
Fourth Review Conference 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

18 April 2012
English
Original: French

Geneva, 14–25 November 2011

Summary record of the 3rd meeting

Held at the Palais des Nations, Geneva, on Tuesday, 15 November 2011, at 10 a.m.

President: Mr. Ganev(Bulgaria)

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The meeting was called to order at 10.15 a.m.

General exchange of views (*continued*)

1. **Mr. Almazrouei** (United Arab Emirates) said that, while he welcomed the Secretary-General's ongoing efforts to achieve the primary objective of ensuring the universality of 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 and its annexed Protocols, efforts needed to be redoubled at regional level. The United Arab Emirates was working with its international partners to strengthen and promote the implementation of those instruments, to ensure international adherence to the principles that they enshrined, and to cooperate and exchange experiences with other States parties. The country also placed great importance on humanitarian aid and participated in a number of projects worldwide which aimed to alleviate the suffering of people exposed to unexploded ordnance and to eliminate explosive remnants of war, notably in Lebanon and Afghanistan.

2. Having followed with great interest the work of the Group of Governmental Experts on the negotiation of a protocol on cluster munitions (draft protocol VI), the United Arab Emirates had noted the presence of genuine political will to bring that effort to a successful conclusion, which raised hopes that the process would result in a balanced text. The country would continue to work with all United Nations mechanisms and institutions active in the political, security, social and economic spheres to achieve disarmament and peace and to mitigate the impact of wars and conflicts.

3. **Mr. Hoffman** (Germany) said that the Convention and its annexed Protocols provided an up-to-date and flexible means of dealing with advances in weapons technologies and of upholding and promoting the noble humanitarian causes enshrined in the preamble to the Convention, while also defining the scope of legitimate military necessities as recognized in international humanitarian law. Germany was strongly committed to the Convention and planned to make detailed proposals at the Fourth Review Conference concerning, in particular, the need to have a group of experts reconsider the matter of mines other than anti-personnel mines and to devote a day to a meeting of experts on the risk posed by the possible misuse of white phosphorous as a weapon.

4. Germany supported efforts to promote the universality of the Convention and its annexed Protocols and, in that regard, considered the documents for discussion and reflection prepared by the Implementation Support Unit and the report of the Sponsorship Programme (CCW/CONF.IV/7) to be useful. His Government was grateful for the non-paper submitted by Canada at the August 2011 meeting of the Group of Governmental Experts (CCW/GGE/2011-III/WP.4) with a view to ensuring that the valuable time and resources devoted to the formal and informal meetings held within the framework of the Convention would be used as effectively as possible.

5. Although Germany welcomed the fact that provisions which would have established a deferral period for transfers of prohibited weapons had been deleted from the draft protocol on cluster munitions submitted by the Chairperson of the Group of Governmental Experts (CCW/GGE/2011-III/1), the text nevertheless did not yet meet the country's expectations for a total ban on transfers, and Germany would like to see certain elements contained in the alternative draft submitted by Austria, Mexico and Norway (CCW/GGE/2011-III/WP.1/Rev.1) reflected in the final text. Along with its European Union partners, Germany stood ready to seek a compromise on a comprehensive protocol for the prohibition and restriction of cluster munitions within the framework of the Convention that would include stricter provisions on clearance and victim assistance. It was of the utmost importance that, in its wording and its spirit, the protocol should be compatible with the Convention on Cluster Munitions and should serve as an intermediary

step towards comprehensive prohibitions on cluster munitions and their future use. Such a commitment should be made explicit in an endeavour clause that set out a roadmap for the achievement of comprehensive prohibitions in line with the Convention on Cluster Munitions. He urged the delegations to look very closely at what the International Committee of the Red Cross (ICRC) had to say about the issues before them and particularly about the fundamental humanitarian problem posed by cluster munitions, given their indiscriminate effects.

