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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

Statement by the
International Committee of the Red Cross (ICRC)
New York, 16 October 2007
This year's tenth anniversary of the adoption of the Convention on the Prohibition of Anti-personnel Mines is an appropriate time to take stock of an important trend in the field of international humanitarian law regulating weapons. Despite the difficulty of agreeing on new measures in other arms-related fields during this period, States have banned anti-personnel landmines, adopted a Protocol assigning responsibilities for explosive remnants of war, and are now well on the way to developing new norms to address the tremendous suffering that cluster munitions cause to civilians.

The manner in which these new international rules have been developed certainly varies from case to case. But there is a strong common thread, namely, the public conviction that weapons are unacceptable when they go on killing and maiming after the fighting has ended. The public increasingly expects States to do everything in their power to avoid using such weapons and, where their use cannot be avoided, to take precautions minimizing the risk they pose to civilians.

As a humanitarian organization the ICRC welcomes this development, which is an outgrowth of the efforts to ban anti-personnel landmines over a decade ago. We urge all States that have not yet done so to become part of this historic trend by adhering to the Convention on the Prohibition of Anti-personnel Mines and the Protocol on Explosive Remnants of War and by participating in efforts to end the suffering caused by cluster munitions.

The Convention on the Prohibition of Anti-personnel Mines, or Ottawa Convention, has already proven to be an effective tool for reducing the numbers of landmine casualties in countries implementing its comprehensive provisions. Its combination of commitments to non-use, stockpile destruction, clearance and victim assistance and its model of cooperation between States, international organizations and civil society should serve as inspiration for efforts to ensure that the Protocol on Explosive Remnants of War has the desired effects on the ground.

In November 2007, the States party to the Ottawa Convention will meet for the first time in the Middle East, at the Dead Sea in Jordan. The ICRC has used this opportunity to host conferences in recent months for the States of the Gulf Cooperation Council and of the Maghreb which highlighted the problems of mines and explosive remnants of war in the region and promoted the international norms which address these problems. In particular, we welcome the adherence by Kuwait and Iraq to the Ottawa Convention. The Dead Sea meeting comes at a crucial point in the life of the Convention. Increased efforts are needed by affected countries, and those in a position to help, to ensure that the mine-clearance deadlines beginning in 2009 are met, that any extensions are for the shortest possible period and that those extensions are based on viable plans for completing clearance of mined areas within the period requested. Increasing importance is also being assigned to victim assistance. This needs to continue.

The First Meeting of States party to the Protocol on Explosive Remnants of War (ERW), to be held in November 2007 in Geneva, will serve as an indication of how effective this instrument will be in addressing the massive problem of existing explosive remnants of war and in attracting affected States to the CCW Convention as a whole. It is important for this meeting to produce clear guidelines for how all States Parties should proceed with the recording, retention and transmission of information required by the Protocol, and for it to establish an operational framework for addressing the massive problem of existing ERW.

It is encouraging that the long-standing problem of the effects of cluster munitions on civilians is now the subject of concerted international action. The ICRC welcomes the fact that virtually all major States which have produced, used and exported cluster munitions now recognize their human costs and agree that these problems must now be addressed. We
urge States to commit themselves to developing a new international treaty that will prohibit inaccurate and unreliable cluster munitions and ensure that existing stocks are destroyed. The treaty should also provide for the clearance of existing cluster munition contamination and for assisting victims of conflicts in which they have been used. The forthcoming meetings of CCW States Parties in Geneva, and of those that have already committed themselves to urgent action under the Oslo Declaration on Cluster Munitions, will be decisive in developing an adequate international response.

The impact of cluster munitions on the civilian population has been well known and well documented since they were first used six decades ago. The implications of the continued proliferation and eventual use of the billions of aging sub-munitions in current cluster-munition stockpiles are alarming. Now is the time to finally address this problem by adopting legally binding rules. Until such time as they enter into force, we urge States to refrain from using, producing or transferring inaccurate and unreliable cluster munitions.

Mr. Chairman,

While significant progress is being made in the fields mentioned above, the easy availability of small arms and light weapons undermines respect for the most fundamental rules protecting civilians under international humanitarian law and continues to have a devastating impact on civilians in conflict and post-conflict societies throughout the world. When the International Conference of the Red Cross and Red Crescent convenes in Geneva in November, the States party to the Geneva Conventions will be reminded of the commitments they made four years ago to strengthen controls on the availability of weapons and to make respect for international humanitarian law by recipients a key criterion for arms-transfer decisions. The fulfilment of these commitments is also directly relevant to one of the themes of the upcoming Conference: the problem of urban violence.

The ICRC considers the work of the UN Expert Group on Arms Brokering and the planned Expert Group on a future Arms Trade Treaty to be central to preventing easy access to weapons by those who will use them to violate international humanitarian law. We urge all States to implement the recommendations of the Expert Group on Arms Brokering while continuing to pursue development of a new legally binding instrument on this subject that will ensure the effectiveness and consistency of national measures. We also call on States to pursue, with urgency and determination, the drawing up of an Arms Trade Treaty.