
**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**

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Summary record of the 1st meeting

Held at the Palais des Nations, Geneva, on Thursday, 12 November 2009, at 10 a.m.

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

Chairperson: Mr. Mbaye.....(Senegal)

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The meeting was called to order at 10.25 a.m.

Opening of the Meeting

1. **The Temporary Chairperson**, acting on behalf of the Secretary-General of the United Nations, Depository 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 thereto, declared open the 2009 Meeting of the High Contracting Parties to the Convention.

Confirmation of the nomination of the Chairperson of the Meeting

2. **The Temporary Chairperson** recalled that, at the 2008 Meeting of the High Contracting Parties, Ambassador Babacar Carlos Mbaye of Senegal had been nominated as Chairperson of the 2009 Meeting (CCW/MSP/2008/4, para. 38). If there was no objection, he would take it that the Meeting wished to confirm the nomination.

3. *It was so decided.*

4. *Mr. Mbaye (Senegal) took the Chair.*

Adoption of the agenda (CCW/MSP/2009/1)

5. **The Chairperson** recalled that the 2008 Meeting of the High Contracting Parties had approved a provisional agenda for the 2009 Meeting, which had been issued as document CCW/MSP/2009/1. He took it that the Meeting wished to adopt the provisional agenda.

6. *It was so decided.*

Confirmation of the rules of procedure (CCW/CONF/III/11)

7. **The Chairperson** recalled that the Third Review Conference of the High Contracting Parties had adopted its own rules of procedure, which had applied *mutatis mutandis* to the work of the Group of Governmental Experts and of the 2007 and 2008 Meetings of the High Contracting Parties. Some rules would not apply to the current Meeting in view of its brevity. He suggested that, in accordance with established practice, the Meeting should demonstrate common sense and a spirit of cooperation in interpreting the rules of procedure rather than attempt to amend them. On that understanding, he took it that the Meeting wished to confirm the rules of procedure and to apply them *mutatis mutandis* to its work.

8. *It was so decided.*

Confirmation of the nomination of the Secretary-General of the Meeting

9. **The Chairperson**, referring to rule 14 of the rules of procedure, said that, in accordance with established practice, the Secretary-General of the United Nations had nominated Mr. Peter Kolarov of 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.

10. *It was so decided.*

Organization of work, including that of any subsidiary body of the Meeting (CCW/MSP/2009/2)

Election of other officers of the Meeting

11. **The Chairperson** said that he did not consider it necessary to establish subsidiary bodies or to elect a Bureau pursuant to rule 10 of the rules of procedure. Instead, in accordance with established practice at previous meetings, he intended to work in

consultation with the Chairperson of the Meetings of the Military and Technical Experts, the Friends of the Chairperson of the Group of Governmental Experts and the coordinators of the regional groups.

12. Since the Meeting would last only two days, he wished to make effective use of the time available, by organizing plenary meetings and, if necessary, informal consultations, before making important decisions. He called on delegations to take a flexible approach to the provisional programme of work (CCW/MSP/2009/2). If any difficulties arose, the timetable could be rearranged, as appropriate, to enable all Parties to participate in the work of the Meeting. On that understanding, he took it that the Meeting wished to approve the proposed organization of work.

13. *It was so decided.*

Message from the Secretary-General of the United Nations

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

15. In his message, the Secretary-General said that the Convention and its Protocols addressed the use of weapons incompatible with the principles of humanity and the laws of war. The Convention also provided an important framework within which to consider how best to protect civilians and minimize the effects of certain inhumane weapons on combatants. The efforts of the High Contracting Parties had made the treaty an indispensable element of today's humanitarian, disarmament and arms control machinery.

16. The Convention could also facilitate the response to the humanitarian challenges posed by advancements in weapons technology. That was particularly relevant with regard to cluster munitions. He urged the Meeting to remain focused on strengthening the protection of civilians from the inhumane and indiscriminate impact of those weapons, and to be guided in its efforts by the high standards embodied in the Convention on Cluster Munitions.

17. The Secretary-General was encouraged by the efforts to increase the number of signatories to the Convention, and to achieve wider adherence and participation among developing countries and States affected by mines and explosive remnants of war. He commended the 110 States that had acceded to the Convention to date, including the 46 High Contracting Parties that had acceded to all its Protocols and to amended article 1. He urged all States that had not yet done so to accede to the Convention and its Protocols and to amended article 1, and called on Parties that had not yet done so to ratify the other relevant treaties in the field, namely the Ottawa Convention on Landmines, the Convention on the Rights of Persons with Disabilities and the new Cluster Munitions Convention, which was expected to enter into force in the coming year.

General exchange of views

18. **Mr. Wingren** (Sweden), speaking on behalf of the European Union; the candidate countries Croatia and the former Yugoslav Republic of Macedonia; the stabilization and association process countries Albania, Bosnia and Herzegovina, Montenegro and Serbia; and, in addition, Armenia and the Republic of Moldova, said that the Convention formed an essential and integral part of international law applicable to armed conflict. The European Union remained attached to the framework offered by the Convention, which placed prohibitions or limitations on conventional weapons while taking account of military needs and humanitarian considerations.

