

# Meeting of the High Contracting Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects

15 March 2010  
English  
Original: French

**Geneva, 7–13 November 2007**

## **Summary record of the 1st meeting**

Held at the Palais des Nations, Geneva, on Wednesday, 7 November 2007, at 10 a.m.

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

*Chairperson:* Mr. Verros ..... (Greece)

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

**Opening of the Meeting (item 1 of the provisional agenda)**

1. **The Temporary Chairperson**, acting on behalf of the Secretary-General of the United Nations, 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 its Protocols, declared open the 2007 Meeting of the High Contracting Parties to the Convention. He recalled that at the Third Review Conference, held in November 2006, it had been decided to hold the Meeting following the First Conference of the High Contracting Parties to Protocol V and the Ninth Annual Conference of the High Contracting Parties to Amended Protocol II. The topics to be covered at the Meeting had also been decided at the Third Review Conference and included cluster munitions, mines other than anti-personnel mines, compliance with the provisions of the Convention and implementation of the plan of action to promote the universality of the Convention, including the implementation of the CCW Sponsorship Programme.

**Confirmation of the nomination of the Chairperson of the Meeting (item 2 of the provisional agenda)**

2. **The Temporary Chairperson** recalled that at the Third Review Conference in 2006, as set out in the Final Declaration (CCW/CONF.III/11 (Part II), Decision 6), it had been decided to nominate a representative of the Western European and Others Group as Chairperson-designate of the Meeting of the High Contracting Parties. In line with this decision, the Coordinator of the Group, the Ambassador of Germany, Mr. Bernhard Brasack, had informed the secretariat of the Convention that his Group had nominated the Ambassador of Greece, Mr. Francisco Verros, as Chairperson of the Meeting. That information had been communicated to the Parties in a letter signed by him (the Temporary Chairperson) dated 1 February 2007. He took it that the Conference wished to confirm Mr. Verros as Chairperson.

3. *It was so decided.*

4. *Mr. Verros (Greece) took the Chair.*

**Adoption of the agenda (item 3 of the provisional agenda) (CCW/MSP/2007/1)**

5. **The Chairperson** recalled that the first draft provisional agenda had been approved *ad referendum* during the informal consultations held on 15 June 2007. On 25 September 2007, however, it had been amended by the participants at the third informal meeting, so that the issue of the universality of the Convention could be addressed. The provisional agenda issued, under the symbol CCW/MSP/2007/1 appeared to be in line with Decisions 2 and 6 taken at the Third Review Conference, and with the decisions concerning the establishment of a compliance mechanism applicable to the Convention and a Sponsorship Programme, and with the plan of action to promote the universality of the Convention.

6. **The Chairperson** said that items 7 to 11 would constitute the bulk of the work of the Conference. He took it that the Conference wished to adopt the provisional agenda.

7. *The provisional agenda (CCW/MSP/2007/1) was adopted.*

**Confirmation of the rules of procedure (agenda item 4) (CCW/CONF.III/11 (Part III))**

8. **The Chairperson** suggested that the 2007 Meeting of the High Contracting Parties should apply *mutatis mutandis* the rules of procedure adopted by the Third Review Conference (CCW/CONF.III/11 (Part III)). Obviously, some of the rules were not relevant

in the case of a short meeting; he suggested that any problems that might arise should be dealt with in a spirit of cooperation and common sense.

9. *It was so decided.*

**Confirmation of the nomination of the Secretary-General of the Meeting (agenda item 5)**

10. **The Chairperson**, referring to rule 14 of the rules of procedure, said that the Secretary-General of the United Nations had nominated Mr. Peter Kolarov, Political Affairs Officer, in the Geneva Branch of the Office for Disarmament Affairs, to serve as Secretary-General of the Meeting. He took it that the Meeting wished to appoint Mr. Kolarov to that office.

11. *It was so decided.*

**Organization of work, including that of any subsidiary body of the Meeting – Election of other officers of the Meeting (agenda item 6) (CCW/MSP/2007/2)**

12. **The Chairperson** recalled that, in line with Decisions 2, 3 and 6 taken at the Third Review Conference, the Meeting would devote up to one day to the issue of compliance; up to two days to the issue of mines other than anti-personnel mines; and up to two days to a general meeting of the High Contracting Parties, including up to one day on the report of the Group of Governmental Experts, under the overall responsibility of the Chairperson-designate of the Meeting of the High Contracting Parties. The plan of action to promote the universality of the Convention, including the functioning of the CCW Sponsorship Programme — which was now fully operational — would also be discussed.

13. Given that some of the issues to be discussed were particularly sensitive from a political point of view, delegations were called on to be flexible and open-minded, so as not to hold up the progress of work. In that regard, the provisional agenda, which could be amended in order to meet the real needs of participants, should enable a great deal of informal consultation to take place, in addition to the official exchange of views and consideration of the various substantive issues.

