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**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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**Geneva, 12–13 November 2009**

**Summary record of the 2nd meeting**

Held at the Palais des Nations, Geneva, on Thursday, 12 November 2009, at 3 p.m.

*Chairperson:* Mr. Mbaye (Senegal)

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*The meeting was called to order at 3.10 p.m.*

**General exchange of views** (*continued*)

1. **Mr. Nore-Alam** (Bangladesh) welcomed the new High Contracting Parties to the Convention on Certain Conventional Weapons and its Protocols, and reaffirmed his country's commitment to achieving general and complete disarmament. Bangladesh, which was a Party to the Convention and to four of its Protocols, had acceded to almost all international legal instruments in the area of disarmament; it respected international humanitarian law and was committed to preventing acts of aggression and civilian casualties. Accession to Protocol V was under active consideration, and the matter had gained further momentum since the investiture of the current Government in January 2009. Bangladesh had acceded to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (Ottawa Convention on Landmines), and was the only State in the region to have done so.
2. Bangladesh was working to strengthen its inter-agency coordination mechanism, in order to improve compliance with its reporting obligations; it supported in principle the draft decision on the establishment of an implementation support unit. In keeping with its obligations under the Convention on Certain Conventional Weapons, Bangladesh carried out various activities at the national level, including awareness-raising among the Armed Forces and the public, destruction of unexploded or other ordnance or devices detected within its territory, and training and capacity-building. Its Armed Forces continued to participate in demining operations as part of the United Nations peacekeeping missions in different parts of the world.
3. Bangladesh took note of the work carried out by the Group of Governmental Experts, particularly on the restriction or prohibition of the use of cluster munitions. Bangladesh neither produced nor intended to acquire cluster munitions, and remained concerned at the impact of those weapons on civilian populations. Bangladesh took note of the draft protocol submitted by the Group's Chairperson. Lastly, it reaffirmed its support for the Sponsorship Programme, which helped to facilitate, at the national level, the process of accession to the remaining instruments annexed to the Convention.
4. **Ms. Haller** (Switzerland) said her Government welcomed the fact that the number of High Contracting Parties to the Convention had increased again in 2009, even though, with 110 High Contracting Parties, the goal of universality established at the Third Review Conference of the High Contracting Parties to the Convention in 2006 was far from being reached. It commended the efforts made by States, the International Committee of the Red Cross (ICRC) and other international or non-governmental organizations to implement the plan of action to promote the universality of the Convention. It continued to attach particular importance to the Sponsorship Programme and had been pleased to see that many States had already taken advantage of it.
5. For Switzerland, implementation of the Convention remained an ongoing challenge. The commitment of all actors, including civil society and specialized NGOs, to work actively to implement the Convention's existing Protocols was key to achieving success in that area and to ensuring that victims were better protected from the risks of certain conventional weapons. Switzerland supported efforts to establish an implementation support unit, since the Convention needed its own secretariat in order to ensure continuity in the implementation of the five Protocols, to meet the objectives set out in the plan of action to promote the universality of the Convention and to preserve institutional memory.
6. It was regrettable that the work of the Group of Governmental Experts in 2009 had not resulted in a common understanding for the adoption of a protocol on cluster munitions. The diverging views between States that had demonstrated their commitment to refrain

from using cluster munitions by signing and ratifying the Convention on Cluster Munitions and those that were in favour of regulating their use had proved to be irreconcilable in the short term. For Switzerland, a protocol on cluster munitions that consisted of nothing more than vague rules, with no immediate substantive prohibition and no deadline for the destruction of stockpiles, and was accompanied, moreover, by transition periods equivalent to an entire generation, would seriously jeopardize the soundness of international humanitarian law on cluster munitions.