6. **Mr. Corr** (Ireland) said that he welcomed the work accomplished by the Implementation Support Unit and the proposal to centre the work on the development, implementation and universalization of the Convention and its annexed Protocols. He looked forward to discussions on the very useful non-paper submitted by Canada on future working methods (CCW/GGE/2011-III/WP.4). The issue of mines other than anti-personnel mines was not adequately addressed in Amended Protocol II, and a separate instrument was required to regulate their use.

7. One of the most noteworthy aspects of the work carried out under the Convention over the previous five years had been the implementation of Protocol V, which had included the establishment of systems to minimize the risk of the creation of explosive remnants of war and to ensure their rapid clearance, as well as to provide assistance to victims. A comprehensive system of national reporting had been developed; thematic coordinators had been appointed; and annual meetings of experts had been organized. Ireland had contributed to that effort in various ways, notably by providing a coordinator for cooperation and assistance and by sharing information on actions taken by the Irish Defence Forces to implement Protocol V.

8. Ireland considered that the draft version of protocol VI (CCW/GGE/2011-III/1) constituted an acceptable basis on which to pursue negotiations. Nevertheless, despite the endeavour clause and the provisions on the clearance of the remnants of cluster munitions, Ireland did have some reservations, particularly on the inclusion of a lengthy deferral period for compliance with the ban on cluster munitions and on the restriction of the absolute and immediate prohibition of such munitions to those produced before 1980. Furthermore, any protocol adopted within the framework of the Convention on Certain Conventional Weapons must be compatible with and complementary to the Convention on Cluster Munitions. Ireland would adhere to a new instrument only if it brought added value and made a difference on the ground in terms of reducing civilian casualties in future armed conflicts. Lastly, the negotiations should be concluded by the end of the Fourth Review Conference.

9. **Mr. Al-Ali** (Qatar) said that he deplored that fact that military spending on a global scale was growing to astronomical levels and that, in many cases, sharp increases were being seen in countries where the majority of the population lived below the poverty line. The situation was all the more serious since the civilian populations suffered more than the military, both during and after conflicts, from the use of weapons that were excessively injurious or had indiscriminate effects, which was precisely what the Convention on Conventional Weapons and its annexed Protocols were designed to combat. Qatar preferred to focus on the progress and development of the country, and it acquired and stocked only those conventional weapons that it needed to ensure its regional and international security and sovereignty; it therefore was not faced with the problem of explosive remnants of war. Nonetheless, in order to contribute to the international community's efforts to stamp out the use of conventional arms that had devastating effects, Qatar had become a party to the Convention on Conventional Weapons and Protocols I, III, IV and V. On a national level, it had adopted Act No. 40 of 2009, which regulated the import and export of weapons, ammunition and explosives. A national committee on disarmament and the prohibition of weapons, created pursuant to Decision No. 26 of 2004 of the Cabinet of Ministers, was

working to raise awareness among the population of the devastating effects of weapons of mass destruction and of certain conventional weapons, to train young people and customs officials and, lastly, to explore the relationship between disarmament, national security and development. In addition, that committee had worked with the Qatar Red Crescent Society to prepare some of the national reports that Qatar had submitted.

10. It was gratifying to see that, with 14 new accessions since the Third Review Conference, good progress was being made towards the universalization of the Convention and its annexed Protocols. He hoped that the work of the Fourth Review Conference would allow further progress to be made in the implementation of the Plan of Action to Promote Universality of the Convention adopted at the Third Review Conference. Qatar, for its part, would do all it could to work towards that goal and to achieve the objectives of the Convention and its Protocols.

11. **Mr. Domingo** (Costa Rica) said that disarmament and non-proliferation were the pillars of his country's foreign policy, and Costa Rica was actively participating in the negotiation of legal instruments dealing with the production, use, stockpiling and transfer of weapons and their delivery systems. In the course of its participation in those talks, the Government was at all times mindful of the need to respect human life and the norms of international humanitarian law to which his country was committed. Costa Rica was party to the Convention, to the five annexed Protocols and to amended article 1 of the Convention. His Government supported efforts to achieve the universality of those valuable instruments and welcomed the progress made in that regard since the Third Review Conference, which had included the accession of several fellow countries from the Caribbean region.

