

Statement by Ambassador Sujata Mehta, Permanent Representative of India to the CD, at the Fourth CCW Review Conference, Geneva, November 25, 2011

Mr. President,

We appreciate your efforts and also those of the Chair of Main Committee II and the Chairs of GGEs over the last four years. We are disappointed that this Meeting has failed to agree to adopt the cluster munitions protocol.

2. The adoption of the sixth protocol would have added another edifice to the CCW and underscored the dynamism of the CCW framework. Despite this setback, we would like to emphasise the continued importance and salience of the CCW in strengthening the rules and principles of international humanitarian law. This unhappy outcome should not cast a shadow on the CCW.

3. We have been constructive partners throughout the four years of difficult negotiations. We genuinely tried to reach out to countries that had perspectives different from ours in a spirit of accommodation and compromise and made significant concessions in this process. In the same spirit, we were ready to join consensus on this protocol despite the outcome being less than satisfactory.

4. The protocol would have addressed the humanitarian concerns caused by cluster munitions inter alia by imposing a ban on cluster munitions produced before 1980 and by including several other provisions on victim assistance, clearance, marking etc. It would have had a real impact on the ground, for States that produce and stockpile upwards of 85% of the world's cluster munitions, and for whom these munitions continue to be part of operational military plans. The protocol would have also contained the possibility of more comprehensive prohibitions or restrictions on cluster munitions in future. That was not to be and this is an opportunity lost for all of us.

5. We stress that there is no comprehensive ban on cluster munitions inside or outside this forum and that they continue to be a legitimate choice for meeting national security needs. Even if adopted, this protocol would not have excluded their use provided such use is in accordance with its provisions and other existing and applicable rules and principles of IHL.

6. Accordingly, it continues to be our position that the use of cluster munitions is lawful and legitimate if such use takes into account existing International Humanitarian Law. In this area, to this point there was a lack of common international standards; the adoption of this Protocol within the rubric of the CCW would have addressed that lacuna. Such a Protocol had the potential of universal participation and could have fulfilled humanitarian objectives effectively and made a significant impact on the ground. We therefore regret this outcome.

7. Nonetheless, India remains committed to the CCW process and we will continue to work with other High Contracting Parties in its implementation and to realize its intrinsic potential.

8. I thank you again for your efforts.
