

Geneva, 11-21 December 2001

SUMMARY RECORD OF THE 3rd MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 12 December 2001, at 10 a.m.

President: Mr. LUCK (Australia)

CONTENTS

GENERAL EXCHANGE OF VIEWS (continued)

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The meeting was called to order at 10.15 a.m.

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

1. Mr. DAHLGREN (Sweden), reviewing the history of the Convention process, stressed the importance lent to the Second Review Conference by the new challenges facing the world, including the issue of explosive remnants of war, to which the world's attention had been drawn, in particular, by the International Committee of the Red Cross (ICRC). Sweden shared the concerns of many other countries about unexploded submunitions, which posed particular dangers to children, and hoped that the Review Conference would pave the way for adoption of a protocol on the issue.

2. Given that internal armed conflict caused the same suffering as international conflict, Sweden believed that the scope of the Convention should be extended to non-international conflicts and such extension should apply to all present and future protocols. It also attached great importance to the issue of compliance and believed that there should be compliance mechanisms in the area of international humanitarian law, just as there were in disarmament and human rights. Turning to the problem of mines other than anti-personnel mines, he said that Sweden supported the Danish-United States proposal as a step forward. The issue of small calibre ammunition was also important and merited further study, possibly in a group of technical experts.

3. In conclusion, he called for universal adherence to the Convention. The States party to the Convention and its protocols already represented an important forum that complemented other instruments in the field, but regions and States that were less well represented still needed to be engaged, to ensure that the Convention provided a truly global regime.

4. Mr. ALBIN (Mexico) said that the significant changes in the international context over the last 20 years had highlighted the importance of commitment by the international community not to inflict excessive injuries on civilians and combatants in pursuing legitimate military aims. Mexico was itself committed to developing rules to protect civilian populations from the indiscriminate use of weapons and therefore attached high priority to universal adherence to the Convention and the strengthening of its regime. It supported the Convention's review mechanism and welcomed the proposals submitted to both the Review Conferences; it was also important to agree on a date and to commence preparations for the Third Review Conference.

5. Mexico believed that expansion of the scope of the Convention and its protocols to include non-international armed conflicts should be effected by amending the Convention itself and should apply to future protocols unless expressly stipulated otherwise in the protocol concerned. It also supported the development of a compliance mechanism, which should be binding with a deterrent effect and should not entail excessive financial or administrative burdens, especially for non-producer States. The mechanism proposed for the Ottawa Convention could be considered as a possible model.

6. Mexico also favoured the total prohibition of the productions, storage, use and proliferation of all types of mines and believed that partial prohibitions or restrictions on mines could nullify efforts by the international community and cause energies to be diverted instead

towards the technological enhancement of mines. The issue of explosive remnants of war needed a concerted response, possibly in a group of experts established under the Conference with a broad mandate to consider all types of munitions that could become explosive remnants of war.

7. Mindful that there were other weapons whose effects were such that they should be controlled under international humanitarian law and considered by future Review Conferences, Mexico would support initiatives on the prohibition of such weapons as cluster bombs, munitions containing depleted uranium, fuel-air explosives and naval mines. For that reason, it welcomed the participation of ICRC and other international and civil society organizations, as only through joint efforts could the world be protected from such weapons.

8. Finally, he stressed that the problem posed by the excessive availability of small arms and light weapons and the lack of controls on their transfer must also be addressed and hoped that the Second Review Conference would succeed in closing some of the existing loopholes and would bring the Conference closer to its goals.

9. Mr. HILALE (Morocco) said that his country welcomed the Second Review Conference and hoped that it would help strengthen respect for the principles of international law in the field of disarmament. Noting with satisfaction the substantial results achieved thus far, he supported the views already put forward regarding the need for universal adherence to the Convention and its four protocols. In that connection, he informed the Conference that Morocco had initiated the process of ratifying the Convention and that its ratification remained contingent on agreement to be bound by at least two of the four protocols, as stipulated by article IV, paragraph 3. He noted, also, that the procedure for ratifying Protocol II and Protocol IV had already been commenced.

