

The Cluster Munition Coalition is led by a Governance Board of:

Afghan Landmine Survivors Organisation, Action On Armed Violence, Asociación para Políticas Públicas-APP, Cambodia Campaign to Ban Landmines, Campaña Colombiana Contra Minas, DanChurchAid, Handicap International, Human Rights Watch, ICBL Georgian Committee, IKV Pax Christi, IPPNW, Japan Campaign to Ban landmines, Mines Action Canada, Nepal Campaign to Ban Landmines, Norwegian People's Aid, Protection and Religions for Peace.



+++++++ PRESS RELEASE+++++++

Humanitarian concerns ignored as talks continue on cluster munitions Revisions to draft new law are minimal and marginal

(Geneva, 21 November 2011): As negotiations on a new law that would expressly allow some countries to continue to use cluster munitions enter the crucial final week, the voice of concerned governments, campaigners, and more than half a million global citizens continues to be ignored.

The draft law, a proposed protocol to the Convention on Conventional Weapons (CCW), is being pushed as an alternative to the 2008 Convention on Cluster Munitions, which comprehensively bans all use, production, trade, and stockpiling of all cluster munitions. The United States is the main proponent of the draft law, and has support from others that have not yet joined the ban convention, such as China, India, Israel, and Russia.

After a week of talks which clearly demonstrated a lack of consensus and strong opposition to the current proposal, the Chairman of the negotiations, French Ambassador Eric Danon, presented a new draft protocol text at the end of the day on Friday.

“After a week of formal negotiations, nothing in the draft text has really changed for the better,” said Steve Goose, chair of the Cluster Munition Coalition (CMC). “The revisions have been minimal in number and marginal in substance. As drafted, the protocol will do more humanitarian harm than good, and will fail to address the dangers to civilians posed by cluster munitions,” said Goose. “Any international law that promotes the use of millions of cluster munitions with hundreds of millions of submunitions, like this one does, is a bad law.”

The United States told delegates on Friday that it was going to make a major concession to move the negotiations forward, but then only offered to move one provision—allowing the use of cluster munitions with a claimed failure rate of 1% or less—from one part of the protocol to another. The CMC immediately told delegates that this was “no big deal, no real concession, and devoid of any substantial humanitarian impact,” because those cluster munitions could still be used forever without any restrictions.

“The negotiations began at a standstill, are still deadlocked, and should stay that way. The protocol is bad news for civilians that will suffer from future use, and bad news for international humanitarian law,” said Marion Libertucci of CMC member Handicap International, based in France. The CMC and International Committee of the Red Cross have said the protocol would be a terrible precedent in international humanitarian law, with states for the first time adopting a treaty with lower standards than one already agreed to by a majority of nations.

Some of the changes give a rhetorical nod to the ban convention as a goal to be strived for, but the CMC finds that none will help to reduce urgently the unacceptable humanitarian harm cluster munitions cause. The revised protocol still allows indefinite use of cluster munitions with one so-called safeguard, such as a self-destruct device, even though such cluster munitions have been demonstrated time and again to cause large numbers of civilian casualties. It still contains a 12-year deferral period where armed

forces can use cluster munitions without any safeguard, even though States Parties have agreed these are so dangerous to civilians they must be ultimately be banned. The revised protocol still does not address in any way one of the gravest dangers of cluster munitions: their indiscriminate, wide-area effect at the time of use.

The negotiations Chairman, Amb. Danon, has indicated that he intends to prepare another revised draft text by the end of the day on Tuesday. States would then have Wednesday, and possibly Thursday, to try to reach final agreement, before the conference concludes on Friday.

“It does not appear possible to us that negotiators will be able to bridge the vast divides that still exist,” said Roos Boer, Policy Adviser for CMC member IKV Pax Christi in the Netherlands. “Minor tweaks and band-aid fixes such as we saw in the latest revised protocol will not do the trick. Only a major overhaul could turn this into a law that could have humanitarian benefit,” she added.

Seventy-four of 114 countries that are States Parties of the Convention on Conventional Weapons have already banned cluster munitions through the Convention on Cluster Munitions. A total of 111 countries have signed or ratified the ban convention. The CMC is urging these states not to back off the ban, and to oppose the adoption of this protocol because, as currently drafted, it would still do more harm than good.

The CMC has been disturbed by the degree to which a number of the ban convention countries have been trying to facilitate the adoption of this weak, counter-productive protocol, including Australia, France, Germany, Italy, Japan, the Netherlands, Portugal, Sweden, and Switzerland. The United Kingdom appears to be active behind the scenes, and Ireland has sent mixed signals.