14. The programme of work approved *ad referendum* on 25 September 2007 and issued on 26 September 2007 under the symbol CCW/MSP/2007/2 reflected the same concern and left the Chairperson considerable room for manoeuvre in the organization of the meetings.

15. **Mr. Bettauer** (United States of America) said that the proposed programme of work, which was in fact fairly rigid, did not meet the requirements of Decision 6 of the Third Review Conference, in that it did not allow, where necessary, for the possibility of moving easily from one agenda item to another, or of holding informal consultations as the discussions progressed. He therefore wished to propose that, with regard to the organization of work, the Meeting should stick to the agenda and to the agreement reached at the Third Review Conference.

16. **The Chairperson** stressed that the provisional programme of work, which was intended to serve simply as a guide, would not hinder the fluidity of the Meeting's work or any reorganization that proved to be necessary. In the absence of any other comments from delegations, he took it that the Conference wished to adopt the provisional programme of work.

17. *It was so decided.*

18. **The Chairperson** said, with regard to the second part of item 6, that he did not consider it necessary to establish any subsidiary bodies, since that involved an excessively heavy and formal procedure. For the 2007 Meeting he would count on the good offices of

the following participants to assist him as Friends of the President: the Ambassador of Latvia, Mr. Janis Kārklīšs, on the issue of cluster munitions; the Ambassador of Finland, Mr. Kari Kahiluoto, on the issue of compliance; and the Ambassador of Brazil, Mr. Carlos Antonio da Rocha Paranhos, on the issue of mines other than anti-personnel mines. Rather than electing an entire Bureau in accordance with rule 10 of the rules of procedure, he would prefer to work as part of a streamlined Bureau consisting of the three Friends of the President and, for reasons of transparency, the coordinators of the regional groups, China and the Chairperson of the Meetings of the Military and Technical Experts of the Group of Governmental Experts held under the Convention. As usual, the Bureau would meet with NGOs, and with representatives of the United Nations specialized agencies and international organizations present at the Meeting. He took it that the Conference wished to proceed on that basis.

19. *It was so decided.*

#### **Message from the Secretary-General of the United Nations**

20. **Mr. Duarte** (United Nations High Representative for Disarmament Affairs) read out a message from the Secretary-General of the United Nations.

In his message, the Secretary-General said that, a year after the Third Review Conference, an important juncture had been reached in the evolution of the Convention, which was a vital instrument. The atrocious, inhumane impact of cluster munitions required urgent action. The characteristics of those munitions, with their inherent inaccuracy and frequent malfunctioning, made them particularly indiscriminate, both at the time of use and long after conflicts had ended. They posed significant challenges for international humanitarian law.

He urged the participants to address the horrendous humanitarian, human rights and developmental effects of cluster munitions by concluding a legally binding instrument of international humanitarian law. The instrument should prohibit the use, development, production, stockpiling and transfer of cluster munitions that caused unacceptable harm to civilians. It should require the destruction of current stockpiles of those munitions, and it should provide for clearance and risk mitigation activities, victim assistance, cooperation and compliance and transparency measures.

Until such a legal instrument was adopted, participants should take domestic measures to immediately freeze the use and transfer of all cluster munitions.

It was disappointing that, after five years of intensive efforts, participants had been unsuccessful in addressing the long-term humanitarian and developmental impact of mines other than anti-personnel mines.

He was encouraged, however, by the establishment of a compliance and cooperation mechanism for the Convention and all its Protocols. The strength of any treaty lay in its thorough implementation and strict observance. An early agreement to further enhance an effective, flexible and transparent compliance and cooperation mechanism would represent an important gain.

The Convention was still short of universal membership. He welcomed the practical steps taken to increase the number of parties, especially among developing countries and States affected by mines and explosive remnants of war.

He was particularly encouraged that participants had adopted, and were already engaged in implementing, a plan of action to promote the universality of the Convention and a Sponsorship Programme. He urged all States that had not yet done so to consider acceding, as soon as possible, to the Convention and its Protocols.

The United Nations would continue to provide support to those crucial efforts.

**Consideration of the report of the work of the Group of Governmental Experts on the application and implementation of existing international humanitarian law to specific munitions that may cause explosive remnants of war, with particular focus on cluster munitions, including the factors affecting their reliability and their technical and design characteristics, with a view to minimizing the humanitarian impact of the use of these munitions (agenda item 10)**

*Introduction of the report of the Group of Governmental Experts*

21. **Mr. Kārkliņš** (Latvia), speaking as Chairperson of the Group of Governmental Experts, recalled the terms of the mandate given by the Third Review Conference to the Group of Experts, which had met from 19 to 22 June 2007. The Group of Experts had benefited from the numerous very detailed presentations and statements made by representatives of various governmental, intergovernmental and non-governmental organizations, each of which had its own point of view. The Group had therefore endeavoured to provide delegations with a comprehensive, accurate and balanced analysis of the global issue of cluster munitions. To that end, it had also drawn on the conclusions of the Expert Meeting on the Humanitarian, Military, Technical and Legal Challenges of Cluster Munitions, organized by the International Committee of the Red Cross (ICRC) in Montreux.

