

**Convention on Cluster Munitions**

**Intersessional Meeting**

**Session on Clearance and Risk Reduction section**

**Chair's Introduction by Australia**

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Excellencies, distinguished delegates

Australia has very much appreciated Laos' leadership over the CCM in its early years, as President of the 1MSP. We also thank Lebanon for its efforts in preparing to take over the role as 2MSP President. We would like to thank our President and President-designate, as well as all States Parties, for allowing Australia to serve in the role as Friend of the President and as a support to Laos as President.

I will outline our plans for this session.

Firstly, we will outline the provisions of Article 4 and the outcomes of the Vientiane Action Plan on clearance. We will also mention the work we have conducted as Friend of the President on this topic.

Secondly, we will invite States Parties and signatories and other observers which have areas contaminated by cluster munition remnants to provide an update on their plans, priorities and progress towards completing clearance and providing risk reduction education. We are particularly interested in hearing about developments in implementing the Vientiane Action Plan since the 1MSP, especially Actions 10 to 19. Delegations may also wish to highlight their resource constraints and requirements in clearance of cluster munition remnants. Input from States Parties, signatories and other observers will be taken into account in developing the Beirut Progress Report.

We will invite all delegations to ask questions or make comments on those updates, or to make more general comments on Article 4 more generally.

We will then invite States which have in recent years completed clearance of cluster munition remnants to outline the steps they took and offer any perspectives on lessons learnt from their clearance programmes.

We will invite all delegations to ask questions or make comments on completion of clearance.

Lastly, you will have seen outside the room a short paper that Australia has prepared, in conjunction with the Geneva International Centre on Humanitarian Demining,

Excellencies, distinguished delegates

Cluster munition remnants can pose a serious threat to all people who come into contact with them. The risks are well known and understood internationally. As the CCM itself states in the preamble, cluster munition remnants kill or maim civilians, obstruct economic development, including through loss of livelihood, impede post-conflict rehabilitation and reconstruction, delay or prevent the return of refugees and internally displaced persons, can negatively impact on national and international peace-building and humanitarian assistance efforts, and have other severe consequences that can persist for many years after use.

Therefore Article 4 of the CCM was one of the Oslo Process' key humanitarian achievements. At its heart, the Article requires that States Parties clear and destroy, or ensure the clearance and destruction of, cluster munition remnants located in contaminated areas under their jurisdiction or control. It sets deadlines for the clearance for the clearance for existing contamination and any new contamination. The Article spells out more detailed obligations for States Parties, including:

- To survey, assess and record the threat posed by cluster munition remnants, making every effort to identify all contaminated areas
- To assess and priorities needs in terms of marking, protection of civilians, clearance and destruction, developing a national plan
- To take all feasible steps to ensure that contaminated areas are perimeter-marked, monitored and protected by fencing or other means to ensure the effective exclusion of civilians.
- To conduct risk reduction education to ensure awareness among civilians.

The Vientiane Action Plan built on Article 4 and set out a number of more measureable steps for States Parties to take. Actions 10 – 19, 33-36, 47 and 56 are all relevant. One key theme of the actions is that – if they have not already done so – States should start now: start on developing a nation plan, start on identifying their contaminated areas, start collecting information and undertaking surveys, and start clearance activities, if need be with the assistance and cooperation of the international community. I will not summarise all the relevant actions here, but some of the main elements include:

- Increasing capacities for clearance and risk reduction activities as national and international resources become available

- Taking all feasible measures to prevent further civilian casualties by effectively preventing unintentional civilian access to cluster munition contaminated areas
- Endeavour to, within one year of entry into force of the CCM for that State Party, identify as precisely as possible locations and size of all contaminated areas, and use information to develop and begin implementing a national clearance plan. The Vientiane Action Plan also sets out a number of parameters the national clearance plan should take into account.
- Apply all available and relevant methods of non-technical survey, technical survey and clearance
- Develop and provide risk reduction education programmes that focus on preventing and proving alternatives to risk-taking behavior and target the most at risk populations.

As Friend of the President, over the course of the last few months we met with a range of actors which are active on the issue of clearance of mines, cluster munition remnants and other ERW. We met with Switzerland and Colombia, current Co-Chairs of the Standing Committee on Mine Clearance under the Anti-Personnel Mine Ban Convention, as well as Germany, which serves as the Coordinator on clearance under Protocol V on Explosive Remnants of War under the Convention on Certain Conventional Weapons (CCW). We also met with representatives of the UNDP, UNMAS, GICHD, ICRC, CMC and the Implementation Support Unit of the Mine Ban Convention. We shared plans for the year ahead and operational perspectives on progress on clearance of mines, cluster munition remnants and other explosive remnants of war – which are often dealt with on the ground as a combined whole, but which - as you know – here in Geneva have different legal instruments.

The Australian Permanent Representative to the United Nations here in Geneva wrote to the Permanent Representatives of a number of affected States Parties and signatories seeking information on clearance activities and encouraging the presentation of updates to our meeting here today.

