



UNODA
UNITED NATIONS OFFICE FOR
DISARMAMENT AFFAIRS



Protocol IV on Blinding Laser Weapons: genesis, history, and relevance

Date: Thursday 17 November.

Time: 13:15- 14:45 CET.

Format: Virtual (Zoom)

Link to register: https://us06web.zoom.us/webinar/register/WN_NSheCcnRR6eIDhCWM3ffAA

FORMAT

- Presentations will be given by panelists.
- After the presentations the floor will be open for questions and comments from the floor typed into the chat and selected by the moderator.
- Moderator: **Ann Peters, University and Community Outreach Director, Pulitzer Center.**
- Audience: States, civil society, academia, industry.

CONTEXT

Protocol IV of 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) on Blinding Laser Weapons was adopted in 1995 by the Review Conference of the parties to the CCW. This Protocol prohibits the use and transfer of laser weapons specifically designed to cause permanent blindness. The adoption of this Protocol was the product of a historical humanitarian concern over the use of blinding laser weapons, concern that reached the international arena in the late 1980s.

The historical and negotiation processes that led to the adoption of this Protocol are quite unique. Among others: Sweden was instrumental in bringing the issue to the attention of the international community and maintained its determination to adopt a ban on blinding laser weapons; meanwhile, the ICRC worked intensively to develop and publish a deep understanding of the likely effects of blinding laser weapons, and -later supported by a few international NGOs- participated actively in the negotiation and drafting processes of Protocol IV; the Protocol was

adopted despite initial opposition and reservations from important actors; and last, negotiators sought to devise a formula that would prohibit the use of laser technology as a weapon without hindering the development of laser technology for civilian and other military applications.

Furthermore, the adopted Protocol portrays its own particularities: it does not ban laser technology itself but the *use* of blinding laser weapons in the battlefield and the *transfer* of these weapons; it represents the first time that both the use and transfer of a specific weapon have been banned; and it was adopted before laser weapons were deployed as a weapon of war.

This webinar reviews the particularities of the historical and negotiation processes that led to the adoption of Protocol IV, its relevance, and the lessons learned from these processes to explore the extent to which they could inform and guide ongoing and future developments within the CCW and other weapons-related discussions, including in relation to emerging technology. It is organized as part of the implementation of the EU Council decision (CFSP) 2021/1694 in support of the universalization, implementation and strengthening of the CCW, adopted in 2021.

STRUCTURE

1. Welcome and opening remarks

- Focus: Scene-setting and housekeeping.
- Speakers:
 - **Representative of the European Union [TBC]**
 - **Ann Peters, University and Community Outreach Director, Pulitzer Center (moderator).**
- Time allotted: 5 minutes.

2. The historical humanitarian concern with laser weapons and the negotiation process that led to the adoption of Protocol IV.

- Focus: This panel will provide an overview of the historical and negotiation processes that led to the adoption of the Protocol IV of the CCW, with a special emphasis on the particularities of said processes and the solutions negotiators crafted to bridge positions and find an acceptable formula for all.
- Guiding questions: *What was the historical process that led to the negotiations of Protocol IV? How and when was the topic of blinding laser weapons brought to the attention of the international community, and how was it introduced to the CCW agenda? What drove the more reluctant actors to agree to the adoption of Protocol IV? What were the main issues discussed during negotiations and how were the positions reconciled?*
- Speakers:
 - **Louise Doswald-Beck, Former Head, Legal Division, International Committee of the Red Cross.**
 - **Michael J. Matheson, Former U.S. Head of Delegation to the UN negotiations on conventional weapons.**
- Time allotted: 20 minutes

3. Relevance of Protocol IV for International Law and the CCW.

- Focus: This presentation will reflect on the relevance of Protocol IV for how new weapon technologies are addressed under International Humanitarian Law, including under Article 36 of Protocol I to the Geneva Conventions and the CCW. It will explore the unique aspects of Protocol IV, how other new technologies have been addressed and implications for the development of the Law of Armed Conflict, International Humanitarian Law, and the CCW.
- Guiding questions: *What can be learned from how Protocol IV was promoted and adopted? What other harmful technologies have been regulated, prohibited, or ignored under International Law? Why has it sometimes taken more than expected to regulate or prohibit other weapons the effects of which could have been foreseen in advance?*
- Speaker: **Peter Herby, Petersburg Partnerships, Consultancy on humanitarian disarmament issues.**
- Time allotted: 15 minutes

4. Implications for ongoing and future processes within and outside the CCW

- Focus: This panel will explore the extent to which the lessons learned from the negotiation and historical processes that led to the adoption of Protocol IV can inform and guide ongoing and future processes within the CCW and other weapons-related treaties.
- Guiding questions: *Can the lessons learned from the Protocol IV historical and negotiation processes inform ongoing and/or future developments within the CCW and other weapons treaties? To what extent can these conclusions help the international community address new developments in weapons technologies? What should High Contracting Parties bear in mind during current and future negotiations?*
- Speaker: **Mary Wareham, Advocacy Director, Arms Division, Human Rights Watch.**
- Time allotted: 15 minutes

5. Q&A

- Participants will be encouraged to type questions into the chat throughout the presentation, which the moderator will select and distribute between speakers.
- Time allotted: 30 minutes.

