

**GROUP OF GOVERNMENTAL EXPERTS 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**

CCW/GGE/2008-II/WP.7
9 April 2008

Original: ENGLISH

**2008, Second Session
Geneva, 7-11 April 2008
Item 6 of the Agenda
Cluster munitions**

PROPOSAL ON TRANSFERS OF CLUSTER MUNITIONS

Submitted by Israel

1. In light of the detrimental and destabilizing effects of arms transfers to terrorists, on states and regions, Israel attaches great importance to the prevention of such transfers and believes that every effort should be made to halt them. The relevance of this issue to cluster munitions is clear, as recent conflicts have demonstrated that terrorists are well capable of procurement and operation of cluster munitions. It should be noted that this phenomenon unfortunately occurs as there are states that are willing to supply terrorists with weapons, including cluster munitions, or turn a blind eye to such transfers occurring within their territory.
2. To further the treatment of this urgent problem, Israel is introducing language that aims to incorporate in any future instrument on cluster munitions, a clear prohibition on the transfers of cluster munitions to terrorists. According to our proposal states will be required not to transfer and not to authorize the transfer of such weapons to recipients other than a State or State agency authorized to receive such transfers and only if an end-user certificate is provided. In addition, States shall be required to prevent unauthorized transfers of cluster munitions in territory under their jurisdiction or control.
3. Our suggestion aims to address cases where States are actively involved in the transfer of cluster munitions to terrorists, as well as cases where such transfers are carried out by unauthorized actors within the State territory.
4. It should be emphasized that this concept is not new for the CCW, as Article 8 of Amended Protocol II, stipulates very clearly the obligations of States parties not to transfer Anti-personnel Mines to recipients other than a State or State agency authorized to receive such transfers.
5. The concept was also discussed in the CCW negotiations on Anti-Vehicle Mines and has been reflected in the declaration made on behalf of 27 states, including Israel, on 16 November 2006 CCW/CONF.III/WP.16.

6. We therefore suggest the following language on the issue of prevention of transfers to terrorists:

“In order to promote the purposes of this Protocol, each High Contracting Party undertakes:

- (a) not to transfer and not to authorize the transfer of any cluster munition or sub-munition –
 - (i) to any recipient other than a State or State agency authorized to receive such transfers, and
 - (ii) without the provision of an end-user certificate by the recipient.
- (b) to prevent unauthorized transfers, from areas under its jurisdiction or control, of any cluster munition or sub-munition.”

7. Israel remains willing to discuss this issue with member States.
