NGO Presentations

UN General Assembly First Committee on Disarmament and International Security

From:

Cluster Munition Coalition (CMC)
Control Arms
International Action Network on Small Arms (IANS.A)
International Campaign to Ban Landmines (ICBL)
International Network on Explosive Weapons (INEW)

November 2012
Thank you Mr/Madam Chair.

I am addressing you on behalf of the Cluster Munition Coalition, a global network of hundreds of civil society organizations in some one hundred countries, dedicated to putting an end to the suffering caused by cluster munitions. We are made up of cluster munition clearance operators, human rights experts, disability groups, concerned citizens, humanitarian relief organizations, cluster munition survivors, and more. We welcome the statements of support for the Convention on Cluster Munitions made during this meeting.

We are pleased to report that 111 states from every region of the world have now joined the Convention on Cluster Munitions, demonstrating widespread international rejection of the weapon. At least 42 countries that have stockpiled, produced, and/or used cluster munitions have joined the Convention, including key international and regional military powers. Several of the world’s most affected states have joined the Convention, including Afghanistan, Iraq, Lao PDR, and Lebanon. A total of 20 NATO nations have joined as well. Their participation shows that a wide variety of states with different political, economic, and security perspectives all support the cluster munition ban.

We congratulate the 11 states that have become States Parties since last October: Dominican Republic, Mauritania, Cote d’Ivoire, Honduras, Sweden, Togo, Hungary, Cameroon, Switzerland, Peru and Australia.

We thank Norway for hosting the successful Third Meeting of States Parties to the Convention last month. We were pleased to see a high level of participation of States Parties and signatories and, very significantly, of some 40% of the non-signatories worldwide. Next year’s Meeting of States Parties to the Convention on Cluster Munitions will be held in Zambia in September. We look forward to welcoming many new States Parties to the Convention by then, and we stand fully ready to provide assistance to this effect.

The Convention entered into force just over two years ago and is already yielding remarkable results. States Parties have already collectively destroyed more than 85 million submunitions, representing 68% of their declared cluster munition stockpiles and 60% of their explosive submunitions. Every State Party to the Convention that had stockpiles has either already finished destroying them or is well on its way to completing destruction before its deadline. Fourteen States Parties and signatories have completed stockpile destruction, the most recent one being The Netherlands. Last year, clearance operations destroyed 53,000 unexploded submunitions in about 55 square kilometers of contaminated land in 10 states and two other areas, all increases from the previous year. The data, however, is known to be incomplete, so the actual figures are even higher. There has also been progress in victim assistance, notably in surveying victims and planning to meet their needs.

The Convention is clearly establishing a new standard rejecting any use of the weapon—a standard that is influencing even those that have not yet joined the Convention. The small number of confirmed instances of use in recent years - Libya and Thailand in 2011 and Syria this year—were strongly condemned by many in the international community, as were the serious allegations of use by Sudan in 2012, even though none of those four states are party to the convention. We welcome the important statements of concern over use in Syria made in the past weeks by Austria, Belgium, Denmark, France, Germany, Mexico, The Netherlands, Norway, Qatar, the United Kingdom and Switzerland, and we also appreciate
Japan’s statement of concern over any use by any actor. We urge more of you to raise your voice. These reactions show the stigma against the use of the weapon is already strong. Our collective efforts to speak out against any use, by anyone, at any time will help make the stigma even stronger, as will the growing number of states that join the Convention.

We believe that every country in the world can join and should join the Convention. It is a question of political will and placing a priority on the protection of civilians over out-dated weapons.

For most of you who do not own the weapon and are not affected, the obligations of the convention are light. We ask you to join soon in order to add your voice to the growing norm against cluster bombs. Some of you ask why should we prioritise this treaty over domestic concerns – we urge you in solidarity with victims past, present and future to act quickly in the name of prevention. In the name of Umm Nazir who just last week lost her legs in a cluster bomb strike in Syria; in the name of Branislav who was severely injured clearing contamination in Serbia in 2000 and in the name of Raed whose son died in Lebanon on his 5th birthday.