Where are we currently with global progress on clearance of cluster munitions clearance? Clearly the national transparency reports under Article 7 are crucial to gain a better understanding of the situation amongst States Parties and signatories which have lodged a voluntary report. The Landmine and Cluster Munition Monitor has reported that as of June 2011, 24 States and three other territories were believed to have areas contaminated with cluster munition remnants. According to the Monitor, other States may also be contaminated or contain a small residual threat from unexploded submunitions. The amount and type of contamination can greatly vary between States.

While delegations are of course free to comment on the land release paper submitted by Australia in their interventions, if at all possible we would prefer delegations make specific comments on it in the third segment of our discussions.

I now wish to open the floor to delegations from affected States which wish to provide an update on their plans, priorities and progress towards clearance.

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At least two States declared in their Article 7 transparency reports that they can completed clearance in the last few years, prior to the entry into force of the CCM. They were Albania and Zambia. We would like to congratulate these countries for their efficient progress with clearance. We requested these two countries to speak on their experiences with clearance and offer any lessons learnt through their national programmes.

I would like to thank Albania and Zambia very much for their overviews and offer to provide further information to delegations which are in the process of clearing. I think one particularly interesting component of the presentations was that clearance was completed as part of their normal landmine clearance programmes – that the contamination was found and dealt with in that context. This is an indication that, in some circumstances, little extra can be required in order to deal with this different kind of contamination, and that it can be handled with existing programmes.

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For the third and last mini-segement of this clearance session, we would like to turn delegations' attention to the topic of land release.

This is a topic that has been developed over the last few years as a means to improve the efficiency of implementation of clearance obligations – firstly by encouraging the more accurate identification of the hazard and developing methodologies to then release land safely and with confidence that is confirmed as not being contaminated. This allows the concentration of clearance efforts – which are usually the most expensive and resource intensive activities - to those areas that are actually contaminated.

Australia worked with the GICHD to prepare a draft paper on this issue, entitled the “Application of all available methods for the efficient implementation of Article 4”. We very much appreciate the assistance and technical expertise provided by the GICHD for this project.

This paper was posted on the Convention's website on Thursday last week and the paper is available just outside this room. I hope you have all had the opportunity to read and digest it. I

know it contains a number of technical aspects which can be challenging to grasp fully for diplomats and policy officials.

In preparing this paper, Australia was inspired by Norway which submitted a very similar paper on the efficient implementation of Article 5 of the Anti-Personnel Mine Ban Convention in 2008 to the Ninth Meeting of States Parties. The recommendations in Norway's paper were endorsed by the 9MSP and had an important impact on clearance programmes in several mine-affected States, as well as significantly building the case for a land release approach more generally. For the CCM, we considered it would be beneficial to discuss this concept amongst States and organizations engaged in CCM implementation, at an early stage in the life of the Convention.

As the paper itself says, it is not proposing anything radically new. Many national programmes have been dealing effectively with cluster munition remnants for many years, and applying land release methodologies. The paper discusses areas that are contaminated by cluster munition remnants only, and not areas that may be cross-contaminated with mines and UXO. Different considerations will be required for areas contaminated with other explosive hazards.

The paper spells out the characteristics of unexploded submunitions and their contamination, compared to mines and other UXO. They generally have a high metal content. They create a distinct contamination pattern on the ground when deployed. They often have a high failure rate. Their nature usually allows access to contaminated areas by training personnel. These characteristics can be exploited to improve the efficiency of survey and clearance methodologies. The paper goes on to encourage all available methods be utilized for the efficient survey and clearance of cluster munition remnants – these include:

- Recording suspected areas as a single point, unless the boundaries of the suspected contamination can be accurately recorded at that stage. The evidence point should be determined by an evidence-based assessment.
- All available sources of evidence should be investigated when conducting a non-technical survey of a suspected contamination, including information from individuals or organizations with knowledge of the suspect area, how the land is or has been used, physical evidence that can be identified during a field visit, and bombing data or other sources related to a possible contamination.
- Certain methodologies should be fully employed during a technical survey, such as fade out and systematic investigation, rather than just default clearance
- Clearance progress should be evidence based – that is, stop clearing only when evidence of a hazard is not longer being found. If there is further suspicion, a new survey should be completed rather than continuing clearance in the anticipation of finding more unexploded submunitions.

- Utilize appropriate clearance technology, such as detectors – and there is usually no need to clear so that land is entirely “metal-free”.
- Involve local populations in the processes to release land, which will increase its accountability and cost-efficiency.

The paper makes a number of recommendations as set out on page 5 of the paper.

We hope to hear your reactions and views on this draft paper. Please provide these here in the meeting, or to the Australian delegation bilaterally. Following this intersessional week, we work to finalise the paper and will submit it to the UN as a working paper for the 2MSP. We hope that the 2MSP can recognize the paper and encourage States Parties to give effect to the recommendations during implementation of Article 4.