

Geneva, 11-21 December 2001

SUMMARY RECORD OF THE 2nd MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 11 December 2001, at 3 p.m.

President: Mr. LUCK (Australia)

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The meeting was called to order at 3.10 p.m.

GENERAL EXCHANGE OF VIEWS (agenda item 12) (continued)

1. Mr. EFRAT (Israel) said that Israel shared the humanitarian concerns regarding the unnecessary suffering caused to civilians by the irresponsible and indiscriminate use of certain conventional weapons, and fully supported international efforts to address those problems.
2. Notwithstanding the serious threats to its own security, his country was convinced that arms limitation was of fundamental regional importance. It had therefore decided to adhere to the Convention on Certain Conventional Weapons (CCW) and, in August 2000, had ratified Amended Protocol II and Protocol IV. It had also declared a moratorium on the export of anti-personnel mines and continued to support international efforts on the global and regional levels in demining and the rehabilitation of victims. As a party to Amended Protocol II, it had submitted its first annual report in 2001.
3. With respect to the ideas for improving the Convention, his country was ready to examine the proposal to extend the scope of the instrument to conflicts of a non-international nature. The language used should be the same as in Amended Protocol II and it should be understood that the extension would apply to future protocols only if they themselves specifically provided for that.
4. Regarding compliance with the Convention and the protocols thereto, confidentiality should outweigh transparency and the right balance must be found between verification and the need to prevent unnecessary intrusiveness or abuse of the verification regime. The proposals for a new annex or protocol therefore required further consideration. His delegation was more favourable to the idea that some elements of articles 13 and 14 of Amended Protocol II could be applied separately to each of the existing protocols.
5. While it shared the humanitarian concerns related to mines other than anti-personnel mines, Israel felt that a protocol on the subject should maintain the right balance between humanitarian aspects and the legitimate military use of such mines.
6. His delegation supported the proposal to form a group of experts to study all aspects of the question of unexploded ordnance and explosive remnants of war. The group should deal with the agreed types of munitions, rather than adopt a general effects-based approach. It could also consider the questions of feasibility and cost-effectiveness. It should refrain from making recommendations on the adoption of a new protocol or any other legally binding instrument and from dealing with issues such as accountability, responsibility for the clearance of unexploded ordnance, or matters covered in the existing protocols.
7. Israel had participated in the seminar conducted by Switzerland on wound ballistics, which was a technically complex issue requiring further expert discussion.
8. His country attached great importance to the Conference and to the efforts to promote universal accession to the Convention and restraint in the use and transfer of certain conventional weapons.

9. Mr. FAESSLER (Switzerland) said that the Conference constituted an important stage in the development of international humanitarian law and should help to reduce the unnecessary suffering inflicted on combatants and civilians in armed conflicts.
10. Regarding the proposals submitted to the Conference by the States parties and ICRC, his country was in favour of extending the scope of the Convention to cover non-international armed conflicts and supported the European Union's proposal to that end.
11. Recent armed conflicts had shown that explosive remnants of war and unexploded submunitions could have similar effects to those of anti-personnel mines, constituted a danger for the civilian population and hampered humanitarian assistance, peacekeeping and post-conflict reconstruction. His country therefore supported the initiative on explosive remnants of war. Its own proposal on submunitions, a significant category of explosive remnants, had the advantage of offering a rapid solution. That proposal notwithstanding, his country supported the establishment on the basis of the mandate prepared by the Friend of the Chair of a group of governmental experts to examine the question of a new protocol on explosive remnants of war.
12. The proposals submitted by the European Union and South Africa concerning machinery for consultation and verification under the Convention were very interesting. Any verification arrangements should be simple and effective. The States parties should meet more often.
13. The use of landmines other than anti-personnel mines must be regulated. His country therefore supported the United States and Danish proposal to that end. Whatever solution was adopted must afford the level of protection provided for in Amended Protocol II.
14. Switzerland had made a proposal aimed at establishing, in the light of recent scientific and technological progress, standards to limit the injuries and unnecessary suffering caused by small-calibre weapons and munitions. In addition, it supported the proposal by the Friend of the Chair for an in-depth study of the technical criteria for determining the lawfulness or otherwise of small-calibre weapons and munitions under the Convention. It continued to believe that there was an urgent humanitarian need to update the third Hague Declaration and therefore proposed the establishment of a technical working group to look into the matter.
15. Ms. CEK (Croatia) said her country had become a party to the Convention and three of its protocols on 2 December 1993. Although it considered many of the provisions of Amended Protocol II to be inferior to those of the Ottawa Convention on anti-personnel mines, to which it was a party, it hoped to complete ratification of the Protocol by the end of the current year.
16. Croatia took its disarmament responsibilities seriously. Its conventional arms quota was regulated by article IV of annex 1-B to the General Framework Agreement for Peace in Bosnia and Herzegovina and it intended to accede to the amended Treaty on Conventional Armed Forces in Europe once that entered into force. In addition, it reported regularly on its seven categories of conventional armaments, as required by the rules for the United Nations Register of Conventional Arms. Pursuant to the recommendations of the United Nations Conference on the Illicit Trade in Small Arms, it was vigorously pursuing its policy of collecting and destroying

