

Parliamentary Forum on the Eve of the Vienna Conference on Cluster Munitions

Vienna, 4 December, 2007

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Madame Chair,

(Introduction)

Thank you for giving me the floor. I am Kuniko Inoguchi, member of the House of Representatives of Japan. I belong to the LDP, the dominant party in the ruling coalition, and it is my special pleasure to participate in this forum, since I am a former ambassador of Japan to the Conference on Disarmament and, in the context of the CCW, I was the chief negotiator for my country for the Fifth Protocol, the Protocol on Explosive Remnants of War.

Allow me, first of all, to congratulate you, Madame Chair, for presiding over this parliamentary forum and to commend you for your initiative in preparing for today. You have decided to involve parliamentarians. This is highly relevant and innovative. I wholeheartedly appreciate the initiative to involve parliamentarians at this crucial moment when political momentum is needed to deal with the issue of cluster munitions.

(Democracy deficit)

As global issues today require knowledge-intensive processes among states and expert communities, it is sometimes pointed out that there is a kind of democracy deficit, whereby people and their elected delegates find it difficult to make an input into processes that may deeply affect citizens and taxpayers. On the other hand, it is also often pointed out in the disarmament community that the lack of political will is the major problem. Thus, this parliamentary forum is effectively designed at an opportune moment to reduce the democracy deficit and increase the political will to make a difference. Parliamentarians from around the world should consolidate the political

momentum to reduce humanitarian tragedies from the unregulated use and production of cluster munitions. It is encouraging to see parliamentarians from nations which have taken a leadership role in the Oslo process and CCW as well as those from affected countries represented in the room.

(CCW and the Oslo Process)

As we deal with humanitarian issues, the sense of urgency is the key. The process initiated in Oslo in February has already made a significant impact in numerous ways including unstated pressure to accelerate the CCW process to agree on the negotiation mandate. The Declaration at the Oslo Conference constituted a constructive challenge to the CCW by committing, through clause 3, to continue to address the humanitarian challenges posed by cluster munitions within the framework of international humanitarian law and in all relevant fora. Also, in my view, the scheduling of the Vienna Conference soon after this year's Meeting of the High Contracting Parties to the CCW has resulted in invaluable positive pressure to strive for a consensus on the negotiation mandate and, in addition, the idea of holding this parliamentary forum in the lead up to the Vienna Conference is yet another move to exert positive pressure upon the CCW's Group of Governmental Experts negotiation starting in January next year. As we all know, the Meeting of the High Contracting Parties to the CCW decided that the GGE will negotiate a proposal to address urgently the humanitarian impact of cluster munitions. Thus, cluster munitions processes this year have been exemplary in activating both emerging and traditional frameworks to advance global commitment to humanitarian issues. The Oslo process also contributed substantively in the form of global awareness-raising and evolution of norms. I congratulate those who have taken leadership roles in the process, and I also applaud my government for participating in the Oslo process with competence and enthusiasm.

(Japan)

Cluster munitions have indiscriminate and persistent effects due to the wide-area range of the weapon and the high rate of submunitions turning into explosive remnants of war. The Japanese government and the ruling parliamentary coalition are of the view that the humanitarian impact of cluster munitions is an important issue and must be addressed as a matter of urgency and through the most effective ways. Accordingly, we lent our full support to the negotiation mandate agreed upon at the CCW and will participate actively in pursuit of a balance between security and humanitarian considerations. At the same time, we will continue to participate in the Oslo process and make useful suggestions

with the hope that the farsighted and wholehearted emphasis on humanitarian concerns within the Oslo process will have a positive impact on the CCW negotiations, in which major producers and possessors of cluster munitions are engaged.

(Effects of the Oslo Process)

In my personal view, there are at least four important effects and functions of the Oslo process. First, as I remarked, it has accelerated and will continue to pressure the CCW to urgently address the humanitarian concerns raised by cluster munitions. Second, if, for some unexpected reason, the CCW should fail to live up to the expectations of the international community concerned with the humanitarian impact of cluster munitions, the international community will not simply deplore this and wait. There could be alternative initiatives.

Third, like the Ottawa process, the Oslo process will serve as an incubator of new norms concerning cluster munitions, and as a vehicle of global awareness-raising beyond those states formally participating in the process. Protocol V on ERW of the CCW has highlighted the post-conflict risks of remaining and abandoned weapons and munitions through an effect-specific rather than a weapon-specific approach. The weapon-specific approach of cluster munitions processes including the Oslo process is most likely to have a strong impact on our understanding of the use of weapons and its aftermath in the lives of civilian populations including children.

Fourth, the Oslo process, with its uncompromising commitment to the humanitarian cause, could have a substantive impact on the CCW to redouble efforts to address the humanitarian aspects of the issue as the High Contracting Parties strive to strike a balance between military and humanitarian considerations.

(Suggestions)

This brings me to a few suggestions concerning the future work of the Oslo Process. First, it would be helpful to emphasize the importance of international assistance and cooperation. The affected countries need to seek and receive assistance, where appropriate, from parties to the to-be-negotiated instrument or states non-party, relevant international organizations, institutions and civil society initiatives taking into account the humanitarian objectives of the instrument and the political processes that led to the instrument. Also, victim assistance needs to be addressed. Not only former combatants but also victims and survivors need to be reintegrated into the community and

socio-economic network.

Second, intensive discussion is required on generic preventive measures and precautions for the protection of the civilian population including warnings, risk education, marking, fencing and monitoring of territory affected by submunitions. These measures could be linked with frameworks to provide practicable recording and information on the use or transfer of weapons that may cause humanitarian harm.

Third, it would be useful to discuss and agree on cooperative measures to provide the fullest possible exchange of technological and scientific information to minimize post-conflict risks of munitions and submunitions to civilian populations.

Fourth, in international discussions or negotiations, it is often practical and useful to start with elements which are most likely to be supported by the majority of participants, notwithstanding the fact that nothing is decided until everything is decided. For this reason, it could be useful to start with the notion of a production and transfer ban on high-risk cluster bombs and munitions in order to urgently establish a normative platform that unregulated use of cluster munitions is not acceptable in the global community today. This platform should facilitate the crafting of a more comprehensive legally-binding instrument in the near future.