

The role of NGO activism in the implementation of the Convention on Cluster Munitions

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States will only be able to create a healthy and viable regime that fulfils its purpose to “put an end for all time to the suffering and casualties caused by cluster munitions” if they further develop genuine partnerships with civil society throughout the implementation of the Convention on Cluster Munitions (CCM).¹ The decade of implementation of the Mine Ban Treaty is testimony to this, and other treaties developed since 1997, such as the Rome Statute of the International Criminal Court and the more recent Convention on the Rights of Persons with Disabilities reinforce this approach. States need civil society as a source of expertise and analysis, of accountability and legitimacy, and of energy, enthusiasm, passion and political space. These features need to permeate non-governmental organizations’ (NGOs)² work to ensure the full and effective implementation of the Convention on Cluster Munitions.

This article considers five areas of work in which NGO activism can contribute to implementation. The first is the communication of the ban and the treaty so that they remain on the agenda of those who must implement it. The second is the provision of analysis of the challenges for implementation and contribution to the policy debate. The third is monitoring of compliance by states parties with their treaty obligations. The fourth is advocacy and activism, using the data gathered through NGO monitoring, to promote compliance and positive practice and to speak out against non-compliance. The fifth and final area is to promote universal adherence to the treaty, to reinforce the stigma against the weapon and to help build the norm of a global ban.

Communication of the ban and the treaty

If you don’t know something exists, you will not be able to understand it, use it, promote it and act upon it. NGOs have a role to play in communicating the existence, importance and utility of the CCM to the public, media, governments and civil society and in sending a range of messages to a range of audiences. In this regard the Cluster Munition Coalition (CMC), as an entity retaining exclusive focus on the issue of cluster munitions and the Convention, has been crucial.³ The existence of the CMC has allowed for the prioritization of the messages around the prohibition of cluster munitions and efforts to end the suffering they have caused. The specific focus on and priority for the Convention on Cluster Munitions has likely been stronger than it would have been if no such dedicated single-issue campaign existed.

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The ban on cluster munitions exists, therefore, due to the hard work of many people and some important political attention, but it has not been (nor is it) central to the political or personal agendas of a large number of countries, organizations or individuals. Affected countries such as Lao People's Democratic Republic (PDR) and Lebanon, and key drivers of the process such as Norway are arguably exceptions rather than the norm. Without constant efforts by the CMC and its NGO members to keep the issue of cluster munitions "hot" it could easily slip down the agenda. This would jeopardize realization of the treaty's great potential.

Political will will be crucial to treaty implementation just as it was to treaty negotiation. For example, United Kingdom Prime Minister Gordon Brown's decision to adopt the CCM at the negotiations in Dublin in May 2008 was likely to have been primarily political,⁴ and this will no doubt also be the case for many decisions on implementation. While technical analysis will always be necessary for effective implementation, key decisions on military necessity, on resources for stockpile destruction, clearance or victim assistance are essentially about political priorities.⁵ Implementation is a question of meeting legally binding obligations, but some of these cost money, and allocating funds in the face of competing priorities requires—and is an expression of—political will.

NGOs can assist government officials by working through the media, parliaments and the public to ensure sufficient political will exists to make critical decisions at key moments. NGOs must be able to attract the attention of political leaderships; to communicate to political decision makers in such a way that leaders see a benefit to themselves, their governments and their political agenda in taking action.

Communicating urgency

Fostering a climate of on-time compliance will be one of the biggest challenges for NGOs. The most effective tool is to develop the impression that non-compliance with legal obligations will not be politically tolerable. However, non-compliance by Belarus, Greece and Turkey with the Mine Ban Treaty's stockpile destruction obligation in 2008 and 2009 has not resulted in widespread condemnation by states, nor does the issue appear to be on the agenda of political decision makers. This underlines the need for political leaders to address implementation in order to set the right tone early in the life of the Convention on Cluster Munitions. For the CCM, this "start early" message will be a critical rallying point at the First Meeting of the States Parties to be held in Lao PDR in November 2010.

