

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

4 December 2013

Original: English

Geneva, 14–15 November 2013

Summary record of the 2nd meeting

Held at the Palais des Nations, Geneva, on Thursday, 14 November 2013, at 3 p.m.

Chairperson: Mr. Simon-Michel.....(France)

Contents

General exchange of views (*continued*)

An Accelerated Plan of Action on universalization of the Convention and its annexed Protocols

Mines other than anti-personnel mines (MOTAPM)

Consideration of the report of the CCW Sponsorship Programme

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Editing Unit, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the meetings of this Conference will be consolidated in a single corrigendum, to be issued shortly after the end of the Conference.

GE.13-64359 (E) 201113 041213



* 1 3 6 4 3 5 9 *

Please recycle 



The meeting was called to order at 3.05 p.m.

General exchange of views (*continued*)

1. **Mr. Van der Kwast** (Netherlands) said that the Netherlands condemned the use of incendiary weapons by the Syrian regime, recalling that the use of indiscriminate weapons was prohibited by international humanitarian law. The Netherlands called on the Syrian Arab Republic to accede to the Convention and its Protocols and, until that time, to comply with its international obligations.
2. **Mr. Aviles** (Ecuador) said that Ecuador applauded the effort made to further the universalization of the Convention and its Protocols, which was essential for strengthening the framework of international humanitarian law and alleviating human suffering, and in that regard welcomed the accession of two more States to those instruments. Ecuador condemned all violations of international humanitarian law, including the use of weapons that were prohibited because of their indiscriminate effects, and called for the immediate end to the use of incendiary weapons in the Syrian Arab Republic and an independent inquiry to identify and penalize those responsible for their use. Ecuador made every effort to meet its international obligations and had in April 2013 submitted its national report on activities carried out in 2012.
3. **Mr. Al Shamsi** (United Arab Emirates) said that his country was pleased with the progress made through the Sponsorship Programme and the accelerated plan of action to promote the universality of the Convention. However, efforts needed to be made at the national level as well. The States that had still not acceded to the Convention and its Protocols should do so. His country attached particular importance to assisting the victims of explosive remnants of war and had participated in United Nations mine clearance operations in Afghanistan, Kosovo and Lebanon. It would like to see more partnerships between countries to achieve the universality of the Convention and would continue to support cooperation in the field of disarmament to promote peace in its various dimensions.
4. **Ms. Kasnakli** (Turkey) said that the universalization of the Convention remained a key objective. Turkey was pleased that the Sponsorship Programme, in which it was a contributing country, had promoted further interest in the Convention. The annual compliance reports of the High Contracting Parties were valuable tools for increasing mutual understanding, transparency and confidence-building. She urged all States parties to submit their reports regularly, as Turkey had done.
5. **Ms. Anderson** (Canada), noting with satisfaction the accession of Kuwait and Zambia to the Convention and its Protocols, said that efforts to achieve universalization of the Convention must continue. Canada supported the proposal to hold an informal meeting of experts to discuss matters related to emerging lethal weapons technologies, including autonomous weapons systems. Canada condemned the use of incendiary weapons against civilians in the Syrian Arab Republic. It further called upon the Syrian Arab Republic to end all attacks on civilians, in compliance with its international obligations, and to accede to the Convention and its Protocols, including Protocol III on Prohibitions or Restrictions on the Use of Incendiary Weapons.
6. **Mr. Al Ghunaim** (Kuwait) said that the accession of Kuwait reflected its commitment to peace and international security and its conviction that the use of certain weapons needed to be limited. As a country that had been through war, Kuwait was committed to promoting efforts aimed at ensuring peace for all. It was the hope of his country that the Meeting of the High Contracting Parties would contribute to the common goal of ensuring that when weapons were used, humanitarian considerations were given their due.

7. **Mr. Grinevich** (Belarus) said that his country supported practical solutions aimed at achieving the universality of the Convention and welcomed the accession of new States parties. Belarus also supported proposals aimed at simplifying administrative procedures and reducing the expenditures associated with holding meetings under the Convention and its Protocols. He called on States parties to meet their reporting obligations. Belarus would join the consensus for the adoption of a mandate to examine the issue of lethal autonomous weapons systems in 2014. He was perplexed by attempts made by certain parties during the sixty-eighth session of the General Assembly to modify the outcome of the Meeting of the High Contracting Parties with regard to the issue of mines other than anti-personnel mines (MOTAPM).