12. There was no doubt that the deliberations at the Fourth Conference would focus on the consideration and possible adoption of protocol VI on cluster munitions. Costa Rica, for its part, viewed the development of international humanitarian law, disarmament and non-proliferation as evolving processes centred on strengthening victim protection in situations of armed conflict and reinforcing State security. However, the draft protocol prepared by the Chairperson of the Group of Governmental Experts for consideration at the Fourth Review Conference was not consensus-based and ran counter to, rather than consolidating, the precepts of international humanitarian law. Documents of that nature, whose weaknesses and implications had been amply discussed by the representatives who had spoken in the general exchange of views, would do nothing but a disservice to humanitarian law. This Government wished to take a constructive approach to the negotiations on protocol VI but could not accept a text that would not lead to any improvement in terms of either international humanitarian law or disarmament.

13. **Mr. Akram** (Pakistan) noted that Pakistan was party to the Convention and to its five annexed Protocols and fully complied with them. It had submitted all required reports and actively contributed to demining efforts in different parts of the world. The High Contracting Parties must focus on universalizing those instruments and enhancing their implementation. It might also be useful to consider ways of further fine-tuning the reporting mechanisms, without adding to the reporting burden on the States parties.

14. The participants in the Fourth Review Conference would be asked to focus on a draft protocol on cluster munitions. While Pakistan had never used such weapons, it nevertheless recognized their military utility as legitimate means of defence, while also being cognizant of the serious humanitarian consequences of their indiscriminate use. His Government was of the opinion that the Convention, on Certain Conventional Weapons, which was founded upon the harmonization of humanitarian concerns and security requirements, offered an ideal platform for dealing with the problems posed by such weapons. Pakistan had actively participated in the negotiations on a draft protocol on cluster munitions, but his Government felt obliged to state that the latest version of the

draft, despite all the efforts of the Chairperson of the Group of Governmental Experts, did not sufficiently address the concerns expressed by Pakistan and many other countries during the negotiations. The text contained certain discriminatory elements which could provide some countries with possible commercial advantages. It also proposed arbitrary dates and unfair technical provisions which were advantageous to some States and detrimental to others and thus undermined one of the cardinal principles of disarmament negotiations as formulated in paragraph 29 of the final document issued by the General Assembly at its first special session devoted to disarmament. Pakistan nevertheless hoped that the work on the issue would produce an equitable and balanced instrument that would address the humanitarian impact of the irresponsible and indiscriminate use of cluster munitions.

15. Differing viewpoints on mines other than anti-personnel mines continued to divide the States parties to the Convention, whether with regard to scope, definition, transfer, cooperation and assistance, or technical details. Pakistan was of the opinion that anti-vehicle mines constituted legitimate defensive weapons and that the existing provisions of the Convention and of international humanitarian law were sufficient to address the problems posed by their irresponsible use.

16. A number of new initiatives had been launched in recent years concerning the restriction of conventional weapons. While respecting the choice made by certain States to negotiate ambitious international instruments in that field, Pakistan considered, as did a number of other countries, that the Convention on Conventional Weapons must remain the framework for any new instruments on the restriction of conventional weapons, and it would not be bound by treaties or arrangements developed outside that framework. Some of the treaties that prohibited other categories of conventional weapons had been negotiated after a fundamental change had taken place in the security situation in Europe following the end of the cold war, but other regions in the world had not seen such a transformation. At the Fourth Review Conference, it would doubtless be wise to refrain from exploring new avenues or amendments to existing instruments which were unlikely to achieve consensus and to instead focus on strengthening the implementation of existing instruments.

