

Geneva, 7-17 November 2006

SUMMARY RECORD OF THE 1st MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 7 November 2006, at 10.15 a.m.

Temporary President: Mr. CAUGHLEY (Deputy Secretary-General of the
Conference on Disarmament and Director of the Geneva
Branch of the Department for Disarmament Affairs)

President: Mr. RIVASSEAU (France)

later: Mr. DRAGANOV (Bulgaria)

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

OPENING OF THE THIRD REVIEW CONFERENCE (item 1 of the provisional agenda)

1. The TEMPORARY PRESIDENT, acting on behalf of the United Nations Secretary-General, who is the depositary of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects and the protocols annexed thereto, called to order the Third Review Conference of the States Parties to the Convention. He pointed out that, in view of the key importance of the Convention in reducing unnecessary suffering and protecting innocent lives during and after conflicts, the first and second Review Conferences had agreed that future conferences should be held more often. At their meeting in 2005, the States parties had decided that the Third Conference would be convened from 7 to 17 November 2006 in Geneva, and that all necessary preparations for the Conference would be undertaken within the framework of the existing Group of Governmental Experts (CCW/MSP/2005/2, paras. 26 and 27).

CONFIRMATION OF THE NOMINATION OF THE PRESIDENT-DESIGNATE
(item 2 of the provisional agenda)

2. The TEMPORARY PRESIDENT pointed out that, in accordance with rule 6 of the draft rules of procedure (CCW/CONF.III/3), the Conference should elect a President from among the States parties participating in the Conference. At their meeting in 2005, the States parties had decided to designate Ambassador François Rivasseau of France as President of the Third Review Conference (CCW/MSP/2005/2, para. 38). He understood that the Conference wished to confirm the nomination of Mr. Rivasseau.

3. Mr. Rivasseau (France) was elected President of the Conference by acclamation.

4. Mr. Rivasseau (France) took the Chair.

5. The PRESIDENT said that it was an honour for France and for himself to chair the Third Conference to review the Convention, an honour which was all the greater as the Conference was taking place at an extremely sensitive time, when the eyes of the world community were turned towards the Conference because of a difficult international situation. He was sure that all the delegations present were aware of the importance of the tasks ahead of them.

ADOPTION OF THE AGENDA (item 3 of the provisional agenda) (CCW/CONF.III/1)

6. The PRESIDENT said he understood that the Conference wished to adopt the provisional agenda issued under the symbol CCW/CONF.III/1, which had been approved by the Group of Governmental Experts at its thirteenth session.

7. The agenda was adopted.

ADOPTION OF THE RULES OF PROCEDURE (agenda item 4) (CCW/CONF.III/3)

8. The PRESIDENT said that the Group of Governmental Experts had agreed at its thirteenth session to recommend to the Third Review Conference the rules of procedure which had been applied during the first and second Conferences, except for the suggestion that two Main

Committees should be set up instead of three. Rule 35 of the draft rules of procedure issued under the symbol CCW/CONF.III/3 had been adjusted accordingly. He said that an error in rule 50 of the draft rules of procedure should be corrected: the words “rules 45 to 47” should be replaced by “rules 46 to 48”. In accordance with the rules of procedure, the provisions relating to observers from intergovernmental and non-governmental organizations would be applied in the same manner as for the proceedings of the Group of Governmental Experts. Concerning rule 34 of the rules of procedure, it was to be noted that the High Contracting Parties had conducted their deliberations and negotiations on the Convention and the Protocols annexed thereto on the basis of consensus, and had not taken any decision by vote.

9. The rules of procedure were adopted as orally amended.

CONFIRMATION OF THE NOMINATION OF THE SECRETARY-GENERAL OF THE CONFERENCE (agenda item 5)

10. The PRESIDENT said that, at the last meeting of its thirteenth session, on 10 March 2006, the Group of Governmental Experts, noting that the Secretary-General of the United Nations had designated Mr. Peter Kolarov, Political Affairs Officer in the Geneva Branch of the Department for Disarmament Affairs, to serve as provisional Secretary-General of the Conference, had decided to approve the designation, on the understanding that Mr. Kolarov would perform the function of provisional Secretary-General until the opening of the Conference, at which time his nomination would need to be confirmed. He understood that it was the wish of the Conference to confirm Mr. Kolarov in that office.

11. The designation of Mr. Kolarov as Secretary-General of the Conference was confirmed.

ORGANIZATION OF WORK, INCLUDING THAT OF THE SUBSIDIARY BODIES OF THE CONFERENCE (agenda item 6) (CCW/CONF.III/2, 4, 5 and 7/Add.4 and Add.5)

12. The PRESIDENT said that, in accordance with the rules of procedure it had just adopted on the recommendation of the Group of Governmental Experts, the Conference was to set up a General Committee, two Main Committees, a Drafting Committee and a Credentials Committee. The Group of Governmental Experts had also recommended that agenda items 12 and 13 should be assigned to Main Committee I and item 14 to Main Committee II. The Group had further drawn up and recommended provisional agendas (CCW/CONF.III/4 and 5) and programmes of work (CCW/CONF.III/Add.4 and Add.5) for the two Main Committees. Lastly, he drew the delegations' attention to the provisions of rules 44 and 45 of the rules of procedure, concerning the public nature of the proceedings. If there was no objection, he would take it that the Conference endorsed the recommendations of the Group of Governmental Experts on all those points.

