

Group of Governmental Experts of the High Contracting Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects

23 April 2010

Original: English

2010, First Session
Geneva, 12-16 April 2010
Item 6 of the agenda
Cluster munitions

Report of the Friend of the Chair on the issue of anti-ship and anti-runway munitions

1. The Friend of the Chair was asked by the Chair of the Group of Governmental Experts (GGE), Mr. Jesus Domingo, to consult with delegations on the issue of anti-ship and anti-runway munitions in the draft protocol.
2. The Friend of the Chair met bilaterally with a number of interested delegations on the issue. A range of views were expressed about the existing provisions in the draft text. These included firmly held positions that the draft protocol should not exclude from its scope anti-ship and anti-runway munitions. Other delegations did not have enough information about the munitions, in particular anti-ship munitions, in order to make a full assessment of the appropriateness of their exclusion.
3. One delegation was of the view that the provisions were problematic because their operation was dependent on the actual use of the munitions, which would create ambiguity for a range of obligations on such munitions that would otherwise apply to them in the protocol. Another delegation preferred to remove references to weight limitations in the anti-runway provision.
4. Other delegations were of the view that the provisions on anti-ship and anti-runway munitions were essential, and draft text should continue to contain the provisions as drafted.
5. The Friend of the Chair explored informally with delegations an alternative means of structuring the provisions in the draft protocol. This would involve removing the provisions from article 1 (which excludes the munitions from the scope of the protocol) and inserting them instead in paragraph 2 of article 4 as exceptions to the general prohibitions. This would then result in the Protocol applying to those munitions, but they would be largely excluded from the application of articles 4, 5 and 6. No formal positions were expressed on this alternative.
6. These issues are likely to be progressed in parallel with other aspects of the protocol and should be considered alongside other provisions as the discussions continue.
7. The Friend of the Chair and the Chair encouraged interested delegations to provide greater detail on the munitions, particularly anti-ship munitions that they propose to be excluded from the protocol.

8. The Friend of the Chair also participated in small groups that met on articles 5 and 6. They were useful as a means of sharing positions, views and perspectives on these provisions. They assisted in finding areas where there was common ground and those with remaining divergences. Some helpful drafting suggestions were made during the groups' discussions. These groups presented their reports separately to the plenary.