17. **Mr. MacBride** (Canada) said that his country had long supported the work carried out within the framework of the Convention and its annexed Protocols. The Convention on Conventional Weapons was unique in that it brought together a broad cross-section of States from various regions of the world; it was important because of its on-the-ground impact on both civilians and combatants; and it was potentially potent because it provided a framework within which the High Contracting Parties could continue negotiations towards new legally binding instruments under international humanitarian law. Potential potency was not, however, always synonymous with results: the adoption of Protocol V in 2003, almost eight years ago, was the last tangible result attained in that regard. Since then, the High Contracting Parties had spent a great deal of time discussing issues such as anti-personnel mines and cluster munitions, with no results to show for their efforts. In fact, the progress that had been achieved had unfolded outside of the framework of the Convention. In fact, the Convention on Cluster Munitions had been conceived, prepared, negotiated and adopted and had come into force well before the States parties to the Convention had considered the most recent draft protocol presented by the Chairperson of the Group of Governmental Experts. The argument that a lack of commonality of views to move forward on a text regarding a protocol to be annexed to the Convention therefore fell flat, especially if the new protocol was to complement the Convention on Cluster Munitions rather than copying it.

18. High Contracting Parties to the Convention certainly had a common objective, which was to address the humanitarian impact of cluster munitions, while taking into account the military and security situations of different States. It was thus fair to ask why

the latest version of the draft protocol prepared by the Chairperson of the Group of Governmental Experts did not fulfil that objective, which was nevertheless set out in the Group's mandate. There were doubtless many reasons, but the first was the lack of a common view about the appropriate balance between military and humanitarian considerations. It would not be possible to reach a compromise before such a balance was identified.

19. It was necessary to take time to reflect and devote serious attention to addressing that fundamental conceptual difference. While, for certain High Contracting Parties, the draft protocol submitted to the Review Conference offered the best means of reaching a compromise solution, for others, including Canada, the text fell short of what they had been seeking to accomplish. In particular, the text did not provide accepted, significant or immediate prohibitions, did not in any way address the wide-area effect of current or future cluster munitions, and did not address the problem of the inaccuracy and unreliability of such weapons. In fact, the text actually authorized States to continue to use weapons which were known to be harmful to civilians during and after their use. Many States considered that a consensus had not been reached on the text. It was therefore time to put the issue aside and to concentrate instead on ensuring the full implementation of the Convention and its annexed Protocols.

20. A non-paper drafted by his country (CCW/GGE/2011-III/WP.4) outlined several factors which the High Contracting Parties might wish to consider when planning their future meetings in order to determine the merit of any particular meeting and to avoid scheduling meetings needlessly. The Canadian delegation was prepared to discuss the document further with all those who were interested.

21. **Mr. Luque** (Ecuador) said that, as a State party to the Convention on Cluster Munitions, Ecuador aligned itself with the statement made by Costa Rica on behalf of a number of States regarding the concerns raised by the text presented by the Chairperson of the Group of Governmental Experts. If a protocol on cluster munitions based on that text were to be adopted, it would mark the first time that a new instrument of international humanitarian law offered a lower level of protection than an existing instrument, namely the Oslo Convention. Such a precedent in international humanitarian law was simply not acceptable. Agreements made in one international arena should not be called into question in another. The concerns expressed by some States parties about the economic implications of prohibitions or restrictions applying to their existing stockpiles of cluster munitions were outweighed by the harmful consequences for civilians of the use of those weapons. The delegation of Ecuador was committed to working with the High Contracting Parties to develop a protocol on cluster munitions that would protect human lives. The delegation of Ecuador was, however, of the view that the Convention on Cluster Munitions set the standard for the control of cluster munitions, and the planned protocol on cluster munitions was therefore no more than an interim measure.

22. In addition, the delegation of Ecuador considered that reporting procedures under the Convention on Certain Conventional Weapons and its annexed Protocols were still too costly and should be further streamlined. Ecuador had benefitted from the Sponsorship Programme, which should be extended and strengthened.

23. **Mr. Sangare** (Mali) said that only a prohibition to use, develop, produce, otherwise acquire, stockpile, retain or transfer such weapons, or to assist, encourage or induce anyone to engage in any one of those activities, as provided for in the Convention on Cluster Munitions, would put an end to human suffering and remove the obstacles to development which were the consequences of the use of cluster munitions. The Government of Mali, which had signed and ratified the Convention on Cluster Munitions, believed that the draft protocol under consideration was weak and that its adoption would be a step backward in the fight against cluster munitions.