13. It was so decided.

14. The PRESIDENT drew delegations' attention to the provisional programme of work for the Conference, which had been issued under the symbol CCW/CONF.III/2, pointing out that the programme, which was indicative in nature, could be modified in the light of progress in the proceedings. He encouraged delegations to make the most of the time available and agree to move on directly with the programme of work if they completed consideration of a particular

item more rapidly than expected. He hoped that the texts already approved in the Group of Governmental Experts, concerning in particular a plan of action to promote the universality of the Conference, the establishment of a sponsorship programme, the draft final document of the Conference and the draft declaration to be issued by the Conference on the occasion of the entry into force of Protocol V, would not give rise to lengthy discussions and could be speedily forwarded by the Main Committees to the Drafting Committee. It was his intention to hold brief plenary sessions when necessary to take stock of progress in the work of the Main Committees. If there was no objection, he would take it that, in the light of the information he had just outlined and the fact that the programme of work could be modified as needed, the Conference approved the provisional programme of work issued under the symbol CCW/CONF.III/2.

15. It was so decided.

ELECTION OF VICE-PRESIDENTS OF THE REVIEW CONFERENCE, CHAIRPERSONS AND VICE-CHAIRPERSONS OF THE DRAFTING COMMITTEE, THE CREDENTIALS COMMITTEE AND THE MAIN COMMITTEES (agenda item 7)

16. The PRESIDENT said that, in accordance with rule 6 of the rules of procedure, the Conference was to elect from among the States parties participating in the Conference 10 Vice-Presidents of the Conference, as well as the Chairperson and Vice-Chairperson for each of the two Main Committees, the Drafting Committee and the Credentials Committee. Those officers should be selected in such a way as to ensure the representative character of the General Committee of the Conference provided for under rule 10.

17. The representatives of the following States were candidates for the 10 posts of Vice-President of the Conference: Bulgaria, China, Cuba, Czech Republic, Germany, Japan, Morocco, Philippines, Poland and Switzerland.

18. He had received the following nominations for the offices of Chairperson and Vice-Chairperson of the various subsidiary bodies: Mr. Borisovas (Latvia) and Ms. Baker (United States of America) as Chairperson and Vice-Chairperson, respectively, of Main Committee I; Mr. da Rocha Paranhos (Brazil) and Mr. Novokhatskiy (Russian Federation) as Chairperson and Vice-Chairperson, respectively, of Main Committee II; Mr. Prasad (India) and Mr. Levanon (Israel) as Chairperson and Vice-Chairperson, respectively, of the Drafting Committee; lastly, Mr. Markotić (Croatia) and Mr. Ochoa (Mexico) as Chairperson and Vice-Chairperson, respectively, of the Credentials Committee.

19. These candidates were elected to the posts in question by acclamation.

APPOINTMENT OF THE CREDENTIALS COMMITTEE (agenda item 8)

20. The PRESIDENT said that, in accordance with rule 4 of the rules of procedure, the Credentials Committee should be composed of five members elected by the Conference on the proposal of the President. As the Chairperson and Vice-Chairperson of the Committee had just been elected, they proposed Australia, Slovakia and South Africa to fill the three remaining posts.

21. Australia, Slovakia and South Africa were elected as members of the Credentials Committee by acclamation.

MESSAGE FROM THE SECRETARY-GENERAL OF THE UNITED NATIONS
(agenda item 9)

22. At the President's invitation, Mr. CAUGHLEY (Deputy Secretary-General of the Conference on Disarmament and Director of the Geneva Branch of the Department for Disarmament Affairs) read out a message addressed to the Third Review Conference by the Secretary-General of the United Nations. In the message, the Secretary-General, noting that the Convention on Certain Conventional Weapons still had only 100 States parties, welcomed the steps expected to be taken at the Third Review Conference to encourage other States to accede to it, especially those among the least developed or developing countries which were affected by the problem of mines and explosive remnants of war. He also welcomed the imminent entry into force of Protocol V on explosive remnants of war.

23. Highlighting the effects of cluster munitions during and after armed conflicts, the Secretary-General urged the States parties to devise norms that would immediately reduce and ultimately eliminate the horrendous impact of those weapons in humanitarian and economic terms. In particular, he called on them to declare a freeze on the use of cluster munitions against military assets located in or near populated areas - an action which was in any event illegal under international humanitarian law - and on the transfer of such munitions which were known to be unreliable and inaccurate. In fact, technical requirements should be established for any new weapons system so that the risk it posed to civilian populations could be reduced.

24. The Secretary-General noted with satisfaction that the States parties intended to continue their efforts to prevent the loss of human life caused by mines other than anti-personnel mines. He urged them to articulate strong legal commitments that would reinforce the humanitarian norms laid down in the Convention. He also noted with satisfaction that the States parties were making progress in devising an effective cooperation and compliance mechanism which would fully apply to the Convention and the Protocols annexed thereto.

SUBMISSION OF THE REPORT OF THE GROUP OF GOVERNMENTAL EXPERTS
(agenda item 10) (CCW/CONF.III/7 and Add.1 to 8)

25. The PRESIDENT, introducing the report of the Group of Governmental Experts (CCW/CONF.III/7 and Add.1 to 8), said that the annexes to the report had been issued in the form of addenda for technical reasons, which had strictly no effect on their status. The Group had held three sessions in 2006, from 6 to 10 March, from 19 to 23 June and from 28 August to 6 September, as well as informal consultations. It had settled all the procedural and substantive issues required to enable the Third Review Conference to begin its work; in particular, it had approved and recommended a set of draft rules of procedure for the Conference, a provisional agenda and programme of work for the Conference and the two Main Committees, as well as a draft final document and a draft declaration to be issued by the Conference on the occasion of the entry into force of Protocol V relating to explosive remnants of war.