such weapons. Destruction of the country's stock of anti-personnel mines should be completed by October 2002. However, for logistical and budgetary reasons, the national demining programme would probably not be completed by the scheduled date of 2010.

17. Croatia fully supported the proposals to extend the scope of the Convention to non-international armed conflicts. The extension should be achieved by amending the Convention along the lines proposed by the European Union during the third session of the Preparatory Committee. As a country sorely affected by unexploded remnants of war, Croatia also advocated the adoption of a new protocol on that subject and the establishment of a group of experts to make concrete proposals for action in the near future.

18. Her delegation was not convinced of the need for special rules, whether through a new protocol or through a change to Amended Protocol II, on the use of remotely delivered mines. Despite the merit of the proposal in question, especially as regarded the detectability of mines, it would be preferable to strengthen implementation of Amended Protocol II before taking fresh action. On the other hand, the ideas put forward by Switzerland and ICRC concerning wound ballistics deserved further attention, since some types of ammunition clearly caused unnecessary suffering.

19. The Convention would be of questionable practical value if States parties could breach it with impunity. To ensure compliance, it should contain provisions along the lines of those in article 8 of the Ottawa Convention.

20. Mr. NENE (South Africa) observed that, 18 years after the Convention's entry into force, only 88 States were parties to the instrument. The promotion of wider accession should be a priority for the Review Conference. For example, a decision by the Conference that there should be regular meetings of the States parties would foster closer cooperation and consultation among them and encourage further accessions.

21. The First Review Conference, which had to its credit extended the scope of Protocol II to include non-international conflicts and adopted a protocol on blinding laser weapons, had been held at a time when CCW had been the only international instrument dealing with anti-personnel mines. Since then, 122 States had ratified or acceded to the Ottawa Convention which banned such mines. As a result, CCW had for some States become a staging post on the way towards the total prohibition of anti-personnel mines. However, CCW and the Ottawa Convention were not mutually exclusive, since the first was of far broader scope than the second. The international community's ultimate objective should be universal accession to the Ottawa Convention and to CCW and its Protocols.

22. Of the proposals before the Conference, his country supported the calls for extension of the scope of CCW to non-international conflicts. That change should also apply to the present protocols to CCW and, unless States parties specifically decided otherwise, to future protocols.

23. His country also supported the idea that a group of experts should undertake work on explosive remnants of war with a view to the possible elaboration of a legally binding instrument on that topic.

24. A mechanism similar to that agreed at the First Review Conference with respect to Amended Protocol II was needed to supervise implementation of the Convention. His country was therefore proposing the incorporation into the Convention of two articles based on articles 13 and 14 of Amended Protocol II.

25. While it recognized the need to guard against anti-vehicle mines causing humanitarian problems in the same way as anti-personnel mines, South Africa continued to believe that the priority for the time being must be the immediate banning of anti-personnel mines, since it was they that caused the most civilian casualties. It had noted the view of the International Campaign to Ban Landmines (ICBL) that making anti-vehicle mines detectable and fitting them with self-destruction or -deactivation mechanisms would have a positive but limited effect. ICBL and ICRC had, further, highlighted the problem of mines with sensitive fuses or anti-handling devices that caused them to act as anti-personnel mines. In-depth technical discussions should be held on mines other than anti-personnel mines and should cover issues such as detectability, self-destruction devices, sensitive fuses, tilt rods and anti-handling devices. They could be conducted within an expert group that would recommend ways of strengthening restrictions on the use of mines other than anti-personnel mines.

