

**Statement by the Cluster Munition Coalition
Statement to the Committee of the Whole on the Agreement to Adopt the Cluster Munitions
Convention
Dublin Diplomatic Conference on Cluster Munitions
Wednesday 28 May 2008
Steve Goose, Human Rights Watch and Co-Chair of CMC**

Thank you Mr. President.

This can only be characterized as an extraordinary convention, one that is certain to save thousands and thousands of civilian lives for decades to come, and to provide both immediate and long-term relief and assistance to those already affected by the weapon. This outcome without doubt exceeds the expectations of nearly everyone.

This convention is a comprehensive ban on cluster munitions as a class of weapons. In many ways it is more comprehensive than the 1997 Mine Ban Treaty. It bans not just some cluster munitions, but all cluster munitions. It does not try to differentiate between good cluster munitions and bad cluster munitions, it bans them all. The weapons that are covered in the Article 2(C) exclusion cannot have the indiscriminate wide area effect and excessive unexploded ordnance effect of cluster munitions, and thus should not be considered cluster munitions.

This is a convention with no exceptions – no exceptions for individual nations’ own particular types of cluster munitions, which would have weakened the treaty severely.

This is a convention with no delays. There is no transition period, which would have undermined the integrity of the treaty.

The convention contains excellent provisions on victim assistance, which are ground-breaking and historic in their own right. It has very good provisions on clearance, transparency, and international cooperation and assistance, all of which are an improvement on the Mine Ban Treaty, taking advantage of lessons learned over the past decade.

Mr. President, we would have liked to have seen states further improve the text today and tonight. We believe that if the text had been opened up, it would have gotten stronger and not weaker. But we respect your judgment Mr. President and that of so many states that this was not the best way forward.

In our view, Article 21 on interoperability is the only stain on the fine fabric of the treaty text. We are deeply disappointed with the language, which is not clear that foreign stockpiling and intentional assistance with prohibited acts are banned in all circumstances. We call on all states to clarify for the diplomatic record that Article 21 does not allow indefinite foreign stockpiling or intentional assistance. We will be watching very carefully to ensure that no state party engages in deliberate assistance with prohibited acts, or allows foreign stockpiling of cluster munitions on their territory in perpetuity, or undermines the fundamental obligations of the treaty in any way.

Even if the text is agreed to, we still encourage negotiating states to articulate interpretive common understandings on several matters. In addition to those related to Article 21, this includes that transit of cluster munitions is prohibited, that investment in cluster munition production is prohibited, and that the “minimum number absolutely necessary” of submunitions retained for training means hundreds or thousands or less, but not tens of thousands.

In closing, Mr. President, we would like to thank you personally and your extremely capable team for the highly skillful manner in which you have conducted the negotiations, and for the very open and cooperative approach that you have taken with the CMC. We would also like to especially thank Norway for its boldness in launching the Oslo Process and for its far-sighted yet very practical leadership throughout the process, and to express our deep appreciation to all of the core group (New Zealand, Austria, Mexico, Peru, and the Holy See).

Indeed all of the government delegates deserve our heartfelt thanks and appreciation. It is your strong political will and commitment that has propelled the Oslo Process forward so quickly and so effectively. We thank you for your hard work and dedication, and for your courage and creativity in fulfilling the promise of the Oslo Process.

Finally, we would like to express our appreciation for the many kind words from delegates about the CMC and their recognition of the contributions and key role of the CMC. We also appreciate the widespread recognition of the partnership of governments, the CMC, the ICRC, and UN agencies that has made this convention a success.

If you will all indulge me in one last comment, I want to thank my CMC colleagues—the 200 or so who are here in Dublin and the many more spread out around the world—and especially the CMC staff and its coordinator, none of whom can formally negotiate or sign the treaty, but who have had such a profound impact on the Oslo Process and on the treaty text itself.

We look forward to seeing all of you, and many other governments, in Oslo in December. Thank you.