

CMC Statement on Compliance
First Intersessional Meetings of the Convention on Cluster Munitions
Geneva, Switzerland
29 June 2011

Thank you Chairman.

As would be expected, there are no serious issues of non-compliance to be raised at this time. But it is worth noting that 10 States Parties are late with their initial Article 7 transparency reports, and at least one country that may be contaminated with cluster munition remnants has not declared that to be the case.

Overall, States Parties and an impressive number of signatories are showing great determination to implement the Convention rapidly and thoroughly. This is very encouraging, and in keeping with the focus on humanitarian imperatives that has driven the Oslo Process.

But realistically, we should expect that in the future, some serious compliance concerns will emerge. These may be allegations of use or transfer, or missed stockpile destruction or clearance deadlines, or assistance with prohibited acts, or retention of large numbers of cluster munitions without any indication of their being used for permitted purposes, or other possible violations.

It is important that these concerns be addressed, and that States Parties do not hesitate to raise questions when serious allegations arise. The culture of “see no evil” that for example is pervasive in the Convention on Conventional Weapons is not healthy and would undermine the credibility and effectiveness of the instrument.

But equally important is that concerns are addressed in the spirit of cooperative compliance, where States Parties are not focused on pointing fingers and condemning other States Parties, but instead are dedicated to determining the facts objectively, and helping other States Parties to resolve in a cooperative manner whatever compliance issue has arisen. This is the proper approach for a Convention built on the notion of shared humanitarian ideals and objectives and a rightful assumption of good intentions and good will.

In order to address compliance concerns effectively, States Parties should establish some sort of informal mechanism to make sure such concerns are dealt with in a coordinated, systematic fashion, rather than the ad hoc manner driven by the ICBL and ICRC that has usually been the case with the Mine Ban Treaty.

The need for this is recognized in Article 8.6 of the Convention which states that in addition to the formal complaint procedures enumerated in the article, “the Meeting of States Parties may decide to adopt such other general procedures or specific mechanisms for clarification of compliance, including

facts, and resolution of instances of non-compliance with the provisions of this Convention as it deems appropriate.” We encourage States Parties to engage in discussions on what sort of “specific mechanism” might be appropriate and effective, and to put them into operation as soon as possible.

Mr. Chairman, there has also been a fair amount of discussion this week about the importance of promoting compliance with the norm being established by the Convention on Cluster Munitions, particularly with respect to rejection of any use of cluster munitions by any party. We note that a significant number of States Parties and signatories have condemned or expressed grave concern about use of cluster munitions by Libya and Thailand earlier this year. It is only through widespread and vociferous criticism that a deep stigma will attach to the use of cluster munitions, and that stigma is our most powerful method of ensuring a world free of these weapons that cause such horrible and long-lasting harm to civilians. We were very encouraged by Thailand’s statement on Monday that it has heard and understands the concerns, and that it is seriously considering accession to the Convention.

Finally, we would like to make one other point with respect to establishing the norm, and that pertains to the Convention on Conventional Weapons. It seems crystal clear to us that support for the chairman’s draft protocol on cluster munitions being considered in the CCW is completely at odds with efforts to stigmatize the weapon and establish a new norm rejecting any use of cluster munitions. Indeed, support for the protocol may well be contrary to the Convention on Cluster Munitions’ legal requirements to discourage any use of cluster munitions and not to encourage any act prohibited by the CCM.

Given the good will and good intentions and humanitarian imperatives that have led states to embrace the Convention on Cluster Munitions, it is reasonable to expect thorough and enthusiastic compliance with both the letter and the spirit of the Convention.

Thank you.