Statement of the International Committee of the Red Cross
to the
2015 Meeting of High Contracting Parties to the
Convention on Certain Conventional Weapons

12 November 2015

The International Committee of the Red Cross (ICRC) first wishes to congratulate Algeria, Grenada and the State of Palestine, which have joined the CCW since the last Meeting of the High Contracting Parties, bringing to 121 the number of States party to the Convention. The CCW is a fundamental instrument of international humanitarian law (IHL) that aims to protect civilians from the indiscriminate effects of conventional weapons and to spare combatants from excessively severe injuries that have no justifiable military purpose. The ICRC continues to urge States that have not yet done so to join the Convention and all of its Protocols at the earliest opportunity. And we take this opportunity to thank the Chairperson, Ambassador Aryasinha of Sri Lanka, for his tireless efforts over the last year to promote universal adherence to the Convention.

Although not formally on the agenda of the CCW, the likely indiscriminate effects of explosive weapons that have a wide impact when used in populated areas are a cause for humanitarian concern and merit the urgent attention of States. Large bombs and missiles, indirect fire weapon systems including mortars, rockets and artillery, and multi-barrel rocket launchers are in extensive use in ongoing armed conflicts, with often devastating immediate and “reverberating” effects on civilians. Reverberating effects include severe disruption of services essential for the survival of the civilian population caused by damage to critical infrastructure such as water and electricity supply networks.

In light of the pattern of civilian harm from the use of explosive weapons in populated areas which we are witnessing today, there is a need for States to explain how they are ensuring that their armed forces respect IHL in their choice of weapons, notably the IHL rules prohibiting indiscriminate attacks and requiring precautions in the choice of means and methods of warfare. This issue is relevant to all States, not just those currently engaged in armed conflicts, since the types of explosive weapons of concern are found in the arsenals of most armed forces.

In October, the ICRC published its consolidated reading of the issue of explosive weapons in populated areas in a report submitted to the forthcoming 32nd International Conference of the Red Cross and Red Crescent on International Humanitarian Law and the challenges of contemporary armed conflicts (available at http://rcrcconference.org/international-conference/documents/), which we invite delegations to consult. We also invite States to make known their relevant policies and practices, including any restrictions that they apply to the use in populated areas of certain explosive weapons owing to their inherent inaccuracies or to other area effects, with the aim of minimizing civilian harm. The ICRC stands ready to engage in a dialogue with States on this important humanitarian issue.

This week, States Parties will take key decisions on the course of the CCW’s work on autonomous weapon systems next year, and will begin to outline the areas of work and issues that should be considered by the Convention’s Fifth Review Conference.
Indeed, the Review Conference will present an opportunity for States Parties to enhance the protection of civilians and combatants from conventional weapons that cause unacceptable harm through an assessment of the operation and implementation of the Convention and its Protocols and, as may be required, through consideration of measures to strengthen existing rules.

In addition to autonomous weapon systems, which the ICRC will address in the session dedicated to this topic, there are a number of issues and themes which, in the view of the ICRC, merit the consideration of the Fifth Review Conference:

- First, one of the focuses of the Review Conference should naturally be on efforts to universalize the CCW and its Protocols. With currently 121 States party to the Convention, there is a need to consider approaches and activities to increase the number of States Parties. This may include an update of the “Accelerated Plan of Action on Universalization” adopted at the Fourth Review Conference in 2011.

- An equally important issue is national implementation. Each State Party should come to the Review Conference prepared to show how the CCW’s Protocols are being integrated into national legislation and military doctrine, policy and training, to give effect to the Protocols’ requirements. In this respect, the ICRC also urges consideration of means and ways to increase the rate of national reporting, which is critical to monitoring the implementation of the Convention, in particular Amended Protocol II and Protocol V.

- The ICRC remains deeply concerned by the humanitarian consequences of anti-vehicle mines – also referred to as mines other than anti-personnel mines (MOTAPM) -- which should also be considered by the Review Conference. On 6 November, the UN Office for Disarmament Affairs (UNODA), the UN Mine Action Service (UNMAS) and the Geneva International Centre for Humanitarian Demining (GICHD) convened a meeting on this subject, which clearly outlined the significant impact that anti-vehicle mines have on civilian populations and the humanitarian organizations that work to assist them. As the ICRC has repeatedly stated in the past, new rules are needed to limit the indiscriminate effects of anti-vehicle mines, and we again urge CCW States Parties to consider work on this issue.

- The Review Conference will also be called upon to review the operation and implementation of Protocol III on incendiary weapons. The ICRC urges States Parties to seize this opportunity to report on their national policies and operational practices on the use of incendiary weapons, with a view to minimizing potential dangers to civilians and unnecessary suffering to combatants, which have been a cause for concern in relation to alleged use of incendiary weapons in recent armed conflicts. In the ICRC’s view, there is also a need to discuss what measures are being taken to avoid the foreseeable indiscriminate effects of munitions that have incidental incendiary effects. Although such weapons are by definition excluded from the scope of application of Protocol III, they remain of humanitarian concern, as demonstrated by the effects of white phosphorous munitions used in past armed conflicts, with some States having announced that they will no longer use such munitions in built-up areas. In light of these developments, the ICRC encourages the CCW Review Conference to explore the most appropriate way to examine the humanitarian, technical, military and legal aspects of incendiary weapons and of weapons which have incidental incendiary effects.
Finally, the ICRC welcomes the wide recognition, notably in the discussions on autonomous weapon systems, of the need to carry out thorough reviews of new weapons, which is a legal requirement at least for States party to Additional Protocol I to the Geneva Conventions. Weapons reviews must assess the legality of new weapons under IHL rules as well as their acceptability under the principles of humanity and the dictates of public conscience (the Martens Clause). In 2006, the Third Review Conference of the CCW urged States that do not already do so to conduct legal reviews of new weapons, means or methods of warfare. The Fifth Review Conference next year presents the opportunity for States to consider the importance of carrying out timely legal reviews of newly developed or acquired weapons, which are essential to preventing the deployment of weapons “which may be deemed to be excessively injurious or to have indiscriminate effects”, in the words of the Convention’s title.

The ICRC looks forward to discussing and developing these issues further with States Parties during the Review Conference’s preparatory process.

Thank you.