19. The number of High Contracting Parties to the Convention was steadily increasing as a result of substantial efforts in recent years to promote the universality of the

instrument, although that goal had yet to be achieved. Among the States not parties were many countries that were affected by mines or explosive remnants of war and that could benefit from accession. The plan of action to promote the universality of the Convention, adopted at the Third Review Conference of the High Contracting Parties to the Convention, sought to facilitate progress in that regard.

20. In 2007, the European Union had supported the universalization of the Convention by holding a series of regional seminars and contributing to the CCW Sponsorship Programme, with a budget of almost €1 million. The objective of the seminars, organized in cooperation with the Office for Disarmament Affairs, was to share knowledge and experience of the Convention in Latin America and the Caribbean, East and West Africa, the Horn of Africa, the Great Lakes region and South Africa, Central Asia, the Middle East and the Mediterranean, South-East Asia and the Pacific Islands.

21. Since its establishment, the Sponsorship Programme, which contributed to promoting, and improving the implementation of the Convention and its Protocols, had received substantial funding from the European Union. It provided an opportunity for States with insufficient resources to familiarize themselves with the CCW framework, and its smooth implementation was largely due to its Coordinators, to the staff of the Office for Disarmament Affairs and to the Geneva International Centre for Humanitarian Demining (GICHD).

22. He urged all High Contracting Parties to comply fully with the decision on a compliance mechanism applicable to the Convention, adopted at the Third Review Conference, and to submit their national reports as required. In accordance with established practice, the next Review Conference should be held in 2011, and he agreed that it was appropriate to start preparing the event in 2010.

23. Recognizing that the administrative support of the secretariat was instrumental in the implementation of the Convention, the European Union endorsed the proposal to establish an implementation support unit for the Convention, which would ensure continuity and stability and preserve institutional memory. It trusted that other Parties too would support that initiative.

24. The European Union welcomed the commitment of the High Contracting Parties to Protocol V to the instrument's effective implementation and to the establishment of a comprehensive framework for exchanges of information and cooperation to support that process, as well as the recent adoption of a plan of action on victim assistance aimed at addressing problems arising from explosive remnants of war. In addition, it commended the establishment by the Parties to amended Protocol II of an informal, open-ended Group of Experts, which had facilitated the exchange of information on national implementation and on the issue of improvised explosive devices (IEDs).

25. The European Union wished to emphasize the importance of the synergies between international legal instruments such as the Ottawa Convention, Protocol V to the Convention on Certain Conventional Weapons, the Cluster Munitions Convention and a possible future protocol on cluster munitions to the Convention on Certain Conventional Weapons, as well as the Convention on the Rights of Persons with Disabilities. In that connection, there was an urgent need for the Parties to the Convention to negotiate a legally binding instrument to address the humanitarian impact of cluster munitions. That was a complex task, given the divergence of views among Parties. It was therefore essential for the Group of Governmental Experts to resume its work swiftly, with a view to reaching an agreement that was credible in humanitarian terms, meaningful in the scope of its prohibitions and compatible with the Cluster Munitions Convention. The European Union welcomed the recent adoption, opening for signature and growing number of ratifications of that instrument.

26. **Mr. Al Zaabi** (United Arab Emirates) said that the United Arab Emirates was committed to the principles enshrined in United Nations and other international legal instruments, in particular those governing peaceful coexistence. On that basis, it had ratified the Convention on Certain Conventional Weapons and its Protocols, and was delighted to take part in the Meeting for the first time as a High Contracting Party. It hoped that the Meeting would provide positive outcomes conducive to international peace, stability and security. The United Arab Emirates had pledged to take an active part in United Nations peacekeeping and peacebuilding operations and to do its utmost to ensure respect for the Convention and its Protocols, which played an essential role in mitigating the suffering of civilians and combatants and opened up new prospects for reconstruction and the restoration of peace in countries affected by war. The provisions of the Convention were currently being incorporated into domestic legislation.

27. **Mr. Macedo Soares** (Brazil) said that his Government considered the Convention to be one of the most important legal instruments in the area of arms control and international humanitarian law. Unlike other related treaties, it had been concluded under United Nations auspices. Together with the 1949 Geneva Conventions and the 1977 Additional Protocols thereto, it formed a fundamental body of law for the protection of civilians in armed conflicts and, under certain circumstances, that of combatants. The Convention sought to achieve that goal by prohibiting or restricting the use of certain conventional weapons. In that connection, he noted the dynamic nature of the Convention and its capacity to respond to the humanitarian challenge posed by advancements in weapons technology. The Convention reaffirmed the universally accepted principle that a distinction must be made at all times between civilians and combatants, in order to spare civilians to the extent possible. Another cornerstone of the instrument was the attempt to balance humanitarian concerns and military needs; in other words, the practical implementation of the rule of proportionality.