On Monday morning, as the revised draft was being discussed, cluster bomb survivor and CMC spokesperson Branislav Kapetanovic handed a petition of 581,237 signatures to Amb. Danon, showing that the world is watching as these talks continue. The petition, launched by Avaaz and the CMC, has been signed by citizens in almost every country. It calls on governments to align any new agreement with the existing ban under the Convention on Cluster Munitions, ensuring this indiscriminate weapon continues to be comprehensively banned, and innocent lives protected.

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The Cluster Munition Coalition

<http://www.stopclustermunitions.org>

Notes to editors:

For more details on how the revised draft CCW protocol on cluster munitions is different from the protocol being discussed last week, see **CMC Statement on the Chair's Revised Draft Protocol and CMC Analysis of Draft Protocol VI on Cluster Munitions** - available on request

Handover of global petition to Chair of talks Ambassador Eric Danon:

WHEN: 12.30pm, Monday 21 November 2011; WHERE: outside Salle XVIII, building E, United Nations, Geneva;
WHO: Branislav Kapetanovic, cluster munition survivor, on behalf of over half a million citizens worldwide. The Blu 97 which injured Branislav would not be banned under the proposed new law currently under debate.

For more information, see:

- Avaaz petition: http://www.avaaz.org/en/cluster_bombs_ii_b/?fp1a
- Cluster Munition Coalition webpage on CCW: <http://www.stopclustermunitions.org/ccw>
- Official website 4th Review Conference on the Convention on Conventional Weapons: <http://www.unog.ch/80256EE600585943/%28httpPages%29/43FD798E7707CE5AC12578B20032B630?Op=enDocument>
- CMC on Facebook: www.facebook.com/banclusterbombs
- CMC on Twitter: www.twitter.com/@banclusterbombs
- CMC on Storify: <http://storify.com/banclusterbombs/convention-on-conventional-weapons-review-conference>

Details of the CMC's specific concerns on the weaknesses and provisions allowed under the original protocol, all of which still stand, can be read here: <http://www.stopclustermunitions.org/wp/wp-content/uploads/2011/10/cmc-summary-on-ccw.pdf>

About cluster bombs

A cluster munition (or cluster bomb) is a weapon containing multiple - often hundreds - of small explosive submunitions or bomblets. Cluster munitions are dropped from the air or fired from the ground and designed to break open in mid-air, releasing the submunitions over an area that can be the size of several football fields. This means they cannot discriminate between civilians and soldiers. Many of the submunitions fail to explode on impact and remain a threat to lives and livelihoods for decades after a conflict.

About the Convention on Cluster Munitions:

The Convention on Cluster Munitions bans the use, production, stockpiling and transfer of cluster munitions and requires countries to clear affected areas within 10 years and destroy stockpiles of the weapon within eight. The Convention includes groundbreaking provisions requiring assistance to victims and affected communities. Signed in Oslo in December 2008, the Convention entered into force as binding international law on 1 August 2010 and is the most significant international disarmament treaty since the 1997 Mine Ban Treaty banning antipersonnel landmines.

About the Cluster Munition Coalition (CMC):

The CMC is an international coalition with more than 350 non-governmental organisations (NGOs) working in around 100 countries to encourage urgent action against cluster bombs. The CMC facilitates NGO efforts worldwide to educate governments, the public and the media about the problems of cluster munitions and to urge universalisation and full implementation of the 2008 Convention on Cluster Munitions.

111 countries have joined the Convention on Cluster Munitions (full States Parties - bold):

Afghanistan, Albania, Angola, Antigua and Barbuda, Australia, Austria, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Bulgaria, Burkina Faso, Burundi, Canada, Cape Verde, Central African Republic, Cameroon, Chad, Chile, Colombia, Comoros, DR Congo, Republic of Congo, Cook Islands, Costa Rica, Côte D'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, Ecuador, El Salvador, Fiji, France, Gambia, Germany, Ghana, Grenada, Guatemala, Guinea, Guinea Bissau, Haiti, The Holy See, Honduras, Hungary, Iceland, Indonesia, Iraq, Ireland, Italy, Jamaica, Japan, Kenya, Lao PDR, Lebanon, Lesotho, Liberia, Liechtenstein, Lithuania, Luxembourg, Macedonia FYR, Madagascar, Malawi, Mali, Malta, Mauritania, Mexico, Republic of Moldova, Monaco, Montenegro, Mozambique, Namibia, Nauru, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Palau, Panama, Paraguay, Peru, Philippines, Portugal, Rwanda, Samoa, San Marino, Sao Tomé and Príncipe, St. Vincent and Grenadines, Senegal, Seychelles, Sierra Leone, Slovenia, Somalia, South Africa, Spain, Swaziland, Sweden, Switzerland, Tanzania, Togo, Trinidad and Tobago, Tunisia, Uganda, United Kingdom, Uruguay, and Zambia. See www.stopclustermunitions.org/treatystatus for details.