

DIPLOMATIC CONFERENCE FOR THE ADOPTION OF A CONVENTION ON CLUSTER MUNITIONS

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PERSPECTIVES AND CONSIDERED POSITION OF THE GOVERNMENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA ON THE GLOBAL PROCESS TO CONCLUDE A LEGALLY BINDING INTERNATIONAL TREATY AIMED AT BANNING CLUSTER MUNITIONS

1. The Government of the Federal Democratic Republic of Ethiopia (FDRE) has been keenly following the many encouraging developments witnessed in the course of the past sixteen months since the launch of the Oslo Process, in February 2007, towards the eventual achievement of a comprehensive global ban on Cluster Munitions by means of a legally binding international treaty now being concluded to this effect. The fundamental reasons underlying such a keen interest, certainly shared by others in a similar situation, are closely linked to some well-placed concerns which may be explained by the fact that:
 - Ethiopia knows the indiscriminate and unacceptable harmful effects of these destructive weapons from its own tragic experience in recent history;
 - These lethal devices are still a commonplace rampantly circulating in huge abundance through both licit and illicit channels in the day-to-day reality of its own turbulent sub-region (the Horn of Africa), which is a damping ground for various external sources that heedlessly supply assorted explosives of this type to belligerent parties to a conflict, including non-state actors and even terrorist organizations;
 - Any global endeavour geared towards the conclusion of an international legal instrument aimed at curbing the hitherto uncontrolled use, production, transfer and stockpiling of cluster munitions essentially requires the full and unwavering conviction, support participation and practical commitment of all concerned states (big and small; developed and developing) for want of its unfettered implementation, as desired;
 - The particular dimension and significance that such a global endeavour assumes from a regional perspective, in which it requires the indiscriminate allegiance of all concerned, should be critically considered: it cannot afford to be elected by some while being rejected/ignored by others in as much as they are fated to affect one another through proximate inter-state actions and interactions, hence the imperative to ensure collective responsibility in such a setting, *fortiori* ; and,
 - Given empirical experiences drawn from the implementation of other previously adopted international instruments of a similar nature, the question of affording sufficient and reliable treaty-based guarantees to protect and vindicate those state parties strictly amenable to their legally committed obligations in face of possible contraventions by others, be it through individual defiance, outside intervention/instigation or an act of conspiracy threatening the interest/existence of the law-abiding party, remains to be crucial.

2. Each major turn taken since the onset of the whole Oslo Process, particularly the understandings reached, the different perspectives registered, the milestone declarations issued and the draft convention developed through the successive international conferences (held in Lima, Vienna, and Wellington, respectively after Oslo) as well as the corresponding regional consultations (convened in Brussels, Belgrade, San José, Livingstone) that deliberated on this very subject have therefore been carefully studied in light of the aforementioned critical concerns, and from the viewpoint of the overall stated policy being pursued by the Government of the FDRE in this particular area. It should also be noted that Ethiopia was one of the 22 countries, 8 them being African including itself, which attended the Belgrade Conference in October 2007 that brought together those most affected states from various parts of the world to confer around the initiative for the first time.

Thus, taken together, what has been accomplished so far in promoting the ideal objectives of the Oslo Process, along the direction charted out more than a year ago, can be summed up as truly remarkable with scores of considerable positive achievements. This being said, however, there remains still much to be desired in adequately addressing the kinds of concerns reflected above within the framework of the draft convention that has now been brought before the Dublin Diplomatic Conference.

