



Convention on Cluster Munitions Signing Conference

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Statement by Steve Goose (Human Rights Watch), Co-Chair, Cluster Munition Coalition Oslo, 3 December 2008

Thank you Mr. State Secretary,

This convention is a thing of beauty. Like many beautiful things, it is full of hope and promise. But also like many beautiful things, it must be nurtured and tended to constantly. It is up to all of us to fulfill the hope and promise. We must jointly accept the responsibility for the long-term care and feeding of the convention to ensure its beauty is fully realized.

This convention bans all cluster munitions. It is a categorical prohibition. Some see the definition of what is banned as a complicated matter, with potential loopholes. But just the opposite is true. It bans every cluster munition that has ever been used. And it is future-proofed, guarding against new weapons that may have the same effects as cluster munitions.

In the Mine Ban Treaty, which is hailed for its comprehensive prohibition on antipersonnel mines, the mantra has been, "If it functions like an antipersonnel mine, it is an antipersonnel mine, and is banned." The same is true of the Cluster Munition Convention. If it functions like a cluster munition, it is a cluster munition, and is therefore banned. If it has indiscriminate, wide-area effect and leaves behind large amounts of unexploded ordnance, it is banned.

This convention has no transition period allowing ongoing use of the weapon. The negotiating states recognized that a humanitarian imperative must be dealt with urgently. There can be no waiting. The people of Laos have been waiting for four decades and should wait no longer. The people of south Lebanon should wait no longer.

This convention has no exceptions for certain types of cluster munitions in certain nations' arsenals, based on dubious claims that they somehow would not cause unacceptable harm to civilians.

There is no reliance on technical fixes that cannot repair a weapon that is irretrievably broken due to its very nature.

There is no reliance on regulations that are easily and routinely broken or ignored.

The obligations in this convention are both wide-ranging and time-bound, and thus might seem daunting to some states, particularly those contaminated by the weapon, those with large numbers of survivors, and those with significant stockpiles.

But the past decade of experience with the Mine Ban Treaty has shown that it can be done – if the political will exists. The political will to make this convention a sustained priority. Political will on the part of those affected and the stockpilers, but also on the part of those who have now accepted the obligation to provide assistance.

Those signing today have acted with admirable and appropriate urgency in bringing about this convention. Now the challenge is for all to sustain that urgency.

States must urgently ratify the convention so that it enters into force rapidly and its obligations become legally binding, and more importantly, so its life-saving and life-altering provisions get implemented as soon as possible.

States must urgently begin destroying stockpiles, assuring that these weapons will never be used again, never take more civilian victims. If states start now, none should need to exercise the deadline extension possibility. None. That should be the goal and the reality.

States must urgently tackle the arduous task of clearing contaminated areas. In carrying out this treaty obligation, affected states must give it higher priority than to date, and donors must increase support, without diminishing existing contributions for clearance of mines and other explosive remnants of war. Very few states should need to ask for an extension of their clearance deadlines, if states get started early enough, give it high enough priority, and get proper support from others.

States must urgently fulfill the promise of the ground-breaking provisions on victim assistance. The treaty text must become a reality and the glowing rhetoric on this issue must be matched with action.

It is also critical that states at the earliest stage clarify some potential issues of interpretation, so that state practice is consistent and in keeping with the letter and the spirit of the convention. They should clarify and confirm that transit of cluster munitions is banned as well as transfer, that investment in production of cluster munitions—even indirectly—is prohibited, that foreign stockpiling of cluster munitions on a States Party's territory is prohibited, and, very importantly, that any intentional or knowing assistance with use of other prohibited acts is banned.

For its part, the Cluster Munition Coalition can pledge that it is in it for the long haul, and with the dedication and persistence and creativity that we have shown to this point. Our field operators will continue to carry out clearance, risk education and victim assistance activities. We will all put maximum effort into universalizing the Convention on Cluster Munitions, into ensuring its full and effective implementation, and into monitoring the convention.

We should celebrate today and tomorrow this extraordinary achievement. It is all the more extraordinary because of the ardent assertions we have endured about the so-called military necessity of cluster munitions. It is all the more extraordinary because of the international environment we have faced in which some believe that anything and everything can be done in the name of a global war on terror.

We should celebrate both the convention itself and the manner in which it has been brought about: stepping outside the boundaries of traditional diplomacy, or at least stretching those boundaries considerably, building on the groundwork so effectively carried out under the Mine Ban Treaty, which was signed in Ottawa 11 years ago today—a most pleasing historical twist of fate. As others have noted, we have succeeded because of the partnership of bold and committed governments, the CMC and civil society more broadly, the ICRC, and UN agencies. We have also succeeded because of the vision and determination of many individuals.

The partnership and dedication must endure. It must endure to ensure civilians receive the protection they deserve both during and after armed conflict. It must endure so that international humanitarian law is both protected and advanced to a new level. It must endure so that multilateralism and human security and citizen diplomacy are promoted. And it must endure so that together we can fulfill the hope and promise of this beautiful convention.
Thank you.