



PERMANENT MISSION OF NORWAY

**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**

## **STATEMENT BY NORWAY**

**DELIVERED BY  
H.E. AMBASSADOR STEFFEN KONGSTAD  
PERMANENT REPRESENTATIVE TO THE UNITED NATIONS  
OFFICE IN GENEVA**

**Geneva, 14 November 2011**

**Check against delivery**

Mr President,

We have two weeks ahead of us that might be decisive for the future reputation and credibility of the CCW. Norway will do its utmost to ensure the CCW's continued relevance as an instrument of international humanitarian law.

Mr President,

There are several issues to be discussed during these two weeks, and we will come back with more detailed views during our deliberations. Today we would like to focus on a couple of issues that are closely related; namely the issue of a meeting programme and mode of operation for the CCW in the future, and the near decade-long discussions on cluster munitions under this Convention.

Mr President,

We are grateful to Canada for the non-paper presented during the GGE session in August which makes it painfully clear to us how much resources all of us have spent over the past decade, despite that the results we have to show for ourselves are meagre, if existent at all. Therefore, this Review Conference should give serious consideration to the need for continued meetings in light of what we are actually able to produce within this convention, and in light of the overall financial constraints we are faced with. As suggested in the Canadian Working Paper, we would agree that the High Contracting Parties should at this Review Conference undertake a review of the formal and informal schedule of meetings with the goal of establishing a set of criteria against which future meetings should be rationalised.

Mr President,

The humanitarian and developmental impact of the use of cluster munitions is well documented and unacceptable. We consider the 2008 Convention on Cluster Munitions to be the standard and the framework needed to address these problems.

Norway recognises and appreciates the fact that states not parties to the CCM want to take intermediate steps with respect to the humanitarian problems caused by cluster munitions, and we encourage them to continue taking national steps. However, it would be a major step in the wrong direction to adopt a new protocol on cluster munitions in the CCW that sets a lower standard than the one already adopted by the 111 states that have so far joined the CCM, including two thirds of the High Contracting Parties to the CCW.

Mr President,

This is a matter of lives, limbs, and principles. We cannot support a new protocol on cluster munitions in the CCW that in fact perpetuate, rather than prevent, the civilian suffering caused by cluster munitions. The current draft protocol as presented by the Chair of the Group of Governmental Experts does not address the humanitarian impact of cluster munitions. As was concluded in the report from the last meeting of the Group of Governmental Experts the Chair's text does not attract consensus. The current draft would represent a step backwards with respect to protection of civilians, which in fact would be an unprecedented move in the history of International Humanitarian Law. We fully share the views of the ICRC and its

President, Dr Jakob Kellenberger, in this respect. Adoption of a new protocol based on the GGE Chair's text would jeopardise the credibility and further tarnish the reputation of the CCW and undermine its relevance. The High Contracting Parties to the CCW cannot allow this to happen.

Mr President,

Compatibility between the Convention on Cluster Munitions and a possible new protocol on cluster munitions in the CCW has been one of the main preconditions set out by many states throughout the negotiations.

The draft protocol does not become compatible just because there is a draft provision stating that its substantive provisions will not affect the rights and obligations states have under the CCM. This follows anyway from treaty law. The draft protocol remains incompatible with the CCM because it *legitimizes* the continued use, production and stockpiling of cluster munitions while the CCM clearly *prohibits* such activities. The CCW, an important instrument of international humanitarian law, would become a vehicle for lowering the existing humanitarian legal protection we have achieved. This is a matter of principle as this is unprecedented, and could set a new precedence.

90 % of the reported victims of cluster munitions are civilians. This is regardless of the production year of the weapon and would be the case for cluster munitions that would be allowed for continued and indefinite use under the chair's draft protocol. This is well-documented by UN field organisations, humanitarian organisations and clearance operators. States cannot ignore the facts and realities as presented by the ICRC, UN organisations and civil society. Established international standards for humanitarian protection cannot be negotiated away.

As I said earlier, the Group of Governmental Experts clearly concluded in August that there is no consensus on any texts on the table. Unless an alternative approach is taken that is complementary to the Convention on Cluster Munitions and that affords added protection to civilians, there can be no agreement on a new Protocol VI. We are ready to work with all parties in order to conclude this process in a meaningful way that reflects the realities of the negotiating situation and on the ground.

Mr President,

To the extent that the High Contracting Parties to the CCW find it meaningful to continue discussions on an additional legal instrument on cluster munitions, *all* proposals tabled, including from France, Pakistan and Austria/Mexico/Norway, must be considered. The GGE Chair's text appears a non-negotiated and static text that through several meetings of the GGE has not been changed according to the many concerns and suggestions that have been presented. This is not an acceptable way of negotiating and not the way to seriously attempt to reach any consensus.

Thank you, Mr President.