



STATEMENT BY

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TO THE CONFERENCE ON DISARMAMENT

**Dublin Diplomatic Conference on Cluster Munitions,
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At the outset, Mr. President, since it is the first time that I take the floor under your Presidency, allow me to congratulate you on your assumption of the office of President of the Conference on Disarmament and to assure you of my delegation's full support.

Mr. President,

It is an honour for me to provide you and the Conference with information regarding the Dublin Diplomatic Conference on Cluster Munitions, which took place from 19 to 30 May 2008. This Conference was the culmination of a series of meetings which began in Oslo in February 2007 and continued in Lima in May and Vienna in December 2007, and in Wellington in February of this year. The objective of these meetings, and of the Dublin Conference, as set out in the Oslo Declaration of 23 February 2007, was "to prohibit cluster munitions that cause unacceptable harm to civilians".

The Dublin Diplomatic Conference was attended by some 132 States, with 111 attending as participants and 21 as observers. A large number of international, intergovernmental and non-governmental organisations also attended as observers.

The Conference was opened by the Minister for Foreign Affairs of Ireland, and also heard at its opening session, among others, a video message from United Nations Secretary-General Ban Ki-moon and an address in person from the President of the International Committee of the Red Cross, Dr. Jakob Kellenberger.

Ambassador Dáithí O'Ceallaigh, Permanent Representative of Ireland to the United Nations and other International Organisations in Geneva, was elected by acclamation as President of the Dublin Diplomatic Conference. Representatives of the following eight countries were elected, also by acclamation, as Vice-Presidents: Chile, France, Hungary, Lebanon, Mauritania, Mexico, Norway and Zambia.

The work of the Conference took place in meetings of the Committee of the Whole and in bilateral and other informal consultations, including informal meetings convened by Friends of the President. I would like to acknowledge the importance of the contribution made by the Friends of the President to the success of the Conference, and to express our gratitude to the representatives of Australia, Austria, New Zealand, Norway, South Africa and Switzerland, who served in that capacity.

Mr. President,

Following two weeks of intense work in Dublin, and building on the preparatory discussions held at the earlier meetings, the Diplomatic Conference adopted, by consensus, on Friday 30 May, the text of a Convention on Cluster Munitions.

The main provisions of this Convention are as follows:

There is a comprehensive prohibition on the use, development, production, acquisition, stockpiling, retention and transfer of cluster munitions, as well as on assisting encouraging or inducing anyone to engage in behaviour prohibited to a State Party under the Convention.

Cluster munitions are defined for the purposes of the Convention in Article 2.

Weapons systems with certain characteristics, aimed at avoiding indiscriminate area effects and the risks posed by unexploded submunitions, are excluded from the definition and thus from the operative provisions applying to cluster munitions.

Explosive bomblets that are specifically designed to be dispersed or released from dispensers affixed to aircraft are subject to the same prohibitions as cluster munitions.

The Convention provides that a State Party's stockpiles of cluster munitions must be destroyed within eight years of the Convention's entry into force for that State Party. This period may, under certain circumstances, be extended for up to four years on one or more occasions.

In view of the fact that some States may not have facilities suitable for destroying stockpiled cluster munitions, the transfer of cluster munitions to another State Party for the purpose of destruction is permitted. Further, bearing in mind the importance of the development of and training in cluster munition and explosive submunition detection, clearance and destruction techniques, and for the development of cluster munition counter-measures, the retention or acquisition of a limited number of cluster munitions and explosive submunitions for these purposes, as well as their transfer to another State Party for such purposes, is permitted. The number of submunitions retained or acquired shall not exceed the minimum absolutely necessary for these purposes, and there is an obligation to report on the numbers retained or acquired, and the use made of them, as well as on transfers, whether for destruction or for the other purposes mentioned.

With regard to the clearance of cluster munition remnants, cluster munition remnants in areas under the jurisdiction or control of a State Party are to be cleared and destroyed within ten years of the Convention's entry into force for that State Party, or within ten years of the end of active hostilities in cases where such remnants arise after such entry into force. Provision is made for the extension of this deadline where circumstances warrant it. In addition, the relevant State Party is obliged to take steps with regard to marking, fencing, risk education etc. Any State Party which has used cluster munitions prior to the Convention's entry into force for it, giving rise to cluster munition remnants located in areas under the jurisdiction or control of a State Party on the Convention's entry into force for the latter, is strongly encouraged to provide assistance to facilitate the marking, clearance and destruction of such cluster munition remnants. Such assistance shall include, where available, information on types and quantities of the cluster munitions used, precise locations of cluster munition strikes and areas in which cluster munition remnants are known to be located.

The Convention includes comprehensive provisions on assistance by States Parties to cluster munition victims in areas under their jurisdiction or control. Steps to be taken are set out in detail in Article 5 of the Convention.

