

Statement by Ambassador Jayant Prasad, Permanent Representative of India to the Conference on Disarmament at the Plenary of the 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 - November 7, 2007

Mr. Chairman,

My delegation is very pleased with your assumption of the chair of the meeting of the High Contracting Parties of the 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 (CCW Convention). We are confident that the meeting will have a successful outcome under your leadership. We are delighted to have Ambassador Sergio Duarte, the High Representative of the UN Secretary General in our midst and would like to thank him for reading Secretary General's encouraging message.

India is privileged to be part of a small group of countries that have ratified or otherwise acceded to the entire CCW package: Protocol I, Amended Protocol II, Protocols III, IV and V as well as amendment to Article I of the Convention. India has shouldered responsibilities entrusted to it in previous years to nurture the CCW processes, including its Presidency in 2002-2003, when Protocol V on Explosive Remnants of War was negotiated and concluded.

The CCW Convention embodies the principle that the right of the parties to an armed conflict to choose the methods or means of warfare is not unlimited. It prohibits the employment, in armed conflicts, of weapons, projectiles and materials and methods of warfare of a nature that cause superfluous injury or unnecessary suffering. The Convention and its Annexed Protocols, while stipulating measures to mitigate humanitarian concerns arising from the use of specific weapons and weapon systems, also take into account their military necessity and strike a balance between the two.

The CCW Convention now has 103 adherents. It is of utmost importance that the States that are not party to it are encouraged to join the Convention and the Protocols annexed to it. Good work has been carried out in this context since the Review Conference held last year by Ambassador Francois Rivasseau and we are happy to know that you, Mr. Chairman, will now contribute to that work. India attaches high importance to the Plan of Action and the Sponsorship Programme to promote the universality of the CCW. The Government of India has decided to make a contribution of US dollars ten thousand to support efforts in this regard.

India believes that States Parties are primarily responsible for the full and effective implementation of their obligations under the Convention and the Protocols to which they are bound. We were satisfied with the decision on a compliance mechanism contained in Annex II of the Final Declaration of the last Review Conference. We hope to engage in discussions to finalise and approve the standardized reporting formats as well as their registration form for the pool of experts. To cater to the increased workload, we must give serious thought to strengthening the Secretariat supporting the CCW process.

The entry into force of Protocol V on ERW is a significant development. We call upon all States that have not already done so to accede to the Protocol. We are confident that, when fully and effectively implemented by a wide cross section of countries, Protocol V would go a long way towards mitigating the humanitarian concerns associated with ERW.

The Group of Governmental Experts has continued its valuable work in areas related to ERW: consideration of the implementation of existing principles of international humanitarian law and possible measures, including on cluster sub-munitions, aimed at

minimizing the humanitarian risks of these munitions becoming ERW. We would like to compliment Ambassador Karklis for his leadership at the last GGE. India will continue its contribution in the GGE during the course of next year.

With regard to Mines other than Anti-Personnel Mines and finding common ground on the key remaining issues of detectability and active life span, we hope that States Parties will demonstrate flexibility in order to adopt a legally binding protocol on MOTAPM that would maintain the balance between humanitarian concerns and the military utility of these weapons.

The CCW process is primarily concerned with the application of existing IHL principles for regulating the use of specific types of weapons, weapon systems and munitions in order to mitigate the humanitarian risks associated with their use. Indeed, the CCW Convention is one of the principal IHL legal instruments and has proven its dynamism. All of us, party to it, have a collective responsibility to ensure that there is an adequate and timely response to the current challenges posed by advancements in weapons technology or changes in methods of warfare.

Therefore, while we should continue to encourage the States Parties to fully meet their IHL obligations within the CCW framework, we must not lose sight of the importance of the international community as a whole coming up with a new and strengthened format that would, by common agreement, reaffirm and strengthen the application of international law in regulating methods of warfare and in protecting the victims of warfare.

The last time the international community had an opportunity to undertake such a comprehensive review was at the 1979 UN Special Conference. This resulted in the CCW Convention in 1980. In the ensuing three decades, there has been a fundamental transformation of the international landscape. The Cold War has ended, the nature of conflicts has changed and new technologies in warfare have emerged. There is also a new consciousness, both among Governments and NGOs, about the need to address the conditions of victims of conflict, through sustained post-conflict and peace building efforts. Victim assistance is now a major objective of our common efforts.

We feel that there is need for a renewed debate and discussion on strengthening the obligations of all States to consider whether the adoption of new weapon systems or methods of warfare should, in some circumstances, be prohibited under the applicable rules of international law. It is pertinent to recall that measures related to prevention of military uses of new technologies in certain circumstances were integral to the 1988 Rajiv Gandhi three-stage Action Plan on Disarmament. Further, given the changing circumstances, we feel it is time for the international community to consider ways and means to continue the codification and progressive development of the rules of international law applicable to advanced conventional weapons which have devastating and indiscriminate effects, or hinder post-conflict peace building efforts or have lasting negative effects on the environment or fragile eco-systems.

We believe that these are complex and interrelated issues that do not lend themselves to easy or old solutions. Addressing these questions will require new thinking and new approaches that must be evolved through dialogue and consultation. The CCW process is an appropriate forum to initiate such consultations, which must also extend to the larger international community. Given adequate preparation and a focussed agenda, it is possible that the discussions and debate within this forum can be a stepping-stone for a larger initiative at the UN to take on board those that are outside the CCW process. India looks forward to working with the CCW Parties to achieve our common objectives.

Before ending, Mr. Chairman, my delegation would like to express its appreciation to the International Committee of the Red Cross and NGOs within the CCW process for their contributions, which have energised and enriched our work.

I thank you for your attention.