

**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**

CCW/MSP/2008/SR.4
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SUMMARY RECORD OF THE 4th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 14 November 2008, at 3 p.m.

Chairperson: Mr. AKRAM (Pakistan)

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The meeting was called to order at 3.30 p.m.

1. The CHAIRPERSON suggested that the meeting should be suspended to allow the informal consultations concerning the mandate of the Group of Governmental Experts, under agenda item 10, to continue.

The meeting was suspended at 3.35 p.m. and resumed at 4.50 p.m.

CONSIDERATION AND ADOPTION OF THE FINAL DOCUMENT

(CCW/MSP/2008/CRP.2; non-paper containing amendments to the preceding document, circulated in the meeting room in English only)

2. The CHAIRPERSON drew attention to the draft report of the Meeting (CCW/MSP/2008/CRP.2) and to the non-paper containing proposed amendments thereto, and invited the participants to consider the draft report chapter by chapter before adopting the report as a whole.

Paragraphs 1 to 7

3. Paragraphs 1 to 7 were adopted.

Paragraphs 8 to 14

4. Paragraphs 8 to 14 were adopted.

Paragraphs 15 to 25

5. The CHAIRPERSON said that paragraph 25 would be revised to include the symbols of the documents that had formed the basis of the work of the Meeting.

6. Paragraphs 15 to 25 were adopted on that understanding.

Paragraphs 26 to 36

7. The CHAIRPERSON said that two new paragraphs would be inserted after paragraph 32, concerning the decisions taken on the proposal to establish an implementation support unit and on the negotiations on the issue of cluster munitions, respectively. In addition, paragraphs 33 to 35 would be revised to reflect the dates agreed on for the conferences and meetings to be held within the CCW framework in 2009. Lastly, two new paragraphs would be inserted after paragraph 35, the first concerning the nomination of the Chairperson of the 2009 Meeting of the High Contracting Parties and the appointment of the Chairperson of the Group of Governmental Experts, and the second concerning the adoption of the cost estimates for the Meeting and the sessions of the Group to be held in 2009. The existing paragraphs would be renumbered accordingly.

8. Paragraphs 26 to 36, as amended, were adopted.

9. The draft report as a whole, as amended, was adopted.

CLOSURE OF THE MEETING

10. Mr. DANON (France), speaking on behalf of the European Union, expressed deep regret that no agreement had been reached on a new mandate for the Group of Governmental Experts referring specifically to the negotiation of a protocol on cluster munitions. The European Union remained determined to negotiate a legally binding instrument to address the humanitarian impact of those weapons. Such an instrument should prohibit the use, production, transfer and stockpiling of cluster munitions, which caused unacceptable harm to civilians, and include provisions on cooperation and assistance. The Union hoped that the real progress made in 2008 would shortly be given concrete expression in the form of a protocol; that would be the best way for delegations to confirm their commitment to strengthening the Convention on Certain Conventional Weapons. It was regrettable that the Meeting had been unable to approve the necessary arrangements for the rapid establishment of an implementation support unit. Such a unit would contribute to the credibility and durability of the Convention. He therefore hoped that those countries that had been unable to endorse what the European Union considered to be a necessity would be in a position to do so as soon as possible.

11. Mr. TARUI (Japan) welcomed the consensus reached on the mandate of the Group of Governmental Experts. It was not the mandate, however, but the outcome that was critical. It was extremely unfortunate for the victims of cluster munitions that no agreement had been reached on a protocol in 2008. Adoption of the Convention on Cluster Munitions was not sufficient; there was an urgent need to adopt a legally binding instrument within the framework of the Convention on Certain Conventional Weapons, to which the main possessors of cluster munitions were Parties, in order to address the humanitarian impact of those weapons. To that end, he called on all States to prepare thoroughly for the negotiations in 2009, which they should approach with the utmost flexibility and the conviction that a protocol needed to be agreed on. Japan would spare no effort in that task.

12. Mr. LEÓN GONZÁLEZ (Cuba), speaking on behalf of the Group of the Non-Aligned Movement, commended the Chairperson on his conduct of the proceedings and on the results achieved.

13. Mr. TURCOTTE (Canada) expressed great disappointment that no significant results had been achieved within the Group of Governmental Experts in 2008. It should not be concluded that there was strong support for the very weak mandate reluctantly agreed on for 2009; rather that outcome simply reflected the fact that the Meeting had assumed a practice for decision-making that gave any one country an effective veto. In his view, that was a recipe for paralysis. Canada would strive to negotiate a legally binding protocol; the people of the world who fell victim to inhumane, indiscriminate cluster munitions deserved nothing less.

14. Mr. BRASACK (Germany), speaking on behalf of the Group of Western European and Other States, commended the Chairperson's excellent stewardship of the proceedings.

15. Mr. MARESCA (International Committee of the Red Cross) welcomed the universal acknowledgement that cluster munitions posed specific, serious threats to civilian populations, requiring changes in national practice and international action. Cluster munitions could no longer be considered a weapon for which it sufficed to apply the general rules of international humanitarian law at the discretion of individual States.

16. It had been stated that the failure to adopt a new protocol on cluster munitions at the current Meeting would harm civilians for years to come; that did not have to be the case. States were obliged by existing international humanitarian law to take all feasible precautions to protect civilian populations from the effects of military operations. Those precautions could include immediate suspension of the use of some or all cluster munition models, starting with the most unreliable and inaccurate; suspension or prohibition of international transfers of some or all cluster munitions, as had been done for anti-personnel mines by nearly all major stockpilers not party to the Anti-Personnel Landmines Convention; and destruction of stockpiles of aged cluster munitions, including many of the worst models, which were of limited military value but could cause tremendous civilian suffering if ever used.

17. The absence of uniform legal commitments among States not in a position to sign the Convention on Cluster Munitions should not prevent any State from taking every possible action to prevent the suffering of civilians. He urged all States not intending to sign that Convention to make concerted efforts to develop such action nationally.

18. After thanking all the delegations, the Bureau, the secretariat and the conference services for their contributions, the CHAIRPERSON declared the 2008 Meeting of the High Contracting Parties closed.

The meeting rose at 5.15 p.m.