

MAC Statement on the Explosive Remnants of War

The United Nations Association in Canada has endorsed the following NGO statement by Mines Action Canada (MAC) at the Meeting of States Parties to the Convention on Conventional Weapons (12-13 December, 2002). UNA-Canada is a member of MAC.

Mr Coordinator, Distinguished Delegates, Colleagues and Friends:

First of all we would like to begin by saying that we are encouraged that States Parties have reached a consensus on the negotiations for a new legally binding instrument on Explosive Remnants of War (ERW) on post-conflict remedial measures of a generic nature. This statement reflects concerns of many NGOs from around the world; NGOs who frequently work in communities affected by ERW. Reports presented by Human Rights Watch and Landmine Action last week clearly outline these humanitarian concerns.

We see progress in the fact that important issues such as responsibility for clearance, information sharing, warning to civilians, and assistance and co-operation are identified within the mandate. We reiterate that the rapid provision of information and warnings to civilians at the cessation of active hostilities would further reduce the risks posed by ERW for civilian populations in affected areas.

While there may be concerns within the Group on Governmental Experts regarding user responsibility for clearance, we believe there should be an obligation for users to clear affected areas of these hazardous munitions, and/or to provide financial assistance in addition to technical and other necessary information. Amended Protocol II is a good starting point but needs to be adapted to address the specific circumstances related to the clearance of ERW.

We urge delegates to negotiate these post-conflict remedial measures on ERW in an effective and timely manner in order to create a new legally binding protocol by December next year to include non-international armed conflict, to reflect the present nature of the majority of conflicts.

We believe that there are two major shortcomings in the deliberations of the States Parties. It is inexcusable that the explicit reference to victim assistance in the mandate has been blocked, and we fully expect delegates will incorporate this vital topic into their negotiations.

The second major shortcoming is the refusal to negotiate a legally binding protocol on measures that restrict the use of certain weapons and weapons systems. These will thus continue to pose a great risk to civilian populations.

The conjoined issues of targeting and use urgently need to be addressed. Evidence from Kosovo and Afghanistan illustrates that new targeting restrictions are needed to better protect civilians, particularly with regard to use in or near populated areas. Use also requires further discussion as there may be weather, terrain or operational factors that makes some weapons more prone to become ERW.

The efforts by member states to address these issues through identifying best practices in manufacturing, quality control and munition management during negotiations over the next year should consider obligatory international standards.

Given the particular problems caused by cluster submunitions, we continue to call upon states to enact unilateral moratoria on the use, production and transfer of cluster submunitions until the humanitarian concerns that arise from their use are addressed through new domestic and/or international measures including a protocol. As these submunitions become more widely available to states and non-state actors, it is essential to reduce the ERW risk they pose to civilians, peacekeeping forces and humanitarian efforts.

Member states have started to demonstrate a political will to tackle some of the issues around ERW and we urge delegates to undertake negotiations with a view to creating a new legally binding protocol on post-conflict remedial measures of a generic nature at the Meeting of States Parties in *December* 2003. We cannot and will not ignore the long-term dangers and damage caused to civilian populations by munitions other than landmines. The humanitarian concerns relating to preventive and post-conflict measures will remain a daily reality for civilians living in ERW-affected areas.