22. The issue of cluster munitions had been examined from all angles. With regard to the humanitarian impact, the Group of Experts had recognized that the international community must address, as a matter of urgency, the grave humanitarian suffering caused by the use of cluster munitions. The Group had also agreed on the need to take preventive measures to avoid their proliferation.

23. With regard to the military utility of cluster munitions, the Group of Experts — after consulting experts from key military powers with diverging views — had reached agreement on the fact that, as shown by past conflicts, the use of cluster munitions caused unacceptable harm to civilians, without necessarily achieving the intended military objectives. That was the reason for the development of precision-guided submunitions, which were more sophisticated, but more expensive.

24. With regard to technical aspects, the Group of Experts considered that the improvements that could be made to the operation of cluster munitions, and to their fusing systems in particular, did not yet make it possible to end the humanitarian suffering caused by their use.

25. With regard to legal aspects, the issue of the relevance of existing rules of international humanitarian law, including those contained in Protocol V, had been raised. It had transpired that an absolute majority of delegations was in favour of the urgent negotiation, within the framework of the Convention, of a new legally binding instrument specifically for cluster munitions, most probably in the form of a protocol VI. Some delegations had said that they required more time, however, before expressing their views on the subject.

26. Members of the Group of Experts were divided on the issue of the definition of cluster munitions. Clearly, it would be of the utmost importance for States to agree on the matter, with a view to the adoption of new, specific rules.

27. At the meeting, several delegations had stressed the need to consider also the issues of destruction of cluster munitions; assistance to victims of cluster munitions; and

cooperation. In that regard, it should be reiterated that a comprehensive approach was the only way of minimizing the hazard caused by such weapons.

**Plan of action to promote the universality of the Convention, including the implementation of the CCW Sponsorship Programme (agenda item 8)**

*Introduction of the report of the Sponsorship Programme Steering Committee*

28. **Mr. Borisovas** (Lithuania), speaking as Coordinator of the Sponsorship Programme Steering Committee, recalled that the Programme had been established pursuant to a decision taken at the Third Review Conference in November 2006, and that the main aims of the Programme were to: strengthen the implementation of the Convention and its Protocols; promote universal observance of the norms and principles enshrined therein; support their universalization of the Convention and its Protocols; and enhance cooperation, exchange of information and consultations among the Parties on issues related to those instruments.

29. It was also agreed at the Third Review Conference that States would make contributions to the Programme on a voluntary basis, and that the Programme would be conducted in an informal and flexible way, fully respecting the specific, ad hoc nature of the meetings held within the framework of the Convention and its Protocols.

30. The Programme had been established in order to provide various forms of assistance; in particular, it had been designed to help representatives of High Contracting Parties that were affected by the problem of mines and explosive remnants of war and had limited resources to participate in activities related to the Convention, and to enable the dissemination of information and knowledge about how the Convention worked to States that were not parties to the instrument.

31. Taking into account the resources currently available, the Steering Committee had decided to help 24 countries to send representatives to the First Conference of the High Contracting Parties to Protocol V on Explosive Remnants of War, to the Annual Conference of the High Contracting Parties to Amended Protocol II on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices; and to the Meeting of the High Contracting Parties to the Convention, taking place from 5 to 13 November 2007. Invitations to request sponsorship had been sent to over 70 potential beneficiaries.

32. He therefore wished to extend a warm welcome to the delegations of the following countries: Afghanistan, Bangladesh, Belarus, Benin, Bosnia and Herzegovina, Burundi, Chad, Cuba, Democratic Republic of the Congo, El Salvador, Eritrea, Ethiopia, Guinea-Bissau, Lao People's Democratic Republic, Malawi, Mongolia, Mozambique, Myanmar, Peru, Senegal, The former Yugoslav Republic of Macedonia, Tunisia, Viet Nam and Zambia. He thanked those countries that had made contributions, thereby making the Sponsorship Programme fully operational before the annual meetings, namely: Australia, Canada, China, Lithuania, Switzerland, Turkey and the European Union.

33. The report of the Steering Committee provided further details on the decisions adopted at its three meetings held in 2007, which had essentially been guided by the principle of universalization of the Convention. With regard to the criteria for selecting beneficiaries, a case-by-case approach had been followed, on the basis of considerations of eligibility — a concept that required further discussion — and quality. The availability of funds had been, and would continue to be, a crucial issue. A rotation system could be applied to funding.

34. He thanked all Steering Committee members and observers, and, in particular, the Geneva Branch of the Office for Disarmament Affairs.

