

Meeting 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

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Summary record of the 3rd meeting

Held at the Palais des Nations, Geneva, on Friday, 13 November 2009, at 10 a.m.

Chairperson: Mr. Mbaye.....(Senegal)

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The meeting was called to order at 11 a.m.

Status of implementation of and compliance with the Convention and its Protocols

(continued)

1. **The Chairperson** invited delegations to express their views on the establishment of an implementation support unit for the Convention, and on the preparations for the Fourth Review Conference of the High Contracting Parties to the Convention.
2. **Ms. Gómez Oliver** (Mexico) said that, while her delegation supported the establishment of an implementation support unit, the appropriate forum for consideration of the matter would be the Fourth Review Conference in 2011.
3. **Mr. Turcotte** (Canada) expressed support in principle for the establishment of an implementation support unit, which should consist of not one but two persons, given the amount of work required for the preparation of the Fourth Review Conference. That view had been endorsed by many Parties in informal consultations. The current budget allocation provided for only one person to carry out the support work relating to the Convention, which meant that the Geneva Branch of the Office for Disarmament Affairs was effectively subsidizing those activities. It was time for the High Contracting Parties to make the necessary investment, in order to ensure that the Fourth Review Conference was a success.
4. **Ms. Fastame** (Argentina) thanked the Geneva Branch of the Office for Disarmament Affairs for the excellent support work it had done, and said that she would be in favour of the immediate establishment of an implementation support unit. The Meeting should also request the Fifth Committee of the General Assembly to allocate more funds to the Geneva Branch, in order to strengthen its work. As a matter of principle, it was important for disarmament to be given the same priority as other issues on the United Nations agenda.
5. **Ms. Sancar** (Turkey) expressed support for the immediate establishment of an implementation support unit.
6. **Mr. Wingren** (Sweden), speaking on behalf of the European Union, said that an implementation support unit should be established immediately, in order to secure the continued, stable implementation of the Convention, safeguard the achievements realized and support future work under the instrument. He urged all Parties to back the decision to establish such a unit at the current meeting.
7. **Mr. Somogyi** (Hungary), speaking in his capacity as one of the Protocol V coordinators, said that he strongly supported the establishment of an implementation support unit. At least two, and possibly three, staff members were required to carry out support work relating specifically to the Convention, including Protocol V.
8. **Mr. Strømø** (Norway), echoing the comments made by the representative of Mexico, said that the establishment of an implementation support unit was a matter for consideration by the Fourth Review Conference. There was no need to create a new implementing mechanism for the Convention at the current stage.
9. **Mr. Sirakov** (France) expressed support for the immediate establishment of an implementation support unit. France had chaired the Third Review Conference, and he could confirm the large amount of preparatory work involved. The support mechanism should be set up prior to, not during, the Fourth Review Conference. The support unit could be staffed by either two or three persons.

*Draft decision on establishment of an implementation support unit for the Convention**Draft decision on the mandate of the fourth Review Conference*

10. **The Chairperson** drew attention to a draft decision on establishment of an implementation support unit for the Convention, which was a revised version of the text contained in document CCW/MSP/2009/WP.2, and to a draft decision on the mandate of the Fourth Review Conference, both of which had been submitted by him and circulated informally in the meeting room. The revisions made to the former text reflected the concerns expressed by delegations at the previous meeting. He noted, in particular, that the additional staff member required for the implementation support unit would be recruited at the P-4 level. He invited delegations to make comments on both texts.

11. **Mr. Kimpton** (Australia) expressed support for the proposed text on establishment of an implementation support unit.

12. **Ms. Jaquez Huacuja** (Mexico) said that her delegation needed more time to consider the two texts.

13. **Mr. Turcotte** (Canada) endorsed the revised draft decision on establishment of an implementation support unit. The relevant staff member should be recruited at the P-5 level at least, rather than at P-4. If adopted, the decision could be reviewed as early as 2010, and again at the Fourth Review Conference in 2011. The decision was therefore not irreversible, and he urged those present to make a commitment to the implementation support unit, at the modest level proposed, on that understanding. His delegation would favour such a minimalist, incremental approach.

