



CCM: A Framework for implementation. Status and progress since the Convention's entry into force

Statement by Ambassador Steffen Kongstad, Permanent Representative of Norway to the United Nations in Geneva, President of the Third Meeting of States Parties to the Convention on Cluster Munitions

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Ladies and Gentlemen, colleagues and friends:

I am here in my capacity as President of the Third Meeting of States Parties which was held in Oslo last year, and as the Norwegian Permanent Representative to the UN and other international organisations in Geneva. Let me first thank the Government Office for Mine Action of the Republic of Croatia, the Ministry of Defence of the Former Yugoslav Republic of Macedonia, the Norwegian People's Aid and RACVIAC for organising this important workshop. It is a great honour to be invited to this workshop, I am grateful for the opportunity to address this distinguished audience, and I am very happy to be here in Macedonia and Skopje.

The Convention on Cluster Munitions was adopted five years ago, and it entered into force less than three years ago. That makes it a relatively young Convention, but as I will argue in this presentation, one that already has made a difference.

First, I would like to say a few words about the Convention – about its origins and rationale – as this is key to understanding what difference it makes.

The Convention on Cluster Munitions was the culmination of what became known as the "Oslo Process". This was a series of international and regional meetings that took place around the world, including in Peru, Austria, New Zealand, Costa Rica, Laos, as well as in Serbia, between February 2007 and December 2008 when the Convention was signed in Oslo. That process was characterised by a spirit of partnership between States, the ICRC, various UN organisations and civil society, and set against a time-bound commitment to negotiate a comprehensive ban on all use of cluster munitions causing unacceptable humanitarian harm, with provisions to assist victims and obligations to destroy stockpiles and to clear contaminated areas.

The “Oslo Process” delivered on this commitment – in stark contrast to the failure of established disarmament bodies to effectively address the problems caused by cluster munitions. An attempt to curb the use of these weapons was made as early as in 1974 by the ICRC and a handful of States against the background of what had happened in Southeast Asia. And, when the “Oslo Process” was launched, in February 2007, inconclusive discussions about a possible additional protocol on cluster munitions under the Convention on Certain Conventional Weapon had been in the works for several years.

The Convention on Cluster Munitions was delivered by the “Oslo Process”. Its coming into existence was a direct response to mounting evidence that civilians were disproportionately affected by the use of these weapons. For years humanitarian agencies had expressed concern about the wide area effect that characterises these weapons, and by now it was clear that cluster munitions normally would fail to distinguish between civilians and combatants and other military targets. In addition, it was documented that even modern, state-of-the-art cluster munitions had very high failure rates. When used these weapons remain a threat for years and decades, causing unacceptable harm to civilians, and preventing post-conflict recovery and development – something which several countries in this region have experienced. It was very much the experience from the use of cluster munitions in Southeast Europe that created new momentum for a ban on cluster munitions. An ICRC report was presented in 2000 and later we had the Norwegian People’s Aid report “Yellow Killers” in 2006.

Like the 1997 Mine Ban Convention, the Convention on Cluster Munitions came as a necessary clarification of existing International Humanitarian Law. Based on the fundamental principles governing the lawful conduct of warfare, it reasserts that the right of parties to an armed conflict to choose methods or means of warfare is limited. And, in particular, it reasserts that parties to a conflict at all times must distinguish between civilians and combatants, and between civilian objects and military objectives. This is the principle of distinction, which constitutes a basic principle of International Humanitarian Law, and which – as was increasingly evident – was difficult to reconcile with the use of cluster munitions.

In another parallel to the Mine Ban Convention, the Convention on Cluster Munitions was moreover preceded by a study that raised doubts about the efficiency and tactical utility of the weapon in question. In 1995, a study by the ICRC had concluded that the use of AP mines had less military utility than previously anticipated, and in fact, that these weapons frequently caused casualties among own troops and hampered one’s own military mobility. In 2007, a report by the Norwegian Defence Research Establishment concluded that cluster munitions are neither reliable, nor uniquely effective from a military perspective, thus giving additional weight to the argument that these weapons should be permanently retired and prohibited.

In addition, we have seen that weapons with indiscriminate effects may be directly counterproductive to the success of military operations. By harming

civilians, the use of cluster munitions, and other weapons with indiscriminate effects, cause widespread popular resentment, which in turn may counteract important military-political objectives, like earning the confidence of the local population and winning the peace.

For my own country, these insights and the conclusions in the 2007 report had important implications: At the time, almost half of Norway's artillery shells were cluster munitions. In accordance with Norway's obligations under the Convention on Cluster Munitions, these stockpiles were destroyed in 2010, constituting an example of convergence between humanitarian, political, legal and military considerations.

Some have been critical about the significance of the Convention on Cluster Munitions. It has been argued that because some states that have large stockpiles and that have used cluster munitions in the past have chosen to remain outside the treaty, it is not an effective instrument of international law. That is in reality a flawed argument.