A related challenge for this communications role is that the CCM is a largely preventive effort, with a more limited problem of extant contamination than was presented by anti-personnel landmines—around 30 countries are affected by cluster munitions in contrast to almost 90 states affected by anti-personnel mines.⁶ This makes it more difficult to mobilize public, media and government attention—anti-personnel mines were a more prominent global issue upon the signature of the Mine Ban Treaty in 1997 than cluster munitions were in 2008. Indeed, many

Latin American and African countries that championed the cluster bomb ban did so precisely because they had experienced landmine contamination, but not cluster bombs, and they did not want to see a similar problem caused by the billions of submunitions stockpiled around the world.⁷

Communicating urgency on a preventive effort requires a comprehensive strategy that will relate the problem to the political priorities of key countries and keep it on their agendas. With the right resources, NGOs can react quickly to changing situations and have the time to plan and work proactively on media strategies to exploit upcoming events. NGOs benefit from a certain freedom to communicate and the agility to manage a media response. NGOs may even have a comparative advantage on media mobilization around issues such as cluster munitions, which is amplified with a coalition approach and global membership. The media reports produced by the CMC after the Dublin and Oslo conferences in 2008 show impressive results delivered on the basis of a specific strategy.⁸ This professional, targeted approach to media bears lessons for the implementation phase. Key targets could be states that are slow to get implementation work under way and, of course, states whose deadlines are approaching. For many states, an NGO-fuelled media campaign can be a highly effective way of mobilizing public opinion and political will.

Ultimately, the CCM shows that preventive action is possible, that the global community can take action before a problem reaches crisis proportions around the world, and this is important for civil society engagement on other issues in the future.⁹

Analysis of the problem and policy contributions

At the same time as the treaty and its obligations and humanitarian potential are being effectively communicated, NGOs need to provide detailed analysis and opinion on what the problems posed by cluster munitions are and what needs to be done. NGOs have a particularly important role in this area of work as they are often the closest actors to the problem. For example, survivors of cluster munitions offer a unique perspective on the challenges of treaty implementation and effective solutions. Therefore, survivors' advocates and representative organizations must be involved in the policy debate.

States such as Norway have consistently highlighted field expertise and knowledge as the key contribution of NGOs during the Oslo process.¹⁰ Directly injecting the passion of those individuals and organizations faced with performing surgery or dealing with poverty and despair exacerbated by the effects of cluster munitions into political and diplomatic processes without (or with very little) filter can have a powerful impact.¹¹ If they are effective, field-based NGOs working on cluster munition-related issues provide a set of eyes and ears that can understand the specific circumstances of a country or a community and can listen and report without undue bias or political agenda.

The importance of NGOs for ensuring the success of diplomatic processes on humanitarian issues has since been recognized by states working on other initiatives. For example, the United Kingdom has worked closely with NGOs advocating an Arms Trade Treaty and Switzerland has engaged NGOs in promoting the agenda of work on armed violence and development. Indeed, the concept of the “Norwegian model” of close cooperation with NGOs is increasingly recognized as a means of delivering policy change at the international level.¹²

In terms of implementation, NGOs can keep the work programme of the CCM relevant to changing situations on the ground. For this reason, the work programme of the CCM should carry forward the informal and pragmatic culture of the Oslo process and be as open and flexible as the work programme of the Mine Ban Treaty has been. A slow-moving policy debate that is not open to NGO input is less likely to keep up with reality in the field. As Tamar Gabelnick of the International Campaign to Ban Landmines notes: “Field-based operators provide key information and perspectives, but often the political work with governments happens at a different level, so the flow of ideas between the field and the Cluster Munition Coalition will be critical during the implementation phase.”¹³

NGOs can help ensure an effective interplay between individuals undertaking field-based work (in both NGOs and government-run bodies) and those working on policy at the international level, such as diplomats and NGO policy makers.

Victim assistance

States are obliged under Article 5 of the CCM to “consult with and actively involve cluster munition victims” in the implementation of their broader victim assistance obligations. This paves the way for survivors’ more systematic involvement in analysing the problem and contributing to the international-level policy debate and decision-making processes. Survivors were closely involved in the CCM negotiations and provided valuable experience and powerful advocacy.