We call in particular on countries with stockpiles and former users to renounce this weapon by joining the convention. We sometimes hear the excuse that national security requirements prohibit a state from joining the convention. But it is now widely acknowledged that this weapon is outdated and counterproductive for modern militaries. Cluster munitions are also poor defensive weapons, leaving behind a large number of explosive submunitions that would endanger a state’s own population. The political cost of using cluster munitions has become very high given the convention’s powerful stigmatizing force. We also encourage affected states to join in order to benefit from the collective support the convention can bring.

The Convention on Cluster Munitions stands as the sole international standard on cluster munitions. It is a comprehensive ban, and as such, is preventing untold harm to civilians. We call on all states to join this life-saving convention.

Thank you.
Chairperson, delegates, colleagues,

In the time since the Arms Trade Treaty Diplomatic Conference concluded without agreement on July 27th, an estimated 130,000 have died from armed violence and conflict.

Our partners around the world work every day with men, women and children whose lives have been torn apart by the scourge of a global arms trade that is out of control. The Arms Trade Treaty must clearly and unambiguously prevent arms transfers that fuel conflict, poverty and human rights abusers.

It is positive that there is now a draft treaty text from July 26th and it should be the basis for further negotiations. But this text must be strengthened and improved in order for the treaty to meet the humanitarian purpose, which drives our collective work.

Therefore, we welcome the new ATT resolution establishing the final UN Conference on the ATT in March 2013. However, given that the July 2012 DipCon was unable to produce agreement by consensus any decision to hold a follow-up conference on the same basis runs the risk of repeating this failure.

The Arms Trade Treaty is too important for any one state to be able to wield a veto. It is the voices of the overwhelming majority of states that want a strong treaty, which must be heard in the next steps in the process, rather than the minority of states that do not support the aims and objectives of a strong ATT.

The draft text reflects important progress by recognizing that under certain circumstances States must never authorize arms transfers; that prior to authorizing a transfer of weapons States must conduct national risk assessments against criteria including international humanitarian and international human rights law; and that small arms and light weapons are a part of the instrument’s scope.

However, the draft text has a number of missing pieces that undermine its ability to control the poorly regulated international arms trade.

Among others, elements requiring improvement include:

1. The scope of the draft treaty is too narrow. It does not adequately include the many types of conventional arms that fall outside the 7 categories of the UN Register, and separately and weakly mentions ammunition, as well as parts and components.

2. The draft treaty should provide greater clarity. It currently creates confusion between the terms ‘transfers’ and ‘trade’, potentially excluding gifts, loans and state-to-state transactions not strictly commercial in nature, possibly leading states to interpret differently their obligations under the treaty;

3. Prohibitions relating to arms, which may be used for genocide, crimes against humanity and war crimes are too constrained. The prohibition of arms transfers is based on the absurd situation in which a country acknowledges it is providing arms for the purpose of genocide, crimes against humanity or war crimes.
Related, the text covers a too limited range of war crimes that excludes, for example, deliberate attacks on civilian populations.

4. Control Arms is concerned that the term 'overriding' is not well understood and opens up the possibility for widely differing and potentially damaging interpretations. Furthermore, the transfer criteria fail to adequately include substantial risks of diversion, corruption, development and facilitating organized crime or armed violence (including gender-based violence);

5. The draft treaty includes exemptions that could allow States to circumvent the ATT by describing arms transfers as “defence cooperation agreements”;

6. It has reporting requirements that would do little to enhance transparency in the arms trade, with no explicit provision for public reporting. Exemptions for ‘national security’ and ‘commercially sensitive’ data pose the risk that states will keep vital information secret.

Given these inadequacies, efforts between now and mid-March will need to be redoubled in order to prepare for a productive final 9 days of negotiations. Ultimately, the ATT will be judged according to its success in preventing arms transfers that contribute to or facilitate human suffering. The world cannot wait any longer for the conventional arms trade to be brought under control.

