

## Convention on Cluster Munitions (CCM)

The CCM was adopted in May 2008 and entered into force in August 2010. Its structure is similar to the APMBC, with provisions containing obligations on use, clearance, stockpile destruction, reporting, victim assistance and international cooperation. It is also based on international humanitarian law.

### THE CCM:

- Prohibits the development, production, use, transfer and stockpiling of cluster munitions.
- Requires the destruction of stockpiled cluster munitions within eight years.
- Requires the clearance of cluster munition remnants (unexploded submunitions or abandoned cluster munitions) within ten years.
- Requires age and gender-sensitive assistance to victims – for those injured by explosive submunitions – as well as their families and affected communities.

The Convention opens by expressing concern that ‘civilian populations and individual civilians continue to bear the brunt of armed conflict’. The purpose of the treaty is then stated: ‘to put an end for all time to the suffering and casualties caused by cluster munitions at the time of their use, when they fail to function as intended or when they are abandoned’.

‘Cluster munition remnants kill or maim civilians, including women and children, obstruct economic and social development, including through the 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.’

Although there are some parallels in the structure and approach of the CCM and the APMBC, these international legal regimes are at different stages of development. The CCM contains a number of provisions that go beyond those required under the APMBC:

- Article 5 has the most far-reaching provisions on assistance for victims ever included in a disarmament or humanitarian law treaty. Each State Party that has cluster munition victims on its territory or under its control must provide for their medical care and physical rehabilitation, psychological support, and social and economic inclusion. In addition, the State must assess domestic needs in these areas and develop plans and mobilise resources to meet them. The definition of victims under the convention is extremely broad, covering not only those who are killed or injured by cluster munitions, but also families and communities that have suffered socio-economic and other consequences.
- Article 9 requires States Parties ‘to take all appropriate legal, administrative and other measures to implement this Convention’ including the positive as well as the negative obligations of the CCM. (The APMBC only requires States Parties to implement national measures to ensure meeting their negative obligations under the Convention).<sup>13</sup>
- Article 21(1) and (2) requires each State Party to universalise the Convention, ‘to promote the norms it establishes and to make its best efforts to discourage states not party to this Convention from using cluster munitions’.

As of January 2014, 84 states have ratified the CCM. This is significant progress, but there is still a long way to go in achieving a more universal adoption of the treaty. Like the APMBC, substantial donor resources will be necessary in the coming decades to achieve CCM clearance and meet stockpile destruction deadlines in the poorest and most severely affected states.



CCM opening ceremony (Oslo, 2008)

Another challenge is the issue of States Parties providing assistance to states not party to the CCM in the context of military cooperation and operations (sometimes referred to as 'military interoperability'). There are signs that CCM states differ in their interpretation of the obligations enshrined in CCM Article 21, which may continue to create tensions between States Parties.<sup>14</sup>

## Future developments

Well-defined international legal instruments and a mature set of policy standards have been developed in the context of mine action. The APMBC and CCM inspire the international community to move forward in new areas such as the use of explosive weapons and toxic remnants of war (TRW).

### Use of explosive weapons in populated areas

The use of explosive weapons in populated areas harms civilians directly (both at the time of use and afterwards – because of failed or abandoned munitions) and indirectly, through damaged infrastructure (such as water supplies and sanitation).

Explosive weapons kill, injure and damage with blast and fragmentation around the point of detonation. These weapons include mortar bombs, artillery shells, aircraft bombs, rocket and missile warheads, submunitions and improvised explosive devices (IEDs). There is increasing evidence of elevated levels of civilian harm, suggesting that more comprehensive and effective responses are needed to ensure civilian protection and to require changes in the behaviour of users of explosive weapons.<sup>15</sup>

In 2011, several NGOs concerned about the use of explosive weapons in populated areas formed the International Network on Explosive Weapons (INEW).<sup>16</sup> INEW calls for States and other actors to:

- Acknowledge that the use of explosive weapons in populated areas tends to cause severe harm to individuals and communities and furthers suffering by damaging vital infrastructure.
- Strive to avoid such harm and suffering in any situation, review and strengthen national policies and practices on use of explosive weapons and gather and make available relevant data.
- Work for full realisation of the rights of victims and survivors.
- Develop stronger international standards, including certain prohibitions and restrictions on the use of explosive weapons in populated areas.

As with anti-personnel mines, cluster munitions and other ERW, the UN, ICRC, and civil society through INEW are working to raise awareness to influence governments to change their rules of engagement and to think more about the consequences before using certain types of explosive weapons in order to prevent or at least minimise civilian harm.

### Toxic remnants of war (TRW)

Certain military materials and practices can cause environmental damage with potential to affect civilian health and interfere with post-conflict recovery.

While the impact of explosive remnants of war is comparatively well documented and increasingly well managed, less attention has been given to toxic materials released during military activities. TRW are defined as: 'Any toxic or radiological substance resulting from military activities that forms a hazard to humans and ecosystems'.<sup>17</sup>

The TRW project is reviewing gaps in states' obligations to:

- Reduce the humanitarian and environmental harm of toxic materials of military origin.
- Examine parallel systems of protection based on environmental and human rights law and peacetime regulatory frameworks.<sup>18</sup>

## INTERNATIONAL STANDARDS

Coherent global guidelines have been developed to document good practice in the area of international standards and to aid their translation into national standards. Foremost among these are the International Mine Action Standards (IMAS).<sup>19</sup>

### IMAS

The International Organisation for Standardisation (ISO) and the IMAS define a standard as an agreement containing technical and other information to ensure that processes and services are fit for their purpose.

The IMAS provide guidance, establish principles and, in some cases, define international requirements and specifications. They are designed to improve safety, efficiency and quality in mine action, and to promote a common and consistent approach to the conduct of mine action operations. IMAS are intended to be