8. **Mr. Levon** (Israel) said that the strength of the Convention lay in its pursuit of an appropriate balance between military and humanitarian considerations. Israel was accordingly encouraged by the efforts of the High Contracting Parties to agree on a sixth protocol on cluster munitions and to reach a consensus on MOTAPM, and it had played an active and constructive role in the relevant negotiations. Universalization was of great importance, and creative approaches and targeted efforts were needed to increase accession to the Convention and its Protocols in particular regions, including the Middle East, where few States had expressed their consent to be bound by them. Israel was deeply concerned about the illicit proliferation of man-portable air-defence systems and short-range rockets. The international community must allocate the resources needed to address the grave threat they posed to civil, commercial and military aviation when they fell into the hands of terrorists or non-State actors. The use of emerging technologies and better coordination among States, especially intelligence sharing, could improve the effectiveness of efforts in that area.

9. Israel had spoken on the issue of improvised explosive devices (IEDs) the day before and trusted that concrete progress would be made in the framework of the Convention in the near future to reign in the use of such weapons. It would also like to see further discussion of the issue of MOTAPM.

10. **Mr. Schmid** (Switzerland) said that Switzerland was deeply concerned about the alleged use in the Syrian Arab Republic of weapons that fell in the ambit of the Convention and called on all parties to the conflict to comply with their international obligations. Although two States had acceded to the Convention in 2013, the goal of universality was still far off, and Switzerland trusted States would continue to support the universalization process. It also urged States wishing to benefit from the Sponsorship Programme to adhere to the corresponding deadlines and procedures.

11. The issue of lethal autonomous weapons systems had been taken up by various United Nations bodies, as well as by civil society. The military, technological, legal and ethical questions such weapons raised should be addressed in an intergovernmental dialogue, and in his country's view the Convention provided the ideal forum. Switzerland was therefore in favour of the Meeting adopting a broad mandate to discuss the matter. Clear regulations also needed to be adopted on the use of MOTAPM, which continued to be a major concern because of their impact in humanitarian terms. That issue therefore must be kept on the agenda of the Meeting. It was also essential to maintain an inclusive approach towards the participation of non-governmental organizations (NGOs) in the context of the Convention, both for the sake of the credibility of the Convention and the quality of the work carried out.

12. **Mr. Ben-Acquaah** (Observer for Ghana) said that accession to the Convention and its Protocols was still on the agenda of his Government and that the process should be completed before not too long. Like many other countries, Ghana was confronted by the threat of terrorism in the form of suicide bombings and other methods that had equally devastating impacts. The decision to accede to the Convention was in part based on the

desire to promote the responsibility of States and non-State actors to uphold human dignity at all times and to cooperate at both the global and the regional levels. Ghana intended to contribute to the universalization of the Convention in West Africa and Africa as a whole after its own accession had been concluded.

13. **Mr. Sow** (Mali) said that in Africa, and in Mali in particular, most victims of conventional weapons were civilians. The spread of conventional weapons was a destabilizing factor and was hampering economic and social development in the Sahel region. Their use by non-State actors was a source of extremely serious concern. The Convention and its Protocols were important instruments for combating their proliferation, as was the Arms Trade Treaty, which Mali had recently ratified.

14. Mali supported both the accelerated plan of action to promote the universality of the Convention and the Sponsorship Programme. He thanked all the bilateral and multilateral partners and the humanitarian agencies working to help Mali tackle the enormous challenges it faced and to promote peace in the country.

15. **Mr. Laurie** (United Nations Mine Action Service), speaking on behalf of the Inter-Agency Coordination Group for Mine Action, said that the full extent of the threats posed to civilians by landmines, explosive remnants of war, cluster munitions and IEDs and the increased use of explosive weapons in populated areas must be addressed. Stricter regulations on the use of MOTAPM were required. Not only did MOTAPM kill or injure civilians, they hampered the work of humanitarian workers, the return of refugees and internally displaced persons and the socioeconomic development of the affected communities. Also, further discussions must be held on the implications for civilians of new weapons technologies, including lethal autonomous weapons systems. The Convention was an important forum for such discussions. As stressed by the Secretary-General, civilians must be afforded greater protection against the use of explosive weapons in populated areas, where discrimination within a blast zone was not possible.

16. The Group wished to encourage the High Contracting Parties to submit their compliance reports regularly and to continue to support the Implementation Support Unit and the Sponsorship Programme. It encouraged the States that had not already done so to become party to the Convention.

