On Friday, 23 May 2008, the final day of week one of the Dublin Conference, participants regrouped in the Committee of the Whole to take stock of work accomplished thus far in the week. President Ambassador O’Ceallaigh held an article by article review of the Treaty and the Friends of the Presidents presented their discussion papers for consideration by all delegations.

Discussions began on a revised text of Article 3 on storage and stockpile destruction presented by Friend of the Chair Ambassador Kongstad. The text currently contains an extended deadline for stockpile destruction of 8 years (as opposed to the initial six-years), with the possibility of one 4 year extension, and a second 4 year extension in extraordinary circumstances (the initial extension period was 10 years). There is no expressed limit on the number of extensions permitted, however. The text also adds a provision for the retention of "the minimum number" of cluster munitions "necessary" for training, research and the development of countermeasures. The CMC intervened during discussions, criticizing both the extended deadline and the retention provision. Mexico, Honduras, Senegal, Peru, and Ghana raised concerns about the potential loophole retaining cluster munitions would create.

When the article is discussed again next week, it will be essential for countries to put pressure on those calling for retentions to clarify the minimum number necessary for these purposes. Demonstrating how dangerous this provision could be for the integrity of the treaty, one delegation reportedly suggested that 50,000 submunitions would be an appropriate number—which amounts to half the number of cluster munitions used by the UK in Iraq in 2003 and enough to constitute an operational stockpile.

President O’Ceallaigh then moved to discuss the transition periods proposed by Germany, Slovakia and Switzerland. Switzerland, joined by Japan, Denmark, Slovakia, and the UK (all in favor of transitions) called for discussions to be postponed until Tuesday, once definitions become clearer. Costa Rica rejected this, saying all articles of the treaty are linked together and all cards should be put on the table now. The rest of the Conference was clearly prepared to give their thoughts on transition periods today, regardless of definitions.

Just short of 60 States took the floor slamming transition periods as completely unacceptable. Interventions against transition periods took up the greater part of the morning session, with many strong
interventions from developing, affected and small countries.

The United Kingdom requested that a Friend of the President be appointed to hold informal consultations on transitions. Venezuela responded that with 80% of the Conference against even contemplating a transition period, no more discussions should be held. (This was met by applause from delegates and for the first time, it was the diplomats, not the campaigners who were reprimanded for being too rowdy.)

It appears that the fight against transition periods was won – at least for today. No Friend of the President was appointed, although the President asked Germany, as the first country to submit a proposal for a transition period, to conduct consultations on the issue and report back to the Committee of the Whole on Monday. The President stated that those seeking a transition period would have to "do more to convince others" and Norway noted that those in favor of transitions should find other ways to address their concerns.

Another exciting development was the presentation of the Friend of the President’s text on Article 5 Victim Assistance for consideration by all States in the Committee of the Whole. 42 States supported the article, which significantly raises the bar for victim assistance. Of many positive changes to the article, a reference to the consideration of age and gender and vulnerable groups in providing assistance is now included, along with an obligation for States to consult and involve victims and their representative organizations when implementing victim assistance. The article is expected to be adopted without revision and will be a fundamental achievement for both the Treaty and victims of cluster munitions. Friend of the President Markus Reiterer of Austria deserves an enormous thank you for his indefatigable efforts this week and throughout the Oslo Process, along with the dedicated CMC campaigners who have worked hard to bring about such a tremendous success.

Nothing appeared to have changed significantly on definitions. Friend of the Chair Ambassador MacKay reported back to the Committee of the Whole on the progression of discussions and circulated a discussion paper containing slightly revised the criteria for exclusion of certain munitions under Article 2(c). Ambassador MacKay reiterated that the discussion paper was not an agreed text, as many delegations are not in favor anything under Article 2(c) and a formal proposal for its deletion is on the table. Ambassador MacKay also stated that the discussion paper was not a compilation of all proposals submitted for Article 2(c), and does not reflect proposals that he felt did not receive support from delegations. In diplomatic language, this was a minor coup d'état which effectively removed proposals for broad exemptions such as those from Denmark, Finland, Japan, Slovakia and the UK from further
A revised proposal on interoperability prepared by the Friend of the President was also discussed, again with the recognition that the proposal did not have broad support. As of now, the situation regarding interoperability is the most discouraging of any area of the treaty. The Friend of the President's paper currently permits States to essentially use cluster munitions by proxy, through intentionally assisting States not party to the Treaty in operations where it is known that cluster munitions will be used. It would also permit countries to intentionally continue to stockpile prohibited cluster munitions owned by States not party to the Treaty on its territory.

While still a long, long way from finding an acceptable solution, several States who previously took a hard line on interoperability appeared willing today to entertain a compromise solution, including France, the Netherlands, Germany, and Portugal. The UK, however, remains belligerent that there should be no restrictions on interoperability, despite the current language being fundamentally incompatible with the core objectives of the treaty.

Jim Burke of Ireland reported to the Committee of the Whole on the status of Article 4 on clearance. Nothing in the article has changed since yesterday, and although the deadline has been extended from 5 to 10 years, Article 4.4 on the responsibilities of past users remains in the article, despite calls from 3 delegations for its deletion. The CMC will have to work hard to ensure that Article 4.4 remains in the article during further discussions next week.

The President declared that Articles 9-22 of the Treaty, with the exception of Articles 17, 18, and 19 which require additional discussion, will be sent to the plenary – meaning they are essentially finalized.

In between the sessions of the Committee of the Whole, participants were invited to a lunchtime book launch of "Banning Landmines: Disarmament, Citizen Diplomacy, and Human Security." Editors Jody Williams, Steve Goose, Mary Wareham, and contributors Tun Chennareth, John Borrie, and Peter Herby discussed their new book on the Mine Ban Treaty experience and its implications for subsequent movements such as the cluster munition process and its overall contribution to the field of human security. A key theme of the event was the power of international treaties, when properly followed up on, to stigmatize a weapon, well beyond the formal signatories of the treaty.

As the Conference goes into weekend half-time (and Croke Park reverts from a diplomatic conference venue to its usual function as a stadium to host this weekend's Ireland-Serbia football match) the Treaty is in good
shape. While critical issues like interoperability and definitions will require intensive work to reach an acceptable compromise, most other articles and issues are moving in a positive direction – although with the usual diplomatic caveat that nothing is agreed until everything is agreed.