Third United Nations Conference to Review Progress Made in the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects
New York, 18-29 June 2018

Working paper submitted by the International Committee of the Red Cross

Addressing, through the Programme of Action, the humanitarian consequences of the widespread availability of arms

1. The International Committee of the Red Cross (ICRC) has seen first-hand in the majority of the countries where it works the high toll that insufficient controls on the availability of small arms and light weapons (SALW) take on people and communities. These consequences can be lessened by controlling the availability of such weapons, but also by ensuring that those who obtain weapons will use them in a manner that adheres to international humanitarian law (IHL), human rights law and other rules.

2. The Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (the Programme of Action) aims to ensure that the supply of these weapons is better controlled. In the years since the Programme of Action was adopted, considerable improvements have been made in the regulation of the availability of SALW and in the transparency of arms transfers. However, we are still far from reaching the goal of reducing human suffering through better control of the availability of arms. A necessary step in the process is openly acknowledging the gap between the commitments made in political and legal instruments and the practice of too many States.

3. On the occasion of the Third United Nations Conference to Review Progress Made in the Implementation of the Programme of Action (Third Review Conference), the ICRC encourages States to continue working on implementing the Programme of Action. The discussions during the Third Review Conference and the action taken afterwards should
be driven by concern for humanity, which is a concern not just of the ICRC but of all Member States.

4. The ICRC wishes to take this opportunity to present its views on the Programme of Action, as a humanitarian organization mandated to protect and assist the victims of armed conflict and other situations of violence.

Applying the global framework of instruments

5. The Programme of Action is part of a global framework of instruments aimed at reducing the high human cost borne when the availability of SALW and other conventional arms is poorly controlled. The Programme of Action, the Arms Trade Treaty (ATT), the International Tracing Instrument, and regional instruments on the availability of arms form a body of commitments by States to address humanitarian concerns and establish a principled and rules-based order for international arms transfers.

6. The ICRC calls on all States that have not yet done so to ratify or accede to the ATT. The Treaty provides a blueprint for reducing human suffering for all States involved in the arms supply chain. Responsible arms transfers improve the protection of civilians over the long term and make communities safer, but they also lay the foundation for regional and international peace, security and stability. In order to make the ATT, the Programme of Action and other frameworks truly effective, States must put long-term interests ahead of short-term economic considerations.

7. The ICRC also urges States to take the opportunity of the Third Review Conference to consider synergies between the Programme of Action, the ATT and other related instruments, including best practices to prevent the diversion and illicit proliferation of SALW, and to promote transparency and accountability in arms transfers.

Focusing on ammunition

8. The shelf-life of many millions of illicitly-traded SALW can be measured in decades if the weapons are properly maintained. The uncontrolled proliferation of ammunition facilitates the continued use of these weapons throughout their life cycle, allowing these weapons to continue to fuel brutal armed conflicts, wanton armed violence and the consequent suffering of the civilian population. Controlling the supply of ammunition should therefore be a priority, and the ICRC urges States to reflect this in the outcome document of the Third Review Conference.

Preventing and addressing diversion

9. Diversion of SALW is of humanitarian concern when there is a risk that the unauthorized recipients will use the weapons to commit serious violations of IHL or international human rights law. Moreover, diversion of weapons to the illicit trade contributes to the widespread and uncontrolled availability of SALW and their misuse. Preventing and addressing diversion is therefore crucial, both in peacetime and during armed conflict.
10. The ICRC urges States to take action within the framework of the Programme of Action to combat diversion, such as by establishing a strong national system for licensing and controlling international transfers of SALW, putting in place adequate security and stockpile-management procedures, and maintaining adequate border controls. States involved in any aspect of the arms transfer chain should bolster the effectiveness of these diversion-prevention measures by cooperating closely and sharing information.

**Recognizing the impact of SALW availability on humanitarian action**

11. Inadequate controls on the availability of SALW, and the frequent use of SALW in violation of IHL and human rights law, pose a serious threat to the work of the International Red Cross and Red Crescent Movement to ensure people affected by armed conflict and other situations of violence are protected: delivering medical and other humanitarian assistance to such populations can become so dangerous that it is slowed or even brought to a halt.

12. The ICRC therefore recommends that the outcome document of this Third Review Conference continue to include language that recognizes this threat and its impact on the lives and dignity of populations.

13. The ICRC recalls the language from the outcome document of the last Review Conference:

> We acknowledge that by threatening security, safety and stability, the illicit trade in small arms and light weapons continues to have devastating humanitarian and socioeconomic consequences, including by impeding the provision of humanitarian assistance to victims of armed conflict, contributing to the displacement of civilians, and undermining sustainable development and poverty eradication efforts.

