

Statement on Compliance
8th Meeting of States Parties to the Convention on Cluster Munitions
Geneva, 3-5 September 2018

Thank you, Mr. President.

Compliance by States Parties with the Convention on Cluster Munitions has been very impressive. Indeed, compliance with the core prohibitions has been perfect thus far. There have been no instances or even allegations of use, production, or transfer of cluster munitions by any State Party. The first stockpile destruction deadline was 1 August, and every State Party with that deadline met it, some far in advance. In fact, most States Parties with upcoming deadlines have already completed destruction of their stocks. On this 10-year anniversary of the adoption and signing of the convention, we can say with great certainty that this is a convention that is working and working well.

However, there are some compliance concerns, related to transparency and national laws.

Thirteen States Parties are late in providing their initial transparency report. Four of those were due in 2011. This is an 89% compliance rate, but this should be 100%. These reports are needed, among other reasons, to establish officially if a country has stocks of cluster munitions and if it is contaminated. Moreover, far too many States Parties are late in submitting their annual updated report.

No State Party has enacted new implementation legislation since December 2016. Too few overall have enacted new laws or other national implementation measures. By our count, more than one-quarter of States Parties have yet to implement their Article 9 obligations.

In addition, we encourage all States Parties to elaborate their views on certain important issues related to interpretation and implementation of the convention, issues which are relevant to ensuring compliance. Of those States Parties that have commented on these matters, the vast majority have agreed with the following interpretations:

The Convention on Cluster Munitions prohibits (1) any intentional or deliberate assistance with activities banned by the convention, including during joint military operations with states not party; (2) any transit of cluster munitions by a state not party across the territory of a State Party; (3) any foreign stockpiling of cluster munitions by states not party in the territory of a State Party; and (4) any direct or indirect investment in producers of cluster munitions.

The convention is having a powerful impact even on nations that have not yet joined, as most are in de facto compliance with key provisions, such as no use, no production, no trade. An international norm rejecting any use of cluster munitions is clearly emerging.

Cluster Munition Monitor reports confirmed use in the past year in just two countries—in Syria, by Syrian government forces supported by Russia, and in Yemen by the Saudi Arabia-led coalition.

We expect every State Party to firmly condemn any use of cluster munitions by any actor, and to call for an immediate halt to such use. And please follow-up bilaterally after your initial reactions.

In closing, let me reiterate that at the 10-year mark, we should all feel good about the Convention, about the record of compliance, and about the strength of the growing norm. But there is no room for complacency. These gains take constant care, for the long haul.

Thank you.