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Intervention on behalf of the United Nations Development Programme

Delivered by

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Ambassadors, Excellencies, Ladies and Gentlemen,

It gives me great pleasure to address this forum on behalf of the United Nations Development Programme (UNDP). To start, UNDP would like to congratulate the Government of Costa Rica for hosting this Conference and for responding to the UN Secretary-General Ban Ki-Moon's call to the international community in April 2007 to "address immediately the horrendous humanitarian effects of cluster munitions" and to "encourage all endeavours to reduce and ultimately eliminate the impact of cluster munitions on civilians".¹ UNDP as well as other UN agencies are here to give concrete support to such efforts.

We would also like to take this opportunity to congratulate the Cluster Munitions Coalition (CMC) for organizing the forum on cluster munitions yesterday and the excellent work of the NGOs in raising public awareness about the impact of cluster munitions. Civil society is again playing an invaluable role in raising concerns and demanding action by governments and the international community to urgently address concerns affecting the safety and security of civilians. We are also grateful for the work of organizations such as Handicap International and Landmine Action with excellent studies of cluster munitions – some of which we have drawn upon for my presentation today.

The UNDP supports the creation of legal measures to prohibit cluster munitions that cause unacceptable harm to civilians due to the humanitarian impact and the range of negative impacts on development that their use entails. UNDP has a global mandate to work with national authorities to support the achievement of the Millennium Development Goals in the

countries where we work. However, in affected countries, our work towards these goals is hampered by the impact of cluster munitions. UNDP is present in 166 countries and territories, of which at least 29 are affected by cluster munitions. In our work, UNDP has witnessed both the devastating humanitarian impact of cluster munitions on civilians and the debilitating impact of cluster munitions on development. The use of cluster munitions raises humanitarian concerns during initial strikes near civilian populated areas. Cluster munitions are inherently inaccurate, posing an immediate threat to civilians when used in proximity to, or even in populated areas.

The indiscriminate characteristics of cluster munitions have been well documented. Significantly, the International Criminal Tribunal for the former Yugoslavia recently described the use of the Orkan cluster munitions system as an indiscriminate weapon. In June 2007, an officer was convicted and sentenced to 35 years for the targeting of civilians in Zagreb using cluster munitions delivered by the Orkan rocket. These attacks in May 1995 were reported to have killed seven civilians and injured 196 others. The Tribunal ruled that the presence of military targets in civilian areas was irrelevant, given the indiscriminate characteristics of cluster munitions.ⁱⁱ

Furthermore, cluster munitions often fail to explode, leaving behind large numbers of unexploded and unstable ordnance that continue to cause death and injury long after conflicts have ended. A recent Handicap International study found that, globally there are over 13,000 recorded and confirmed cluster munitions casualties.ⁱⁱⁱ As we heard yesterday, the majority of cluster munitions casualties worldwide are poor, uneducated young civilian males conducting their normal daily chores and income-generating activities in familiar areas. The use of cluster munitions impacts mostly on the economically vulnerable people in areas already suffering economic hardship – this demonstrates the direct socio-economic consequences affecting communities and countries.^{iv}

The use of cluster munitions hampers recovery efforts and development by preventing the productive use of contaminated lands, blocking access to natural resources, and injuring or killing livestock. The instability of the munitions makes clearance more dangerous, difficult and therefore also more costly, in particular in 'mixed' fields, where the likelihood of finding a mix of anti-personnel mines and sub munitions is high. Indeed, the problem diverts resources that would otherwise have been used in the clearance of mines and ERW from earlier conflicts delaying access to productive land even further.

In Lebanon, cluster munitions and other types of munitions used in proximity to populated areas resulted in approximately 1,200 Lebanese civilians being maimed or killed. This includes 183 civilians injured and 21 killed after the conflict ended. In addition, since the end of the recent hostilities in South Lebanon in 2006, UNMAS has reported that at least 11 deminers have been killed, and 32 injured, the majority of these incidents occurred during clearance of cluster munitions. The unacceptably high failure rates associated with these weapons resulted in more than a million unexploded bomblets hidden in fields, olive groves and gardens. People are prevented from returning home or farming their land. Given the levels of poverty, in South Lebanon the delay to recovery efforts caused by cluster munitions will be felt more acutely and exacerbate the existing poverty in these areas.

