

**Third Meeting of States Parties
To the
Convention on Cluster Munitions
11 to 14 September, Oslo, Norway**

General Statement by Canada

Mr. President

On behalf of the Canadian delegation I would like to express our appreciation to the Government of Norway for the organization and hosting of this Third Meeting of States Parties here in Oslo, where a scant 67 months ago, many of us present in this room vowed to create an international agreement to address the humanitarian impact of cluster munitions. Norway's commitment to, and the leadership role it has taken in this Convention is to be commended and is very much appreciated.

Additionally Canada would like to thank Lebanon, as President of the Second Meeting of States Parties, for all of its hard work of the past year, in particular its leadership in the development of a hosting agreement between the States Parties and the Geneva International Center for Humanitarian Demining as well as all of its efforts regarding funding of that ISU.

Mr. President, Canada is a signatory to the Oslo Convention on Cluster Munitions and expects to soon become a State Party. Draft Canadian national implementation legislation has been introduced in Parliament and we fully expect to complete all the necessary action to ratify the Convention over the next months.

We look forward to continuing to work closely with the President and the new, and not so new, Coordinators in continuing the implementation of the Convention.

Canada also looks forward to this meeting taking some key decisions regarding the future of the CCM, notably decisions with regard to the work programme for 2013. We would particularly like to see progress in finding an agreement regarding the funding methodology for the Implementation Support Unit, in order to come to a decision authorizing the President to conclude an agreement with the GICHD to stand up the ISU and recruit its staff. The establishment of an ISU has already been delayed far too long and we feel strongly that a small but effective ISU will do very much to further improve and focus our work.

In addition, Canada would like to use this opportunity to highlight the need to continue working to mainstream gender and diversity issues into the implementation of the Convention on Cluster Munitions. In line with our National Action Plan for the Implementation of United Nations

Security Council Resolutions on Women, Peace and Security, Canada integrates gender considerations into all of its programming and requests that partners provide information on how they are taken into account in each project. We encourage States Parties and partners to do the same, in particular with regard to gender-sensitive victim assistance.

Finally, Mr. President, you asked states to address here today issues concerning the preventive role of the Convention for the protection of civilians and its importance for the strengthening of international humanitarian law.

At the outset, it certainly bears repeating that in Canada's view the Convention represents a major advancement of IHL, and, in particular, a significant development in the protection of civilians from the effects of armed conflict. It builds upon the strong tradition of other IHL instruments addressing the civilian impact of indiscriminate weapons use, notably the Anti-personnel Mines Convention and Protocol V to the Convention on Conventional Weapons.

It is Canada's view that the universalization of Convention obligations (and those of other IHL treaty instruments) is a goal of fundamental importance. Seventy-five states are already Convention parties, with another 36 signatories. This is remarkable progress toward advancing IHL, in a very short period of time.

However, we remain some distance from universality. In the interim we must be realistic. Many states, including significant military powers, are not yet Convention parties. For these states, the continued possession and use of cluster munitions is not necessarily prohibited by customary law, nor is it expressly prohibited by any other IHL instruments currently applicable to them.

That is not to say that the use of cluster munitions is at present unregulated by general IHL principles. While the Convention is a significant advancement, all states were already under a legal obligation, during international armed conflicts, to refrain from indiscriminate attacks – including those using indiscriminate weapons. These obligations continue to apply to all states, even those not Party to the Convention.

As a result, the practical effect of Convention interoperability provisions is far narrower than it first appears. These agreed exceptions apply only to the provisions of the Convention itself, and not to any other IHL instruments or customary legal principles. In effect, these provisions permit working with other states only so long as this does not violate any other applicable IHL obligations, including the prohibition on indiscriminate attacks.

As such, the Convention as a whole does absolutely nothing but strengthen and complement the existing body of IHL, offering civilians further substantial protections from the effects of armed conflict. It is hoped that our continuing work toward universalization will further this goal.

Thank you.