28. The effectiveness of international humanitarian law instruments, including the Convention, depended strongly on their dissemination among both the military and the civilian population. Their negotiation was an exercise in limiting national sovereignty, for humanitarian purposes, in critical situations such as armed conflicts, in which major national interests and sometimes the very existence of a State were at stake. The legitimacy and authority of those instruments were dependent on universal acceptance and a sense of ownership by all parties in the negotiations. The texts negotiated must therefore take into account the great variety of situations and countries, so as to build the broadest possible consensus.

29. His Government attached great importance to the universalization of the Convention and its Protocols, as well as to their full implementation by all Parties. Brazil had signed and ratified Protocols I, II, III and IV and amended Protocol II, and was in the process of obtaining parliamentary approval for Protocol V and amended article 1 of the Convention.

30. Brazil played an active role in promoting international humanitarian law at the international, regional and national levels. A specific national committee had been established for that purpose. The committee lent its support, inter alia, to initiatives aimed at raising awareness of international humanitarian law among the armed forces, schools and the population as a whole. The Parties to the Convention should adopt collective measures to further the dissemination of international humanitarian law among civilian populations. His Government would be happy to share relevant information and lessons learned from its national experience in that regard. It supported the establishment of an implementation support unit.

31. International efforts to regulate, restrict or prohibit the use of certain conventional weapons should be conducted within the overall CCW framework, in order to ensure the involvement of High Contracting Parties that possessed significant arsenals or were major

producers of such weapons; guarantee the universality and effectiveness of the resulting instruments; and achieve a real humanitarian impact. That held particularly true for the negotiations on cluster munitions. The negotiations had been delayed because a large number of Parties to the Convention had believed that Protocol V would suffice to address the humanitarian concerns arising from the use of cluster munitions. That had proved not to be the case, and there was now a consensus on the importance of having specific rules to govern the use of those weapons. He would therefore favour extending the mandate of the Group of Governmental Experts, so that the work begun on cluster munitions could be completed. The Parties to the Convention must lend the Group the necessary support. He was convinced that a successful outcome was possible.

32. **Mr. Wang Qun** (China) said that the Convention had grown in status and vitality, and that public awareness of arms control issues had been enhanced, owing to efforts undertaken within the CCW framework. Implementation of amended Protocol II had progressed steadily; the number of Parties to Protocol V had increased; and the work of the Group of Governmental Experts in the area of cluster munitions had produced fruitful results. The international community should now enhance the Convention's authority by striking a balance between military needs and humanitarian concerns, on the basis of mutual understanding and trust, broad participation, and consultations conducted on an equal footing.

33. China attached great importance to humanitarian issues, complied strictly with its obligations under the Convention and its Protocols, and participated actively in international exchanges and cooperation. In 2009, China had provided demining assistance to Afghanistan, Egypt and Iraq, and had decided to assist Sri Lanka in its economic and social reconstruction efforts. China would continue to play an active role, together with other members of the international community, in promoting the objectives of the Convention.

34. He commended the work of the Group of Governmental Experts and the unremitting efforts of its Chairperson to push the negotiations on cluster munitions forward. The draft protocol, as it stood, managed to address military needs and humanitarian concerns in a balanced manner, accommodated the concerns of all sides and laid a solid foundation for future negotiations. All Parties should continue to tackle the issue of cluster munitions, on the basis of the excellent results already achieved, adopting a pragmatic and cooperative approach.

35. He endorsed the compliance mechanism applicable to the Convention and the plan of action to promote the universality of the Convention, adopted at the Third Review Conference, and expressed support for the establishment of an implementation support unit.

36. **Mr. Akram** (Pakistan) said that the Group of Governmental Experts had made progress on the issue of cluster munitions. Pakistan had participated constructively in the debates and would continue to do so. Some questions were still pending, and further convergence of views was necessary. The objective should be to find ways and means to reduce the indiscriminate effects of cluster munitions. While cluster munitions were legitimate area target weapons with recognized military utility, Pakistan had not used them in any conflict to date and was opposed to their use against civilians.

37. The humanitarian concerns relating to the use of cluster munitions could be addressed comprehensively within the CCW framework, which brought together all major producers and users, as well as experienced representatives of the humanitarian community and civil society at large. All High Contracting Parties must continue to engage in the process seriously and sincerely, since a positive outcome would have a far-reaching impact and would strengthen the international humanitarian law regime.

38. It was important to enhance the effectiveness of the Convention and its Protocols through universalization of their membership and stricter compliance by the Parties. Noting that Pakistan had recently ratified Protocol V, he called on all States that had not yet done so to accede to the Convention and its Protocols, in order to build a safer world for all.

