

CMC Statement on Land Release  
Convention on Cluster Munition Intersessional Meetings, 28 June 2011



Thanks very much to Australia for raising this important issue at an early point in the implementation of Article 4. We have also developed a set of guiding principles for land release of cluster munition-affected areas. Just to clarify at the outset, we are using the term “land release” to cover the range of activities needed to properly identify cluster munition-affected areas and subsequently release them through clearance or other means.

We believe there are many lessons learned from years of both demining and battle area clearance as well as experience implementing the Mine Ban Treaty, and that it is important to highlight these lessons at the early stages of States Parties’ implementation of the Convention Cluster Munitions. Clearly most affected states have already been engaged in survey and clearance work, some for many years. But we would still like to encourage all cluster munition-affected states to review their approach to the identification and subsequent release of cluster munition-affected land and, if necessary, adjust the methodologies in order to develop the most efficient and effective system for their specific situation, especially when it comes to clearly and precisely identifying contaminated areas. We are certain this will help them meet both their moral duty to return affected land to the civilian population as quickly and safely as possible, as well as their CCM obligation without needing to ask for a deadline extension.

Just as with landmine clearance, we believe that the first critical step in dealing with cluster munition contamination is to develop as precise a picture as possible of the contamination. Very briefly, we believe that a desk assessment of available information should first be conducted to establish a baseline understanding of the problem of cluster munition remnants (CMR) before any on-location survey is initiated. Non-technical survey (NTS) should then normally be used to better identify the initial “strike footprint” estimated in the desk assessment by gathering information in the field. Duplicate or otherwise invalid initially suspected area records can also be canceled at this point. Technical survey will be used to more accurately determine the hazardous areas. When such areas are clearly established, clearance can then take place in an efficient manner.

Fortunately, in general, cluster munition remnants lend themselves to much more structured survey than landmines, for a number of reasons:

- There’s normally more accurate data to assess and establish a confirmed hazardous area
- There’s normally a higher metal content in cluster munition remnants, whether unexploded submunitions or fragments
- If operators know the cluster munitions used, the approximate size and pattern of the footprint can also be anticipated
- Because buried cluster munitions do not normally pose a risk to those that might step on them, properly trained and equipped operators should, in most instances, be able to enter the hazardous area to conduct survey

Therefore there’s no need to conduct impact surveys that could overstate the problem or falsely identify contamination that does not in fact exist, as occurred with suspected mined areas, but instead states should use NTS to confirm contamination and accurately define the area contaminated. On the other hand, information management *is* as important as for landmines. Therefore each and every finding must be recorded, if re-clearance is to be avoided.

Once the entire “footprint” is established through such survey work, it should be cleared in its entirety once clearance has commenced, to use resources efficiently, rather than just clearing polygons needed for a particular development project or other project.

While we don’t believe new international standards are needed to govern release of land from cluster munition remnants since the basic principles are already laid out in the IMAS on Battle Area Clearance, a technical note would be useful to provide operators and national authorities with guidelines on how to manage cluster munition clearance actions. At the same time, many states affected with cluster munitions still need to adopt appropriate national standards to ensure they reflect international norms, including those on land release, as well as the particular obligations of the Convention on Cluster Munitions.

Finally, we would like to refer you to our paper for a set of principles we believe are essential to ensure the survey and clearance process is done in the most responsible way, and also in a way that wins the full confidence of the local population.