35. **Mr. Pereira Gomes** (Portugal) said that he was speaking on behalf of the European Union, and that Croatia and the former Yugoslav Republic of Macedonia, Albania, Bosnia and Herzegovina, Montenegro and Serbia, and Armenia, Georgia, Iceland, Liechtenstein and Moldova, also associated themselves with his statement.

36. The European Union attached great importance to the Convention, which took account of both military requirements and humanitarian concerns, and hoped that the Meeting would be successful, thereby enhancing the Convention's credibility. The tangible results obtained at the Third Review Conference had been encouraging and had demonstrated the potentially dynamic nature of the Convention in responding to developments in both weapons technology and conflicts. The European Union was, nevertheless, disappointed that States had not reached agreement on a legally binding instrument concerning mines other than anti-personnel mines. The European Union noted that commitments had been made in the Final Declaration of the Conference and encouraged the Parties to act on them. The issue of mines other than anti-personnel mines should remain on the agenda.

37. The European Union considered the prohibitions and restrictions set out in the Convention to be minimum standards applicable in all conflicts, for which reason universalization of the Convention remained a priority. It was to be deeply regretted, therefore, that nearly half the total number of United Nations Member States had not acceded to the Convention, especially given that half of those were affected by mines and explosive remnants of war.

38. All European Union member States were Parties to the Convention and were committed to acceding to all its Protocols. The European Union had recently approved a Joint Action with the objective of supporting the universalization of the Convention and would subsequently organize a workshop, along with regional and subregional seminars, in close cooperation with the Office for Disarmament Affairs. A publication would be issued, setting out the results of those events and the presentations made, lessons learned and recommendations formulated, in order to increase the number of accessions and strengthen regional networks throughout the world, particularly in Central Asia, West and East Africa, the Horn of Africa, the Great Lakes Region and Southern Africa, South-East Asia, the Middle East and the Mediterranean, Latin America and the Caribbean, and the Pacific islands.

39. The European Union welcomed the fact that the Sponsorship Programme established by the Third Review Conference had begun its work in a spirit of openness and transparency, and thanked the representative of Lithuania for taking on the role of Coordinator of the Sponsorship Programme Steering Committee, and the Geneva International Centre for Humanitarian Demining. The European Union fully supported the Programme, to which it had allocated 250,000 euros; some European Union member States had also contributed nationally. The Programme enabled beneficiaries that had not yet acceded to the Convention to learn about activities carried out in relevant areas. The Union encouraged all potential donors to contribute to the Programme and to participate in the decisions of the Steering Committee.

40. Lastly, he wished to stress that the European Union member States considered, as did many countries, that the issue of cluster munitions raised humanitarian concerns. The Union had submitted a draft mandate for the negotiation by the end of 2008 of a legally binding instrument that would address that issue in all its aspects; prohibit the use, production, transfer and stockpiling of cluster munitions that caused unacceptable harm to civilians; and include provisions on cooperation and assistance. The Union would make every effort to ensure that its proposal, issued under the symbol CCW/GGE/2007/WP.3, met with the support of Member States at the current Meeting.

41. **Mr. Khan** (Pakistan) said that he was convinced of the relevance of the legal framework constituted by the Convention and its Protocols. He expressed regret that, the previous year, diverging opinions had prevented any progress being made on anti-vehicle mines; a sharper focus on purely humanitarian issues would have led to a viable outcome.

42. In 2007, the issue under consideration was that of cluster munitions. While those munitions had recognized military utility, Pakistan had never used them and was opposed to their use against civilians. Strict compliance with existing international humanitarian law would help to address the humanitarian concerns relating to the production, use and transfer of cluster munitions; he therefore supported the efforts of the international community to tackle the matter of their irresponsible use. However, he wished to point out that, for the sake of realism, certain principles should be upheld: first, the Convention provided the most appropriate forum for negotiation; second, the humanitarian concerns regarding cluster munitions and their legitimate use should be explicitly recognized; third, the proposed negotiating mandate should be simple and general, and should not be made cumbersome by technical features, definitions or linkages; fourth, there should be no artificial deadline; fifth, “due diligence” was required to address the concerns of all Parties; and sixth, it would be useful to draw on the experiences of civil society organizations involved in post-conflict activities. A maximalist mandate would run the risk of stalling the negotiation process, as had been the case for anti-vehicle mines.

43. Pakistan had expressed its views on the issue of anti-vehicle mines in a paper submitted on 5 September 2006. Its position was that the existing framework adequately addressed the problems relating to the irresponsible use of anti-vehicle mines, which in themselves were legitimate weapons, and that the solution to those problems lay not in technical improvements, or of new prohibitions, but in the faithful implementation of existing obligations.

44. Pakistan had submitted its initial report and had nominated a qualified military expert for membership of the pool of experts established under the compliance mechanism applicable to the Convention. He recalled that all Parties were responsible for accelerating the efforts to universalize the Convention, and expressed appreciation for all the initiatives adopted to that end at the Third Review Conference.