24. **Mr. Valencia-Muñoz** (Colombia) said that Colombia had ratified amended article 1 of the Convention on Certain Conventional Weapons and its annexed Amended Protocol II. His country had submitted the reports required under article 13 of the Protocol. It had also actively participated in the meetings organized within the framework of those instruments. In addition, it reviewed the situation with regard to its ability to sign Protocol V on a regular basis. His Government was committed to reviewing the issues raised by the Chairperson, particularly the universalization of the Convention, fulfilment of the obligations assumed thereunder and an examination of the kinds of weapons not yet covered by the Convention and its Protocols. Colombia fully aligned itself with the statement made earlier by the delegation of Costa Rica on behalf of around a quarter of the States parties to the Convention concerning the conclusions of the Group of Governmental Experts and the draft protocol on cluster munitions, which had been personally submitted by the Chairperson of the Group. His Government's position on the issue was well known.

25. **Mr. Narteh-Messan** (Togo) said that his country fully subscribed to the statements made by Costa Rica and the United Nations High Commissioner for Human Rights. The Togolese Government had unswervingly supported all initiatives for disarmament and the advancement of international humanitarian law. Togo had actively contributed to the Oslo process and had signed the Convention on Cluster Munitions. He was deeply concerned about certain provisions of the current draft protocol on cluster munitions, which placed priority on economic, military and other interests rather than on protecting civilian populations. He would therefore like to invite the States parties to continue their efforts to reach a consensus on an instrument that gave greater consideration to civilians.

26. The Togolese delegation welcomed the Sponsorship Programme, which enabled developing States to participate more fully in work concerning the Convention on Certain Conventional Weapons and hoped that the Programme would be strengthened.

27. **Mr. Ravnkilde** (Denmark) said that the Fourth Review Conference should enhance the relevance of the Convention on Certain Conventional Weapons by placing priority on the issues of consolidation, implementation and universalization. Denmark had been among the first 30 States to ratify the Convention on Cluster Munitions. His country considered the instrument to be one of the major humanitarian achievements of the last decade, and the States parties should not allow such an achievement to be rolled back by the introduction of another instrument that established a lower standard. Denmark shared the concerns expressed by other States, the International Committee of the Red Cross and civil society about the present additional draft protocol on cluster munitions and was not in a position to support it. Denmark considered the Convention on Cluster Munitions to be the standard and the appropriate framework within which to address the humanitarian impact of those weapons. It would, however, be useful for the Fourth Review Conference to focus on intermediate measures for dealing with the large stockpiles in the world that were not covered by the Convention on Cluster Munitions. Those measures must be temporary and supplementary in nature, however. Long-term solutions should be found within the context of the Convention on Cluster Munitions. On the understanding that the standards of the Convention would in no way be jeopardized, Denmark looked forward to the negotiations to be undertaken at the Conference with a view to reaching a consensus within the framework of the Convention on Certain Conventional Weapons.

28. **Mr. Kellenberger** (International Committee of the Red Cross (ICRC)) said that the ICRC appreciated the fact that several of the major stockpilers of cluster munitions had recognized the serious humanitarian impacts of the use of those weapons and were prepared to take some steps forward in that field.

29. ICRC was convinced that the humanitarian problems posed by cluster munitions were comprehensively and effectively addressed through the Convention on Cluster Munitions. Nevertheless, it still supported work carried out within the framework of the

Convention on Certain Conventional Weapons in the belief that rules could be agreed upon for States which were not yet ready to accede to the Convention on Cluster Munitions and that those rules would constitute an urgent response that complemented, rather than contradicted, the Convention on Cluster Munitions.

