March 2008

Connecting the Dots: The Ottawa Convention and the CCM

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Connecting the Dots: The Ottawa Convention and the CCM

States Parties to the Convention on Cluster Munitions have refined the victim-assistance concepts found in the Ottawa Convention by defining victim assistance and clarifying VA obligations in the CCM. As the authors note, States Parties recognize that change can only be created through the people who implement it.

by Kenneth Rutherford (Survivor Corps and Missouri State University) and Nerina Čevra and Tracey Begley (Survivor Corps)

The Ottawa Convention in 1997 was the first weapons-control agreement to include provisions for victim assistance. It also proved to be a major advocacy tool to help develop and promote disability rights until the Convention on the Rights of Persons with Disabilities entered into force in May 2008. The Ottawa Convention set a precedent for disarmament treaties by articulating for the first time an international standard for victim assistance. In fact, it is the most extensive weapons-prohibitions treaty to include provisions for victim assistance. It also includes not only those persons directly impacted by cluster munitions but also their families and communities.

T the Ottawa Convention and the CCM

Victim assistance provisions in international weapons conventions

When the Ottawa Convention was written, the issue of victim assistance was a novel concept and the lack of understanding surrounding it is evident in the text of the treaty; for example, there is no definition of who

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Will Oslo be the Next Ottawa? The Cluster–munitions Debate

More than a decade has passed since the monumental Ottawa Mine Ban Convention1 was opened for signature in December 1997. Now, with the adoption of the text of the Convention on Cluster Munitions2 in May 2008, the global community is closer than ever to an international agreement prohibiting the use of cluster munitions. A review of the key issues underpinning the debate on cluster munitions follows.

by Jeff Abramson [Arms Control Association]

O ne of the most contentious and controversial aspects of the new convention is the Protocol on Cluster Munitions. The Protocol will enter into force six months after 30 governments sign and ratify it. The Protocol addresses the potential for a general legal framework to be requested if these deadlines cannot be met. The accord also provides a much more progressive, holistic view than previously existed. The key to creating a permanent change in the way weapons treaties are developed and implemented is to acknowledge that the people are the creators of treaties. The CCM is much closer to recognizing this than the Ottawa Convention, which itself was soon as taking an unprecedented leap in the way victims of weapons were addressed when it was drafted in 1997.

For a number of reasons, the Ottawa Convention was much closer to recognizing this than the Ottawa Convention, which itself was soon as taking an unprecedented leap in the way victims of weapons were addressed when it was drafted in 1997.

Conclusion

While it is important to recognize the significance of the CCM in taking the concept of victim assistance into the 21st century, it is necessary to keep in mind the missing dots required to address the full spectrum of victims’ rights. One example is in the context of small arms and light weapons, where no provisions on victim assistance have been articulated yet. It is also necessary to give some serious thought to the potential for a legal or general legal framework that addresses the rights of victims of conflict. The shift in paradigm toward understanding the rights of various victims and groups of victims in addressing issues that affect their lives is, for the first time, clearly present in a legally binding instrument—the CCM. Adopting its view will inform and shape the response necessary to ensure that its purpose is furthered—namely, reducing the harm caused by cluster munitions. See Endnotes, page 111

A major question going into the Dublin conference was whether eventual CCM States Parties would be able to cooperate militarily with non-member States Parties that maintain cluster munitions. Because the current policy of the United States is to retain the right to use certain cluster munitions, the desire to maintain interoperability put U.S. allies in a particularly difficult position. Although abstaining from the Oslo Process, the United States exerted pressure on its participants regarding the interoperability issue.

Using some of the language of the Ottawa Mine-ban Convention, and led by many of the same advocates who pressed for that convention more than 10 years ago, the CCM represents the possibility that we will see a new global norm against the use of cluster munitions, with stockpiles eliminated, lands cleared and victims assisted. Whether and how that comes about, however, may be determined in a separate process held within the Geneva-based Convention on Certain Conventional Weapons. Negotiators there are working to create a separate cluster munitions protocol that could have the backing of the world’s major stockpilers of cluster munitions, such as China, India, Israel, Pakistan, Russia and the United States, most of whom have thus far remained outside the Oslo Process.

Interoperability and Definition: Oslo Compromises

The text adopted in Dublin requires the destruction of all cluster munitions. The text also includes measures for international assistance to victims of cluster munitions. Countries were able to sign the Convention beginning in December, 2000, and it will enter into force six months after 30 governments sign and ratify it.

Many advocates and government representatives celebrated the conclusion of the CCM. In his 30 May closing statement, Irish Minister for Foreign Affairs Michael Martin said, “I am... convinced that together we will have succeeded in stigmatizing any future use of cluster munitions.” Cluster Munition Coalition Co-chair Steve Goose noted that it “can only be read as calling for the criminalization of military cooperation between eventual member and nonmember states. Because U.S. ships carry cluster munitions, he further extended the argument to say that U.S. disaster relief and humanitarian assistance could be cut off, raising the stakes for the global community. Mull also said that “a much more effective way to go about this is to pursue technological fixes that will make sure that these weapons are no longer viable once the conflict is over.”

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During a press briefing in the initial days of the Dublin meeting, Acting Assistant Secretary of State for Political-Military Affairs Stephen D. Mull repeated U.S. interoperability arguments that the draft convention could be read as calling for the criminalization of military cooperation between eventual member and nonmember states. Because U.S. ships carry cluster munitions, he further extended the argument to say that U.S. disaster relief and humanitarian assistance could be cut off, raising the stakes for the global community. Mull also said that “a much more effective way to go about this is to pursue technological fixes that will make sure that these weapons are no longer viable once the conflict is over.”

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