

CCW RevCon Austrian Statement

Mr. President,

Let me first join others in congratulating you, Ambassador Ganev, on your nomination as President of this Conference and by pledging our full support and cooperation in your endeavors.

disarmament and IHL
Austria values the Convention on Certain Conventional Weapons (CCW) as an important cornerstone of ~~International Humanitarian Law~~. Austria fully subscribes to the EU position of supporting the focus on the consolidation, the implementation and the universalization of the CCW and its Protocols. In this context, Austria is very grateful to the CCW Implementation Support Unit for having prepared the Reviews and Food for Thought Papers on the compliance mechanism and the promotion of the universality of the CCW and its Protocols.

Austria appreciates the suggestions made to enhance and facilitate the transparency reporting. We also support the work on an Accelerated Plan of Action on Universalization. Moreover, Austria is looking forward to the discussion on the non-paper prepared by Canada, which asks important questions on the future of our work in context of the Convention and its Protocols that should be carefully examined and responded to at this Review Conference. Finally, the report on the CCW Sponsorship Programme submitted by the Steering Committee and its specific recommendations for decisions are very much appreciated and give us valuable information for our deliberations on the future of the Sponsorship Programme.

Mr. President,

The threat posed by explosive weapons to civilians remains a great concern for Austria. We regard Protocol V on Explosive Remnants of War as an instrument of international humanitarian law that addresses the humanitarian impacts of a wide range of unexploded or abandoned ordnance, which endanger the lives and well-being of civilians even decades after the end of an armed conflict.

We welcome the progress in the implementation of Protocol V in the areas of clearance of explosive remnants of war, recording and transferring information under Art. 4, generic preventive measures, cooperation and assistance, the maintenance of the Web-based Information System, national reporting as well as victim assistance. We note the importance for quality reporting and regular sharing of information among States that is highlighted in several Coordinators' reports on different areas of implementation and remains a cross-cutting issue and a prerequisite for effective cooperation and assistance under Protocol V.

In the past few years, Austria was privileged to serve repeatedly as Coordinator on Victim Assistance under Protocol V. High Contracting Parties have recognized the

importance of guaranteeing the rights and addressing the needs of survivors of incidents involving unexploded ordnance and abandoned explosive ordnance. The adoption of the Action Plan on Victim Assistance was a major achievement in this regard. Austria highly values the holistic approach that victim assistance guided by the Action Plan is based upon under this protocol, which in our view is crucial for granting survivors their full rights. However, much remains to be done for the effective implementation of the Action Plan on Victim Assistance that the High Contracting Parties have committed to.

Austria is of the view that much progress in the implementation could be achieved by enhancing the reporting on victim assistance, which constitutes a prerequisite for a better understanding the state of implementation, needs and resources available at national level. Addressing victim assistance in a holistic, synergistic and practical manner across the different IHL instruments, including by extending Protocol V victim assistance regulations on other CCW Protocols, in our view would be essential in order to facilitate the implementation of victim assistance obligations.

Mr. President,

Most attention at this Review Conference will undoubtedly be given to the negotiations on a possible Protocol on cluster munitions.

Austria's position on this process is well known. Austria attaches utmost importance to the development of IHL and in particular to the protection of civilians and is therefore strongly committed to the Convention on Cluster Munitions (CCM). We are seriously concerned about the CCW negotiation process thus far and share the concerns expressed by several other states, the International Committee of the Red Cross (ICRC), UN entities and many practitioners and NGOs about the approach that had been followed in the Group of Governmental Experts.

We consider the approach that has been followed in developing the so-called Chair's text to be flawed and we did not appreciate how the concerns that we and others have expressed time and again have consistently been ignored in the GGE process. We look upon the provisions in this proposal not only in terms of what would be restricted but on the humanitarian impact of what would be allowed under the protocol and what its effect on existing IHL would be. And here it is apparent to us that we would see in fact a legitimisation of vast quantities of cluster munitions that would not be covered by the Chair's draft, all of which are known to cause terrible humanitarian problems. This is what makes this approach incompatible in our view with the CCM. In addition, we have serious reservations as to the adverse precedent created for IHL by establishing an alternative and weaker international norm on cluster munitions. We cannot understand how states on the one hand refer to the CCM as the "gold standard" and at the same time can promote or consider agreeing to such an approach.

Austria's aims for the Review Conference are clear:

- to reach consensus on establishing meaningful intermediate steps that amount to true added value in addressing the humanitarian problems caused by cluster munitions;
- to ensure that the outcome is fully complementary to and compatible with – both in spirit and letter - the CCM.

In order to point into the direction of such a possible consensus, Austria, Mexico and Norway have developed an Alternative Draft Protocol on Cluster Munitions as a constructive proposition, even though some wanted to dismiss it as a tactical move. We are convinced that the Alternative Proposal would be a meaningful and CCM-compatible outcome for the CCW. We realise, of course, that there is no consensus on this proposal at this stage. At the same time, it is equally clear that there is also no consensus on the draft of the GGE Chair.

Where does this leave us? Austria remains hopeful that common ground on - intermediate but concrete - humanitarian steps could still be found. We will engage constructively in the negotiations to see whether we can achieve a useful result at this Conference. We are ready to work flexibly to achieve such an outcome and ready to improve the Alternative Proposal or try to fundamentally rework the chairs's draft or consider all other approaches that may still be put forward.

Mr. President,

A constructive and consensual outcome in a multilateral process can only be achieved by listening to one another and addressing the concerns of all stakeholders. Trying to push through a text, however, is short-sighted. We believe that common ground could be found provided there is readiness to change the approach that we have followed in the GGE. We are hopeful that in the end this will be not only necessary but also achievable since an outcome at this Conference that would be widely seen as undermining existing IHL can ultimately not be in the interest of states truly interested in strengthening IHL and the CCW.