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**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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**Geneva, 15 and 16 November 2012**

**Summary record of the 3rd meeting**

Held at the Palais des Nations, Geneva, on Friday, 16 November 2012, at 10 a.m.

*Chairperson:* Mr. Domingo..... (Philippines)

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*The meeting was called to order at 10.10 a.m.*

**Mines other than anti-personnel mines (MOTAPM) (continued) (CCW/MSP/2012/4)**

1. **Mr. Hoffmann** (Germany) said that, in his Government's view, the initiatives to limit the operational lifespan of mines other than anti-personnel mines (MOTAPMs) and to ensure their detectability were vital steps in dealing with the humanitarian impact of the indiscriminate use of such mines. While Germany currently opposed the negotiation of a new protocol, it supported a continued exchange of views on the issue in the most cost-effective manner within the framework of the Convention.
2. **Ms. Marville** (Switzerland), supported by **Mr. Cappelin** (Sweden) and **Mr. Valencia Muñoz** (Colombia), said that her Government remained convinced of the need to specify standards of international humanitarian law that could meet the challenges posed by MOTAPMs, and it welcomed the fact that a meeting of experts had been held in 2012, thus making it possible to consider a wide range of issues relating to the problems posed by such weapons. Switzerland was determined to continue and expand on the discussions under way and hoped that the High Contracting Parties would decide to hold another open-ended meeting of experts in 2013.
3. **Mr. Jackson** (Ireland), endorsing the views expressed by the representatives of Switzerland and Sweden, said that from 2002 to 2006 Ireland had put forward many proposals to prohibit the use of MOTAPMs without self-destruct or self-neutralization mechanisms outside perimeter marked areas. Aware of the need to make the best use of resources, Ireland proposed scheduling the next meeting of experts in close proximity to other meetings held in the framework of the Convention.
4. **Mr. Ali Khan** (Pakistan) reaffirmed Pakistan's firm opposition to continuing discussions about MOTAPMs. The meetings held from 2002 to 2006 had not produced any tangible results, and it had now become important to use resources sparingly. Anti-vehicle mines, which Pakistan had been using for years, were a legitimate means of defence in conflict situations. Statistics showed that they were mainly used for military purposes and in accordance with the established technical requirements, and as such did not pose a threat to civilians. An issue that was too often overlooked was the additional costs developing countries would have to bear to import anti-vehicle mines meeting new technical criteria established to limit the humanitarian impact of MOTAPMs.
5. **Mr. Mallikourtis** (Greece), supported by **Mr. Meier** (United States of America), said that his country considered MOTAPMs to be legitimate weapons with significant military utility. However, the irresponsible or unregulated use of MOTAPMs, especially by non-State actors, posed a humanitarian challenge that should be addressed while taking into consideration the balance between military necessity and humanitarian concerns. Drawing attention to the financial implications of any technical criteria that might be established for the use of MOTAPMs, and emphasizing the need to use resources efficiently, he said that his Government supported holding another meeting of experts, with the same mandate, in 2013.
6. **Ms. Gabelnick** (International Campaign to Ban Landmines) said that, according to statistics gathered by the Landmine and Cluster Munition Monitor since 1999, landmines, including anti-vehicle mines, produced disastrous effects in humanitarian terms for years after they were laid, both in terms of the number of victims, mainly civilians, and the damage they caused to infrastructure and economic development. Anti-vehicle mines continued to be frequently and widely used, especially by non-State armed groups. In future discussions, it should be noted that numerous States, the International Committee of the Red Cross and the International Campaign to Ban Landmines had all agreed that anti-vehicle mines equipped with sensitive fuses, including those triggered by a tripwire,

breakwire or tilt rod, were already prohibited under the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction. The International Campaign to Ban Landmines urged all States parties to the Convention on Certain Conventional Weapons to support the elimination of all mines and explosive remnants of war in order to put an end to the daily threat those weapons posed to civilians.