Thank you very much.
Statement to First Committee
International Action Network on Small Arms (IANSA)
November 1, 2012

All year long, important efforts are taken worldwide to cope with the challenge posed by armed violence; the proliferation of small arms and light weapons, and ammunition; and to respond to the needs of victims. These efforts take place from the local to the global.

As part of this, last summer was of particular relevance in the multilateral context, with the UN hosting two major conferences, on the PoA and the ATT, respectively. Thus, on September 7, 2012, States participating in the Second Review Conference of the UN Program of Action walked away with an outcome document meant to help reduce the human suffering caused by the illicit trade in small arms and light weapons. We ask: would the document really help reduce the human suffering caused by illicit trafficking?

We note, first of all, that language of the document could have been stronger. We thank the many States which tried very hard to include in the document language on ammunition, parts and components, arms embargoes, gender, ISACS, MANPADS, SALW as a component of the conventional arms register, a multi-donor facility, border controls, stockpile management, and armed violence—all of which could have made the document stronger and implementation of the PoA more effective; but once again, consensus knocked off States’ efforts to make the document more effective in combating the illegal trade in SALW.

Dear delegates, should we always settle for less in the name of compromise? As we try to accommodate views, do we have in our mind the people who die, maimed or injured from gun violence each day? Because of this, we can’t help but agree with German Ambassador Hoffmann when he said, at the Conference on Disarmament that: “…for multilateralism to be effective, achieving consensus must not be misunderstood as a license to force vast majorities to settle for outcomes at the very lowest common and at times banal denominator…If achieving consensus is misunderstood as a free ticket to veto whatever one does not like, even if entirely isolated on an issue which is not involving one's fundamental interests, multilateralism cannot achieve any substantive results at all.”

We could only wish that well-meaning states would not give up the call to include the gender dimension of violence perpetrated by small arms and light weapons, as well of disarmament and arms control processes. As well, we could only hope that well-meaning States would assert that there is a dire need for an independent mechanism to determine the degree of implementation of the PoA.

Then, on July 27th, 2012, the Diplomatic Conference for an Arms Trade Treaty concluded after a month of intense work that did not result in a treaty. Nevertheless, a document that will serve as the basis for the next step of negotiations next year was obtained. It has important contents like the inclusion of SALW; yet, it is a document that does not properly control ammunition transfers. Let’s remember that ammunition is directly responsible for the majority of victims of armed violence. We trust that over the coming months, discussion around this issue and the ways to find a satisfactory solution to be reflected in a robust ATT.

Needless to say, both the PoA and the ATT are part of a global architecture of which they are decisive cornerstones. If they be strengthened, then they will have a positive reverberation among the rest of the international disarmament and arms control. This is the least that should happen in our present context.
I am pleased to speak on behalf of the International Campaign to Ban Landmines, a global network of non-governmental organizations in some one hundred countries, working towards a mine-free world. We welcome the references of support for the 1997 Mine Ban Treaty made by numerous delegations in their statements to the First Committee. These reaffirm our common commitment to the goal of eliminating antipersonnel landmines.

This year marks fifteen years since the adoption of the Mine Ban Treaty and twenty years since the creation of the international campaign. The treaty has proven to be a shining example of humanitarian disarmament, and the process leading to it created a powerful model of citizen diplomacy.

More than 80% of the world’s countries are on board of the Mine Ban Treaty as of today. Its real and lasting impact has been clearly felt – not only in the 160 countries that have banned the weapon, but even in the small number of states that have not yet joined the treaty. The stigma on the weapon holds so strong that most of those remaining outside the treaty abide by the ban norm. Many hundreds of square kilometers of contaminated land have been cleared of mines, and more than 45 million stockpiled landmines in 87 countries have been destroyed. Most importantly, the number of new casualties caused by landmines each year has dropped dramatically to fewer than 5,000 recorded cases, in comparison to over 20,000 at the beginning of 1990s. The Mine Ban Treaty is working.

But despite this remarkable progress, still every day some 12 people are killed or maimed by landmines or explosive remnants of war, showing that states need to work even harder to clear the land of these vile weapons and to assist survivors and their communities. We are also extremely concerned that a tiny number of governments outside of the treaty are still using antipersonnel landmines, including Myanmar and Syria this year.