26. The Group of Governmental Experts had examined proposals relating to compliance with the Convention and the Protocols annexed thereto, explosive remnants of war, mines other than anti-personnel mines, a sponsorship programme and the universalization of the Convention and its Protocols. The Group had agreed on a plan of action to promote the universalization of the Convention and a draft decision relating to the establishment of a sponsorship programme under the Convention. As for the first three issues - explosive remnants of war, mines other than anti-personnel mines and compliance - no consensus had emerged, although positions had moved markedly closer. He considered that the reports on those three issues, which appeared in addenda to the Group's progress report, properly reflected the state of progress in the proceedings, and that the Conference could consider those issues under agenda items 13, 14 and 18 taking into account all the statements made and all the working papers and other documents presented.

27. Noting that the Group of Governmental Experts had taken a large number of its decisions by consensus, in a climate of constructive cooperation, and that many documents had been presented, demonstrating the genuine commitment and serious efforts of all the participants, he considered that the Group's proceedings constituted a good starting point for what was to be undertaken at the Third Review Conference and augured well for the conduct of the Conference. The coordinators of the Group of Governmental Experts on the issues of explosive remnants of war and mines other than anti-personnel mines, as well as the Friend of the President of the Group on the issue of compliance, had agreed to serve as his Friends for the same issues during the Review Conference.

GENERAL EXCHANGE OF VIEWS (agenda item 11)

28. Mr. KAHILUOTO (Finland), speaking on behalf of the European Union, as well as the acceding countries Bulgaria and Romania, the candidate countries Croatia and The former Yugoslav Republic of Macedonia, the countries of the Stabilization and Association Process and potential candidates Albania, Bosnia and Herzegovina, Montenegro and Serbia, as well as Liechtenstein, Ukraine and Moldova, said that the right of parties to an armed conflict to choose methods or means of warfare was not unlimited. That was a fundamental rule on which the Convention on Certain Conventional Weapons and the Protocols annexed thereto drew in prohibiting or restricting the use of certain specific types of weapons or munitions. The European Union viewed the prohibitions and restrictions imposed by those instruments as establishing minimum standards applicable in all situations of armed conflict, and so called upon all States that had not yet done so to ratify or accede to the Convention and its Protocols, including amended article 1 of the Convention. It unreservedly supported the plan of action for the universalization of those instruments which was to be adopted at the Third Review Conference.

29. At the first two Conferences held to review the Convention, the States parties had extended the scope of the regime established by the Convention, strengthened the rules relating to mines, booby-traps and other devices spelled out in Protocol II and adopted two new protocols, one on blinding laser weapons and the other on explosive remnants of war, thus demonstrating that it was possible to adapt the Convention to advances in weapons technology and developments in the nature and conduct of armed conflict. That said, it was important that any new instrument created under the Convention should meet the general objective of strengthening international

humanitarian law and should be designed to be effective in the field. A protocol on mines other than anti-personnel mines would serve that very purpose, but the European Union was concerned that some States parties were apparently still not able to subscribe to an agreement on a draft protocol.

30. At the Third Review Conference, the States parties should reaffirm the importance of the principles agreed and commitments made at the previous conferences and take the opportunity to review and clarify the obligations entered into under the regime established by the Convention and the Protocols annexed thereto, but also to strengthen their implementation, and to exchange experience relating to national legislation, cooperation and assistance, the dissemination of the Convention and legal reviews of new weapons. The European Union welcomed the proposal put forward by the President on the issue of compliance and supported the draft final document provisionally approved by the Group of Governmental Experts.

31. In addition to the issues of mines other than anti-personnel mines and compliance, the European Union wished to highlight the issue of explosive remnants of war: the disproportionate impact on the civilian population of munitions, including submunitions, that might become explosive remnants of war, not to mention the huge burden that could arise from the need for their clearance, meant that each of the States parties must commit itself to resolving that issue urgently. They should work for the universalization of Protocol V and its expeditious and effective implementation. The European Union encouraged the States parties to participate in the informal consultations on that subject which would be organized on the margins of the Third Review Conference. It was in favour of further work on the issue beyond the Third Review Conference, in accordance with the mandate it had submitted at the fifteenth session of the Group of Governmental Experts. It would be important to pursue work on the issue beyond the Conference by focusing more on clarifying the existing obligations, strengthening their implementation and promoting the universality of the Convention and the Protocols annexed thereto.

32. Ms. MILLAR (Australia) pointed out that, since the Second Review Conference, the States parties had been dedicating themselves to examining the issue of mines other than anti-personnel mines and that of explosive remnants of war. Concerning mines other than anti-personnel mines, the studies and information put before the Group of Governmental Experts by Governments and non-governmental organizations had provided irrefutable evidence that such weapons, when undetectable and persistent, threatened the lives of both civilians and humanitarian workers and impeded development long after hostilities, when they had ceased to have any military utility. More effective restrictions must be placed on the use of mines other than anti-personnel mines. Ideally, the States parties, at the present Review Conference, should finalize a legally binding protocol on the issue; to make a practical difference on the ground, the protocol must include measures on detectability and the active life of mines, and strengthen existing international law.

33. As for the question of explosive remnants of war, Protocol V on the subject, which would enter into force on the following 12 November, could greatly alleviate the problems of contamination by explosive remnants of war through clearance, cooperation and information exchange measures. The technical annex on preventive measures should also greatly help to

reduce the risk that weapons might become explosive remnants of war. Australia was on the point of ratifying the Protocol and had already begun to provide assistance for decontamination. That said, more could be done: while the existing rules of international humanitarian law were specific and comprehensive enough to make it possible to curb the problem, the fact remained that they could be better implemented, as the report prepared by Professor McCormack showed. Further work was needed on examining those rules, including with regard to targeting, and on further studying the possibility of introducing technical preventive measures as well as a system of confidence-building measures on destruction of old or outmoded weapons. In that spirit, Australia endorsed the idea of continuation of the current mandate of the Group of Governmental Experts.