7. **Mr. Burke**, Friend of the Chair on MOTAPMs, said that the report under consideration did not offer any solutions but illustrated the great diversity of views on the issue of mines other than anti-personnel mines. He believed that much remained to be done in order for the High Contracting Parties to reach a common understanding on the application of international humanitarian law with regard to MOTAPMs.

#### **Consideration of the report of the CCW Sponsorship Programme (CCW/MSP/2012/7)**

8. **The Chairperson** invited the delegations to express their views on the work carried out under the Sponsorship Programme.

9. **Mr. Romero Puentes** (Cuba) said that, as a country that had benefited from the Sponsorship Programme, Cuba could only recognize its usefulness and effectiveness. The Cuban delegation hoped, however, that the agreed guidelines for the administration of the Sponsorship Programme (CCW/MSP/2012/7, annex III) would officially provide for the possibility for interested States to participate in the meetings of the Steering Committee.

10. **Mr. Gailūnas**, Coordinator of the Sponsorship Programme Steering Committee, noting that the second general principle agreed on by the High Contracting Parties in the decision on the establishment of the Sponsorship Programme within the framework of the Convention (CCW/CONF.III/11 (Part II), annex IV) stated that “this Programme will be conducted in an informal and flexible way with full respect for the specific ad hoc nature of the Convention-related meetings”, said that States wishing to participate in meetings of the Steering Committee were thus already entitled to do so, provided they submitted a request. He therefore did not consider it necessary to draft a written rule for that purpose, as that would require revising the guidelines on the administration of the Sponsorship Programme agreed upon by the Steering Committee, the Geneva International Centre for Humanitarian Demining and the Implementation Support Unit for the Convention. In conclusion, he thanked the Governments of Australia, China, Spain and Turkey for the contributions they had paid to the Sponsorship Programme in 2012 and urged all High Contracting Parties and regional organizations to support the Programme.

11. **The Chairperson** said that he would like the final document to note that the High Contracting Parties welcomed the agreed guidelines on the administration of the Sponsorship Programme (CCW/MSP/2012/7, annex III) and approved of the Programme’s management by the Geneva International Centre for Humanitarian Demining and of the work carried out under the Programme. If there were no objections, he would take it that the Meeting agreed.

12. *It was so decided.*

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

13. **The Chairperson** gave a summary of the measures the High Contracting Parties had decided to take at the end of the Fourth Review Conference (CCW/CONF.IV/4/Add.1) to enhance the implementation of the compliance mechanism for the Convention and its annexed Protocols. Reports on compliance with those instruments had been received from the following High Contracting Parties: Australia, Austria, Belarus, Bosnia and Herzegovina, Canada, Colombia, Croatia, Cyprus, Czech Republic, Denmark, Estonia, France, Greece, Holy See, Hungary, India, Italy, Japan, Latvia, Lithuania, Mexico,

Netherlands, New Zealand, Norway, Philippines, Portugal, Romania, Russian Federation, Spain, Switzerland, Turkey, United Kingdom and United States of America. He added that, in his capacity as President-designate and in the course of his bilateral contacts with States on the universalization of amended Protocol II, he was constantly urging the High Contracting Parties to submit compliance reports.

14. The final document of the Meeting should mention the importance the High Contracting Parties attached to the full implementation of the Convention and its annexed Protocols and to the promotion of consultation and cooperation between the High Contracting Parties. The commitment of the High Contracting Parties to the compliance mechanism for the Convention should be reaffirmed, and all the High Contracting Parties should be called on to submit annual compliance reports. If there were no objections, he would take it that the Meeting agreed.