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As of 31 May 2007, more than 900 individual locations of new cluster bomb strikes were confirmed totaling an area of more than 36 million square meters which represents approximately one quarter of Lebanon's usable arable land.^v A recent report by Landmine Action reported that, "One month after the ceasefire, water supplies were blocked, power could not be restored to many towns and villages and schools, roads, houses and gardens were still littered with cluster munitions duds. Farmers could not safely harvest what was left of their tobacco, wheat and fruit; late yielding crops such as olives will most likely remain too dangerous to harvest by November and winter crops were likely to be lost because farmers would be unable to plough their cluster munitions contaminated land to plant their grains and vegetables."^{vi}

This last map from OCHA shows the type of land made inaccessible by cluster munitions duds. Olives, banana and citrus fruits, wheat and tobacco are the major crops in southern Lebanon. The land use map indicates that all of these crops have been heavily affected by cluster munitions strikes, leaving behind large numbers of sub-munitions on the ground and in trees. Unexploded cluster sub-munitions are preventing or endangering the harvest of these remaining crops.^{vii}

In the example of Laos, between 1965 and 1973 at least 250 million cluster sub-munitions were delivered with an estimated failure rate of 26%, leaving behind at least 75 million failed cluster sub-munitions. More than 50 million sub-munitions fell within one kilometer of villages. Although often unreported, records show 4,837 casualties in Laos alone. None of these known casualties were either military personnel or deminers, but rather civilians including more than 1,900 children.^{viii} More than thirty years after the conflict, clearance operations are still on-going. The current Lao National Strategic Plan for the Unexploded Ordnance Programme covers a ten-year period ending in 2013, however at the current UXO Lao clearance rate, it would take 3,600 years to deal with the cluster munitions still remaining on the ground.^{ix}

As another example, Iraq is contaminated by cluster munitions as a result of three different conflicts. A recently completed impact survey demonstrated that much of the contamination is around populated areas. A large portion of the communities in urban and rural areas depend on land to directly sustain their families and maintain their livelihoods. Many activities they engage in such as planting crops and grazing and trading in livestock have been halted, due to contamination. This loss of livelihoods has resulted in losses in income generation for many families and thus increased poverty levels.

The impact of cluster munitions has the potential to go far beyond these direct developmental effects. When a breadwinner is killed or maimed by cluster munitions, the entire family suffers. This situation is even more acute in households where women are the main breadwinners. In Viet Nam, 79% of women injured or killed by cluster sub munitions were involved in livelihood activities at the time of the accident.

In summary, cluster munitions do contribute to household food insecurity through land denial and loss of livestock, as well as health and hygiene problems as a result of a lack of access to shelter, water and sanitation. Survivors of cluster munitions accidents often face lifelong

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disabilities and economic constraints to access adequate physical and socio-economic assistance.

UNICEF has highlighted the terrible impact of cluster munitions on children.^x Throughout the world, many of the victims are children, attracted by the shape and sometimes the color of these innocent looking, toy-sized weapons. The small size and curious shapes of sub-munitions make them particularly appealing to children. Handicap International has estimated that more than 3,000 children have been killed and injured by cluster munitions. It is particularly distressing to learn that children make up such a high proportion of all casualties – estimated to account for some 50% in Kosovo and 36% of the casualties in Afghanistan.^{xi} Since the end of hostilities in Lebanon, cluster munitions have injured 19 and killed 3 children, all under the age of 12 years old. Cluster munitions in south Lebanon have also injured more than 45 teenagers.

