Sixth Review Conference of the High Contracting Parties to 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)

Final statement by the International Committee of the Red Cross (ICRC)

17 December 2021

Mr President,

Any assessment of the operation and effectiveness of the Convention and its Protocols must consider how responsive they are to the humanitarian concerns raised by the use of certain conventional weapons in contemporary armed conflicts and by rapidly evolving weapons technologies and military practices; an assessment of this kind must also take into account social and normative developments. All this is essential for upholding and progressively strengthening protection for victims of armed conflicts.

The ICRC is encouraged by certain developments at this Review Conference: for instance, the recognition of the need – in addressing humanitarian concerns raised by the use of certain conventional weapons – for a “balanced involvement of women and men”.

Recognizing the dangers inherent in the use of conventional weapons in areas with a concentration of civilians and resolving to address these are also encouraging signs and the ICRC welcomes them.

We had, however, expected the decisions taken this week to reflect greater political will and the actions necessary to address the humanitarian challenges created by the use of conventional weapons in contemporary armed conflicts and by rapid advances in weapons technologies.

ICRC staff members bear daily witness to the appalling consequences for civilians of the use of conventional weapons in urban conflicts. In our view, this calls for recognition by States of the devastation caused by explosive weapons with wide area effects when they are used in populated areas and of the unacceptable harm done by cluster munitions. It also calls for the adoption of measures to protect civilians against the humanitarian consequences of the use of these weapons.

The growing trend of fighting in population centres and the need to better protect the natural environment also lend urgency to calls for focused discussion on the adverse humanitarian impacts of incendiary weapons and weapons with incidental incendiary effects.

The ICRC also regrets that the High Contracting Parties to the CCW were again unable to agree on concrete actions in the future to effectively prevent or mitigate the harm to civilians from mines other than anti-personnel mines, which is long-standing and well documented.
Mr President,

The ICRC welcomes the determination of the High Contracting Parties to “intensify” their efforts in 2022 to address the issue of autonomous weapon systems (AWS). However, we regard the decisions taken in this connection by the Group of Governmental Experts (GGE), and now the Sixth Review Conference, as missed opportunities for taking more concrete steps towards the adoption of new legally binding rules on AWS.

It is true that its mandate does not give the GGE a clear direction, but it does enable the High Contracting Parties to respond effectively and in a timely manner to the serious humanitarian risks, pressing legal challenges, and fundamental ethical concerns identified during CCW discussions over the past eight years. We urge the High Contracting Parties to take advantage of this and achieve tangible results next year.

In this regard, we take encouragement from the fact that there is now a deeper, shared understanding of the risks posed by AWS and broader agreement about the political action needed to address these risks – as reflected in the substantive discussions at the GGE. We are heartened to note that a majority of States are now ready to commit themselves to not developing and using AWS that pose unacceptable risks and limiting the use of others.

The ICRC is confident that next year the international community will find a path towards adopting a legally binding instrument.

Mr President,

This Convention was created during an era in international affairs when tensions were at least as high as they are now. Even so, States came together to give expression to their shared recognition that “the suffering of the civilian population and combatants could be significantly reduced if agreements can be attained on the prohibition or restriction for humanitarian reasons of the use of specific conventional weapons, including any which may be deemed to be excessively injurious or to have indiscriminate effects”.

The High Contracting Parties have the tools to enhance protection for victims of armed conflict against the effects of conventional weapons, by strengthening the implementation of the Convention and its Protocols, and by adopting new rules to address contemporary humanitarian concerns, including in relation to AWS. The ICRC urges them to make use of those tools for the benefit of humanity.

Thank you.