34. Australia had always supported the idea of devising a compliance mechanism for the Convention and all the Protocols annexed to it, inspired by the model established by amended Protocol II and following a clear, consistent and effective approach at low cost. That said, it was also ready to accept the proposal made to the Third Review Conference by the President. Australia welcomed the President's initiative in producing a plan of action to promote the universality of the Convention, as well as a sponsorship programme under the Convention. In the Asia-Pacific region there were many countries affected by the problem of explosive remnants of war that could benefit from participating in the work carried out under the Convention and receiving assistance thereby. A sponsorship programme would be particularly useful in the context of Protocol V.

35. Mr. MACKAY (New Zealand) said that the States parties to the Convention had achieved constructive results after their work over the past five years. Most importantly, they had adopted Protocol V on explosive remnants of war, whose entry into force was imminent and which New Zealand, for its part, planned to ratify before the end of 2006. Yet progress remained to be made in many areas, particularly that of cluster munitions. The delegation of New Zealand fully endorsed the call made by the United Nations Secretary-General for States to take steps in relation to such weapons without further delay. They should negotiate a legally binding instrument that would meaningfully address the humanitarian consequences of the use of cluster munitions, thereby demonstrating that the Convention and its Protocols offered, in terms of international humanitarian law, the means of responding to the contemporary concerns of the international community. In the view of the delegation of New Zealand, specific international regulations with regard to cluster munitions should relate principally to the following elements: the persistent nature of failed cluster munitions, prohibition of the use of such munitions within areas with concentrated civilian populations, prohibition of indiscriminate attacks of a nature to strike combatants and civilians alike, prohibition of the use of such weapons in circumstances in which they were likely to cause disproportionate loss of human life among the civilian population and excessive damage to civilian objects, and lastly, the potential for increased proliferation, retention or use of stocks of outmoded cluster munitions.

36. The issue of mines other than anti-personnel mines was also an issue which the Review Conference should address as a matter of priority. New Zealand would welcome the adoption of an instrument on the issue which would have the effect of genuinely strengthening existing international humanitarian law. That said, it feared that an instrument of which some key provisions relating to the detectability and active life of the mines in question were optional would have the effect of undermining international humanitarian law rather than strengthening it.

37. Mr. GRÖNING (Germany) said that his country fully subscribed to the statement made by the representative of Finland on behalf of the European Union. He wished very particularly to draw delegations' attention to three issues, firstly that of explosive remnants of war: Protocol V, which Germany had been the fifth State to ratify, was a major step, which nevertheless was not yet sufficient to make it possible to settle all the aspects of the problem, especially that of cluster munitions, which had an excessive impact on the civilian population. Throughout the year 2006, the German delegation had sought to prompt a responsible and transparent discussion on cluster munitions within the framework of the proceedings of the Group of Governmental Experts. The previous September it had submitted a text which set out the elements of an agreement among the States parties (CCW/GGE/XV/WG.1/WP.3), in order that it should be developed further, in particular by devising provisions aimed at significantly reducing the dud rate which led to the creation of explosive remnants, as well as restrictions on the use of cluster munitions within or near populated areas. The German armed forces, for their part, had phased out all the cluster munitions they had stockpiled whose failure rate was over 1 per cent.

38. Secondly, regarding mines other than anti-personnel mines, the draft instrument which had been drawn up on that subject was firmly supported not only by the European Union but also by the vast majority of States, and it should be finalized as quickly as possible. In the view of the German delegation, the provisions of such an instrument which dealt with the detectability and active life of munitions should be legally binding in nature, as what was involved was better protection of the civilian population.

39. Thirdly, regarding blinding laser weapons, the German delegation was of the view that, in view of the evolution of such weapons during the decade which had followed the entry into force of Protocol IV, it was time to review the implementation of that important instrument and consider improving it, in particular by drawing up precautions which could possibly be taken in the area of the design of military laser systems. It was important to find solutions in those three areas, and hence the German delegation hoped that the Third Review Conference would renew the mandate of the Group of Governmental Experts and that the States parties would continue to meet as frequently as in the past.

40. Mr. CHENG (China) said that substantial progress had been made where the Convention was concerned during the period which had followed the last Review Conference, particularly as regards the universalization of the instrument and the Protocols annexed to it. In addition, the scope of the Convention and the Protocols had been extended to armed conflicts of a non-international character, while the Protocol relating to explosive remnants of war had enriched the humanitarian rules laid down in the Convention. The Group of Governmental Experts had held in-depth discussions on the issues of anti-vehicle landmines, a compliance mechanism and a sponsorship programme, discussions which presaged the real possibility of agreement on certain points. In China's view, it was now important to promote the universalization of the Convention, including amended article 1, as well as the Protocols annexed thereto, and to work for the effective application of all those instruments. China placed great hopes in the plan of action which was scheduled for adoption for that purpose at the present Review Conference. As for China, it had yet to ratify Protocol V relating to explosive remnants of war; it had striven to fulfil the obligations it bore under the Convention and the Protocols annexed thereto, and had actively participated in international cooperation activities carried out in the framework of the Convention.