14. **Mr. MacBride** (Canada) recalled that Canada had ratified all the Convention's Protocols; its recent ratification of Protocol V demonstrated the importance placed by Canada on the overall CCW framework as a forum for addressing the use of conventional weapons in a way that took account of both humanitarian imperatives and military considerations. Nevertheless, excessive emphasis was currently placed on military considerations. That had prompted the conclusion of the Ottawa Convention on Landmines and the Convention on Cluster Munitions. In the recent past, efforts to address the issue of mines other than anti-personnel mines (MOTAPMs) within the CCW framework had failed, and it appeared that the negotiation of a new protocol on cluster munitions was also at great risk.

15. He expressed strong support for the holding of a Review Conference in 2011, one of the main outcomes of which should be a realistic determination of the future course of work under the Convention. In addition, the meeting schedules of the Convention's various bodies, including the Group of Governmental Experts, should be reviewed and rationalized.

16. **Mr. Pollard** (United Kingdom) proposed that, in paragraph 3 (c) of the revised draft decision on establishment of an implementation support unit, the words "the annual Meetings of" should be inserted before "the High Contracting Parties", in order to bring the wording into line with that used in paragraph 2.

17. **The Chairperson** suggested that the Meeting should suspend consideration of the item to allow delegations time to study the two texts further.

18. *It was so decided.*

Plan of action to promote the universality of the Convention, including the implementation of the CCW Sponsorship Programme (CCW/MSP/2009/3 and 4)

19. **The Chairperson** drew attention to the report prepared by the secretariat on promoting the universality of the Convention and its annexed Protocols

(CCW/MSP/2009/13). He recalled that the High Contracting Parties, in the Final Declaration of the Third Review Conference, had emphasized the importance of achieving universal accession, and had adopted the plan of action to promote the universality of the Convention (CCW/CONF.III/11 (Part II), annex III), in order to achieve that end. He summarized the seven areas of action to which the High Contracting Parties had committed themselves, as set out in paragraph 9 of the plan of action, and invited the Chairperson of the 2008 Meeting of the High Contracting Parties to the Convention to report on the plan's implementation.

20. **Mr. Akram** (Pakistan), Chairperson of the 2008 Meeting of the High Contracting Parties to the Convention, said that considerable progress had been made in the work undertaken under the Convention since its conclusion in 1980: the Convention had become an indispensable element of contemporary humanitarian, disarmament and arms control machinery, and provided a forum to consider how best to protect both civilians and soldiers from the effects of conventional weapons. The Convention created an interface between the humanitarian norms relating to the use of such weapons and the security imperatives of States. Its legal framework was dynamically structured in order to be responsive to the concerns of the international community. The Convention had the ability to bring together the users and producers of munitions, and promoters of the development and application of international humanitarian law, on a single common platform.

21. Among the many achievements under the Convention, the adoption of the Protocol on Explosive Remnants of War (Protocol V) was the most recent example. The Protocol was the first international instrument to address the serious post-conflict humanitarian problems caused by unexploded and abandoned ordnance. It established obligations for Parties to record and retain information on the use or abandonment of explosive ordnance; for States in control of areas affected by explosive remnants of war to clear, remove and destroy such items, and for all Parties in a position to do so to provide assistance with the clearance and destruction of explosive remnants of war.

22. For the past three years, the Parties to Protocol V had been embarked on the implementation of an ambitious framework set up to facilitate exchange of information and cooperation and assistance on issues relevant to the implementation of the Protocol, as detailed in the final document of the First Conference of the High Contracting Parties. The Third Conference, concluded earlier in the week, had taken important decisions to promote the implementation of the Protocol and further strengthen its framework.

23. Another major element of the CCW framework was the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices, as amended (amended Protocol II). The recently concluded Eleventh Annual Conference of the High Contracting Parties had built on the outcome of the Tenth Annual Conference. It had decided, *inter alia*, to continue the work being undertaken in the Group of Experts. Both the Group of Experts and the Annual Conference had focused in 2009 on reviewing the status and operation of amended Protocol II, and on improvised explosive devices (IEDs).

