

**The Cluster Munition Coalition is led by a Governance Board of:**

Afghan Landmine Survivors Organisation, Action On Armed Violence, Asociación para Políticas Públicas-APP, Cambodia Campaign to Ban Landmines, Campaña Colombiana Contra Minas, DanChurchAid, Handicap International, Human Rights Watch, ICBL Georgian Committee, IKV Pax Christi, IPPNW, Japan Campaign to Ban landmines, Mines Action Canada, Nepal Campaign to Ban Landmines, Norwegian People's Aid, Protection and Religions for Peace.



H.E. Hon. Murray McCully  
Minister of Foreign Affairs and World Cup Rugby 2011  
Private Bag 18-901  
Wellington  
New Zealand

25 October 2011

Excellency,

On behalf of the Cluster Munition Coalition (CMC), I am writing to highlight an urgent issue of humanitarian concern. Shortly, the Fourth Review Conference of the Convention on Conventional Weapons (CCW) will convene in Geneva from 14-25 November. As you know, the primary purpose of this meeting will be to conclude negotiations on an additional protocol to the CCW on cluster munitions, which could potentially result in dire and life-threatening humanitarian consequences.

The CMC believes that this protocol, based on the CCW Chair's text, would facilitate and risk an increase in the use of cluster munitions banned under the Convention on Cluster Munitions on humanitarian grounds. The protocol would provide legal cover for the use, production, stockpiling, and transfer of cluster munitions, including nearly every single type of cluster munition used to date—cluster munitions that have repeatedly been demonstrated to cause unacceptable humanitarian harm. The adoption of far weaker standards in the CCW would also be a dangerous step backwards for international humanitarian law (IHL) and set a precedent for the regressive development of international treaty law. The CCW Chair's draft protocol is clearly contradictory and definitely not complementary to the Convention on Cluster Munitions.

As host of the crucial Wellington Conference on Cluster Munitions and as one of the original Core Group members of the "Oslo Process", which successfully concluded with the adoption and signing of the Convention on Cluster Munitions in 2008, New Zealand will always have a special leadership role on this issue, in addition to its legal commitment to promote the Convention and discourage any use of cluster munitions. Therefore, the CMC calls on New Zealand to take urgent action to prevent the adoption of such a protocol in the CCW and to uphold the standards established by the Convention on Cluster Munitions. Specifically, we urge you to:

- Make clear at the Review Conference that New Zealand will not support a protocol that would permit ongoing use of cluster munitions known to cause unacceptable harm to civilians, and that could lead to wholly preventable civilian deaths and injuries.
- We urge you to express to the Chair that there is no consensus on the Chair's draft text.
- We call on all states to speak out against the fundamental humanitarian shortcomings of the draft protocol.

The Fourth Review Conference is a critical moment in the lengthy, on-going CCW discussions on cluster munitions and delegations will undoubtedly face intense pressure to adopt a protocol at any cost. The CMC emphasizes however that 'something' in the CCW, even if agreed upon by major military powers, is *not* better than 'nothing.' We ask you to consider the serious humanitarian and political costs of an agreement on weak, ambiguous restrictions, which would be detrimental to the stigmatization of cluster munitions, the broader framework of IHL, and the protection of civilians on the ground. There are other options than a highly negative protocol. CCW States Parties could take national measures or agree to a political outcome in the CCW, which would take forward positive commitments of states to prevent harm from cluster munitions.

We urge you to stand strong to achieve our collective goal of a world free of cluster munitions. As always, the Cluster Munition Coalition and the Aotearoa New Zealand Cluster Munition Coalition will continue to work in close partnership with New Zealand to achieve this goal. Please seize this opportunity at the Fourth CCW Review Conference to prevent the adoption of a protocol which risks further humanitarian suffering from the continued use of cluster munitions.

Sincerely,

Sylvie Brigot  
Executive Director  
International Campaign to Ban Landmines and Cluster Munition Coalition

Mary Wareham  
Coordinator, Aotearoa New Zealand Cluster Munition Coalition

cc: Ambassador Dell Higgin, Permanent Mission of New Zealand to the United Nations in Geneva