

DIPLOMATIC CONFERENCE FOR THE ADOPTION OF A CONVENTION ON CLUSTER MUNITIONS

CCM/4

19 May 2008
Original: ENGLISH

DUBLIN 19 – 30 MAY 2008

Proposal by Ireland for the amendment of the Preamble

The States Parties to this Convention,

Deeply concerned that civilian populations and individual civilians continue to suffer most from armed conflict,

Determined to put an end for all time to the suffering and casualties caused by the use of cluster munitions that kill or maim innocent and defenceless civilians and especially children, obstruct economic development and reconstruction, delay or prevent the return of refugees and internally displaced persons, and have other severe humanitarian consequences that can persist for many years after use,

Concerned that cluster munition remnants can undermine international efforts to build peace and security, as well as implementation of human rights and fundamental freedoms,

Believing it necessary to do their utmost to contribute in an efficient and coordinated manner to resolving the challenge of removing cluster munition remnants located throughout the world, and to assure their destruction,

Deeply concerned also at the dangers presented by the large stockpiles of cluster munitions retained for operational use in national inventories, and determined to ensure the speedy destruction of these stockpiles,

Determined to ensure the full realisation of the rights of victims of cluster munitions, and recognizing their inherent dignity,

Resolved to do their utmost in providing assistance for the medical care and rehabilitation, psychological support and social and economic inclusion of victims of cluster munitions,

Bearing in mind the Convention on the Rights of Persons with Disabilities which, *inter alia*, requires that States Parties to that Convention undertake to ensure and promote the full realisation of all human rights and fundamental freedoms of all persons with disabilities without discrimination of any kind on the basis of disability,

Mindful of the need adequately to coordinate efforts undertaken in various fora to address the rights and needs of victims of various types of weapons, and resolved to avoid discrimination among victims of various types of weapons,

Welcoming the global support for the international norm prohibiting the use of anti-personnel mines, enshrined in the 1997 Convention on the Prohibition of the Use,

Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction,

Welcoming also the entry into force on 12 November 2006 of the Protocol on Explosive Remnants of War, annexed to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be Deemed to be Excessively Injurious or to have Indiscriminate Effects, and wishing to enhance the protection of civilians from the effects of cluster munition remnants in post-conflict environments,

Welcoming furthermore the steps taken in recent years, both unilaterally and multilaterally, aimed at prohibiting, restricting or suspending the use, stockpiling, production and transfer of cluster munitions,

Stressing the role of public conscience in furthering the principles of humanity as evidenced by the global call for an end to civilian suffering caused by cluster munitions and recognizing the efforts to that end undertaken by the United Nations, the International Committee of the Red Cross, the Cluster Munition Coalition and numerous other non-governmental organisations around the world,

Reaffirming the Declaration of the Oslo Conference on Cluster Munitions, by which States *inter alia* committed themselves to conclude by 2008 a legally binding instrument that would prohibit the use, production, transfer and stockpiling of cluster munitions that cause unacceptable harm to civilians, and to establish a framework for cooperation and assistance that ensures adequate provision of care and rehabilitation to survivors and their communities, clearance of contaminated areas, risk education and destruction of stockpiles,

Emphasising the desirability of attracting the adherence of all States to this Convention, and determined to work strenuously towards the promotion of its universalisation,

Basing themselves on the rules of international humanitarian law that the right of parties to an armed conflict to choose methods or means of warfare is not unlimited, that the parties to a conflict shall at all times distinguish between the civilian population and combatants and between civilian objects and military objectives and accordingly direct their operations only against military objectives, **that in the conduct of military operations constant care shall be taken to spare the civilian population, civilians and civilian objects and that the civilian population and individual civilians enjoy general protection against dangers arising from military operations,**

HAVE AGREED as follows: