



ICRC

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General and complete disarmament

**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, 09 October 2009

Mr. Chairman,

With the signing of the Convention on Cluster Munitions by 94 States in Oslo last December, international humanitarian law now provides a comprehensive framework for preventing and addressing the terrible effects on civilian populations of weapons that continue to kill and maim long after conflicts have ended. The Convention on Cluster Munitions, the Convention on the Prohibition of Anti-personnel Mines and the Protocol on Explosive Remnants of War are each at a different stage of implementation. Together they address all types of explosive ordnance that pose a threat to civilians. They send a collective message that each party in an armed conflict is responsible for the human consequences of the explosive munitions that they use, even after hostilities end. The ICRC urges all States that have not yet done so to adhere to these three important instruments.

A decade of implementation of the **Convention on the Prohibition of Anti-personnel Mines** has improved the lives of populations in all regions of the world by prohibiting the use of these weapons, by ensuring the destruction of stockpiles and by clearing contaminated land. Yet serious challenges have emerged that must be addressed by the Convention's Second Review Conference in Cartagena, Colombia next month. These include increasing mobilization of national and international resources to fulfil the Convention's commitments, ensuring better respect for clearance and stockpile-destruction deadlines, and increasing the quality and quantity of assistance available to victims.

If faithfully implemented, the **Protocol on Explosive Remnants of War** to the Convention on Certain Conventional Weapons can save lives by rapidly providing to clearance personnel essential information on all explosive munitions used in a conflict, clearly identifying those responsible for clearance, and providing long-term commitments to victims. The Protocol has been in force since 2006 but is not yet fully implemented in conflict or post-conflict situations, and it has yet to address concretely the problem of existing explosive remnants of war. Although work has begun to promote planning for the range of national measures to implement the Protocol, we urge the November Meeting of States party to this instrument to demonstrate that they also intend to address the problem of existing explosive remnants of war in affected States Parties. This is essential if the Protocol is to deliver real benefits in contaminated communities in the short and medium term.

The **Convention on Cluster Munitions** is likely to enter into force next year. The Convention's adoption in Dublin and signing in Oslo last year marked an historic step to end use of a weapon that is particularly harmful to civilian populations because of its inaccuracy and unreliability, and because of the massive numbers of submunitions they can deliver. In 2010 the First Meeting of States Parties is foreseen. It is appropriate that the Lao People's Democratic Republic, the country most affected by this weapon, has offered to host this important event. States that have adhered to the Convention can do much in advance of the Meeting of States Parties to ensure that the Meeting is a success. For example, States can promote adherence by others, adopt implementing legislation and identify resources needed for implementation. Stockpiling States can prepare plans for stockpile destruction within deadlines and even begin such processes. Affected States will benefit from well-developed plans for fulfilment of the Convention's clearance and victim-assistance obligations.

We urge all States party to the **Convention on Certain Conventional Weapons** to ensure that any protocol on cluster munitions developed in the Convention's framework urgently and effectively addresses the humanitarian problems caused by these weapons on the basis of clear legal rules. Any protocol adopted in this framework should be complementary to the Convention on Cluster Munitions.

Check against delivery

The ICRC strongly supports the elaboration of a comprehensive **Arms Trade Treaty** that establishes common international standards for responsible trade in conventional weapons and ammunition. Conventional weapons are used to commit the vast majority of violations of international humanitarian law and cause untold suffering among civilians caught up in armed conflicts and their aftermath. Yet a vast array of conventional weapons remains easily accessible, even to those who consistently flout this law. The human costs of this phenomenon far surpass those of any weapons whose use is prohibited or specifically regulated by international humanitarian law. We thus consider it urgent that States begin to negotiate an Arms Trade Treaty. Having participated in both sessions of the Open Ended Working Group on an Arms Trade Treaty this year, the ICRC understands the complexity and sensitivity of many of the related issues. However, we believe that these issues will be best addressed in the context of negotiations.

Mr. Chairman,

In August 1945, an ICRC delegate, Dr Marcel Junod, was among the first foreign witnesses to the catastrophic destruction caused by the use of a nuclear weapon in Hiroshima. His memoir, "The Hiroshima Disaster", records the overwhelming devastation he faced and the unspeakable human suffering he witnessed. His testimony compels us to ensure that nuclear weapons are never used again. With this in mind, the ICRC can only welcome the fact that the elimination of **nuclear weapons** is now back on the international agenda. We welcome, in particular, the agreement in the Conference on Disarmament to resume addressing nuclear weapons issues, the recent Security Council Summit on Nuclear Non-proliferation and Nuclear Disarmament, and the initiatives taken by a variety of States before next year's Review Conference of the Parties to the Treaty on the Non-proliferation of Nuclear Weapons.

The ICRC notes that in 1996 the International Court of Justice confirmed that the principles of distinction and proportionality found in international humanitarian law apply to nuclear weapons. In applying these principles to nuclear weapons the Court concluded that "the use of nuclear weapons would generally be contrary to the principles and rules of international humanitarian law."

Given the unique characteristics of nuclear weapons the ICRC, as a humanitarian organisation, goes beyond a purely legal analysis. Nuclear weapons are unique in their destructive power, in the unspeakable human suffering they cause, in the impossibility of controlling their effects in space and time, in the risks of escalation and in the threat they pose to the environment, to future generations, indeed, to the survival of humanity. The ICRC appeals to all States to ensure that these weapons are never used again, regardless of their views on the legality of such use.

Preventing the use of nuclear weapons means preventing their proliferation and combating the transfer of materials and technology needed to produce them. It requires the fulfilment of existing obligations to pursue negotiations to prohibit and completely eliminate such weapons. The ICRC urges all States to seize with determination and urgency the unique opportunities now available to achieve these noble objectives.

Thank you, Mr. Chairman