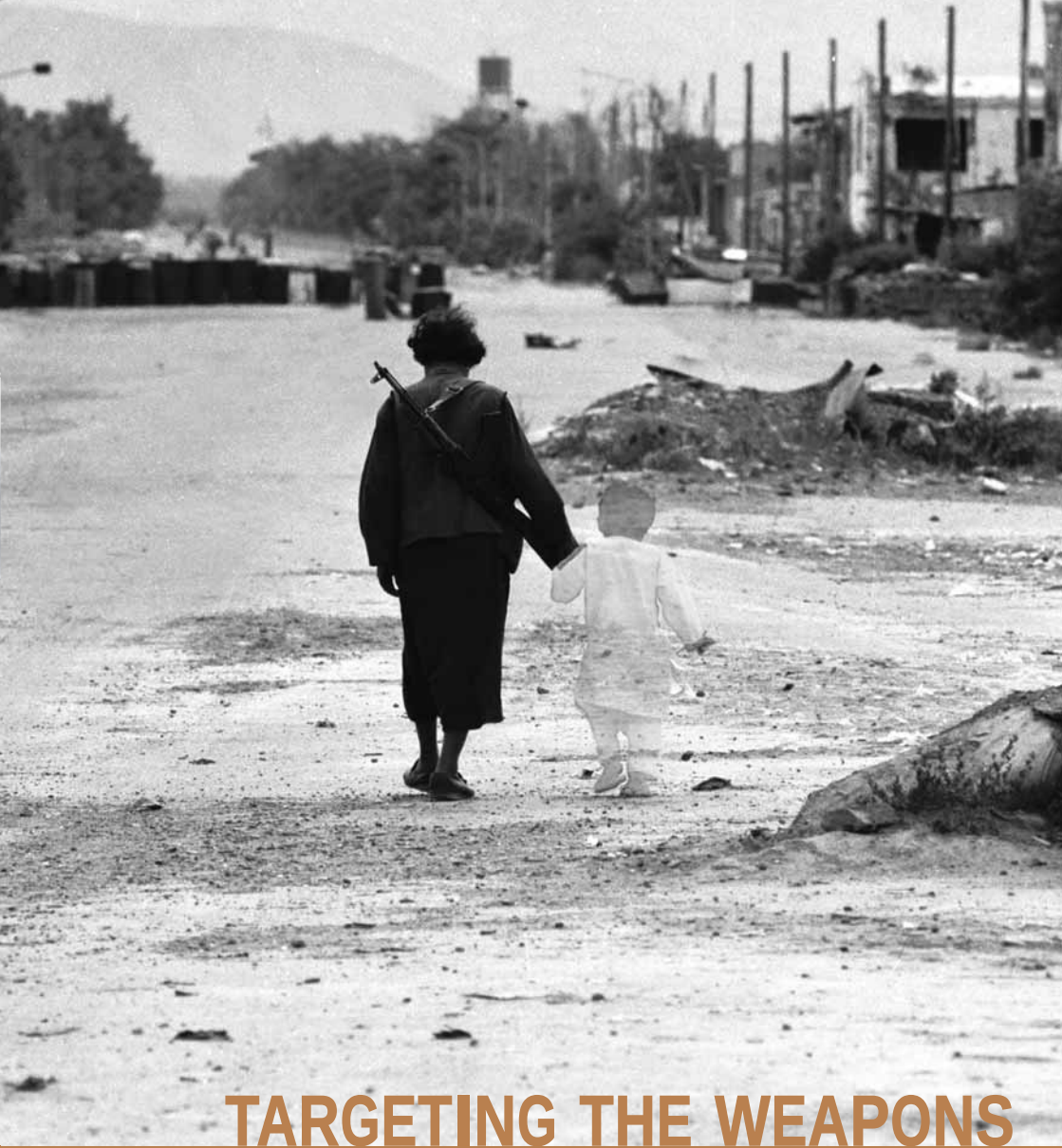




TARGETING THE WEAPONS

REDUCING THE HUMAN COST OF
UNREGULATED ARMS AVAILABILITY



ICRC

You may think that civilians can resume

But in thousands of communities around the world, stops are often similar to those they face in wartime. access to small arms and ammunition.



when wars end, their lives in “peace”.

the risks faced by civilians after the fighting
Armed violence continues, fuelled by easy



Small arms – high costs

Every year hundreds of thousands of civilians are killed, injured, sexually abused or displaced at gunpoint. During and after conflicts, assault rifles are often easier and cheaper to obtain than food.

Assault rifles, machine guns, grenades, mortar bombs – weapons falling into the category of small arms and light weapons – are those most commonly used in today's armed conflicts. They are also those most frequently used to deliberately target civilians. These weapons are a cause for particular concern because, unlike major weapons systems, their availability is subject to few internationally accepted rules.

At the 2001 UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, States adopted a Programme of Action. While not a legally-binding document, it was a first step towards addressing this issue at the global level.

Controlling the availability and use of small arms and light weapons poses particular challenges. They are cheap, easy to transport and conceal, extremely durable, and simple to use with minimal training.

