

CMC Statement
during the General Exchange of Views
Second Meeting of States Parties to the
Convention on Cluster Munitions
Beirut, Lebanon
13 September 2011



Thank you Madame Ambassador,

I am very pleased to take the floor at this moment, with all the good news flooding in. Swaziland had just acceded, Italy has just informed us it will ratify in a few days, and Afghanistan ratified five days ago. We are on a roll.

Indeed, the Convention on Cluster Munitions is already beginning to fulfill its great promise. It is a success story in the making, with more and more countries embracing its comprehensive ban, with tens of millions of stockpiled submunitions destroyed, with, as we have heard repeatedly today, numerous commitments to expanded and more urgent action on clearance of contaminated areas and victim assistance.

This is a convention that is working, that is gathering strength every day, and that is establishing a new international standard rejecting any use of any type of cluster munition. It is the only viable solution to the dangers of cluster munitions.

The convention will continue to succeed because it is grounded in humanitarian realities, and it is born of the conviction that the humanitarian costs of cluster munitions—lives and limbs and livelihoods lost, and long-term socio-economic devastation—far outweigh any military benefits. Those who have been to the south of Lebanon should have no doubt of that.

Without question, Lebanon is a most appropriate host for the 2nd Meeting of States Parties. We greatly appreciate the warm hospitality we have received here in Beirut, and the highly effective organizing of this Meeting. We are grateful for the close cooperation with the Cluster Munition Coalition and civil society more broadly throughout the process, and the special role you have allowed us to play, in recognition that such partnership is at the core of the Oslo Process and a key to progress.

Indeed, civil society is here in full force, with well over 200 NGO representatives from 66 countries. Government participation is equally impressive, with more than 120 governments present, including an extremely high number of non-signatories, more than 30, or about 40% of the non-signatories worldwide. This is not just because of the beauty and lure of Beirut; it is a concrete demonstration of the determination of the international community to eradicate this weapon.

We again congratulate Swaziland for the wonderful news and the great timing for its accession. Let us also especially welcome the second newest State Party, Afghanistan, which ratified just last week. It is an important addition to the ban family. Like Lebanon, Afghanistan knows well the suffering caused by cluster munitions, and now that it is a State Party rejecting any use of the weapon, we trust that no friendly

armed force present in the country will ever use or stockpile cluster munitions there again, just as we trust that survivors can look forward to expanded efforts to meet their needs and rights.

Madame Ambassador, while it is undeniable that the convention is having an immediate humanitarian impact, it is also undeniable that there is a long way to go and huge challenges ahead of us.

The use of cluster munitions earlier this year by Libya and Thailand was highly disturbing, though the quick and strong international condemnation that followed was noteworthy. Thailand's subsequent expression of interest in acceding to the convention was a most welcome development. And Libya's denial of use despite incontrovertible evidence indicates the degree to which the weapon has been stigmatized.

On universalization, too many countries remain completely outside the convention, including some who adopted it at the end of the Dublin negotiations, and many who are party to the Mine Ban Treaty, a treaty with very similar aims and provisions. And too many signatories are not pushing rapidly toward ratification. The Convention on Cluster Munitions is unique in its legal requirement for States Parties to promote universalization, and States Parties need to do a much better job of carrying out such activities, and reporting on them. The CMC puts a high priority on universalization and remains convinced that a coordinated strategy with States Parties, UN agencies, the ICRC, and the CMC will be most effective.

On clearance, Cluster Munition Monitor found that 28 states and three disputed areas are believed to have cluster munition remnants on their territory. This includes eight States Parties and eight signatories. Cluster Munition Monitor has calculated that in 2010, across six States Parties and five signatories, about 47,000 unexploded submunitions were destroyed during clearance operations of almost 16km² of cluster munition contaminated areas. But it must be noted that reporting by states and operators on clearance of cluster munition remnants is incomplete and of varying quality.

It is crucial that States Parties make an effort to define accurately the extent of contamination and start clearance of these areas as soon as possible after joining the Convention. With national ownership and commitment, partnership of all stakeholders, and sustained support of the donors, almost all States Parties can finish clearance within 10 years or less.

On victim assistance, we have not yet seen much progress on implementation of the Vientiane Action Plan, even on those provisions that were meant to be completed within the first year of states joining the convention. States need to tackle those commitments now so that survivors won't have to wait any longer to access services, especially in remote and rural areas. Too many survivors are still without access to healthcare, rehabilitation, jobs and other forms of victim assistance. Educational opportunities are all too rare. Donor states need to make victim assistance more of a priority. Affected states have to get better at asking for help. Cluster munition survivors need to be involved in all aspects of victim assistance. The Vientiane

Action Plan remains a good roadmap, but it needs to be followed more carefully and more urgently.

Stockpile destruction is certainly an area where tremendous progress has already been made. A total of 12 States Parties have reported the destruction of nearly 600,000 cluster munitions containing over 64 million submunitions. Eight States Parties have completed destruction of their stockpiled cluster munitions, as well as six signatories. There are now 12 States Parties with stockpiles still to destroy. All of these states have indicated they will complete destruction within the convention's eight-year deadline, if not sooner, though not all have developed or shared concrete plans yet.

As we have seen in practice, stockpile destruction does not need to be an economically burdensome or technically complex process. While for some states, industrial destruction facilities are the best solution, for many others, in particular those with small stockpiles, it is possible to develop small-scale national destruction programs that are affordable, safe, practical and environmentally friendly. We do not see any reason that any state should need longer than eight years to fulfill this obligation, and therefore we expect the article's deadline extension provision never to be used.

The CMC, and many States Parties, believe that *all* cluster munitions should be destroyed. We have repeatedly called into question the need to retain cluster munitions or submunitions. While the convention allows for the retention of the "minimum number absolutely necessary" for training or research purposes, we firmly believe that most, if not all, states should determine that the minimum number of cluster munitions necessary is zero. To date, most states that have destroyed their stocks have decided not to retain any. If states decide to retain, they should be clear about how they determined the "minimum number" and should review that number annually. Through exchange of information, States Parties should establish an acceptable numerical range for retention. And, as called for in the convention, retained cluster munitions and submunitions should be the subject of detailed reporting.

On national implementation measures, the CMC views national legislation as the strongest means of fulfilling this obligation as it enshrines the convention's provisions at the domestic level and provides binding, enduring, and unequivocal rules that leave less room for interpretation. According to Cluster Munition Monitor, so far only 14 states have enacted legislation to implement the convention. The CMC urges all States Parties to adopt new, convention-specific legislation to implement both the positive obligations and the prohibitions of the convention and to criminalize the use, production, transfer, and stockpiling of cluster munitions, as well as assistance with prohibited activities. This is the best way to meet obligations under Article 9 and commitments under the Vientiane Action Plan.

Madame Ambassador, another challenge is that there appears to be a lack of agreement about how to interpret certain provisions in the convention. This particularly relates to the Article 1 prohibition on assistance with prohibited acts. There is a danger that the convention will be greatly compromised if States Parties cannot agree on what they have banned. According to the government statements

collected by Cluster Munition Monitor, the predominant views expressed by States Parties to date are that: (1) the convention's Article 1 prohibition on assistance with prohibited acts is *not* overridden by the Article 21 "interoperability" provisions on relations with states not party during joint military operations; (2) transit of cluster munitions through a State Party's territory is prohibited; (3) stockpiling of cluster munitions by a state not party on a State Party's territory is prohibited; and, (4) investment of public or private funds in the manufacture of cluster munitions is prohibited.

A final challenge is the attempt by some countries to negotiate a protocol to the Convention on Conventional Weapons that would create a far, far lower standard on cluster munitions than the Convention on Cluster Munitions, and that would attempt to give the backing of new, specific international law to ongoing use of cluster munitions that are well-known to have caused unacceptable harm to civilians. States Parties to the Convention on Cluster Munitions that support and facilitate such a protocol are acting contrary to the CCM, are taking a huge step backward in their cluster munition policy, and are calling into question their commitment to a comprehensive ban and to humanitarian endeavours more generally. States Parties to the Convention on Cluster Munitions should not be sinking to the level of those who insist on continuing to use cluster munitions.

In closing, let me note that while our annual *Cluster Munition Monitor* report will not be released until later this year, at its usual time in November, we have already pulled together some key findings. You have heard some of them today in our remarks and you will hear many more of them during the CMC interventions on the various thematic topics. Most of the individual country profiles are already available online.

Madame Ambassador, the field trip yesterday reminded us of the anguish caused by cluster munitions, but also drove home the great potential of this convention to alleviate human suffering and advance international humanitarian and disarmament law. Together, let's rise to the challenge and make the most of it.

Thank you.