41. Concerning the issue of explosive remnants of war, China welcomed the imminent entry into force of Protocol V, which made a significant contribution at the international level to arms control and the protection of non-combatants. Earnest implementation of the provisions of the Protocol, including generic preventive measures, would help to resolve the problem posed by such remnants. Concerning anti-vehicle mines, considerable progress had been achieved in the Group of Governmental Experts over the past five years on that issue, although divergent views remained on certain aspects. At the present stage, delegations should make a special effort to find a consensus solution which struck a balance between military requirements and humanitarian concerns, took into consideration the economic and technological capabilities of different countries, proposed a different approach for anti-vehicle mines, which did not have the same military value or raise the same humanitarian concerns as anti-personnel mines, and, lastly, was realistic and feasible.

42. Concerning compliance, China favoured the idea of establishing for all of the Convention and the Protocols annexed thereto a mechanism based on the one used in amended Protocol II, which it regarded as the most realistic and feasible solution. Moreover, the establishment of a sponsorship programme would greatly enhance the influence of the Convention and its Protocols, as well as the universality and implementation of those instruments.

43. Mr. CHANG (Republic of Korea), noting that, since its adoption in 1980, the Convention on Certain Conventional Weapons had been playing a paramount role in realizing the principles of international humanitarian law, said that the last two Review Conferences had made it possible to adopt measures which had truly added to the authority and relevance of the Convention. At the present Review Conference, the delegations would be invited to adopt a plan of action to promote the universality of the Convention and establish a sponsorship programme. They might perhaps reach agreement on an optional mechanism to ensure compliance with the provisions of the Convention and the Protocols, which, in the view of the delegation of the Republic of Korea, would contribute to more effective implementation of those instruments.

44. It was regrettable that, despite all the work devoted to it by the Group of Governmental Experts, it was unlikely that the Review Conference would be able to adopt a protocol on mines other than anti-personnel mines. The Republic of Korea, for its part, would prefer such a protocol to be legally binding, so that the impact of the mines in question could be combated effectively. However, in the interests of a possible consensus, it would be ready to consider the solution proposed at the last session of the Group of Governmental Experts, under which States would be free to decide whether the application of certain provisions would be binding or optional.

45. Welcoming the forthcoming entry into force of Protocol V on explosive remnants of war, he said that his country planned to ratify that instrument as soon as possible. Delegations should now focus their deliberations on ways and means available to strictly apply the generic preventive measures set out in the Protocol. The Working Group on Explosive Remnants of War had made good progress on the issue, and therefore its mandate should be extended so that it could complete its work.

46. Mr. MACEDO (Mexico) expressed the hope that the States parties to the Convention would demonstrate, at the present Review Conference, that they were capable of continuing to develop and codify international humanitarian law relating to certain conventional weapons and that they possessed the political will required to do so. The protection of civilian populations before, during and after armed conflicts was ultimately at stake.

47. It was in that spirit that Mexico and certain countries had put before the Conference for consideration a draft mandate for the negotiation of a legally binding instrument on cluster munitions. Those countries had observed that the existing rules of international humanitarian law were not adequate to minimize the risk posed by the use of such munitions for the civilian population, owing to their lack of precision and a high dud rate. Consequently, they considered that their use should be strictly regulated initially and the use of certain types of such weapons prohibited outright. In the same spirit, Mexico welcomed the forthcoming entry into force of Protocol V on explosive remnants of war. As for mines other than anti-personnel mines, Mexico, while favouring a complete ban on that type of mine, was aware that a number of delegations did not share that view. At all events, it could not join a consensus on an instrument which did not have the effect of strengthening and supplementing the provisions of amended Protocol II.

48. As regards the issue of a mechanism for verification of compliance with the provisions of the Convention and the Protocols annexed thereto, Mexico viewed the draft decision presented by the President as a first step in the right direction and was of the opinion that work on the topic should be continued after the Review Conference. The sponsorship programme which was proposed broadly met the concerns raised by the low level of participation in the work carried out in the framework of the Convention by least developed or developing States parties. Mexico was ready to support all efforts to ensure the universal application of the Convention and the Protocols annexed thereto, a goal pursued by the plan of action which was proposed for adoption by the Conference.

49. Mr. ANTONOV (Russian Federation) said that the Russian Federation had taken part in the drafting of the Convention and the Protocols annexed thereto, and that it had been among the first States to ratify those instruments. It had become a party to amended Protocol II in December 2004 and, in October 2006, the President of the Russian Federation had signed the law adopting the amendment to article 1 of the Convention. The country was preparing to ratify Protocol V.

50. He expressed appreciation to the delegations which had put forward proposals designed to solve the complex and urgent problems which were related to the Convention. He considered that it was important to analyse those proposals in terms of the implications of their implementation. The main criteria governing that analysis should be the balance that they would strike between humanitarian, military and economic interests, the practical scope for the fulfilment of the obligations that would be entered into and the focusing of the proposals on the settlement of actual rather than imaginary humanitarian problems, in addition to the fact that the proposed solutions should be consensual, otherwise the Convention itself and its universalization would suffer.