In many parts of the world, military weapons are so easy to obtain and armed violence so prevalent that civilians face many of the same threats in conflict situations, post-conflict situations and in peacetime. Surprisingly, the rates of death and injury due to small arms violence in certain areas generally thought of as being “at peace” are among the highest in the world.¹ The widespread availability of weapons following a conflict often contributes to continued tension and violence and jeopardizes efforts to establish lasting peace.

A study carried out by the International Committee of the Red Cross (ICRC) confirmed that unregulated availability of weapons contributes to civilian suffering during and after armed conflicts and can increase civilian casualties.²



The same study, based on ICRC field experience in conflict situations around the world, also illustrated the following:

The widespread availability of weapons facilitates violations of international humanitarian law

- ◆ As weapons – particularly small arms and light weapons – have become more easily available, the risk of violations of international humanitarian law has increased.
- ◆ A wide variety of weapons are falling into the hands of new actors, including armed groups, criminal gangs, civilians, and even children who are recruited as combatants. These groups often lack knowledge of international humanitarian law or show no respect for humanitarian principles. This trend has outpaced efforts to ensure compliance with the basic rules of warfare contained in humanitarian law.
- ◆ As military-style weapons become more widely available, violations of those rules are taking an increasingly heavy toll.

The widespread availability of weapons hampers delivery of assistance to victims

- ◆ Disease, starvation and abuse increase when humanitarian agencies come under attack and are forced to suspend operations or leave a country where they are working. Humanitarian operations also become much more costly as the security environment deteriorates.
- ◆ The ICRC's assistance operations are regularly delayed or even suspended because of security threats.

The responsibility of governments

The fundamental rules of international humanitarian law – the law of armed conflict – provide for the protection of non-combatants and prohibit the targeting of civilians. However, the availability of weapons must be strictly controlled to ensure compliance with these basic rules.

Inadequate controls on arms transfers, combined with the frequent use of weapons in violation of international humanitarian law and human rights, contribute to undermining respect for the law.

The International Red Cross and Red Crescent Movement has called upon States to address this urgent humanitarian problem. In view of the provision of the 1949 Geneva Conventions requiring States to “respect and ensure respect for” international humanitarian law, all States have a responsibility to ensure that transfers of arms and ammunition do not end up in the hands of recipients who violate international humanitarian law.

This responsibility was acknowledged by all States party to the Geneva Conventions at the 28th International Conference of the Red Cross and Red Crescent in December 2003.

At the same Conference, States undertook to make respect for international humanitarian law one of the fundamental criteria on which arms transfer decisions are assessed, and to take a variety of practical steps to enhance the protection of civilians against misuse of weapons.





Sandra Delgado/Viva Rio

Taking action

Strict controls on the supply of arms and ammunition are essential to achieve a reduction in the availability of weapons to violators of international humanitarian law. These include:

- ♦ adopting national and international arms transfer laws and policies that include **requirements to assess the recipients' likely respect for international humanitarian law** and refuse transfers when there is a clear risk that the arms will be used to commit serious violations;
- ♦ enhancing **implementation of existing instruments on small arms**, including the UN Programme of Action and relevant regional agreements;
- ♦ developing an **international agreement defining common standards for regulating arms transfers**, with due consideration of States' obligations under international humanitarian law;
- ♦ ensuring **respect for international and regional arms embargoes**, including criminalization and prosecution of violations;
- ♦ developing national and international regulations to **prevent illegal arms brokering** and ensure the prosecution of those who engage in such activities;
- ♦ comprehensive **disarmament and demobilization of former combatants** and proper disposal of surplus weapons when armed conflicts end.

Ensuring respect

While most small arms and light weapons do have legitimate uses, steps must be taken to ensure that they are in fact employed in accordance with international human rights and humanitarian law.



Various approaches are required:

- ▶ **Training military, police and security forces** in the application of international humanitarian law and human rights law. Rules concerning the responsible use of weapons, such as those contained in Protocol I additional to the 1949 Geneva Conventions, the UN Basic Principles on the Use of Force and Firearms³ and the UN Code of Conduct for Law Enforcement Officials,⁴ need to be better known, applied and respected.
- ▶ Making **other bearers of weapons** (e.g. non-State armed groups, private military and security companies) aware of their obligations under international law.
- ▶ Incorporating the relevant rules of **humanitarian law and human rights law in the procedures and instructions of arms bearers** and establishing mechanisms to ensure accountability.
- ▶ Spreading **knowledge among all sectors of society of international humanitarian law** and of the limits – set by international law and local norms – on the use of weapons.



Why do people acquire weapons and which factors determine how weapons are used? How can one influence the motivations and behaviour of weapons carriers and enhance the protection of civilians? Controlling the supply of weapons will only have a limited impact on reducing armed violence if the complex factors driving weapons acquisition and misuse are not also addressed.

For example, personal insecurity and fear often drive civilians to acquire weapons for self-protection, making insecurity an important factor influencing civilian weapons demand. A lack of trust in the public security forces can exacerbate this dynamic. In such cases, a sustainable reduction in the civilian demand for weapons may require improving the security and protection of civilians, such as through the establishment of effective and accountable public security and criminal justice systems.

