

**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 1st meeting

Held at the Palais des Nations, Geneva, on Thursday, 15 November 2012, at 10 a.m.

Temporary Chairperson: Mr. Sareva (Conference on Disarmament)

Chairperson: Mr. Domingo (Philippines)

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The meeting was called to order at 10.55 a.m.

Opening of the Meeting

1. **The Temporary Chairperson**, acting on behalf of the Secretary-General of the United Nations, which is the depository 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 and its annexed Protocols, declared open the 2012 Meeting of the High Contracting Parties to the Convention.

Confirmation of the nomination of the Chairperson of the Meeting

2. **The Temporary Chairperson** recalled that, as stipulated in paragraph 32 of the final document of the 2011 Fourth Review Conference (CCW/CONF.IV/4, part I), the High Contracting Parties had decided to designate Mr. Jesus S. Domingo of the Philippines as Chairperson of the Meeting of the High Contracting Parties to be held in 2012. If there were no objections, he would take it that the Meeting of the High Contracting Parties wished to confirm Mr. Domingo's nomination.

3. *It was so decided.*

4. *Mr. Domingo (Philippines) took the Chair.*

Adoption of the agenda (CCW/MSP/2012/1)

5. **The Chairperson** recalled that the provisional agenda of the 2012 Meeting of the High Contracting Parties had been published as document CCW/MSP/2012/1. He took it that the Meeting wished to adopt that agenda.

6. *It was so decided.*

Message of the United Nations Secretary-General of the Meeting

7. At the invitation of the Chairperson, Mr. Tokayev (Director-General of the United Nations Office at Geneva and Secretary-General of the Conference on Disarmament) read out the message of the Secretary-General of the United Nations.

8. In his message, the Secretary-General said that a key strength of the Convention was its responsiveness to humanitarian issues raised by developments in weapon technologies and armed conflicts. He strongly urged the High Contracting Parties to continue to explore all possible avenues for ensuring that anti-vehicle mines no longer harmed civilians, impeded the delivery of humanitarian aid or obstructed social and economic development. He repeated his call for more focused attention to be paid by all actors to the significant risk that the use of explosive weapons in populated areas presented to civilians. He urged the Parties to increase efforts to raise awareness of the Convention's provisions and strengthen their implementation. He welcomed the adoption of the Accelerated Plan of Action on Universalization of the Convention and its annexed Protocols and the commitment to increase the transparency of reporting under the Convention's compliance mechanism.

Confirmation of the Rules of Procedure (CCW/CONF.IV/2)

9. **The Chairperson** proposed that the 2012 Meeting of the High Contracting Parties should apply mutatis mutandis the Rules of Procedure adopted by the Fourth Review Conference (CCW/CONF.IV/2), disregarding those that were not relevant to a short meeting.

10. *It was so decided.*

Confirmation of the nomination of the Secretary-General of the Meeting

11. **The Chairperson**, referring to article 14 of the Rules of Procedure, said that the Secretary-General of the United Nations had nominated Mr. Bantan Nugroho, Head of the Convention Implementation Support Unit, as Secretary-General of the Meeting. He proposed that the Meeting should confirm the appointment of Mr. Nugroho to that position.

12. *It was so decided.*

Organization of work, including that of any subsidiary body of the Meeting (CCW/MSP/2012/2)

13. **The Chairperson** said that he did not see the need to establish any subsidiary bodies. Since the Meeting would last only two days he intended to use the time available for meetings in plenary and, whenever needed, informal consultations. He also intended to combine the general exchange of views with agenda item 9 (Accelerated Plan of Action on Universalization of the Convention and its annexed Protocols). He took it that the Meeting wished to adopt the proposed organization of work.