26. Mr. AKRAM (Pakistan) said that the ban in Islamic law on cruel ways of killing, killing of non-combatants and prisoners of war, mutilation of human beings and beasts, unnecessary destruction of harvests and cutting of trees, abuse of captive women, killing of envoys even in retaliation and massacre in the territory of the vanquished was 14 centuries old. It was the spirit of that ban which infused his country's commitment to international humanitarian law in general and to the Convention in particular. Pakistan had been a party to the Convention and all its protocols since 1985 and complied fully with them. In its view, the Conference should focus on a number of pivotal issues.

27. First, all States parties should report on their national plans for implementation of the Convention. Second, they should examine how the Convention was being applied in practice, giving urgent attention to the imperative need for intensified efforts at all levels to develop mine-clearance and victim-assistance programmes and identifying ways in which they could help the United Nations Mine Action Service realize its strategy for 2001-2005. Third, they should examine how they could accelerate the achievement of universal accession to the Convention and its protocols.

28. Pakistan had stated during the preparatory meetings its positions on the proposals before the Conference. It was in favour of enlarging the scope of the Convention; in the case of future protocols, however, enlargement should not be automatic but should be decided in the light of each new instrument's specific requirements. To add a compliance annex to Amended Protocol II so soon after its adoption might deter States from acceding to it. The question of introducing a compliance regime for the Convention and its present and future protocols required further study. Compliance mechanisms for international legally binding instruments should be non-discriminatory. His country was opposed to selective approaches.

29. Although many countries remained unconvinced of the merits of the Swiss proposal for a protocol on small-calibre weapons and ammunition, his delegation was ready to consider suggestions for the pursuit of the matter. The time was not ripe for the negotiation of a protocol

on explosive remnants of war; it must first be understood what were the facts and problems relating to such remnants. It would be acceptable for a group of governmental experts to study the matter and make recommendations, after which the States parties could decide whether a legal instrument was necessary.

30. His Government understood the problems that anti-vehicle mines caused for peacekeeping and peace-building operations and was studying, in the light of its national-security implications, the proposal made concerning such mines. The States parties should cooperate more intensively in seeking alternatives that would, without jeopardizing their legitimate security requirements, enable the eradication of all mines.

31. Mr. JAKUBOWSKI (Poland) said that his country, which subscribed to the statement by the European Union, believed that the basic goal of the parties to the Convention was to reduce the human suffering caused by armed conflict and provide suitable assistance to conflict victims. Much had changed since the Convention had come into force: armed conflicts were now mostly local, and reassessment of the Convention's scope was therefore urgent. Poland believed that humanitarian standards should apply to all armed conflicts of whatever nature and therefore supported the proposal to extend the application of the Convention to conflicts of a non-international character. The extension should be made by amending article 1 of the Convention.

32. His country also believed in the need for a compliance regime to enhance implementation of the Convention. Obviously, all proposals to that end should be thoroughly examined in order to avoid hindering the universalization of the Convention and its protocols.

33. As a participant in peacekeeping operations, his country could not ignore the dangers of mines other than anti-personnel mines and was therefore among the sponsors of the proposal on the subject. Its position was prompted not only by humanitarian considerations, but also by the viability of the proposal, which introduced requirements of detectability and self-destruction or self-neutralization that were tailored both to States parties' defensive needs and to their financial potential.

34. His country supported the European Union's position concerning the establishment of a group of governmental experts to explore the broad and complex issue of explosive remnants of war. However, adopting a 98 per cent reliability threshold for cluster munitions, as proposed by Switzerland, would be a considerable challenge for many countries, since it would require expensive changes in the design of, and the technology for manufacturing submunitions. Providing for appropriate transitional periods might make the proposal more acceptable. The clarification of technical and other issues relating to the proposal should be undertaken by the group of governmental experts, which could also be mandated to conduct negotiations.

