

Third Meeting of States Parties of the Convention on Cluster Munitions

Oslo, 11 September 2012

General Exchange of Views

Statement by Ambassador Alexander Kmentt

**Director for Disarmament, Arms Control and Non-Proliferation
Federal Ministry for European and International Affairs of Austria**

Mr. President,

At the outset, I warmly congratulate you for presiding over the Third Meeting of States Parties and I would like to express our gratitude to the Norwegian government for organizing and hosting this important event. We highly commend Norway's exemplary role since the earliest days of the process leading to the Convention on Cluster Munitions and we are particularly pleased to gather here in Oslo this week. My delegation further expresses its appreciation to the outgoing Lebanese President for her diligent leadership and the outstanding efforts of her and her team in advancing the cause of the Convention.

We very much welcome the presence of a large number of civil society representatives at this meeting. It is the partnership between states, civil society and international organizations that continues to be the key for the Convention to maximize its potential. We are particularly grateful for the presence of survivors of cluster munitions in our midst. We rely on their expertise and collaboration in assuring that this Treaty is effectively implemented.

Austria aligns itself with the statement delivered on behalf of the European Union.

Mr. President,

Austria has been privileged to serve as a Friend of the Chair and later Co-Coordinator for victim assistance since the First Meeting of States Parties and will continue to be actively engaged on this issue. Mr. Branislav Kapetanovic, Ban Advocate and CMC Spokesperson, reminded us in the opening session today that it is our shared commitment to end the harm of these inhuman weapons and to support, as best as we can, those who had and have to suffer from their

indiscriminate effects. The victim assistance norm is a strong and exemplary one and it is at the heart of the Convention on Cluster Munitions. We encourage all States to continue and even increase their efforts to implement the victim assistance provisions and to further promote them beyond this Treaty, aiming at strengthening the rights and addressing the needs of all victims of explosive weapons.

We welcome the significant progress that States are able to report on, and we commend their achievements and serious efforts in the areas of victim assistance, clearance and stockpile destruction as well as cooperation and assistance, while at the same time acknowledging that our work is far from done.

Mr. President,

For Austria, the establishment of an Implementation Support Unit constitutes an important element for strengthening the implementation and universalization of the Convention on Cluster Munitions. Austria has always been a strong proponent of advancing with the establishment of an ISU and hopes that State parties will be in position to reach agreement as soon as possible on this important matter.

Mr. President,

We warmly welcome all States that have joined the Convention in the past year. The steady increase of States Parties is both impressive and encouraging. We thank all partners that have been particularly engaged in universalization efforts and have provided assistance to States preparing for accession to the Convention. We particularly commend the efforts of the Presidencies, the Coordinators, Japan and Portugal, as well as the Cluster Munition Coalition in this regard. Austria will continue to support the universalization of the Convention by using every appropriate occasion at bilateral and multilateral level for such efforts.

At the same time, Austria attaches great importance to the obligation of all States Parties to fully bring into effect the international norms of the Convention and not to allow for any loopholes to exist in their national legal frameworks. In this context, I would like to underline that all State Parties are obliged to undertake best efforts to discourage States from using cluster munitions. In Austria's view, exceptions in

national legislation with respect to interoperability clauses risk to run counter to the object and purpose of the Convention.

Austria remains deeply concerned about allegations of new use of cluster munitions since the last Meeting of States Parties. We call on all States concerned to fully investigate these allegations and clarify these matters in a transparent way and to do their utmost to ensure that cluster munitions are never used again. The obligation to protect civilians from unnecessary harm applies to all States. The continued use of cluster munitions only underscores the need to fully universalize the norms of this instrument of international humanitarian law.

Mr. President,

We appreciate your initiative to encourage a more thorough discussion about the role of the Convention on Cluster Munitions as a key component of the broader humanitarian normative framework for the protection of civilians. This is an issue to which Austria attaches great importance. We agree with the reasoning in the background paper that you prepared, that the preventive role of the Convention should be considered just as important as its essential remedial focus. Furthermore, we agree that the CCM's underpinning focus on the indiscriminate and excessive effects of cluster munitions – both at the time of use and its long-term humanitarian impact - has reinforced and further developed the core IHL principles of distinction and proportionality. Austria would welcome a continued discussion on the normative realm of the Convention and fully supports your efforts in this regard.

In conclusion, Mr. President, we welcome the draft Oslo Progress Report, which provides a good working basis for our joint efforts during this week in assessing our progress, identifying major challenges and taking decisions forward on how to further strengthen the Convention and universalize its norms. We look forward to contributing to the work of this meeting and progressing towards our common goal of a world without cluster munitions.

Thank you, Mr. President.