The Convention includes detailed provisions regarding international cooperation and assistance to States Parties with the fulfilment of their obligations under the convention. The possibility of assistance will be most relevant in relation to the obligations regarding stockpile destruction, clearance and destruction of cluster munition remnants, and victim assistance.

The Convention lays down detailed obligations regarding annual reporting by States Parties on the implementation of their obligations.

Taking account of the fact that, at least initially, not all States will be party to the Convention and that some States not party may wish to continue to use cluster munitions, provision is made in Article 21 for States Parties to engage in military cooperation and operations with States not party to the Convention that might engage in activities prohibited to a State Party. This provision specifically does not authorise a State Party to develop, produce, or otherwise acquire cluster munitions, to itself stockpile or transfer cluster munitions, to itself use cluster munitions, or to expressly request the use of cluster munitions in cases where the choice of munitions used is within its exclusive control. Each State Party is obliged to encourage States not party to the Convention to become party to it, and, where it engages in military cooperation or operations as referred to above, to notify the States concerned of its obligations under the Convention, promote the norms established by the Convention and make its best efforts to discourage States not party to the Convention from using cluster munitions.

Mr. President,

It is a matter of particular satisfaction to my government that the Dublin Diplomatic Conference was able to reach an outcome by consensus.

I am also glad to be able to inform the Conference of the message addressed by the Secretary-General of the United Nations to the Conference on the occasion of the adoption of the Convention. The message of the Secretary-General was as follows:

“I am delighted that the strong calls to address the humanitarian impact of cluster munitions have been answered with the adoption today of this new Convention. I welcome this successful outcome of the Dublin Diplomatic Conference, and congratulate everyone who contributed to the process.

A broad-based coalition of States, international organisations and civil society has brought about a new international standard that will enhance the protection of civilians, strengthen human rights and improve prospects for development.

As Secretary-General of the United Nations, I am honoured to accept depositary functions under the Convention. In addition, the entire United Nations system stands ready to support and assist States Parties in implementing their treaty obligations. I therefore encourage States to sign and ratify this important agreement without delay, and I look forward to its rapid entry into force.”

The President of the International Committee of the Red Cross, Jakob Kellenberger, addressing the Conference at its opening, quoted the St Petersburg Declaration of 1868, saying that, in renouncing the use of bullets that explode in the human body, the Declaration constituted the first prohibition of a weapon in modern international humanitarian law. He said that the International Military Commission that adopted that Declaration, in its own words, "fixed the technical limits at which the necessities

of war ought to yield to the requirements of humanity", and noted that the challenge and responsibility before the Dublin Diplomatic Conference was to set those limits for cluster munitions in 2008.

The statement delivered on behalf of the International Committee of the Red Cross at the conclusion of the Conference concluded that the Conference had met the challenge referred to by President Kellenberger, and had "done so decisively on behalf of humanity". The ICRC statement went on:

"You have confirmed that cluster munitions which have caused so much loss in past decades are not only morally repugnant but are now considered illegal under international humanitarian law. We have a very strong treaty which recognises all those who have needlessly died or had their lives shattered by the weapons you have now banned. The implementation of this treaty will undoubtedly allow many children in future conflict zones the chance to grow up to be adults. It will also afford their parents the chance to feed those children from the harvests of lands not contaminated with cluster munitions.

In adopting this Convention you have put in place the last essential element in an international legal regime to address the effects of weapons that can't stop killing. With the Anti-personnel Mine Ban Convention, the Protocol on Explosive Remnants of War and the new Cluster Munitions Convention we now have the tools to prevent or remedy the often tragic consequences for civilians of all explosive munitions used in armed conflicts. We have also established a broader norm that those who engage in armed conflict can no longer just walk away from the long term consequences of the munitions they use and leave the burden to local communities, often in the poorest countries on earth, to deal with."

As noted in his message to which I referred, the Secretary-General of the United Nations has agreed to act as depositary of the Convention. Following the preparation of authentic texts in the six official languages of the United Nations, the Convention will be opened for signature in Oslo on 3 December this year, and will enter into force six months after the deposit of the thirtieth instrument of ratification, acceptance, approval or accession.

It is our hope that the Convention done at Dublin on 30 May will attract wide adherence and will have a significant impact, both in terms of addressing the risks to civilians posed by existing cluster munition remnants and of preventing future use. At the same time, we remain fully committed to pursuing efforts in the framework of the Convention on Certain Conventional Weapons, including during next month's meeting of the Group of Governmental Experts.

The text of the Convention as adopted, in English, French and Spanish, may be consulted on the website of the Dublin Diplomatic Conference, which is www.clustermunitionsdublin.ie – it can be found there as document number CCM/77, dated 30 May 2008.

Thank you, Mr. President.