15. *It was so decided.*

#### **Consideration of the report of the Implementation Support Unit (CCW/MSP/2012/8)**

16. **Ms. Loose** (Implementation Support Unit), introducing the detailed report requested by the High Contracting Parties at the Fourth Review Conference, described the activities the Unit had carried out over the past year under the mandate the High Contracting Parties had given it at their 2009 meeting. In accordance with the Accelerated Plan of Action on Universalization of the Convention and its annexed Protocols, one of its priority areas of activity in 2012 had been promoting the universalization of the Convention. The Unit had met individually with 28 delegations of States that were not yet parties to the Convention to explain to them all the background and functioning of the system established under the Convention and had made contacts with States from the Pacific region, where there was a low rate of accession to the Convention, at a workshop organized in Palau in October 2012 with the support of Australia, New Zealand and the secretariat of the Pacific Islands Forum on the implementation of the Forum's regional strategy on unexploded ordnance.

17. With regard to amended Protocol II, the Implementation Support Unit had helped the coordinators for the meeting of experts to draft their working papers and to communicate their objectives, particularly with regard to measures to promote universality and raise awareness. In 2013, in collaboration with Australia, it would focus on developing good practices to deal with improvised explosive devices.

18. The Implementation Support Unit had also made great efforts with regard to Protocol V, the most complex of all the Protocols annexed to the Convention. Together with each of the coordinators, it had conducted an evaluation of the Guide to National Reporting and the progress made in implementing Protocol V, and also of the measures taken by States to fulfil their obligations to remove explosive remnants of war, particularly in implementation of article 4. In 2013, it would focus mainly on helping the coordinators in their follow-up with the High Contracting Parties on preventive generic measures and on cooperation and assistance.

19. In 2012 the Implementation Support Unit had done everything in its power to ensure that the documentation was distributed in a timely manner and that the meetings of experts and other meetings or conferences were better organized. It had strengthened its cooperation with the Inter-Agency Coordination Group on Mine Action and with the regional centres of the United Nations Office for Disarmament Affairs and had worked hard to improve communication between the High Contracting Parties and with the delegations. On the Convention website ([www.unog.ch/ccw](http://www.unog.ch/ccw)) it had created a new section on preventive generic measures under Protocol V. In addition, it was now responsible for choosing candidates for the Sponsorship Programme, a task previously handled by the Geneva International Centre for Humanitarian Demining.

20. **Mr. Vipul** (India), supported by **Mr. MacBride** (Canada), said that the Office for Disarmament Affairs should promote the integration of tasks within the Implementation Support Unit and should encourage the latter to report annually to the High Contracting Parties.

21. **Mr. Grinevich** (Belarus) said that Belarus appreciated the work of the Implementation Support Unit and that its staff had worked very efficiently to prepare for meetings.

22. **Ms. Ramírez Valenzuela** (Mexico) said that Mexico recognized the value of the work carried out by the Implementation Support Unit but reaffirmed the need to cut costs and to evaluate the Unit's work and operations in order to determine more accurately how efficient it was.

23. **Mr. Sareva** (Director of the Geneva Branch of the Office for Disarmament Affairs) said that the Implementation Support Unit was an integral part of the Geneva Branch of the Office for Disarmament Affairs, and that the work of those bodies was highly integrated. The staff of the Geneva Branch of the Office for Disarmament Affairs, whose posts were covered by the regular budget, provided most of the services to support the work of the Implementation Support Unit and, through the Unit, the work carried out in the context of the Convention. The Office for Disarmament Affairs did not rely on other services. The Implementation Support Unit provided States parties with an increasing number of administrative support services, both as part of the Sponsorship Programme and in promoting the universality of the Convention. The Office for Disarmament Affairs was constantly striving to ensure financial transparency with regard to cost estimates and cost cutting.

24. **Mr. Hoffmann** (Germany) requested further details about the management and operations of the Implementation Support Unit.

25. **Mr. Sareva** (Director of the Geneva Branch of the Office for Disarmament Affairs) said that Mr. Nugroho acted as head of the Implementation Support Unit and reported to the Director of the Office for Disarmament Affairs. Like the Implementation Support Unit for the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, the Implementation Support Unit for the Convention on Certain Conventional Weapons was completely under the auspices of the Office for Disarmament Affairs.

