

UNITED NATIONS



NATIONS UNIES

**MINE ACTION SERVICE  
SERVICE DE LUTTE ANTIMINES**

15 February 2007

Dear Committee Secretary:

Please refer to your letter received by this office on 19 January 2007, inviting submissions to an Inquiry into the Cluster Munitions (Prohibition) Bill 2006 which is being conducted by the Australian Senate Committee on Foreign Affairs, Defence and Trade.

The United Nations Mine Action Service (UNMAS) is a division of the Department of Peacekeeping Operations (DPKO) within the Secretariat of the United Nations, and has a mandate from the UN General Assembly to serve as focal point for mine action across the UN system. There are fourteen UN agencies, departments, funds and programmes engaged to some degree in mine action, and together these entities comprise the UN Inter-Agency Coordination Group (IACG) on Mine Action, or UN Mine Action Team.


On behalf of the UN Mine Action Team, please find attached relevant statements and other material from UN sources on the broad issue of cluster munitions and their use and impact, which have been issued for public record through the framework of the Convention on Certain Conventional Weapons (CCW). We trust that these submissions may be of assistance to the Committee as it proceeds in its deliberations.

Please note that this material is provided to you without prejudice to the privileges and immunities of the United Nations as set forth under the 1946 Convention on the Privileges and Immunities of the United Nations, which privileges and immunities are hereby expressly maintained.

Your attention is drawn in particular to the UN Secretary-General's position on cluster munitions, which is articulated in his message of 7 November 2006 to the Third Review Conference of the CCW. To assist in the Committee's review of the attached documents, on the following pages you will find a list of the attachments with pertinent excerpts which relate to cluster munitions.

Please do not hesitate to contact us on any aspect of these documents or related matters. Ms. Ilene Cohn, at 212.963.9739 or [cohn@un.org](mailto:cohn@un.org), would be delighted to assist you.

Yours faithfully,

  
Maxwell Gaylard  
Director

The Secretary  
Senate Standing Committee on Foreign Affairs, Defence and Trade  
PO Box 6100  
Parliament House  
CANBERRA ACT 2600

Attachments include:

1. The Secretary-General's message to the Third Review Conference of the CCW, 7 November 2007. The pertinent part is the following:

“As we are about to mark the entry into force of Protocol V on explosive remnants of war, I welcome your interest in addressing the disastrous impact of cluster munitions. I have repeatedly called upon States to comply fully with international humanitarian law. However, recent events show that the atrocious, inhumane effects of these weapons -- both at the time of their use and after conflict ends -- must be addressed immediately, so that civilian populations can start rebuilding their lives. I urge States parties to the Convention to make full use of this framework to devise effective norms that will reduce and ultimately eliminate the horrendous humanitarian and development impact of these weapons.

In particular, I call on you to freeze the use of cluster munitions against military assets located in or near populated areas. At the same time, we should all remember that placing military assets in such areas is illegal under international humanitarian law. I also urge you to freeze the transfer of those cluster munitions that are known to be inaccurate and unreliable, and to dispose of them. And I challenge you to establish technical requirements for new weapons systems so that the risk they pose to civilian populations can be reduced.”

2. The Statement of the UN Mine Action team to the Third Review Conference of the States Parties to the CCW Convention, 7 November 2006. The pertinent part is the following:

- Regarding cluster munitions, the UN Mine Action Team wishes to highlight the message earlier today from the UN Secretary-General Kofi Annan to the this Review Conference, in which he called on States Parties to:

- immediately address the atrocious, inhumane effects of cluster munitions at the time of their use and long after conflict ends;
- devise effective norms that will reduce and ultimately eliminate the horrendous humanitarian and development impact of these weapons;
- freeze the use of cluster munitions against military assets located in or near populated areas;
- freeze the transfer of cluster munitions known to be inaccurate and unreliable and to dispose of them; and,
- establish technical requirements for new weapons systems to reduce risks to civilian populations.

3. Statement on behalf of 12 members of the UN Mine Action Team, delivered on 15 November 2005 to the CCW Group of Governmental Experts on Explosive remnants of War and International Humanitarian Law. (Full statement is pertinent.