39. The compliance mechanism (applicable to the Convention) needed to be fully functional. The comprehensive compliance report should minimize the reporting burden on Parties, as well as facilitating new accession. Pakistan had submitted its national compliance report and had designated a military official for the pool of experts established under the compliance mechanism. Regarding the preparations for the Fourth Review Conference, his delegation supported the proposal that in 2010 the Group of Governmental Experts should be mandated to discuss issues to be addressed at that forum. Lastly, it believed that the provisions of the Convention, together with existing international humanitarian law, adequately addressed the problems relating to the irresponsible use of mines other than anti-personnel mines (MOTAPMs), which were legitimate weapons of defence. The solution was not a matter of detectability or non-persistence of mines, but of faithful implementation of obligations, and responsible use.

40. **Mr. Üzümcü** (Turkey) said that the Convention was an indispensable component of international law on conventional weapons with indiscriminate effects, and its universalization was therefore a key objective. Turkey had taken every opportunity to encourage accession by States not yet parties. It welcomed the progress achieved in that regard under the CCW Sponsorship Programme.

41. The compliance mechanism established pursuant to the decision taken at the Third Review Conference had already proved its worth. The resulting annual compliance reports were valuable tools for, inter alia, fostering mutual understanding and confidence-building. Nevertheless, implementation of the decision could be improved, and he encouraged all Parties to submit their compliance reports regularly, as Turkey did.

42. His delegation supported the proposal to establish an implementation support unit. The value added, even with the relatively modest unit proposed, would be significant.

43. Turkey had participated actively and constructively in the work of the Group of Governmental Experts in the area of cluster munitions. The consultations held on the issue over the past two years and the resulting proposals, including the draft proposal submitted by the Group's Chairperson, provided a sound basis for future work. The Parties to the Convention had a responsibility, as well as the necessary expertise, to address the challenges posed by cluster munitions within a broad framework involving major producers and possessors of those weapons. A legally binding instrument on cluster munitions would have the potential to cover over 85 per cent of the existing stockpiles that remained outside the scope of the Cluster Munitions Convention. The mandate of the Group of Governmental Experts should be renewed, and negotiations continued in a spirit of political will and flexibility.

44. **Mr. Rao** (India) said that, at the 2007 Meeting of the High Contracting Parties, India had proposed a broad-based dialogue to consider a new, strengthened format for the Convention, which would reinforce the application of international law regulating armed conflict and protecting victims. It attached great importance to the plan of action to promote the universality of the Convention and to the CCW Sponsorship Programme.

45. India shared the international community's concerns about the humanitarian impact of the irresponsible use of cluster munitions. The use of those weapons was lawful and legitimate, however, if it took account of existing international humanitarian law. India therefore supported the negotiation, within the CCW framework and consistent with the mandate of the Group of Governmental Experts, of an instrument that struck a balance between military and humanitarian concerns; it was clear, that a comprehensive, universal

ban on cluster munitions was not within the reach of the international community, either within the CCW framework or outside it.

46. The draft protocol on cluster munitions submitted by the Chairperson of the Group of Governmental Experts in his personal capacity required further discussion. If there was a general desire to continue discussion in 2010 on a draft protocol on the basis of the existing mandate, India would not stand in the way. However, sufficient time would have to be allocated for in-depth and comprehensive consideration of all relevant issues if the Parties were to overcome the considerable differences that remained.

47. He endorsed the proposal to strengthen secretariat support for the Convention and its Protocols. While he had no objection to the establishment of an implementation support unit, the Geneva Branch of the Office for Disarmament Affairs also deserved greater support and assistance from the regular United Nations budget.

48. **Mr. Laassel** (Morocco) said that Morocco was determined to continue to promote the development of humanitarian law and attached the highest priority to the protection of civilians. It was essential to distinguish between the humanitarian and political aspects of disputes and conflicts, and to address the former quickly and decisively.

49. From the outset, the signatories to the Convention had prioritized its universalization, with the aim of protecting civilians from the injurious effects of certain conventional weapons. It was therefore to be regretted that 82 States Members of the United Nations had still not acceded to the Convention, still less to its annexed Protocols. The effectiveness of a legal instrument such as the Convention was dependent on its universal application. Accordingly, while the various activities carried out to promote universalization were welcome, the efforts to implement the plan of action to promote the universality of the Convention must be intensified.

50. A seminar had been held in Rabat on 19 and 20 November 2008 to promote the humanitarian objectives of the Convention and its Protocols, with a view to increasing the number of accessions among States in the Middle East and the Mediterranean Basin. A number of experts from specialist bodies had provided information on the Convention's various mechanisms and means of implementation and had highlighted the advantages of accession, notably in the area of technical assistance in demining.

51. In addition, his Government had organized, in cooperation with the United States Department of State, a seminar for Mediterranean and Sahelian States on the problem of the illicit trafficking of conventional weapons in North Africa from conflict zones and the relationship with the activities of terrorist and illegal armed groups. During the seminar, plans of action had been drawn up to prevent such groups from having access to conventional weapons and to raise awareness of the serious threat posed by them.

52. His delegation had been actively involved in the negotiations of the Group of Governmental Experts on a binding instrument to address the humanitarian impact of cluster munitions and regretted that the Group had not yet reached a balanced solution. It was nonetheless in favour of extending the Group's mandate and trusted that the Group would focus on the humanitarian concerns.

