



**Cluster Munition Coalition**

**Statement on Article 5 to the CCW Fourth Review Conference**

**Geneva, Switzerland**

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Article 5 provides an exemption for cluster munitions in Annex B. And Annex B includes a list of so-called safeguards that make a cluster munition compliant and therefore allowed for use indefinitely. These safeguards are self-destruction mechanisms, self-neutralization mechanisms, self-deactivating features, and finally “two or more initiating mechanisms, at least one of which functions as a self-destruct mechanism.”

The technical characteristics of these safeguards are not clearly defined in the draft protocol and will be understood and implemented in a wide variety of ways by different parties.

Even when great care and the right intentions are put into the design and production of such safeguards, they are not a solution to the problems that cluster munitions cause.

During the Oslo Process we thoroughly documented and reported on the fact that large numbers of submunitions with such safeguards have failed in previous conflicts, and we explained why. In the Oslo Process we experienced that virtually all delegations of the participating states little by little took that information on board and accepted it. During the negotiations in Dublin they therefore dismissed such safeguards as a solution to the problems that cluster munitions cause.

My organization Norwegian People's Aid has in the past been particularly focused on the shortcomings of self-destruct mechanisms. But I now want to draw your attention to the last of the four safeguards listed in Annex B that make a cluster munition allowed, the presence of “Two or more initiating mechanisms, at least one of which functions as a self-destruct mechanism”.

The notorious submunition BLU97 will be allowed for use indefinitely – forever – under this provision. That means ALL BLU97s in global stockpiles, since all of them were produced from 1985 and onwards.

Many of you heard Colin King talking about the BLU97 during the side event today. I work in an organization that clears mines, duds from cluster munitions and other unexploded ordnance. Ordnance disposal technicians are pretty comfortable handling most of the ordnance they encounter. But the BLU97 scares them. It scares Colin King too.

BLU97 is widely considered to be the most dangerous submunition. It has caused repeated casualties among clearance teams, including five members of a US Army clearance unit during the first Gulf War

who were killed in a single event. Our colleague Branislav Kapetanovic who is here this week survived his encounter with a BLU97, but lost both legs and both arms.

The BLU97 has two fuzes. The secondary fuze is the 'all-ways acting' fuze. It was designed to ensure the submunition's reliable function, but as we know the BLU97 still fails in huge numbers. And instead the all-ways acting fuze has a disturbing tendency to function as an anti-disturbance device. And this is the reason why BLU97 is one of the munitions most dreaded by disposal teams.

The Oslo Process soon established that this submunition exemplified the entire concept of 'unacceptable harm'. And yet here we are again. The fact that we are even discussing a protocol that explicitly legalizes this submunition is to me horrific. It flies in the face of deminers all over the world. And this is taking place in a forum determined to urgently address the humanitarian impact caused by cluster munitions.

The BLU97 alone should be enough to convince you all that this protocol is fundamentally flawed.