7. Her Government had appreciated, however, the progress made since the beginning of the year and the commitment shown by some delegations, particularly those States that had considerable stockpiles of cluster munitions. In order to maintain that momentum, and bearing in mind the next milestone for the Convention on Certain Conventional Weapons — the Fourth Review Conference, to be held in 2011 — it was prepared to consider accepting a new mandate for 2010, provided that the mandate clearly reflected the genuine will of all High Contracting Parties to negotiate a legally binding instrument, namely a future protocol.

8. **Mr. Thammavongsa** (Lao People's Democratic Republic) said that his country shared the international community's concern about the use of certain conventional weapons that could be deemed to be excessively injurious or to have indiscriminate effects, given that it had been the victim of such weapons. In view of the adverse effects of unexploded remnants of war, especially cluster munitions, the Lao People's Democratic Republic attached great importance to the Convention on Cluster Munitions, under which cluster bombs were prohibited, and it had therefore played an active role in the Oslo process, being one of the first countries to sign and ratify the resulting Convention. The Lao People's Democratic Republic had also offered to host the first meeting of the States parties to the Oslo Convention, when it entered into force.

9. With regard to the drafting of a new protocol on cluster munitions within the CCW framework, the Lao People's Democratic Republic had participated actively in the 12 weeks of meetings held by the Group of Governmental Experts since 2008. It was to be hoped that such a protocol would strengthen measures to address the humanitarian impact of cluster munitions and that the High Contracting Parties to the Convention on Certain Conventional Weapons would reach a consensus on the matter.

10. Turning to the issue of anti-personnel mines, he said that the Lao People's Democratic Republic supported the humanitarian endeavours under amended Protocol II and the Ottawa Convention on Landmines and, since 2007, had voted in favour of the General Assembly resolution on implementation of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction. His country was in the process of drafting a voluntary report pursuant to article 7 of the Ottawa Convention, and the Government had decided to send a high-level delegation as an observer to the Cartagena Summit on a Mine-Free World.

11. Lastly, with a view to the effective and comprehensive implementation of the Convention on Certain Conventional Weapons and its Protocols, and their universalization, his delegation fully supported the draft decision on the establishment of an implementation support unit. It expressed its deep gratitude to all donor countries, international organizations and NGOs for the generous assistance they had given to the Lao People's Democratic Republic to boost its efforts to address the humanitarian impact of unexploded ordnance, and it hoped that the international community would continue to lend its support in the future.

12. **Mr. Bondarenko** (Ukraine) said that the Convention and its Protocols, to which his country was a Party, were important instruments for arms control and disarmament, and that he was convinced of their key role in solving the humanitarian problems arising from

the use of certain conventional weapons and in strengthening international humanitarian law. In that regard, he wished to call on all High Contracting Parties to continue to promote the universality and effectiveness of the Convention, including the Protocol on Explosive Remnants of War (Protocol V).

13. Ukraine respected its obligations under the Convention and its Protocols. Armed Forces staff and civilians were given information on those instruments, and military manuals and training curricula for higher military schools were prepared in accordance with the Convention and amended Protocol II. In addition, Ukraine had now fully implemented all the requirements of the technical annex to amended Protocol II. All amendments to the Convention and its Protocols were reflected in the national legislation on the activities of the Armed Forces. With regard to Protocol V, Ukraine had adopted a National Mine Action programme for 2009–2014 and had applied to the United Nations Mine Action Service in April 2009 for assistance in completing its work to eliminate the explosive remnants of war on its territory.

14. His Government considered the Group of Governmental Experts to be a useful mechanism for international dialogue within the framework of the Convention, through which a balance could be found between the military and humanitarian aspects of the issue of cluster munitions. It welcomed the efforts by a number of States to prohibit the use of cluster munitions as a means of war, and it believed that new binding measures to prohibit that entire category of weapons could be fully effective only if they were applied universally. Lastly, Ukraine remained ready to work in a constructive manner with all High Contracting Parties to the Convention, in order to find ways to reduce the harmful effects of conventional weapons.

