



The United Nations and the Convention on Cluster Munitions

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BACKGROUND

The United Nations Mine Action Team (UNMAT), under the co-ordination of the United Nations Mine Action Service (UNMAS), actively participated in the Oslo Process that led to the Adoption and Signature of the Convention on Cluster Munitions (CCM) in December 2008.

The United Nations extensive field knowledge in dealing with un-exploded ordnance provided expert technical advice throughout the Oslo Process. This practical advice was commended and widely appreciated by delegations and participants. In particular, this support included the provision of clarity on characteristics and effects of different kinds of sub-munitions, thus facilitating the identification of an adequate definition of cluster munitions and sub-munitions that cause unacceptable harm to civilians. The United Nations quickly developed a common position on this issue and, based on the experiences of United Nations agencies and partners work in affected countries, in particular the award winning cluster bomb clearance operation in South Lebanon, determined that *all* cluster munitions used so far, and which are stockpiled, cause unacceptable harm to civilians.

Following the Opening Signing Ceremony, in Oslo, the Convention is now open for signature at the United Nations Headquarters in New York and the United Nations Mine Action Team stand ready to provide technical advice and guidance in the implementation of the Convention on Cluster Munitions.

KEY POINTS

Article 3: Storage and Stockpile Destruction calls upon States Parties to address the following key elements when considering destruction of their existing stockpiles:

Separate and Mark for Destruction

States must immediately separate those stocks of cluster munitions, prohibited under Article 1, from other operational munitions and mark them for destruction.

In considering this it should be noted that all such cluster munitions contain an integral detonator and thus may already be stored separately from other ammunition. It may

therefore be more efficient to move those cluster munitions prohibited directly to the destruction site. Further consideration must be given to adequate storage and security facilities at the destruction site. Paramount importance and priority should be given to those cluster munitions currently stored at a forward or operational location to immediately remove access from combat ready units.

Destroy Within 8 Years

The required destruction period of 8 years should be considered the maximum timeframe and all States should endeavor to complete this obligation as soon as possible. Regardless, given the vast numbers of cluster munitions currently stockpiled appropriate planning and resource mobilization must commence immediately and not necessarily await formal ratification.

The CCM requires that destruction methods comply with international standards for protecting public health and the environment. This is a factor common with the APMBC and the United Nations Environment Programme (UNEP) may be of key assistance in this.

The destruction of stockpiled cluster munitions may be extremely complicated, arguably more so than the destruction of anti-personnel landmines. This is due to a number of factors: large numbers of individual sub-munition are contained within the overall cluster munition container or carrier, they all need to be individually removed for destruction; most explosive sub-munitions incorporate an integral detonator which complicates the process; the removal of the explosives leaves a large amount of metal casing and packaging which must also be destroyed or recycled somehow.

Extension Request vs Planning

Regrettably there is no stated requirement to submit a plan for destruction, only for an extension request.

Late planning as part of APMBC led to many (*unnecessary challenges*) extension requests. Given that stockpiles of CM far outnumber AP mines a valid PLAN, from the outset, is of vital importance.

Even if time is required to complete the internal processes to ratify, planning for destruction needs to start immediately.

The United Nations can offer comprehensive assistance in both planning and technical details by using its global knowledge of cluster munition and lessons learnt from the APMBC in developing a planning template or checklist for use by States.

Retention/Acquisition for Training/Counter-Measures

Whilst the CCM does make provision for the Retention of explosive sub-munitions for “the development of and training in detection, clearance and destruction techniques” it should be recognized that sub-munitions are inherently different from anti-personnel landmines that may be used, unfuzed, to aid development of newer clearance techniques.

Also, it must be considered that many of those sub-munitions prohibited under the CCM contain a shaped charge so remote or mechanical disturbance carries the inherent risk of the shaped charge functioning and creating a hazard up to 1000m away.

To arrive at a realistic “limited number” or “minimum absolutely necessary” it would be of great importance to have the intended use, of those retained, articulated in an initial PLAN for Separation and Destruction.

Transfer for Destruction and/or Training

Whilst the CCM also makes provision for cluster munitions to be transferred for the purpose of destruction and training the following should be considered: Establishment of Regional Destruction Sites; the requirement for detailed reporting on planned and actual usage; the heavy burden of recording and tracking Lot Numbers.

All these elements may be included in an initial PLAN for destruction.

UN Assistance

The United Nations has been dealing with directly and/or assist governments to deal with cluster bomb contamination for many years. Similarly, the United Nations works with many governments to assist in achieving their APMBC obligations, incl destruction of stockpiles.

The United Nations therefore stands ready to use this knowledge in support of CCM. This support may include inter alia:

To act as a Common focal point for lessons learnt and Best Practices both new and those established through the implementation of the APMBC.

There is also the possibility to work to develop a specific IMAS for Stockpile Destruction?

As indicated throughout this presentation it is considered of vital importance to develop an initial and as comprehensive as possible plan for destruction. The United Nations is well placed to provide key assistance with initial planning and may also develop templates, checklists etc that pool our global knowledge.

The Voluntary Trust Fund for Mine Action and other UN managed funds currently serve as effective depository for financial assistance in landmine and other Explosive Remnants of War clearance and destruction activities and may also be utilized in support of the CCM.