However, it will be more challenging to ensure this involvement in a sustained and complex implementation phase.¹⁴ Thus, the CCM’s programme of work should ensure continued, meaningful participation of survivors and victims in the future decision-making processes of the CCM: the victim assistance focal points and parallel work processes of the Mine Ban Treaty work programme provide valuable lessons here.¹⁵

NGOs must benefit from and build on the lessons learned in the implementation of the Mine Ban Treaty over the past 10 years. Positive lessons include keeping up the pressure over a sustained period; maintaining effective networks in a range of key countries; maintaining a close-knit community of practice among governments, organizations and civil society; making progress on ensuring national ownership of problems at the levels of planning, coordination and communication; and keeping the focus on the humanitarian imperative at all times. However, the lack-lustre reporting by states in relation to the Mine Ban Treaty and the fact that

some have waited until the last minute to start work on time-bound obligations are a cause for concern. Starting early on clearance and stockpile destruction will be a key NGO message at the start of the CCM's implementation phase.

Monitoring states parties' compliance

With the ban being widely and effectively communicated and the problem being comprehensively analysed, NGOs will have a role to play in monitoring states parties' compliance with the treaty. The influence of Landmine Monitor on the Mine Ban Treaty over the past 10 years is a central model for this third area of work. At the same time, states' own reporting on their implementation must continue to improve and NGOs have a role to play in supporting states with this. The mechanisms and structures created to implement the CCM—in particular the reporting formats established, any bodies set up to support states' implementation work and the interactions set out with NGOs—will be crucial influences on the standards created for monitoring and compliance with the treaty and must be open to and inclusive of NGOs.

Landmine Monitor has embedded civil society in the implementation structure of the Mine Ban Treaty, as the systematic research by NGOs around the world has built up strong relationships with government officials who are themselves implementing the treaty. Landmine Monitor has also kept civil society engaged with governments to ensure that implementation work actually happens. The Landmine Monitor has promoted transparency and made it the norm for states to share information with NGOs on issues that were previously quite sensitive (such as military stockpiles).¹⁶

The reports of the Landmine Monitor have become *the* reference for delegates to Mine Ban Treaty meetings. Arguably, Landmine Monitor has also influenced the quality and quantity of Article 7 reporting within the Mine Ban Treaty and even influenced changes to the forms for reporting. It has been central to the "evidence-based advocacy" described by Landmine Monitor pioneer Mary Wareham and has influenced other NGO monitoring regimes specific to global treaties, including those of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons.¹⁷ Crucially, Landmine Monitor has been able to showcase the great progress achieved through the Mine Ban Treaty while at the same time highlighting the key challenges that remain, and this has steered the policies of states and the Mine Ban Treaty community.

Just as it was critical to have a specific, focused effort to monitor the anti-personnel mine issue and the Mine Ban Treaty, the same will be true for cluster munitions and the CCM. A variety of factors support a specific reporting regime on cluster munitions: the states parties to the CCM differ to those of the Mine Ban Treaty; the CCM creates new and different obligations to the Mine Ban Treaty (on victim assistance, data gathering and reporting, for example); and

the CCM's scope goes beyond victim-activated weapons to deal with the indiscriminate area effect of cluster munitions during attacks. This last point is fundamentally different from the anti-personnel mine issue and explosive remnants of war, and relates to the emerging concept of explosive weapons as a broader category, in particular their use in populated areas.¹⁸

NGOs will undertake a specific monitoring initiative on cluster munitions, closely linked to the Landmine Monitor and its network and processes.¹⁹ With fewer states affected by cluster munitions than landmines there will be relatively less monitoring to do on clearance, risk education and victim assistance than there has been for NGO monitoring work on anti-personnel mines.²⁰ However, there will be substantial work to do on production, transfer and destruction of stocks as well as on the policies of non-signatories.

