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General and complete disarmament

Convention on Prohibitions or Restrictions on the Use of Certain
Conventional Weapons Which May be Deemed to be Excessively Injurious
or to Have Indiscriminate Effects

Statement by the
International Committee of the Red Cross (ICRC)
New York, 14 October 2008
Mr President,

Earlier this year, staff members of the International Committee of the Red Cross (ICRC) met a family at a hospital in Phonsavan in Laos. Shortly before the meeting, the mother and two young children had been seriously injured while another child, a boy, had been killed: they had accidentally set off a buried cluster submunition while digging a ditch to drain away rainwater that had collected beside their house. This was the work of a device that had been dropped more than forty years ago. Tragedies like this occur many hundreds of times each year in Laos alone. Cluster munitions have claimed hundreds of civilian casualties in more recent conflicts - in Afghanistan, Kosovo, Serbia, Eritrea, Ethiopia, Iraq and Lebanon. The unreliability and inaccuracy of these weapons have exacted a terrible price. Fortunately, there are signs that the issue of cluster munitions is now being given serious attention by States.

Five months ago, more than 100 States responded decisively to the issue of cluster munitions. They adopted the Convention on Cluster Munitions at a diplomatic conference in Dublin. The Convention contains a set of comprehensive prohibitions that prevent the use in future of these weapons. It also has provisions to ensure that areas now contaminated by unexploded submunitions are cleared and victims and their communities given the assistance they need to rebuild their lives. Implementing the Convention will undoubtedly improve prospects of living on into adulthood for many children in future conflict zones. The ICRC urges all States to sign this important new instrument of international humanitarian law when it is opened for signature in Oslo on 3 December this year, to ratify it at the earliest opportunity and to promote it among the States in their regions.

The ICRC has also contributed to discussions on cluster munitions within the framework of the Convention on Certain Conventional Weapons. If States wish to develop, within this framework, additional norms applicable to cluster munitions, we would urge them to ensure that such norms complement the Cluster Munitions Convention. These are some of the measures that the ICRC would regard as being complementary: a prohibition on the use of any cluster munitions against military objectives located in populated areas, a prohibition on the transfer of these weapons, and a prohibition on the use of all such weapons that have aged beyond a specific date. If the humanitarian problems brought about by cluster munitions and other explosive remnants of war are to be properly tackled, it is extremely important to ensure increased adherence to and implementation of Protocol V on Explosive Remnants of War. The meeting of States Parties in November can make an important contribution towards realizing both these objectives.

The Convention on the Prohibition of Anti-Personnel Mines – the Ottawa Convention – remains a model for preventive and remedial action in dealing with those weapons that do so much harm to civilians. It began to reverse the "epidemic" of landmine injuries that was spreading relentlessly in the 1990s. In general, States Parties have acted with determination to implement this Convention, ensure the destruction of stockpiles and assist landmine victims. However, the Convention now faces some major challenges that have to be squarely addressed at the ninth meeting of States Parties, which will take place in Geneva next month. Although 148 States no longer hold stocks of anti-personnel mines, three States have failed to meet their deadlines - early this year - for the destruction of their stockpiles. The meeting has to ensure that these States announce specific dates for the fulfilment of their obligations.
Deciding on requests for extension of mine clearance deadlines will be another crucial challenge for States Parties. It is to be regretted that so many States with clearance deadlines in 2009 have had to request extensions at this meeting of States Parties. Delays in meeting this obligation of the Convention can have very grave consequences for people: serious injury, loss of life, inability to earn their livelihood. When it decides on extension requests, the meeting of States Parties must identify the problems encountered by States that have failed to meet their original 10-year deadline; this is essential. Moreover, any extensions that are granted must be for the minimum period necessary to carry out a well-prepared and adequately funded clearance plan; this, too, is essential. Ensuring that the promises of the Ottawa Convention to victims and their communities are kept will require an increase in resources and in cooperation between those States that are affected and others.

Mr President,

Civilians continue to suffer the consequences of the unregulated availability of small arms and light weapons; in general, the impact on civilians of these weapons is even greater than that of those weapons that are specifically prohibited or regulated. The UN Programme of Action on Small Arms and Light Weapons has provided an important forum for promoting national action to address this problem. Much more concerted action, based on agreed norms, is needed. The ICRC welcomes the report submitted by the Group of Governmental Experts on an arms trade treaty. We urge States to support the resolution being considered by this Committee; its aim is to establish a formal intergovernmental process in 2008 that will begin to define international standards for the trade in conventional weapons. This effort is entirely in consonance with the resolutions adopted at the International Conferences of the Red Cross and Red Crescent in 2003 and 2007, by States party to the Geneva Conventions. These resolutions call for stricter controls on the availability of weapons and for the incorporation of certain criteria – which would make the transfer of arms contingent on recipients respecting international humanitarian law – into global norms on arms transfers.