A comprehensive approach to the prevention of small-arms violence is likely to yield the most significant long-term results. Targeting the weapons is necessary, but so is influencing the behaviour of those who bear weapons and reducing the vulnerability of the victims.⁵

- 1 *International Study on Firearm Regulation*, United Nations, New York, 1997 and 1999; *World Report on Violence and Health*, World Health Organization, Geneva, 2002; *Small Arms Survey 2004: Rights at Risk*, Oxford University Press, 2004.
- 2 *Arms Availability and the Situation of Civilians in Armed Conflict*, International Committee of the Red Cross, Geneva, June 1999.
- 3 Adopted by the 8th UN Congress on the Prevention of Crime and Treatment of Offenders, 1990.
- 4 Adopted by General Assembly Resolution 34/169 of 17 December 1979.
- 5 See for example www.icrc.org/eng/social-research-on-war
- 6 Council of Delegates 1999, Resolution 12, "Arms availability and the situation of civilians in armed conflict and post-conflict situations"; 27th International Conference of the Red Cross and Red Crescent, Plan of Action, Final Goal 1.5; 28th International Conference of the Red Cross and Red Crescent, Agenda for Humanitarian Action, Final Goal 2.3.

The role

of the International Red Cross and Red Crescent Movement

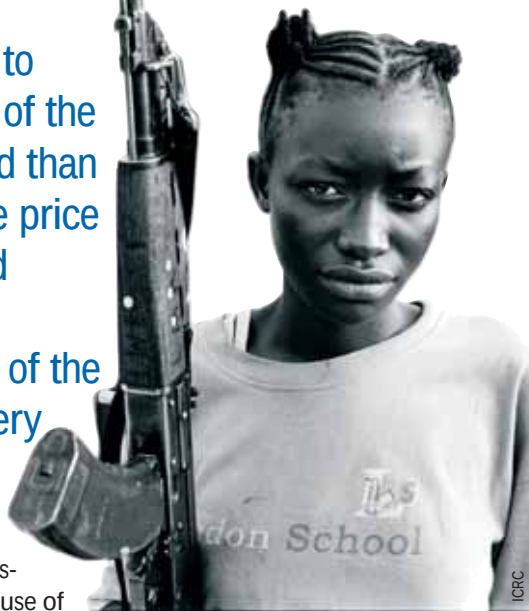
The entire International Red Cross and Red Crescent Movement has committed itself ⁶ to reducing the human cost of the easy availability and misuse of weapons. This effort can take many forms:

- ◆ **PROMOTION:** Encouraging responsible arms transfer decisions on the part of governments and arms suppliers, especially through the development and implementation of arms transfer criteria based on respect for international humanitarian law.
- ◆ **AWARENESS-RAISING:** Documenting and raising awareness of the human cost of armed violence. The ICRC and many National Societies, constantly confronted with this phenomenon on the ground, are well placed to draw attention to its devastating effects.
- ◆ **PREVENTIVE ACTION:** Supporting States in providing adequate training for armed forces, police and other bearers of weapons in international humanitarian law and human rights law. Spreading knowledge of humanitarian principles and promoting alternatives to violence among the civilian population can also contribute to reducing the demand for and misuse of weapons.
- ◆ **RISK REDUCTION:** Taking practical measures to decrease the threat of armed violence to civilians, for example through support for the reintegration in society of ex-combatants or children at risk of becoming child soldiers; providing access to safe water and fuel for communities or groups at risk from armed violence; or running risk education programmes in areas where widespread arms availability represents an acute danger for the civilian population.
- ◆ **ASSISTANCE FOR VICTIMS:** Providing medical care and support for the physical rehabilitation and social reintegration of victims of armed violence.



As long as weapons are easier to obtain than food in many parts of the world, but less strictly regulated than medicines, civilians will pay the price in preventable death, injury and suffering.

The ICRC witnesses the effects of the current inadequate controls every day on the ground.



Mechanisms to ensure responsibility and accountability among those who produce, transfer and use weapons are urgently needed because of the humanitarian concerns. Effective controls would help ensure respect for international humanitarian law and facilitate post-conflict reconciliation and reconstruction.

Controlling the availability of weapons—to protect civilians and as a basis for the rule of law—is the responsibility of governments

The human cost resulting from unregulated arms availability will continue to grow unless States act with greater urgency to prevent it. The current efforts to limit the availability and prevent the misuse of weapons must be dramatically stepped up for the millions of people worldwide who suffer the effects of armed violence to hope for a safer future.

MISSION

The International Committee of the Red Cross (ICRC) is an impartial, neutral and independent organization whose exclusively humanitarian mission is to protect the lives and dignity of victims of war and internal violence and to provide them with assistance. It directs and coordinates the international relief activities conducted by the Movement in situations of conflict. It also endeavours to prevent suffering by promoting and strengthening humanitarian law and universal humanitarian principles. Established in 1863, the ICRC is at the origin of the International Red Cross and Red Crescent Movement.

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