In developing the civil society monitoring report on cluster munitions, the encyclopaedic country-by-country approach taken for anti-personnel mines may benefit from some adjustment, with increased use of thematic reporting and a renewed focus on key challenges and recent developments. Handicap International's report on victim assistance may provide useful lessons on thematic reporting, while the recent and very comprehensive report by Human Rights Watch and others may offer lessons on swift, lean and effective production, emerging as it did within 12 months of the Convention's adoption.²¹

A key area of focus for this monitoring tool will be to balance the positive progress against the challenges ahead: showing tangible results is necessary to attract others to the treaty and increase its legitimacy as a norm, but highlighting challenges and calling states out on failures is necessary to ensure compliance and the credibility of the instrument.²²

While NGOs have been effective at monitoring compliance through Landmine Monitor, reporting by states must improve for the CCM. This should be seen in the context of the growing recognition that collection of data on the impact of armed violence is a fundamental responsibility of states to their citizens, as has been recognized in the Geneva Declaration on Armed Violence and Development²³ and with respect to cluster munitions victims in the CCM.²⁴ In advance of the First Meeting of States Parties, governments and organizations should also work on developing reporting formats and procedures that elicit meaningful responses and help improve the quality of reporting.

The Landmine Monitor system has been successful at getting information out of governments and this practice needs to continue, but a focus must be placed on the responsibility of states to gather the data that is so crucial for them to meet their treaty obligations. The central role for NGOs will be to push for states to produce good quality reports and annual updates in a timely manner. NGOs should be wary of effectively substituting for states. If states are borrowing language from Landmine Monitor to draft their Article 7 reports, this raises questions as to whether they have undertaken the necessary research internally to provide a meaningful report.²⁵

An area of potential innovation on NGO monitoring of compliance could be to distinguish between states that collect and present data effectively and states that are deficient. While some analysis of implementation would need to cover both groups, NGOs could focus their concerns on the latter, supplementing state data with more detailed research and highlighting areas where improvements are needed.²⁶

The communications, analysis, monitoring and advocacy work of NGOs will be of more benefit to the Convention if it is integrated into the formal and informal structures supporting implementation of the Convention, because it will be more coordinated and more accessible. This has been a lesson learned from the Mine Ban Treaty, where NGOs have had an integral role in the work programme and have been closely consulted on policy and key decisions throughout the life of the treaty.

Advocacy and activism to promote compliance and positive practice

Using data gathered through monitoring and field-based analysis of the challenges of implementation, NGOs must undertake coordinated and effective advocacy to ensure compliance and speak out against non-compliance. One key message from NGOs will be urging states to start early on their obligations and pressurizing states that are not doing enough to fulfil obligations—NGOs must respond robustly to clear situations of non-compliance. By maintaining a close dialogue with government officials NGOs can help flag concerns and push state action forward before potential problems arise.

NGOs must push states to start early with clearance and stockpile destruction and to aim for no extensions on either obligation. Part of the NGO role will be to work with states to establish a meaningful partnership with two-way communication. NGOs must have a genuine capacity to provide support through political encouragement and policy dialogue for those states willing to take a leadership role, to help cultivate “champion” states, and to work with those states that are struggling to meet their obligations. Even where states are not clearly in violation of the Convention, NGOs must put pressure on states to undertake further action and set the benchmarks for good practice on areas open to interpretation, such as cooperation and assistance, to ensure the success of the treaty. Here NGOs will need to press donors to give more and new funds for cluster munition clearance. This is true in particular for Lao PDR and Lebanon, which, as future CCM states parties, arguably both need to see a positive step shift in clearance and victim assistance funding given their specific cluster munition problems.

It falls to civil society to speak out when states will not. NGOs must respond swiftly, loudly and unequivocally to non-compliance. Like the Mine Ban Treaty, the compliance mechanisms in the CCM are deliberately light. This means that compliance depends on the stigma developed around non-compliance.²⁷ NGOs must create and protect this stigma and not allow it to be weakened. States have arguably not been strong enough in condemning non-compliance in the Mine Ban Treaty: early on they chose not to pursue allegations of use by Uganda and

they have not condemned the violation of stockpile destruction deadlines by Belarus, Greece and Turkey. This gives NGOs added responsibility to condemn non-compliance. Indeed, states can rely on NGOs to make statements they are diplomatically unable to make. However, NGOs must also push for states to condemn non-compliance, in order to prevent precedents from emerging that might erode the power of the treaty's obligations and the stigma against the weapon.²⁸

Maintaining a dialogue for governments and NGOs to talk through issues of concern can help avoid compliance problems. NGO campaigners able to focus on cluster munitions, with the support of the CMC's global network, can be a vital source of motivation and assistance for government officials stretched for capacity over many issues and who may simply be unaware of a potential problem. This is a hallmark of the partnership between government officials and NGOs in the Mine Ban Treaty's intensive work programme.

