

## **The ICRC and various issues related to the use of certain weapons**

Statement made at the United Nations General Assembly,  
55th session, 2000

The recent Second Meeting of States Parties to the *Convention on the Prohibition of Anti-personnel Mines* was an important occasion to take stock of the process of universalization and implementation of this unique treaty. The ICRC believes that the success of this Convention must be measured by the results achieved in mine-affected countries. Although a global assessment may be premature, statistics gathered by the ICRC and mine action organizations show that the average number of monthly casualties due to landmines and unexploded ordnance has decreased significantly in several affected countries.

These developments are an encouraging indication that where mine use is halted and comprehensive and coordinated mine action is initiated — that is to say, where the treaty is being implemented — lives and livelihoods are being saved. However, recent events sadly highlight the great urgency both of universalizing and implementing this treaty, as the use of mines in a number of conflicts continues to bring new stories of death, injury and suffering.

Largely as a result of the resources mobilized through the Ottawa treaty, the ICRC has expanded its activities in the areas of victim assistance and mine awareness. In cooperation with National Red Cross or Red Crescent Societies, we are now conducting mine-awareness programmes in eight countries. In the past year new programmes have been launched in Lebanon, Albania, the Federal Republic of Yugoslavia (Kosovo), and the Russian Federation (Chechnya). The ICRC is also providing medical or surgical assistance to war-wounded, including mine victims, in 22 countries. In addition, the ICRC provides artificial limbs and physiotherapy at 34 rehabilitation centres in 14 countries — including facilities in Ethiopia, the Sudan, Myanmar and Sri Lanka, opened in the past 18 months. In 1999 alone over 9,000 prostheses were produced for people injured by mines.

Today, 107 States have ratified the Ottawa treaty. Another 32 have signed it and are thus bound by its object and purpose. In other words, two-thirds of the world's governments have committed themselves to the elimination of anti-personnel mines and their consequences. We urge those that are not yet party to the treaty to respond to the humanitarian crisis caused by anti-personnel mines and to adhere to it as soon as possible.

Although the international community has made significant progress in addressing the humanitarian problems caused by anti-personnel mines, the broader humanitarian problems caused by other *explosive remnants of war*, including anti-vehicle mines, submunitions and other unexploded ordnance, have not been adequately addressed. The preliminary findings of the ICRC indicate that the most direct and widespread humanitarian effect of anti-vehicle mines is the denial of humanitarian assistance. In many instances the blocking of essential food, medicine, and other relief supplies and services worsens the situation of large parts of the civilian population in conflict and post-conflict areas.

Experts indicate that as a result of their use and design, submunitions have predictably high failure rates which result in significant numbers of civilian casualties in a wide variety of conflicts. Of the 500 casualties reported in the 12 months following the end of hostilities in Kosovo, unexploded munitions, submunitions, and anti-personnel mines each accounted for roughly the same proportion — one third — of the victims. Unexploded submunitions are more difficult to clear than mines. They are extremely powerful explosives and are often highly unstable. Incidents involving submunitions were much more likely than landmines to result in death or injury to several people.

In the view of the ICRC, these findings indicate an urgent need to address, in a comprehensive manner, the humanitarian problems caused by explosive remnants of war. We have proposed consideration of a *new Protocol to the 1980 Convention on Certain Conventional Weapons (CCW)* to address the use and clearance of the wide range of unexploded munitions found in post-conflict settings. We look forward to working with States in the context of the 2001

CCW Review Conference to ensure that the problems posed by explosive remnants of war are urgently addressed. The ICRC recently hosted a meeting of governmental experts on this subject which indicated an encouraging readiness to take up this issue. A summary report will soon be available.

Given the nature of armed conflicts today, we consider that the *expansion of the scope of the 1980 Convention's original protocols* to also apply in non-international armed conflicts should be a priority for the upcoming Review Conference. Although there are a number of options for achieving this, we believe that the addition of a new protocol extending the scope of application might be an approach worth considering, since it would avoid some of the technical and legal complications of amending the framework Convention.

The ICRC welcomes the convening of the 2001 *United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All its Aspects*. The ICRC's observations and recommendations in relation to small arms proliferation are contained in a study entitled "Arms Availability and the Situation of Civilians in Armed Conflict" which shows a strong link between high levels of arms availability and high levels of civilian casualties — both during and after periods of conflict. It highlights the fact that disease, starvation and ill-treatment of civilians increase when humanitarian agencies, including the ICRC, are directly attacked and must suspend operations or leave a country. We also note that as international arms transfers, particularly of small arms and light weapons, have become easier, promoting respect for humanitarian law has become vastly more difficult. For these reasons we urge States to include, on the agenda of the UN Conference, the humanitarian effects of small arms.

Independently of this Conference, the ICRC urges States to review their policies concerning the production, availability and transfer of arms and ammunition in light of their responsibility to "respect and ensure respect" for international humanitarian law. When devising national policies on arms transfers and elaborating regional or international codes of conduct, criteria based on the likelihood of humanitarian law being respected should be included. This approach was endorsed in the Plan of Action (section 1.5) of last year's 27th Inter-

national Conference of the Red Cross and Red Crescent, in which almost all States party to the Geneva Conventions participated.

The 27th International Conference also encouraged States which have not done so to establish *mechanisms and procedures to determine whether the use of weapons, whether held in their inventories or being procured or developed, would conform to the obligations binding on them under international humanitarian law*. States were also urged to promote transparency in relation to these weapon reviews. The Conference invited States and the ICRC to begin a process of consultations to promote such mechanisms and to analyse the extent to which the ICRC's health-based approach might assist States in the conduct of legal reviews. The ICRC has extended invitations to States to participate in such a consultation process.

The ICRC continues to be preoccupied by the fact that, in recent years, bullets capable of exploding on impact with a human body have been produced, sold and used. The 1868 St Petersburg Declaration prohibits the use of *exploding bullets* in order to protect from suffering which serves no military purpose and is therefore contrary to the principles of humanity. The ICRC is continuing its dialogue with States on this matter. It expects to report on this problem and will seek appropriate action during the 2001 CCW Review Conference.

This year marks the 75th anniversary of the adoption of the Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases and of Bacteriological Methods of Warfare, and the 25th anniversary of the *Biological Weapons Convention's* entry into force. In closing, we would urge States to observe these commemorations by helping to ensure that the evil of biological warfare is never unleashed and that the stunning advances being made in the fields of microbiology, genetic engineering and biotechnology are not turned against humanity. The best way to do so would be to successfully conclude the long-running negotiations on an effective monitoring regime for the 1972 *Biological Weapons Convention*.