14. *It was so decided.*

15. **Mr. Gailūnas**, Coordinator of the Steering Committee of the Sponsorship Programme, introduced his report on the Sponsorship Programme (CCW/MSP/2012/7). Eight delegates had been sponsored to attend the week of meetings held within the framework of the Convention, and 20 delegates had been sponsored to attend the 2012 Meeting of Experts on Mines Other Than Anti-Personnel Mines (MOTAPMs), Amended Protocol II and Protocol V, at which they had had the opportunity to learn about the Convention regime and how to join it and to report on their progress towards universalization. It was essential for all requests for sponsorship to be received six weeks prior to a given meeting. He was pleased that the Steering Committee had decided to continue the arrangement whereby the Programme was administered by the Geneva International Centre for Humanitarian Demining (GICHD) and he commended the secretarial work provided by the Implementation Support Unit, noting that the exclusion of the post of Secretary from the Unit's budget would have a negative effect on the Sponsorship Programme. Recalling that the Programme would not be able to continue without the financial support of the States, he thanked Australia, China, Spain and Turkey for their contributions in 2012 and urged all High Contracting Parties and regional organizations to support the Programme.

16. **The Chairperson** presented the report prepared by the Implementation Support Unit on promoting the universality of the Convention and its Protocols (CCW/MSP/2012/6). He recalled the important commitments made in agreeing to the Accelerated Plan of Action on Universalization of the Convention and its annexed Protocols (CCW/CONF.IV/4/Add.1, annex I), particularly those set forth in paragraphs 3, 4 and 5, noting that, with 115 High Contracting Parties to the Convention, much more still remained to be done on universalization. The most recent adherent to the Convention was Burundi, and Burundi, Lao People's Democratic Republic, South Africa and Turkmenistan had adhered to Protocol V. Cuba meanwhile had deposited the instruments setting out its consent to be bound by Protocol IV and Protocol V.

General exchange of views

17. **Mr. Woolcott** (Australia) said that the Convention needed to continue to demonstrate its relevance as a key instrument of international humanitarian law. Australia continued to promote the Convention in the Asia-Pacific region and had contributed funding and technical expertise to the meetings held in that region, as well as to the Sponsorship Programme, to which it had given US\$ 100,000 over the previous five years.

The failure to conclude a new protocol on cluster munitions in 2011 was highly regrettable, and he urged the High Contracting Parties to think carefully about the work they should embark on in 2013 and beyond. Australia supported renewing the suspended discussions on MOTAPMs provided all the Parties agreed to their continuation.

18. **Mr. Yamamoto** (Japan) said that Japan firmly believed that all the High Contracting Parties should remain engaged in the pursuit of an instrument to regulate the use of cluster munitions. Despite the failure of the 2011 discussions of a new protocol on the subject, the Convention remained a highly credible international legal framework that mitigated the humanitarian concerns generated by specific weapons while striking a balance with security requirements.

19. **Ms. Mehta** (India) said that the breakdown of the negotiations for a new protocol on cluster munitions should not overshadow the importance of the Convention or undermine the pursuit of its universalization. India was a strong supporter of the Sponsorship Programme and regularly contributed funds to it. India also supported the approach of amended Protocol II that sought to achieve a balance between the humanitarian concerns associated with the use of land mines and legitimate defence needs, particularly in States with extensive borders, and it supported the complete ban on the transfer of MOTAPMs to non-State actors.

20. **Mr. Kos** (European Union), speaking also on behalf of the candidate countries of the European Union (the former Yugoslav Republic of Macedonia, Iceland, Montenegro and Serbia), the country of the stabilization and association process and potential candidate (Bosnia-Herzegovina), as well as Georgia and the Republic of Moldova, said that the European Union supported the Accelerated Plan of Action on Universalization of the Convention and its annexed Protocols. The European Union agreed with the principle that the High Contracting Parties should work in a focused and efficient manner to make the best possible use of existing resources. It was pleased with the spirit of practicality and the synergies created among the instruments associated with the Convention, as well as the synchronization of their respective reporting procedures. Further discussions of MOTAPMs in the framework of the Convention could be of great value.