Cooperation between national campaigns and CMC staff is also crucial. Advocacy may work better in capitals in some cases, away from the spotlight of outsiders, and in other cases it may work better at the international level, where NGOs can feel supported and show their governments that the world is watching. Donor-funded small grants to campaigners around the world can be a strategically beneficial tool to promote this dialogue between states and civil society, and the effective link between national and global advocacy.²⁹

Universalization, stigmatization and norm-building

Implementation and universalization have been seen as two separate activities, but they are inextricably linked and part of one another. Ensuring no further use by universalizing adherence to the treaty and its norms will help reduce the future burden of key implementation tasks such as clearance and victim assistance. Through implementation, key precedents set in the CCM can be nurtured and established.

Working toward universalization is in any case a legal obligation of the Convention to be implemented by states parties. Under Article 21, each state party must "encourage States not party ... to ratify, accept, approve or accede" to the Convention, must "notify the governments of all States not party to the Convention ... of its obligations under this Convention" and must "promote the norms it establishes". NGOs will most certainly have a role to play in eliciting clarity from states about what these obligations mean in practice and ensuring they are implemented.

There is another clear link between implementation and universalization, whereby positive results attributed to the CCM will attract further signatures. If Lao PDR, for example, sees an increase in funding following its adherence to the Convention on Cluster Munitions, this will surely have a positive influence on the prospects for neighbouring Viet Nam, a fellow affected country, to join the Convention. All those countries affected by cluster munitions are a critical target group for universalization of the Convention. At the time of writing, Cambodia, Serbia,

Tajikistan and Viet Nam, to name a few, had not joined the Convention. Arguably, these are more important to have on board than the producers and stockpilers, who are often cited as the biggest gaps in the treaty's reach.

Even while they are outside the treaty, key stockpilers can contribute to the establishment of the global norm against the weapon by introducing measures nationally to ban transfers, as Singapore announced days before the Convention's signing conference in Oslo, or to stop production, as Argentina has made clear on a number of occasions.

Establishing a powerful norm reaching beyond the states parties to the Convention is one of the key roles for NGOs. We have seen above that international law is more difficult to enforce than domestic law, so the development of an effective norm—through a combination of legally binding instruments, political will and diligent implementation—is the only way to achieve success. NGOs must elicit and collate statements such as that of UN High Representative for Disarmament Sergio Duarte, who noted recently that the cluster munition is a weapon “that is viewed around the world as inhumane”.³⁰

Central to protecting the stigma and norm against cluster munitions will be influencing the interpretation of certain provisions. NGOs must promote the most restrictive and most far-reaching interpretation of provisions in Article 1(1)(b) on transit, Article 1(1)(c) on interoperability and disinvestment, the effects-based definition of cluster munitions in Article 2(2)(c),³¹ Article 3 on retention of cluster munitions and the positive universalization obligations in Article 21. NGOs have a role to play in promoting clear and positive interpretations early on in the implementation phase of the CCM.

NGOs consistently set the terms of the debate during the Oslo process. For example, the CMC established cluster munitions as a fundamentally humanitarian issue, overcoming government arguments that tended toward the technical or military nature of the question.³² By changing the discourse of states, NGOs are able to promote modified behaviour. However, the implementation of the Convention will be a test for how significant the precedents set in the CCM will become.

The CCM has raised questions of interpretation that will affect not only the implementation of the Convention, but also future agreements. It is beyond the scope of this paper to consider all of these, but in times to come NGOs and governments will have to focus on the importance and relevance of precautionary approaches in the prohibition of weapons (the interpretation of the definition of a cluster munition is important here); the switching of the burden of proof during the negotiation of the Convention; the prohibition of cluster munitions on the basis of their area effects and unexploded ordnance risks and what this means for the broader category of explosive weapons and their use in populated areas; and the precedent set by the victim assistance obligation to gather data and how this relates to data gathering on armed violence more broadly.³³

