Statement on prohibitions 25 March 2013

(=Norwegian/Swiss updated proposal on prohibitions of Friday 22 March)

Mr. President

I take the floor on behalf of Argentina, Austria, Belgium, CARICOM (Antigua and Barbuda, Bahamas, Barbados, Dominica, Grenada, Guyana, Haiti, Jamaica, Montserrat, Saint Lucia, St. Kitts and Nevis, St. Vincent and Grenada, Suriname, Trinidad and Tobago), Chile, Costa Rica, Croatia, ECOWAS (Benin, Burkina Faso, Cape Verde, Côte d'Ivoire, Gambia, Ghana, Guinea, Guinea Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone, Togo), Estonia, Fiji, Germany, Hungary, Iceland, Ireland, Liechtenstein, Lithuania, Luxembourg, Malawi, Mexico, Montenegro, Netherlands, New Zealand, Norway, Papua New Guinea, Portugal, Romania, Slovenia, Sweden, Switzerland, and Vanuatu.

We would like to present the following revised proposal for what is now article 6(3). The current version of article 6(3) does not capture all war crimes. Our wording is based on our understanding of the best viable option to correct this. Insofar as the scope of war crimes is concerned, our proposal includes war crimes under customary international law, not only war crimes under international treaties to which each State is a party.

War crimes under customary law includes war crimes typically carried out with conventional arms, such as attacks against civilians. These war crimes constitute a long list, and by referring to a States’ international obligations, one would avoid having to list them all. This is the best way to capture all war crimes under international law in this provision.

Mr. President

Our proposal therefore reads as follows:

"A State Party shall not authorize any transfer of conventional arms covered under Article 2(1) or of items covered under Article 3 or Article 4, if it has knowledge at the time of authorization that the arms or items would be used in the commission of genocide, crimes against humanity, or war crimes as defined by its international obligations, including those under the Geneva Conventions of 1949."