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. Several operational mine action NGOs now document similar statistics also from other locations; that children make up a significant proportion of post-conflict cluster munitions casualties and also that the average age of cluster munitions casualties is lower than those of other types of ERW. Child casualties of cluster munitions are denied their basic rights to life and to enjoy a safe environment in which to grow, learn and play, as outlined in the UN Convention on the Rights of the Child.

In other words, beyond the humanitarian impact, cluster munitions have the potential to exacerbate poverty, and to block local and national economic recovery and long-term development, thereby impeding states' abilities to achieve the Millennium Development Goals.

Your Excellencies, ladies and gentlemen,

The UN has, on numerous occasions, appealed to the international community to address the inhumane effects of cluster munitions. The former Secretary-General, Kofi Annan, in his message to the Third Review Conference of the CCW in November 2006 stated that "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".^{xii}

Following the Oslo conference in February 2007, our new Secretary-General, Ban Ki-Moon, said he was encouraged by the Oslo Declaration which envisages the conclusion in 2008 of a new agreement banning cluster munitions that cause unacceptable harm to civilians.^{xiii} In April 2007 the UN Secretary General reiterated his call on the international community to address the impact of cluster munitions and referred to the efforts of a large group of countries to pursue a new international treaty to deal with these weapons, he encouraged all endeavours to reduce, and ultimately eliminate, the impact of cluster munitions.^{xiv}

In recognition of the humanitarian and development impacts of these weapons, UNDP and other UN agencies believe that it is time for the international community to urgently agree an effective legal instrument to prohibit cluster munitions causing unacceptable harm to civilians. Moreover,

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until such time as a treaty is adopted, we would like to encourage all States to immediately freeze the production, use and transfer of all cluster munitions.

We welcome the opportunity provided by the Government of Costa Rica during the course of this week to continue the momentum and gather full support from the region for the Oslo Process on Cluster Munitions. This process is a historical opportunity for States to move with determination towards the development of humanitarian standards that will impact future generations.

Thank you.

ⁱ Secretary-General's message on the International Day for Mine Awareness and Assistance in Mine Action, 4 April 2007.

ⁱⁱ Landmine Action Press Release (12 June 2007) International Criminal Tribunal: Milan Martić guilty of indiscriminate use of cluster munitions in Zagreb war crime verdict, London,

ⁱⁱⁱ Handicap International (May 2007) Circle of Impact: The Fatal Footprint of Cluster Munitions on People and Communities, Brussels, HI, page 136.

^{iv} Handicap International (May 2007) Circle of Impact: The Fatal Footprint of Cluster Munitions on People and Communities, Brussels, HI, page 139.

^v Statistics collated by the UNMAS implemented mine action programme in South Lebanon (<http://www.maccsl.org/reports>)

^{vi} Landmine Action (October 2006) Foreseeable Harm, London, P23.

^{vii} Landmine Action (October 2006) Foreseeable Harm, London, P29.

^{viii} Handicap International (May 2007) Circle of Impact: The Fatal Footprint of Cluster Munitions on People and Communities, Brussels, HI, page 30.

^{ix} Statement by Mr. Tim Horner, UNDP Senior Technical Advisor to the UXO National Regulatory Authority Laos, to the Group of Governmental Experts, CCW, 20 June 2007.

^x Statement by Reuben McCarthy, UNICEF, at the occasion of the Civil Society Forum on Cluster Munitions, Oslo, 21 February 2007

^{xi} Circle of Impact: The Fatal Footprint of Cluster Munitions on People and Communities, Handicap International, May 2007

^{xii} Secretary-General's message to the Third Review Conference of the Convention on Certain Conventional Weapons, Geneva, 7 November 2006.

^{xiii} Statement by the Secretary-General Ban Ki-Moon, 23 February 2007; SG/SM/10887 (<http://www.un.org/News/Press/docs/2007/SGSM10887.doc.htm>)

^{xiv} Secretary-General's message on the International Day for Mine Awareness and Assistance in Mine Action, 4 April 2007.