35. Speaking as a Friend of the Chair responsible for coordinating consultations on restrictions on small-calibre weapons and ammunition, he remarked that the Swiss proposal had elicited considerable interest, with many States wishing to discuss it further. Unfortunately, the duration of the Conference was such that priority had been given to other issues. He therefore proposed the establishment of a team of technical experts to look into the scientific and military

aspects of the matter with a view to elaborating a standard for distinguishing between excessively injurious and other bullets. Once consensus had been reached on the scientific and military aspects, the political debate could resume.

36. Mr. KELLENBERGER (International Committee of the Red Cross) said that since the adoption of the Convention there had been significant developments both in weapons technology and in the nature and conduct of armed conflict. Through its work in war-affected areas, his organization had witnessed first-hand the effects of modern armed conflict: such conflicts often took place within States' borders and exacted a terrible civilian toll. ICRC urged States parties to extend the scope of the Convention and its present and future protocols to non-international armed conflict. That would indicate clearly to States which were not parties to the Convention and to armed opposition groups that there were fundamental standards of behaviour that applied to all armed forces in all armed conflicts. It would not in any way affect the legal status of parties to a conflict.

37. His organization's work also brought it face to face with the severe and long-term consequences of explosive remnants of war. All too often, such remnants killed or maimed civilians; in Kosovo, they had claimed more victims than anti-personnel mines. It was unacceptable that, because weapon systems capable of delivering huge amounts of ordnance over ever greater distances were proliferating, people who had endured the horrors of war risked becoming victims in time of peace. The Review Conference was the moment for States to commit themselves to preventing and reducing the consequences of explosive remnants of war. In Amended Protocol II they had already adopted rules clearly establishing the responsibility of users of mines, booby traps and similar devices to remove or destroy them and to facilitate mine clearance and mine-awareness campaigns. Similar measures should be adopted for all forms of unexploded ordnance. In view of the problems associated with the design and use of cluster bombs and other submunitions, ICRC also proposed banning the use of such weapons against military objectives located in concentrations of civilians. Acceptance of that proposal would reinforce the rules in article 51 of Protocol I Additional to the Geneva Conventions. ICRC and the entire International Movement of the Red Cross and Red Crescent urged the Conference to begin working without delay towards the negotiation of a new protocol on explosive remnants of war.

38. During the third session of the Preparatory Committee, his organization had highlighted the need to ensure respect of the 1868 St. Petersburg Declaration. ICRC was deeply concerned about the proliferation of multi-purpose 12.7 mm bullets which, tests had shown, frequently exploded within internationally recognized human tissue simulants and were therefore likely to cause unnecessary suffering. In its report to the Preparatory Committee, ICRC had asked States to ensure that such bullets were not produced, used or transferred. It trusted that the Review Conference would take note of that report in its Final Declaration.

39. ICRC would support efforts to strengthen the rules on anti-vehicle mines, to establish a compliance mechanism for CCW and its protocols and to place limits on dumdum-type small-calibre ammunition. It would make fresh suggestions for the inclusion in the Final Declaration of provisions on blinding laser weapons, the use and transfer of which were banned

by Protocol IV. States parties had recognized, in the Final Declaration of the First Review Conference, the need for the total prohibition of such weapons and for the monitoring of related technological developments; the concerns expressed then remained valid.

40. ICRC called on all States which had not done so to accede to CCW and its protocols, which were important pillars of international humanitarian law and built on long-established customary rules. As the adoption of Protocol IV on blinding laser weapons and Amended Protocol II had shown, the Convention was intended to be dynamic and to respond both to realities on the ground and to technological developments. The Conference should not pass up the opportunity to ensure that the Convention addressed the realities of modern warfare and to further the goal of preventing needless suffering.

41. Mr. SHA Zukang (China) said that the history of human civilization was also a history of war. The coexistence of civilization, war, and human conscience had led to efforts to regulate the conduct of war and so to international humanitarian law. The impermissibility of using means of warfare that caused excessive injuries or had indiscriminate effects had become a universally accepted principle.

42. The Convention was an embodiment of that principle. Since its entry into force, it had gradually been strengthened through its parties' joint efforts. It had to be recognized, however, that armed conflicts, the cruellest form of human strife, were by nature irreconcilable with humanitarianism. A cruel war could not be made "humane" merely by restricting the use of certain weapons. Preventing the humanitarian crises engendered by wars and armed conflicts entailed preventing wars and armed conflicts themselves.