Notes

1. Preamble of the Convention on Cluster Munitions, signed in Oslo, 2–4 December 2008.
2. Throughout this article, the term “NGO” is used to describe a wide range of types of formal and semi-formal non-state institutions and actors.
3. The Cluster Munition Coalition was established in November 2003 by a group of NGOs and it now has around 400 member organizations in around 90 countries, see <www.stopclustermunitions.org>.
4. Sebastian Taylor of Landmine Action has noted in correspondence with the author that it may be “worth distinguishing ‘positive’ from ‘negative’” political choices (e.g. choices calculated for positive gain versus those calculated to avoid negative consequences). It seems interesting to what extent Brown’s political decision to support the Convention was based on the positive desire to acquire a new treaty, or the negative desire to avoid loss of international status, popular support, etc. This also has ramifications for how states act on compliance after the fanfare moment of signing. Civil society can have quite specific and acute effects on both positive and negative political calculations.
5. Human Rights Watch, 2009, *Cluster Munition Coalition Position Paper on Stockpile Destruction and Retention*, June.
6. Cluster Munition Coalition, “Affected Countries and Territories”, at <www.stopclustermunitions.org/the-problem/countries>; Landmine Monitor, 2009, *Landmine Monitor Report 2009*, Mines Action Canada and International Campaign to Ban Landmines.
7. During their statements at the Dublin Diplomatic Conference on Cluster Munitions in May 2008, several negotiating states made clear that prevention was a key factor underpinning their positions. See, for example, the country reports on Burundi and Cambodia in Human Rights Watch et al., 2009, *Banning Cluster Munitions: Government Policy and Practice*, Mines Action Canada.
8. CMC, media reports from the Dublin Diplomatic Conference, May 2008, at <www.stopclustermunitions.org/calendar/?id=518> and from the Oslo Signing Conference, December 2008, at <www.stopclustermunitions.org/wp/wp-content/uploads/2009/04/oslo-media-report.pdf>.
9. One state criticized *Banning Cluster Munitions: Government Policy and Practice* at its launch for recalling very clearly the negative positions taken during the process. The authors considered that it was important to show the remarkable change in position by key countries in order to give confidence to those involved in future processes that such a turnaround is possible even when it seems well beyond one’s grasp.
10. Human Rights Watch et al., op. cit., p. 139.
11. Human Rights Watch et al., op. cit., p. 177.
12. The Norwegian Ministry of Foreign Affairs’ recent government white paper, Norway’s Humanitarian Policy (October 2008), touches on the “Norwegian model”. For further discussion see Samantha Bolton and Thomas Nash, forthcoming, “The Role of Middle Power–NGO Coalitions in Global Policy: The Case of the Cluster Munitions Ban”, *Global Policy*.
13. Correspondence with Tamar Gabelnick, Treaty Implementation Director, International Campaign to Ban Landmines, September 2009.
14. For more on the role of survivors in CCM implementation, see the article by Stan Brabant in this issue of *Disarmament Forum*.
15. For more on ICBL Victim Assistance Focal Points, see “Progress on the Ground: VA Focal Points Get Down to Work”, *ICBL News*, March 2009, at <www.icbl.org/index.php/icbl/Library/News-Articles/08_Contents/ICBL-NEWS/nwslmar09/vafocalpoints>.
16. Mary Wareham, 2006, “The Role of Landmine Monitor in Promoting and Monitoring Compliance with the 1997 Anti-personnel Mine Ban Convention”, in John Borrie and Vanessa Martin Randin (eds), *Disarmament as Humanitarian Action: From Perspective to Practice*, Geneva, UNIDIR, pp. 79–108.

