

CMC Statement on Universalization

*Convention on Cluster Munitions 12th Meeting of States Parties,
Geneva, 10-13 September 2024*

Thank you, Madame President,

This time last year we were celebrating South Sudan's accession to the Convention on Cluster Munitions (in August 2023) and Nigeria's ratification six months before that (in February 2023). These were the first countries to join the convention since 2020 so it felt like a long spell of inaction on universalization had passed.

It's therefore disappointing to reconvene without any new accessions or ratifications over the past year.

Joining the convention is a concrete and practical measure that governments can take to protect civilians from particularly heinous weapon and its deadly remnants. We strongly encourage the 12 remaining signatories to ratify as soon as possible and welcome the updates provided yesterday and today by the Democratic Republic of Congo, Finland, Thailand, Turkey, and Uganda, though we had hoped to hear from many more, especially the signatories who have had over 15 years to finalize their ratification process. In this regard, we were pleased to hear of promising developments in the DRC on their ratification process.

The Cluster Munition Coalition continues to engage signatories and non-signatories to urge ratification and accession to the convention. Earlier this year the CMC co-organized together with the universalization coordinators - Malawi and Peru, as well as with the ISU and ICRC, a briefing for African states in Geneva earlier this year. Over the past months we held bilateral meetings with permanent missions of several signatory and non-signatory states, including CAR, DRC, Liberia, Nepal, Tanzania, Thailand, Uganda, and Vietnam among others. We have and will again meet with many other countries in New York at the First Committee. The CMC national members continue outreach in the capitals, including in Argentina, Azerbaijan, Brazil, Cambodia, DRC, Ethiopia, Nepal, Turkey, Uganda, the US, and in the region of Middle East and North Africa. Recently we were encouraged to hear from our campaign colleagues in the DRC about the government's re-engagement on the ratification process and plans to hold a national roundtable to move the process forward.

Mme. President, at a time when we are hoping to increase the number of States Parties, we are alarmed by Lithuania's ill-considered and rushed move in July this

year to withdraw from the Convention on Cluster Munitions. It is particularly unfortunate that Lithuania took such steps without broad consultation within the country or with its own civil society and without broad consultations with other States Parties and the convention community, all of whom are affected by its decision. Indeed, we heard over the past two days from many, many countries that they regretted Lithuania's decision and asked them to reconsider.

This move stains Lithuania's otherwise excellent reputation on humanitarian disarmament and previous leadership role in promoting the convention. It also ignores the tragic history of cluster munitions, which affected countries are still dealing with. And risks civilian harm among its own population. It's not too late for Lithuania to heed calls to suspend and reverse its planned departure from the convention.

The international ban on cluster munitions is making demonstrable progress, but is being tested by new use, production and transfers of cluster munitions by countries that have not joined it.

Cluster munitions were used in Ukraine by Russian and Ukrainian forces in 2023 and through July 2024, while new use was also recorded in Myanmar and Syria.

Between July 2023 and April 2024, US President Joe Biden approved five transfers to Ukraine of US cluster munitions delivered by 155mm artillery projectiles and by ballistic missiles. A July 2024 report shows that cluster munitions stored at a US military base in Germany, which has ratified the convention, have been transferred to Ukraine since July 2023, transiting across Germany's territory in the process. This is deeply regrettable and a direct challenge to the convention's global norms.

These transfers also show how the convention's provision banning any assistance with prohibited activities is being put to the test, raising interpretive issues and questions over compliance with national laws. We will address these issues in more detail interpretive matters later this week.

All members of the convention should be clear in opposing foreign stockpiling of cluster munitions and the transit of cluster munitions across their territory, airspace, or waters. They should not intentionally or by omission assist, induce, or encourage any activity prohibited under the Convention on Cluster Munitions.

It's critical that States Parties use this meeting to firmly condemn the use of cluster munitions in their public statements in accordance with the convention's object and provisions and with the commitments under the Lausanne Action Plan, and we were pleased to hear so many such statements this week, though we call on states to repeat these condemnations throughout the year following all reports of new use.

At the last meeting, States Parties used the final report to condemn "any use of cluster munitions by any actor." They expressed "grave concern at the significant increase in civilian casualties and the humanitarian impact resulting from the repeated and well documented use of cluster munitions" since 2021, particularly with respect to "the use of cluster munitions in Ukraine."

States Parties should reiterate this strong language in the final report of this meeting, and include "facilitation of use" in keeping with their legal obligation to discourage any use of cluster munitions and to "promote the norms" that the convention establishes.

They should also include reference to their statements of regret on Lithuania's withdrawal and their call on Lithuania to reconsider its decision.

As we said in our opening remarks, the convention and its norms stand at a critical juncture and are being challenged as never before. All Parties to the convention need to publicly and vocally reaffirm the value and importance of this instrument. The Cluster Munition Coalition, the civil society, will call out those who remain silent at this crucial time. Silence sends a bleak message to other countries that might be considering leaving the CCM or other IHL instruments. All States Parties must do their utmost to discourage any actions by States that would undermine or weaken it. Civilians' lives, limbs, and livelihoods depend on it.