43. Since the First Review Conference, significant progress had been achieved in the CCW process. The number of States parties had risen from 49 to 88. The purposes and objectives of the Convention had been universally recognized. Particularly gratifying was the acceptance by a growing number of countries of Amended Protocol II, a text with an important role in reducing the suffering caused by mines.

44. His country, a party to the Convention and all its protocols, faithfully discharged its obligations under them. His Government had launched a number of education campaigns concerning the Convention. The military had sponsored training courses for personnel at all levels. To facilitate concrete implementation of the Convention, it had put emphasis on regulating the actual and potential use of landmines by revising military academies' teaching materials. It also taken the Convention into account in its weapon development plans and was intensifying its efforts to formulate new or revise existing military standards. Furthermore, the Government had amended domestic law in order to guarantee the enforcement of the Convention. It had also initiated domestic mine-clearance campaigns in Yunnan and Guianxi provinces, so paving the way for local economic development, and participated in international demining assistance programmes. In 2001, it had donated mine-detection and -clearance equipment to seven mine-stricken countries.

45. Regarding the proposals before the Conference, his country supported that to expand the scope of application of the Convention by amending article 1. However, in order not to hinder their adoption, the expansion should not apply automatically to all new protocols. It was

premature to establish a compliance mechanism providing for on-site investigation. It would be more feasible to promote compliance through encouragement and cooperation, consultation and clarification.

46. Explosive remnants of war remained a serious problem within Chinese territory. His country considered that the international community should take concrete measures to clear ordnance of that kind as soon as possible. It supported the establishment, as a first step, of a group of governmental experts to explore all possible ways of addressing the issue; the group should not have a mandate to enter into negotiations or be subject to a deadline. The decision whether to proceed further should be taken by States parties following receipt of the group's report.

47. His delegation was grateful to Switzerland and ICRC for their work on the wound ballistics of small-calibre projectiles and would continue to participate with an open mind in the discussions on the matter.

48. He reiterated his country's opposition to the conclusion of a protocol on anti-vehicle landmines. The principle which underlay all international humanitarian law, that of a balance between legitimate military needs and humanitarian concerns, must be respected. It must also be followed when amending existing or negotiating new protocols. The use of anti-vehicle landmines had not yet caused a humanitarian crisis and, while restrictions on such use might help prevent accidental civilian casualties, those mines remained a crucial and irreplaceable means of defence for many countries.

49. Moreover, the proposed technical specifications for anti-vehicle landmines were based on just a few countries' existing equipment. Making those specifications law would entail no new obligations for those countries, but would have very different consequences for developing countries, for which the attendant financial and local difficulties would be intolerable, at least in the foreseeable future.

50. In his delegation's view, the current provisions of Amended Protocol II on anti-vehicle landmines were appropriate because they were sufficiently realistic and flexible not to compromise developing countries' security. The prime need was to encourage more countries to accede to the Protocol and apply those provisions. In parallel with that, the States wanting to amend the present text should provide all requisite financial and technical assistance to developing countries so as to help resolve the anti-vehicle landmines issue. Premature discussion of the question of amendment or attempts to force through a new protocol would only give rise to unnecessary disputes or even a conflict of law, both of which would be detrimental to the universality of the existing Protocol.

51. Mr. NOBORU (Japan), referring to the events of 11 September 2001, said that it was urgent for the members of the international community to work closely together to combat terrorism and prevent further massacres of innocent people. His country was firmly resolved to participate in that endeavour. The Convention offered the international community a credible means of coping with the humanitarian problems caused by conventional weapons without

jeopardizing security requirements. His delegation hoped that States parties would strengthen the Convention by complying fully with it, promoting universal accession to it and adapting it as needs changed.

52. The adoption and entry into force of Amended Protocol II and Protocol IV had added to the Convention's significance. The Ottawa Convention had greatly enhanced international efforts to tackle the humanitarian problems of anti-personnel landmines and his delegation hoped for progress towards its universal acceptance. Amended Protocol II and the Ottawa Convention were mutually complementary.

