

## FOI 1041 – 15 DIGEST OF INFORMATION

### FOI Request:

*Could you please send me any legal advice received, requests for legal advice, or internal memos and correspondence produced in 2015 relating to the content of the Dubrovnik Declaration and Dubrovnik Action Plan that were adopted at the First Review Conference of the Convention on Cluster Munitions in September 2015.*

### **Excerpts from the UK's Statement at the First Preparatory Committee Meeting (05/02/15)**

"We welcome the content and focus of the Political Declaration, and consider it to have many useful elements. Among these is the focus on continuing to assist affected communities through clearance activities, and the need to continue promoting universalisation of the convention".

"However, we would welcome the use of treaty-based terms in the declaration as far as possible. To that end, in paragraph 7 we suggest replacing the first sentence with the following sentence: 'States Parties shall continue to encourage States not party to the Convention to ratify, accept, approve or accede to this Convention, with the goal of attracting the adherence of all States to the Convention.' This language is in line with Article 21 (1) of the Convention. We would welcome the reshaping of paragraph 13 to reflect this language as well".

"Next, we suggest changing paragraph 22 in the draft political declaration to read as follows: 'A world free of the suffering and casualties caused by cluster munitions is an achievable goal.' This language reflects the preamble to the Convention".

"In closing, we look forward to hearing the views of other States Parties on this declaration, and to creating a set of useful outcome documents that will further the work of the Convention".

### **COARM (EU Working Party on Conventional Arms Export) Meeting Brief (28/09/15)**

#### **Points to Make (intervention not necessary):**

##### **If raised:**

- As outlined in the UK's Statement of Reservation upon adoption of the declaration, the UK cannot support unqualified language condemning all use of cluster munitions by any actor, as that ignores the other provisions of the Convention such as Article 21– the so-called 'interoperability' clause. The UK remains concerned that such language, which undermines Article 21, may have the unintended effect of dissuading future States Parties from acceding to this Convention.

### **BACKGROUND**

Croatia will report on the outcome of the First Review Conference for the Convention on Cluster Munitions, held in Dubrovnik 7-11 September.

**Excerpt from UK Statement at the Intersessional meetings for the CCM (22-23 June 2015, Geneva):**

“Thanks to you and to other colleagues for all of your efforts in preparing the draft action plan that we are considering today. We welcome much of its content. It is right that it addresses every area of the Convention's work, and that it provides useful suggestions to assist States Parties in their implementation of the Convention. Generally, we think it could benefit from being organised in a slightly simplified format like the Vientiane Action Plan, so that it is as easy to use as possible. Furthermore, we encourage those drafting it to make every effort to keep it as concise as possible, and to remove any material which is not strictly relevant.”

**UK Statement (07/10/2015)**

**UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND  
STATEMENT OF RESERVATION: POLITICAL DECLARATION**

Madam President,

The UK has already made clear in its national statement why it cannot accept the Dubrovnik Declaration in full. It is deeply regrettable that, despite efforts in consultation, we have not been able to find consensus language that all States Parties are able to support.

However, this does not diminish the UK's total commitment to the purpose and spirit of the Convention. We will continue to work for its universalisation and full implementation.

Thank you.

**Excerpt from email: (07/09/2015)**

Subject: UK Statement OFFICIAL

CLASSIFICATION:OFFICIAL

Dear ...

Please see below the UK statement as delivered for the Convention's official website.

Best,

...

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

HIGH LEVEL SEGMENT - OPENING STATEMENT

Mr President,

...

I hope I have demonstrated the United Kingdom's full and continuing support for this Convention. Mr President, you have invited all States Parties present to support the Dubrovnik Declaration as it stands. While it includes very useful language on universalisation, clearance, stockpile destruction and victim assistance, the United Kingdom regrets it cannot support the current unqualified language condemning all use of cluster munitions by any actor, as that ignores the other provisions of the Convention such as Article 21– the so-called 'interoperability' clause. The UK is concerned that any text which undermines Article 21 may have the unintended effect of dissuading future States Parties from acceding to this Convention. For the United Kingdom, it is crucial that any document we agree here reflects the FULL text of the Convention – but I stress this should NOT be misinterpreted as an effort to 'water down' language – it is quite the contrary. Mr President, I would like to make clear that we remain ready and willing to continue constructive discussions to resolve this issue ASAP.

Finally, I would like to assure you again that the United Kingdom is, and will remain, committed to ALL aspects of the Convention and will continue to work to support this Convention as we move ahead after our First Review Conference.

Thank you

### **UK Statement on Political Declaration OFFICIAL (24/06/15)**

CLASSIFICATION:OFFICIAL

United Kingdom Statement on the Political Declaration,

Madam President-Designate,

1. We are very grateful to Croatia and to the interim ISU in preparing these documents. We welcome this draft political declaration. We are largely content with it, and welcome in particular its focus on tackling harm caused by cluster munitions. The political declaration includes useful language on universalisation, clearance, stockpile destruction and victim assistance. This is a useful signal for furthering the goal of universalising the Convention - a goal the United Kingdom firmly supports.

2. We do however have a few concerns about paragraph 6 of the document. We have provided the detail of these concerns to you already in writing. For the benefit of other States Parties, I will briefly go over the main points of concern in that paragraph.

3. At the beginning of the paragraph, we wonder if we might substitute the term 'concern' instead of 'great distress'. Likewise in lines 3 and 4, to write again in terms of 'concern' rather than 'we deplore' use would be more fitting. In line 2, I am not sure that all States Parties would agree that these instances have been conclusively proven, so writing in terms of 'allegations' provides a necessary qualification. In lines 11 and 12, we ask that you replace the phrase 'to join us in the task of eradicating them' with the phrase 'to join us as State Parties to the Convention.' That line is likely to find broad support, and incorporates all of the aims of the Convention. Finally, we are by no means convinced that the last clause of the

paragraph is substantiated, judging by the large numbers of cluster munitions retained by non-States Parties. For the text to be as credible as possible, we would ask for that clause to be removed, and for the paragraph to conclude with a full stop after 'cluster munitions.'

4. Madam President-Designate, I look forward to a successful First Review Conference in Dubrovnik later this year, and thank you once again for all of your efforts.

Thank you.