26. **The Chairperson** suggested that the final document should state that the High Contracting Parties appreciated the work of the Implementation Support Unit and asked that it include in its annual report the estimated costs of the meetings and conferences held in the framework of the Convention and a comparison of estimated versus actual costs, in order to ensure greater transparency. He took it that the Meeting agreed with that suggestion.

27. *It was so decided.*

#### **Estimated costs for 2013**

28. **The Chairperson** raised the issue of the discrepancy between the Rules of Procedure for Annual Conferences of the States Parties to Amended Protocol II and the Rules of Procedure for Conferences of the High Contracting Parties to Protocol V with regard to how the costs should be allocated among the High Contracting Parties and the Observer States that attended the meetings of experts and the conferences. The problem had been resolved by suspending the effect of article 12 (on costs) of the two sets of rules and recommending that the matter be taken up at the meeting of experts in 2013.

29. **Mr. Sareva** (Director of the Geneva Branch of the Office for Disarmament Affairs) said that the “Miscellaneous” heading of the estimated costs for the 2013 Meeting of the High Contracting Parties covered equipment rental, including computers, but also direct costs such as editing services, documents control, documents distribution and financial resource management. It therefore involved quite a broad category of services. The 13 per cent allocated to programme support costs covered, inter alia, administrative overhead, human resources management support, office space, security and auditing fees, all of which were indirect costs.

30. **The Chairperson** pointed out that the President of the Sixth Conference of the High Contracting Parties to Protocol V, Ambassador Akram of Pakistan, had suggested cutting the secretariat services provided to the Implementation Support Unit.

31. **Ms. Loose** (Implementation Support Unit of the Convention) said that at the informal meeting held in September 2012 to prepare for the current week of meetings and conferences, the Implementation Support Unit had announced that it would send its cost estimates for 2013 to the States so that they could examine them and submit their observations. That dialogue on estimated costs had been very useful and had allowed the Unit to review its costs and budget. The Implementation Support Unit currently received secretariat services six months of the year. Those services were especially necessary for its work relating to the Sponsorship Programme. Selecting candidates for the Sponsorship Programme required extensive contact with the permanent missions and significant follow-up work. If the Implementation Support Unit no longer received that support from the secretariat, it would have to request assistance from the Sponsorship Programme Steering Committee, discuss the issue with the Geneva International Centre for Humanitarian Demining or appeal to donors. Secretariat services were also crucial for the activities carried out to promote the universality of the Convention and to prepare for conferences. Given the necessary overall budget reduction, the High Contracting Parties might consider granting secretariat support services to the Implementation Support Unit for a period of two or three months rather than six months so that it would still receive administrative support during its busiest periods.

32. With regard to the cost of holding conferences in the framework of the Convention, at the Sixth Conference of the High Contracting Parties to Protocol V the French delegation had made a proposal to abolish summary records of meetings. When the Rules of Procedure for Conferences of the High Contracting Parties to Protocol V had been drafted, there had been no website for the Convention on Certain Conventional Weapons providing access to a number of documents and statements relating to meetings or conferences. Moreover, at that time conference services had not been able to make available to large numbers of people audio recordings of meetings and conferences. While records might be useful when negotiations were in progress, the same could not be said for a conference examining the implementation of an instrument. It might therefore be justified to question whether it was worthwhile to produce summary records.

33. **Mr. Amadei** (Italy) said that the United Nations General Assembly had entrusted the Office for Disarmament Affairs with the task of facilitating the work of the Convention. However, it was still not clear what that task entailed. Still, the fact remained that the Implementation Support Unit had been established not to increase the Office’s workload, but rather to lighten it. If additional staff were to be hired to assist the Office, the same would have to be done for the Implementation Support Unit, which was unreasonable. First of all, it should be ascertained what was expected of the Office in terms of support, and the tasks to be carried out by the Office and the Unit, respectively, should subsequently be considered.