In today’s world, any use of antipersonnel mines is unacceptable and must be strongly condemned. We need to finish the job we started twenty years ago to put a final end to these weapons. This can and should be achieved within years and not decades.

In order to achieve that, we are calling urgently for:
• an immediate halt to the use of any new antipersonnel landmines, anywhere;
• the 36 remaining countries to join the Mine Ban Treaty without delay;
• States Parties to the Treaty to increase their efforts to comply with all treaty obligations, especially to clear their land of mines and assist victims;
• all countries to provide the necessary resources to achieve the treaty’s goals quickly.

The international community will gather at the beginning of December in Geneva at the 12th Meeting of States Parties to the treaty. We urge all states to attend this meeting and come prepared with updated information on their progress in joining the treaty or fulfilling treaty obligations and commitments.

Meanwhile, here in New York, we are asking all governments to support the resolution calling for full
universalization and implementation of the Mine Ban Treaty. Half of the states that have not yet joined the treaty nonetheless vote in favor of the resolution in order to demonstrate their support for the treaty’s humanitarian objectives. It is time for those who continue to abstain, to start voting in favor, reflecting the nearly universal view that these weapons need to disappear from the face of the Earth.

Thank you.
The humanitarian problem

I am speaking on behalf of the International Network on Explosive Weapons (INEW) - an NGO partnership calling for immediate action to prevent human suffering from the use of explosive weapons in populated areas.

Explosive weapons use blast and fragmentation to kill and injure people in the area where they detonate, as well as to damage objects, buildings and infrastructure. When used in populated areas they tend to cause high levels of harm to individuals and communities.

Using data gathered on the use of explosive weapons around the world in 2011, INEW member organisation Action on Armed Violence found that at least 21,499 civilians had been killed or injured by such weapons.

2012 has provided further stark examples of the problem. The use of heavy explosive weapons, such as artillery, rockets and aircraft bombs, as well as IEDs, in villages, towns and cities has been an issue of major international concern.

And beyond the direct deaths and injuries, the destruction of infrastructure vital to the civilian population, including water and sanitation, housing, schools and hospitals, results in a pattern of wider, long term suffering and displacement.

Recognition of the challenge

Whilst the humanitarian problem is grave, recent years have seen growing recognition of the need for action to enhance humanitarian protection from the effects of explosive weapons in populated areas.

- The International Network on Explosive Weapons was formed in 2011 by NGOs committed to preventing harm to civilians from the use of explosive weapons in populated areas. In 2012, INEW called for a halt to all use of explosive weapons with wide-area effects in populated areas.
- In 2011, the International Committee of the Red Cross stated that “due to the significant likelihood of indiscriminate effects and despite the absence of an express legal prohibition for specific types of weapons, the ICRC considers that explosive weapons with a wide impact area should be avoided in densely populated areas.”

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1 International Committee of the Red Cross (ICRC), International Humanitarian Law and the challenges of contemporary armed conflicts, October 2011, 31IC/11/5.1.2
• This concern was echoed by the UN Secretary General, whose 2012 Report on the Protection of Civilians in Armed Conflict urged parties to conflict to refrain from using explosive weapons with a wide area impact in densely populated areas.²

• Concern on this issue has been articulated by states and regional organisations in fora relating to Protection of Civilians in Armed Conflict, Children in Armed Conflict, Human Rights and under instruments concerned with specific weapons.

**Actions needed**

As a community of states, international organisations and civil society, we need to take action together to curb the suffering and long term damage caused by the use of explosive weapons in populated areas.

- Action is needed to better understand the problem, through stronger recording of the direct casualties and of the wider human and social costs of this violence.
- Action is needed to ensure the rights of the victims of this violence.
- And for the future, we must set new standards that can better protect civilian populations, in particular to stop the use in populated areas of explosive weapons with wide-area effects.

We stand ready to work with states and other international partners, to address these needs – both through national-level engagement with key stakeholders, and at the multi-lateral level as we move towards specific discussions in the future.