51. Overall, the Russian Federation was satisfied by the work accomplished by the Group of Governmental Experts over the past five years, which had made it possible to identify the problems more clearly and make substantial progress in certain areas. That was the case for the question of mines other than anti-personnel mines. The stakes in that regard were very high, at least in the case of the Russian Federation, which largely relied on such mines for its defence. He pointed out in that regard that it was not possible to apply directly to mines other than anti-personnel mines the technical requirements laid down as regards anti-personnel mines because the functions of the two types were different. In addition, it had yet to be shown that mines other than anti-personnel mines posed a real danger to civilian populations. Moreover, it should not be forgotten that mines must be detectable after conflicts, and not during hostilities, and so it was important to modernize mine detection devices rather than seeking to modify mine design. Lastly, it was necessary to be aware that it was difficult to draw up a single set of rules regarding the active life of remotely delivered mines other than anti-personnel mines, since that depended on circumstances. An added fact was that mines of types which were highly advanced would make developing countries dependent on output from technologically advanced countries and would oblige them to earmark for that purpose resources which were much needed for their development. In order to resolve the humanitarian problems posed by mines other than anti-personnel mines while maintaining their military utility, it would be better for the States parties to focus their efforts on international cooperation, assistance for humanitarian demining, assistance to the population during the post-conflict period, regulation of the use of mines of that type and the development of transparency measures. All the technical parameters set for such mines should be for optional application. As regards explosive remnants of war, the Russian Federation could not agree to the restriction or prohibition of munitions deemed to be very dangerous in the absence of evidence to support such a claim. In that regard, Protocol V furnished an example of balanced interests and a compromise solution.

52. With regard to the mechanism which was to be set up to ensure compliance with the provisions, the Russian Federation continued to support the proposal put forward by South Africa. It noted with satisfaction that the draft decision drawn up by the President was essentially policy-oriented; it planned to study more closely the idea of establishing a pool of experts. Before taking any decision in that regard, it was important to clarify the underpinnings of the proposal fully and ensure that it would not give rise to a politicization of the issues under consideration or lead to unjustified financial implications. The Russian Federation would be ready to support the programme of action to promote the universality of the Convention, the smooth implementation of which would be decisive for the authority of the Convention, and also the sponsorship programme, provided that it was funded from voluntary contributions and did not lead to unnecessary bureaucratic machinery. He trusted that the constructive climate which had always marked the work carried out in the framework of the Convention would continue during the Review Conference, so that it would be possible to study all the aspects of the problems under consideration and their consequences for the national security of the States parties. It was his hope that the final declaration of the Conference would sum up in a balanced manner the implementation of the provisions of the Convention and the Protocols annexed thereto and would contain clear recommendations on ways and means of ensuring the universality of those instruments and their effectiveness.

53. Mr. MARTABIT (Chile) referred to the principles of international humanitarian law which were set out in the preamble to the Convention. Noting the work carried out in the framework of the Group of Governmental Experts relating to the question of mines other than anti-personnel mines and that of explosive remnants of war, he said that the present Review Conference should serve as an occasion to make further progress in those two areas, with the aim of securing practical results. As for the question of mines other than anti-personnel mines, which was centred on improving the living conditions of the civilian population and humanitarian deminers during and after hostilities, what was needed, after four years of discussions during which the States parties had addressed the most important elements of the issue, including the detectability and active life of such devices, was to adopt a mandate for further work which would incorporate the various viewpoints expressed and make it possible to move forward in studying an instrument which would settle that important question and provide for the essential cooperation and assistance activities. As regards explosive remnants of war and international humanitarian law, he favoured continuation of the three-stage initiative outlined by the coordinator on the issue in March 2004, as well as study of the McCormack report, in particular the recommendations that appeared in it which could help to lessen the humanitarian impact of such explosive remnants.

54. Concerning compliance, the Chilean delegation favoured the establishment, for that purpose, of a mechanism which would apply to the Convention and to all the Protocols annexed thereto. Noting the imminent entry into force of Protocol V on explosive remnants of war, Chile was convinced that the universalization and application of that instrument would offer useful means of combating the many consequences of conflicts. It supported the draft plan of action to promote the universality of the Convention and the Protocols annexed thereto, proposed by the Group of Governmental Experts. As for the sponsorship programme which the President of the Conference proposed to institute, Chile hoped that that programme, which was indeed useful, would be governed by the same principles as those which had made a success of the mechanism set up in the framework of the Ottawa Convention, namely financing through voluntary contributions, facilitation of appropriate regional representation and assistance for the purpose of better fulfilment of all the obligations entered into by the States parties.

55. For its part, the Chilean Government had initiated the procedure for the ratification of Protocol V and the incorporation of amended article 1 of the Convention into domestic law. It wished to pay tribute to the contribution made by the United Nations agencies, other international organizations, regional organizations and the International Committee of the Red Cross and the Geneva International Centre for Humanitarian Demining, as well as non-governmental organizations, to the strengthening of international cooperation in the application of the prohibitions and restrictions laid down by the Convention and the Protocols annexed thereto. It counted on broad and effective participation by civil society in the Conference held to review a convention which was focused both on disarmament and on humanitarian law.

56. Mr. KHAN (Pakistan), noting that the Convention on Certain Conventional Weapons, as conceived, made it possible to address a wide range of humanitarian issues posed by a variety of conventional weapons and therefore constituted an important instrument amongst the many

conventions and treaties relating to arms control, considered that the Convention and its four Protocols were working effectively and that its provisions should be applied strictly because the aim was to reduce the sufferings of human beings in conflicts. It was equally important to universalize those instruments, and the draft plan of action presented to the Review Conference for consideration should contribute to the attainment of that goal. Protocol V on explosive remnants of war, which would shortly enter into force, would expand the scope of the Convention and enhance its significance. The discussions which had taken place in the Working Group on the question of explosive remnants of war had been very useful - the recommendations made by Professor McCormack in his report deserved further study. In that regard, the States parties should strive to identify points of convergence while continuing their deliberations on contentious issues and avoid rushing to adopt solutions that were neither workable nor achievable.