17. **Ms. Lawand** (International Committee of the Red Cross (ICRC)) said that the Protocols to the Convention established norms governing the use of weapons about which there were particular humanitarian concerns, especially weapons that might cause unnecessary suffering or might have indiscriminate effects. The meetings of the States parties to the Convention also played an important role as international forums to examine issues that arose from the use of existing weapons systems and from new weapons technologies. The adoption of Protocol IV, the Protocol on Blinding Laser Weapons, was a good example of the use of such a forum to examine, assess and regulate a new weapon technology that entailed growing humanitarian concerns.

18. Several issues deserved the attention of the States parties, including the development of autonomous weapons or lethal autonomous robots. The rapid pace of research into such weapons was a cause for concern, especially as it was unclear whether they could ever be used in accordance with international humanitarian law. ICRC had therefore been urging States to fully consider the legal, ethical and societal issues related to their use well before such weapons systems were developed. It therefore supported the Chairperson's proposal to hold an informal meeting on the issue in 2014.

19. Another concern was the use of explosive weapons in populated areas. ICRC supported the call issued by the Secretary-General of the United Nations for States parties to consider the issue in a more focused manner. It also supported the recommendation put forward in the report of the Secretary-General on the protection of civilians in armed

conflict (S/2012/376) to make available information on harm to civilians from the use of explosive weapons and to issue policy statements outlining the conditions under which certain explosive weapons might and might not be used in populated areas.

20. ICRC had been pleased to learn of Israel's decision earlier in the year to stop using white phosphorus munitions to create smoke screens in built-up areas. It had repeatedly urged the States parties to examine the humanitarian impact of such munitions. It was also concerned more generally about the use of incendiary weapons. States should present their national policies on the use of such weapons and of white phosphorus munitions at a future session of the Meeting of the High Contracting Parties. Lastly, ICRC supported the call of the United Nations Mine Action Service for stricter regulation of the use of MOTAPM, which posed a serious danger to civilian populations and to humanitarian organizations that worked in conflict-affected areas.

21. **Mr. Goose** (Human Rights Watch) said that Human Rights Watch was very pleased at the prospect that the Meeting of the High Contracting Parties would have a mandate to work on fully autonomous weapons in 2014. The States should also take up the issue of incendiary weapons, perhaps in conjunction with fully autonomous weapons, and consider possible amendments to Protocol III, as it had become evident that the Protocol was not meeting its objectives and must be strengthened and universalized.

22. In November 2012, the Meeting of the High Contracting Parties to the Convention had decided against working on incendiary weapons, and at the very same time the Syrian Arab Republic had carried out the first of a series of devastating incendiary weapon attacks. Human Rights Watch had documented at least 56 such attacks since that time and had received heart-rending reports of civilian suffering, some of which he described. Detailed investigations of just four of those attacks had revealed that 41 civilians had been killed and 71 wounded. The use of incendiary weapons in the Syrian conflict should provide an impetus for the States parties to the Convention to take a fresh look at Protocol III and seek ways of improving it to better protect civilians during armed conflict. Such improvements could include extending to surface-delivered incendiary weapons the same prohibition that already existed for air-delivered ones and addressing the use of white phosphorus as an incendiary weapon. The best way of protecting civilians from incendiary weapons, however, would be to impose a comprehensive ban on them.

23. Turning to the issue of fully autonomous weapons, he said that robotic weapons systems should not be making life-and-death decisions on the battlefield. That was inherently wrong, morally and ethically. There should always be meaningful human control over such decisions. Autonomous weapons were likely to run afoul of international humanitarian law. They also raised technical problems and concerns in respect of proliferation and other issues that made a ban necessary. He encouraged delegates to take a careful look at a memorandum that Human Rights Watch had distributed on the issue.

24. The adoption of a protocol that would prohibit fully autonomous weapons would breathe new life into the work done in the framework of the Convention and have a tremendously positive humanitarian impact, as it would prevent potentially widespread harm to civilians and soldiers alike caused by compassionless machines operating beyond human control. He therefore urged the States parties to set aside not three but five days of work to tackle the issue. The States should develop national policies in the area and respond to the call of the Special Rapporteur on extrajudicial, summary or arbitrary executions for a moratorium on fully autonomous weapons.