15. **Ms. Abelsen** (Norway) said that the aim of the Convention was to strengthen international humanitarian law and to provide an effective response to the humanitarian problems posed by certain conventional weapons. However, owing to participants' lack of political will, the mandate of the Group of Governmental Experts, which had been instructed by the 2007 Meeting of the High Contracting Parties to deal with the crucial issue of cluster munitions and the unacceptable humanitarian suffering they caused, had been repeatedly extended, and the latest version of draft protocol VI submitted by the Group did not meet the acceptability criteria that had been drawn up with the aim of improving the humanitarian situation on the ground.

16. For Norway, as a High Contracting Party to the Convention and its Protocols, it did not make sense to address, within the framework of the Convention, issues such as that of cluster munitions that were already covered by other international instruments, specifically the Convention that was due to enter into force in 2010. Her delegation questioned the time and resources that had been allocated to the matter. In order to be able to support relevant value-added processes, it would be in favour of putting a stop to the meetings of the Group of Governmental Experts. In that regard, it invited High Contracting Parties to reflect, in a spirit of openness, on the direction they wished to give to the work conducted under the Convention on Certain Conventional Weapons. In its view, the Convention could be put to better use, particularly as far as Protocol V was concerned, and consideration should be given, at the next Meeting, to issues relating to the usefulness of the Sponsorship Programme, the assessment of implementation and the involvement of States not party to the Convention. There was no need to establish, for the time being, a new mechanism to support the implementation of the Convention.

17. Nevertheless, Norway would continue to participate actively, in a constructive manner, in all discussion aimed at realizing the Convention's full potential – in other words, ensuring the effective protection of victims.

18. **Mr. Mathias** (United States of America) said that the United States was extremely pleased to have acceded to the Convention and all its Protocols, thus reaffirming its commitment to the development and implementation of international humanitarian law. The United States, which had not acceded to the Convention on Cluster Munitions, believed that it was important for the Parties to the Convention on Certain Conventional Weapons to continue their work on cluster munitions, and it was committed to negotiating a legally binding protocol on that issue, in order to mitigate the threat to civilian populations and improve the humanitarian situation. It was for each State, including the States that produced and stockpiled cluster munitions, to determine whether the Convention on Cluster Munitions enabled its national security interests to be fully ensured. The United States was prepared to continue to participate in negotiations on cluster munitions within the framework of the Convention on Certain Conventional Weapons, and it considered the draft protocol under discussion to be a good starting point.

19. **Ms. Al-Gailani** (Observer for Iraq) said that Iraq was one of the countries most affected by cluster munitions, given the successive wars that had taken place in recent decades. She welcomed the work that had been undertaken by other States, international organizations and NGOs to rid Iraqi soil of those explosive devices, which had not only resulted in thousands of innocent civilian victims but had also affected agriculture, pasture land and oil and gas fields, thus preventing the country from making social and economic progress.

20. In order to ensure that Iraq was an element of stability in the region, the Government had opted for a new *realpolitik* approach, focusing resources on the recovery and reconstruction of the country and its infrastructure. Iraqi leaders had emphasized their commitment to instruments for disarmament and non-proliferation, to which paragraph 9 (e) of the Constitution attested. Technical experts from the defence, foreign affairs and environment ministries had discussed in detail the Convention and the need to accede to it. The Council of Ministers, consulted on the legal aspects of the Convention, had declared itself to be in favour of signing the instrument, and the draft legislation would be submitted to the parliament for adoption. She hoped that technical assistance in clearing Iraqi soil would be stepped up.

21. **Mr. Avila** (Guatemala) said that his country supported the universalization of the Convention (including amended article 1) and its Protocols, all of which it had ratified. Guatemala had recently submitted a report on implementation of the plan of action to promote the universality of the Convention, which contained information on new arms legislation adopted in the country in April 2009 criminalizing the use of weapons prohibited by the Convention and Protocols I to IV. His delegation was strongly in favour of a sixth protocol, which would ensure greater respect for international humanitarian law. The protocol should include a broader definition of victims. The work of the Group of Governmental Experts should continue, and the implementation support unit should be established.

