DUBLIN 19 – 30 MAY 2008

Statement by the Government of Iceland upon the adoption of the Convention on Cluster Munitions Dublin

The Government of Iceland fully supports the Convention on Cluster Munitions adopted in Dublin today and expresses its appreciation for the cooperation which has led to this result.

Although many of the provisions of the Convention reflect the need to reach political compromises during the negotiations, the States concerned, having agreed on the form of a legally binding treaty, have brought the results into the realm of international law. States Parties will thus be guided in their interpretation and application of the Convention by the rules of international law, in particular, International Humanitarian Law and the Law of Treaties, including the overarching principle of good faith performance (1969 Vienna Convention on the Law of Treaties, article 26), with the concomitant rules on State Responsibility, including on attributability (e.g. International Law Commission Articles on State Responsibility, Chapter II).

Specifically, the language in Article 21 on relations between States Parties and States not parties to the Convention was drafted to deal with particular concerns on the operability of the Convention in cases where a State Party engages in military cooperation with a State not a party to the Convention. While the article sets out an appeal to States which are not parties to join the regime of the Convention, it recognizes the need for continuing cooperation in what is hoped will be a short transition period. This intention is captured clearly in paragraph 3 of the Article which should not be read as entitling States Parties to avoid their specific obligations under the Convention for this limited purpose. The decision to reinforce this position by listing some examples in paragraph 4 cannot therefore be interpreted to allow departures in other respects.