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universalization

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STATEMENT
by Mr. Victor Moraru
Head of the delegation of the Republic of Moldova
at the First Meeting of States Parties to the Convention on Cluster Munitions
Beirut, Lebanon, 12 – 16 September 2011
Agenda item 10: Status and operation of Convention-Universalisation

Mr. President,

Let me begin by thanking the distinguished representative of Japan for the excellent report on the steps taken to promote universalisation. We are pleased that the universalisation efforts have continued and more signatory States have ratified the Convention since Vientiane.

Distinguished participants,

The Convention's preamble clearly emphasizes the importance of achieving adherence of all states and binds States Parties to "work strenuously" towards universalisation and implementation.

We must explore and use all possibilities that would ensure its universal adoption by signatories and, especially, by States not Party.

My delegation believes that one way to advance universalisation is to further improve the understanding of Convention's provisions, particularly those that could be perceived by some States not Party as potential problems in terms of implementation.

A number of important interpretative issues, notably the strength of the convention prohibitions during military operations, prohibitions on transit, stockpiling, investment and retention were discussed during negotiations of the CCM and, more recently, at the June informal intersessional meeting.

Some other issues did not get the same amount of attention. For instance, the Convention is not very explicit in relation to the specific obligations under various articles, arising from a situation when a state is prevented to exercise complete jurisdiction or control over or within a part of its national territory.

The same is true when applied to a situation where foreign troops and stocks that might contain cluster munitions are stationed illegally on a part of a State Party's territory which is not controlled by the central Government.

Thus, the extensive reading or misreading of some provisions combined with the perception that they will not be able to fulfill the resultant obligations may keep some States not Party indefinitely outside the convention.

This is why it is so important to arrive, as soon as possible, at a uniform understanding of those provisions that raise problems of interpretation, including on the interpretation of the relationship between Articles 1 and 21.

It is also important to direct additional specific efforts towards encouraging adherence of States which do not exercise complete control on parts of their territory and where non-state entities are temporarily in control.

Those states might need additional assurances that they will be in a meaningful way assisted as future Parties with the Convention's implementation under those challenging circumstances.

We are of the view, Mr. President, that these realities should be taken into consideration by the future Working Group on Universalisation, whose establishment as part of CCM's implementation architecture is fully supported by my delegation.

In conclusion, let me stress that we find both promising and realistic the idea to develop a fast-track approach to facilitate accession by small states with no operative obligations under Articles 3, 4 and 5 of the Convention.

Thank you, Mr. President.