57. In relation to the question of anti-vehicle mines, he noted that stark divergences remained on key issues, beginning with the definition of that expression, which would define the future scope and parameters of the deliberations among the States parties. Noting that detectability and active life were issues which related to the security of States, while the non-detectability and persistence of anti-vehicle mines were two elements of critical importance in the defensive strategy of certain countries, he referred to the working paper he had presented to the fifteenth session of the Group of Governmental Experts, which set out the rationale of the position adopted by his country on the question (CCW/GGE/XV/WG.2/WP.2).

58. As for the question of a compliance mechanism, the proposed draft needed further work, and in particular should be based on the idea that such a mechanism should remain optional, non-intrusive and impartial. He also expressed the hope that the Review Conference would adopt the draft decision relating to the establishment of a sponsorship programme. Noting that a number of proposals for future work by the States parties had been submitted for endorsement by the Review Conference, he urged States not to forget that the aim was to strengthen the regime established by the Convention and the Protocols annexed thereto and make it more effective and to avoid any additions and amendments which would slow down or undercut their efforts to universalize those instruments.

59. Mr. STREULI (Switzerland) noted that, by general agreement, the Convention was an adaptable instrument and could lead to the formulation of new rules so as to minimize the harmful effects which certain weapons had on the civilian population during conflicts while taking into consideration the military interests of States. In that spirit, Switzerland had, even before the Second Review Conference, in 2001, taken the initiative to propose the adoption of international regulations on submunitions, or cluster munitions: the purpose was to remedy the humanitarian problems posed by that type of munition which had already been reported at that time, but also to establish relevant rules before those munitions were too widely used. The solution advocated by Switzerland was based in particular on the introduction of technical improvements designed to reduce the number of duds in the field, the regulation of transfers and the destruction of stocks of submunitions which did not meet the reliability criteria. That initiative had not succeeded, as the States parties had preferred to focus their efforts on post-conflict remedial measures concerning all unexploded munitions, a much more ambitious

holistic approach, which had culminated in the adoption of Protocol V in 2001. The discussions on explosive remnants of war held in the interim had still not led to regulation of munitions, including submunitions, which might become explosive remnants of war, an idea to which Switzerland remained firmly committed. It therefore favoured the idea of setting up a working group specifically to negotiate a legally binding instrument on cluster munitions, which continued to cause the most serious humanitarian problems, and it supported the proposed mandate proposed in document CCW/CONF.III/WP.1*.

60. Switzerland believed that it was necessary to enhance protection of the civilian population from mines other than anti-personnel mines, which operated indiscriminately. There was a need for a new instrument dealing specifically with such mines, which should clearly reinforce the achievements and the norms set out in amended Protocol II. In that regard, the Swiss delegation considered that legally binding provisions should be adopted as regards the detectability of mines other than anti-personnel mines and the limitation of their active life.

61. Concerning the establishment of a mechanism relating to compliance with the provisions of the Convention and the Protocols annexed thereto, Switzerland had repeatedly upheld the idea of an effective and binding solution. However, it seemed that the majority of States preferred a political solution, setting out measures to promote compliance and cooperation in the implementation of the provisions. The Swiss delegation supported the draft decision relating to the establishment of a sponsorship programme within the framework of the Convention.

62. Monsignor TOMASI (Holy See) assured the States parties that the Holy See would do its utmost to ensure that the Third Conference to review the Convention achieved tangible results, in the interests of all the population groups affected by war and conflicts. The success of the Conference would be measured in terms of the impact its decisions would have on the daily lives of the persons in question. The universalization of the Convention, compliance with the obligations entered into, the sponsorship programme and the scrupulous implementation of the agreements embodied in the various Protocols annexed to the Convention should constitute not only a whole, but also a common commitment on the part of all the States parties, for, as the representative of the Holy See pointed out, in armed conflicts, with their trail of misery and suffering, there were neither winners or losers.

63. In any event, the Convention on Certain Conventional Weapons, despite its limitations and its failures, should retain its dynamic, evolutionary and flexible nature. As new weapons were designed and produced, it was important that reflection and negotiations should keep pace with military realities, so that those new weapons complied with the criteria laid down by the Convention and its Protocols, and, where necessary, new instruments were negotiated where existing agreements proved inadequate. In that light, the Holy See welcomed the imminent entry into force of Protocol V on explosive remnants of war and considered that it was now the duty of the States parties to make that Protocol useful, effective and operational. That should not distract them from other urgent tasks: mines other than anti-personnel mines continued to pose serious humanitarian problems, and the Holy See therefore hoped that meaningful and robust agreement with a view to a new protocol on the issue would be reached at the present Review Conference. He trusted that the Review Conference would adopt a negotiating mandate on that issue, as it could not ignore such a serious problem. Pending the culmination of such negotiations in effective solutions, States should declare a moratorium on the use of cluster munitions. In the same spirit, a thorough examination of the question of laser weapons was necessary.

64. The challenges were considerable, but he was convinced that the States parties had the ability to meet them as long as they had the political will required and took into consideration the interests of the most vulnerable population groups. The legitimate security of States could not be assured if it jeopardized the lives and future of their populations. Even as a last resort, armed conflicts constituted failure, and it was necessary to avoid compounding failure with irreparable consequences.

65. Mr. Draganov (Bulgaria) took the Chair.

66. Mr. PRASAD (India) said that his country was firmly committed to the Convention on Certain Conventional Weapons and the humanitarian principles it embodied. India had ratified the five Protocols annexed to it, as well as amended article 1 of the Convention, and had taken the necessary steps to fully implement its obligations under amended Protocol II, just as it would take all requisite measures to apply the other Protocols, including Protocol V. India favoured the adoption of the proposed plan of action to promote the universality of the Convention. It would provide support to the draft decision relating to the establishment of a sponsorship programme.

