

Cluster Munition Coalition

High-Level Statement

First Review Conference of the Convention on Cluster Munitions

Dubrovnik, Croatia

8 September 2015

Mr. President,

We are very pleased that Croatia is hosting this First Review Conference of the Convention on Cluster Munitions, because of the important role it has played in the development of the Convention, because of its status as an affected country, and because of the incredible beauty and history of Dubrovnik. We are especially grateful for the tremendous preparatory work done by your team headed by Dijana Plestina. We also thank Costa Rica for its fantastic work as the outgoing President. And we would like to join others in thanking Sara Sekannes and Estelle Aebersold of UNDP for their many years of effective and dedicated service on behalf of the convention, while again warmly welcoming Sheila Mweemba as the director of the ISU.

Mr. President, seven years ago when the Convention on Cluster Munitions was negotiated in Dublin and signed in Oslo, hopes and expectations were high. Diplomats and aid workers and cluster munition survivors alike all praised the convention, and its potential to have a far-reaching impact:

a humanitarian impact in terms of saving lives and limbs and livelihoods, a preventive impact by curbing use, production, and trade, and requiring destruction of stockpiles, and a remedial impact by enhancing clearance and victim assistance efforts, allowing affected communities to thrive again and allowing survivors to see their needs and rights fulfilled.

Many also hailed the convention as a landmark in the development of international humanitarian law and disarmament law, joining the 1997 Mine Ban Treaty as the embodiment of the concept of humanitarian disarmament, where the highest priority is put on the protection of civilians.

Yes, hopes and expectations were high – and at this First Review Conference we can say that, thus far, for the most part, those hopes and expectations have been met, and in some cases exceeded.

A special five-year review edition of the Cluster Munition Monitor details the many impressive achievements of the Convention. They include widespread adherence to the Convention, with 117 States Parties and signatories; astounding progress on stockpile destruction with 160 million submunitions destroyed, about 90% of declared State Party arsenals; eight States Parties have completed clearance of cluster munition remnants, and more than 255 square kilometers of land have been cleared; all States Parties with cluster munition victims provided some victim assistance services and nearly all have acted in accordance with the time-bound actions of the Convention's victim assistance plan.

The Convention is clearly working, making a real difference on the ground, and helping to build a safer future for us all.

In its short life, the Convention has been largely successful in stigmatizing cluster munitions, in promoting the now widely held view that these weapons, like chemical and biological weapons, like antipersonnel landmines, are an affront to humanity, are barbaric weapons, are weapons that should never be used by anyone at any time.

But, regrettably, some states not party to the Convention have continued to use cluster munitions. This includes Saudi Arabia in Yemen, as well as Sudan, Syria, Thailand, Ukraine, and forces in Libya and South Sudan. While the evidence of their use in all these cases is overwhelming, most have denied it, showing the degree to which states are unwilling to be associated with the internationally-shunned cluster munition.

Let me emphasize that in each of these cases, the use of cluster munitions is confirmed. They are not unproven allegations. In Libya and South Sudan, the responsible party is not clear. Despite its denial yesterday, that is not the situation in Sudan, where a UN investigative team found that the government's Air Force dropped cluster bombs.

If the Convention is to succeed, States Parties must condemn any use of cluster munitions by any actor, anywhere. States Parties cannot be selective about condemning, based on their relationship with the offender, or based on the type of cluster munition used. If a State Party remains silent about confirmed use, one can argue that it is in effect condoning use, and thereby failing its obligations under the Convention.

The Cluster Munition Coalition believes that the changes to the Dubrovnik Declaration sought by the United Kingdom, Australia, and Canada are contrary to the aims of the Convention, and would be a setback to efforts to stigmatize the weapon, and to prevent future use; thus, such changes could have the effect of increased casualties and other harm to civilians.

Having listened to representatives from the UK, Australia, and Canada explain why they want such changes, we have come to the conclusion that in fact, they believe that some uses of cluster munitions are acceptable, while others are not; that it is acceptable for some states to use cluster munitions, but not others; that it is acceptable to use some types of cluster munitions, but not others. The proposed changes also seem driven by a desire to create space—political and legal space—for the United States to use cluster munitions in the future. All of these things should be rejected out of hand by other States Parties.

Mr. President, apart from the UK, Australian, Canadian effort to weaken the Dubrovnik Declaration, this is a week to acknowledge and celebrate the many achievements of the Convention. We are also pleased with the quality of the key documents as they have been presented, especially the Political Declaration and the Action Plan.

Still, for all the successes of the Convention to date, there is clearly a need for improvement in most areas. These include universalization, national implementation measures, transparency reporting, clearance, and victim assistance. We will elaborate our concerns during the thematic sessions later this week, but here are some brief remarks on each.

On universalization, 95 States Parties at this point is certainly a respectable number (very close to the Costa Rican challenge of 100), and the addition of nine in the past year is impressive. Congratulations to Canada, Guinea, Guyana, Iceland, Palestine, Paraguay, Rwanda, Slovakia, and South Africa. But with adequate political will, all the signatories should have ratified by now, seven years after they signed, yet 22 are lagging. We expected more accessions by now as well. We urge States Parties to step up their political engagement aimed at universalization, to give it a higher priority, with engagement at the highest levels.

On national implementation measures, only 23 States Parties have enacted national legislation. Another 20 are in the process, and 28 have declared that existing law is sufficient. The CMC calls on all States Parties to enact specific legislation, and notes that the ICRC, Human Rights Watch, and New Zealand have each produced useful guides.

On transparency reporting, far too many States Parties are late with initial reports (20%) or with annual updated reports. Especially at this early stage of the Convention, compliance rates should be much higher.

On clearance, the CMC calls on affected states that have not yet done so to initiate survey and clearance without further delay and to adopt the most efficient funding regimes and updated technical and clearance methods that will help them meet their Article 4 obligations well ahead of their deadlines.

On victim assistance, states need to reverse declines in international funding; increased support is essential to ensure that assistance will be adequately available, particularly for survivors in remote and rural areas.

Finally, the difficulties related to the Political Declaration this week demonstrate the need and the value of reaching common understandings on certain key interpretive issues related to the Convention. Among these would be that Article 21 does not override the basic obligation contained in Article 1 not to assist in prohibited activities; that the prohibition on assistance means that the convention bans foreign stockpiling on and transit of cluster munitions across the territory of a State Party, and bans investment in the production of cluster munitions.

In closing, let me stress that the Convention on Cluster Munitions **MUST** succeed because of its humanitarian impact and its importance as a model of humanitarian disarmament. The Convention on Cluster Munitions **WILL NOT** succeed if states slip into an old way of doing business, putting consensus diplomacy and big power politics above the protection of civilians. But most of all we believe the Convention on Cluster Munitions **WILL** succeed because civil society will not let it fail, and the partnership with progressive states, the ICRC, and UN agencies will prevail.

Thank you.