53. Owing to the significant increase in the number of High Contracting Parties to the Convention and its Protocols, the workload of the secretariat had grown. It was important to preserve the institutional memory of the work of the Parties by establishing an implementation support unit. His delegation recommended that the relevant draft decision should be adopted by consensus.

54. **Ms. Millar** (Australia) said that the Convention must continue to lead developments in international humanitarian law. While she welcomed the fact that more States had acceded to the Convention and its Protocols since the 2008 Meeting of the High

Contracting Parties, there was still scope for greater efforts towards universalization. As part of its outreach activities on arms control and disarmament issues, Australia had taken opportunities to promote the universalization of the Convention and its Protocols, particularly in the Asia and the Pacific inter alia, as Chair of the Pacific Islands Forum. Australia continued to be a key contributor to the CCW Sponsorship Programme, which was a valuable tool for further promoting the goals of the Convention, enhancing its universalization and assisting its effective implementation.

55. The signing of the Cluster Munitions Convention in Oslo in December 2008 had been a significant achievement, and Australia had been pleased to be one of the first signatory States. Attention should now turn to encouraging the rapid entry into force, universalization and full implementation of the instrument. Her Government was working hard towards ratification. Some States, however, including major producers, were not yet in a position to sign or ratify the Cluster Munitions Convention. The Convention on Certain Conventional Weapons, with its broad membership and high level of technical expertise, therefore had a useful role to play in restricting the use and prohibiting certain types of cluster munitions.

56. In order to advance, not hinder, the development of international humanitarian law, a protocol on cluster munitions concluded within the CCW framework must include, as a minimum, meaningful prohibitions with some immediate effects; transition periods that were as short as possible; stockpile destruction obligations; a ban on transfers; and definitions consistent with the Cluster Munitions Convention. Her delegation was willing to work with others towards that outcome should the mandate of the Group of Governmental Experts on cluster munitions be renewed.

57. One area that was not covered by the Convention on Certain Conventional Weapons was mines other than anti-personnel mines MOTAPMs. The work undertaken before and during the Third Review Conference had demonstrated conclusively that undetectable and persistent MOTAPMs posed a humanitarian risk, which could be countered effectively through the conclusion of a protocol governing their use. Australia had supported the Declaration on anti-vehicle mines issued by 23 States at the conclusion of the Third Review Conference and encouraged other States to do likewise.

58. The establishment of an implementation support unit was another means of strengthening the Convention on Certain Conventional Weapons. While the Convention secretariat had provided excellent support, its capacity was already overstretched. The unit would be a useful mechanism through which to enhance administrative, strategic and meeting support, promote universalization and improve the effective implementation of the Convention and its Protocols. She would welcome the opportunity to discuss the relevant draft decision with other Parties, including the proposed size and composition of the unit and its budget.

59. **Mr. Loschinin** (Russian Federation) said that his Government acknowledged the very important role played by the Convention on Certain Conventional Weapons in the field of disarmament and humanitarian law and was willing to take practical steps to strengthen the instrument through its universalization and full implementation. The Convention's credibility must not, however, become hostage to the drafting of new agreements under tight deadlines, as experience showed that new protocols needed a running-in period. The most pressing task was to realize the full potential of the Convention and its Protocols, which would undoubtedly help to address humanitarian concerns.

60. He welcomed the plan of action to promote the universality of the Convention and expressed support for the draft decision on the establishment of an implementation support unit. It was essential, however, to avoid excessive bureaucracy and to remain within established levels of expenditure under CCW.

61. His delegation's position with regard to MOTAPMs remained unchanged: such mines did not pose an urgent humanitarian threat. Indeed, since the Third Review Conference, no new evidence had emerged that anti-vehicle mines posed a greater risk during and after conflicts than, for instance, improvised explosive devices (IEDs). Furthermore, given the Parties' diverging views, it did not seem appropriate to resume work on the matter.

62. The Group of Governmental Experts was to be commended for its work on cluster munitions, which posed a serious threat when used in violation of international humanitarian law and their operating instructions; conversely, their proper use and technical upgrading would help to lessen the humanitarian risks associated with them.

63. His Government had taken the negotiations on cluster munitions seriously, as demonstrated by the composition of its delegation. It considered the documents drafted by the Group to be a good basis for future work but had reservations about some of their provisions. The Group had made significant progress on issues relating to required technical improvements and to conditions for the storage, destruction and transfer of cluster munitions. However, acceptance of the proposed improvements would have major technical, organizational and financial implications for many States, including the Russian Federation, which had sizeable stocks of cluster munitions throughout its territory. In particular, dealing with the problem of obsolete cluster munitions would entail considerable expenditure.

64. Regrettably, there were still diverging views within the Group on basic issues, a situation compounded by attempts to introduce into the Convention standards agreed in other forums, which had prevented the Group from reaching compromise solutions. Those difficulties must be borne in mind when planning future negotiations. Much work remained to be done, in which his delegation stood ready to participate actively and constructively.

