

# The Convention on Cluster Munitions and the Environment - key elements for inclusion in the Lausanne Action Plan<sup>1</sup>

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**In light of the Swiss Presidency's planned inclusion of cross-cutting issues into the Lausanne Action Plan (LAP), our organisations urge state parties and other stakeholders to emphasise the importance of environmental considerations as a cross-cutting issue to be addressed within cluster munition survey, clearance and stockpile destruction activities. The LAP must also integrate policies to address climate change to ensure strong links to the Sustainable Development Goals (SDGs) and the 2030 Agenda. These two actions will further strengthen national implementation and improve the integration and reporting of environmental considerations in the implementation of the Convention on Cluster Munitions (CCM).**

The clearance and destruction of cluster munitions has the potential to cause long-term impacts on the environment if not managed properly. Equally, environmental factors are increasingly influencing cluster munition clearance. While the CCM's focus of reducing harm to people remains its priority, it is nevertheless important that environmental considerations receive greater attention over the next five years.

The Swiss Presidency has included a list of potential cross-cutting issues in WP4. In response to the questions posed in paragraph 12 of WP4, we suggest that environmental protection should be added to this list for the following reasons and recommend additional language of, *"Environmental impact mitigation should be considered in all aspects of convention implementation and included in national mine action strategies"*.

The CCM already provides a good foundation for including environmental considerations as a cross-cutting issue and including specific actions in the LAP. The treaty highlights the need for environmental protection under Article 3.2 (Storage and stockpile destruction), in that *'Each State Party undertakes to ensure that destruction methods comply with applicable international standards for protecting public health and the environment.'* Article 7.1 (Transparency, sections 1e and 1f) also requires reporting of the details of the methods used in destruction, the location of destruction sites and *'the applicable safety and environmental standards to be observed'*.

However, many national authorities in countries dealing with stockpiles, and the legacy of cluster munitions, are yet to introduce a national standard incorporating environmental management. As a minimum, this standard should align with current International Mine Action Standards (IMAS). Capacity building may be required for those states that do not have strong environmental legislation or governance in place. The ultimate goal should be the implementation of best practicable means to minimise adverse environmental effects, and

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<sup>1</sup> Submitted by Conflict and Environment Observatory, The HALO Trust, Harvard Law School's International Human Rights Clinic, and Mines Action Canada.

potential harm to people and the wider environment, rather than reliance on '*applicable international standards*' or '*applicable safety and environmental standards*'.

### **Adapting to climate change**

Humanitarian disarmament must operate in tandem with the SDGs and climate change concerns, and not be viewed apart from wider societal and environmental challenges. Climate change risks increasing the complexities already faced by cluster munition survey, clearance and destruction activities, with shifting environmental conditions and a less predictable climate both having the potential to affect operating environments. And, as WP4 rightly notes, climate change may well increase pressure on land and resources, increasing exposure to contamination in affected states.[1]

Climate change adaptation planning must therefore be incorporated into programmes to ensure that these potential risks are managed. The IMAS do not yet incorporate guidance on how to evaluate or plan for the impacts of climate change. The inclusion of climate change adaptation planning into the LAP is not only important for effective and efficient clearance activities under the CCM, but would also help promote climate change adaptation across the sector as a whole. In this regard, victim assistance should not be excluded from the discussion. It is important to ensure that economic inclusion services are focused on sustainable livelihoods for all.

### **Sustainable land release**

Covid-19 has highlighted how human encroachment into new environments can increase the transmission of zoonotic diseases. Protecting these areas is also important for addressing climate change and slowing biodiversity loss. A number of states have cluster munition contamination in ecologically important areas and prioritisation and planning for survey and clearance must incorporate the principles of sustainable development in post-clearance land use. Changes in land use and economic development in cleared areas can increase deforestation and biodiversity loss. However, this can be addressed through support for sustainable farming practices and local enterprises, while newly cleared areas can provide climate gains through nature-based solutions.[2]

### **Reporting and implementation**

Reporting, the monitoring of environmental performance, and the exchange of best practice guidance on environmental management is vital to assess the effectiveness of measures in place, and to support performance improvements. Environmental impact assessments, or at least evidence of environmental commitments, are already required by some donors. Nevertheless, mandatory environmental reporting would help drive sector-wide improvements, and increase donor awareness of environmental challenges and capacity limitations.

## Recommendations

In light of the above and the questions posed in WP4, we believe that the LAP should:

- Highlight the importance of minimising any potential environmental impacts linked to cluster munition survey, clearance and destruction in the chapeau of the survey and clearance and stockpile destruction sections.
- Draw attention to the need to increase environmental awareness, capacity within national authorities and inclusion in national mine action strategies in the chapeau of the section on survey and clearance.
- Recognise the need to incorporate climate change adaptation into the chapeau of the survey and clearance and risk reduction education sections of the LAP.
- Highlight the link between the SDGs and need to incorporate the principles of sustainable development in post-clearance land use, and in particular the protection of biodiversity and natural habitats or systems that serve as a carbon sink or store in a guiding principle on the Convention's contributions to other international goals.[3]
- Include an action on environmental reporting and information exchange in the section on transparency measures.
- Recognise the need to increase donor awareness of environmental challenges in the chapeau of the section on international cooperation and assistance.

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[1] [CCM/CONF/2020/PM.1/WP.4](#), pg 6, section VI, 6th bullet point

[2] Examples of nature-based solutions include the natural regeneration of vegetation, afforestation or reforestation with native species, sustainable farming and agroforestry.

[3] Carbon sinks or stores include terrestrial vegetation, soils and the marine environment.