17. Mary Wareham, 2008, "Evidence-based Advocacy: Civil Society Monitoring of the Mine Ban Treaty" in Jody Williams, Mary Wareham and Stephen D. Goose (eds), *Banning Landmines: Disarmament, Citizen Diplomacy, and Human Security*, Lanham, MD, Rowman & Littlefield, p. 61.
18. See Richard Moyes, 2009, *Explosive Violence: The Problem of Explosive Weapons*, London, Landmine Action.
19. In 2008, the CMC asked the Landmine Monitor to undertake research and monitoring on the CCM. Precise modalities for this work were under consideration at the time of writing.
20. For example in the *Landmine Monitor Report 2008*, of Cambodia's 21-page country report two pages cover "mine ban policy" and "production, transfer, use, stockpile destruction and retention" while the remainder of the report covers the impact of mines and efforts to address the problem through clearance, victim assistance and international cooperation.
21. Handicap International, 2009, *Voices from the Ground*, Brussels; Human Rights Watch et al., op. cit.
22. The contrast is notable between the key 2008 International Campaign to Ban Landmines press release and its cautionary tone toward states following Greece and Turkey's violation of the Mine Ban Treaty ("States Must Keep Their Word to Landmine Survivors and Mine-affected Communities", ICBL press release, 24 November 2008) and the celebratory and positive tone of the CMC press release issued the following week, which promoted signature of the Convention on Cluster Munitions in Oslo on the basis that the treaty would provide real benefits for survivors and communities in need of clearance and other support. ("Campaigners Welcome Signing of Historic International Treaty Banning Deadly Cluster Munitions", CMC press release, 3 December 2008).
23. Geneva Declaration on Armed Violence and Development, adopted 7 June 2006.
24. Richard Moyes and Brian Rappert, forthcoming, "Enhancing the Protection of Civilians from Armed Conflict—Precautionary Lessons", *Medicine, Conflict and Survival*.
25. Wareham, 2008, op. cit., p. 53.
26. Correspondence with Richard Moyes, October 2009.
27. Brian Rappert, 2008, *A Convention beyond the Convention: Stigma, Humanitarian Standards and the Oslo Process*, Landmine Action.
28. It was for this reason that after the adoption of the CCM, when Georgia and the Russian Federation used cluster munitions in the conflict over South Ossetia, CMC mobilized intensively to rally condemnation of the use of cluster munitions. Together with condemnation from the Foreign Ministers of Ireland and Norway, for example, the denials by both sides (Georgia eventually admitted use) arguably served to strengthen the stigma against cluster munitions. ("Norway and Ireland Condemn Russia's Use of Cluster Munitions", Cluster Munition Coalition news, 22 August 2008; Government of Ireland, Department of Foreign Affairs, Statement by Minister for Foreign Affairs on Alleged Use of Cluster Bombs in Georgia, press release, 21 August 2008; Human Rights Watch, "Russia/Georgia: Cluster Bombs' Harm Shows Need to Join Ban", 14 April 2009.)
29. Chris Stalker, 2008, *Local Voices, Global Ban: How Small Grants to Campaigners Can Contribute to Global Change*, London, Landmine Action and Diana, Princess of Wales Memorial Fund.
30. Sergio Duarte, United Nations High Representative for Disarmament, "Remarks on Cluster Munitions and International Peace and Security", Regional Conference for Latin America and the Caribbean on Cluster Munitions held at Santiago, Chile, 15 September 2009.
31. See Richard Moyes and Brian Rappert, 2009, "The Prohibition of Cluster Munitions: Setting International Precedents for Defining Inhumanity", *The Nonproliferation Review*, vol. 16, no. 2, July, p. 250.
32. "Anti-personnel mines and cluster munitions were each initially treated at the international level as questions of arms regulation. But both the Ottawa and Oslo processes that subsequently emerged were framed in humanitarian terms using concepts and terminology that fit a humanitarian discourse. Such a discourse drew attention to the impact of these weapons rather than their military utility. In the two processes, supporters focused on the effects of landmines and cluster munitions on civilians during and after an armed conflict and on the human cost of the weapons' past and future use. A direct and strong link

was thus established between the weapons and their impact on human beings.” John Borrie et al., 2009, “Learn, Adapt, Succeed: Potential Lessons from the Ottawa and Oslo Processes for other Disarmament and Arms Control Challenges”, *Disarmament Forum*, nos 1–2, p. 20.

33. See, for example, Moyes and Rappert, op. cit; the forthcoming legal commentary of the Convention to be published by Oxford University Press; and John Borrie’s history of the Oslo process (*Unacceptable Harm: A History of How the Treaty to Ban Cluster Munitions Was Won*, Geneva, UNIDIR, 2009), which also provides useful detailed insight into many of these points.