34. **Mr. Simon-Michel** (France) said that the French delegation and many other delegations were of the view that summary records were not useful. Since the cost of

producing them was very high, those delegations proposed to do away with them. However, as he understood that some delegations needed time to consider the issue, he requested that the final document of the Meeting of the High Contracting Parties should note that some delegations questioned the usefulness of summary records in the light of their cost. He asked that the Chairperson hold consultations on the issue in preparation for the next meeting.

35. **Mr. Vipul** (India) said that he had great difficulty finding on the Convention website ([www.unog.ch/ccw](http://www.unog.ch/ccw)) the statements made by representatives of the High Contracting Parties at previous meetings, and he therefore hoped that further consultations would be held on the issue. It might be enough to simply reorganize the website so that users could find the information they were looking for more easily.

36. **Mr. Gil Catalina** (Spain) said that he supported the proposal made by the delegations of France and other like-minded countries and asked that the request to open consultations on the usefulness of summary records be taken into consideration.

37. **Mr. Miranda Duarte** (Portugal) said that he supported the proposals put forward by France and Spain and believed that it would be useful to further develop the disarmament website. His delegation supported the idea of halting the production of summary records and hoped that a decision could be taken on the issue at the next Meeting of the High Contracting Parties.

38. **Mr. Mallikourtis** (Greece) said that he hoped that the proposal to eliminate summary records would be mentioned in the final document of the Meeting.

39. **Mr. Ali Khan** (Pakistan) said that he understood the importance of the proposal but that more time was required to properly reflect on the matter. The secretariat might contribute to that reflection by gathering information about the situation in other bodies that used summary records.

40. **Mr. Sareva** (Director of the Geneva Branch of the Office for Disarmament Affairs) said that the issue of eliminating summary records should be considered as part of the review of the United Nations regular budget. In response to constant requests, the Department for General Assembly and Conference Management was currently working to implement cost-effective solutions for the various tasks it carried out.

41. **The Chairperson** suggested continuing the discussion of the issue at the next meeting. Summarizing the general exchange of views, he noted that two important issues had been raised, namely the use of explosive weapons in inhabited areas and the use of incendiary weapons.

#### **Other matters**

42. **Ms. Docherty** (Human Rights Watch) said that the States parties should take notice of the need to revisit the Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons because its provisions were outdated and inconsistent and did not meet contemporary humanitarian needs. The instrument was weakened by two major flaws: its definition of incendiary weapons covered only weapons primarily designed to set fire to objects or to cause burn injury, and article 2 created an arbitrary distinction between air-delivered and ground-launched incendiary weapons. The continued production, stockpiling and use of incendiary weapons were consequences of those flaws. At least 29 countries had thus produced 182 different types of incendiary weapons. Human Rights Watch urged States to continue discussions on those weapons within the framework of the Convention and to establish a meeting of experts to revisit the Protocol.

43. In response to statements by two Governments claiming that information in a Human Rights Watch publication was incorrect, she pointed out that in both cases the

information consisted of direct quotations from remarks made at the 2011 Review Conference.

44. **Mr. Hoffmann** (Germany) said that as far as he was concerned the incorrect information was the claim that Germany had called for a meeting of the Group of Governmental Experts to be held in 2013 on the issue of incendiary weapons.

45. **Mr. Grinevich** (Belarus) said that, for its part, Belarus had never officially called for a review of Protocol III.

46. **Ms. Ramírez Valenzuela** (Mexico) said that the Government of Mexico was firmly committed to the objectives of the Convention. Mexico was not a party to amended Protocol II or to Protocol V, but it supported the humanitarian principles underpinning those instruments.

47. **Mr. MacBride** (Canada) said that his country was prepared to participate in a discussion on the use of white phosphorus, but that it would be helpful to understand the humanitarian implications of incendiary weapons before considering a review of Protocol III.

48. *The participants in the meeting were invited to view a documentary video on the activities conducted by the United Nations Mine Action Service in Libya since the end of the armed conflict there.*

*The meeting rose at 12.20 p.m.*