45. **Mr. Tarui** (Japan) said that the importance of the Convention was threefold: first, the Convention prohibited and restricted the use of certain weapons while maintaining a balance between humanitarian and security demands; second, the Convention had a large number of High Contracting Parties, including the major military powers; and third, it was sufficiently flexible to address a variety of humanitarian issues. The Convention had become even more effective since the entry into force of amended article 1 in 2004 and Protocol V in 2006. The challenge would be to ensure the universalization of the Convention — for which the plan of action adopted to that end at the Third Review Conference would be an important guide — and promote its steady implementation.

46. He commended the discussions that had taken place on the issue of mines other than anti-personnel mines, despite the fact they had not led to the adoption of a negotiating mandate for 2007. He welcomed the deepening of understanding of the principles of international law applying to explosive remnants of war. He hoped that a negotiating mandate on cluster munitions would be adopted at the current Meeting; the involvement of the major countries that possessed or produced such munitions was indispensable to that process. He commended the decision to establish a compliance mechanism applicable to the Convention, since that would increase still further the international community’s confidence in the instrument.

47. **Mr. Dumont** (Argentina) said that the Convention was a dynamic instrument and that the progress made in the discussions at the two previous Review Conferences,



including the adoption of a compliance mechanism applicable to the Convention, was a reason for the dialogue to continue. Argentina had submitted its list of experts for consideration by the Secretary-General.

48. He welcomed the adoption of the Sponsorship Programme, in which representatives of developing countries participated, thereby ensuring that the needs of affected countries were taken into account. The Programme should result in an increased number of ratifications. He was pleased to announce that Argentina had set in motion the internal process for timely ratification of Protocol V.

49. He hoped that the current Meeting would lead to a consensus on the issue of mines other than anti-personnel mines, given the work carried out over the previous five years. The Meeting should also result in the adoption of a negotiating mandate for a legally binding instrument on cluster munitions, to which Argentina attached particular importance, owing to the presence of cluster munitions in the territory of the Malvinas Islands. The adoption of a negotiating mandate would contribute to the universalization of the Convention, since the instrument would offer specific tools. It would provide a unique opportunity to strengthen the United Nations system and, more broadly, multilateralism in general.

50. **Ms. Millar** (Australia) said that Australia had long been committed to the Convention and its aims, and had been the first State to contribute funds to the Sponsorship Programme.

51. While Australia was also involved in the Oslo process, it considered that the Convention had a vital role to play in controlling cluster munitions. The many Parties to the Convention included the major producers and users of cluster munitions, and the resulting level of technical expertise was difficult for other forums to match. Australia therefore called for a mandate to be agreed at the current Meeting that would enable a legally binding instrument on cluster munitions to be negotiated in as short a time as possible.

52. She expressed regret that the work on mines other than anti-personnel mines could not be finalized, despite its having shown that the humanitarian risk posed by those mines could be countered effectively by a protocol. She recalled Australia's support for the Declaration on anti-vehicle mines made by 23 States at the conclusion of the 2006 Review Conference, which she encouraged other States to endorse.

53. Australia was convinced that the international community was capable of determination, as it had shown in adopting Protocol V. Australia had already implemented the requirements of the Protocol, by promoting awareness of them among defence personnel and by bringing all relevant procedures and instructions into line with the instrument. Australia would continue its long-standing review of Defence Force weapon purchases to ensure compliance with its international obligations, including, henceforth, those arising from Protocol V.

54. **Mr. Cheng Jingye** (China) said that, in 2007, his Government had continued to conduct awareness-raising campaigns for its armed forces and civilians on the Convention and its Protocols; strengthen international cooperation; and, within the limits of its capabilities, provide relevant assistance to the least developed countries. On the issue of cluster munitions, given that the High Contracting Parties to the Convention included the major producers, users, importers and exporters of those weapons, any work likely to lead to a realistic and feasible outcome must take place within the framework of the instrument. China was willing to work closely with other Parties in order to seek the best approach to resolving the humanitarian concerns arising from cluster munitions.

55. Despite no consensus having been reached on the issue of anti-vehicle mines at the Third Review Conference, he believed that, as long as all Parties complied strictly with the

relevant provisions of amended Protocol II and adopted the various useful recommendations proposed during the work of the Group of Governmental Experts, the issue would be effectively resolved. China considered that the compliance mechanism applicable to the Convention would enhance the Convention's effectiveness and strengthen its implementation. China had already submitted its national report to the secretariat and had nominated candidates for the pool of experts. China supported the plan of action to promote the universality of the Convention; accordingly, it had contributed \$10,000 to the Sponsorship Programme and had set up a training course for five States that were not parties to the Convention — Angola, Burundi, Chad, Guinea-Bissau, and Mozambique — in order to encourage them to accede to the Convention and its Protocols.