6. Closing remarks

- Focus: Connecting the panels, recalling main points, and conclusions.
- Speaker: **Ann Peters, University and Community Outreach Director, Pulitzer Center.**
- Time allotted: 5 minutes.

SPEAKERS' BIOGRAPHIES (in the order of appearance)

Louise Doswald-Beck

Former Head, Legal Division, International Committee of the Red Cross

Professor Doswald-Beck was Professor of the Graduate Institute of International Studies between 2003 and 2012 and taught courses in international humanitarian law and international human rights law at the Geneva Academy of International Humanitarian Law and Human Rights.

Previously she was the Director of the University Centre for International Humanitarian Law (2003-2007), and Secretary General of the International Commission of Jurists (2001-2003). She was a legal adviser at the International Committee of the Red Cross from 1987 and became Head of the Legal Division in 1998. She began her career as a lecturer in Law at Exeter University and then London University.

During the 1990s, Louise Doswald-Beck played an important role in campaigns and negotiations that led to Protocols II (amended) and IV of the Convention on Certain Conventional Weapons, the Ottawa Convention on Anti-Personnel Landmines, the International Criminal Court and its Elements of Crimes, Protocol II of the Hague Convention on Cultural Property, and the San Remo Manual on armed conflicts at sea.

Professor Doswald-Beck has written extensively on subjects relating to the use of force, and international humanitarian law and human rights law.

Michael J. Matheson

Former U.S. Head of Delegation to the UN negotiations on conventional weapons

Michael Matheson is now retired. He continues to serve on the Board of Editors of the American Journal of International Law, and the U.S. State Department Advisory Committee on International Law.

Prior to his retirement, he was a member of the international law faculty of the George Washington University Law School in Washington, DC. He previously directed the International Law Program at the School of Advanced International Studies of John Hopkins University; he taught at Stanford Law School, Oxford University and Gottingen University; he was Director of Research at The Hague Academy of International Law; and he was a Senior Fellow at the U.S. Institute of Peace. He taught courses on public international law, international criminal law, international institutions, the law of war, U.S. foreign relations law, and international conflict resolution. He lectured at many law schools, universities, military academies, conferences and professional organizations. He wrote books on the UN Security Council, international humanitarian law, international tribunals and armed conflict. He wrote many articles on various international law subjects. He served as the American member of the UN International Law Commission. He argued and briefed many cases before international tribunals, including seven before the International Court of Justice.

Prior to his academic career, he served as a career attorney in the Legal Adviser's Office of the U.S. State Department for 28 years, including directing the work of the Office as Principal Deputy Legal Adviser for ten years and as Acting Legal Adviser for more than two years. He also served as Assistant Legal Adviser for the offices of African Affairs and Political-Military Affairs. He participated in many international negotiations, particularly on international humanitarian law,

arms control, international claims, and environmental protection. He served as Head of Delegation with the rank of Ambassador to the UN negotiations on conventional weapons. He managed the Department's legal staff of more than 140 attorneys and, among other things, directed the Department's legal work on: the dissolution of the Soviet Union and Yugoslavia; the Kosovo, Bosnia, Gulf War and Somalia crises; and the ratification of arms control and other treaties. He testified before Congressional committees on many occasions

Peter Herby

Petersburg Partnerships, Consultancy on humanitarian disarmament issues

Peter Herby is head of "Petersburg Partnerships" a consultancy on humanitarian-based approaches to arms control and disarmament. He was head of the Arms Unit in the Legal Division of the International Committee of the Red Cross (ICRC) from 1997 until 2012 and represented the ICRC in all arms-related negotiations between 1994 and 2012. In this capacity he participated in the first four Review Conferences of the Convention on Certain Conventional Weapons (CCW) and was involved in humanitarian advocacy against blinding laser weapons and the negotiation of CCW Protocol IV.

Since 2012 Herby has provided expert support on humanitarian-based arms control and disarmament issues for the Norwegian Red Cross, ICRC, UNIDIR, Geneva Center for Security Policy, Geneva Center for Humanitarian Demining and several non-governmental organizations. From 1983-1993 he directed the disarmament and arms control program of the Quaker United Nations Office in Geneva.

Herby holds Masters Degrees in International Relations from the University of Cambridge (UK, 1992) and in Peace and Conflict Studies from the University of Bradford (UK, 1979). His first degree (BA) was from Georgetown University (US).

Mary Wareham

Advocacy Director, Arms Division, Human Rights Watch

Mary Wareham is the advocacy director of the Arms Division of Human Rights Watch, where she works to advance humanitarian disarmament and enhance protections for civilians from various weapons that inflict unnecessary harm. She coordinated the Campaign to Stop Killer Robots from its inception until March 2021. As advocacy director for Oxfam New Zealand from 2006 to 2008, Wareham contributed to the adoption of the 2008 Convention on Cluster Munitions. She served as senior advocate for the Arms Division of Human Rights Watch from 1998 to 2006, coordinating the Landmine Monitor research initiative to verify implementation of the 1997 Mine Ban Treaty. Wareham worked for the Vietnam Veterans of America Foundation from 1996 to 1997, assisting Jody Williams in coordinating the International Campaign to Ban Landmines (ICBL), co-laureate of the 1997 Nobel Peace Prize together with Williams. Wareham worked a researcher for the New Zealand parliament from 1995 to 1996 after receiving her bachelor's and master's degrees in political science from Victoria University of Wellington.