10. Mr. PEARSON (New Zealand) said that universal adherence should be a focus of the current Review Conference, along with efforts to ensure that the Convention remained innovative, effective and relevant to present-day conflicts and security challenges.

11. New Zealand firmly supported efforts to widen the scope of the Convention to cover non-international armed conflicts, which, it believed, should be achieved through amending the Convention under the provisions of amended Protocol II. If necessary, future protocols could contain express provisions excluding such widened scope. In its view, the issue of unexploded remnants of war should be dealt with by an open-ended expert group with a broad mandate and a fixed time-frame for reporting, which, in view of the urgency of the issue, could be set at one year.

12. With regard to strengthening the compliance provisions of the Convention regime, New Zealand's preference was to address that issue in the main framework of the Convention itself, with a light compliance regime as outlined in the South African proposal. Recognizing the real humanitarian problem of mines other than anti-personnel mines, New Zealand supported efforts to develop minimum detectability standards and, for remotely detonated mines, self-deactivation mechanisms. Finally, New Zealand also supported calls for more regular meetings, provided that they would help further strengthen the Convention.

13. Mr. TESCH (Australia), noting that the Convention was designed to be a dynamic instrument with the capacity to evolve and adapt to changing circumstances, said that the current Conference should not expect to reach agreement on all issues under consideration to the same level of detail, given that some proposals were at a more advanced stage than others.

14. Australia strongly supported extending the scope of the Convention so that all protocols applied to internal conflict, as was already the case with amended Protocol II, unless otherwise specified in the text of a given new protocol. Mindful of the concerns voiced by some delegations about the automatic application of expanded scope to all future protocols, he believed that a suitable form of words could be found to address those concerns.

15. Acknowledging the need for a balance between humanitarian and military considerations, Australia supported efforts to minimize the impact of explosive remnants of war on civilian populations, preferably through a group of governmental experts with a broad and realistic mandate, on the lines of the draft text circulated by the Friend of the Chair on that issue. Australia also supported strengthened provisions on anti-vehicle mines and urged parties to approach the issue with an open mind, with a view to developing measures to limit the impact of such mines.

16. With regard to strengthened compliance provisions, Australia supported a Convention-wide compliance regime, possibly through a compliance annex similar to article 8 of the Ottawa Convention. On the other hand, the South African proposal to include two additional articles on consultations and compliance, based on articles 13 and 14 of amended Protocol II, would be a desirable outcome for the Review Conference. Australia also commended Switzerland on the effort it had put into its proposal on wound ballistics and looked forward to further dialogue on the issue. On the issue of the future work programme, Australia firmly believed that there should be more regular opportunities for States parties to meet and review the operation of the Convention and its protocols.

17. Finally, he reiterated Australia's commitment to universal adherence both to the Convention on Conventional Weapons and its annexed protocols, and to the Ottawa Convention and urged all States which had not yet done so to accede to those important instruments.

18. Mr. ALI (Bangladesh), noting his country's ratification of the Convention and all its protocols in 2000, said that Bangladesh was attending its first Review Conference and reiterated his country's commitment to the goal of general and complete disarmament. He echoed the sentiment of the Secretary-General of the United Nations in his message to the Review Conference, that the Convention was a living instrument and needed to be modernized. To that end, he was encouraged by the wide convergence of opinion on the issue of extending the scope of the Convention and hoped that the Conference would find consensus language to achieve that goal, without prejudging the negotiations of any future protocol.

19. Acknowledging with appreciation the work done on the issue of explosive remnants of war by ICRC, civil society organizations and non-governmental organizations, Bangladesh stressed that the Convention was the most appropriate forum to address that hazard and called for

an all-encompassing approach covering awareness, prevention and clearance of the full range of unexploded ordnance. It also supported the establishment of a group of governmental experts to work on the issue, furnished with a substantive mandate.