56. **Mr. Chang Dong-hee** (Republic of Korea) said that considerable progress had been made with the consensus achieved in November 2006 on the establishment of the compliance mechanism applicable to the Convention, the Sponsorship Programme and the plan of action to promote the universality of the Convention, and that he welcomed the constructive discussions and meaningful achievements of 2007, which attested to the vitality of the Convention. He regretted, however, that the negotiations on mines other than anti-personnel mines had stalled. While the Declaration on anti-vehicle mines (CCW/CONF.III/WP.16), signed by 25 countries including the Republic of Korea, was an interim measure designed to minimize the inhuman consequences of mines other than anti-personnel mines until the adoption of a new legally binding protocol in that area, the issue of mines other than anti-personnel mines remained on the agenda. He called on all Parties to be more flexible and realistic, in order to achieve tangible results.

57. The Republic of Korea, which had been encouraged by the progress shown by the entry into force of Protocol V in November 2006, would shortly be joining the 35 Parties that had already ratified the instrument. Concerned about the humanitarian problems arising from the use of cluster munitions, his delegation was convinced said that the Convention was the most appropriate forum for dealing with those problems and with the challenges arising from the conflicting positions on cluster munitions. Introducing a new instrument required time and energy — and one on cluster munitions would be no exception to that rule — but he was confident that the constructive discussions and cooperation among the Parties would facilitate a consensus on the issue. The Republic of Korea would continue to work towards the noble objective of further strengthening the Convention.

58. **Mr. Koshelev** (Russian Federation) said that the Russian Federation would shortly ratify Protocol V and would thus have acceded to all the instruments annexed to the Convention. It attached great importance to the plan of action to promote the universality of the Convention adopted at the Third Review Conference and intended to make a practical contribution to its implementation. The Russian Federation had submitted its answers to the questionnaire on compliance with the Convention, and it was also prepared to discuss issues relating to implementation of the compliance mechanism applicable to the Convention and its Protocols, within the framework of meetings and consultations of experts.

59. The position of the Russian Federation continued to be that the issue of mines other than anti-personnel mines was non-urgent from a humanitarian point of view. To his knowledge, there was no evidence that those mines in particular — and not, for example, improvised explosive devices — posed a real threat and caused suffering and loss of human life during and after armed conflicts. These had not been any response to his delegation's numerous presentations and discussion papers on mines other than anti-personnel mines; he therefore doubted that it would be reasonable to resume work on the issue.

60. His delegation did not deny the need to discuss the issue of cluster munitions. However, it was firmly convinced that the problems caused by those munitions arose from

the manner and conditions in which they were used, rather than the nature of the weapons themselves.

61. In his delegation's view, it was not justified to classify some munitions as "more hazardous" or "less hazardous", and cluster munitions as "good" or "bad", or to distinguish between "our own" and "someone else's" munitions. All weapons were designed to inflict damage on enemy troops and their equipment, and producers, understandably, sought to achieve the maximum degree of technical reliability. The idea of harmonizing technical standards of reliability was therefore unlikely to succeed. Because of the different scientific, industrial, military and technical levels of the Parties to the Convention, such an approach could weaken their defence capabilities, which would be unacceptable.

62. His delegation was ready to discuss various aspects of the use of cluster munitions, including the issue of the safety of military personnel and civilians, but was not sure that the conditions were in place for holding negotiations on those munitions.

63. **Mr. Prasad** (India) said that India was a party to the Convention and all its Protocols, and recalled the principle established in the Convention that the right of the parties to an armed conflict to choose methods or means of warfare was not unlimited. It was extremely important to encourage States that were not parties to the Convention and its Protocols to join the 103 Parties to the Convention. In that regard, he affirmed the importance attached by India to the plan of action and the Sponsorship Programme — to which the Government had decided to make a modest contribution of \$10,000 — and to the compliance mechanism applicable to the Convention.

64. He hoped that it would be possible to finalize and approve the standardized reporting formats, and to strengthen the Convention's secretariat in view of the expected new workload. Also, he counted on the flexibility of the Parties to make it possible to adopt a legally binding protocol on mines other than anti-personnel mines. All High Contracting Parties had a collective responsibility to ensure that there was an adequate and timely response to the current challenges posed by advances in weapons technology and changes in methods of warfare. In the three decades since the entry into force of the Convention, there had been a fundamental transformation of the international landscape, and one of the major objectives of common efforts was now to provide assistance to victims of conflicts. It was time for the international community to envisage new ways of thinking and new approaches, in order to continue the codification of the rules of international law applicable to advanced conventional weapons. The Convention provided the appropriate forum for discussion of the issue, but a broader initiative, which would include those States that were not parties to the Convention, could be launched by the United Nations.