65. **Mr. Khvostov** (Belarus) said that the meeting held under the Convention on Certain Conventional Weapons constituted a unique forum, bringing together major possessors and producers of such weapons. For that reason, humanitarian concerns relating to the use of cluster munitions should be addressed within the CCW framework. The Group of Governmental Experts had made headway in that regard during 2008 and 2009.

66. Belarus had complied with its reporting obligations for the current period and called on other Parties to do likewise. The timely submission of reports was one of the Parties' most important obligations not least because it was an indication that the Convention was being implemented effectively at the national level. In that connection, his delegation was in favour of the proposal to establish an implementation support unit.

67. Efforts were under way to bring domestic legislation into line with international humanitarian law. In 2009, revised instructions for the application of international humanitarian law in the Belarusian Armed Forces had been approved by the Ministry of Defence. The instructions covered a range of issues, including prohibited methods of warfare, the obligations of commanding officers to observe international humanitarian law and the treatment of victims of armed conflict. Various educational and awareness-raising activities on international humanitarian law had been organized in Belarus for the military and the civilian population. They included courses in educational establishments on the Convention and its Protocols and on the topic of cluster munitions, and an international conference for States members of the Commonwealth of Independent States to commemorate the sixtieth anniversary of the 1949 Geneva Conventions.

68. **Mr. Rosocha** (Slovakia) said that he wished to focus on one particularly important issue: national reporting under the Convention and its Protocols. High Contracting Parties to the Convention had a political obligation to submit annual reports on the implementation of the instrument as a whole under the compliance mechanism established by the Third

Review Conference; they also had legal obligations in respect of reporting under amended Protocol II and Protocol V. National reporting was essential to the implementation of the Convention. It promoted a culture of compliance, raised awareness of the obligations of the Parties at various national levels and set up a basic framework for international cooperation. Furthermore, compliance would set a good example among the Parties and create a credible precedent for treaty implementation. However, on average, only 30 to 70 per cent of Parties submitted their annual reports. Yet national reporting should be perceived not as an obligation, a burden on national administrations, but as a very useful tool from which Parties could derive great benefit.

69. Possible reasons for Parties' non-compliance included ignorance of their reporting obligations and of the resources available to assist them in elaborating their submissions. Those resources consisted of databases of all national reports submitted and guides on national reporting. The former allowed States to make a comparative study of approaches adopted by other Parties in their submissions; the latter, in the form of recommendations, served as handy tools, to assist Parties in preparing and submitting their national reports. The guide relating to amended Protocol II had been in use for some time, while the guide relating to Protocol V had been approved at the Third Conference of the High Contracting Parties to Protocol V two days previously. The databases and the guides could be consulted on the CCW website (www.unog.ch/DISARMAMENT/CCW).

70. High Contracting Parties that had not submitted their national reports should do so without delay. What was important was their willingness to comply with their reporting obligations. They should not refrain from submitting reports because of concerns about the quality of initial or updated data, which could be improved gradually. He hoped that the message would be conveyed to the Parties' competent authorities with a view to achieving greater national reporting, better quality reports and universalization of the Convention and its Protocols.

71. **Ms. Gómez Oliver** (Mexico) said that, in September 2009, her Government had established a permanent inter-ministerial commission on international humanitarian law, the aim of which was to ensure compliance with international instruments, including the Convention.

72. She expressed regret that, after two years of negotiation, it had remained impossible to draw up a legally binding instrument within the CCW framework to deal with the humanitarian impact of cluster munitions. The Meeting should only renew the mandate of the Group of Governmental Experts if there was genuine political will to reach an outcome, in which case a single renewal of the mandate should suffice. Mexico would work to ensure that such an outcome would be consistent with the spirit of the Convention and would in no way undermine international humanitarian law. In the light of the world financial crisis and its effects on a large number of countries, the cost of continuing the Group's work must be taken into consideration.

73. While her Government recognized the importance of establishing an implementation support unit to help States comply properly with the Convention and to promote universalization, it had some doubts as to whether the time was right. In addition to financial considerations, a decision to set up such a unit should be based on a well-founded assessment of the needs of Parties in respect of implementation. Accordingly, a decision would best be taken at the Fourth Review Conference, scheduled for 2011.

74. Increased efforts were required to ensure full compliance with humanitarian law, including the prohibition and regulation of certain types of weapon that were excessively injurious. It would be irresponsible to invest more time in negotiations that did not achieve results. She welcomed the growing number of ratifications attracted by the Cluster Munitions Convention and hoped that that instrument would enter into force in 2010.

75. **Mr. Banyai** (Austria) said that one way to promote universalization of the Convention was by improving implementation and compliance; the establishment of an implementation support unit would help in that respect. Progress had been made in the negotiations on cluster munitions, as a general understanding of the horrendous effects of those weapons now prevailed where it had once been challenged. However, the goal of addressing the humanitarian impact of such munitions in the context of the Convention was still quite far away.