25. **Ms. Wareham** (Human Rights Watch), speaking in her capacity as coordinator of the Campaign to Stop Killer Robots, said that the Campaign called for a comprehensive ban on the development, production and use of fully autonomous weapons, also known as lethal

autonomous robots. She reiterated Human Rights Watch's position that the matter should be addressed by the Meeting of High Contracting Parties in 2014.

26. **Mr. Nash** (Article 36) urged States to continue to draw attention to the harm caused by the use of explosive weapons in populated areas, in particular heavy explosive weapons, during the forthcoming discussion on the protection of civilians in armed conflict that was scheduled to take place at the Security Council in early 2014. He also urged them to share national experiences in preventing such harm.

27. The use of incendiary weapons in populated areas had a horrific impact on civilians, as shown by the poignant testimony of Human Rights Watch on the conflict in the Syrian Arab Republic. All States should condemn the Syrian Arab Republic for using such weapons. While Protocol III recognized that incendiary weapons were a cause for particular humanitarian concern, it was not broad enough in scope to provide an adequate level of protection to civilians. He therefore urged States to reconsider the issue with a view to making the weapons a thing of the past.

28. There was also a need for greater scrutiny and monitoring of new weapons technologies. As a member of the Campaign to Stop Killer Robots, Article 36 welcomed the proposal that the Meeting of the High Contracting Parties should adopt a mandate to discuss autonomous weapons systems. Decisions on the targeting of weapons must not be left for software and sensors to make. The States should consider how to exercise meaningful human control over military attacks. Article 36 had circulated a memorandum on how the debate on such new weapons might usefully be structured. Lastly, there was a need for States to have transparent and accessible national procedures to review the legality of new weapons under international law, in particular in accordance with Additional Protocol I to the Geneva Conventions of 12 August 1949.

29. **Mr. Bolton** (International Committee for Robot Arms Control (ICRAC)) said that ICRAC, a founding NGO member of the Campaign to Stop Killer Robots, urged the international community to discuss the prohibition of such fully autonomous weapons systems in light of the pressing dangers they posed to global peace and security, in addition to their alarming implications for the plight of civilians.

30. ICRAC included in its membership highly qualified experts in robotic technology, artificial intelligence, computer science, international security and arms control, ethics and international law. As such, ICRAC was available and willing to provide technical expertise to the High Contracting Parties as they engaged in further discussions about fully autonomous weapons systems.

31. ICRAC called for a ban on fully autonomous weapons systems and the prohibition of the development and deployment of autonomous robot weapons technology. Decisions about the application of violent force must not be delegated to machines. ICRAC urged the High Contracting Parties to be guided by principles of humanity in their deliberations on existing and emerging weapons technologies, taking into account considerations of human security, human rights, human dignity, humanitarian law and the public conscience, as well as the justified worries about robotic arms races and proliferation.

32. ICRAC welcomed the proposal to convene expert meetings in 2014 to look at the challenges posed by fully autonomous weapons systems. While the Meeting of the High Contracting Parties was a useful forum to begin discussions, dialogue about autonomous weapons systems should not be confined to the present body alone.

33. **Ms. Struijk** (IKV Pax Christi) said that the Dutch peace organization IKV Pax Christi was also one of the co-founders of the Campaign to Stop Killer Robots. Pax Christi would issue a paper in December outlining its ethical concerns over and legal objections to fully autonomous weapons. Among the objections to the weapons, the first was that they

were unlikely to comply with the principles of distinction and proportionality that figured prominently in international humanitarian law. Secondly, they also raised the issue of accountability. Thirdly, autonomous weapons systems might lower the threshold for the use of military force. The main objection, however, was an ethical one. There should be adequate human control over life-and-death decisions. Outsourcing human judgement and morality to machines was unacceptable. The ethical dilemma was clearly set out in the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (A/HRC/23/47), which stated that even if it was assumed that lethal autonomous robotics could comply with the requirements of international humanitarian law, and it could be proven that on average and in the aggregate they would save lives, the question must be asked whether it was not inherently wrong to let autonomous machines decide whom and when to kill. A mandate to hold discussions on the weapons should be adopted reflecting the urgency of the matter, especially in the light of rapid technological advances, and States should develop national policies on the issue.