22. **Mr. Danon** (France) said that his delegation wished to associate itself with the statement made by the representative of Sweden on behalf of the European Union. Negotiations should continue in order to reach agreement on a legally binding instrument that would bring together all States affected by cluster munitions. Draft protocol VI, submitted by the Chairperson of the Group of Governmental Experts, was a good text on which to base negotiations and could be improved on, not least by taking into account the observations made by ICRC. In order to strike a balance between humanitarian concerns and military constraints, the text should be compatible with the Convention on Cluster Munitions, have an immediate effect (requiring transition periods to be well managed) and contain strong, specific humanitarian provisions. His delegation was in favour of drawing up a more precise mandate, on the understanding that renewal of the existing mandate

would not preclude an agreement being reached in 2010. Lastly, he announced that, as before, France would contribute to the Sponsorship Programme.

**Consideration of the report of the work of the Group of Governmental Experts**  
(CCW/GGE/2009-I/2 and CCW/GGE/2009-II/2; CCW/MSP/2009/WP.1)

23. **Mr. Clark** (United Nations Mine Action Service), commending the considerable work accomplished by the Group of Governmental Experts, said that the text submitted by the Group's Chairperson required further work in order to meet the required minimum standards to address the humanitarian impact of cluster munitions.

24. While he welcomed the extremely useful initiative taken by the European Union to promote the universality of the Convention and its Protocols through a series of regional seminars, as reported by the United Nations Office for Disarmament Affairs in its Occasional Paper No. 17 of October 2009, more work and activities were required to ensure the universality of those instruments. Lastly, in view of the increasing workload generated by the Convention, and the new impetus that had marked the discussions and negotiations, it was essential to establish the implementation support unit.

25. **Mr. Juárez** (Chairperson of the Meetings of the Military and Technical Experts of the Group of Governmental Experts) read out a statement by Mr. Ainchil, Chairperson of the Group of Governmental Experts. In addition to the meetings held in February and April 2009, in accordance with the Group's mandate as set out in paragraph 34 of the report of the Meeting of the High Contracting Parties to the Convention (CCW/MSP/2008/4), following which the report issued under the symbol CCW/GGE/2009-II/2 had been adopted, the Group's Chairperson had organized a series of informal consultations in August, with the aim of moving the negotiations forward. However, despite the efforts made and the constructive spirit in which delegations had participated, it had not been possible to reach agreement on a proposal in the area of cluster munitions. The Group's Chairperson had therefore decided to submit, under his personal responsibility, a draft protocol, issued under the symbol CCW/MSP/2009/WP.1, which reflected his own view of a balance between military and humanitarian considerations. The Chairperson was convinced that delegations would now have a better understanding of the different points of view and thought that the possibilities of using the framework of the Group of Governmental Experts to reach a solution that was acceptable to all had not yet been exhausted.

26. **Mr. Rudalevičius** (Lithuania) said that his delegation wished to associate itself with the statement of the European Union. It remained committed to continuing negotiations on cluster munitions within the framework of the Convention, which was the only instrument currently available that brought together both the main users and producers of cluster munitions. His delegation was convinced that only a strong, legally binding text would make it possible to combat the intolerable humanitarian harm caused by cluster munitions. It welcomed the draft text submitted by the Chairperson of the Group of Governmental Experts, particularly the definition set out in article 2, the immediate prohibition on any transfer to non-State actors and the detailed provisions on victim assistance. The text provided a constructive basis on which to continue negotiations, despite its shortcomings, which included allowing cluster munitions to have only one safety device, questionable acceptability criteria and excessively long transition periods. While his delegation was in favour of extending the negotiating mandate for one year, it would prefer the mandate to refer to the negotiation of a protocol, rather than a proposal. Recalling that many States present had a legal obligation, by virtue of their accession to the Convention on Cluster Munitions, to discourage States that were not party to that Convention from using cluster munitions (art. 21), he said that credible results needed to be achieved and an agreement reached on a meaningful international treaty that prohibited those weapons.

