

Statement of the International Committee of the Red Cross on universalization

As indicated in the statement made by ICRC Vice-President Beerli at the opening of this meeting, the International Committee of the Red Cross (ICRC) is pleased with the steady increase in the number of States Parties to the Convention. This increase has been a result of the persistent efforts of States Parties, the United Nations, the Cluster Munition Coalition, the ICRC and National Red Cross and Red Crescent Societies in many parts of the world to promote the Convention. The ratifications have also been helped by your efforts Mr Coordinator and those of your co-coordinator. We would like to take this opportunity to congratulate you both for your leadership in this area.

The ICRC believes that the universalization efforts conducted over the last few years have helped to further adherence to the Convention. Recent efforts have focussed on facilitating a regional dialogue in many parts of the world. The successful events held in Ghana and Croatia are examples of this approach. The Convention has also been promoted in multilateral forums in which States Parties are members. In our view, efforts to organize these kinds of events should continue.

The ICRC would like to offer a few comments in response to the discussion questions on universalization contained in the Oslo Progress Report. At the outset, the ICRC would like to thank Lebanon for preparing this quality document under tight time constraints. The report is a useful snapshot of the current state of implementation and helps to focus work on important issues for the Convention's promotion and implementation.

The progress report highlights the Accra Action Plan, which was adopted at the Regional Conference on Universalization held in Ghana this past May. The plan was adopted with the ultimate aim "to attain a cluster munitions free Africa" and calls on all States not yet party to the Convention "to take all the necessary steps to ratify or otherwise accede." With the proposal to convene the fourth Meeting of States Parties in Zambia next year, it seems like 2013 is an appropriate time to focus on the implementation of the Accra Action Plan by African States. In our view, it would seem to be especially important to urge the African States that signed the Convention in 2008 to ratify before the 2013 MSP. This would be a further indication of African States leading the way on cluster munitions.

As a follow-up to the Accra meeting and the Universalization Action Plan, the ICRC believes that it might be worthwhile to consider convening several small events aimed at signatory States in Africa in early 2013. One low cost option might be to organize national roundtables in several African signatory States so as to advance adherence to the instrument. Such meetings could be held in capital and bring together 20-25 officials from a variety of ministries to increase understanding of the Convention and address issues linked to its implementation. The agenda could include presentations by several outside or regional experts. Overall, we think that the costs and logistical planning for this kind of event would be minimal and would allow for the possibility to engage a greater number of national ministries and officials than might be possible in a regional meeting.

[To discuss, maybe include this: The ICRC does not have plans to organize such events in its budget for next year but would be willing to work with other partners to advance such events, if they consider this to be a useful proposal.]

In the coming year, the ICRC and National Red Cross and Red Crescent Societies will continue to play an active role in promoting the Convention. The activities in this area are conducted under the Movement's Strategy on Landmines, Cluster Munitions and Other Explosive Remnants of War which identifies universal adherence of the Convention on Cluster Munitions as one of the Movement's principal goals to protect civilians from the consequences of armed conflict. In 2013, the ICRC will continue to urge adherence to the Convention in high-level bilateral contacts with signatories and non-signatory States. The ICRC will also continue to provide technical support to a number of National Societies in their efforts. The Convention will also be on the agenda of several regional IHL meetings in 2013. The ICRC is also looking into the possibility to host a regional meeting in 2013 for States in the Baltic region.

As a final matter, the ICRC would like to use this session to draw attention to an issue that we feel can have a significant impact on the universalization of the Convention on Cluster Munitions. The ICRC is increasingly concerned about the national legislation being adopted by some States Parties to implement the Convention. While these laws criminalize many of the acts prohibited by the treaty, several also include clauses that exclude or limit criminal liability for some acts that may occur as part of military cooperation and operations with States not party to the Convention.

The ICRC is concerned that some of these exceptions may not be consistent with the Convention's object and purpose "to put an end for all time to the suffering and casualties caused by cluster munitions." In addition, we feel that broad exceptions in national law can also undermine the Convention's universality by creating a perception that its implementation is inconsistent in fundamental areas. Specifically, a perception may emerge that while some States have comprehensively banned the use, production, stockpiling and transfer of cluster munitions for themselves due to the weapon's severe humanitarian consequences, they remain directly engaged in their use by others in the context of military cooperation and multinational operations.

Mr President, we continue to make important progress in promoting adherence to the Convention and our efforts must certainly continue. The ICRC remains determined to work strenuously to promote the universalisation of the Convention and cooperate with all relevant actors to pave the way towards the elimination of cluster munitions.

With this momentum and these achievements as a backdrop, the ICRC calls on States that have not yet ratified the Convention, including the 41 States that have signed the Convention but not yet ratified it, to adhere to the Convention as soon as possible and to help move us closer towards a world free of cluster munitions