4. The Statement to the CCW Group of Governmental Experts by Director of UNMAS on behalf of UNICEF, UNDP and UNMAS, 7 March 2005. The pertinent part is the following:

## “Cluster Munitions

At previous meetings the UN has spoken of the casualties sustained among civilian populations during and after cluster munitions strikes. The clearance of unexploded sub-munitions is always hazardous for demining personnel, and their presence constitutes an obstacle to post-conflict humanitarian and development operations. In Kosovo, Afghanistan, Iraq and now Sudan we have seen that this class of weapons has presented particular humanitarian problems.

For clarity's sake, UNMAS has defined cluster munitions to pertain to “containers designed to disperse or release multiple sub-munitions” and has defined sub-munitions as “any munition that, to perform its task, separates from a parent munition”. This definition and its accompanying technical notes will be provided in a Working Paper to be circulated separately. The definitions refer both to air-dropped, as well as to artillery-delivered systems.

UN agencies are concerned with the hazards that cluster munitions pose as ERW, but also with the immediate threat posed to the lives of civilians during cluster munition-strikes. In cases when this area weapon is used within or near populated areas, the inability to target it accurately can result in an unacceptable toll in civilian casualties, as well as destruction of basic infrastructure.

In this context, I wish to reiterate the call for a freeze on the use of cluster munitions, first made by the Inter Agency Standing Committee to the Meeting of States Parties to the CCW in November 2003.

While Protocol V provides a good framework for post-conflict remedial measures, addressing some problems posed by cluster munitions and their associated sub-munitions would, in our view, require a strengthening of the international humanitarian law that currently governs their use. An additional legal instrument within the CCW framework could achieve this aim.

At the same time, action should not wait for the completion of legal deliberations. We urge all States Parties to honour their current obligations under International Humanitarian Law, as they pertain to the use of these weapons. All weapons that cannot be used in a manner fully compliant with International Humanitarian Law should clearly be destroyed.”

5. Proposed definitions for cluster munitions and sub-munitions, proposed to the group of Governmental experts of the CCW by UNMAS, UNDP and UNICEF, 8 March 2005. (Full text is relevant.)

6. “A Call for a Freeze on the use of Cluster Munitions,” Statement by the Inter-Agency Standing committee to the Meeting of States parties to the CCW Convention, 27 November 2003. (Full statement is relevant.”

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## THE SECRETARY-GENERAL

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**MESSAGE TO THE THIRD REVIEW CONFERENCE OF THE  
CONVENTION ON CERTAIN CONVENTIONAL WEAPONS (CCW)  
Geneva, 7 November 2006**

*Delivered by Mr. Sergei Ordzhonikidze, Director-General, UN Office at Geneva*

I am pleased to send my greetings to all the participants in this Third Review Conference of the Convention on Certain Conventional Weapons, which seeks to ban or restrict the use of weapons that cause excessive injury or unnecessary suffering to combatants, or affect civilians indiscriminately.

With 100 parties, the Convention is still short of universal membership. I welcome the steps you are about to take to promote more accessions, especially by developing and least developed states that are suffering from the effects of mines and explosive remnants of war. I am also encouraged to know that, during this session, you will continue your efforts to address the avoidable destruction of lives by mines other than anti-personnel mines. I urge you to articulate strong legal commitments that will reinforce the Convention's humanitarian norms.

As we are about to mark the entry into force of Protocol V on explosive remnants of war, I welcome your interest in addressing the disastrous impact of cluster munitions. I have repeatedly called upon States to comply fully with international humanitarian law. However, recent events show that the atrocious, inhumane effects of these weapons – both at the time of their use and after conflict ends – must be addressed immediately, so that civilian populations can start rebuilding their lives. I urge States Parties to the CCW to make full use of this framework to devise effective norms that will reduce and ultimately eliminate the horrendous humanitarian and development impact of these weapons.