**Acknowledging the link with gender-based violence**

14. Sexual and gender-based violence in situations such as armed conflicts has devastating consequences for victims, their families and often the wider communities. Preventing such violence, protecting the victims and providing comprehensive responses to their needs is a critical humanitarian concern. Some serious acts of sexual and gender-based violence even amount to violations of IHL and human rights law. The link between arms transfers and gender-based violence, that, commendably, was first recognized in the ATT, should continue to inform action to combat the illicit trade in SALW.

**Combating urban violence**

15. The destructive force of urban violence on people's lives and livelihoods and the suffering it causes are major concerns of the ICRC in many places where it works around the world. With two-thirds of the world's population predicted to live in urban areas by 2050 – many of them in burgeoning megacities – authorities will find it increasingly difficult to meet the needs of urban populations, including housing, infrastructure, employment and access to basic services such as health care and education.
16. The correlation between urbanization and violence is unquestionably complex, with many factors at play, such as social inequality, unequal distribution of resources, lack of investment, low levels of education and high unemployment. Because of this complexity, States must take a comprehensive approach to preventing small-arms violence in urban environments. Unless the demand for small arms is reduced, attempts to better control their supply are likely to be only partially successful. This is an area in which the ICRC has been actively engaged, working in a number of urban settings to mitigate the direct and indirect consequences of violence on people’s ability to meet their basic needs.

17. The Programme of Action calls for “combating this trade simultaneously from both a supply and demand perspective”. The ICRC encourages States to consider measures for doing so, such as developing comprehensive violence-prevention strategies that address the factors that lead to armed violence in specific settings, including urban areas. In areas where the demand for weapons is in response to a lack of security, a comprehensive approach could include – but would not be limited to – greater support for effective and accountable public security and criminal justice systems.

Connecting SALW availability and sustainable development

18. Efficiently controlling the supply of weapons will reduce human suffering during armed conflict and enhance development efforts. This relationship between sustainable development and the reduction of illicit arms flows was recognized by the 2030 Agenda for Sustainable Development.

19. Armed violence, in addition to threatening the safety of individuals and communities, can also have a significant socio-economic impact, through damage to or destruction of property and productive assets. This, in turn, has serious and prolonged effects on the well-being and survival of communities, as it can divert funds away from health care, education and other social sectors. The threat remains even after armed conflicts have ended. Human suffering continues – often for years – as the widespread availability of arms engenders a culture of violence, undermines the rules of law and threatens efforts at reconciliation.

20. With this in mind, the ICRC urges States to explore further how their efforts to meet the Sustainable Development Goals can also be used to meet their commitments under the Programme of Action and related international and regional instruments.

Effectively implementing the Programme of Action

21. The stated objective of the Programme of Action is “to reduce the human suffering caused by the illicit trade in small arms and light weapons in all its aspects”. This should be the basis for reviewing the implementation and effectiveness of the Programme of Action.

22. The general nature of many of the provisions of the UN Programme of Action can pose a challenge to its effective implementation and can make it difficult to determine how
much progress is being made. The Third Review Conference is an opportunity to identify areas where more guidance on how best to give effect to its provisions would be useful, and to reflect to the extent possible on the progress that has been made.

23. The ICRC encourages States to introduce stricter controls on the availability of weapons, as a means of preventing easy access to them by those who violate IHL. The ICRC, drawing on its expertise in IHL and within the limits of its mandate, is offering assistance to States wishing to improve their national frameworks by advising them how to apply IHL-based transfer criteria.

24. For this purpose, the ICRC published in 2016 *Arms Transfer Decisions: Applying International Humanitarian Law and International Human Rights Law Criteria, a Practical Guide.* Following the adoption of the ATT in 2013, the ICRC also published its recommendations on implementing the most relevant elements of the ATT from a humanitarian perspective, *Understanding the Arms Trade Treaty from a Humanitarian Perspective.*

25. Combating illicit small arms trade “simultaneously from both a supply and demand perspective”, as stressed in the Programme of Action also requires that the factors affecting the conduct of weapon bearers be examined in order to reduce the misuse of weapons and promote responsible conduct. This week, the ICRC published the results of a two-year research initiative to improve understanding of how norms of restraint develop and spread through State armed forces and non-State armed groups. *The Roots of Restraint in War* provides an analytical framework for identifying which approach to promoting restraint is best suited to a group's particular structure and socialization mechanisms.

26. Furthermore, the ICRC continues to provide practical support to States for training armed and security forces and police officers on compliance with IHL and human rights law, and promotes respect for IHL by non-State groups.

27. The ICRC encourages States, as part of their review of the Programme of Action, to commit to enhancing the capacity-building measures carried out under the framework of the Programme of Action. Effective implementation of the Programme of Action will go a long way to reducing the human suffering caused by the availability of SALW.

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