

Arms availability and the situation of civilians in armed conflict

Summary of an ICRC study for the 27th International Conference of the Red Cross and Red Crescent

BY PETER HERBY

As international arms transfers, particularly of small arms, have become easier, the promotion of respect for international humanitarian law has become vastly more difficult. The proliferation of weapons in the hands of new and often undisciplined individuals or groups has outpaced efforts to ensure compliance with basic rules of warfare. The result is appalling levels of wanton violence and a stream of horrific images which threaten to immunize the public and decision-makers to ongoing violations of international humanitarian law. In the absence of vigorous action to restrain the availability of military style arms and ammunition, those responsible for training combatants in the laws of armed conflict have little hope of reaching all those capable of waging war. The price to be paid is high, in terms of human suffering, social and economic disruption and the burdens of intervention when the international community decides to act.

In recognition of these trends, the Intergovernmental Group of Experts for the Protection of War Victims (Geneva, 1995) and the 26th International Conference of the Red Cross and Red Crescent (Geneva, 1995) called upon the ICRC “to examine, on the basis of first-hand information available to it, the extent to which the availability of weapons is contributing to the proliferation and aggravation of violations of IHL [international humanitarian law] in armed conflicts and the deterioration of the situation of civilians”.¹

The Council of Delegates has also, on two recent occasions, requested that the Movement’s role and attitude with regard to the question of arms transfers be studied and clarified. This request was made in Geneva

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¹ Recommendations, para. VIII (c), *IRRC*, No. 310, January-February 1996, p. 88, and endorsed by Resolution 1 of the 26th International

Conference of the Red Cross and Red Crescent, *ibid.*, p. 58.

in 1995² and repeated in Seville in 1997 (Resolution 4.3). The Seville resolution further expressed concern about the “easy access of combatants and civilian populations unfamiliar with the requirements of international humanitarian law to a wide variety of weapons, particularly small arms, and their frequent use against civilians in violation of basic humanitarian principles”.³ The role and position of the Movement on this issue is to be clarified at the Council of Delegates in October 1999, just prior to the 27th International Conference.

Pursuant to the mandate entrusted to it by the 26th International Conference the ICRC has, since 1996, attempted through a variety of methods to distil its experience on the effects of arms availability on civilian populations. The organization has carried out two case studies analysing information drawn from its large medical database on patients treated in its hospitals and by its medical teams. These provide unique insights into the nature of arms-related casualties in two contexts in which the ICRC has worked. To our knowledge, these are among the few systematic studies which have been published on the nature of arms-related casualties among the civilian population in war-torn societies.

In addition, a survey was carried out among senior ICRC delegates with a collective experience of 41 assignments in conflict and post-conflict settings on four continents since 1989. The objective was to gather the perceptions of ICRC staff on the degree of availability of weapons within various segments of given populations, the nature of arms-related incidents involving civilians and the direct impact of arms availability on ICRC field operations. The perceptions and conclusions of the ICRC have been published in a study entitled *Arms Availability and the Situation of Civilians in Armed Conflict*,⁴ which will serve as a basis for discussion at the 27th International Conference of the Red Cross and Red Crescent (Geneva, 31 October–6 November 1999).

The ICRC study highlights the high price civilian populations have paid in recent conflicts. Civilian casualties outnumber those of combatants in many internal and ethnic conflicts and have increased throughout the century in parallel with the development of new military technolo-

² Resolution 2, Council of Delegates (Geneva, 1995), *ibid.*, p. 140.

³ Resolution 8, Council of Delegates (Seville, 1997), para. 4, *IRRC*, No. 322, March 1998, p. 152.

⁴ *Arms Availability and the Situation of Civilians in Armed Conflict: A study by the International Committee of the Red Cross*, Geneva, 1999, 80 pages (also available in French and Spanish).

gies. Disease, starvation and abuse increase when humanitarian agencies, including the ICRC, are directly attacked and must suspend operations or leave a country. Suffering can continue, often for years after the end of conflicts, as the availability of arms engenders a "culture of violence", undermining the rule of law and threatening efforts at reconciliation among former warring parties. This was vividly illustrated in an ICRC case study which showed that arms-related casualties decreased by only 33% during the 18 months following the end of hostilities in a given region where arms were allowed to remain in circulation.

Although the ICRC study does not suggest that arms availability alone is the cause of violations of international humanitarian law or a deterioration of the situation of civilians, it indicates that the unregulated transfer of weapons and ammunition can increase tensions, heighten civilian casualties and prolong the duration of conflicts. Among the central conclusions is that the current pattern of transfers of small arms, light weapons and related ammunition, because it is largely outside of international control, should be a matter of urgent humanitarian concern. While the primary responsibility for compliance with international humanitarian law falls upon users of weapons, States and enterprises engaged in production and export bear a degree of political, moral and, in some cases, legal responsibility to the international community for the use made of their weapons and ammunition. At the same time efforts to teach and promote humanitarian law must be redoubled so that arms bearers understand its basic norms and are expected by their own communities to respect it.

The international community has in recent decades enacted important prohibitions and limitations on the transfer of chemical, biological and nuclear weapons, missile systems and components of these technologies. Certain geographical regions have established controls on the transfer of major conventional weapons systems. However, until recently little attention has been given to the transfer of small arms and light weapons, which have inflicted most of the death and injury in recent conflicts. The ICRC study encourages governments, regional organizations and non-governmental organizations involved in the development of arms transfer limitations to recognize that international humanitarian law is often the body of law most relevant to the stated purpose for which military-style arms and ammunition are transferred. The proposal that criteria based on humanitarian law considerations should become an important component of any new limi-

tations on arms availability developed in the coming years will be an important point of discussion at the 27th International Conference.

The Red Cross and Red Crescent Movement can play a major role in raising public awareness of the human costs of unregulated arms availability and encouraging governments to include humanitarian law considerations in their decision-making processes relating to arms transfers. On the other hand, it is clear that involvement by any component of the Movement in public debates about specific transfers of arms to specific recipients could create serious security problems and call into question the Movement's neutrality. Such involvement should be discouraged. As with many other aspects of the Movement's vocation, the challenge will be to focus attention on the human face and consequences of the problem and to call for responsible action by governments based on existing principles without getting drawn into a politicized debate.

In insisting on respect for international humanitarian law by those who would arm themselves, States will make a major contribution to the protection of civilian populations from the type of unspeakable suffering which has been inflicted in conflicts throughout this century. In so doing, they will significantly strengthen the basis for both lasting peace and the rule of law in the increasingly global society in which we live.