65. **Mr. Bettauer** (United States of America) said that the most important item on the agenda was the issue of cluster munitions. While the United States had not changed its view that cluster munitions were legitimate weapons when used in accordance with international humanitarian law, it now supported the initiation of negotiations on cluster munitions. Those negotiations should, however, take place within the framework of the Convention, since that was most likely to result in an effective instrument to which a large number of States would accede and which would establish widely accepted rules of international humanitarian law. He warned, nevertheless, against rushing into discussions and said that, in view of the diverging opinions held by the Parties, it was necessary to first reach agreement on a negotiating mandate that was broad, general and brief.

66. Another important issue on the agenda was that of anti-vehicle mines, or mines other than anti-personnel mines, on which subject the United States had attempted to draw up a draft protocol, in cooperation with other delegations. It had also joined with 24 other States in declaring its intention to follow the policies set out in the Declaration on anti-vehicle mines. He urged other States to do the same. While the Declaration was no substitute for a

protocol in that area, time and money should be saved by avoiding fruitless repetition of prior discussions if there was no chance of agreement. Lastly, the United States was actively pursuing ratification of amended article 1 of the Convention, and Protocols III, IV and V.

67. **Ms. Üğdül** (Turkey) recalled that Turkey was a State party to the Ottawa Convention on Landmines and a High Contracting Party to the Convention and its Protocol I, amended Protocol II and Protocol IV, which had entered into force for Turkey in September 2005. It had regularly submitted its reports under amended Protocol II and had submitted its national report for 2007 on 1 October. Turkey had also submitted its report on the compliance mechanism and had nominated an expert for the pool of experts on 2 October 2007. It had also made a modest contribution to the Sponsorship Programme. Such steps were fully in line with Turkey's commitment to arms control and disarmament in general, and were especially important in a region where adherence to and compliance with major international instruments on arms control and disarmament were less than adequate.

68. **Mr. da Rocha Paranhos** (Brazil) said that his Government firmly believed that the Convention provided the only adequate forum for dealing effectively with the issue of conventional weapons that could be deemed to be excessively injurious to civilians, particularly since it brought together States that were producers, exporters, users and victims of those weapons. Brazil had signed to all the Convention's Protocols and was preparing to ratify Protocol V and amended article 1 of the Convention.

69. Brazil had participated in operations to remove explosive remnants of war in Central America and in Africa. It had never used cluster munitions, although it acknowledged their military utility. Brazil was prepared to carefully consider the possibility of adopting a negotiating mandate for a new instrument designed to mitigate the impact of the use of cluster munitions against civilians and non-combatants. In that regard, it was opposed to making a distinction between "good" and "bad" weapons in order to authorize the trade in and use of the former, and not the latter. In the same vein, any technical requirement introduced to limit the use of cluster munitions should have a long transition period, so as to attenuate the economic impact of any technical modifications made to the production of those weapons.

70. Brazil considered that the main objective of a negotiating mandate on cluster munitions should be to make the existing rules of international humanitarian law stronger and more specialized, and to consolidate those rules that might not have been duly observed.

71. **Mr. Uhorych** (Belarus) said that Belarus was preparing to accede to the Convention's Protocol V. Belarus had submitted information on the implementation of the Convention, in line with paragraph 5 of the decision on establishment of a compliance mechanism applicable to the Convention, taken at the Third Review Conference. Belarus had also submitted timely information on the implementation of the plan of action to promote the universality of the Convention and its Protocols. It had nominated candidates for inclusion in the pool of experts provided for under paragraph 10 of the decision on establishment of a compliance mechanism.

72. Belarus was in favour of continuing the work of the Group of Governmental Experts on the use of cluster munitions, with the broadest possible participation by the parties concerned.

73. Belarus continued to work to resolve the problem of the destruction of anti-personnel mines, in line with its obligations under the Ottawa Convention on Landmines. In 2006, as part of the joint project between Belarus and the North Atlantic Treaty Organization (NATO), with financial assistance from Canada and Lithuania, destruction of all anti-personnel mines containing trinitrotoluene had been completed. Nevertheless, more

than 3.3 million PFM mines remained, and Belarus had still not found a company that was able to destroy them without creating a threat to the environment. Belarus was continuing its efforts to resolve the problem, with assistance from the European Commission.

74. **Mr. Yousuf** (Bangladesh) recalled that Bangladesh was committed to achieving general and complete disarmament. It had acceded to almost all instruments on disarmament and humanitarian issues, and was considering accession to Protocol V. It supported the work carried out to achieve universal accession to the Convention and its Protocols. Bangladesh was the only country in its region to have acceded to the Ottawa Convention on Landmines, the provisions of which were more stringent than those of Protocol V.

75. Bangladesh complied with its reporting obligations; the only report it had yet to submit for 2007 was the one relating to amended Protocol II. As part of its activities to implement the Convention, Bangladesh had organized awareness-raising activities for the armed forces and the public, destroyed anti-personnel mines, unexploded ordnance and other devices detected in its territory, and conducted training and capacity-building activities.