24. In 2009 the Group of Governmental Experts of the High Contracting Parties to the Convention had continued its negotiations on cluster munitions, as mandated by the 2008 Meeting. The Group had held two sessions, and an informal meeting in August, in order to bridge divergences on key issues. Following the August meeting, the Chairperson of the Group of Governmental Experts had, in his personal capacity, submitted a draft protocol on cluster munitions. The Parties to the Convention would shortly take a decision on the future course of action in respect of the issue of cluster munitions.

25. The universalization of the Convention and its Protocols was the fundamental objective of common endeavours to build a safer world for all. In order to achieve that objective, he, together with the Presidents of the Tenth Annual Conference of the Parties to

Amended Protocol II and the Third Conference of the Parties to Protocol V, had reached out to all States, including those not party to the Convention or the Protocols, requesting them to join the efforts to universalize those instruments. The Foreign Ministers of Slovakia and Spain had reiterated their commitment to the Convention and its Protocols, and had pledged their full cooperation to achieve universalization. The Foreign Minister of San Marino had stated that the country had no armed forces proper, and that San Marino had never produced or traded any kind of conventional or non-conventional weapons. Accordingly, while acknowledging the importance of universalization, the Minister had indicated that San Marino was not able to make ratification of the Convention a priority.

26. Two additional States, Kazakhstan and the United Arab Emirates, had ratified the Convention in 2009, bringing the total number of Parties to 110. Those two countries had also ratified Protocols I, III and IV. Georgia had recently become the ninety-third Party to amended Protocol II. In 2009, the United States had ratified Protocol III on Prohibitions or Restrictions on the Use of Incendiary Weapons, bringing the total number of Parties to 104. Moreover, there had been an increase of 13 in the number of Parties to Protocol V since November 2008. Thus far, 61 States had notified their consent to be bound by the Protocol. Italy and Saudi Arabia had also recently submitted instruments of ratification. In addition, nine more States had ratified in 2009 the amendment to article 1 of the Convention, which expanded its scope of application to include internal conflicts.

27. Lastly, he called on those States that had not yet done so to ratify or accede to the Convention and, in particular, to express consent to be bound by the Convention and its Protocols at the earliest possible opportunity.

28. **Mr. Van Donkersgoed** (Netherlands), speaking as Coordinator of the Steering Committee of the CCW Sponsorship Programme, introduced his report (CCW/MSP/2009/4), drawing attention to information on the background to and purpose of the Sponsorship Programme and on the role of its Steering Committee, set out in paragraphs 1 to 4 of the report.

29. On the basis of the Guidelines for the CCW Sponsorship Fund Administration, the Steering Committee had considered a number of issues, notably relating to the operation of the Programme, including applicable procedures, criteria for sponsorship and its evaluation. Further details on the activities of the Sponsorship Programme and on the decisions taken by the Steering Committee were contained in paragraphs 6 to 9 of the report.

30. The report covered the period 1 November 2008 to 31 October 2009, unlike the previous year's report, which had covered one calendar year. The rationale for the change was that it was difficult to calculate the expenses incurred in connection with an activity still under way, such as the current Meeting of the High Contracting Parties, exact figures for which would become available one month after the conclusion of the event. As at 31 October 2009, the total amount available in the Sponsorship Programme Fund was 230,564 Swiss francs. The breakdown of that amount was given in annex I, which contained the report by the Geneva International Centre for Humanitarian Demining (GICHD) on the administration of the Sponsorship Programme.

31. On behalf of the Steering Committee, he conveyed his gratitude to the Parties that had contributed so generously to the Sponsorship Programme, as listed in paragraph 11 of the report. Through their financial support, the Programme was fully functional and had helped enhance cooperation, exchange of information and consultations among the Parties and States not parties on many issues relating to universal observance of the principles enshrined in the Convention and its Protocols. He invited all Parties to consider supporting the Programme. A voluntary contribution allowed a donor country to become a member of the Steering Committee, thus enabling it to participate in shaping the Programme's future activities.

32. **Mr. Ei Matatia** (Observer for Samoa) said that his Government was grateful for the opportunity to participate in the Meeting provided by the Sponsorship Programme. It recognized the importance of the Convention in the field of arms control and international humanitarian law and was committed to its aims. Following regional consultations in Nepal in 2008, his Government was preparing to accede to the Convention and its Protocols in the near future. Samoa had become a signatory to the Cluster Munitions Convention in 2008 and was working towards ratification.

