



CCW REPORT

Civil society perspectives on the Fifth Review Conference of
the Convention on Certain Conventional Weapons (CCW)
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EDITORIAL: NEED MORE THAN “SLOW BUT STEADY” WHEN LIVES ARE AT STAKE

Ray Acheson | Women’s International League for Peace and Freedom

After a frustrating week in Geneva, in which states participating in the Fifth Review Conference of the Convention of Certain Conventional Weapons (CCW) debated whether or not to take action to prevent humanitarian harm from some of the most injurious weapons humankind has created, they did in the end decide to begin a formal process next year to discuss lethal autonomous weapon systems. They also decided to undertake discussions on incendiary weapons, the use of explosive weapons in populated areas, and mines other than anti-personnel mines—though only as agenda items at the 2017 annual meeting of CCW states parties. Overall, despite the best efforts of a few states parties who seem committed to advancing the principles and objectives of the treaty, states parties took the most minimal steps possible on each of the issues before them.

The Campaign to Stop Killer Robots, the civil society coalition working to prevent the development of fully autonomous weapons, welcomed the establishment of the GGE but noted that it is the “bare minimum required to demonstrate credible progress in the process to discuss questions relating to these future weapons that would select and attack targets without meaningful human control.” The development of increasing autonomy in weapon systems—and thus the increasing mechanisation of violence and warfare—poses an immediate and dangerous risk to humanity.

Experts and others participating in the three informal groups of experts from 2014–2016 have extensively explored the ethical, legal, political, and technical challenges raised by autonomous weapons. In addition to the expert presentations, the majority of states participating in those meetings articulated a number of problems or challenges arising from autonomous weapons. All of this considered, at least 19 states, as well as civil society groups affiliated with the Campaign to

Stop Killer Robots, want states to undertake negotiations to prohibit autonomous weapons. The GGE mandates further discussions, which must be used to propel this issue forward to negotiations. As the Campaign has pointed out, other GGE’s have led to the negotiation of CCW protocols, such as the ban on blinding laser weapons.

The work on autonomous weapons must also be considered in the context of the use of other weapon systems that are already deployed. As CCW states parties deliberated last week, outside the conference room conventional weapons wreaked havoc around the world. Aleppo fell to massive air bombardment by Syrian and Russian forces; Yemen suffered attacks with cluster bombs and other explosive weapons. Weapons manufacturers and their government arms dealers made profits off these conflicts and many others. Within the CCW meeting, there were moments when it seemed as if states were more interested in undermining existing law than sustaining it—even though those same states are the same ones that argue existing law is adequate to govern use of weapons in conflict.

Some states took this approach with the use of explosive weapons in populated areas. After much tortured debate on the relevance of discussing this issue, and after removing both the phrases “explosive weapons” and “populated areas” from the discussion mandate, the Review Conference did agree to look at the impact of the use of conventional weapons, particularly in urban areas.

This issue is also being taken up outside the CCW, where Austria has been leading a process to develop a political commitment to prevent the humanitarian harm from the use of such weapons. However, neither the CCW nor other work on this issue has been urgent or progressive enough to end the bombing and bombardment of civilians and civilian infrastructure. Many states, international organisations,

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Editor: Ray Acheson

www.reachingcriticalwill.org
info@reachingcriticalwill.org

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Editorial, continued

and civil society groups have highlighted this as an urgent priority, given that it is resulting in death and destruction around the world as we speak. Yet, it proved almost impossible to get onto the agenda of a treaty body dealing exclusively with conventional weapons—and even then it risked being worded in a way that would have undermined international law were it not for the efforts of New Zealand, Chile, Ireland, and a few others who stayed on top of attempts to obfuscate or undermine the law.

Similarly, states also agreed to discuss the issue of incendiary weapons next year despite the argument that existing regulations under protocol III is sufficient. The Review Conference could have gone further had it not been for the objections of states such as the Russia, France, the United States, and Canada. As it stands, instead of a review of protocol III supported by most states participating in the discussion on this issue, incendiary weapons will be an issue on the agenda of the 2017 meeting of states parties. That said, states did collectively condemn the use of incendiary weapons against civilians in the final declaration. And this is the first time that they have set aside time since 1980 to discuss the topic further. Next year, they must use the time for substantive discussions that truly seek to end humanitarian harm from these heinous weapons.

Work on mines other than anti-personnel mines and improvised explosive devices (IEDs) will also continue; in both circumstances the humanitarian harm caused is indiscriminate and directly effects civilians. In the case of IEDs, however, pushback continued against reflecting the “effects” of IEDs rather than just the uses or specific users. This is something states and civil society will have to continue to work on moving forward in order to make true progress.

