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Aotearoa NZ CMC members:

African Pacific Voices NZ * Amnesty International Aotearoa NZ * Aotearoa Lawyers for Peace * Auckland University Students' Association * Caritas Aotearoa NZ * Christian World Service * Disarmament and Security Centre (Peace Foundation) * Engineers for Social Responsibility NZ * Global Focus Aotearoa * International Physicians for the Prevention of Nuclear War NZ * National Council of Women NZ * National Consultative Committee on Disarmament * Oxfam NZ * Parliamentarians for Nuclear Nonproliferation and Disarmament NZ * Pax Christi Aotearoa-NZ * Peace Foundation NZ * Peace Movement Aotearoa * Soroptimist International NZ * Umma Trust * UN Association NZ * UN Youth Association NZ * UNICEF NZ * Women's International League for Peace and Freedom, Aotearoa



4 November 2011

Ambassador Arie van der Wiel
Embassy of the Kingdom of the Netherlands
PO Box 840
Wellington 6140

RE: Convention on Conventional Weapons draft protocol on cluster munitions

Dear Ambassador van der Wiel,

We are writing to express our strong concern at the Netherlands' active support for the conclusion a protocol on cluster munitions at the Fourth Review Conference of the Convention on Conventional Weapons (CCW), which will be held in Geneva on 14-25 November 2011.

If agreed, the August 26, 2011 version of the draft protocol would result in dramatically weaker protections for civilians than the strong protections provided in the 2008 Convention on Cluster Munitions, which the Netherlands has signed and ratified.

The Convention on Cluster Munitions absolutely bans the use, production, stockpiling, and transfer of cluster munitions, and requires clearance and victim assistance. By contrast, the draft CCW protocol seeks to allow these activities to continue and its positive obligations on stockpile destruction, clearance, victim assistance, and international cooperation and assistance are far less detailed and comprehensive than those provided in the Convention on Cluster Munitions.

In addition to potentially weakening the stigma against cluster munitions contained in the Convention on Cluster Munitions, the draft protocol runs contrary to the primary purpose of international humanitarian law, which is to minimize suffering in war. The adoption of far weaker standards would represent an unprecedented and dangerous step backwards for the development of international humanitarian law. It could also undermine the humanitarian objective of the Convention on Conventional Weapons,


which seeks to minimize suffering from weapons that “may be deemed to be excessively injurious or to have indiscriminate effects.”

The costly decade of CCW deliberations on cluster munitions should be ended at the Fourth Review Conference and all states should accept that the Convention on Cluster Munitions is the most appropriate legal means to address cluster munitions and the harm they cause. We urge the Netherlands to uphold its legal obligation to promote the Convention on Cluster Munitions and discourage any use of cluster munitions.

If the Netherlands is sincere about wanting a CCW outcome that includes “meaningful prohibitions,” it should not support the creation of a protocol of restrictions that would permit continued use, production, and/or transfer of a banned weapon. We urge the Netherlands to not support the draft protocol and to recognize that there is no consensus on adopting it.

We would be pleased to discuss this important matter further with you. Please convey our message to the Government of the Netherlands.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mary Wareham', with a stylized, cursive script.

Mary Wareham
Coordinator, Aotearoa New Zealand Cluster Muniton Coalition