3. As it stands in its current content and form, the draft Convention for the Prohibition of the Use, Production, Transfer and Stockpiling of Cluster Munitions can serve as a bulwark that can be used to accommodate the interests, concerns and apprehensions of all state parties and stakeholders that may be directly or indirectly negotiating this landmark international instrument. For its part, Ethiopia remains anxious to see an improved text of the draft convention for which it is determined to play a constructive role and to make a positive contribution in its present capacity as an observer at the Dublin Diplomatic Conference. The fact that Ethiopia has, for the time being, opted to take an observer seat at this Conference should not, however, cast any doubt on its acceptance of, and commitment to the Oslo Process, which it principally and, to a large extent, substantively supports, as demonstrated by its participation at the Vienna and the Belgrade Conferences.
4. In this regard, one may need to recall Ethiopia's strong track record in scrupulously implementing the purpose, objectives and obligations stipulated in the Convention on Conventional Weapons (CCW) on its own part as a party to the latter. More importantly, it is known that Ethiopia was one of those few the forerunning state parties which advocated, negotiated and endorsed the Ottawa Mine Ban Convention, whose membership has now reached 156 countries, as well as the United Nations resolution and plan of action for the prohibition of illicit trafficking in Small Arms and Light Weapons (SALW), including its regional platform of cooperation based in Nairobi, Kenya.

Nevertheless, due to the long-known turbulence and conflict-ridden nature of the particular sub-region where Ethiopia belongs, and the negative intervention of various external actors that use the region as a dumping ground as well as a conduit for countless assorted mines and munitions, the otherwise desired implementation of these instruments has largely remained in vain for lack of equal commitment, at least

in respect of that sub-region. Such a precarious situation leaves some faithfully treaty-bound states unduly disadvantaged and jeopardised by the manipulative acts of others. This is what Ethiopia does not wish to see happening with the new Cluster Munitions Convention, yet again; and that's why it prefers to act cautiously, lest the realization of the new convention's lofty ideals would not be similarly frustrated for lack of shared foresight and precaution.

5. Thus, the Government of the FDRE desires to draw the above-mentioned serious concerns upon the Diplomatic Conference being held in Dublin to negotiate on the substantive and legal details of the draft Convention banning Cluster Munitions. On a more particular note, the Government wishes to state its firm position that:

- As far as countries belonging to a specific region or sub-region (like the Horn of Africa) are concerned, the draft Convention should not be merely confined to the securing of a wider headcount of individual nations membership, and to the ensuring of their commitment on an isolated basis as a party to the Convention. It should rather be made to seek the simultaneous membership, and count on the evenly balanced commitment of all states in that particular region/sub-region by taking them as a group, and addressing them collectively. This would consequently create the necessary legal ground for the enforcement of individual and collective responsibility of all concerned; hence ensure an evenly distributed and scrupulous implementation of the contemplated Convention.
- The draft Convention should, concurrently with the above, contain distinct provisions catering for the effective and timely protection of those treaty-bound states which may find themselves threatened by the acts or omissions of others. Alternatively put, this is to mean that the Convention should be able to offer solid legal guarantees that could be invoked in the event of its possible contravention by a state party, as well as through the manipulative manoeuvrings of third/external parties, including even non-state actors, as a reliable recourse mechanism readily available for those rightful victims who may have to be adequately redressed/vindicated.
- The United Nations, more pertinently the Security Council - as a vanguard of international peace and security – should, in close collaboration with the relevant regional organizations, be called upon to assume their deserved role and responsibility in ensuring the unfettered implementation of the contemplated Convention by enabling the strict enforcement of its critical provisions, like the ones suggested above, including though the application of Chapter VII measures under the United Nations Charter, so as to properly discipline the wrongdoing party, where deemed necessary.
- In the interest of producing a meticulously prepared international legal instrument agreeable to all, and to responsively address the kinds of concerns outlined above, it remains imperative to ensure that the draft Convention under negotiation is made to be firmly anchored on the findings of an objective, sober and comprehensive assessment of the practical implementation of the Convention on Conventional Weapons (CCW), as well as those treaties and resolutions adopted under the CCW regime, with a particular focus on the major challenges and shortcomings encountered, lest similar problems would not recur to frustrate the new Convention.

Contingent upon the above, Ethiopia would wholeheartedly support the on-going treaty-making process, along with a solemn pledge to ensure the realization of its lofty ideals through global/regional collaboration and the discharging of individual treaty obligations.