27. **Mr. Hoffmann** (Germany) said that Germany aligned itself with the statement made by the representative of Sweden on behalf of the European Union.

28. The meetings of the Group of Governmental Experts had shown that delegations still had very different aspirations and expectations with regard to a protocol on cluster munitions. Notwithstanding, a clear consensus had emerged on the need for such a protocol for humanitarian reasons, which had not been the case in 2008. For Germany, it remained of utmost importance that a future protocol on cluster munitions should serve the following three objectives: it should have an immediate effect on the use and transfer of those weapons; it should clearly improve the safety of civilian populations; and it should avoid any contradiction with the Convention on Cluster Munitions. His delegation fully supported the points made in that regard by the representatives of Australia, Austria, Canada and France. In the light of the objectives he had stated, a future protocol VI could be based on a “two-step” approach leading, after a transition period, to a comprehensive prohibition on all cluster munitions. That would constitute a good balance between humanitarian and military interests, while ensuring the necessary compatibility with the Convention on Cluster Munitions. Any provision that would allow the continued production, use and transfer of cluster munitions known to cause unacceptable harm to civilians would not be in line with the mandate of the Group of Governmental Experts. Cluster munitions, which had proven to be unreliable, should be prohibited immediately and without exception. It was a matter of regret that that had not yet been achieved.

29. His delegation strongly believed that the Convention on Certain Conventional Weapons was a key multilateral mechanism of international humanitarian law. It was important to maintain the momentum of that dynamic instrument and its unique contribution to the protection of civilian populations in the face of ever more dangerous and violent conflicts. His delegation shared the view of many others that the value of a protocol on cluster munitions would lie in legally binding the major producers and users of cluster munitions.

30. After two years of work on cluster munitions by the Group of Governmental Experts, it was legitimate to expect to be able to reflect the progress made through an enhancement of the existing mandate, in order to underline the ambition to create a legally binding instrument. Whether the work at hand could reach a successful conclusion was primarily a matter of political will.

31. **Mr. Gospodinov** (Bulgaria) said that Bulgaria fully subscribed to the statement made by the representative of Sweden on behalf of the European Union.

32. His delegation welcomed the report of the Chairperson of the Group of Governmental Experts, which accurately reflected the efforts made by all States to reach a constructive compromise in difficult negotiations. It shared the view that the clearly humanitarian focus of the Convention on Certain Conventional Weapons made it an appropriate framework for the negotiation and adoption of an effective protocol on cluster munitions. Bulgaria had signed the Convention on Cluster Munitions and, like many signatories, it believed that the future protocol on cluster munitions should be compatible with that instrument. It had always considered the Oslo process and the work of the Group of Governmental Experts to be complementary. The end product of the Group’s work should reflect that logic of complementarity. The draft text presented in the report was a small, but important, step in that direction. It was to be hoped that the provisions of paragraphs 4, 5 and 6 would be strengthened in order to ensure a larger number of prohibited cluster munitions.

33. It was more important and necessary than ever to reach a consensus. Efforts to negotiate a protocol on cluster munitions within the CCW framework should therefore continue, and the Group’s mandate should be maintained.

34. **Mr. Miranda Duarte** (Portugal) said that his delegation fully endorsed the statement made by the representative of Sweden on behalf of the European Union.

35. Political will was essential if the current negotiations were to be successful. A clear, focused mandate and properly allocated time for negotiation were also key factors in that regard.

36. His delegation, like others, strongly believed that the objective of the work of the Group of Governmental Experts should be clearly defined. Agreement on the final goal constituted the lowest common denominator. It should be clearly acknowledged that the Group was not considering a “proposal” or anything similar, but negotiating a protocol to the Convention on Certain Conventional Weapons – in other words, a legally binding instrument. It was on the basis of that principle alone that his delegation could agree to continue negotiations in 2010.