Broadly speaking, while the final declaration and decisions reflect forward movement on each issue considered, that movement is about as minimal as could be achieved. This is not the most ambitious form of “progressive development” of the rules of international law applicable in armed conflict that states could achieve if their primary interest was ending humanitarian harm or protecting civilians. Restricting or prohibiting weapons is imperative for either. The financial profits of the weapons industry, and the geopolitical profits of managing or facilitating armed conflict, rather than preventing or ending it, clearly speak louder than the suffering of humans. Yet still we come to the CCW and fight for something different, and hold states to account, and try to demonstrate that a different path is possible, practical, and absolutely imperative. There were will be many opportunities to forge a different path next year. Let’s use them. •


**CAMPAIGN TO STOP
KILLER ROBOTS**

**SO FAR, 19 STATES SUPPORT THE
PROHIBITION OF LETHAL AUTONOMOUS
WEAPON SYSTEMS**

Algeria
Argentina
Bolivia
Chile
Costa Rica
Cuba
Ecuador
Egypt
Ghana
Guatemala
Holy See
Mexico
Nicaragua
Pakistan
Palestine
Panama
Peru
Venezuela
Zimbabwe



NEWS IN BRIEF

Allison Pytlak and Josephine Roele | Women's International League for Peace and Freedom

The following is a summary and does not necessarily reflect all positions or statements.

The final day of the Review Conference opened with a review of the draft final declaration. Below are key highlights from the discussion:

- Algeria requested that references to Protocol V, the Anti-personnel Landmine Convention, and the Convention on Cluster Munitions be removed in paragraph 14. The Chair suggested to replace them with “mine action related conventions”.
- Ireland proposed adding a reference to the effects of improvised explosive devices (IEDs) in paragraph 19. Cuba objected.
- Israel requested that “Emerging technologies in the area of...” be inserted in advance of “Lethal Autonomous Weapons Systems (LAWS)” in paragraph 9, and elsewhere, for consistency with other formal documentation on the subject.
- Egypt requested an addition to Decision 1 (the establishment of a group of governmental experts on LAWS) to reflect that the group’s report be taken by consensus. This report will be presented at the next Meeting of States Parties. Brazil and Cuba further supported this. The Conference decided to not make this change because that rule is already contained the experts’ recommendations to the Review Conference. Instead the decision now reads that a report will be submitted to the 2017 Meeting of High Contracting Parties to the Convention “consistent with those recommendations”.
- Decision 4, on mines other than anti-personnel mines (MOTAPM), was amended by deleting the request to keep the issue “under review” per concerns raised by China and Cuba.
- Israel raised concerns about the direct relevance of Decision 5 on strengthening respect for International Humanitarian Law (IHL) as a standalone agenda item for the next annual meeting. Chile and New Zealand disagreed. It was decided that the Chairperson-elect will consult on how to best include this in the agenda for the 2017 meeting.
- Colombia argued that the language in Decision 6 was ambiguous with respect to the scope of financial challenges facing High Contracting Parties, beyond the introduction of the new UMOJA system. The US and Russia pointed out that it could be helpful to be more general on this point as the challenges could change over time. The US suggested a phrase such as “working within the system”. The language was amended so that the Chairperson-elect will consult with both resources management services and High Contracting

Parties to produce the report mandated by this decision.

- The Conference made a minor amendment to Decision 9, on China’s recommendation, to reflect that all meetings are subject to available resources. States also had a brief discussion about by when High Contracting Parties will know the dates for these meetings, and the process for this decision.
- In discussing the Provisional Agenda put forward for the 2017 annual meeting, the Conference deleted item 12 as per the earlier discussion regarding the relevance of this subject to the CCW. Russia asked if including an agenda item for the presentation of a report on the GGE on LAWS meant that it’s been decided that this GGE will take place or not. The Chair clarified that this is pending until the agreement of the overall document in the afternoon.

States re-convened in the afternoon session and adopted the reports produced by Committees I and II respectively. The final documents were then tabled for adoption. Per a request from one delegation, Section II containing decisions had to be read aloud. Russia spoke on Decision 1 (regarding the establishment of a GGE on LAWS). It re-expressed its opinion that this is premature and will not add value. However, it abstained from making any comment against it.

All other decisions were adopted.

Ambassador Matthew Rowland of the UK will serve as the Chairperson for the next meeting of High Contracting Parties.

Ambassador Amandeep Singh Gill will chair the GGE on autonomous weapons in 2017.

In her closing remarks as President, Ambassador Janjua restated the significance for her, and for Pakistan, to have been the first woman and representative of a NAM member state to hold this position. She thanked all those who provided support and guidance. •

