



**STATEMENT BY AMBASSADOR RODOLFO BENITEZ VERNON,
HEAD OF THE DELEGATION OF CUBA, AT THE GENERAL
DEBATE OF THE FIRST REVIEW CONFERENCE OF THE
CONVENTION ON CLUSTER MUNITIONS. Dubrovnik, Croatia,
September 8, 2015.**

Mr. President:

You count on the support of the Observer delegation of Cuba. We congratulate and thank the Croatian authorities for the excellent organization of this Conference

Mr. President:

We live in a world where war is used by some unjustifiably as an instrument of foreign policy. The methods and means of warfare appear limitless. International humanitarian law is continually violated.

The concept of "collateral damage" that some pretend to impose to us as inevitable, offends human nature. The death of innocent people in any circumstance and place should be rejected. The right to life is a fundamental human right.

In this context, the issue of cluster munitions is of relevance. Our principled position is clear. Cuba strongly supports the prohibition and complete elimination of cluster munitions and condemns its use.

The indiscriminate and harmful effects of these weapons, are not compatible with the principles and rules of international humanitarian law. Cause unacceptable harm to civilians long after the cessation of combat actions.

Mr. President:

We have always frankly expressed our objections to the manner in which the Convention on Cluster Munitions was negotiated.

We uphold the principle that international instruments on disarmament, of which implications for all States arising, must be discussed and adopted in a transparent and inclusive manner, within the framework of the United Nations and not outside it. That is the best way to contribute to the further universalization and effective implementation of those instruments.

On the other hand, Cuba is concerned that ambiguities, limitations and inconsistencies that characterize some provisions of the Convention give rise to various interpretations affecting their uniform and effective implementation by all States Parties.

For example, the definition of cluster munition that is used in the Convention, excludes certain types of such sophisticated weapons. All cluster munitions should be banned. There should be no exceptions for some by the number of containing explosive submunitions, or under the argument that they are equipped with self-destruction and self-deactivation mechanisms.

No technical device can be 100% reliable. No technological improvement alone can solve the humanitarian problems that these weapons pose. The technical criteria set out in Article 2 of the Convention should be properly reviewed, to ensure full protection of the civilian population.

The definition of "transfer" contained in the Convention does not explicitly prohibits transit of cluster munitions through States Parties.

However, we believe that the purpose of the ban would be seriously compromised if it prevail interpretation is permissible, in the context of the Convention, transit or storage of foreign cluster munitions in the State Parties.

We do not share the interpretation of some states parties, which taking advantage of the ambiguity of Article 21 of the Convention, argue that during joint military operations with non-Party, a ban on assistance provided for in Article 1 may be annulled by the provisions of Article 21.

States parties should not assist, encourage or induce any activity prohibited by the Convention, including the use, transfer or storage of cluster munitions when they participate in joint military operations with States not Party.

We hope that this Review Conference will discuss in-depth the aforementioned issues as well as others relevant to the operation and uniform application of the Convention.

Mr. President:

In previous meetings, our delegation has stated that the Cuban authorities have not yet taken a final position on the Convention on Cluster Munitions.

Today I can inform this Conference that Cuba is carrying out the required constitutional procedures for the accession of our country to the Convention on Cluster Munitions.

In this regard, we hope that shortly we can complete the internal legal requirements for the accession of Cuba to the Convention.

Let me conclude, Mr. President, stressing that Cuba will continue to contribute as much as possible to the goal of total elimination and prohibition of cluster munitions and strict respect for International Humanitarian Law.

Thank you.