represented in Nairobi at the highest political levels.

At the 28th International Conference of the Red Cross and Red Crescent States also undertook to pursue a range of efforts to "protect humanity from poisoning and the deliberate spread of disease". The risk of the hostile use of developments in the life sciences, combined with the lack of agreement at the international level on how to respond to such risks, has the potential to undermine ancient and modern prohibitions against the use of biological and chemical weapons. In the last year the ICRC has engaged a wide range of scientific institutions and industry bodies in discussions of the issues raised in its Appeal on "Biotechnology, Weapons and Humanity". The readiness of most of those we have approached to consider this critical issue and their own responsibilities in the field of prevention has been encouraging. Together with a number of scientists the ICRC is also preparing a set of "guidelines and points of practice" for stakeholders in the life sciences. This will hopefully contribute to the work in 2005 on "Codes of Conduct" by the Expert Group of States Parties to the Biological Weapons Convention. We will also continue our dialogue with States on how and when a ministerial level declaration on preventing the hostile use of advances in the life sciences could support efforts in the context of the Biological Weapons Convention.

As we said at the outset, the need for adequate controls on arms, ammunition and relevant technologies could not be more urgent. In the face of current suffering from armed violence and the emerging dangers we have described, we invite all States in this forum to rise above their differences, as they did at the 28th International Conference of the Red Cross and Red Crescent, to build a future in which the dignity of both civilians and combatants, even in warfare, is protected on the basis of existing international humanitarian law.