In particular, I call on you to freeze the use of cluster munitions against military assets located in or near populated areas. At the same time, we should all remember that placing military assets in such areas is illegal under international humanitarian law. I also urge you to freeze the transfer of those cluster munitions that are known to be inaccurate and unreliable, and to dispose of them. And I challenge you to establish technical requirements for new weapons systems so that the risk they pose to civilian populations can be reduced.

I am encouraged that progress is being made on an effective compliance and cooperation mechanism for the Convention and its Protocols. Completing other unfinished business, for example on laser weapons, would also show the world that States parties are taking their responsibilities seriously. Indeed, your work will continue to have a direct impact on the lives of millions of civilians currently in harm's way. As the Convention faces these and other tests, I offer you my best wishes for the success of your deliberations.

**Statement of the UN Mine Action Team to the Third Review Conference of  
States Parties to the CCW Convention  
by Maxwell Gaylard, Director of the UN Mine Action Service on behalf of the  
UN Mine Action Team**

**7 November 2006**

Mr. President, Distinguished Delegates,

Thank you for the opportunity to address this Conference. The outcome of the Second Review Conference in 2001 opened a window of opportunity for a multilateral approach to problems faced in the field every day, such as the absence of international agreements to fully address the challenges of Explosive Remnants of War (ERW) and of mines other than antipersonnel mines (MOTAPM).

The UN bears constant witness to the humanitarian and socio-economic impact of landmines and ERW including unexploded sub-munitions. In its observer capacity in the Group of Governmental Experts (GGE) and on request, the UN has facilitated field-based presentations to the GGE, and has otherwise contributed to the substantive discussions and negotiations among States Parties. For example:

- States Parties have been kept regularly informed of the humanitarian threats and other challenges posed by landmines and ERW, including in Kosovo, Angola, Afghanistan, and most recently Lebanon;
- a recent UN survey conducted across a range of field programmes and submitted to the GGE, drew specific attention to such threats and challenges, as did a UN-commissioned report earlier this year from the United Nations Institute for Disarmament Research (UNIDIR) on Albania and Lao PDR, which highlights the socio-economic as well as humanitarian impact of cluster munitions.
- the UN mine action team participated actively in the deliberations and negotiations which have led to the adoption of Protocol V, and welcomes its imminent entry into force. On the basis of direct field experience, the UN has also contributed to the evolving discussions on its implementation;
- on cluster munitions, the UN has contributed to the development of a common understanding of the nature of cluster munitions and sub-munitions, and has been consistent in calling attention to their adverse humanitarian and development impact and for measures which would mitigate that impact.

Mr President, the UN Mine Action Team suggests that even more can and should be done by the States Parties to the CCW Convention, to address the persistent humanitarian and socio-economic challenges posed by landmines and ERW, and stands ready to facilitate this process. Notably:

- States Parties are again urged to work towards the conclusion of an agreement on MOTAPM which might include the following elements:
  - all such landmines as a minimum to contain self-destruction or self-deactivation mechanisms, so that in reality their lifespan is limited;
  - such landmines to be detectable by commonly available technical mine detection equipment;
  - such landmines not to be fitted with anti-handling devices, and not to be fitted with sensitive fuses that can be activated by the presence, proximity or contact of a person.
- Regarding cluster munitions, the UN Mine Action Team wishes to highlight the message earlier today from the UN Secretary-General Kofi Annan to the this Review Conference, in which he called on States Parties to:
  - immediately address the atrocious, inhumane effects of cluster munitions at the time of their use and long after conflict ends;
  - devise effective norms that will reduce and ultimately eliminate the horrendous humanitarian and development impact of these weapons;
  - freeze the use of cluster munitions against military assets located in or near populated areas;
  - freeze the transfer of cluster munitions known to be inaccurate and unreliable and to dispose of them; and,
  - establish technical requirements for new weapons systems to reduce risks to civilian populations.

The UN Mine Action Team would like also to stress the importance placed by the Secretary-General on an effective compliance and cooperation mechanism for the CCW and its Protocols. Once an agreement is concluded on this regime, the UN Team will assist with all relevant technical expertise.

