



Cluster Munition Coalition

Statement on the Chair's Second Revised Draft Protocol on Cluster Munitions (22/11/2011)

Convention on Conventional Weapons Fourth Review Conference

Geneva, Switzerland

23 November 2011

Mr. Chairman,

As it did for your first revised draft text, the CMC has again prepared a detailed paper that identifies the changes in your new draft and provides an analysis of the new text. The paper is available at the back of the room and on the CMC website.

We see the new text as a regression. It is worse than the previous text from a humanitarian perspective, and you recall we criticized the previous text severely. There are no significant changes in terms of the immediate humanitarian impact, or in our view, the long-term impact.

We would like to highlight a few of the specific changes that are of concern. Our list of concerns is similar to that of many states that have already spoken today, including Norway, Mexico, South Africa, Switzerland, Laos, Canada, Austria, and Ireland, as well as the ICRC.

We are concerned that the preamble has gotten weaker, rather than stronger, in laying out the purpose of the protocol.

We are concerned that the provision on scope still does not apply “in all circumstances.”

We are concerned about the deletion of “prevention” in Article 1. Do States Parties no longer want to prevent human suffering caused by cluster munitions?

We are concerned about the failure to fix properly the language in Article 5.4, which still promotes use of cluster munitions during the deferral period.

We are concerned about the addition to the “endeavor clause” of the phrase “and applicable” agreements. It would seem to weaken further an already weak clause, and there has been no explanation of the meaning, intent, or impact of this addition.

But the key point, Mr. Chairman, is that all of the fundamental flaws of this protocol are still there. None have been addressed. We believe that this protocol would still likely lead to increased use of cluster munitions, and therefore increased civilian casualties and socioeconomic harm.

The protocol promotes use of cluster munitions by providing specific legal authorization for ongoing use of the weapon—use of the vast majority of cluster munitions currently in the stocks of those who have yet to ban the weapon, use of millions and millions of cluster munitions containing many hundreds of millions of submunitions, nearly all of which have already been proven to cause unacceptable harm to civilians.

This draft protocol should still be seen as unacceptable from a humanitarian perspective.

Thank you.