

**Statement of the International Committee of the Red Cross  
to the Second Meeting of States Parties to the Protocol on Explosive Remnants of War**

**10 November 2008**

The Protocol on Explosive Remnants of War is a central component of the international community's efforts to address the widespread human suffering caused by unexploded and abandoned ordnance. Its adoption and entry into force were significant developments of international humanitarian law and reflected a substantial strengthening of the CCW in response to a widely recognised humanitarian problem. Along with the Convention on the Prohibition on Anti-personnel Mines, Amended Protocol II of the CCW and the Convention on Cluster Munitions, international humanitarian law now has a comprehensive framework for reducing the suffering caused by weapons which go on killing and injuring civilians long after conflicts have ended.

With 48 States now party to this instrument, the International Committee of the Red Cross (ICRC) believes that efforts must turn to ensuring that the Protocol will have a tangible impact on the ground. In our view, this means that this and subsequent Meetings of States Parties need to focus, in more detail than was possible in the Protocol itself, on the problems of countries already affected by ERW and on precisely how the Protocol's operative provisions, such as retention and transmission of information on munitions used, will be implemented by States and armed forces so as to prevent future civilian casualties.

We are encouraged that over the past year, concrete steps have been taken. The work of the First Meeting of States Parties and the efforts of the Friends of the Chair in 2008 have advanced the development of a number of tools to facilitate the filing of annual national reports, the recording and retention of information relevant to ERW and analysing requests for assistance from affected countries. In addition, there is the ongoing work to develop an action plan for victim assistance which reflects the best current practices in this field, an effort which the ICRC fully supports. We believe that these steps are a good start towards the operationalization of the Protocol and can help ensure that it is implemented in a consistent and predictable manner. We will have more specific comments in several of these areas during the course of the Conference.

We believe that detailed work on implementation needs to continue in 2009. Thus far, most of the efforts have focussed on information exchange at governmental levels. It is also necessary to examine ways to facilitate execution of the Protocol's requirements in the field, in particular, through developing practices to ensure the full and rapid exchange of information between the armed forces, clearance organizations and other relevant agencies. The template developed for Article 4 is one tool which will help that to occur. Yet, we believe that it would be valuable to have a better idea as to how such a requirement will be operationalized by armed forces in the field. In this regard, additional tools and, in particular, detailed procedures may also be necessary if Article 4 is to accomplish its goals. We hope that a further consideration of this point might be possible in the next stages of our work.

Another issue which is important to consider in 2009 is how best to ensure coherence and avoid duplication with the various meetings of experts and intersessional discussions that

facilitate the implementation of the international instruments dealing with mines, explosive remnants of war and cluster munitions. You, Mr. President, already undertook an initiative in 2007 by hosting an informal meeting in Lithuania to examine how the various processes addressing mines, ERW and cluster munitions could complement and strengthen each other. We hope that discussions on this matter will advance significantly in 2009.

In closing, the ICRC believes that commitments contained in the Protocol on Explosive Remnants of War represent a major development which can save countless civilian lives. However, the practical work of addressing the problems caused by explosive remnants of war through the framework of Protocol V has just begun. Ensuring that the Protocol achieves its aims will require the continued commitment of States, international and national clearance agencies and other organizations. As the Protocol becomes more operational, it should increasingly be seen as the most effective international framework for addressing the dangers of a wide range of unexploded and abandoned ordnance not specifically covered in other instruments. The Protocol has the potential to make a substantial and significant difference in reducing the suffering caused by ERW and preventing contamination in future conflicts. Our work here at this meeting will help to make this a reality. In closing, we would urge all States which are not yet parties to adhere to this instrument as a matter of urgency and to join others in achieving the potential of this important instrument of international humanitarian law.