30. ICRC fully recognized that the use of cluster munitions produced before 1980 would be prohibited under the draft protocol and that such an action should ultimately lead to the destruction of those types of weapons. The draft protocol would nevertheless allow for the continued use of all cluster munitions produced after 1980 for up to 12 years after the protocol entered into force and would authorize the use of those with a single safety feature indefinitely, even though it was known that that type of weapon often failed. Lastly, it was likely that the draft protocol would result in long-term investments in the development and production of cluster munitions with only one safety mechanism, despite serious concerns about the reliability and accuracy of such weapons.

31. ICRC considered that insufficient time had been devoted to assessing the implementation of existing protocols over the past 10 years, as most attention had focused on the negotiation of new instruments. Several aspects of the Convention could, however, be the focus of a substantive review. Those aspects included mechanisms for the implementation of the Convention at a national level. Another issue was the extent to which States had established mechanisms to review the legality of new weapons that they developed or acquired. Such mechanisms were necessary for the implementation of general regulations of international humanitarian law and were required under article 36 of the Protocol Additional to the Geneva Conventions which was known as Protocol I. The level of protection afforded to civilians from weapons with significant incendiary effects was yet another such issue. Past use of such weapons in densely populated areas highlighted the dangers for civilians and the need to further examine the matter. Lastly, it was important to stress the need to fully implement the recording requirements of the Protocol on Explosive Remnants of War (Protocol V). Those provisions were in fact essential to the successful implementation of the Protocol. It was, however, not certain that all States parties were in a position to assume their responsibilities in the field. ICRC therefore urged the delegations to undertake a full review of all aspects of the Convention.

32. **Mr. Husy** (Geneva International Centre for Humanitarian Demining (GICHD)) said that GICHD supported policies and action to rid the world of mines, as it believed that everyone should be able to live in a safe environment that was conducive to development. Demining action was a concrete and important contribution to the reduction of armed violence and to peacebuilding.

33. The mission of GICHD was to serve as a centre of excellence on mine action and to assist the States parties in implementing the Anti-Personnel Mine Ban Convention, the Convention on Cluster Munitions and other relevant instruments of international law. It supported work carried out within the framework of the Convention on Conventional Weapons by providing expert advice, making presentations on specific topics at the meetings of experts organized under Protocol V and Amended Protocol II, and by publishing documents such as the *Guide to Mine Action and Explosive Remnants of War*. In addition, the Centre administered the Sponsorship Programme pursuant to a decision taken at the Third Review Conference.

34. Over the coming years, the work of GICHD would be structured around two main issues. On the one hand, in accordance with a decision taken at the Fifth Conference of the High Contracting Parties to Protocol V, it would aim to further explore, building on previous discussions of priority-setting and quality management, appropriate practical methods to enhance the efficiency and effectiveness of programmes for the clearance of explosive remnants of war. To be efficient, demining needed to be based on reliable data, hence the significance of sound information management. On the other hand, particular

attention would be paid to the question of ammunition stockpile management and destruction. Ageing, unstable and excess conventional weapons and munitions posed two threats — illicit proliferation and accidental explosion — likely to result in humanitarian disasters and to destabilize an entire country or region. GICHD would therefore work to develop a coordinated approach for securing and destroying surplus munitions and stockpiles of ammunition that was prohibited by international conventions by building local capacity and sharing best practices and lessons learned.

35. **Mr. Goose** (Cluster Munitions Coalition) said that his organization was of the opinion that it was not feasible to adopt the draft protocol under consideration, the result of over 10 years' negotiations held within the framework of the Convention, because its adoption would cause more humanitarian harm than good. The draft version, if adopted, would lead to an increase in the use of cluster munitions known to cause unacceptable harm to civilians and would be likely to lead to increased civilian casualties and socio-economic devastation.

36. Not only were most of the figures presented by advocates of the draft protocol random and unfounded, but the proposed protocol would also explicitly enable States parties to continue to use most of the current world stockpiles of cluster munitions. The protocol's objective was to prohibit cluster munitions produced before 1980, which in any case were reaching the end of their shelf life. That was tantamount to authorizing all the barely more reliable cluster munitions that were less than 30 years old, and those were the munitions that constituted the bulk of the stockpiles in countries such as the Russian Federation, China, India, Pakistan, Israel and the Republic of Korea. Such a prohibition would therefore have no impact in the field in terms of protecting civilians.