33. **Mr. Zaid** (Observer for Afghanistan) said that Afghanistan had been one of the first countries to sign the Convention, but that the subsequent wars and other challenges had delayed ratification. Since the fall of the Taliban regime in 2001, Afghanistan had resumed its rightful place in the international community, where it had worked for the lofty goal of achieving security and social, economic and cultural development. It had achieved enormous progress in a relatively short period, signing or ratifying numerous important agreements relating to the fight against terrorism, narcotics and weapons of mass destruction, landmines and cluster munitions, including the Ottawa Convention on Landmines. The Cluster Munitions Convention was currently being ratified.

34. While Afghanistan had not yet ratified the Convention on certain Conventional Weapons and its Protocols, it had taken a number of measures relating to disarmament, demobilization and reintegration and the disbanding of illegal armed groups. It had collected tens of thousands of heavy and light weapons and tens of thousands of metric tons of ammunitions for such weapons, as well as 352 metric tons of cluster munitions, had destroyed over 50,000 anti-personnel mines and 900 anti-tank mines, and had cleared over 1,800 areas that had been contaminated by mines. Some 1.5 million men, women and children had received instruction regarding the dangers posed by mines. Afghanistan was committed to the goals of the Convention, and the Minister for Foreign Affairs had already taken measures for ratification. Lastly, he expressed thanks to those Governments and donors that had assisted victims of landmines in his country.

35. **The Chairperson** suggested that the Meeting should take note of the report on promoting the universality of the Convention and its annexed Protocols and express satisfaction at the measures adopted to ensure the implementation of the plan of action. In addition, the meeting should underline the importance of universal accession to the Convention, its amended article 1 and its Protocols, and urge all States that had not yet done so to become parties without further delay. He further suggested that the Meeting should take note of the report of the Coordinator of the CCW Sponsorship Programme and recognize the importance of the Programme in strengthening the implementation of the Convention and its Protocols; promoting universal observance of the norms and principles enshrined in those instruments; supporting their universalization; enhancing cooperation, exchange of information and consultations among the Parties; and ensuring broader geographical representation in meetings held under the Convention. On behalf of the High Contracting Parties, he would bring his influence to bear with a view to attaining the objective of universality and would encourage the Secretary-General of the United Nations to do likewise.

36. If he heard no objection, we would take it that that was acceptable to the High Contracting Parties.

37. *It was so decided.*

Mines other than anti-personnel mines

38. **The Chairperson** recalled that the 2008 Meeting of the High Contracting Parties had decided to keep the issue of mines other than anti-personnel mines (MOTAPMs) under

consideration under the overall responsibility of the Chairperson-designate. He invited delegations to state their views on the issue.

39. **Mr. Dowling** (Ireland) said that, following the Second Review Conference, successive groups of governmental experts had been entrusted with the task of examining problems arising from the use of MOTAPMs and of making recommendations that would minimize their humanitarian impact. The High Contracting Parties had heard overwhelming evidence of the damage such mines caused to human life and to social and economic activities. The majority of Parties had expressed the view that there was a need for an additional protocol to regulate their use.

40. Since most casualties were due to mines laid outside perimeter-marked areas, in 2002 and 2004 his delegation had presented proposals to ensure that the use of persistent mines would be restricted to perimeter-marked areas and that, regardless of the method of delivery, only mines with a limited active life could be laid outside such areas. Those proposals and the proposal by the United States and Denmark on detectability and on the active life of remotely delivered mines had attracted wide support. Ireland's proposals concerned the use of mines during armed conflict and did not seek to impose numerical technical specifications that might create difficulties for less developed States. They required only that all non-persistent mines laid outside perimeter-marked areas should be equipped with a self-deactivating feature, in addition to either a self-destruction or self-neutralization mechanism.

41. Much good work had been accomplished on MOTAPMs between 2002 and 2006 under the leadership of various coordinators. However, his delegation believed that the paper submitted by Ambassador Reimma of Finland in 2005 would provide an appropriate basis for further work. He urged the Parties to conclude and adopt without delay a legally binding protocol that would reduce the humanitarian damage caused by MOTAPMs.