Mr President, I would like to note in conclusion that the UN Mine Action Team is eager to welcome the adoption by the Third Review Conference of a sponsorship programme for the CCW. Such a mechanism will facilitate wider participation in CCW meetings, especially from those countries affected by the use of certain conventional weapons including landmines and cluster munitions.

**Statement on behalf of**  
**DPKO, UNMAS, UNDP, UNICEF, OCHA, FAO, UNOPS, UNHCR, UNHCHR, WHO,**  
**WFP, OSAGI**

I have the honour of addressing you on behalf of the above-named agencies to urge you to consider, as part of your 2006 agenda, new means of addressing the devastating humanitarian and socio-economic impact of cluster munitions. This is not the first time that the UN partners have brought our concerns regarding cluster munition use to this forum. In November 2003, the IASC called upon the states party to the CCW to freeze the use of cluster munitions until effective legal instruments that address humanitarian concerns are in place. In March 2005, UNMAS, UNDP, and UNICEF reiterated the call for a freeze on the use of cluster munitions, called upon states party to honor their current obligations under International Humanitarian Law pertaining to the use of these weapons, and also encouraged an additional legal instrument within the CCW framework to address problems posed by cluster munitions and their associated submunitions.

Cluster munition weapons, which are estimated to remain in the arsenals of more than 70 countries, have taken the lives of thousands of civilians – many of them women and children -- and have impeded socio-economic development in a large number of countries worldwide. The harm posed by these weapons stems, inter alia, from the following attributes. First, they have a wide area effect and can thus be indiscriminate in their effect. Accordingly, if used in proximity to concentrations of civilians, unacceptable numbers of civilians can be maimed or killed. Second, cluster munitions often fail to explode, leaving behind large numbers of unexploded ordnance that continue to take casualties for decades to come and prevent the productive use of contaminated areas. Third, they are even more dangerous than other forms of explosive remnants of war because they are highly unstable. They can also be very attractive to youth because of their shape and size.

Reducing failure rates through more stringent technical specifications can reduce the danger posed by cluster munitions, but will not resolve the problem for several reasons. First, the large number of submunitions used in some cluster weapons, and the large number of cluster munitions that are sometimes used in conflicts, mean that adopting even relatively low failure rates may still leave areas contaminated with a high number of unexploded submunitions. And second, failure rates are affected by factors other than technical specifications, such as drop altitude, storage conditions, strike angles, ground and weather conditions, and foliage. Finally, self-destruct or self-deactivation mechanisms will not address the dangers posed by the large numbers of existing cluster munitions in stockpiles around the world and will not address the humanitarian and socio-economic concerns at time of use.

We wish to reaffirm the need for states to comply fully with their obligations under existing international humanitarian law. Accordingly, we also encourage the Group of Governmental Experts to recommend to the States Parties to the CCW to consider adding an item on your 2006 agenda to address the devastating humanitarian and socio-economic impact of cluster munitions.

*(read by Gustavo Laurie, UNMAS LO, 15 November 2005, meeting of CCW GGE on ERW and IHL)*

**Statement to the CCW Group of Governmental Experts**  
**by Martin Barber, Director of the United Nations Mine Action Service (UNMAS)**  
**on behalf of UNICEF, UNDP and UNMAS**  
**7 March, 2005**

Mr. Chairman designate,

Thank you for giving me the opportunity to address the Group. On behalf of the United Nations Children's Fund (UNICEF), United Nations Development Programme (UNDP) and the United Nations Mine Action Service (UNMAS), I would like to intervene briefly on the important issues being addressed by this Group of Governmental Experts to the Convention on Certain Conventional Weapons.

Within the scope of the UN's work in the area of humanitarian operations related to mines and explosive remnants of war (ERW) – currently in over 30 countries -- we have had the misfortune of witnessing the impact of these weapons on civilians in many post-conflict settings. The Secretary-General made his concerns in this regard quite clear in a recent speech when he emphasized the unacceptable human toll that ERW and anti-vehicle mines are taking on civilians. The Secretary-General has also noted the importance of the CCW framework in addressing the global humanitarian and development impact of those weapons.