76. Only a comprehensive prohibition on cluster munitions could prevent civilian suffering; cluster munitions had to be prohibited, not regulated, let alone legitimized. The adoption of any protocol to the Convention must result in a significant enhancement of humanitarian law, and the instrument itself must be compatible with the Cluster Munitions Convention in particular. The drafts circulated hitherto fell short of expectations. Any legally binding protocol must result in a real difference on the ground and prevent future harm by cluster munitions, inter alia by including clear deadlines for destruction and clearance as well as an immediate and comprehensive ban on transfers. His Government remained flexible about the possibility of continuing negotiations and hoped that any extension would result in the improvement of the drafts. Flexibility and political will were basic prerequisites.

77. Lastly, he congratulated Nicaragua on its ratification of the Cluster Munitions Convention and urged all States to follow its example, so that the Convention would soon enter into force.

78. **Mr. Reyes Rodríguez** (Cuba) said that Cuba, as a Party to the Convention and as an observer at the meetings on Protocol V and amended Protocol II, had demonstrated the priority it gave to the development of humanitarian law through the Convention's instruments. Much remained to be done to effectively ensure international peace and security through strict observance of the principles of international law and the Charter of the United Nations. An increasing amount of resources was being spent on means of conducting war, and less was being invested in life and development. Military spending was ballooning, even as millions of people were suffering from the effects of the worst economic crisis since the Great Depression. Military expenditure had reached nearly \$1.5 trillion in 2008, or 15 times more than international development assistance, and just one country accounted for half. The 100 largest weapons manufacturers had increased their sales by 70 per cent. At the same time, even the modest Millennium Development Goals would not be achieved, as the over 100 countries of the South would not receive the \$150 billion required. Just 10 per cent of the funds currently spent on the military would make it possible to achieve the Goals.

79. The Movement of Non-Aligned Countries had drawn attention on numerous occasions to the imbalance between industrialized and developing countries in respect of the production and possession of and trade in conventional weapons. It had called for the industrialized countries to significantly cut back the production of and trade in such weapons. Developing countries often had to devote immense resources to their legitimate defence, exacerbating their economic difficulties. Cuba had recently noted a renewed and aggressive interest on the part of the United States in expanding its military presence in Latin America, including re-establishment of the Fourth Fleet in the region. That was a direct and unjustifiable threat, and one that obliged the peoples of the Americas to prepare to defend themselves. To make a real contribution to international peace and security, foreign Powers should remove their military bases in Latin America and the Caribbean, including the Guantánamo Bay naval base, which was on Cuban territory illegally occupied against the will of the Cuban people.

80. There was a clear disparity in the priority given in international forums to the different categories of conventional weapon, with attention focusing, inter alia, on small

arms and light weapons to the detriment of, for example, sophisticated conventional weapons, which were much more destructive. Cuba shared the legitimate concern about the indiscriminate and irresponsible use of MOTAPMs. However, any measure aimed at addressing that concern must take into consideration the legitimate right, enshrined in the Charter of the United Nations, of States to defend themselves against aggression. Cuba had been subjected to five decades of continuous hostility on the part of a military super-Power, so it was not in a position to renounce the use of MOTAPMs, but it would continue to support efforts to eliminate the indiscriminate and irresponsible use of anti-personnel mines while balancing humanitarian considerations with national security.

81. Cluster munitions were responsible for a large number of civilian casualties, especially among children. It was very unlikely that technological improvements could resolve the humanitarian problems posed by such weapons, which should be banned outright. The Group of Governmental Experts had carried out valuable work, and it should continue its efforts to achieve an instrument that would regulate and limit the use of cluster munitions within the CCW framework.

82. **Mr. Lee Sung-joo** (Republic of Korea) said that the Convention on Certain Conventional Weapons had demonstrated its value as a dynamic instrument capable of responding to new challenges through the adoption of new protocols. His Government faithfully implemented the principles and provisions of the Convention and continued to raise awareness of the instrument and its Protocols among the Armed Forces of the Republic of Korea, for example by holding regular education and training courses and by issuing instructions on the management of explosive remnants of war.

83. Although consensus on a final outcome had not been reached, the two rounds of formal negotiations and the informal session on the issue of cluster munitions held in 2009 had by no means been in vain. The draft protocol on cluster munitions presented in August could serve as a solid basis for future agreement on a new instrument and was worthy of further consideration. If the Meeting decided to continue negotiations, the Republic of Korea would take part constructively. In the meantime, it would do its part to reduce the humanitarian impact of cluster munitions by applying the appropriate international standards in its defence policy.

84. He expressed satisfaction that the plan of action to promote the universality of the Convention and the CCW Sponsorship Programme adopted at the Third Review Conference had begun to bear fruit. The decision to establish a compliance mechanism was an important step forward. He hoped that the Fourth Review Conference, to be held in 2011, would further consolidate those efforts.

