



**Cluster Munition Coalition statement on Compliance  
Convention on Cluster Munitions Intersessional Meeting  
19 April 2012  
Delivered by Steve Goose**

Thank you, Mr. Coordinator.

In general, compliance with the Convention on Cluster Munitions so far has been impressive. This far-reaching and ground-breaking convention IS working, and is already highly successful.

There have been no credible allegations of the use, production, or trade of cluster munitions by any State Party or signatory. This is not a given with a new convention. There were several credible allegations of use of antipersonnel mines in the early years of the Mine Ban Treaty.

Perhaps most impressive has been early compliance with the stockpile destruction obligation. States Parties, and even signatories, have properly been taking the “as soon as possible” requirement seriously, rather than the eight year deadline. As we heard during the stockpile destruction session: a total of nine States Parties have already completed destruction, as well as six signatories; some of the biggest stockpilers, such as Germany and the United Kingdom, have already destroyed the vast majority of their stocks; and, it appears that all States Parties that hold stocks are on target to meet their destruction deadlines.

However, as we know from earlier sessions, the record is not so good on national implementation measures, with too few States Parties having adopted or even initiated new legislation. The record is not so good on transparency reporting, with too many States Parties having missed their deadline for submission of initial reports. Also, States Parties could be doing more to meet their positive obligations under Article 21 to promote universalization of the Convention, and to discourage states not party from using cluster munitions.

Mr. Coordinator, there are a number of areas where an assessment of compliance will not be possible until States Parties are more clear about what obligations the Convention imposes. The CMC has referred to these as “interpretive issues” and has called on States Parties to reach common understandings on them, in order to enhance the integrity of the Convention. States Parties should be able to collectively answer these questions:

Is it prohibited to assist states not party with the use of cluster munitions during joint military operations? Is it prohibited to permit the transit and foreign stockpiling of cluster munitions? Is it prohibited to invest in the production of cluster munitions?

On all of these issues, most of the States Parties that have expressed their views have answered YES to all these questions, that is, YES all of these activities are prohibited. But a few States Parties have opposing views. The divergent views should be reconciled or else we could be faced with a situation where some States Parties engage in activities they believe are allowed by the convention, but others consider a violation.

Finally, Mr. Coordinator, it is important to note that States Parties and signatories should also be concerned about compliance with the norm being established by the Convention. This means that every effort should be made to increase the stigma against the weapon. Every serious allegation of use of cluster munitions by any actor should be investigated, and there should be harsh and widespread condemnation of any confirmed instances of use. As we noted at the beginning of this intersessional meeting on Monday, there have in recent weeks been serious allegations of use of cluster munitions in Sudan, including by government forces. We have called on Sudan to investigate and respond to the allegations, and we urge States Parties and signatories to do the same.

Thank you.