An Accelerated Plan of Action on universalization of the Convention and its annexed Protocols

34. **The Chairperson**, introducing the report on promoting universality of the Convention and its Protocols (CCW/MSP/2013/4), said that, with the current level of 117 High Contracting Parties, universalization remained a priority. An accelerated plan of action on universalization of the Convention and its annexed Protocols had been adopted at the Fourth Review Conference. Paragraphs 5, 6 and 7 of the report on promoting universality outlined the steps that had been taken to encourage States that were not yet parties to the Convention to accede to it. Those States included 31 in Africa, 16 in the Asia and Pacific region, 7 in the Americas and 4 in Europe. Most of the countries that he had approached had responded favourably to the initiative, and only very few States had made reference to particular security considerations that made it difficult for them to accede to the Convention. He commended once again the two new High Contracting Parties that had acceded to the Convention in 2013, Kuwait and Zambia.

35. **Ms. Ramírez Valenzuela** (Mexico) said that her Government was firmly committed to achieving the objectives of the Convention. The accelerated plan of action on universalization would help encourage those States that had not yet acceded to the Convention and its Protocols to do so. Mexico had voted in favour of General Assembly resolutions aimed at encouraging States to be bound by the Convention and its Protocols. While Mexico was not a party to amended Protocol II or Protocol V, her Government backed the humanitarian principles underpinning those instruments and was continuing its consideration of whether or not to accede to them.

Mines other than anti-personnel mines (MOTAPM)

36. **Mr. Lodhammar** (Geneva International Centre for Humanitarian Demining (GICHD)), accompanying his statement with a digital slide presentation, introduced a study by the Stockholm International Peace Research Institute (SIPRI) and GICHD on the humanitarian and development impact of anti-vehicle mines. The study had been funded by contributions from the United States and Ireland and provided a global overview of anti-vehicle mine casualties, media coverage of anti-vehicle mine incidents and detailed case studies of the impact of such mines in Cambodia and South Sudan. A case study on Afghanistan was planned for early 2014. The final results of the study would be published in April 2014.

37. **Ms. Patton** (Stockholm International Peace Research Institute), accompanying her statement with a digital slide presentation, said that, as part of the global overview of the study conducted by GICHD and SIPRI, the two organizations had been looking at how

States collected data on the presence of anti-vehicle mines and at reporting on anti-vehicle mine casualties worldwide, in particular by tracking news items on anti-vehicle mine incidents around the world. Such monitoring alone was not sufficient, as many casualties went unreported. Nevertheless, the study made it possible to consult direct links to news stories on such incidents. The study had also used anti-vehicle mine impact surveys, which had been distributed to national mine action centres. To date, 13 States had completed the surveys.

38. GICHD and SIPRI had also visited Cambodia and South Sudan in 2013 to conduct more detailed anti-vehicle mine impact assessments. They had been provided with a great deal of data during the visits and were still processing the results of the case studies. The initial findings from the investigations in Cambodia and South Sudan indicated that the impact of anti-vehicle mines could grow worse as a State progressed in its post-conflict recovery and development.

39. The risk of civilians' activating such mines increased, for example, when countries made the transition from farming at shallow levels by hand or with livestock to farming with tractors and other heavy machinery, as was currently the case in Cambodia. The risk also increased when development began along newly cleared roads or newly accessible areas, as was the case in South Sudan. In fact, the number of victims of anti-vehicle mines had increased in Cambodia over the previous eight years, and now stood at 486 reported victims.

40. Although Cambodia and South Sudan had very different histories and cultures, the same kind of increase in the number of anti-vehicle mine incidents could be experienced in South Sudan as it made further economic progress. In addition, the wide variety of anti-vehicle mines used in South Sudan — more than 30 different models detected to date, as opposed to 3 in Cambodia — would continue to adversely affect demining efforts in the country.

41. GICHD and SIPRI would continue to work actively with States through their surveys and provide information to the parties concerned. They would be compiling anti-vehicle mine incident and casualty reports from national mine action databases and hoped to make those data and their final report, including the case study on Afghanistan, electronically accessible by April 2004.

