

Intersessional Meeting of the Convention on Cluster Munitions

Statement of the International Committee of the Red Cross on Universalization

27 June 2011

The International Committee of the Red Cross (ICRC) would like to begin by congratulating Japan for its work as the Friend of the President on universalization. We would also like to welcome the earlier interventions from States and organizations on their efforts to promote the Convention on Cluster Munitions. The ICRC is pleased with the pace of adherence to the Convention and is confident that the number of States Parties will steadily increase. As evidenced by the participation in this important intersessional meeting, the level of motivation and engagement on the part of States and organizations remains very high.

The adherence of all States to the Convention on Cluster Munitions is a priority for the ICRC and we are working in many countries to promote its universalization. Adherence to the Convention is a matter that is regularly raised in bilateral contacts with signatories and non-signatory States, including in high-level meetings between the ICRC Presidency and senior government officials. In addition, the ICRC consistently includes the Convention as a subject for ICRC organized regional meetings on IHL issues. In 2010, the ICRC organized national roundtables on the Convention in Bangkok, Thailand and Amman, Jordan for officials of these States. In the first part of 2011, the Convention was discussed at the regional meeting on IHL issues for States of South Asia (February) and a conference on IHL issues for Commonwealth States and National Red Cross and Red Crescent Societies. A session on the Convention will also be included in a meeting of Commonwealth Law Ministers in July and the annual IHL meeting for States of Southern Africa that will be held in Pretoria in August. The ICRC has also supported many interventions by National Red Cross and Red Crescent Societies supporting adherence with their national authorities.

To promote understanding of the Convention and its obligations, the ICRC has produced a variety of communication materials. These include a DVD, brochures and fact sheets outlining the problems caused by cluster munitions and the requirements of the Convention. We have also produced model legislation for common law States to help them implement the legislative requirements of Article 9, which will be discussed in more detail on Wednesday. Some of these materials are available here in a variety of languages and available in the corridor outside of this room. They are also available through ICRC delegations.

For States about to begin their ratification process, the ICRC has produced a ratification kit that provides a short summary of the contents of the Convention and the procedures involved in formally adhering to it. The kit includes model instruments of ratification that States can use to notify the UN Secretary-General of their consent to be bound by the Convention. The ICRC is ready to provide further information, legal advice and other support to any State considering adherence to the treaty.

In many ways the Convention on Cluster Munitions is an exceptional instrument. One of its most unique features is its obligations in Article 21 requiring States Parties to promote the Convention and to do all they can to discourage the use of cluster munitions by non-party States. No other instrument of international humanitarian law has such a provision. These obligations have been developed further in Action 6 of the Vientiane Action Plan which

commits States Parties to "discourage in every possible way all use, development, production, stockpiling and transfer of cluster munitions." Taken together, the requirements of Article 21 and the VAP recognize that the universalization of the Convention is not only a matter of increasing the number of States Parties but that it also includes action to ensure that States not party to the Convention end their association with these weapons. Like others, the ICRC is concerned about the recent use of cluster munitions by non-party states and we welcome the action take by States Parties.

As the ICRC stated at the First Meeting of States Parties in Vientiane, we urge States Parties to give high priority to ensuring that norms and practices do not evolve that contradict the Convention's prohibitions. This is particularly relevant for States participating in the negotiation of a CCW protocol on cluster munitions. We urge these States to be very attentive to the risk that such a protocol would encourage the continued use of munitions known to be prohibited by the CCM and to put civilians at risk. The development of contradictory norms in the CCW should worry for all States Parties to the Convention on Cluster Munitions. We are convinced that a protocol that contradicts the CCM would have negative implications for adherence to the CCM and its universalization. We also urge States to carefully consider the point at which their role goes beyond mere participation and may constitute encouraging or inducing the use of prohibited cluster munitions by others.

In closing Mr. Chairman, the ICRC urges all States that are considering adherence to the Convention on Cluster Munitions to join this exceptional humanitarian treaty in the near future. Five years ago only a handful of States were firmly behind a ban on cluster munitions. Today more than XX States, as States Parties and signatories are working to promote, implement and ensure the effectiveness of this comprehensive international agreement. This puts us on a good course to fulfilling the commitment contained in the preamble of this Convention to "put an end for all time to the suffering and casualties caused by cluster munitions."

Thank you.