21. **Mr. Guerreiro** (Brazil) said that Brazil considered anti-vehicle mines to be a valid component of a country's defence strategy. Brazil did not support the adoption of any new obligations that would entail adapting or even replacing existing stocks of anti-vehicle mines at excessive financial and operational costs that were far harder for developing countries to bear, particularly with regard to the key issues of the detectability and the lifespan of MOTAPMs. The provisions of the Convention covered the technical and use-related aspects of MOTAPMs thoroughly and with rigour, while duly addressing humanitarian concerns.

22. **Mr. Wu** (China) said that with regard to assistance for humanitarian demining operations, since 1998 China had supplied equipment and training to some 40 countries in Asia, Africa and Latin America. In 2012, it had sent a team of specialists to Cambodia to provide training in the field. China had also provided demining training in Sudan and Southern Sudan and assistance to victims in Lebanon and Lao People's Democratic Republic. Means other than those used to address anti-personnel mines were needed to address the issue of anti-vehicle mines. Amended Protocol II contained provisions applicable to anti-vehicle mines and they should be fully and effectively implemented.

23. **Mr. Kwon** Haeryong (Republic of Korea) said that the Convention had proved itself capable of responding to developments in weapons technology and to the evolving nature of armed conflicts, as shown by Protocol V on Explosive Remnants of War. The Government of the Republic of Korea continued to raise awareness of the Convention and its Protocols among the Armed Forces and had taken all necessary measures to implement

them effectively. For national security reasons, however, it had to resort to the deployment of mines, including MOTAPMs, as a deterrent and a means of defence. The delegation of the Republic of Korea was pleased that the Accelerated Plan of Action on Universalization of the Convention and its annexed Protocols, as well as the Sponsorship Programme, had begun to bear fruit.

24. **Mgr. Tomasi** (the Holy See) said that the delegation of the Holy See wished to raise the issue of the use of explosive weapons in populated areas, which, in the light of recent and current conflicts, was highly pertinent. Despite legal, political and humanitarian provisions, civilians in urban areas continued to be the first victims of armed conflicts, and the associated damages affected primarily civilian infrastructure and the basic resources of subsistence of entire populations, caused psychological trauma and hindered development. The resulting sociopolitical wounds made reconciliation difficult, if not impossible, to achieve. Although losses of military personnel had become less acceptable, the same could not be said for the losses of civilians not belonging to the same national community, which, regrettably, sometimes seemed to be taken less seriously. It was essential to reach the goal of minimal, if not zero, tolerance with regard to the acceptability of suffering imposed on innocent people.

25. **Mr. Hoffmann** (Germany) said that the universalization of the Convention and the achievement of the objectives adopted at the Fourth Review Conference were key priorities for the German delegation. With regard to explosive remnants of war, Germany provided substantial demining assistance in over 40 countries. It was currently focusing on enhancing safety at ammunitions storage facilities in North Africa and considering doing the same in the Sahel. Universalizing initiatives to limit the operational lifespan and to ensure the detectability of MOTAPMs was a vital step towards achieving real results in humanitarian terms. In Germany's view, full implementation of existing norms would be more worthwhile than creating new rules, and it was therefore in favour of continuing the exchange of views rather than aiming for a new protocol. One of its objectives was to examine more effective ways to implement amended Protocol II with regard to MOTAPMs.

26. **Mr. Yermakov** (Russian Federation) said that, for the Russian Federation, the top priority was the full implementation of the Convention and its Protocols. Its position regarding MOTAPMs had not changed. The essential issue was whether MOTAPMs were being used in accordance with international humanitarian law or not. The Russian Federation had no data showing that anti-vehicle mines caused major losses and human suffering during and after armed conflicts. It made more sense to engage in a serious exchange of views on the issue of improvised explosive devices and to examine the issue of MOTAPMs in the framework of Amended Protocol II.