42. **Mr. Grinevich** (Belarus) noted that years of discussion about MOTAPM had not brought the States parties any closer on any of the key issues. The very term “mines other than anti-personnel mines” was ambiguous, as it could be interpreted to include all forms of terrestrial ordnance whose indiscriminate use could expose non-combatants to risk: mines designed for use against road vehicles, against armour, against rail transport and other targets; all forms, in short, other than anti-personnel mines. It was surprising therefore that those who advocated continuing discussions on MOTAPM restricted themselves almost entirely to statistics relating to anti-vehicle mines, with that term being understood in a generic sense that also included anti-tank mines. The assertion was that humanity was facing a humanitarian crisis because the applicable provisions of amended Protocol II were not working. To address that problem, a simplistic solution was being proposed based on a distinction between “good” and “bad” anti-vehicle mines, the former supposedly being those specially modified to ensure detectability and fitted with dedicated mechanisms for self-destruction, deactivation or neutralization. The work done by the meeting of experts the previous year had made it clear, though, that the proposed solution would not change the situation appreciably. The meeting had confirmed that anti-vehicle and anti-tank mine technology was in fact covered quite well by existing instruments of international humanitarian law such as Additional Protocol I to the Geneva Conventions of 1949 and, of course, amended Protocol II to the Convention on Certain Conventional Weapons. The annual reports submitted by the States bound by amended Protocol II had not revealed any

serious problems in its implementation or any violations of the rules on the use of such mines on the part of those States. Despite the absence of reliable statistics on victims of anti-vehicle mines, it was clear that the majority of the problems had arisen in countries that had gone through prolonged internal armed conflict and that the main cause of the problems was the irresponsible deployment of anti-personnel, anti-vehicle and anti-tank mines, in addition to IEDs, by armed non-State groups and terrorists. Most of those countries were not bound by amended Protocol II. Clearly, the problem would not be resolved by adopting yet another instrument of international law.

43. Belarus therefore considered, first, that the majority of the concerns raised by the use of anti-vehicle and anti-tank mines could be adequately dealt with by strictly applying amended Protocol II and, in parallel, providing assistance to communities facing difficulties due to the presence of MOTAPM, drawing on existing instruments and programmes such as the Strategy of the United Nations on Mine Action 2013–2018; second, that anti-vehicle and anti-tank mines had to be considered as inherently defensive weapons, in line with the views of most of the delegations; and third, that the implications of adopting new, demanding international standards had to be recognized: doing so would put most States in the position of having to either replace their current stocks of such mines or retrofit them with self-destruction, self-deactivation or self-neutralization mechanisms. For all but the most advanced industrialized countries, such a campaign would be a heavy burden, and there was no guarantee that it would actually work. Re-equipment with new types of mines would leave many countries reliant on expensive foreign manufacturers, with deliveries potentially vulnerable to political or other considerations. Thus, defence spending would inevitably increase, benefiting the manufacturers of the new mine technology but restricting the ability of governments to provide international assistance for populations in need. The idea of drafting a protocol on MOTAPM was clearly a holdover from a bygone era characterized by the desire to impose a monopolar order on the world. Without a sensible balance between humanitarian concerns and security requirements, any such instrument would end up conferring an additional advantage on military alliances that already had an aggressive international policy and would weaken the position of the vast majority of other States. Such proposals amounted to a denial of the emerging reality of a multipolar world and deserved to be consigned to history.

44. Belarus was against keeping the issue of MOTAPM on the agenda for future meetings. It would be an unconscionable waste to devote any more time and resources to studying such a fatally flawed concept.

45. **Mr. Burke** (Ireland) said that the update on the global study conducted by GICHD and SIPRI concerning the impact of anti-vehicle mines provided a strong indication that the problem of such mines was serious, enduring and pervasive, thus confirming the evidence presented at the meeting of experts on MOTAPM in 2012. His delegation considered that the provisions of international humanitarian law, including amended Protocol II, were not sufficient for addressing the clearly indiscriminate effects of such weapons and mitigating their impact. There was obviously some scope for improving the situation, for example by prohibiting mine-laying outside perimeter-marked areas and clarifying technical standards on such matters as remote delivery and fuse sensitivity. For many years Ireland had worked with other High Contracting Parties to search for a way forward within the framework of the Convention, and his delegation remained open to working with those who had diverging views. Informal meetings of experts could be a useful step towards building consensus among the High Contracting Parties.

46. **Mr. Sheehan** (Australia) said that Australia both recognized the military utility of MOTAPM and appreciated the need for action to minimize the post-conflict humanitarian harm that, as the preliminary results of the GICHD-SIPRI study eloquently showed, was associated with their use. The Convention was clearly the appropriate forum for such

action. The simplest solution for new mines, at any rate, would be to agree on a minimum metal content, along the lines of the provisions established under amended Protocol II for anti-personnel mines. It was regrettable that agreement for further work on the issue had proved elusive the previous year. He continued to see value in keeping the issue on the agenda at the next session of the Meeting of the High Contracting Parties.

