

7th Meeting of States Parties to the Convention on Cluster Munitions

Statement by Ireland

Intervention on National Implementation Measures

Thank you Mr President, and many thanks New Zealand for your work as Coordinator on National Implementation Measures.

It is pleasing to hear of the good progress that has been made by States Parties in implementation of the Convention on Cluster Munitions - considering that at the time of its adoption in Dublin in 2008, many voices raised doubts as to the efficacy of a ban against such widely used weapons. Almost 10 years later, the CCM retains its pertinence, in particular when we consider that in 2016 civilians accounted for the vast majority of cluster munitions casualties (Monitor 2017).

Ireland places great value on the CCM and we continue to see its successful implementation and effectiveness as a priority. Through the '**Cluster Munitions and Anti-Personnel Mines Act 2008**', Ireland introduced legislation designed to give effect to the CCM, as well as further effect to the Convention of the use, stockpiling, production and transfer of anti-personnel mines and on their destruction.

This legislation makes it an offence, subject to certain exceptions provided for in the CCM, to use, develop, produce, acquire, possess, retain or transfer cluster munitions or explosive bomblets, or to assist, encourage or induce the commission of such acts. The Act provides for penalties to be imposed upon those who are in breach of the provisions and also covers the commission of such acts to ships and aircraft that are registered in Ireland, as well as by members of the Irish Defence Forces and citizens of Ireland who are outside the State. In April 2009, the Irish Defence Forces issued an instruction which implemented the relevant CCM provisions during Defence Forces deployments, both at home and overseas. (My colleague will speak further on this).

The Act also explicitly prohibits the direct and indirect **investment of public money** in companies that are involved in the manufacture of cluster munitions. Ireland was the second country in the world, after our Belgian friends, to put in place such a prohibition, underlining our strong commitment to give effect and implement the CCM. The Ireland Strategic Investment Fund, formerly the National Pension Reserve Fund, is one such example of this provision in effect. It disinvested funds from six international companies linked to the manufacture

of cluster munitions, and it maintains a list of companies that are excluded from the Fund.

In addition to the legislative implementation measures I have mentioned, this year Ireland contributed to both the CCM Implementation Support Unit and CCM Sponsorship Fund.

The **ISU** provides much needed information and assistance to affected countries, allowing for greater cohesion and effectiveness in mine clearance and destruction activities. Their work greatly contributes to the network of governments and NGOs working to stabilise countries recovering from conflict that have been affected by cluster munitions.

We firmly believe that wide and diverse participation in these discussions is vital to ensure that those impacted are adequately supported. We place great regard in the **Sponsorship Programme** in helping affected States Parties to build capacity in terms of effectively implementing the gender considerations attached to the victim assistance provisions. In addition to helping States meet clearance deadlines and victim assistance provisions, their narrative and experiences help inform those who may not have experience of these weapons, to understand better the challenges they face so that adequate support can be provided, in terms of both capacity building and funding.

I will now handover to my colleague from the Irish Defence Forces, who will provide more detail on the military aspect of our national implementation measures of the CCM.

Thank You.

Implementation of CCM and CMAPM Act in the Irish Defence Forces.

After the Cluster Munitions and Anti-Personnel Mines Act was signed into law in December 2008 the Irish Defence Forces began to examine their obligations arising from the act. Two principal areas of concern were identified namely dissemination of information about the Act and the Convention throughout the organisation and command and control matters on multi-national operations overseas where one or more participating states was not Party to the convention. On 20 March 2009 the Deputy Chief of Staff for Operations issued an Instruction to all Defence Forces commanders. This instruction directed that Ministerial Directives to Commanders of Irish Contingents serving

overseas be amended to include compliance with the Act and also directed all Defence Forces Training Colleges and Schools to include instruction on the Act and Convention on career courses and relevant specialist courses.

A Briefing Note was also issued setting out in detail the prohibitions and permissions arising from the Act. The prohibited behaviours are clearly stated as set out in the act. Defence Forces members are prohibited from acquiring, possessing, retaining, transferring or using any cluster munitions or explosive bomblets as defined in the Act. Members are also prohibited from assisting, inducing or encouraging any person to commit one of these prohibited acts.

In terms of permitted conduct a member of the DF may possess a Cluster Munition for the purposes of destroying it or rendering it harmless.

A member of the Police Force (Gardaí) may also possess a Cluster Munition for purposes of delivering the munition to the Defence Forces for destruction. Any other person appointed by the Minister by warrant in writing, may also possess these munitions for the purposes of delivering to the Defence Forces for destruction.

The Minister for Defence may, in consultation with the Minister for Foreign Affairs authorise the Chief of Staff to acquire and retain a specified number of cluster munitions, for the purposes of development of, or training in, detection, clearance and destruction techniques, or for the development of counter-measures to these munitions. In practice Ireland has never retained any cluster munitions for such permitted purposes.

The prohibitions set out in the act do not apply to any act done or omission made by a member of the Defence Forces who is involved in the planning, or conduct of operations by an International United Nations Force to which Ireland has contributed a contingent and to which a state which is not party to the CCM also contributes personnel.

Neither do these prohibitions apply to a member of the Defence Forces who is involved in the planning or conduct of operations with a state which is not party to the CCM, while carrying out duties as a military representative or filling an appointment or posting outside the state including secondments to any international organisation.

In circumstances where a Defence Forces Commander or Staff Officer is compelled by circumstances to request or order the provision of fire support

by forces of another state, he or she must not expressly request the use of cluster munitions.

In addition, in respect of each international mission to which a contingent of the Defence Forces has been committed, appropriate orders will issue to that contingent to ensure that ***under no circumstances does any member of it deliberately assist, encourage or induce the commission of an act prohibited by the CCM by a non-party state.*** Any breach of such orders will constitute an offence punishable under military law.

Defence Forces Commanders or Staff Officers on international missions are advised to consult where possible with a Defence Forces Legal Adviser (LEGAD) if any issue arises pertaining to use, retention etc of cluster munitions.

Thank You.

ENDS.