53. Regarding the proposals before the Conference, his delegation was in favour of extending the application of the protocols to CCW to internal conflicts, a measure that would help to alleviate the humanitarian catastrophes associated with such conflicts. It had become a sponsor of the proposal for a protocol restricting the use of mines other than anti-personnel mines because the proposal was well balanced from the humanitarian, security and financial perspectives. It supported the proposal to establish a group of governmental experts on the question of explosive remnants of war. It believed that consensus on a new draft mandate for such a group was very close at hand and hoped that the Conference would agree, without prejudging whether a legal instrument could be negotiated, on the establishment of a well-structured framework to deal with the issue. The institution of compliance measures would, he believed, make the Convention more effective. His delegation had already expressed its concerns at the additional financial burden that a compliance mechanism might entail: those concerns must be properly addressed. All the proposals that had been put forward during the preparatory process merited serious consideration by the Conference.

54. Mr. JOHANSEN (Norway) welcomed the progress made during the preparatory process on extending the scope of the Convention to include non-international conflicts. It was encouraging to see that States parties seemed ready to amend article 1 of the Convention for that purpose.

55. While it agreed with the need to avoid doubt as to whether a country was fulfilling its obligations under the Convention and humanitarian law, Norway felt that the principle of adequacy should apply when determining a compliance regime for the Convention. Confidence, dialogue and consultation should be the principal elements of such a regime.

56. His country confirmed its support for the principles behind the ICRC initiative on explosive remnants of war and recognized the need for an instrument that specifically addressed that humanitarian problem. Adoption of a new protocol on explosive remnants of war would be a positive contribution to the efforts to reduce the indiscriminate effects of weapons. The launching of a process on the issue, starting with the mandating of a group of governmental experts, might also help to revitalize the Convention.

57. As it was also natural that the Convention should address the impact of mines other than anti-personnel mines, his delegation endorsed the proposal by Denmark and United States of America. It looked forward to engaging constructively with other delegations in addressing the issue as the Conference found most appropriate.

58. Norway endorsed all efforts to strengthen the fundamental principle that the development and use of weapons systems deemed contrary to the 1868 St. Petersburg Declaration should be prevented. However, the proposal on small-calibre weapons and ammunition would benefit from further elaboration before a process that might lead to a new protocol was initiated.

59. Norway attached great importance to the Convention and hoped that the Conference would adopt positive decisions on numerous important issues, especially explosive remnants of war and extension of the scope of the Convention.

60. Mr. SEETHARAM (India) said that India had ratified all the protocols to the Convention, including Amended Protocol II. There was clearly a need to encourage the States engaged in ratification to complete it and those which had not yet done so to accede to all the protocols. In those circumstances, action that might discourage universal application of the Convention and its protocols should be avoided.

61. At the First Review Conference, in 1996, Protocol II had been strengthened, principally by extending it to non-international armed conflicts. His delegation had proposed that the Convention should be similarly extended, but there had been no consensus on that proposal. It was encouraging to note that with time the idea had gained ground. From a humanitarian perspective, prohibitions or restrictions that were applicable to weapons in international conflicts should also be applicable in internal conflicts. Accordingly, his delegation supported the proposal to expand the scope of the Convention by amending article 1. Care should, however, be taken to avoid constraining any future protocols.

62. The Conference had before it a number of proposals for promoting compliance with the protocols. Potentially intrusive compliance mechanisms tended to be impractical and might be counter-productive, generating argument rather than good results. More time was needed to assess how the compliance-related provisions of Protocol II worked in practice before an attempt was made to add more intrusive provisions or to impose a blanket mechanism covering all the protocols. More regular meetings, transparency and greater exchange of information remained his delegation's preferred approach.

63. While his delegation was aware of the humanitarian problems that explosive remnants of war caused for civilians and humanitarian aid workers in many countries, various aspects of those problems had still to be explored and clarified. The Conference should therefore consider establishing a group of governmental advisers to make a detailed study of the issue and so enable States parties to reach an informed decision.

64. His delegation had followed with interest the discussions during the preparatory process on the use of anti-vehicle mines. The discussions had shown that several States parties' legitimate operational and security considerations precluded taking the same approach to those mines as to anti-personnel landmines. Indian forces only used anti-tank mines in the context of international conflicts, in order to slow and channel hostile movement by armoured vehicles. The mines were placed in clearly marked and fenced areas so to prevent harm to innocent civilians and livestock.