As we search for a means to minimize the impact of mines and ERW on civilians, we see the CCW as an important forum in which humanitarian concerns relating to conventional warfare can be addressed. We are very encouraged by the fact that States Parties to the CCW have taken steps to address ERW by adopting Protocol V. Can we conclude from this that concrete progress is equally possible on the remaining issues on your agenda? We hope so.

Specifically, during this year's sessions, we would like to see concrete progress made on three key fronts:

- 1) A rapid entry into force and implementation of Protocol V,
- 2) Further regulation of Mines Other Than Anti-Personnel Mines, and
- 3) Measures to stop the humanitarian and development impact of cluster munitions and their accompanying sub-munitions.

I would like to direct my remarks to each of these three areas.

**Protocol V**

The accumulated experience of UN humanitarian operations is that ERW in post conflict settings are injuring, and just as often killing, civilians long after wars are over. The provisions of Protocol V will not be effective if this protocol does not enter into force. At present, only five states have ratified the protocol, with others in the process of completing the legal steps required for ratification. We urge all states to ratify as soon as possible. It would be useful to hear later today from States when they expect to be able to



do so. In this connection the UN is ready to provide any technical assistance required by states to assist in this process. We have already asked our experts in ERW-affected states to begin addressing issues involved in ratification of the protocol, and compliance with its provisions. We will also encourage these States to prepare appeals for funding of clearance operations under Article 7.

### **MOTAPM**

A common UN position has already been presented to this forum regarding MOTAPM in March 2004. I would like to take this opportunity to recall some key elements of that position:

The IACG-MA's position is that all MOTAPM should have a limited lifespan. We are glad that some countries are already taking action in this direction. We have indicated why we support this view from a humanitarian, development and mine clearance angle. In addition, it should also be taken into account that MOTAPM with a limited lifespan are less likely to be used by non-State actors.

Detectability of all MOTAPM by commonly available technical mine-detection equipment should be the rule, with no exception. The IACG is glad to note that there is broad support for this idea among States Parties to CCW.

We continue to call for not fitting MOTAPM with anti-handling devices and with sensitive fuzes that can be activated by the presence, proximity or contact of a person. However, we recognize the complexity of these features, and the absence of agreement on this position should not be used as a reason for delaying agreement on other issues. We think that a reasonable way to address these issues could be to agree on best practices to be attached to a main instrument as an Annex, as with Protocol V's Technical Annex.

The impact of MOTAPM in humanitarian settings is well documented – in research carried out by the UN and other entities. It is clear to us that their use is currently resulting in unnecessary harm to civilians, both directly and indirectly – directly when a civilian bus in Angola detonates a mine causing multiple deaths and horrific injuries, and indirectly when humanitarian agencies are prevented from delivering essential aid because roads cannot be used. The World Food Programme (WFP) estimates that delivery of food aid to 2 million people in Sudan has been compromised by mined roads. If we have not yet convinced all States Parties here today that the humanitarian consequences of MOTAPM require regulation of their use, then I am afraid we have not been effectively communicating the evidence that we have seen. We urge States Parties to take the steps needed to develop an instrument that will keep MOTAPM out of the hands of irresponsible users.

Several of you have told us that the CCW can really only handle one issue at a time. We see an urgent need for progress on MOTAPM, as I have described, and believe that this should be within reach.

However, I would like to raise one other issue today, because we believe it is equally significant. However, none of us wants to see this issue used to justify delaying or derailing efforts on MOTAPM. The issue is cluster munitions.

### **Cluster Munitions**

At previous meetings the UN has spoken of the casualties sustained among civilian populations during and after cluster munitions strikes. The clearance of unexploded sub-munitions is always hazardous for demining personnel, and their presence constitutes an obstacle to post-conflict humanitarian and development operations. In Kosovo, Afghanistan, Iraq and now Sudan we have seen that this class of weapons has presented particular humanitarian problems.