37. Contrary to some of the arguments put forward, the protocol was not the only means of establishing binding rules (apart from the fact that the rules that it did contain were insufficient and overly complex) for the main users, producers, and stockpilers of cluster munitions. The fact that some of them, notably Germany, France, the Netherlands and the United Kingdom, had already become parties to the Convention on Cluster Munitions demonstrated that reality. The protocol would also be much less demanding than the current national policy of the United States of America. Technical and humanitarian arguments in favour of exemptions for cluster munitions with a failure rate of less than 1 per cent and exceptions for those with a safety device had been dismissed at negotiations which had led to the adoption of the Oslo Convention, which had been signed by two thirds of the States parties to the Convention on Certain Conventional Weapons.

38. Beyond military and strategic political contingencies, the transition period provided for, which could last up to 12 years following the entry into force of the protocol, was unacceptable given the urgency of the humanitarian situation. The adoption of the draft protocol on cluster munitions in its current form would only perpetuate the humanitarian problem posed by cluster munitions — whereas the Convention on Cluster Munitions provided for a total ban — and would create a dangerous precedent of backtracking in international humanitarian law.

39. Currently, negotiations were deadlocked. There was nothing remotely resembling a consensus on the draft protocol, and vast differences remained. The Coalition would like to draw the delegations' attention to the fact that the world was watching how the work of the Fourth Review Conference proceeded. The petition launched by the AVAAZ online advocacy community some days earlier, which called upon States not to adopt the protocol, had already garnered over one-half million signatures. It was therefore time for the Conference to return to reality: cluster munitions were already prohibited. The Coalition implored it not to take a step backward.

40. **Ms. Badach** (Ban Advocates) said that Governments were currently gathered together to decide what was permissible or not with regard to cluster munitions. How could the use of a weapon that did not differentiate between civilians and military targets and that left so many unexploded remnants for decades after a conflict possibly be permitted? Was it permissible for Raed's son, Ahmad, to have died in his father's arms on his fifth birthday just because he had been playing with a bright, shiny object that turned out to be a cluster munitions remnant in South Lebanon? Or was it permissible that Thoumy had lost his arm to a cluster munition as a child while collecting bamboo for his family in a village in Laos? Raed, Thoumy and herself were part of a group of people who had suffered loss because of cluster munitions and who had a voice as part of the global team known as Ban Advocates, which was supported by Handicap International.

41. Her own son, Travis, had been a member of the United States Marine Corps and had been killed during a demining mission by an M-26 artillery rocket. That weapon was prohibited by the Convention on Certain Conventional Weapons, which was the gold standard in international humanitarian law, as indicated by the statements made by participants at the Fourth Review Conference. It was therefore difficult to accept the contradictory position of certain countries, such as Germany, France, Italy, the Netherlands and the United Kingdom, which were currently destroying their M-26 stockpiles on humanitarian grounds, but which, within the framework of negotiations on a protocol regarding cluster munitions, wanted to give the green light for the future use of that kind of weapon by other countries unwilling to admit that such weapons were simply unacceptable.

42. Negotiations on a new protocol on cluster munitions had been initiated four years ago precisely for the purpose of addressing the urgent humanitarian problem and the unacceptable suffering caused by those weapons. During the coming two weeks, in the name of compromise, some parties would affirm that a comprehensive ban on cluster munitions was not a constructive approach within the framework of the Convention. They would point to technical issues, such as self-destruct mechanisms and the low acceptable failure rates, to justify the continued use of such weapons, or, further still, would defend the arbitrary date of 1980 and the 12-year transition period. It was difficult to see how a step that would burden a post-conflict community with the economic and humanitarian impacts of unexploded remnants of war was constructive. Human life could not be compromised. The participants should not compromise on the issue but should instead hold firm to the gold standard, which was the Convention on Certain Conventional Weapons.

The meeting rose at 12.15 p.m.