42. **Mr. Hoffmann** (Germany) said that his delegation regarded the Convention as a key multilateral mechanism of international humanitarian law. The Convention must remain a dynamic instrument, in order to protect the civilian population in the face of increasingly dangerous conflicts.

43. Following a three-year hiatus, the time had come to see whether negotiations should be resumed on legally binding commitments relating to the detectability, active life and transfer of MOTAPMs. Such commitments would strengthen international humanitarian law by adding value to the Convention and its Protocols. He proposed that the negotiations should resume in 2010, on the basis of the mandate set forth in the procedural report of the Group of Governmental Experts (CCW/CONF.III/7/Add.2).

44. In accordance with his Government's policy on MOTAPMs, all such mines used by the German Armed Forces were detectable and equipped with mechanisms ensuring limited active life. Furthermore, transfers of those mines to third States must meet the same requirements.

45. **Ms. Ališauskienė** (Lithuania) said that her delegation attached great importance to the issue of MOTAPMs. The serious humanitarian, social, economic and development concerns posed by the irresponsible use of such mines should be addressed at the first opportune moment with a view to concluding a legally binding instrument that would strengthen international humanitarian law.

46. MOTAPMs were legitimate weapons, but it was important to strike the right balance between humanitarian concerns and military considerations. During the five years of negotiations, a firm basis for agreement had been laid. Lithuania was committed to pursuing negotiations and adopting a new protocol under the CCW framework as soon as possible.

47. In November 2006, Lithuania had signed the Declaration on anti-vehicle mines and applied the policies set out in the Declaration; she encouraged other States to do likewise.

48. **Mr. Al Nuqari** (Observer for the Syrian Arab Republic) said that he wished to make some general and some more specific comments. The coordination work undertaken recently seemed to have departed from the spirit of the Convention and its Protocols. He cited article 1, paragraph 2, of amended Protocol II, article 1, paragraph 1, of the Convention, and article 1, paragraph 4, of Additional Protocol I (1977) to the 1949 Geneva Conventions, which enshrined some basic elements of the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations. An important principle embodied in the Declaration was the prohibition on the occupation by force of the territory of another State. Such principles should be borne in mind when appointing coordinators and Friends of the President.

49. In that connection, he referred to the report on improvised explosive devices submitted to the Eleventh Annual Conference of the High Contracting Parties to Amended Protocol II by the Friend of the President (CCW/AP.II/CONF.11/2). He recommended that such reports should be made on behalf of a group of States or of all the High Contracting Parties and should not express the personal views of a coordinator. In accordance with article 3, paragraph 2, of amended Protocol II, Parties were responsible for clearing mines, booby traps and other devices employed by them. However, if all Parties complied with their obligations, there would be no need to conduct clearance operations, and such devices would not fall into the hands of States that were not parties to the Convention and its Protocols.

50. **The Chairperson** said that the item under consideration related to MOTAPMs.

51. **Mr. Al Nuqari** (Observer for the Syrian Arab Republic) said that, although he had referred specifically to amended Protocol II, his comments fell within the purview of the Convention as a whole, and he wished them to be reflected in the summary record.

52. **Mr. Vasiliev** (Russian Federation) said that his delegation's position regarding MOTAPMs remained unchanged: they did not pose an urgent humanitarian threat. Indeed, since the Third Review Conference, no convincing data had been produced to show that anti-tank or anti-vehicle mines caused casualties or human suffering during or after conflicts. States had diverging positions on the matter. Moreover, to date his delegation had received no adequate response to the detailed submissions it had made during the negotiations. For all those reasons, it did not consider it appropriate to resume consideration of the matter within the CCW framework.

53. **Mr. Hodson** (United States of America) said that his delegation supported the idea of an agreement on MOTAPMs and believed that such an instrument would make an important contribution to international humanitarian law. However, the time was not yet ripe to resume work on the topic, and efforts should therefore focus on negotiating a protocol on cluster munitions.

54. **Mr. MacBride** (Canada) said that his delegation had been disappointed that the Third Review Conference had not reached consensus on a protocol on MOTAPMs, and it had therefore joined others in making the Declaration on anti-vehicle mines. Since signing the Declaration in 2006, Canada had not possessed, used or transferred any undetectable anti-vehicle mines.