27. **Mr. Benítez Verson** (Cuba) said that Cuba was pleased to announce that it had recently officially deposited its instruments of ratification of Protocol IV and Protocol V. Cuba was convinced that it was possible to increase the number of parties to the Convention quite quickly and reaffirmed its support for the Plan of Action on Universalization of the Convention. Cuba was not in favour of continuing the discussions on MOTAPMs.

28. **Mr. Canchola Gutiérrez** (Mexico) said that efforts to ensure the full implementation of all applicable humanitarian norms needed to be intensified as a matter of urgency. The position of Mexico, as it had stated time and time again, was that all weapons not compatible with the principles of international humanitarian law must be banned. The Parties to the Convention needed to be ambitious and consider once more the possibility of establishing a mechanism to monitor compliance with the provisions of the Convention and its annexed Protocols. The Convention could be amended for that purpose.

29. **Mr. Khvostov** (Belarus) said that, given the lack of consensus on the MOTAPM issue, the authorities of Belarus were of the view that it was unlikely that an agreement on an international legal instrument on the subject could be reached in the near future and it would not make sense to hold another meeting of experts on the matter in 2013. A consensus might be reached, on the other hand, on the issue of improvised explosive devices. Belarus worked actively to promote the universalization of the Convention and Protocol V.

30. **Mr. Nore-Alam** (Bangladesh) said that in keeping with its obligations under the Convention, Bangladesh undertook various activities at the national level, including awareness-raising among the Armed Forces and the public at large, the destruction of unexploded or other ordnance or devices detected in its territory and training and capacity-building. Members of the Armed Forces of Bangladesh continued to participate in humanitarian demining operations as part of the United Nations peacekeeping efforts in different parts of the world. Bangladesh urged all relevant parties to demonstrate the necessary political will so that a balanced and pragmatic solution on draft protocol VI on cluster munitions, which would be annexed to the Convention, could be reached promptly.

31. **Mr. Olexander Osadchyi** (Ukraine) said that Ukraine regretted that the international community had not managed to conclude the negotiations on Draft Protocol VI on Cluster Munitions. Ukraine was of the view that the threat posed by MOTAPMs was no greater in humanitarian terms than that posed by other types of weapons. It shared the view expressed by other States that it would be inadvisable to continue discussions of the subject. Statistics for recent years showed clearly that improvised explosive devices were the main cause of casualties among combatants and civilians in conflict zones.

32. **Mr. Simon-Michel** (France) said that France welcomed the progress made in the discussions held under amended Protocol II on the issue of improvised explosive devices and hoped that they would soon result in specific measures being adopted. It was also pleased that, in April 2012, the issue of MOTAPMs had been included once again on the agenda. France hoped that the States' positions on the matter might converge in the near future and therefore supported the idea of continuing the discussions at the expert level. France was planning to contribute some 10,000 euros to the Sponsorship Programme in 2012.

33. **Mr. Miano** (Philippines) said that the use of improvised explosive devices by non-State actors continued to claim victims among the police, military personnel and the civilian population in the Philippines. The Philippines urged all stakeholders in disarmament and humanitarian action to take effective measures against such devices. It considered the discussions on MOTAPMs to be of interest and was in favour of more expert meetings being held on the matter. The Philippines sought to promote adherence to the Convention and its annexed Protocols at the bilateral and regional levels, including within the Association of Southeast Asian Nations (ASEAN).

34. **Mr. Schmid** (Switzerland) said that the Swiss delegation congratulated the Coordinator of the Sponsorship Programme and CIDHG for the work they had accomplished. Switzerland was convinced that the Programme had a positive impact on the universalization and implementation of the Convention and was pleased to see the increase in the number of persons sponsored over the years. The humanitarian consequences of the use of MOTAPMs for the civilian population, as well as for personnel engaged in peacekeeping missions and humanitarian and development activities, had long been a concern for Switzerland, and it was convinced that clear rules on their use needed to be established.

The meeting rose at 1 p.m.