

CCW news



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EDITORIAL

This Is The End

The end is near for CCW negotiations on cluster munitions. Discussions this week on the first and second revisions of the draft text clearly demonstrated that there is no consensus, not by a long shot. This was especially driven home by the joint statement on Wednesday that has now been endorsed by more than 40 countries-nearly half of the States Parties participating in the negotiations. The third revised text issued on Wednesday is only minimally altered, and will not change anyone's perception of the protocol. It is very difficult to see how the vast differences and fundamental disagreements can be resolved-not in the next few days, not ever.

But strange things can happen in the final days of negotiations. Proposals heretofore believed to be unthinkable could be put on the table. The CMC calls on states, especially those who have already embraced the Convention on Cluster Munitions, not to give in to the siren song of: we have worked so hard for so long, we must have a new protocol to show for it. A new protocol that does more harm than good is not a desirable outcome. Barring a major, last minute overhaul, the draft protocol will fail to have a significant humanitarian impact; to the contrary, it will likely cause great harm both to civilians and to international humanitarian law. The CMC has in the past suggested other ways to have a positive outcome from the years of CCW discussions on cluster munitions, rather than an unnecessary and counter-productive new international law. States may be thinking now of a Plan B, and may be looking to cut various deals in the final hours. We trust that there will not be a face-saving deal that sells out the victims. States Parties to the CCW have given it their best effort, but it has fallen far short. It is time for work on cluster munitions in the CCW to end. In any event, the Convention on Cluster Munitions will continue to build a powerful norm against the weapon that will affect all of the world's nations.



Men discuss unexploded MAT120 submunitions on Tripoli Street in Misrata. They were discussing whether they were dangerous or not. Evidence of widespread use of submunitions is evident in most of the conflict-affected areas of the city. ©Sean Sutton/MAG

Going Nowhere Slowly

The reaction on Monday and Tuesday to the new text of a possible CCW Protocol VI on cluster munitions distributed by French Chair Amb. Danon on Friday revealed virtually no substantial shifts in countries' positions and little possibility for a text with meaningful changes. Countries remain polarized over the direction in which the text should move.

developments in the text, but said it believed more needed to be done to strengthen the humanitarian impact on the ground.

On the other hand, the **US, China, India, Argentina, Belarus, Estonia and the Republic of Korea** reacted favorably to the text, calling it a substantial improvement and proclaiming consensus was near. They were frustratingly joined by pro-protocol CCM states (now often called "facilitator states") **Germany, Sweden, Italy, Switzerland, Croatia, Portugal, and the Netherlands**, which said they viewed it as a step in the right direction, even if more needed to be done.

At the same time, **Pakistan, Russia, India, Israel, and Ukraine** saw the new text as moving in the wrong direction from their perspective, with concessions "a one-way street" (as India put it) in favor of Oslo states.

A highlight of the day was an intervention from the **CMC, by UK Member of the House of Lords, Lord Elton**. He noted that, "'Endeavour' is a fine word, but to those states that have signed the Oslo Convention I would say: beware of any fine words added to this draft protocol. They are like paint on the side of a ship. They may hide the rust, but they don't affect how she sails."

"Going..." continued on back page



CMC spokesperson Branislav Kapetanovic hands over an Avaaz petition with close to 600,000 signatures to Ambassador Danon, chair of the CCW negotiations.

As drafted, the text is still far below the threshold of acceptability for most States Parties and signatories to the Convention on Cluster Munitions (now frequently called "the Oslo states"), but is well above the threshold of the major military users and producers. Discussions also

revealed a lack of consensus among these states on what is an acceptable baseline.

A significant number of Oslo states held that the new version of the text failed to contain meaningful changes and reiterated that their fundamental problems with the draft remained in its failure to address significant humanitarian concerns, its continued attempt to provide specific legal authorization for use of cluster munitions known to cause humanitarian harm, and its serious step backwards for IHL. Delegations including **Austria, Mexico, Switzerland, Honduras, Colombia, South Africa, Chile, Lao PDR, Ecuador, Norway, Costa Rica, Niger, the ICRC, and the CMC** clearly stated that the present text was far from acceptable and did not represent progress towards consensus.

Canada said there was still a long way to go and expressed significant concerns over compatibility with the Convention on Cluster Munitions. Ireland reacted more positively to

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We welcome comments or feedback, including letters to the editor or commentaries, from all delegates to the CCW Review Conference. These can be provided to us at the CMC seat, or by email to ccwnews@icblcmc.org

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