65. His delegation had participated in the presentations and discussions concerning the dum dum effect of small-calibre munitions. As a number of questions remained to be clarified, it was premature for the Conference to take a decision on such munitions.

66. Recent events had made the world acutely aware of the humanitarian costs of terrorism. Terrorists tended to transform weapons and even everyday objects into excessively lethal weapons with indiscriminate effects. India had for decades been a victim of the indiscriminate use of such devices. A few months before the Conference, civilian aircraft had been used as improvised explosive devices in the United States of America. The Conference could not ignore the devastation caused by such devices, which was sometimes greater than that occasioned by other weapons coming under its jurisdiction. It should examine the matter without delay, so that concrete action could be taken as soon as possible.

67. Mr. de la FORTELLE (France) said that his country's priorities and expectations had already been described by the presidency of the European Union. His Government had decided to accede to the Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III). The accession was intended as concrete evidence of France's commitment to the development of international humanitarian law in armed conflicts and as a confirmation of its support for the Convention as a whole, which afforded means of responding to the new and legitimate concerns for the protection of civilian populations. He hoped that as many countries as possible would join with his own in its resolve to move forward with others in implementing and strengthening the rules laid down in the Convention and its Protocols.

68. Mr. MEYER (Brazil) said that, as the Convention had been conceived as a dynamic legal instrument, it should always be possible for the humanitarian concerns that had prompted its birth in 1981 to find expression in new initiatives when States parties deemed that desirable. The review of the Convention was an opportunity for adopting additional specific commitments, either through the drafting of new protocols or through any other initiative aimed at curbing the cruellest effects of excessively injurious weapons. Legal technicalities should not be allowed to frustrate efforts to update the Convention and make it ever more effective. The humanitarian essence of the Convention apart, it should not be forgotten that the Conference was dealing with matters that had security implications and must therefore also be considered from a military point of view.

69. His country, part of the world's least armed region, Latin America, belonged to a subregional group, the Southern Common Market (Mercosur), in which, following a remarkable process of confidence-building, the possibility of armed conflicts had been eliminated. It had renounced anti-personnel mines and had not produced or exported a single landmine since 1989. Its borders with 10 other countries had been completely demined and it had also contributed to international demining efforts. Its President had recently approved a law criminalizing all activity prohibited by the Ottawa Convention.

70. Concerning the initiatives elaborated during the preparation of the Conference, Brazil was fully in favour of extending the scope of the application of the Convention - preferably through an amendment to article 1 - to encompass non-international conflicts. He was confident that a formula could be found for that purpose that would take into account all delegations' concerns.

71. In addition, his delegation fully agreed that the question of anti-vehicle mines could be addressed within the framework of the Convention and that States parties should consider strengthening the rules with a view to preventing, restricting and eliminating the indiscriminate use of such weapons. Concerning small-calibre munitions, interested States parties could usefully establish a group of technical experts; his delegation shared the concern that the 1868 St. Petersburg Declaration's ban on the use of projectiles that might explode within the human body should not be subverted.

72. His delegation fully supported the establishment of a group of governmental experts open to all States parties to consider the issue of explosive remnants of war and to decide whether to recommend the negotiation of a legally binding instrument on the subject. The approach to the matter should preferably be balanced, giving equal importance to preventive aspects in general and to non-technical elements such as assistance and cooperation and responsibility for clearance.

73. The addition to Amended Protocol II of an annex on compliance would, to a certain extent, represent a duplication of the compliance regime embodied in article 8 of the Ottawa Convention. His delegation was also uncertain about the advisability of negotiating a compliance regime for the whole of CCW: if new protocols were to be negotiated, a case-by-case approach might be a better way of finding mechanisms for verifying their application. On the other hand, it was in favour of endowing the Convention with a mechanism for consultations of the kind already contained in articles 13 and 14 of Amended Protocol II and was willing to sponsor a proposal to that end.

