

CMC Statement on Universalization of the Convention on Cluster Munitions
First Committee, UN General Assembly
26 October 2011
Alicia Pierro

On behalf of the Cluster Munition Coalition we welcome the strong statements of support that we have heard for the Convention on Cluster Munitions during First Committee.

Our coalition of more than 350 civil society organizations representing more than one hundred countries is proud of the strong partnership with governments throughout the world, committed to this global ban to end suffering caused by cluster bombs. Indeed, the high number of states that have signed, ratified or acceded to the Convention, now 111, is proof of the strong commitment by the international community for this Convention to work. We thank Lebanon for hosting the highly successful Second Meeting of States Parties to the Convention on Cluster Munitions last month, and note the high participation, including 34 countries that have not yet joined the Convention.

The Convention on Cluster Munitions is now in its second year of implementation and remains strong in its momentum. In the last month we welcomed two new accessions (Swaziland and Trinidad and Tobago), and three new ratifications (Afghanistan, Italy, and the Czech Republic). We know that many others will soon join our growing family, putting a priority on the protection of civilians over the use of indiscriminate weapons.

The treaty is already producing significant humanitarian results. To date fifteen states parties and signatories have completed stockpile destruction and a further twelve will complete by their deadline if not sooner; clearance operations are underway in eighteen states and three other areas; eleven states and the European Commission are able to report that they are contributing specific funds for cluster munition action to affected countries such as Laos and Lebanon; and victims and their families are beginning to see real improvements in their lives.

We are pleased to hear during First Committee the resolute commitment from a growing number of states to upholding the standards of the Convention on Cluster Munitions in the context of continuing negotiations on a protocol on cluster munitions proposed under the Convention on Conventional Weapons (or CCW). Although there have been some statements voiced this week in support of the draft Chair's text, it's clear from what we have heard, there is no consensus on the Chair's draft text. We, and many others including the International Committee of the Red Cross, are convinced that as currently drafted this proposed protocol would cause more humanitarian harm than good. It could perversely lead to an increase in the use and production of cluster munitions.

To those states that argue that if major military powers agree to "something" in the CCW, it is better than nothing - we should ask, at what price? In the context of humanitarian law, something is not better than nothing if that 'something' contributes to wholly preventable loss of civilian life. Stigmatizing the use of a weapon through the absolute prohibitions of the Convention on Cluster Munitions is a much more powerful tool for influencing the behaviour of non-States Parties than the weak and permissive legal regulations currently negotiated under the CCW. Under the draft CCW protocol, cluster munitions which have been demonstrated to

cause humanitarian harm to civilians and deminers alike would still be permitted to be used in perpetuity.

'Something' of value could be within the CCW's reach, if States Parties were to agree to politically binding measures that would be steps in the right direction towards the high standards of the Convention on Cluster Munitions and would not threaten to undermine its legal provisions. States wanting to address the humanitarian impact of cluster munitions can also take national measures as an interim step.

Under the Convention on Cluster Munitions states are obliged to "never under any circumstances" assist, encourage, or induce any activity relating to the use, production, stockpiling, and transfer of cluster munitions; to actively discourage use of cluster munitions; and to promote norms that stigmatize these weapons. As such, states that have joined the Convention on Cluster Munitions must not be complicit in the adoption of a protocol which permit ongoing use of cluster munitions banned under the CCM, weaken the norm against their use, and provide an "out" for countries that have not yet joined the Convention on Cluster Munitions by allowing them to adopt weak standards while claiming to be meaningfully addressing the humanitarian harm caused by cluster munitions.

States Parties are required to promote the universalization of the Convention. We believe all States Parties and signatories can contribute something to promote this Convention, including in multilateral fora and through diplomatic representations abroad.

The power of the stigma against cluster munitions comes in part because of the comprehensive nature of the Convention and its categorical ban. This year we have sadly seen the use of cluster munitions in Libya, and we also documented the use of cluster munitions by Thailand in Cambodia. These instances of use were publicly condemned by a number of States Parties and in the case of Libya, by the European Union. The increasing stigmatization of cluster bombs is essential to prevent new use in the future and it is testament to the strength of the Convention on Cluster Munitions that this stigmatization is now taking effect. We welcome Thailand's positive statements in recent months that it is taking steps to accede to the Convention on Cluster Munitions in the near future. We call on all states which have not yet joined the Convention to do so at the earliest possible date.

At the upcoming CCW 4th Review Conference in Geneva from 14–25 November we urge states to uphold the standards of the Convention on Cluster Munitions; to state that they cannot support a weak, regressive protocol; and to clearly indicate their views that there is no consensus on the current Chair's draft text.

The Convention on Cluster Munitions is the only meaningful solution to the problem of cluster munitions. The CMC believes that *every* country in the world should be able to join the Convention on Cluster Munitions. It is a question of political will and placing a priority on the protection of civilians over the use of indiscriminate weapons.

Thank you.