



**ICRC**

# **The Oslo Conference on Cluster Munitions**

**Statement of the  
International Committee of the Red Cross**

**22 February 2007**

The International Committee of the Red Cross (ICRC) welcomes the initiative of Norway in hosting this international Conference as well as the presence of so many other States which are committed to urgently addressing the humanitarian impact of cluster munitions. The international community has, for decades, been aware of the severe and long-lasting impact of cluster munitions on civilian populations, but little progress has been made in addressing these impacts in a determined and concerted manner. Norway has taken a critical step forward by bringing together States, international agencies and non-governmental organizations alarmed at the impact of cluster munitions with a view to spurring national decision-making and developing new international norms.

The impact of cluster munitions on the lives of civilians in war-affected countries is well known and well documented. History has shown that in nearly every conflict in which they have been used on a large scale, cluster munitions have been a significant humanitarian problem. In places such as Laos and Afghanistan where the conflicts lasted for years, cluster munitions left a long-term and deadly legacy when large numbers of the weapons failed to detonate as intended. Yet even in shorter conflicts, such as Lebanon and Kosovo, the impact of these weapons has been severe. In each case, cluster munitions have contributed a disproportionate proportion of the clearance burden and have been a major cause of civilian death and injury.

In addition to the concern about cluster munitions which fail to explode on impact, there are also serious concerns about the impact of many models even when they function as designed. Most cluster munitions are area weapons and have a devastating explosive impact over areas up to several thousand square meters. The accuracy of some models is highly dependent on wind, weather conditions and the reliability of complex delivery systems. For the ICRC, these issues raise serious questions as to whether such weapons can be used in populated areas in accordance with fundamental rules of international humanitarian law including the rule of proportionality and the prohibition of indiscriminate attacks. Recent reports also indicate that armed non-State actors have begun to have access to these weapons. The implications of the continued proliferation of these weapons to more and more actors should be quite sobering to anyone concerned with protecting civilians from their horrific consequences.

The 2003 Protocol on Explosive Remnants of War can play an important role in protecting civilians from unexploded and abandoned ordnance. But it is not, in itself, adequate to address the specific problems and challenges posed by cluster munitions. The Protocol does not contain legally-binding measures to prevent explosive ordnance, including cluster munitions, from becoming explosive remnants of war. The Protocol also does not address the high risk of indiscriminate effects from a cluster munitions attack when the submunitions do detonate as intended, particularly if the attack is in a populated area.

Cluster munitions can no longer be considered just another weapon system. Their specific characteristics including their area effects, their capacity for use in massive quantities, their unreliability, the tragic history of their use in recent decades and their severe and long-lasting costs to victims, communities and even whole societies constitute a clear case for urgent action. The international community has had decades to correct the specific problems of cluster munitions through evolutionary steps at national level. Yet the familiar pattern of civilian suffering from their use continues to repeat itself in conflict after conflict. It is a terrible reality that civilians are so often caught up in the horrors of modern conflict, but it is intolerable that they should return to homes, villages and fields littered with explosive debris. Cluster munitions are often the worst offenders. It is time for decisive action to address this situation.

In November 2006, the ICRC called upon all States to take the following steps at national level:

- to immediately end the use of inaccurate and unreliable cluster munitions;
- to prohibit the targeting of cluster munitions against any military objective located in a populated area; and
- to eliminate stocks of inaccurate and unreliable cluster munitions and, pending their destruction, not to transfer such weapons to other countries.

We also called for the negotiation of a new instrument of international humanitarian law which would incorporate such measures at the international level. It is our hope that this meeting will advance the achievement of these objectives.

The ICRC urges participants in this meeting to focus intensely on the results needed at national and international levels to stop the death and injury cluster munitions are already causing and to prevent the far worse scenarios which will inevitably result from the continued proliferation of these weapons. This is a critical juncture. The problem is not yet as severe as the landmines problem was a decade ago. A relatively limited number of countries now possess these weapons. But the stockpiles are monumental. The use of even a fraction of those stockpiles could set back efforts to clear existing mines and explosive remnants of war by years or even decades.

In our view it is essential that this meeting focus on what this group of States, which has recognized the need for urgent action and for new international norms, can do together to achieve effective results. It should avoid divisive debates about the forum in which those results could best be achieved. It is important to take actions which will further engage other States and, in particular, those which produce, stockpile, use and are affected by cluster munitions. But a decision as to where effective results can be achieved can only flow from interaction between this process and others.

To summarise, the opportunity provided by this meeting is threefold:

- to consolidate a group of States which are committed to taking steps nationally and to working together to achieve an effective new international instrument on cluster munitions;
- to begin identifying the potential elements of a new international instrument as well as where differences may lie, and
- to agree on the next steps in a cooperative process that can focus on the details and move the issue forward.

We would urge participants of this meeting to see themselves as custodians of the hope and trust of the many thousands of civilians who are spending their lives living with the injury and trauma of having survived a cluster munition accident, of those whose families have been shattered by such accidents and of communities which can still be spared. Their hope is that the world will notice their suffering and prevent it from being repeated.

You are also the custodians of the trust of a large part of civil society which believes that civilians shouldn't be killed or maimed by weapons that may strike blindly and senselessly – either during or after conflicts. This gathering of States in Oslo has given hope that the part of this suffering caused by cluster munitions will at last be addressed.

The ICRC believes that the time has come to end the deadly and disproportionate pattern of civilian casualties so often associated with cluster munitions. Focussed action can result in an agreement to save lives and prevent future tragedies. Your work here can make a major contribution to this end.