55. It appeared, from the statements made at the current meeting, that little progress had been made on the controversial aspects of MOTAPMs. Moreover, there was still considerable work to be done in respect of cluster munitions. He therefore considered that

the deliberations on the MOTAPMs should not be resumed until States had indicated their willingness to renegotiate their positions and the cluster munitions issue had been settled.

56. **Mr. Itzhaki** (Israel) said that Israel was one of the 23 countries that had issued the Declaration on anti-vehicle mines, and that it remained open to the possibility of renewing discussion on that topic. However, he believed that the Meeting should concentrate its efforts on achieving a protocol on cluster munitions within the next year. While it was gratifying that States not signatories to the Convention showed interest in the proceedings, the Meeting, as a professional forum, should restrict its discussions to the advancement of humanitarian law.

57. **Mr. Khokher** (Pakistan) said that the term “mines other than anti-personnel mines”, or “MOTAPMs”, was used only in the context of CCW and was not found in any military manuals or handbooks. The discussions previously held on such mines had focused on detectability and persistence. The non-detectable nature of such devices was a source of strength for defensive forces. Any discussion of such mines should therefore focus on the irresponsible use of anti-vehicle mines. There was, however, no evidence that such mines posed serious humanitarian concerns, so the continuation of work on the question would not be justified. It would be more constructive to enhance efforts to achieve the universality of the Convention and its existing Protocols rather than pursue new objectives. Lastly, the mandate of the Group of Governmental Experts had not been to negotiate an instrument, but merely to hold a discussion on the topic. A useful discussion had indeed been held. He supported the call made by the United States delegation to focus on topics that were already being addressed under the Convention.

58. **Ms. García Jordan** (Cuba) said that Cuba was opposed to the adoption of a protocol on MOTAPMs. Negotiation of such an instrument was unnecessary, as the Convention and its Protocols already covered the technical aspects of the humanitarian concerns raised by the use of such devices. Cuba had in November 2005 proposed a text that would have prohibited the use of such mines outside the borders of the State that possessed them, thus allowing for their use only for purposes of legitimate defence. That position should be taken into account in any future discussions on the topic.

Status of implementation of and compliance with the Convention and its Protocols

(continued)

Draft decision on establishment of an implementation support unit for the Convention

59. **The Chairperson** invited delegations to resume consideration of the revised draft decision on establishment of an implementation support unit circulated earlier.

60. **Ms. Gómez Oliver** (Mexico) said that her delegation did not oppose the idea of establishing an implementation support unit and appreciated the efforts made to take into consideration in the proposed text the views of the Parties, notably concerning the need for the Fourth Review Conference to review the number of staff employed in the unit and their functions.

61. **Mr. Strømø** (Norway), welcoming the inclusion of the clause stipulating that the Fourth Review Conference would review the staffing of the unit, said that Norway supported adoption of the draft decision.

62. **Mr. Matsuura** (Japan) welcomed the reduction of the number of staff from three to two, and said that the requirement for the head of the implementation support unit to submit reports to the annual Meetings of the Parties would result in the efficient operation of the unit.

63. **The Chairperson** said he took it that the Meeting was now ready to approve the text, as orally amended by the representative of the United Kingdom.

64. *It was so decided.*

Draft decision on the mandate of the Fourth Review Conference

65. **The Chairperson** invited delegations to resume consideration of the draft decision on the mandate of the Fourth Review Conference circulated earlier. Seeing no objections, he took it that the Meeting wished to adopt the text.

66. *It was so decided.*

Consideration of the report of the work of the Group of Governmental Experts
(continued)

Draft decision on the mandate of the Group of Governmental Experts

67. **The Chairperson** drew attention to a revised draft decision on the mandate of the Group of Governmental Experts, which had been submitted by him following informal consultations and circulated informally in the meeting room. He requested comments on the draft.

68. **Mr. Turcotte** (Canada) noted that the text did not refer to the possibility of holding a third week of meetings, which would be informal, and asked whether the scheduling of the second formal session, from 30 August to 3 September 2010, had been dictated by logistical constraints.