37. **Mr. Clark** (United Nations Mine Action Service) said that the draft protocol on cluster munitions (CCW/MSP/2009/WP.1) required further work in order to meet the minimum standards to address the humanitarian impact of cluster munitions. He shared the view expressed by a number of delegations regarding the need to improve the text of the draft protocol.

38. With regard to article 4 of the draft protocol, on general prohibitions and restrictions, the current wording of paragraph 2 (a) (iv) suggested that future High Contracting Parties would be able to use, develop, produce or acquire cluster munitions that contained explosive submunitions with “two or more initiating mechanisms”. That meant that they could continue to use, produce and transfer BLU-97 cluster munitions, which had two such mechanisms.

39. BLU-97 cluster munitions had been used extensively in Kuwait and Iraq during the first Gulf war, in Kosovo in 1999 and, more recently, in Afghanistan and Iraq. In view of the significant numbers that had failed to function on impact, that type of weapon was the single most lethal item of unexploded ordnance in post-conflict environments.

40. It was inconsistent that an instrument that set out to address the “humanitarian impact caused by cluster munitions”, as stated in article 1, paragraph 1, would allow the exclusion of BLU-97 cluster munitions from the general prohibition. The current reference to “two or more initiating mechanisms” as a stand-alone criterion for exclusion should therefore be revised, in order to ensure that the humanitarian impact of cluster munitions was realistically addressed.

41. **Ms. Troyon** (International Committee of the Red Cross) said that the draft protocol on cluster munitions was an improvement, in several respects, over previous texts drawn up within the framework of the Convention on Certain Conventional Weapons, as it was stronger and clearer in a number of important areas. Despite those improvements, however, the draft protocol had significant shortcomings and would not prevent the future use of highly inaccurate and unreliable models of cluster munitions. Consequently, the draft protocol would not urgently address the humanitarian consequences of cluster munitions. Nor would it meet the call made in 2007 by ICRC for the prohibition of inaccurate and unreliable cluster munitions.

42. The work of the Group of Governmental Experts had not yet adequately addressed the humanitarian problems caused by the use of inaccurate and unreliable cluster munitions. It was clear, however, that international perceptions of cluster munitions had changed dramatically in recent years and that the vast majority of States, including all major military powers, now agreed that action must be taken to alleviate the indiscriminate effects of those weapons. Comprehensive rules to address the problem of cluster munitions existed in the Convention on Cluster Munitions. States that were currently unable to sign or ratify that

instrument could nevertheless take, without delay, steps to lessen the dangers that cluster munition posed to civilians. Those steps included: the immediate suspension of the use of some or all cluster munition models, starting with those known to be the most unreliable and inaccurate; the suspension or prohibition of international transfers of some or all cluster munitions; and the destruction of stockpiles of aged cluster munitions. In addition, ICRC urged all States that had not yet done so to ratify the Protocol on Explosive Remnants of War. Those measures would constitute clear steps towards addressing the humanitarian problems that had long been associated with the use of cluster munitions.

43. **Mr. de Macedo Soares** (Brazil) said that one must not lose sight of the fact that the issue was to decide whether or not to continue to negotiate a protocol. The Group of Governmental Experts could continue its work on the basis of two working documents, while delegations remained free to submit other proposals. Therefore, there were sufficient documents to enable a decision to be taken on whether to continue the Group's work.

44. **Mr. Gil Catalina** (Spain) said that Spain fully subscribed to the statement made by the representative of Sweden on behalf of the European Union.