Since the adoption of the Convention in 2008, the use of cluster munitions has practically stopped. There have been a few instances of very limited use, but the intended and sustained use of these weapons have only been reported in one country since then, namely Syria. Although we have reason to be concerned about the on-going use of cluster munitions reported in Syria, we should not conclude that the Convention is failing. The use of cluster munitions in Syria has been met with widespread, categorical condemnation by states, international organisations and civil society actors from all around the world, underlining the extent to which these weapons have come to be considered illegitimate means of war.

We should remember that just a few years prior to the adoption of the Convention, the vast majority of States considered cluster munitions a legitimate weapon. Many of those States held stockpiles, and many envisaged a central role for cluster munitions in their national defence strategies. A significant change has since taken place. The use of cluster munitions is today generally considered unacceptable, illegal and unbecoming of responsible members of the international community. Many former users, producers and stockpilers have taken steps to rid themselves of these weapons, and the international market for such ammunition has virtually disappeared. This is all very much thanks to the Convention on Cluster Munitions.

In addition to prohibiting a particular weapon system, the Convention on Cluster Munitions is also a cooperative framework for action that addresses the humanitarian problems caused by the use of these weapons. The Convention contains commitments for States Parties to identify and clear contaminated areas; to provide appropriate assistance to victims; to destroy cluster munition stockpiles; and to cooperate with and assist other States parties.

While considerable work remains, much progress has been made on all these counts, as was recognised by the Third Meeting of States Parties in Oslo in

September last year. Large areas have been cleared and returned to productive use. Indeed, the development of improved methods for surveying and clearing contaminated areas has dramatically shortened the time it will take to make these areas safe again. Even in the worst affected areas, the timeframe is now one or two decades, not centuries – and in the majority of contaminated states, clearance can be completed in less than five years, provided that adequate resources and political will are forthcoming. The Norwegian Presidency has presented a draft Working Paper on the completion of Article 4 on clearance obligations. This paper was distributed and discussed during the Intersessional meeting in Geneva in April. We would much appreciate feedback from affected states as we further develop the paper. Copies are available here today and we are happy to discuss the matter with experts attending this workshop. Our aim is to present a Working Paper at the Fourth Meeting of States Parties in Lusaka in September.

Considerable progress has also been made with regards to stockpile destruction. Large quantities have already been destroyed, and much faster rates and at much lower costs than first anticipated. Last year the majority of States parties indicated that destruction was scheduled to be completed well in advance of the eight-year deadline stipulated in the Convention. By September 2012, 13 States parties had already completed their stockpile destruction obligations. And according to the Cluster Munition Monitor, some 85 million explosive submunitions – or nearly 2/3 of all of the stockpiles declared by States parties – had been destroyed since the entry into force of the Convention.

The destruction of stockpiles constitutes real, tangible evidence of States Parties' commitment to upholding the ban on use, as well as preventive action at its best. Only a cluster munition that has been destroyed can be guaranteed to never be used, and to never cause harm. And, the best guarantee a State can provide of its intention to respect the ban on use, is to rid itself of all its existing stockpiles of cluster munitions. Achievements to date are, in that sense, remarkable and encouraging. For non-signatories and other States not (yet) Party to the Convention, it demonstrates that stockpile destruction is neither too costly nor technically impossible, and that it should not prevent any State from acceding to or ratifying the Convention.

The Convention on Cluster Munitions has also contributed to strengthening international practice on the issue of victim assistance, and more generally, to raising the visibility of survivors. While it has to be said that many victims still are left without adequate and appropriate assistance, their rights, as recognised by the Convention, and the obligations for States parties, charts a path that could improve their situation significantly. A number of States have taken steps to implement these obligations.

Over the course of these years we have also seen greater international cooperation on these issues, with the Convention serving to mobilise resources and give direction to our common efforts. By the time of the 3MSP, in September last year, twenty-one States Parties and four States not party had reported that

they had provided financial or in-kind contributions for international cooperation and assistance aimed at implementing the CCM. We also know that the Convention has served to facilitate the exchange of experiences between affected States, donors and operators – thus contributing to advancing the technical know-how in countries with obligations under the Convention. This Workshop is indeed an example of that.

To conclude these remarks, I would like to say that the Convention on Cluster Munitions would not have been the same, and quite possibly not feasible, without the active participation during the “Oslo Process” and after by affected States. One particularly critical moment was the Belgrade Conference in October 2007. Dedicated to the situation of those affected, it helped build the case against cluster munitions by raising the visibility of victims and demonstrating what human costs such weapons have had in the past, and is continuing to have, in this region and elsewhere. The Convention on Cluster Munitions is, in that sense, also a response to the testimonies and experiences of affected people, including many survivors from this region.

Ladies and gentlemen,

Again, let me say how pleased I am to be here. I look forward to the rest of today’s discussions and not least tomorrow’s visit to a destruction site where we will see some of the concrete results of the Convention on Cluster Munitions, of its clear obligation to destroy all stockpiles, and of the continued spirit of partnership, cooperation and assistance that remains essential as we move forward together to end the suffering caused by cluster munitions. And I do hope that the important experiences gained in Southeast Europe may be actively shared with other stakeholders.

Thank you.