69. The reference to support from military and technical experts was not sufficiently specific. In order to balance military and humanitarian concerns, the text should be amended to state explicitly that the technical experts would include experts in humanitarian law, development practitioners and others who dealt every day with the practical impact of cluster munitions.

70. He fully supported the changes to the second paragraph, which rendered the text more explicit. Regarding the mandate, it was important to set out clearly the aim of the work to be done. There was an overwhelming consensus in the Meeting that the aim was to draw up a protocol on cluster munitions, and the text should state that explicitly. He therefore proposed that, in the first paragraph, the word “proposal” be replaced with “protocol”.

71. **Ms. Haller** (Switzerland) agreed that the word “proposal” should be replaced with “protocol”.

72. **Mr. Vasiliev** (Russian Federation) expressed support for the text as it stood. The Russian Federation had no objection to the conclusion of a binding protocol on cluster munitions, as long as the interests of States that had such weapons were taken into account. He noted with concern that attempts were often made to include in new instruments requirements adopted in other forums. The Russian Federation was prepared to negotiate a protocol on cluster munitions within the CCW framework, but in the circumstances it felt that the mandate set out in the draft text should not be modified.

73. **Mr. Hoffmann** (Germany) agreed that the use of the word “protocol” would make the mandate clearer. He proposed that, in the first paragraph, the words “with the objective of concluding a draft protocol to address urgently the humanitarian impact of cluster munitions while striking a balance between military and humanitarian considerations” should be inserted after the word “negotiations”.

74. **Mr. Rao** (India) said that the draft submitted by the Chairperson was acceptable to his delegation. While the aim of the work of the Group of Governmental Experts was clearly to conclude a protocol, that work had continued for the past two years, and the absence of a clear mention of the word “protocol” in the Group’s mandate had not impeded progress. The proposal put forward by Canada to describe explicitly what kind of technical experts should be involved in the work, was too prescriptive. It was for each delegation to decide what kind of technical experts should take part.

75. **Mr. Macedo Soares** (Brazil) said that it would be useful to use the word “protocol”, so as to set out clearly the objective of the work.

76. **Mr. Miranda Duarte** (Portugal) said that, by using the word “protocol”, the Meeting would ensure that the mandate better reflected the reality of the work done by the Group of Governmental Experts, which was aimed at achieving a legally binding instrument. He supported the amendment proposed by Germany.

77. **Mr. Wingren** (Sweden) speaking on behalf of the European Union, said that the aim of the work done by the Group of Governmental Experts was clearly the conclusion of a protocol. There was no reason to avoid stating that explicitly in the Group’s mandate.

78. **Mr. Khokher** (Pakistan) said that the term “technical experts” was sufficiently broad, and that it was for the Parties to determine the specific sense to be given to it when deciding which experts should be included in their delegations. The process being intergovernmental, Governments were sovereign to make such choices. As for the proposal to use the word “protocol” in the text, while there would be some merit to amending the draft, realism dictated that the Meeting should seek consensus. Moreover, the conclusion of a protocol was referred to implicitly. His delegation therefore supported the text as it stood.

79. **Ms. Sancar** (Turkey) said that, while she supported the amendment proposed by Germany and the proposal to refer specifically to humanitarian experts, her delegation was flexible and could accept the text as it stood.

80. **Mr. Itzhaki** (Israel) said that Israel would back any proposal likely to achieve consensus, as the main concern should be advancing the work of the Group of Governmental Experts. He agreed that it was for each Party to decide, in full sovereignty, what kind of technical experts it should include in its delegation.

81. **Mr. Turcotte** (Canada) said that his delegation supported the proposal put forward by Germany, which addressed Canada’s main concerns. As for the kinds of expert who should take part in the work of the Group of Governmental Experts, they should include people from a wide range of fields, including experts in addressing physical and psychological trauma, risk education and development; such expertise was of prime importance in overcoming the effects of cluster munitions on agricultural activities and economic and commercial development. If the mandate did not call explicitly for the support of such specialists, it was difficult to understand why it would call for the support specifically of military experts. In the interests of balance therefore, the reference to military experts should perhaps be deleted.

The meeting rose at 1.05 p.m.