76. Bangladesh had extended support for demolition of abandoned explosive ordnance in Kuwait, where its armed forces were participating actively in demining operations. It was also taking part in peacekeeping operations in Ethiopia and Eritrea, Timor-Leste and the Sudan.

77. He expressed appreciation for the governmental experts' work on weapons that could generate explosive remnants of war, particularly cluster munitions. Bangladesh did not manufacture such weapons and did not intend to acquire any. It was in favour of drawing up a legally binding instrument prohibiting the production, transfer, stockpiling and use of such weapons.

78. **Mr. Streuli** (Switzerland), recalling that in 2001 Switzerland had launched, with a view to the Second Review Conference, an initiative aimed at the adoption of international rules on submunitions, welcomed the results of the meeting of the Group of Governmental Experts, which had managed to formulate a recommendation for the adoption, at the Meeting of the High Contracting Parties, of an urgent decision, on how best to address the humanitarian problems caused by submunitions, and on the possible drafting of a new instrument. He strongly hoped that a negotiating mandate would be adopted, and believed that a working group should negotiate a legally binding instrument. He expressed his support in principle for the negotiating mandate proposed by the European Union, which provided for the establishment of a group of governmental experts tasked with negotiating an instrument covering all humanitarian problems caused by submunitions.

79. Furthermore, Switzerland attached great importance to the implementation of the plan of action to promote the universality of the Convention and its Protocols. It encouraged those Parties that had not yet done so to accept amended article 1 of the Convention, and those States that had not yet consented to be bound by all the Protocols, to accede to or ratify them. On 7 September 2007, Switzerland had sent to the Secretary-General its replies to the questions on the implementation of the Convention, within the framework of the compliance mechanism applicable to the Convention.

80. It welcomed the establishment of the Sponsorship Programme and was pleased to note that some States had been able to attend conferences as a result of donor support.

81. **Ms. Rodríguez** (Cuba) said that Cuba was strongly attached to multilateralism and expressed concern about the current rush to acquire weapons, pointing out that world military expenditure on arms production, the aim of which was to kill people, exceeded \$1 billion, which was much more than the money spent on saving lives and probably ten times the amount needed to achieve the Millennium Development Goals.

82. Cuba, which had been under constant threat of military attack by the United States for almost 50 years, was particularly interested in matters of national security and paid careful attention to the discussions held within the framework of the Convention. In order to reach a consensus, it was essential to maintain a balance between humanitarian considerations and the national security concerns of all States, in a spirit of openness and transparency. While her delegation shared the legitimate concern regarding the need to protect civilians from the irresponsible and indiscriminate use of mines other than anti-personnel mines, any real solution to the problem must also take into account the legitimate right of peoples to defend themselves and to protect their territory. It was in that spirit that Cuba had submitted a specific proposal to the Group of Governmental Experts, which would enable the views of developing countries to be taken on board; that initiative deserved to be given the same consideration as those submitted by other States.

83. The constitutional process for ratification of Protocol V was under way and, on 17 October 2007, her Government had notified the Secretary-General of the United Nations, in his capacity as Depositary of the Convention, of Cuba's consent to be bound by amended article 1 of the instrument.

84. **Mr. Méndez** (Bolivarian Republic of Venezuela) said that his country was preparing to ratify Protocols IV and V to the Convention. He noted with satisfaction that the Group of Governmental Experts, at its meeting in June 2007, had discussed the humanitarian problems caused by the use of cluster munitions. He believed that, given the devastating effects of those indiscriminate weapons on civilians, as recently witnessed in Kosovo, Afghanistan, Iraq and Lebanon, it was necessary to establish a group of governmental experts with a mandate for the rapid negotiation of a legally binding instrument prohibiting the production, stockpiling, use and transfer of that category of conventional weapon. His Government had welcomed what was known as the Oslo process, the work of which was complementary to that under the Convention.

85. **Mr. Pinter** (Slovakia) said that the compliance mechanism applicable to the Convention was a means not only to assess national compliance with the standards set out in the Convention, but also to learn about measures put in place by other States to fulfil their obligations, and to draw on that experience in order to increase the effectiveness of the instrument.

86. He expressed strong support for the adoption of a mandate to launch, in 2008, substantive negotiations on an instrument on cluster munitions. He was convinced that it was imperative to find a reasonable balance to ensure that legitimate requirements of self-defence were not used as an excuse by any State to terrorize civilians by leaving unexploded cluster munitions in areas that were vital for their survival and well-being, and for reconstruction and economic development. In order to ensure the Convention's credibility, it was necessary to find a solution to the problem of cluster munitions, and he hoped that Parties would be ready to spend much more time on the issue in 2008.

*The meeting rose at 1.05 p.m.*