



Convention on Certain Conventional Weapons

Fourth Review Conference

General Exchange of Views

Statement by HE Mr Peter Woolcott Permanent Representative of Australia to the United Nations in Geneva and Ambassador for Disarmament

14 November 2011

Mr President, let me congratulate you on your appointment to this important role and assure you of Australia's full cooperation in your work.

Australia has had a long-standing commitment to the CCW and its humanitarian aims. We are a party to all five protocols as well as the amendments to the Convention and Protocol II.

As the CCW nears the 30th anniversary of its entry into force, States Parties to the CCW need to ensure the Convention is able to fulfill its mandate to prohibit or restrict the use of those weapons which are excessively injurious or have indiscriminate effects. The CCW needs to remain responsive to, and lead developments in, international humanitarian law.

Mr President

Since the Meeting of High Contracting Parties in 2010, the CCW has only attracted one additional High Contracting Party. Australia is pleased to welcome St Vincent and the Grenadines to the CCW and a number of its protocols.

It is pleasing to see that Protocol IV on Blinding Laser Weapons has now reached 100 High Contracting Parties and that 75 States have accepted the amendment to Article 1 of the Convention.

While we recognise the achievement in having 114 High Contracting Parties to the Convention, there is still considerable scope for greater universalisation.

Australia urges those States not yet party to the CCW to consider ratifying or acceding to it in the near future. We also encourage those High Contracting Parties that have not yet accepted all of the Convention's Protocols to do so, because after all, the Protocols provide the substance to the Convention's aspirations.

As part of our outreach on arms control and disarmament issues, Australia has taken opportunities to promote the CCW and its protocols, particularly in the Asia-Pacific region.

Australia also continues to be a financial contributor to the sponsorship programme. The programme is a valuable tool to promote the goals of the CCW, enhance its universalisation and assist its effective implementation.

Mr President

International concern about cluster munitions that cause unacceptable harm to civilians led directly to a significant achievement in August 2010 – the entry into force of the Convention on Cluster Munitions (CCM). We congratulate the Lao People's Democratic Republic and Lebanon for their leadership of the CCM, including two very successful Meetings of States Parties to the CCM in Vientiane and Beirut, and cementing some early gains in the CCM's implementation.

While Australia is a strong supporter of the CCM and is working towards ratifying it, we accept the fact that some States, including major producers, are not yet in a position to join. Without a CCW protocol on cluster munitions, international law rules on States remaining outside the CCM do not provide sufficient restrictions and prohibitions. A virtually unfettered ability to use cluster munitions would remain an unfortunate reality.

We thank Gary Domingo of the Philippines for his dedicated efforts over the past two years, as Chair of the Group of Governmental Experts, to find an acceptable middle ground between delegations. We support continuing negotiations on the basis of the Chair's text.

We continue to support efforts in the CCW – an instrument with broad membership and a high level of technical expertise – to achieve meaningful prohibitions on the use of cluster munitions by those who are not yet parties to the CCM. These negotiations, however, must provide for a strong humanitarian outcome.

For Australia, a CCW protocol would be a stepping stone to a global prohibition of cluster munitions that cause significant and indiscriminate harm. We would see it as a temporary measure to bring crucial States on board in establishing minimum standards in recognition of the inherent dangers to civilians associated with the use of cluster munitions.

We do not underestimate the difficulties involved, but we are prepared to work with all others to achieve this outcome and conclude these negotiations at this Review Conference.

Mr President

Australia supports efforts to strengthen the CCW. This Review Conference must consider what future work the States Parties should embark upon in 2012 and beyond.

One area outstanding from the Convention's coverage is mines other than anti-personnel mines (MOTAPM). Undetectable and persistent MOTAPM pose humanitarian risks to civilians. The death of 18 civilians when a bus struck an anti-vehicle mine in South Sudan on 9 October is a

demonstration of the terrible consequences these weapons can have. The use of anti-vehicle mines by Muammar Gaddafi's troops as a weapon of terror against his own people also starkly highlights the need to address their use.

This risk could be countered effectively through the regulation of the use and design of such weapons. It is five years since MOTAPM was last meaningfully addressed in the CCW. We support this Review Conference exploring what might be achievable for a mandate for discussions on MOTAPM in a Group of Governmental Experts in 2012.

Another area for worthwhile future work relates to considering in detail Protocol III on incendiary weapons. While there is undoubted legitimate military utility in using certain munitions for illuminating, tracing and obscuring, there is an inconsistency in Protocol III that allows two munitions used for the same purpose and having the same effect to be subject to differing levels of restrictions under international humanitarian law

We would welcome a genuine exchange between experts in the coming year on the scope and applicability of Protocol III on other weapons that can have the same effect as incendiary weapons.

Mr President

The CCW remains an important – if not exclusive – tool for elaborating international humanitarian law rules on weapons which are excessively injurious or have indiscriminate effects.

In recent years, this international standard-setting role has been complemented by building technical work on implementation, transparency and compliance, which is a welcome supplement to the CCW framework. We welcome the establishment of the Implementation Support Unit to assist High Contracting Parties in their work. In Protocol V, we took an additional step of setting out standards and rules on what should happen before and after explosive weapons are used in conflicts.

Through regularly strengthening the Convention and its protocols, and by ensuring our associated work is meaningful and productive, we have the opportunity of maintaining the CCW as a relevant and robust humanitarian law and arms control instrument.

We look forward to participating in the review of the CCW and discussions on its future direction.

Thank you.