20. Given that little attention had been devoted to the important issue of small calibre weapons and ammunition, which inflicted as much critical suffering as weapons of mass destruction, Bangladesh welcomed the Swiss initiative to regulate the use of small arms ammunition and to develop consensus in that area and believed that such weapons should be prohibited through national legislation. Finally, he expressed full support for the current regime on landmines and favoured a prohibition on the use of non-detectable anti-vehicle mines. At the same time, the concerns expressed by some countries regarding access to technology and funding must be accommodated in implementing certain relevant proposals and any new legal instrument in that area should not overlap or conflict with existing provisions.

21. Mr. SCHERBA (Ukraine) said that the events of 11 September had lent particular importance to the Convention as the major international humanitarian law instrument regulating conventional weapons. He stated Ukraine's belief that the Convention process could be significantly advanced by the current Review Conference, through a careful assessment of the real problems caused by the use of certain weapons and the adoption of effective measures to address major problems in that area. Having signed the Convention as early as 1981 and ratifying it soon thereafter, Ukraine was one of the major proponents of the Convention regime. The Convention's strength lay in its framework nature, making it a dynamic instrument able to adapt to changes in the nature and conduct of warfare.

22. The issue of destruction of anti-personnel mines was a top priority in Ukraine and it therefore welcomed the progress made on this matter by the States parties to amended Protocol II at their third annual meeting. It also believed that the problem of explosive remnants of war should be tackled by the international community as a matter of urgency. Having had first-hand experience of the problem and its considerable financial and technical implications, Ukraine believed that the current Conference offered an opportunity for the international community to minimize the effect of unexploded ordnance and to prepare a mandate for further work on the issue.

23. Finally, he reiterated his country's support for universal adherence to the Convention regime and for proposals on extending the scope of the Convention to include non-international conflicts, drawing on the precedent provided by amended Protocol II.

24. Mr. AMAT FORES (Cuba) said that the Second Review Conference was taking place at an extremely complex time for the international community, necessitating joint efforts by Governments and concerted action at the multilateral level, to ensure stable and lasting international peace and security. The fight against terrorism must not be conducted outside the scope of the principles enshrined in the Charter of the United Nations and international law: ignoring or negating those principles would constitute a serious setback to humankind in its quest for self-improvement. Deploring the use of sophisticated conventional weapons which could be categorized as excessively injurious or having indiscriminate effects, such as cluster

bombs, Cuba called for genuine international cooperation, in the framework of the United Nations, as the only effective means of combating terrorism in all its forms and manifestations.

25. On the question of scope, he said that the Convention was a dynamic instrument, capable of adapting to changing realities, and that Cuba supported expanding its scope to include internal conflicts, which currently accounted for the majority of armed conflicts in the world. In considering the issue, the Review Conference should not, however, prejudice the scope of any additional protocols which might be negotiated in the future.

26. The proposal on a compliance mechanism under amended Protocol II posed political, technical and legal complications for Cuba, which believed that amending the already amended Protocol II could imperil its universality. Cuba therefore fully supported the joint position put forward at the Preparatory Committee by the Non-Aligned Movement with regard to that initiative and believed that amended Protocol II already contained realistic compliance provisions which should be effectively applied by its States parties. The suggestion that the proposed compliance mechanism should extend to the Convention and all its protocols necessitated further careful study. Cuba wondered, in particular, how the mechanism would reconcile the technical differences between the various categories of arms covered by the Convention and its protocols and how such a mechanism would operate, given that the Convention regime did not prohibit, but merely restricted, the use of certain weapons.

27. Cuba would also have difficulty supporting the proposal for an additional protocol on prohibitions or restrictions on the use of mines other than anti-personnel landmines, since it contained elements which were politically, legally and technically unviable. It believed that the provisions on anti-vehicle mines contained in amended Protocol II were already adequate and that a new protocol would cause unnecessary legal confusion and place a heavy technical and financial burden on developing countries.