85. **Mr. Nakayama** (Japan) said that the Convention struck a balance between security requirements, arms control and humanitarian concerns, that it enjoyed broad participation, including among the main producers and possessors of weapons, and that it provided a flexible structure capable of responding to a wide spectrum of issues. It was imperative to promote universalization of the instrument and to secure its steady implementation.

86. While his delegation was disappointed at the failure to reach agreement in the negotiations on cluster munitions, it strongly supported their continuation, as it was important to establish an instrument within the credible, multilateral and legal framework provided by the Convention.

87. The establishment of an implementation support unit should be the subject of careful study, owing to the financial implications. His delegation would welcome a reasonable explanation of the concrete activities such a unit would carry out and of the related cost estimates. Japan had worked for the universalization of the Convention, in particular by encouraging the 10 States in the Asia and the Pacific region that were not yet parties to

accede to the instrument. It supported the holding in 2010 of a preparatory meeting in view of the Fourth Review Conference, to take place in 2011.

88. **Mr. Turcotte** (Canada) said that his country's main concern was cluster munitions. Canada had been pleased to participate actively in the work of the Group of Governmental Experts on that subject and to see the effort devoted to those deliberations. The Meeting now had before it two texts, one attached to the report of the Chairperson of the Group of Governmental Experts, issued in April, and a somewhat modified version, submitted by the Chairperson in August. Unfortunately, owing to the practice of consensus decision-making voluntarily adopted by the Parties, which effectively gave each State a veto, the quality of the product had been undermined by the search for a lowest common denominator.

89. Neither text included limits on the number of submunitions in a single bomb or artillery round, and among the more than 200 types of cluster munitions, some already had more than 1,500 submunitions per bomb. The lack of any limit based on weight left the door open for the development of minute, virtually undetectable submunitions that would pose a particular danger to civilians, especially children, if they failed to detonate on impact. There was no requirement for any kind of guidance system, sensor-fused or otherwise, at the level of the submunition, or even the cluster munition itself. Yet such weapons were prone to indiscriminate effects at the time of use and caused extensive "collateral damage", an anodyne term for bloody carnage among civilians, and extensive contamination of homes and land. The texts included no requirement for secondary fail-safe mechanisms to ensure that the munitions detonated as intended, despite the fact that some such weapons had unacceptably high failure rates, even when equipped with a single fail-safe mechanism.

90. Assessing the text produced in April, the International Committee of the Red Cross (ICRC) had said that, if embraced widely, such an instrument could undermine standards already achieved in humanitarian law. While ICRC and many Parties, including Canada, welcomed the more extensive definition of a cluster munition victim that appeared in the Chairperson's text submitted in August, the overall assessment was that the document still had many of the same shortcomings as its predecessor.

91. Canada still believed that it was desirable to conclude a protocol on cluster munitions within the framework of CCW, as such an instrument would engage States that were not parties to the Cluster Munitions Convention. However, achieving such a result was highly unlikely given the predisposition of a small but important minority of the Parties and the practice of consensus decision-making. Currently, only the Cluster Munitions Convention addressed all the concerns he had mentioned and provided a comprehensive and effective response to the mandate adopted by the Parties, which they themselves thus far failed to fulfil. Regrettably, there was little to show for two years of effort. However, his delegation wished to give the process every opportunity to succeed. If the sense of the Meeting was that there was any chance of improving either text through further deliberation, his delegation would support another meeting of the Group of Governmental Experts. It would also support a clearer mandate, with a view to concluding a legally binding protocol to address the issue of cluster munitions.

92. **Mr. Itzhaki** (Israel) said that the conclusion, of a new instrument on cluster munitions had been a major development in 2009, but that the Convention on Certain Conventional Weapons still provided the most relevant and appropriate forum for addressing the problems posed by such weapons, as it struck an appropriate balance between military and humanitarian considerations and enjoyed participation by major users, developers and producers of conventional weapons. Despite serious negotiations aimed at concluding a new protocol on cluster munitions to the Convention, more political will was needed to finalize a serious, balanced and effective instrument. Israel supported the continuation of the work of the Group of Governmental Experts to that end.

93. Israel acknowledged the need to strengthen the capacity of the secretariat to provide services in order to achieve universality and ensure the implementation of the Convention and its Protocols. An implementation support unit would also play an important role in preserving institutional memory. Israel had submitted its annual report on the implementation of amended Protocol II and welcomed the decision to create a comprehensive reporting mechanism for the Convention and its Protocols. Reporting played an important role in confidence-building in regions of conflict, including the Middle East.

94. Israel had participated actively in efforts to strengthen the Convention while negotiating a protocol on MOTAPMs. It was one of 23 States that had issued a declaration on that subject at the Third Review Conference, held in November 2006. He urged other Parties to support the declaration. Israel was prepared to consider proposals on ways of promoting the issue of MOTAPMs within the CCW framework.

95. Israel had recently transmitted data on the possible location of explosive remnants of war that had landed in southern Lebanon as a result of the conflict of 2006, with the intention of enhancing the clearance and removal of such remnants and thus reducing their effects on the humanitarian situation.

The meeting rose at 1.05 p.m.