

**DIPLOMATIC CONFERENCE FOR
THE ADOPTION OF A CONVENTION
ON CLUSTER MUNITIONS**

CCM/SR/2

18 June 2008
Original: ENGLISH

DUBLIN 19 – 30 MAY 2008

SUMMARY RECORD OF SECOND SESSION OF THE PLENARY

Held at Croke Park, Dublin on Monday, 19 May 2008

Chair: Vice President MACEDO

The meeting was called to order at 3.07 pm.

Bosnia and Herzegovina had participated in the anti-personnel mine ban and was one of the first signatories of the Mine Ban Treaty. It had painful experience of the excessive danger of explosive remnants of war and fully supported the creation of a new treaty.

Samoa supported whole-heartedly the drafting of a convention containing a comprehensive ban on the use, production, transfer and stockpiling of cluster munitions that cause unacceptable harm to civilians. Samoa supported the organization of work proposed by the President.

Belgium associated itself with the statement made by Slovenia, on behalf on the European Union. It assured the President of its full cooperation and in advance of the Conference had carried out a new round of diplomatic demarches in States indicating an intention to participate. The draft Convention is compatible with the Belgian law of 2006, the first in the world to prohibit cluster munitions.

Belgium hoped that other countries could learn from its experience of stockpile destruction, which involved concerted offers and bidding. On victim assistance, Belgium saw the draft Convention as a point of departure and would seek to further build and expand upon these provisions, taking the experience of victims into account.

Switzerland offered the full support of its delegation and stated that the Wellington Conference had demonstrated that the draft Convention was not yet ready as a basis for consensus. Switzerland had submitted proposals on victim assistance and definitions and was ready to work to find agreement. It was important that the Convention be widely implemented, both by States that use cluster munitions and those affected by them.

Serbia had been an active supporter of the Oslo Process since the beginning. It also recently ratified the Convention on the Rights of Persons with Disabilities and preparation for adherence to Protocol V of the CCW is underway. Serbia had been directly affected by cluster munitions and understood the necessity of a balance

between the rights and obligations of user States and those affected. Serbia noted the lack of an effective framework of assistance and appealed to States in a position to do so to provide assistance.

Senegal fully supported the statement of Zambia and reaffirmed its unequivocal commitment to peace and security. Senegal underlined the importance of a strong Convention being adopted and noted that universality would be an important part of its effectiveness.

The **Former Yugoslav Republic of Macedonia** stated that it had never used, produced or transferred cluster munitions. Human security policy must have an additional tool and the new Convention should provide citizens with a legal and practical shelter from the disastrous effects of cluster munitions.

The **Cook Islands** called for a strong Convention without any exceptions. To allow exceptions would be to allow countries to make excuses for the continued use of cluster munitions.

Japan offered its full support to make the Conference a success and noted that the Convention would be most effective if supported by all States.

Finland associated itself fully with the statement delivered by Slovenia on behalf of the European Union. The goal was an instrument that is relevant and that major users and producers can agree too. States will still have to maintain capacities for legitimate self-defence and an overly strict ban might lead to states compensating with large amounts of unitary weapons. Regarding interoperability, it would be irresponsible to endanger international crisis management. Finland remains committed to the CCW process, and has as its goal a treaty that is truly relevant.

Botswana aligned itself with the statement by Zambia, which announced a shared commitment to the Oslo Process. Botswana fully supported the Ottawa Process and believes that the Oslo Process mirrors that successful international humanitarian response. Though not directly affected by cluster munitions, Botswana is concerned about their proliferation and transfer and called for the adoption of an international covenant binding on all.

Kenya noted that at the Wellington Conference it had expressed its willingness to conclude a legally binding instrument on cluster munitions. It was not an affected State but was situated in a neighborhood embroiled in conflict and stated that the prohibitions and restrictions applicable to land mines ought to be applied to munitions in the same category. Kenya associated itself with the statement of Zambia and the Livingstone Declaration. It called for a total and immediate prohibition of cluster bombs.

Timor-Leste stated that driven by humanitarian values, it had endorsed the Wellington Declaration so as to be able to participate in the Dublin Conference. The Convention should draw a strong commitment from States Parties and Timor-Leste committed itself to cooperation and implementation of the eventual Convention.

Chad noted the persistence and determination of the Cluster Munition Coalition on the cluster munitions issue. Chad has experience of the devastating effects of unexploded ordnance; huge areas of the country have been despoiled by mines, hampering the struggle against poverty.

Vanuatu supported the statement of Fiji and other Pacific Island States. It retained its position on the Oslo Process and confirmed its position as a friend of affected States, as stated at the Wellington Conference.

Estonia fully supported the statement made by Slovenia on behalf of the European Union. The draft Convention text prepared at Wellington and the compendium of proposals were a solid basis for discussion. Estonia supported the inclusion of a specific provision on interoperability. The transition period should be as short as possible and as long as necessary.

