

**Third Meeting of States Parties to the Convention on Cluster Munitions,
Oslo**

**Opening Session Speech on CCM in the context of IHL, Tuesday 11
September, 09.00**

delivered by Neil Buhne, Director, UNDP/BCPR Geneva Liaison Office

Dear Ministers, distinguished delegates, friends,

On behalf of the Administrator of the United Nations Development Programme I would like to warmly thank our Norwegian host for inviting us to this event and to thank the Government of Lebanon for their role as President over the last year. It is a privilege to address such a wide range of countries during this opening session – countries which have committed to end the use of cluster munitions, countries which have not only done this, but agreed to a convention that helps the innocent victims of leftover submunitions find ways to a better life, countries that agree cluster munitions are a threat to people and a threat to development.

UNDP works in a variety of ways to assist States to safeguard civilian populations from the devastating consequences of armed conflict. As an implementing partner and committed advocate of the Convention on Cluster Munitions and other instruments of similar nature, our engagement in this process is a key element within our efforts to empower lives and build resilient nations, as part of the UN, and through UN country teams in more than 150 countries.

The CCM is indeed remarkable in demonstrating how countries can work together to progress towards preventing some of the worst effects of war and to help people recover from them. We hope that the encouraging pace continues as work goes forward to translate this legal framework into action on the ground which prevents new contamination, and for the survivors and communities of those already affected.

It is also a step forward with regards to International Humanitarian Law, with wide positive implications for the strengthening and application of IHL and the rules on distinction and proportionality - the absence of which causes too many lost lives, and which as a result presents a large obstacle to realizing our shared goals of peace, development and prosperity.

Many of us who have spent our career working for the UN, international organizations and foreign services around the world, have directly witnessed the indiscriminate and lasting damage caused by cluster munitions and other explosive remnants of war. We have seen the devastating consequences this has on people's ability to recover from war and move towards human development. Having served in countries during and after a conflict, I have experienced the impact such type of weapons have on people at the time of the war, and for many years after. This long-term impact on human development is the very reason UNDP was a staunch advocate of a cluster munitions ban during the period leading up to its establishment, now most commonly known as the "Oslo Process".

In affected countries, left with the enormous task to rebuild communities, restore infrastructure, and access to property and livelihoods, and in providing care to survivors and their families, we have, often accompanied by sister agencies, assisted national institutions in undertaking this essential work, not least in that these efforts can restore the sense of safety and security among affected populations that constitute the building blocks of peacebuilding, reconciliation and prosperity.

The location of the 1st as well as the 2nd Meeting of States Parties to the Convention on Cluster Munitions have served to demonstrate that the use of these weapons during a conflict has resulted in tremendous setbacks to post-conflict, recovery and development efforts for years and often decades after cease-fires and even when peace has been declared. To make matters worse, the vast majority of affected countries are often already faced with other serious challenges to their development. Indeed, it is perhaps not too farfetched to assume that low-income countries often risk becoming those first *and* most affected if such weapons were ever to be used again. They would also face difficulties in the capacity to address new contamination.

By addressing the inability of cluster munitions to distinguish between military targets and civilians and their property, the CCM sets a precedent for the recognition of the need to build on existing IHL in order to deal with specific weapon types according to their humanitarian impact. Indeed, despite the applicability of such obligations prior to the CCM's entry into force, figures outlined in the latest edition of the Cluster Munition Monitor indicate that an alarmingly high proportion of cluster munition casualties to date have been civilians. In those cases where such information has been available¹,

¹ In 64% of all incidents, status (civilian, deminer, security forces). See Cluster Munition Monitor 2012, p. 53.

civilians account for 94% of the total number of victims. Recalling the principle of distinction, the inevitably indiscriminate manner in which cluster munitions have often been used, lies at the very heart of the rationale behind their prohibition.

Cluster munitions are unreliable and inaccurate weapons as demonstrated on too many instances. With their wide area effect prone to violating the rule of distinction and with unexploded submunitions posing a threat long after conflicts have ended, the need for a comprehensive ban was strikingly clear and subsequently, thanks to many of you here in this room, successfully achieved. What was also achieved was the creation of a very strong stigma on their use – which can be an even stronger disincentive to their use.

However, the success of the achievements so far of the CCM can ultimately only be measured by the impact they will have on the ground. For this reason, we commend the quite unique impact-oriented, humanitarian approach adopted by this Convention, which was perhaps seen earlier only in the Anti-personnel Mine Ban Convention. When determining their compatibility, or indeed as subsequently concluded, their incompatibility with the humanitarian standards set by International Humanitarian Law, and when determining the rationale for the need to prohibit their use, the treaties have focused on the effects of the weapons on civilians. In doing exactly this, the Conventions marks an important step forward within the context of IHL, providing a legally binding framework to put into action the principles outlined in Additional Protocol I to the Geneva Conventions.

UNDP is greatly encouraged by the emphatic manner in which civilian protection has been prioritized within the language and spirit of this Convention, and by the way in which the treaty adheres to these principles as obligations for all states engaging in armed conflict. As such we also encourage States to diligently scrutinize *all* weapons systems currently in use and under development, to ensure that the level and means of force applied by armed forces during a conflict does not disregard the need to protect the lives and property of civilian populations. Indeed, the CCM and the APMBC present to us a series of criteria that should be used much more broadly to determine whether the use of a weapon can be considered admissible within the parameters of IHL. These criteria are relevant to the wider discussion on rules of engagement applicable to military operations in general and as increasingly seen today, in populated areas. As such, we hope that the lessons that we learn throughout this process and in witnessing the successful

implementation of these treaties, will contribute to a further review of other weapons that cause similarly indiscriminate and excessive harm to civilians.

This week we will learn more from States of the work that has been carried out under this Convention to date, including some significant contributions by Coordinators to their respective thematic areas. The plans they have already undertaken, as well as the path that is being set out for the year ahead, indicate how new legal instruments could be established to solidify important principles respecting the protection of civilian life within conflict settings and beyond. The successes of the CCM and the APMBC are reminders of the vibrancy and adaptability of IHL principles and provide basic rules directly applicable to the challenges we face today, if those vulnerable are to be protected from the effects of armed violence.

Thank you,