

Ir-Rappreżentant Permanenti ta' Malta



The Permanent Representative of Malta

2nd March 2009

Mr. Stephen D. Goose
Executive Director, Arms Division, Human Rights Watch
Editor, ICBL Landmine Monitor
Co-Chair, Cluster Munition Coalition

Dear Sir,

I wish to acknowledge your letter of 30 January 2009 and to thank you for the interest you have shown in Malta's policy and its ratification efforts and implementation plans regarding the recently signed Convention on Cluster Munitions. Permit me, on behalf of the Government of Malta, to provide you with some comments on the subject, which I hope you will find useful.

As you rightly point out in your letter, Malta was one of the 94 countries which, in December of last year, signed the Dublin Convention on Cluster Munitions. Malta's strong support for a ban on cluster munitions is a natural extension of its traditional position on security and disarmament matters as well as on humanitarian issues. Our consistent and active participation in the Oslo process, starting with the Oslo meeting in February 2007, and concluding with the Dublin Diplomatic Conference in May 2008, together with our eventual signature of the Convention itself, in December 2008, bear testament that Malta strongly shares the objective of prohibiting the use, production, transfer and stockpiling of cluster munitions that cause unacceptable harm to civilians

Malta recognizes the need for the Convention on Cluster Munitions to come into force as early as possible, in order to provide a legally binding framework for the protection of civilians both during and after armed conflict, and for action to be undertaken in the rehabilitation of victims, clearance of contaminated areas and the destruction of stockpiles.

In this spirit, I am pleased to inform that the Government of Malta is seriously considering to ratify the CCM, as soon as all the necessary procedures for its entry into force have been completed in accordance with our constitutional requirements.

Malta has never used or produced cluster munitions. Nor has it ever stockpiled or transferred these munitions. Our understanding of the commitments arising out of the

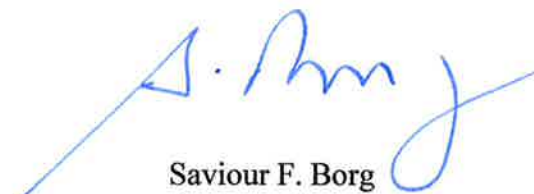
convention is that, as a party, we will not permit the transit of cluster munitions across, or foreign stockpile cluster munitions on, our national territory.

Malta takes all the necessary measures to ensure that its export controls conform with its obligations and responsibilities deriving from its international commitments and from its membership of the United Nations, the European Union, and the Organisation for Security and Co-operation in Europe. We will take all necessary steps to ensure that these measures also cover our commitments under the CCM.

I should also point out that as a Member State of the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-use Goods and Technologies as well as the Australia Group, any transfer or transshipment of arms and weapons in Malta, falling within the Common Military List of the EU, has to follow an internal regime without exception that involves an application procedure, the issuing of an end user certificate, as well as a thorough inspection by local authorities. Export of items not included in this list also requires a licence if the items intended to be exported may affect public security or human rights.

Finally I would like to inform that, recognising the fact that a number of major producers and users of cluster munitions have not signed the Dublin Convention, Malta is also actively engaged in the ongoing efforts to conclude a new protocol in the framework of the CCW that would allow countries, which do not consider themselves in a position for the moment to ratify the CCM, but which nonetheless share its humanitarian concerns, to take a step in the same direction. We do so on the clear understanding that any new CCW protocol would be complementary with the CCM, and would significantly contribute to addressing the humanitarian impact of cluster munitions. At the same time, while pursuing this initiative in the CCW, Malta will remain committed to the goal of attracting the adherence of all States to the Dublin Convention.

I hope that you will find these comments useful for your forthcoming publication.



Saviour F. Borg
Ambassador
Permanent Representative