Uganda was an active participant at the Livingstone Conference and associated itself with the statement of Zambia. Any solution to the issue should include a prohibition on the use, production, transfer and stockpiling of cluster munitions that cause unacceptable harm to civilians and a framework for assistance for victims, clearance, risk education and destruction of stockpiles. Uganda had been the victim of cluster munitions use by non-state actors, resulting in the denial of access to agricultural land and retardation of economic development. Uganda was ready to host another African meeting on cluster munitions in September.

Guinea supported the statement of Zambia. Like the Ottawa Process, the Oslo Process will be of great benefit to Africa, and Guinea would be unstinting in its efforts to contribute towards the adoption of the Convention.

Madagascar does not use or produce cluster munitions, nor has it been affected by them. Mindful of the importance of arms regulation and convinced of the need for a new instrument, Madagascar has ratified most of the other international conventions on arms.

Benin recalled the difficulties encountered in discussions at the CCW and the differences between those seeking an ambitious solution and those seeking a minimum text. A main point of divergence amongst delegations is the exact definition of cluster bombs. Though Benin understands the needs of legitimate self-defense it believes that arguments in favor of categorizing cluster munitions should not trump humanitarian concerns. In line with the Livingstone Declaration, all cluster munitions causing unacceptable harm should be banned without restrictions.

A second point of discord is the need for a transition period. As this is not a disarmament accord, **Benin** stated that the Conference should allow no transition period, as it would, in effect, authorise the use of weapons recognized as having harmful effects. Assistance to victims should remain at the heart of the process and the future Convention should stress the responsibility of producer States to compensate countries that have suffered the effects of cluster munitions. The future Convention should also contain strict deadlines for the destruction of stockpiles.

Panama stated that the conclusion of a legally binding instrument on cluster munitions was a political priority for Panama. Panama agrees with the need to focus on the humanitarian aspect and greater support to victims. The eventual Convention should be effective and allow no exemptions or loopholes.

Thailand joined the process after its second round in Lima and has signed the Anti-Personnel Mine Convention. As an observer State, Thailand was assessing its capacities to fulfill obligations under a future Convention, as well as the effect of a future Convention on its ability to achieve its outstanding obligations under other conventions. Thailand noted that the cost of implementation was insupportable for some states, in particular the obligations to provide victim assistance for developing countries. Thailand is committed to helping victims and promoting international cooperation with other countries or international organizations.

Ethiopia endorsed the statement made by Zambia. Ethiopia has been a keen observer of the Oslo Process in 2007 and outlined a number of reasons for its interest in the issue. Ethiopia referred to its own tragic experience of destructive weapons particularly in the sub-region of the Horn of Africa and emphasised the importance of a global initiative requiring the participation and conviction of all concerned states. Ethiopia stressed the need for treaty-based guarantees protecting those states amenable to contraventions of obligations by others.

Ethiopia remained anxious to see improvements in the text and stressed that its role as an observer State should not cast any doubt on its support for the Oslo Process. Due to the turbulent and conflict-ridden nature of the area to which Ethiopia belongs and various other factors including an unequal commitment on the part of other actors to mines and munitions instruments, Ethiopia prefers to exercise caution with respect to the present draft Convention.

Ethiopia stated its firm position on substantive aspects of the Draft Convention including: the need to address sub-regions to ensure an evenly distributed implementation of the Convention; the necessity for provisions designed to protect those states threatened by the acts or omissions of others; the importance of the role of the UN Security Council in the implementation of the Convention, and the usefulness of drawing on the Convention on Certain Conventional Weapons to inform present negotiations particularly in relation to challenges and shortcomings encountered .

The **Cluster Munition Coalition** represented more than 280 NGO's registered whose common purpose was to achieve the best possible outcome. There was no reason why the treaty text could not get stronger over the course of the Conference.

On definitions, the CMC stated that all weapons that have indiscriminate, wide area effect leaving large amounts of unexploded ordnance should be covered. The burden of proof must be on governments to prove that weapons are accurate and have effective self-destruct mechanisms. Regarding a transition period, the reservation of the right to use weapons whose prohibition had been agreed undermines the object and purpose of the Convention. The provisions on interoperability must not delete or undercut the prohibition on assistance and the CMC object to any use of cluster munitions by any armed force.

The CMC strongly supported the definition of cluster munitions victim and called for text to be added to Article 5 on priorities and timelines. Language should also be added to Article 7 requiring reporting by States and inclusion of victims in the planning of assistance. The deadlines for stockpile destruction were too long and the possibility of an extension was opposed. The CMC saw no justification in the three purposes cited for retention as no agencies use live ammunition for training purposes. They supported the notion of retroactive responsibility of users to assist with clearance.

The meeting rose at 5 p.m.