For clarity's sake, UNMAS has defined **cluster munitions** to pertain to "containers designed to disperse or release multiple sub-munitions" and has defined **sub-munitions** as "any munition that, to perform its task, separates from a parent munition". This definition and its accompanying technical notes will be provided in a Working Paper to be circulated separately. The definitions refer both to air-dropped, as well as to artillery-delivered systems.

UN agencies are concerned with the hazards that cluster munitions pose as ERW, but also with the immediate threat posed to the lives of civilians during cluster munition-strikes. In cases when this area weapon is used within or near populated areas, the inability to target it accurately can result in an unacceptable toll in civilian casualties, as well as destruction of basic infrastructure.

In this context, I wish to reiterate the call for a freeze on the use of cluster munitions, first made by the Inter Agency Standing Committee to the Meeting of States Parties to the CCW in November 2003.

While Protocol V provides a good framework for post-conflict remedial measures, addressing some problems posed by cluster munitions and their associated sub-munitions would, in our view, require a strengthening of the international humanitarian law that currently governs their use. An additional legal instrument within the CCW framework could achieve this aim.

At the same time, action should not wait for the completion of legal deliberations. We urge all States Parties to honour their current obligations under International Humanitarian Law, as they pertain to the use of these weapons. All weapons that cannot be used in a manner fully compliant with International Humanitarian Law should clearly be destroyed.

Thank you for your attention, and for your commitment to these important humanitarian issues.

Martin Barber, Director, UN Mine Action Service

**GROUP OF GOVERNMENTAL EXPERTS OF  
THE STATES PARTIES TO THE CONVENTION  
ON PROHIBITIONS OR RESTRICTIONS ON  
THE USE OF CERTAIN CONVENTIONAL  
WEAPONS WHICH MAY BE DEEMED TO BE  
EXCESSIVELY INJURIOUS OR TO  
HAVE INDISCRIMINATE EFFECTS**

CCW/GGE/X/WG.1/WP.3  
8 March 2005

Original: ENGLISH

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**Tenth Session**  
**Geneva, 7-11 March 2005**  
Item 7 of the Agenda  
**Explosive Remnants of War**

**Working Group on Explosive Remnants of War**

**Proposed definitions for cluster munitions and sub-munitions**

Prepared by UNMAS, UNDP and UNICEF

1. Cluster Munitions: Containers designed to disperse or release multiple sub-munitions

Notes:

- (i) This definition includes containers or parents that are carried on or delivered by an aerial platform (e.g. an airplane or helicopter), or fired from ground or sea-based systems (e.g. a rocket launcher, artillery gun, naval gun, missile or mortar).
- (ii) This definition includes containers variously referred to as cluster bombs, cluster weapon systems, cluster dispensers, cluster munitions shells, etc.
- (iii) This definition only refers to conventional weapons.

2. Sub-munitions: Any munition that, to perform its tasks, separates from a parent munition (IMAS 04.10).

Notes:

- (i) This definition includes all munitions/explosive ordnance designed to explode at some point in time following dispersal or release from the parent cluster munition.
- (ii) This definition includes munitions that are sometimes referred to as bomblets (e.g. from air-dropped cluster munitions), grenades (e.g. from ground-launched artillery, rocket or missile systems), remotely delivered landmines and “improved conventional munitions”.
- (iii) This definition only refers to conventional weapons.

**STATEMENT BY THE INTER AGENCY STANDING COMMITTEE  
(IASC) TO THE MEETING OF STATE PARTIES TO THE  
CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE  
USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE  
DEEMED TO BE EXCESSIVELY INJUROUS OR TO HAVE  
INDISCRIMINATE EFFECTS**

**27 NOVEMBER 2003**

**DELIVERED BY MR. ROSS MOUNTAIN, ASSISTANT EMERGENCY  
RELIEF COORDINATOR AND DIRECTOR, OCHA GENEVA**

**A CALL FOR A FREEZE ON THE USE OF CLUSTER MUNITIONS**

Mr. Chairman, Distinguished Delegates, Ladies and Gentlemen,

I address you this afternoon, on behalf of the Working Group of the Inter Agency Standing Committee, the IASC. The IASC is a unique forum for humanitarian dialogue and decision-making. The Standing Committee groups<sup>1</sup> all the UN agencies involved in humanitarian action and as Standing Invitees the Red Cross/Red Crescent Movement, IOM and three consortia representing several hundred Non Governmental Organizations.

