



ICRC

6-11-2006 Official Statement

International Committee of the Red Cross

The need for urgent international action on cluster munitions

Statement by Philip Spoerri, Director of International Law and Cooperation within the Movement
International Committee of the Red Cross

Document printed from the website of the ICRC.

URL: <http://www.icrc.org/web/eng/siteeng0.nsf/htmlall/cluster-munition-statement-061106>

This statement was delivered by Philippe Spoerri at an ICRC press conference on November 6, 2006

The International Committee of the Red Cross (ICRC) has invited you here today to express its deep concern about a weapon which has had a severe and disproportionate impact on civilian populations in nearly all of the conflicts in which it has been used. For nearly 40 years, cluster munitions have been known to cause high levels of death and injury to civilians during and after armed conflicts. Much of this suffering might have been avoided had other more accurate and reliable weapons been chosen. After decades of cluster munition use both the civilian suffering and the burden of clearing these weapons continues to grow relentlessly. The ICRC believes that the time has come for strong international action to end the predictable pattern of human tragedy associated with cluster munitions.

"(...) a weapon which has had a severe and disproportionate impact on civilian populations in nearly all of the conflicts in which it has been used.."

The problems associated with cluster munitions are not new. They are well known and well documented. History has shown that a large proportion of these weapons have problems of accuracy and reliability. In nearly every conflict in which they have been used, significant numbers of cluster munitions have failed to detonate as intended and have instead left a long-term and deadly legacy of contamination. Laos and Afghanistan are just two examples where cluster munitions used in the 1970s and 1980s continue to kill and injure civilians today. In addition to the civilian casualties, the presence of unexploded submunitions has made farming a dangerous activity and hindered development and re-construction. In both countries the clearance of these weapons has continued for decades and consumes scarce national and international resources. In other contexts the lack of resources for clearance means they will simply remain, to kill or injure those who are in contact with them.

The ICRC itself documented the impact of cluster submunitions and other unexploded ordnance in the year following their use in the Kosovo region of Serbia. As highlighted in an ICRC report published in August 2000, cluster submunitions and anti-personnel mines were the leading cause of unexploded ordnance related death and injury. Cluster submunitions alone accounted for 36% of the 492 casualties resulting from contact with unexploded ordnance and landmines. As compared to anti-personnel mine casualties those from cluster submunitions were nearly 5 times more likely to be children under the age of 14. While the problem of cluster munitions in Kosovo has been largely addressed, with the most dangerous areas now cleared, the scars and challenges for their survivors will last a lifetime.

Sadly, the deadly legacy of these weapons is being demonstrated all too frequently, with additional States added to the list of affected countries every year or so. These include Eritrea and Ethiopia in 1998, Serbia and Montenegro in 1999, Afghanistan in 2001, Iraq in 2003 and now Lebanon - where there is increasing evidence that the density of cluster submunition contamination may be unprecedented. Our delegates in Lebanon have seen first-hand the towns and agricultural lands littered with unexploded submunitions. And there have been reports of new victims each week since the ceasefire. Reports also indicate that armed non-State actors have begun to have access to these weapons – raising concerns about the implications of their proliferation.

The ICRC's concern about cluster munitions, however, is not limited to their post-conflict effects. The ICRC also has serious concerns about the accuracy of many models even when they function properly. Cluster munitions are area weapons and have a devastating impact in an area of 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. This raises serious questions as to whether they can be used in populated areas in accordance with fundamental rules of international humanitarian law such as the rules of distinction, proportionality and the prohibition of indiscriminate attacks

"(...)The ICRC also has serious concerns about the accuracy of many models(...). Cluster munitions are area weapons and have a devastating impact in an area of up to several thousand square meters."

An important step to reduce the *post-conflict* impact of cluster submunitions and other explosive remnants of war was taken in 2003 when States Parties to the Certain Conventional Weapons adopted the Protocol on Explosive Remnants of War. The Protocol, which will enter into force on 12 November 2006, provides an important framework for reducing the post-conflict dangers caused by all forms of unexploded or abandoned ordnance. The ICRC has called on all States to adhere to this landmark agreement at the earliest opportunity.

However, the Protocol does not contain legally-binding measures to *prevent* the steady increase in the global burden of explosive remnants of war. The scale of the problem is growing far more rapidly than clearance operations can remedy it. One of the greatest contributors to this burden, when they are used, is cluster munitions. 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.

The ICRC believes that the specific characteristics of cluster munitions, the unfortunate history of their use and their severe and long-lasting costs to victims, communities and even whole societies fully justifies strong action at both the national and international levels. At the Review Conference of the Convention on Certain Conventional Weapons which begins tomorrow, the ICRC will call upon all States to take the following steps:

"(...) their severe and long-lasting costs to victims, communities and even whole societies fully justifies strong action at both the national and international levels"

- 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;
- to eliminate stocks of inaccurate and unreliable cluster munitions and, pending their destruction, not to transfer such weapons to other countries.

The ICRC will also call for a new international humanitarian law agreement which will effectively address the problem of cluster munitions. In this regard we will announce our intention to **host an international expert meeting** in early 2007 to begin identifying the elements of such an agreement.

In closing, I would like to emphasize that the ICRC does not take lightly its decision to call for regulation of a specific weapon. In most cases we rely on faithful implementation of the general rules of international humanitarian law. However, history has shown that the severe and disproportionate human costs of some weapons, and the inconsistent application of general rules to those weapons, produces a need for weapon-specific rules.

The international community has had four decades to address the specific problems of cluster munitions through corrective action. Yet the familiar pattern of civilian suffering from their use continues to repeat itself. It is a terrible reality that civilians are so often caught up in the horrors of modern conflict, but it is utterly unacceptable 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.

Read also:

- Cluster munitions: ICRC calls for urgent action, interview with the head of the ICRC's Mines-Arms Unit