

Remarks on
Cluster Munitions and International Peace and Security

by

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Chairperson, Excellencies, Ladies and Gentlemen,

It is an honour for me to have been invited to speak here, and to interact with representatives and friends from this great region. I do indeed feel at home here.

As you know, one of the most important reasons that the United Nations was established was to help create a safer world—in the words of the Charter’s Preamble, “to save succeeding generations from the scourge of war.” The Charter also identified disarmament and the regulation of armaments as specific means by which these goals could be pursued. Over the years, additional mandates in such areas as non-proliferation and counter-terrorism were added to our responsibilities.

But disarmament, non-proliferation and arms control have proved to be especially challenging in recent years. There have only been few great successes. Some of these were achieved in the area of international humanitarian law. We have the Mine Ban Convention, and the recent Protocol on explosive remnants of war, which States agreed to under the Convention on Certain Conventional Weapons.

Also, we see new and welcome developments in the field of nuclear disarmament. There have been very promising statements from quite a number of important countries, including nuclear-weapon states, on the need to achieve a world entirely free of nuclear weapons. And next week a first-ever summit on nuclear disarmament will be held in the United Nations Security Council, chaired by President Obama himself. I hope this will help to set the stage for a positive and constructive review conference of the Non-Proliferation Treaty, which will start only eight months from now.

Developments next year will therefore have the potential to make a tremendous and lasting positive impact in ushering in a new era of cooperation and progress in the fields of disarmament, non-proliferation and arms control—all to the greater benefit of international peace and security.

There is, however, yet another encouraging event taking place next year, which may help in marking the year 2010 as a truly historic one in disarmament—namely, that the Convention on Cluster Munitions is expected to enter into force.

This convention marks a major step forward in global efforts to protect civilians and to control the abhorrent spread of deadly weaponry that is viewed around the world as inhumane.

The devastating humanitarian effects of cluster munitions are well known. During and long after conflict, they have maimed and killed scores of refugees, nurses, journalists, passers-by, women and men working in fields and orchards, and children helping with household chores or at play. These effects are unfortunately not speculative, but quite real and well-documented.

Eleven years ago, governments, international organizations, parliamentarians, and representatives from civil society gathered for the signing of the Mine Ban Convention . That treaty added a new chapter to international humanitarian law, disarmament and non-proliferation, and is a prime example of how a shared sense of conviction and political will can translate into concrete measures that save lives and livelihoods. The Mine Ban Convention is a crucially important framework for the intense demining activities taking place in a number of States on this sub-continent as well. As you may know there are only two places in the world where the use of landmines is still increasing, but one of them is in the Americas.¹

In much the same way as the Mine Ban Convention, the efforts of a broad-based coalition of States, international organizations and civil society have brought about this new Convention on Cluster Munitions, which further strengthens international humanitarian law. Not only will the convention prohibit the future use and proliferation of cluster weapons, it will also promote their eventual elimination. Moreover, the Convention's far-reaching provisions on victim assistance and clearance will improve the lives of survivors, families and communities that have been affected by cluster munitions.

In his message to last year's Signing Conference in Oslo, the Secretary-General of the United Nations stated that "the conclusion of [the] Convention indicates a significant and fundamental change in the position of many governments that, until recently, regarded cluster munitions as essential to their security policies and military doctrines." He further elaborated that --

the importance of this shift cannot be overemphasized. A great number of governments [...], some with considerable defense and peacekeeping responsibilities, have concluded that their policies were not in full concurrence with their international obligations and could jeopardize recovery and development efforts. They decided not only to embrace the responsibility for clearance and victim assistance, but also to revise their military doctrines, to do away with their stockpiles, and to terminate the production and trade in these weapons. These are impressive policy decisions.

Yet the Secretary-General did not limit his statement to the past, but also addressed some of the implications of this treaty for the future, noting that this Convention --

also offers hope that States can depart from other long-held positions in the light of new evidence and new understandings of their own interests. Many areas -- from disarmament and development to human rights, energy, climate change and the environment -- are ripe for precisely this kind of change.

Ladies and Gentlemen,

¹ Colombia and the Democratic Republic of Congo.

