



**PERMANENT MISSION OF INDIA
TO THE CONFERENCE ON DISARMAMENT**

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STATEMENT

By

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Statement by Ambassador Sujata Mehta, Permanent Representative of India to the CD and Head of Indian Delegation, at the Fourth Review Conference of the States Parties to the CCW

Geneva, November 14, 2011

Mr. President,

I am happy to join other colleagues in congratulating you on the assumption of the Presidency of the Fourth Review Conference on the CCW and also to congratulate other members of the Bureau on their election. I assure you of the full support of my delegation for achieving a constructive and forward looking outcome from the Review Conference.

Mr. President,

The CCW is one of the important instruments of International Humanitarian Law within the UN framework. It offers a unique forum for progressive controls over certain categories of weapons and weapon systems through international consensus building and cooperation. 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 the military necessity of such weapons and thus strive to strike a balance between the two concepts.

India is fully committed to the CCW and the humanitarian principles enshrined in the Convention. We have ratified all five Protocols annexed to the Convention and Amended Article I of the Convention. We are committed to taking all necessary steps to implement our obligations under the CCW and its Protocols, including Amended Protocol II and Protocol V. We have participated actively and constructively in the negotiations on a draft protocol on cluster munitions under the Convention.

The universality of CCW and its annexed protocols remains an important goal for which the primary responsibility rests with the States Parties to the CCW. It is a matter of satisfaction that progress has been achieved towards universalization since the last Review Conference. 14 new States have become Parties to the Convention while more than 25 new States have joined Protocol V. More States have also given their consent to be bound by other CCW Protocols and Amended Article I. Further efforts are necessary to accelerate CCW universalization which will have a tangible impact on the ground by extending the humanitarian footprint

of the Convention. India therefore attaches high importance to the Plan of Action on universalization and the Sponsorship Programme adopted by the last Review Conference. I am happy to inform you that we have contributed USD 10,000 to the Sponsorship Programme this year.

India believes that States Parties are responsible for the full and effective implementation of their obligations under the Convention and the Protocols. We are satisfied with the progress on the implementation of the decision on the compliance mechanism contained in Annex II of the Final Declaration of the last Review Conference. We have submitted our Annual Report on compliance every year since 2008. We note in this context that only about 30 States Parties submit the reports every year. We support measures aimed at improving the rate of submission of compliance reports and synchronizing the dates of submissions of reports under CCW, AP-II and Protocol V. We are also happy at the setting up of the Implementation Support Unit which at the same time underlines the need to strengthen the Geneva Branch of the UNODA in support of the CCW.

In recent years the entry into force of Protocol V on ERW has been an event of high significance. India has shouldered various responsibilities in relation to Protocol V. We were CCW President in 2002-03 when Protocol V was negotiated and concluded. We were privileged to preside over the Third Conference of Protocol V in 2009 and coordinate the work on National Reporting in the past year. We call upon States that have not already acceded to Protocol V to join it. We are confident that when fully implemented by a wide cross-section of countries, Protocol V would go a long way towards mitigating the humanitarian concerns associated with explosive remnants of war. The implementation of the Protocol has made progress inter alia through the informal mechanism of the Meeting of Experts. This illustrates once again the unique value of the CCW instrument.

Mr. President, India supports the approach enshrined in Amended Protocol II of striking a balance between humanitarian concerns on landmines and legitimate defence requirements, particularly those of States that have long borders. India has fulfilled its obligations under Amended Protocol II related inter alia to non-production of non-detectable mines as well as rendering all anti-personnel mines detectable. India also observes a moratorium on the export and transfer of landmines. We are fully committed to the eventual elimination of anti-personnel landmines. The availability of militarily effective alternative technologies that can perform cost effectively the defensive function of anti-personnel landmines will facilitate the achievement of this goal. India's ratification of the Convention on the Rights of Persons with Disabilities underscores the importance it attaches to the

issue of victim assistance. Overall, we support the vision of a world free of the threat of landmines where individuals and communities can live in a safe and secure environment conducive to development and where mine survivors are fully integrated into their societies.

Technical cooperation and exchange of experience in mine clearance technology, equipment and training is critical to the full implementation of Amended Protocol II. India has extended assistance to international demining and rehabilitation efforts including as part of UN peacekeeping operations to which India is a leading contributor. Indian military personnel have carried out de-mining operations in Cambodia, Angola and Afghanistan and India has provided support to two NGO groups to undertake mine clearance in erstwhile conflict affected areas in Sri Lanka.

At this stage, Mr President, I should like to share briefly India's perspective on some current topics which have a bearing on our work in the coming years.

We believe that we should continue to address the issue of Improvised Explosive Devices or IEDs under the CCW framework, without giving any legitimacy or license to terrorist groups and non-state actors and their use of violence. IEDs are being used by terrorists and non-state actors across the globe. They are the cause of a large number of civilian and military casualties and have a growing humanitarian impact. It is only befitting that we continue in-depth consideration of IED issues, including exchange of experience, in the CCW framework, and explore the possibility of drawing up best practices or other agreed measures.

We share the international community's concerns about the humanitarian impact of the irresponsible use of cluster munitions. We believe that the use of cluster munitions is legitimate if it is in accordance with international humanitarian law. Accordingly, we support the negotiation of an instrument in the CCW that will strike a balance between humanitarian and military concerns. We welcome the progress that was made by the GGE on negotiating a draft text. We look forward to concluding our negotiations on the draft protocol during this Review Conference so that we can add another edifice to the CCW framework.

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 weapons systems or methods of warfare would in some circumstances be prohibited under applicable rules of international law. 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 which hinder post-conflict peace-building efforts or which have lasting negative impact on the environment or fragile ecosystems.

We believe that these are complex and interrelated issues which do not lend themselves to easy or obvious solutions. Addressing these questions will require innovative thinking and exploration of new approaches which must be evolved through dialogue and consultations. The CCW process is an appropriate forum to initiate such consultations, drawing in the larger international community. Given adequate preparation and requisite focus, it is possible that the discussions and debate within this forum can be a stepping stone for a larger initiative at the UN. India looks forward to working with CCW Member States to achieve our common objectives.

Mr. President,

Before closing I would like to record our appreciation for the active participation of the International Committee of the Red Cross and relevant non-governmental organizations in the CCW process. They should continue to contribute as in the past to enhancing our understanding of and sensitivity to IHL issues in a neutral and apolitical manner, consistent with their mandates, enlarging the ground for common action.

Finally, I would like to reiterate India's position that the CCW has proven to be a dynamic instrument of International Humanitarian Law. We hope we can further strengthen it at this Review Conference, including through the successful conclusion of the negotiations on a draft protocol on cluster munitions.

I thank you, Mr. President.