28. With regard to the proposal for a new protocol on explosive remnants of war, while sharing the related humanitarian concerns, Cuba believed that further clarification and political, technical and legal discussion were needed and therefore supported the establishment of an open-ended intergovernmental group of experts with a broad mandate on the issue.

29. Mr. MALEVICH (Belarus) remarked that his State was a party to the Convention and all its annexed Protocols. It supported the incorporation into the Convention of a compliance mechanism and the proposal to add a new protocol on the explosive remnants of war. Unexploded ordnance continued to be unearthed in Belarus and rendered harmless by the thousands of pieces every year. The country's last full-scale mine-clearance operation, in 1992-1994, had rendered harmless or destroyed some 130,000 potentially explosive objects recovered from over 3,000 hectares of land. No such exercise had been conducted since, for lack of money. Around 350 square kilometers of land, the scene of heavy fighting during the Second World War and former military test sites, remained to be cleared. Yet the country's mine-clearance personnel were not equipped to United Nations standards.

30. Belarus hailed the ban on the transfer of non-anti-personnel mines; but fitting mines with detection, self-destruct and self-deactivating mechanisms would require significant financial outlays by parties to the new protocol.

31. Belarus favoured a gradual approach to the complete banning of non-anti-personnel mines, feeling that for the time being States should concentrate on giving effect to the amended Protocol II and the Ottawa Convention. The biggest challenge was to increase the numbers of States parties to those agreements until they were truly universal. Attempts to ban mines entirely might dissuade wavering States from joining the Ottawa process.

32. Belarus produced no anti-personnel mines. Its armed forces had destroyed weapons banned under Protocol II in 1996. Mines were not used to protect its borders. A moratorium on the export of all anti-personnel mines introduced in 1995 had been extended until the end of 2002. The country furnished regular reports on the subject to the Centre for Conflict Prevention and the Organization for Security and Cooperation in Europe, and volunteered information for inclusion in the International Campaign to Ban Landmines' Landmine Monitor.

33. As a means of drawing attention to its problems with anti-personnel mine recovery, Belarus had not deposited its instruments of ratification of amended Protocol II. In the best case it would need millions of dollars to deal with the 4.5 million anti-personnel mines it had inherited upon the collapse of the Soviet Union; it had neither the technology nor the money for the task, as a visiting mission from the United Nations Demining Unit had confirmed. It had repeatedly sought international assistance: he thanked the Canadian Government for making 20 mine detectors available to Belarusian mine-clearance squads in a move which, he hoped, presaged full collaboration from the international community. With proper assistance, Belarus could accede to the Ottawa Convention, with whose humanitarian objectives it entirely sympathized.

34. Mr. TAWFIK (Egypt) said that his country subscribed fully to the humanitarian principles of the Convention, which it had signed in 1981 but not yet ratified. His delegation welcomed the strong current of opinion in favour of a new protocol dealing with the explosive remnants of war. The problem affected many States, including Egypt, where large quantities of unexploded ordnance, mostly dating from the Second World War, littered 288,000 hectares of land and were responsible for over 80,000 injuries, with more than 200 new cases occurring every year. Besides causing physical injuries, the unexploded ordnance also hampered economic development in an area rich in agricultural resources and potential tourist sites. A national committee set up to deal with the question of landmines had concluded that the matter needed to be taken up in the broader context of explosive remnants of war.

35. Any future protocol on the subject should stipulate that the foreign States that had abandoned such ordnance were responsible for helping to dispose of it. The matter must be comprehensively addressed - in technical, social and economic terms - when negotiations on the new protocol commenced.

36. Mr. LABBE (Chile) said that, as an observer State, his country could do little to advance the work of the Conference. Its commitment to the Conference's broad humanitarian objectives

was evidenced, however, by its recent ratification of the Ottawa Convention, and the fact that it had begun the process of destroying stocks of weapons that that Convention banned even before ratification had been completed. Domestic formalities for accession to the CCW had commenced, and Chile hoped to number among the States parties to the Convention very soon.