The Convention on Cluster Munitions is an excellent example of disarmament as humanitarian action. It is a response by the international community to the unacceptable humanitarian impact caused by a weapon which is both unreliable and inaccurate – as proved by their use so far in different armed conflicts since the Second World War. Some estimates claim that the overwhelming majority of victims of cluster munitions are civilians.

The convention is also very much a *preventive* measure. The devastating effects that we have witnessed from attacks with cluster munitions are dwarfed by the harm that the billions of other cluster bomblets still in storage around the world could cause. Since only a few countries are at present contaminated with them, the convention is very much a non-proliferation instrument—one that could help prevent a potential global humanitarian disaster similar to that caused by anti-personnel landmines in the nineteen-eighties and –nineties.

It was impressive to see the convention come about. Its genesis was further proof – after the Mine Ban Convention signed in Ottawa – that the international community may use different, innovative ways to implement much-needed action where humanitarian needs and disarmament efforts come together. Such progress is possible when a broad-based coalition exists consisting of determined States, the United Nations, other international organizations and, importantly, and civil society—reinforced by persistent, high-quality reporting by the news media.

With respect to this coalition, I wish to pay a special tribute to states from this region for their leading role in the negotiations that resulted in the successful adoption of the convention. I hope and expect that this vigorous stance—which is also illustrated by the series of conferences you organize on the subject—will also be reflected in the various national processes leading to its ratification and implementation in this region.

Ladies and Gentlemen,

The United Nations has a special role in the convention. First of all, the Secretary-General is its depository. As of today, he has received 17 notifications of States that wish to be bound by it. Mexico is the first Latin American country on that list; we expect others from this region to follow soon. As you know, six months after having received 30 notifications, the convention will enter into force.

In this regard, let me remind you of the upcoming “Treaty Event”, which the United Nations organizes every year during the high-level segment of the General Assembly in New York. This year it will be held on 23 to 25 September and from 29 to 30 September. The Convention on Cluster Munitions will be one of the major instruments open for signature during that event, so if any of your countries have not yet signed it, this would be a timely opportunity to do so.

But the tasks entrusted to the United Nations in this convention are not limited to the depository function. The UN is expected to receive national transparency reports by States Parties. We will organize the meetings of States Parties. When needed, we will provide our good offices to facilitate the clarification of compliance issues. And the process for the settlement of disputes is also through the UN system.

The United Nations stands ready in the broadest sense to make this convention work. We can provide the channels through which States—immediately after hostilities have ended—can exchange information about targets and possible contaminated areas. On clearance activities, risk education and other mine-action related activities the UN system have useful experience to offer, including from the Mine Action Service, UNDP and UNICEF.

Let me also mention the Convention's important provisions on victim assistance, which are stronger than any existing legal norms. It is an impressive step forward, which also links well to the newly-concluded UN Convention on the Rights of Persons with Disabilities that entered into force last year.² The UN stands ready to assist and contribute in that field.

Ladies and Gentlemen,

The United Nations—my office in particular—is fully prepared to support the implementation of the convention. We recognize that a number of countries in Latin America and the Caribbean have not yet signed it. I would simply like to stress that from the UN's point of view there is a double necessity for getting every country on board, regardless if they have cluster munitions stockpiles or not, or if they have experienced cluster munitions attacks or not. The two overriding reasons for joining this treaty are the prevention of future tragedy, and the forceful drive in humanitarian norm-setting which emanates from global participation in the convention. These should be reasons for *every* country in the world to sign up to this instrument.

I wish you all the best in your endeavours towards making cluster munitions become a weapon of the past.

Thank you.

² The Convention on the Rights of Persons with Disabilities and its Optional Protocol was adopted on 13 December 2006 at the United Nations Headquarters in New York, and was opened for signature on 30 March 2007. There were 82 signatories to the Convention, 44 signatories to the Optional Protocol, and 1 ratification of the Convention. This is the highest number of signatories in history to a UN Convention on its opening day. It is the first comprehensive human rights treaty of the 21st century and is the first human rights convention to be open for signature by regional organizations. The Convention entered into force on 3 May 2008. The Convention marks a "paradigm shift" in attitudes and approaches to persons with disabilities. It takes to a new height the movement from viewing persons with disabilities as "objects" of charity, medical treatment and social protection towards viewing persons with disabilities as "subjects" with rights, who are capable of claiming those rights and making decisions for their lives based on their free and informed consent as well as being active members of society.