45. Spain had taken a number of measures in the area of cluster munitions. On 11 July 2008, for example, it had proclaimed a unilateral moratorium on cluster munitions. It had signed the Convention on Cluster Munitions on 3 December 2008 and had deposited its instrument of ratification on 17 June 2009. Spain had furthermore set about destroying the stockpile of cluster munitions available to its Armed Forces, and the process had been completed on 18 March 2009. Spain was the first signatory country to have destroyed cluster munitions. Spain had also taken steps, as part of its international assistance and cooperation, to help victims, together with members of their families and the communities to which they belonged. Spain had moreover implemented the ban on the importation, introduction, exportation and transfer of cluster munitions, in line with the Convention on Cluster Munitions. In addition, it had retained 836 weapons for the purposes stated in article 3 of that instrument.

46. Spain had signed the Convention on Cluster Munitions in order to prioritize humanitarian considerations over any operational advantages to be gained from the military use of such weapons and over any financial benefits arising from their production. Spain had been one of the 34 countries producing cluster munitions and one of the 76 countries possessing such weapons.

47. In line with its policy to promote "effective multilateralism", Spain had always wished to negotiate and adopt new disarmament instruments within a multilateral framework. Spain was in favour of a legally binding instrument that would treat cluster munitions as weapons that could be deemed to be excessively injurious or to have indiscriminate effects.

48. However, the lack of progress in the multilateral negotiations had led Spain to participate in the Oslo process and to adopt the Convention on Cluster Munitions, thus endorsing the prohibition on those weapons. Consequently, it would support the negotiation of a protocol on cluster munitions, on the understanding that the new instrument would complement the provisions already set out in the Oslo Convention. Spain did not wish to negotiate an instrument that would be implemented on a "two weights, two measures" basis, as had been the case for anti-personnel mines, the use of which had been prohibited by some States while being regulated by others.

49. It was to be hoped that the High Contracting Parties would be able to meet the challenges facing the international community in the area of disarmament and international humanitarian law, and live up to the expectations of the international community.

50. As a High Contracting Party to the Convention on Certain Conventional Weapons and all its Protocols, Spain was committed to promoting the universalization of the Convention, and invited the other High Contracting Parties to redouble their efforts to that end.

51. **Mr. Rao** (India) said that India was not opposed to the Group of Governmental Experts continuing its work in 2010 within the framework of its current mandate, provided that one or two “technical” changes were made. The mandate should refer to the procedural report on the work of the Group of Governmental Experts (CCW/GGE/2009-II/2), which was the most recent official document to have been submitted on the subject. It was also important to record the excellent work carried out by the Group’s Chairperson, as reflected in document CCW/MSP/2009/WP.1. A reference to that document was necessary, even if India was not able to endorse all the provisions it contained.

52. It was necessary to set dates for the 2010 session, bearing in mind the need to allocate sufficient time to in-depth discussion of all the relevant issues, in order to try to reconcile points of view, which still diverged considerably.

#### **Status of implementation of and compliance with the Convention and its Protocols** (CCW/MSP/2009/WP.2)

53. **The Chairperson** recalled that the Third Review Conference of the High Contracting Parties to the Convention, held in November 2006, had taken an important decision concerning the establishment of a compliance mechanism applicable to the Convention and its Protocols. In that connection, the High Contracting Parties had undertaken to submit annual reports on: the information they had disseminated to their armed forces, and to the civilian population, on the Convention and its Protocols; the steps taken to meet the relevant technical requirements of the Convention and its Protocols; legislation related to the Convention and its Protocols; the measures taken in the area of technical cooperation and assistance; and other matters. The High Contracting Parties had also pledged to take all appropriate steps to prevent and suppress violations of the Convention and its Protocols, and to establish a pool of experts to help alleviate concerns about fulfilling the obligations that arose from the Convention and its Protocols. He noted that, in 2009, only around 30 States had, to date, submitted a national report in line with the decision on the compliance mechanism, emphasizing that the latest date recommended for the submission of national reports was 1 October each year.