37. Mr. ESPINOZA FARFAN (Guatemala) said that his country attached the highest importance to strengthening the principles of the Convention. It had recently acceded to amended Protocol II; it was co-sponsoring the proposal for a new protocol to cover the topic of non-anti-personnel mines. It considered that extending the scope of the Convention to cover non-international conflicts was consistent with the Convention's humanitarian objectives.

38. Mr. FAESSLER (Switzerland) reported that the Third Annual Conference of the States parties to Amended Protocol II 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 had been attended by 45 States parties, 3 signatory States, 14 observer States and a number of non-governmental organizations. Owing to time constraints, no subsidiary bodies had been created: States had contributed through their national reports and a general exchange of views. They had concurred that the amended Protocol included many notable accomplishments: the extension of its scope to non-international conflicts; the prohibition of the use of non-detectable anti-personnel landmines; and standards governing remotely and non-remotely distributed landmines. They had concluded with an appeal to all States that had not yet done so to accede to the Protocol, and to States parties to the Convention to work to secure wider adherence to its provisions within their respective regions.

39. Provision should be made for the next such conference to have enough time available to discuss substantive matters arising out of the application of the Protocol, due regard being had to whatever decision the present Conference might take about more frequent meetings of its States parties.

40. Mr. MEDFORD-MILLS (United Nations Children's Fund), speaking on behalf of the Executive Director, voiced UNICEF's support for a new Protocol to the Convention governing explosive remnants of war. As the lead United Nations agency for mine awareness, UNICEF saw daily the terrible carnage wrought by all unexploded ordnance: for mines were only one ingredient in a lethal mix of explosive remnants that killed civilians and constrained social and economic recovery in post-conflict countries.

41. Air-dropped munitions could penetrate deep into the ground and take years to work back up to the surface even in intensively cultivated fields. Children were attracted, and maimed or killed, by mines, fuses, grenades and other detritus left behind by combatant forces. Others were killed or mutilated as they watched adults trying to disarm unexploded ordnance; and adults, needing money to support their families, sometimes extracted the explosives from unexploded bombs - which were then used for fishing or clearing farmland of boulders - or collected their casings for scrap metal. The death and injury rate from such activities could be high, and again children suffered when the family breadwinner was the victim.

42. While much had been done to mitigate the effects of mines, UNICEF urged the international community to work to reduce the human impact of all unexploded ordnance and

echoed the call by the International Committee of the Red Cross for an optional protocol to the Convention that would define responsibilities in that area. It also supported the call for self-destruct mechanisms to be incorporated in munitions wherever possible. Negotiations on the new protocol should begin urgently and conclude at the earliest possible time.

43. Mr. GARD (Vietnam Veterans of America Foundation) said that the only practical way of bringing about a substantial reduction in the numbers of explosive remnants of war was to improve the reliability of munitions. Current failure rates, and the casualties caused by failed munitions, could be cut by up to 97 per cent by adding self-destructing back-up devices to the fuses on all munitions.

44. Casualties could be reduced further if it was established that the technical information and finding commitments needed to embark on rapid clearance of explosive remnants must be part of any agreement to cease hostilities.

45. Anti-vehicle mines were inherently indiscriminate weapons. Requiring them to be detectable and imposing tight controls on their use, similar to those applicable under amended Protocol II to anti-personnel mines, would greatly reduce civilian casualties and speed the flow of relief supplies and services.

46. The Federation saw no conflict between its recommendations and the freedom to conduct legitimate military operations. Quite the contrary: armed forces complying with them would reduce fratricide among their troops during combat and injury to peacekeepers and clearance personnel afterwards. The associated costs were not excessive, especially given the astronomical costs of failing to take action.

47. He urged inclusion of the recommendations in the mandate of the expert group on explosive remnants of war; the group itself should report within the year so that by December 2002 work could commence on drafting a protocol. States parties to the Convention had an obligation to take strong action to minimize the numbers of civilian casualties caused by explosive remnants of war.

