

3MSP CCM

General Exchange of Views

Norway DRAFT

Thank you Mr President

Norway considers the convention on cluster munitions to be a highly effective international instrument with two equally important pillars; one *corrective* embodied in the operational articles on clearance, stockpile destruction and victim assistance and one *preventive* articulated by the prohibition on any use at any time in Article 1 as well as the obligation to destroy stockpiles.

The operational articles, backed up by the obligation to provide international cooperation and assistance, contribute a framework for action on how to address the humanitarian problem caused by past use of cluster munitions. As we will hear this week, progress on the ground since the adoption of the Convention in 2008 has been impressive. If this momentum is maintained and strengthened over the coming years, we will come very close to solving the contamination problem and in addition, large stockpiles will have been safely destroyed. A crucial challenge of different magnitude and character is how to ensure the rights of victims, now and in the future, and we must not lose sight of this just because of the impressive progress in the other areas.

Article 1 (1) states the absolute prohibition on any use of all cluster munitions, linked to the unambiguous phrase “never under any circumstances”. This prohibition applies to all kinds of conflicts as well as situations falling below the threshold of armed conflict. The prohibition against use, production, etc., cannot be bypassed or circumvented by creative interpretations of other articles in the Convention. Article 21 (4) of the Convention specifies that nothing in the Convention shall authorise a State Party to inter alia use cluster munitions. Article 9 requires that what is prohibited to States Parties must also be prohibited for all individuals. The impact of the CCM will be measured by its implementation domestically. We all have a responsibility to ensure that our implementation measures comply fully with the provisions set out in the Convention.

Article 1 establishes the Convention as a preventive instrument of international humanitarian law. It is the clear-cut prohibition against use combined with the rationales articulated in the Preamble that gives the Convention its strength beyond the States that are party to it – as it stigmatizes the use of cluster munitions by any State. We have observed since Dublin how effective this stigmatizing effect has been. Although there have been instances and allegations of use, they have been few and far between, and few if any actors, inside or outside the Convention, have been willing to defend the continued use of this weapon.

That said, we are deeply concerned about past and recent allegations of use, and we must remain vigilant in our joint condemnation of such use and in our efforts to clarify what has actually taken place.

Aside from a drastic decline of use, there are also other positive indications that the norm against use takes hold also outside the Convention. The commercial market in cluster munitions has nearly collapsed and an increasing number of banks and investment funds now actively exclude companies involved in production and development of cluster munitions. Disinvestment campaigns by civil society have been very effective, but I would also like to mention that the Norwegian pension fund excluded producers of cluster munitions already in 2005, thus pioneering the current trend.

Mr President, Norway wanted to have a special focus on the preventive aspects of the Convention at this Third Meeting of States Parties, and we are encouraged by the support expressed for this by the opening panel. In our view, the Convention is an integral part of the normative and regulatory framework for the protection of civilians. This framework needs to be developed further if we are to extend this protection also to other contexts where civilians are exposed to unacceptable harm caused by the use of conventional arms. In this perspective, both the effective and inclusive Oslo-process and the Convention itself provides us with good lessons for how we may move this agenda forward.

Thank you