

Intersessional Meeting of the Convention on Cluster Munitions

ICRC comments on stockpile destruction

27 June 2011

The destruction of cluster munition stockpiles is one of the most important features of the Convention on Cluster Munitions. It is a central step in ensuring that the suffering and casualties caused by these weapons are brought to an end. Cluster munitions that are removed from operational stocks and destroyed will never be used, will never contaminate land and will never claim victims or bring anguish to families and communities.

The ICRC would like to begin its intervention on this theme by congratulating those States that have announced that they have completed the destruction of their cluster munition stockpiles. We would also like to welcome the updates provided by others on the status of their ongoing destruction activities. Providing such information is important for transparency in the application of Article 3 and as a way to further confidence among States Parties in the faithful implementation of the Convention.

Such statements are also a reminder of the importance of acting quickly in the area of stockpile destruction. It must be stressed that Article 3 obliges a State Party to destroy its stockpiles "as soon as possible" following the Convention's entry into force for it. The 8-year limit specified by the Convention is, in our view, for situations where the amount of munitions and the technical challenges involved in their destruction make it impossible to eliminate the weapons in a shorter time period. In implementing Article 3 States should move in an expeditious manner to fulfil their stockpile destruction commitments as soon as possible rather than on the basis of the upper limit of 8 years.

The need for States with significant stockpiles of cluster munitions to move quickly to begin the implementation of Article 3 has also been learned from past experience. The work in the context of AP Mine Ban Convention has taught us that States with significant stockpiles will need to start the development of national plans and policies almost immediately upon becoming a State Party. First and foremost this includes removing cluster munitions from operational stocks and marking them for destruction. These considerations underlie Action 8 of the Vientiane Action Plan which calls on States Parties to have a plan in place for the destruction of stockpiles within 1 year of the Convention's entry into force for that State as well Action 9 which urges States to disclose any obstacles to stockpile destruction in a timely manner. The ICRC urges States with significant stockpiles of cluster munitions to begin, as early as possible to prepare the necessary policies and regulations to execute these requirements so as to ensure that they will be in a position to meet their stockpile destruction obligations in a timely manner and in accordance with the Vientiane Action Plan.

Article 3 provides the option of retaining cluster munitions for development and training purposes. However, as stated in paragraph 6 of that article, the number retained must be "the minimum number absolutely necessary for these purposes". In view of past experience, we would urge States to clarify the extent to which both cluster munitions and explosive submunitions are needed for these purposes and to implement this provision in the most restrictive manner. It is our view that the retention of excessive quantities of cluster munitions would undermine the Convention's objective of the total elimination of these inhumane and indiscriminate weapons.

A final point that the ICRC would like to stress is that we believe that the Convention's obligations on stockpile destruction will play a central role in helping to bring about the complete elimination of cluster munitions and preventing future victims. Likewise, robust support for the implementation of Article 3 will also be an important element of the Convention's universalization. As highlighted by the 2010 Cluster Munition Monitor, 74 States have stockpiles of cluster munitions comprising many

millions of submunitions. Some are in the process of destruction but others, with large stocks of the weapons, will require assistance and support in order to join the Convention and meet its requirements. Assistance and cooperation for stockpile destruction will be important for increasing adherence. Like the other operative requirements of the Convention, we believe that all States Parties have an important role to play in ensuring the full and strong implementation of Article 3.