54. In 2008, a proposal to establish an implementation support unit had been signed jointly by the presiding officers of the Meeting of the High Contracting Parties and the two Conferences, and had met with the approval of delegations. The High Contracting Parties had decided to renew consideration of the issue in 2009, with a view to taking a decision. Consequently, a draft decision had been issued (CCW/MSP/2009/WP.2). Work under the Convention had expanded in recent years. The Convention had a unique structure, and each of the five Protocols established its own autonomous legal system, its own implementation mechanism and its own activities. It was virtually impossible, from a substantive point of view, but also from an organizational and logistical standpoint, to manage all those concurrent activities with the resources currently available.

55. The establishment of an implementation support unit would therefore be the best way to ensure continuity and guarantee the stability of the process of implementing the Convention and its Protocols, ensure institutional memory and increase the support given to that process by the secretariat, as had been shown by the positive experience with the Ottawa Convention on Landmines and the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction.

56. He would welcome proposals from the High Contracting Parties regarding the steps to be taken in 2010 in order to prepare properly for the Fourth Review Conference, which would be held in 2011, in line with article 8, paragraph 3 (c), of the Convention, and in accordance with the decision taken at the First Review Conference (CCW/CONF.1/16 (Part I), annex C).

57. **Mr. Turcotte** (Canada) said that, despite initial reservations about establishing an implementation support unit owing to the limited funds available to the bodies established under the Convention, he believed that it was important to distinguish between what those bodies had, or had not, accomplished as a result of action, or lack thereof, by High Contracting Parties, and to establish what services the Parties required of the secretariat. It was vital that States had all the support they needed, in order to make progress in their work. He congratulated the secretariat in that regard for the excellent services provided to date.

58. It had to be acknowledged that the budget for support had not increased in proportion to the number of protocols adopted or the increase in the volume of work over the years. For that reason, Canada was now in favour of establishing an implementation support unit and was ready to discuss what type of mechanism it should be and the time frame for its establishment.

59. **Mr. Rao** (India) said that India was not against the establishment of an implementation support unit, but that, given the increasing volume of work arising from the Convention and its Protocols, it would be desirable also to strengthen the Geneva Branch of the Office for Disarmament Affairs. To that end, he proposed the insertion, at the end of paragraph 1 of the draft decision, of the phrase “while observing that the increased work relating to the CCW and its Protocols could benefit from a strengthened UNODA, Geneva branch”, which was taken directly from paragraph 33 of the report of the Meeting of the High Contracting Parties to the Convention (CCW/MSP/2008/4), adopted by consensus in 2008.

60. He was in favour of holding the Fourth Review Conference in 2011 and thought that a specific agenda item on preparation of the Conference should be added to the agenda for the 2010 Meeting of the High Contracting Parties to the Convention. An issue such as the establishment of an implementation support unit should have been subject to a decision by a review conference. He therefore wished to propose the insertion at the end of the draft decision of the phrase “the functioning and the continuation of the Implementation Support Unit shall be reviewed by the Review Conference”.

61. **Mr. Itzhaki** (Israel), echoing the comments made by the representative of Canada, said that a distinction should be made between the issue of the future and role of the Convention and the need to strengthen the secretariat. Like the representative of India, he thought that the mandate of the implementation support unit should be defined very precisely and that renewed consideration should be given to its role at the Review Conference.

62. **Mr. Matsuura** (Japan) said that his country required additional information in order to be able to consider the proposal to establish an implementation support unit. In his view, the tasks set out in paragraph 3 of the draft decision were already performed by existing mechanisms. He wished to know what the additional tasks were, compared to previous years, that required three full-time staff members, and he would like to see the job descriptions of the current members of staff and those of the three additional staff members.

63. **Mr. Kimpton** (Australia) said that his delegation was, in principle, in favour of establishing an implementation support unit. The draft decision should perhaps state that the unit should work as efficiently as possible and should be accountable directly to the Meeting of the High Contracting Parties.

64. The Review Conference should be held in 2011 and, in view of the considerable workload that its preparation would represent, the time required to prepare the Conference should be evaluated, for organizational purposes.

*The meeting rose at 5.30 p.m.*