First Mr. Chairman, may I congratulate you and through you the Governmental working groups of experts and indeed the coordinators for the work accomplished and the signal achievement that you do expect to conclude tomorrow in adopting this protocol on Explosive Remnants of War.

I would like if I may this afternoon to express the concerns beyond that of the humanitarian organisations on the issue of Cluster weapons, cluster munitions which we fear may yet to be adequately addressed by this important body. In this sense I am following the remarks made before lunch by the representative of the International Committee of the Red Cross.

Much has been done in the past decade to address the threat posed by anti-personnel mines, and the IASC appreciates the efforts being made within the CCW to address the issue of Explosive Remnants of War. From the humanitarian worker's perspective, it is essential that ERW pollution be limited. Parties to conflict need to be held accountable for the use, the cleanup and the long term effects of the weapons they employ. Based on our work in the field, the IASC is convinced that within the overall problem of ERW, cluster munitions pose an exceptional humanitarian threat to civilians both during and after conflict. For example by June 2000, in Kosovo, it was estimated that 80 children had been killed or injured by unexploded cluster munitions, compared to about 60 from antipersonnel mines.

<sup>1</sup> Full members: FAO, OCHA, UNICEF, UNDP, UNFPA, WFP, WHO, UNHCR  
Standing invitees: Interaction, ICRC, IFRC, ICVA, IOM, UNHCHR, RSG-IDPs, SCHR, World Bank

We are extremely concerned that little has been done to regulate the use of these terrible weapons.

Routinely, an estimated 5 to 30% of cluster munitions fail to explode when fired or dropped, either penetrating below the ground on impact, or remaining on the surface. Those under ground can seriously impede the safe cultivation of land and the development of infrastructure. This is the case in Laos, Cambodia and Vietnam where they still pose a terrible threat, even 30 years after the end of conflict. Some of these munitions lie very deep, out of the detection range of current technology. For example, in paddy fields cluster munitions periodically rise to the surface during the wet season, killing farmers even in areas that have previously been cleared and declared risk free. Apart from the indiscriminate carnage, and the resultant impact on families and communities, such incidents perpetuate fear as people struggle to survive in an already harsh environment.

Cluster munitions that remain lying on the surface are often extremely sensitive and likely to explode when disturbed. Throughout the world, many of the victims are children, attracted by the shape and sometimes the colour of these innocent looking, toy-sized weapons. A year after the first Gulf War, Kuwaiti doctors stated that 60% of the victims of unexploded ordnance, the majority of which were cluster munitions, were children under the age of 15.

Following military action in Afghanistan in 2001, the UN Mine Action Program documented 234 cluster strike areas and, even with military information on these areas, the programme has had to expend immense effort in survey and clearance over the last two years as the cluster munitions used were a new type to that country and mine action teams have had to be retrained to deal with them. This compounded an already serious problems in Afghanistan, diverting resources that would otherwise have been deployed in the clearance of mines and existing cluster munitions from earlier conflicts. Until cleared, these areas cannot be considered safe, either for civilians going about their daily lives, or for humanitarian workers. Similar challenges confront the Iraqi population.

Let me reiterate, Mr. President that we recognise and appreciate the efforts of State Parties to address the problem of ERW. The IASC, however, is concerned that the issue of cluster munitions has not yet been fully or adequately addressed. On reflection we are concerned that those who use cluster munitions may not be able to prevent the unacceptable effects that these weapons have on civilians both during and after conflict. IASC members therefore would reiterate earlier calls, and again by the ICRC and others, for a freeze on the use of cluster munitions until effective legal instruments that resolve humanitarian concerns are in place. Mr. Chairman, we hope that you will turn your attention more specifically to this issue in the work of Group of Experts next year. We believe we owe this to the innocent civilians who continue to be maimed and killed by these inhumane weapons.

Thank you.