

# Oslo Conference on Cluster Munitions

## Opening Statement by Minister of Foreign Affairs Jonas Gahr Støre Oslo 22.02.07

Check against delivery

Excellencies and friends,

I am grateful to you for accepting my invitation. The fact that you have travelled from all continents to take part in this meeting demonstrates the importance of the topic and the extent of your commitment.

Let us cut through the complexities at the outset and agree on our joint purpose: We must bring an end to the unacceptable human suffering caused by the use of cluster munitions. This suffering is not an inevitable and unavoidable consequence of modern war. It is the result of the use of a particular group of weapons, developed for other conflict scenarios than those we are faced with today. These weapons may still be considered useful from a narrow battlefield perspective, although many doubt it. But their humanitarian and political consequences - long after the conflicts have ended - by far outweigh their usefulness.

The time has come to agree that these weapons that cause such indiscriminate suffering should no longer be used. The time has come to agree that we need a new international instrument to ban cluster munitions that have unacceptable humanitarian consequences. And the time has come to agree that we need a framework to ensure care and rehabilitation to victims and affected communities.

To start and inspire a process towards such ends - that is what is bringing us together in Oslo today and tomorrow. I urge you to make good use of these two days. Our immediate objective should be to define our approach - which is humanitarian in nature - and launch a process together. Our vision should be to spare innocent lives in future generations from the devastating effects of weapons which belong to the past.

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There is a growing recognition that the use of such cluster munitions often gives rise to violations of core provisions of the Geneva Conventions. This is a view we share.

The weapons we are here to discuss are indiscriminate area weapons. They cause damage that is disproportionate to their potential military effects. They do not distinguish between civil and military targets.

As a means to achieve our political objectives, their use could also clearly be counterproductive. Clearly, states have the right to resort to military force - in order to defend themselves, to counter instability and to protect and save lives within the framework of international law. But putting innocent lives at risk for generations to come, as is frequently the case when cluster munitions are used, does not bring us closer to these objectives.

Even when our adversaries choose to defy established laws and norms of warfare, for instance by placing their military positions in the middle of civilian areas, we cannot put basic humanitarian principles aside. Our military response must be within established principles of distinction and proportionality.

The use of cluster munitions - with unacceptable humanitarian consequences - clearly violates these principles. In the end there are no winners, only losers.

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Unexploded munitions left behind in the aftermath of conflict kill and maim civilians long after hostilities have ceased, leaving the same images of killing fields that we addressed some 10 years ago as we paved the way for the banning of anti-personnel land mines. Three decades after the end of the conflict, farmers and fishermen in South-East Asia still live with the dangers of unexploded submunitions. And farmers and fishermen, and their children and grandchildren, will share the same experience in other conflict zones where cluster munitions have been used.

Children are particularly vulnerable and constitute a disproportionately large group of victims. They are three-fold victims. Unaware of the threat, they are vulnerable as they go about their activities. Dependent on their families, they are vulnerable when their parents become victims. And as young individuals, they are vulnerable to the longer-term psychosocial effects. The psychosocial effects of anti-personnel land mines are well documented. There is little reason to believe that cluster munitions would have any less negative effect on children's health and welfare.

Technical improvements in weapons technology will not be enough to address the complex humanitarian problems caused by cluster munitions. They may improve the reliability rates under controlled environments.

But the actual reliability of an individual submunition depends on the context in which it is used. This includes factors such as age, storage and handling conditions, user competence, and terrain and weather at time of deployment. In practical terms, it is impossible to create a 100% reliable weapon.

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Consequently, we should go further and agree on an international, legally binding instrument to ban the use of weapons that create such humanitarian suffering. To be realistic and effective, it would have to include provisions to prevent stockpiling as well as proliferation. We cannot – in middle-income and richer countries – permit a situation where weapons that have unacceptable humanitarian consequences are exported and dumped into the weapon arsenals of poorer countries, thereby risking even greater humanitarian disasters in the future.

Finally, we must develop a framework for cooperation on ground clearance, stockpile destruction and assistance to the countries most in need.

As we now embark on this endeavour, let us keep in mind that the process itself will be important to our prospects for success. The instrument we aim at should be developed in a transparent multilateral framework, in a process that is inclusive and can mobilise all stakeholders: states, humanitarian actors, civil society and the United Nations. What we launch here in Oslo should inspire and hopefully guide our future efforts in all relevant forums.

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International concern about the threat posed by these weapons is not new. We have for years tried to agree on effective regulations on cluster weapons.

But let us be honest and agree: We have had limited success. In the early 1970s Norway, together with many of the countries present here today, raised concerns over the use of large numbers of cluster munitions in South-East Asia. This initiative contributed to a new protocol in 1977 to the Geneva Conventions on the protection of victims of international armed conflicts and subsequently to the Convention on Certain Conventional Weapons (CCW) of 1980.

But there is still no comprehensive framework that provides regulations specific to these weapons. Experience from recent conflicts has shown us that what we have is not sufficient to avoid humanitarian disasters. We are not arguing that we should abandon existing negotiation frameworks – but that we should inject new energy to our efforts, and sharpen our focus on our common cause.

While little progress has been made at the multilateral level, some countries have taken important national steps. Many have implemented restrictions on the use of certain types of munitions or under certain conditions.

Norway introduced a moratorium on use in international operations in 2003. Last November the Stoltenberg Government extended the national moratorium on all use of cluster munitions. Such measures are important steps on the road towards an international agreement. However, they cannot replace the elaboration of new international humanitarian law that adequately addresses the problem through regulations and prohibitions.

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Over the past decades, we have seen the emergence of a new set of humanitarian-based norms for the conduct of war. These norms set broader and more long-term humanitarian concerns against narrow and short-term military utility on the battlefield.

They underpinned, and were reinforced by, the ban on anti-personnel mines, the establishment of the International Criminal Court, the efforts to stop use of child soldiers and the broader efforts to strengthen the protection of civilians in conflicts. All of these acts stand out as a result of a political will to change the apparent status quo, because there cannot be such a thing as a status quo when indiscriminate human suffering takes place.

But political intentions are not enough. We need to add solid and well documented efforts to hone in on what we want to change. And we need the right dose of realism and pragmatism to focus our work and come up with proposals that are implementable.

We take this approach with us as we now set a new course: Banning the use of certain types of cluster munitions is a logical extension of these endeavours.

Over the past months a number of individuals, parliamentarians, humanitarian organisations and governments as well as the Red Cross movement, have called for concrete action aimed at halting the use of these weapons.

And the number is increasing. An emerging global alliance is being formed. We have invited you, more than 40 states, UN organisations, the International Red Cross Committee and the Cluster Munitions Coalition, to Oslo to discuss realistic and effective measures to prevent this humanitarian problem from continuing and spreading. We hope and believe that this conference can serve as a starting point for an emerging global alliance that can bring about such action.

Here is our objective: To reach agreement on a plan for developing and implementing a new instrument of international humanitarian law that addresses all the unacceptable consequences of cluster munitions by 2008.

We know this is ambitious, but it is also necessary and feasible.

Thank you.