48. Mr. PEACHEY (Mennonite Central Committee), speaking also on behalf of the Swiss Campaign to Ban Landmines, Mine Action U.K., the German Initiative to Ban Landmines, the New Zealand Campaign Against Landmines, Handicap International, Medico International, Engineers for Social Responsibility New Zealand, Mines Action Southern Africa, the Swedish Peace and Arbitration Society, non-governmental organizations in Canada and the International Committee for the Peace Council, said that cluster weapons had, over the past 30 years, created a persistent and predictable pattern of indiscriminate injury and death both during and after armed conflicts. While the formation of an expert group on explosive remnants of war would be an important step towards addressing the problem, more urgent action was required to ensure the safety of children, families and communities affected by warfare. He called for an immediate moratorium on the use, production and transfer of cluster weapons, covering air-dropped

munitions as well as submunitions delivered by missiles, rockets and artillery projectiles, to remain in effect until effective agreement on explosive remnants of war was reached. That call had been seconded over the past year by over 50 non-governmental organizations in 12 countries.

49. Any agreement regulating the use of cluster munitions must also establish that the user was responsible for the immediate and thorough clean-up of unexploded ordnance.

50. Ms. WALKER (International Campaign to Ban Landmines) said that the International Campaign comprised some 1,500 non-governmental organizations in more than 90 countries. The Ottawa Convention now numbered 122 States parties and an additional 20 signatory States: it was one of the few success stories amidst the current difficulties in multilateral diplomacy. She urged all other States to accede to that Convention.

51. The Campaign would play only a limited part in the current Conference because it would continue to remain focused on anti-personnel landmines. Nevertheless, it and its member organizations had a strong interest in efforts to reduce the humanitarian impact of other weapons, anti-vehicle mines and explosive remnants of war. Several elements of the proposal by the International Committee of the Red Cross on explosive remnants of war were clearly in line with long-standing calls by the Campaign.

52. She was heartened by the apparent almost universal acceptance of the proposal to form an expert group to consider the problem of explosive remnants of war. That group should seek to conclude its work in no more than a year and report back to the States parties in December 2002. It must be established that those who used munitions were responsible for clearing, or providing any assistance needed to clear, unexploded ordnance, and that technical information to facilitate clearance must be made available immediately after the cessation of hostilities in an affected area. The group would have to call on non-governmental organizations for information, advice and analysis: its mandate should reflect the fact. Campaign members were ready to offer technical expertise and field-based experience.

53. Requiring anti-vehicle mines to be detectable, and remotely delivered mines to have self-destruct and self-deactivation mechanisms, would be desirable achievements but most civilian casualties were caused by hand-placed, not remotely delivered, anti-vehicle mines. The problems caused by such mines were mainly due to misuse, indiscriminate use and the direct targeting of civilians. Enforcement of existing rules against such practices should be a priority.

54. The Campaign was not calling for a ban on anti-vehicle mines, which it believed should be regulated under CCW, not the Ottawa Convention. It was important to note, however, that in many CCW States parties' view mines with sensitive fuses or anti-handling devices that caused them to function like anti-personnel mines were covered and prohibited by the Ottawa Convention.

55. The Convention and its Protocols should be expanded in scope to include internal conflicts; the adoption of compliance measures for the entire Convention would strengthen it. Serious questions had been raised during the past year about possible violations of the Convention by at least two States parties. Provisions were needed to allow for the clarification of such questions of compliance.

56. The Campaign trusted that the States parties to the Ottawa Convention would not permit any language in the final declaration of the current Conference that in any way condoned or accepted as legitimate the continuing use or possession of anti-personnel mines.

57. The PRESIDENT expressed his appreciation of the practical humanitarianism displayed by the non-governmental and other organizations participating in and supporting the Conference.

The meeting rose at 12.30 p.m.