74. Mr. YUN (Republic of Korea) said that the Preparatory Committee's three sessions and the informal open-ended meetings during the past year had resulted in a clearer understanding of States parties' views and positions on the five issues under discussion, namely extension of the scope of the Convention, anti-vehicle mines, the compliance mechanism, explosive remnants of war and small-calibre weapons. On the issues where there was greater convergence of views it should be possible to reach relatively rapidly agreements affording civilians enhanced protection without compromising legitimate military needs. On other questions the right balance between humanitarian goals and military needs had yet to be found. Consolidation of the CCW regime must, of course, continue, but the Convention's very nature required the instrument to evolve in parallel with changes in patterns of warfare and arms technology. The Conference must decide where the priorities lay and how they should be translated into reality.

75. His delegation believed that, as many contemporary armed conflicts occurred within State borders, the Conference's first task was to agree on extension of the application of the Convention to non-international armed conflicts. He was confident that the differences of opinion concerning the application of that principle to future protocols could be resolved through a mutually acceptable formula. His country was, together with the United States of America and the Netherlands, a sponsor of the proposal on extension currently before the Conference.

76. The proposal that the United States and other countries, including his own, had made concerning anti-vehicle mines would certainly ensure additional protection for civilians, peacekeepers and members of humanitarian demining and assistance missions, as well as for States parties' military personnel. Since Amended Protocol II contained such a requirement for anti-personnel mines, it seemed logical that remotely delivered anti-vehicle mines should have self-destruction and -deactivation capabilities.

77. His delegation was favourably disposed towards the basic thinking behind the proposals for adding a compliance mechanism to the Convention, since such a mechanism would promote the effective application of the protocol concerned or of the entire Convention, including its protocols. It had an open mind about the method for achieving the common objectives, but would assess the proposals in the light of their practicality, feasibility, efficiency and cost-effectiveness.

78. The extensive discussions on unexploded remnants of war had yielded a better understanding of the seriousness of the humanitarian problems that such ordnance caused. There was agreement in principle on the need to establish a group of governmental experts, but the group's mandate remained to be defined. As his delegation had emphasized during the preparatory process, that mandate should preferably be general, so that all aspects of the question of unexploded remnants of war could be thoroughly examined first. The mandate should neither allow for negotiations nor be subject to an artificial deadline.

79. Mr. SOLARI (Argentina) said that his country's ratification of the Convention in 1995 had been a manifestation of its steadfast policy on disarmament and security and directly consistent with its commitment to international humanitarian law. The entry into force of CCW and the Ottawa Convention had endowed the international community with extremely valuable legal instruments for mitigating the devastating consequences of indiscriminate use of the weapons in question: it was essential for the countries which had not yet acceded to those two instruments to do so without delay. His country was convinced that the region to which it belonged could be made into a zone free from anti-personnel mines. That was, in fact, the aim of the Political Declaration signed in 1998 by the representatives of the Mercosur countries, Bolivia and Chile, which, in accordance with resolutions of the Organization of American States, also envisaged the extension of the zone to the entire American continent.

80. His country cooperated actively with the United Nations on ways of ensuring the multilateral examination, as a matter of priority, of the question of the proliferation and indiscriminate use of weapons with excessively injurious effects. It was also a participant in United Nations peacekeeping operations and had provided technical assistance for demining in a number of countries. Its experience had led it to adopt specific, realistic positions concerning the Conference's work. It felt, in particular, that the restrictions and prohibitions in the Convention and its protocols should be of relatively broad scope, consistent with the types of conflict that occurred in the modern world. The weapons to which the Convention referred were widely employed and had devastating effects on civilian populations, making large areas of land uninhabitable and unfarmable for many decades. The scope of the Convention must, therefore, extend to non-international armed conflicts and that principle should be incorporated in the Convention itself so as to apply to all existing and future protocols.

81. In view of the difficulties of eliminating anti-personnel mines, it was essential that all landmines, including remotely-delivered mines and anti-vehicle mines, be equipped with detectability and self-destruction devices. The same principle should apply to all unexploded munitions. His delegation therefore subscribed to the efforts to initiate negotiations on a new protocol concerning explosive remnants of war and establish a group of experts with a general mandate to examine the humanitarian, technical, military and legal aspects of the issue.

82. Study of the technical and legal questions arising from the Swiss proposal for the regulation of small-calibre ammunition should be pursued. His delegation supported the idea of setting up a group of experts to begin work after the closure of the Conference.

The meeting rose at 5.30 p.m.