

CMC Statement on Compliance

9th Meeting of States Parties, 4 September 2019



Thank you, Mr. President.

Overall compliance with the Convention on Cluster Munitions has been commendable. Indeed, at last year's MSP, we lauded compliance as without fault, other than urging a better record on transparency reporting and national implementation legislation.

Unfortunately, this near perfect record has been blemished this year by Guinea-Bissau's failure to meet its stockpile destruction deadline (of May 1, 2019) and its failure to submit an extension request. It is the first State Party to do so, and it is currently in violation of the convention. Efforts by many to reach out to Guinea-Bissau have been unsuccessful.

We urge Guinea-Bissau to submit its long-overdue initial Article 7 report, including details on its stockpile, to develop an urgent destruction plan, and to submit an extension request immediately. In this way, Guinea-Bissau can come back into compliance and other States Parties can provide any needed assistance with destruction, in the spirit of cooperative compliance.

It is also regrettable that Bulgaria will miss its stockpile destruction deadline (of October 1, 2019). It will remain in compliance by virtue of having submitted an extension request (of 18 months), but this is the first such request from a State Party. We heard on Monday that Peru also expects to submit a request.

The CMC and many States Parties have been saying for years that there should be no need for ANY State Party to submit a stockpile destruction extension request, if they have demonstrated appropriate political will and exercised proper due diligence—and started in a timely fashion. After all, the obligation is to destroy stocks “as soon as possible,” and up to now, most States Parties completed well in advance of their deadlines.

Still, the record of successful compliance is impressive. There have never been any instances or even allegations of any State Party using cluster munitions, or producing or transferring cluster munitions. Together States Parties have destroyed 99% of their reported stockpiled cluster munitions. Botswana and Switzerland completed destruction in the past year.

Regarding three other compliance matters:

Some 89% of States Parties have provided initial transparency reports, an admirable number. However, compliance with the annual reporting requirement is not impressive, only 63% compared to 70% a year ago. States Parties can do much better.

Only 31 States Parties have enacted specific legislation to enforce implementation of the convention's provisions, including Afghanistan this year. It had been several years since a state had been added to that list.

The convention allows States Parties to retain live cluster munitions and submunitions for training and research purposes. Most see no need to do so; only 13 are retaining. The three with the biggest numbers (Germany, Netherlands, Belgium) have been reducing the amounts substantially. But five States Parties have not destroyed any since first reporting they would retain (BiH, Bulgaria, Cameroon, Slovakia, Sweden). It is still unclear if the current holdings by these states constitute the "minimum number absolutely necessary" as required by the convention.

We hope Mr. President, with the 2nd Review Conference looming next year, that Guinea-Bissau will come into compliance, that all deadlines will be met by all States Parties, that initial and annual transparency reporting will reach a 100% compliance rate, and that all those states in the process of adopting national legislation or other implementation measures will do so before the Review Conference.

In closing, the global stigma against cluster munitions remains strong. Nearly all states not party are in de facto compliance with the prohibitions on use, production, and transfer. The sole, glaring exception is still Syria, which continues to use cluster munitions with active support from Russia. It is crucial that States Parties continue to denounce any use of cluster munitions by any actor under any circumstances.

Thank you.