

Convention on Cluster Munitions

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Upholding and Strengthening the Norms of International Humanitarian Law that Protect Humanity in Times of Adversity

Submitted by the International Committee of the Red Cross*

1. The Convention on Cluster Munitions forms the foundation of humanitarian disarmament, along with other internationally binding treaties that prohibit entire categories of weapons in order to reduce suffering, protect civilians, and mitigate the worst effects of war.
2. At the time of its adoption in 2008, the Convention recognized the indiscriminate effects caused by cluster munitions in preceding wars and long after they ended, horrors that the international community determined to address and never to repeat. The drafters of the Convention and State Parties, taking decisive action, agreed that there is no utility of cluster munitions greater than the humanitarian cost they incur. All States and organizations present at the signing of the Convention in Oslo, sixteen years ago, changed how cluster munitions would be seen by States, by the public and by history.
3. Since then, millions of submunitions have been destroyed, hundreds of square kilometers of land have been cleared of cluster munition remnants returning vast areas to productive uses, and concerted efforts have helped improve the lives of victims. The Convention has demonstrably contributed to curtailing the production and use of cluster munitions in large parts of the world.
4. But the progress made thus far, though consequential, must not be cause for complacency. We are confronted with a number of challenges that risk undermining the integrity of the Convention, eroding the norms it has established and diluting international humanitarian law (IHL) as a whole:
 - i. The disturbing instances of use, production and transfer of cluster munitions in several conflicts leading to high civilian casualties both as a result of cluster munition attacks and caused by cluster munition remnants;
 - ii. Some actors continuing to view cluster munitions as legitimate means of warfare and proponents attributing security benefits or military value to these;
 - iii. Some State Parties beginning to question their commitments under the Convention and viewing IHL treaties as instruments to be adopted in times of peace and stability but abandoned when confronted with an elevated security threat or the outbreak of an armed conflict.
5. The ICRC is deeply concerned with and highly regrets these developments.

* The present document is being issued without formal editing.

6. At a time when international tensions are rising, the number of armed conflicts is increasing, and many States face dire humanitarian needs and acute security concerns, international humanitarian law remains the most important framework to mitigate the suffering caused by war. It is precisely during such periods that IHL and the treaties and practices that populated it must be upheld, re-affirmed and advocated rather than weakened, ignored and discarded.

7. On that basis, the ICRC calls on all State Parties:

- i. To recommit to the full and effective implementation of the Convention in good faith.
- ii. To reinforce the stigma associated with cluster munitions by denouncing any conduct that departs from the norms of the Convention and by unequivocally condemning any use of cluster munitions by anyone, anywhere, under any circumstances.
- iii. To refrain from withdrawing from the Convention, and to immediately reconsider any withdrawal process that may be underway.
- iv. To publicly reaffirm the value and importance of the Convention and of IHL and to discourage any actions by anyone that undermine or weaken it, including any withdrawals from the Convention.
- v. To raise public awareness of the role and function of IHL in armed conflict and foster public understanding of the risks of any erosion of the norms of the Convention and of IHL.

8. The ICRC appeals to all States Parties, Signatory States, international and regional organizations and civil society organizations, to stand with the Convention now in this time of great need. To recall that these weapons are still maiming and killing people indiscriminately and to reaffirm the humanitarian norms to which the Convention gives formal expression, in order to put an end for all time to the suffering and casualties caused by them as emphasized in the Preamble to the Convention.