67. In India's view, it was important to establish a mechanism to ensure compliance with the provisions. However, given the difficulties that would be raised by further amendment of the Convention in order to establish such a mechanism, the Indian delegation supported the President's proposal for the adoption of a draft policy decision for that purpose and hoped that that draft would secure consensus. Concerning paragraph 7 of part II of the draft decision in question (CCW/CONF.III/8), it wished to point out that, as far as India was concerned, the High Contracting Parties would be required to take the steps referred to in order to fulfil their obligations under the Convention and the Protocols annexed thereto only wherever necessary.

68. The forthcoming entry into force of Protocol V on explosive remnants of war would constitute a landmark in the achievement of the basic objectives of the Convention. India, which was among the 25 States that had notified the Secretary-General of their consent to be bound by the Protocol, looked forward to the declaration to be made by the Review Conference on that subject. Protocol V contained remedial measures to be taken after conflicts, including those in relation to the removal or destruction of explosive remnants of war, and above all it recognized the right of the High Contracting Parties to seek and receive assistance and required them to provide assistance in dealing with the problems posed by existing explosive remnants. Article 9 of the Protocol encouraged the High Contracting Parties to take remedial measures to minimize the occurrence of such remnants. He was confident that, when strictly implemented, Protocol V would go a long way towards mitigating the humanitarian problems associated with explosive remnants of war. After the adoption of the Protocol in November 2003, the Working Group on Explosive Remnants of War had continued its work by focusing on study of the application of the existing principles of international humanitarian law and possible preventive technical measures to improve the design of certain specific types of munitions in order to prevent them from becoming explosive remnants of war. The responses to the questionnaire on the application of the existing principles of international humanitarian law at the national level had demonstrated that the States parties were determined to fulfil their obligations under that law. The analytical report on those responses, prepared by Professor McCormack, had identified gaps in the application of that law and outlined the steps which might be taken to rectify them. India was convinced that that work would encourage the States parties to take further measures to fulfil their obligations. That said, it considered that the mechanisms set up under the Geneva

Conventions and the Protocols additional to those Conventions would offer the best way to consider any proposal for elaborating on the existing principles of international humanitarian law and promoting their application. At their meetings, the military and technical experts had carried out useful work by establishing criteria for identifying types of munitions which posed special risks for humans and had considered measures focused on enhancing the reliability of those munitions. Those experts should be given an opportunity to conclude their work, in particular as regards preventive measures related to the design of munitions.

69. The Working Group on Mines Other than Anti-Personnel Mines had made significant progress in evolving the outline of a future protocol regarding the use of such mines. He hoped that it would be possible to settle the final difficulties and adopt a legally binding protocol on the issue. He would not wish the States parties to that protocol to be able to opt out of some of the obligations contained in the future instrument, as that would probably make it impossible to respond to the humanitarian concerns raised by those devices. Lastly, he paid tribute to the active, constructive and most useful participation of the International Committee of the Red Cross and non-governmental organizations in the work conducted in the framework of the Convention.

70. Mr. BETTAUER (United States of America) said he wished to reiterate the position the United States had always held concerning the regulation of conventional weapons which had indiscriminate effects or caused excessive harm: what was needed was to find the requisite balance between humanitarian concerns and States' military interests, to clarify the facts concerning the weapons in question and to secure a consensus on the restrictions required. Protocol V was consistent with that idea. The United States considered that that instrument would go a long way towards mitigating the suffering caused by explosive remnants of war, when large numbers of countries acceded to it, applied it and followed the provisions of its technical annex relating to reliability of munitions, which should immediately reduce the number of such munitions which became explosive remnants. It was clear from the work of the States parties on the question of explosive remnants of war, the questionnaire on international humanitarian law and the analysis of responses prepared by Professor McCormack that the law applicable to explosive remnants of war was adequate. ICRC had called for the conclusion of an agreement on cluster munitions. While sharing the humanitarian concern which motivated ICRC, the United States believed that the best way to counter the effects of those weapons now consisted in applying existing international humanitarian law, before thinking of drawing up new rules.

71. For lack of consensus, it had not been possible to incorporate into amended Protocol II, during the negotiations on that subject, the restrictions relating specifically to anti-vehicle mines, or mines other than anti-personnel mines, which had been proposed by his country and Denmark. The United States nevertheless remained convinced that mines of that type genuinely posed a threat to civilians and that it was possible to regulate their use in a manner consistent with all legitimate military interests. It had therefore continued to attach priority to the question throughout the work carried out by the Group of Governmental Experts since 2001. That work had allowed an exhaustive study of all the technical and political considerations, and so the delegation of the United States considered that it was now time to bring that work to a conclusion, or to give up the quest for the adoption of an instrument regulating the use of that type of weapon. The United States, for its part, would have preferred the adoption of the 30-nation proposal, or the text proposed by the Ambassador of Finland the previous year, but

was committed with other countries to finding compromises. The delegation of the United States considered that the solution currently proposed (CCW/CONF.III/7/Add.2), incorporating provisions on the detectability and active life of mines other than anti-personnel mines in optional annexes to an instrument, could secure consensus, as that would give Governments which so wished the option of considering the provisions in question as binding, while those which were not ready to accept the restrictions laid down in that field by those provisions would have the option of endorsing the other provisions of the instrument, which would, in any event, constitute a constructive contribution to the law of war. In addition, such a solution would be in keeping with the conception of the Convention, with the States parties to the latter remaining free to decide whether to become parties to the Protocols annexed thereto.

The meeting rose at 1.10 p.m.