47. **Mr. Biontino** (Germany) said that the humanitarian objectives of the Convention clearly covered the issues raised by the indiscriminate use of weapons, including MOTAPM, and their effects on civilians. Military utility had to be balanced against humanitarian considerations. Germany stood by its position that universalizing initiatives to limit the operational lifespan of such mines and ensure their detectability could reduce unnecessary suffering and benefit socioeconomic development. To limit costs, the work should be continued at the next session of the Meeting of the High Contracting Parties or in meetings of experts. If the goals could be achieved through the full application of existing norms rather than the creation of new rules, so much the better. His delegation would also prefer to see an ongoing exchange of views, analogous to the one on IEDs, covering best practices, detectability and lifetime issues. Germany would remain active in humanitarian post-conflict mine clearance and would continue its efforts to reduce the suffering of civilians caused by the irresponsible use of MOTAPM.

48. **Ms. Arredondo** (Cuba) noted that the previous year's meeting had failed to produce a consensus on the thorny issue of MOTAPM, apart from agreement on the legitimacy of their use and their value as defensive weapons, particularly for developing countries. She drew attention to the context in which the current discussions were taking place: the international situation was characterized by threats and the use of force, with total disregard for international principles and norms, including the Charter of the United Nations. The prospect that nuclear and other weapons of mass destruction might one day be eliminated remained as elusive as ever, due to a lack of willingness even to abide by agreed commitments. At the same time, the industrialized States were developing novel and sophisticated conventional armaments, including robot-controlled weapons. It was against that background that the present meeting was being asked to tackle an issue that defied consensus and that could only act as a distraction from other serious concerns. The only prospect for dealing with MOTAPM successfully was to recognize the legitimate humanitarian concerns associated with the indiscriminate and irresponsible use of such weapons while acknowledging that any solution would have to take into account the equally legitimate right of States to defend themselves and their territories against aggression, as recognized by the Charter of the United Nations.

49. Cuba had played a constructive role in the discussions. It had proposed working out a treaty limiting the use of such weapons to the borders of the States employing them for defensive purposes. The effect of such an instrument would certainly be considerable. Cuba remained open to further serious and constructive discussions with a view to reducing the suffering caused by the indiscriminate and irresponsible use of such armaments.

50. **Ms. Robles** (France) reiterated her country's long-standing view on the subject of MOTAPM and emphasized that the Convention remained the most appropriate forum for finding concrete solutions to the humanitarian concerns raised by the use of such weapons while respecting the legitimate security interests of States. She outlined the specific unilateral steps that France had taken to implement best practices, including a commitment not to use any MOTAPM outside marked perimeters unless they were detectable and contained either a self-neutralization or a self-destruction mechanism, and a refusal to transfer any non-compliant MOTAPM to States that did not respect those principles. Following the regrettable failure of efforts to agree on a solution to the problems posed by MOTAPM at the Third Review Conference in 2006, the meeting of experts on MOTAPM had held rich and constructive discussions in 2012, despite the persistence of diverging

views among the States. A number of sensitive points deserved closer examination, including questions related to new technology, measures to enhance the security of stocks and their transport, transfers of MOTAPM and the role of non-State actors. The significant toll taken by such weapons justified continuing the search for new options for mitigating the damage, and such options could include a set of rules to govern MOTAPM. The Meeting of the High Contracting Parties should take every opportunity to improve its understanding of the issues at stake. The meeting of experts should be reconvened and the question should be left on the agenda.

51. **Mr. Meier** (United States of America) regretted that the High Contracting Parties remained unable to agree on the dangers associated with MOTAPM. The United States would remain open to finding ways to address the problem and hoped that other delegations would do likewise. By leaving the issue on the agenda, the High Contracting Parties would give themselves a chance to discuss the findings of the study currently conducted by GICHD and SIPRI.

52. **Mr. Morcillo** (Mexico) said that for over a decade his country had been a staunch proponent of a total ban on all mines, in view of the human suffering they caused to civilians even long after the end of armed conflict. MOTAPM were indiscriminate weapons by virtue of their design and the manner of their deployment, and therefore contrary to international humanitarian law. Measures that might mitigate their impact were not being taken on a sufficient scale, despite the existence of certain norms. The absence of stricter rules translated into a chronic danger both to civilians and to organizations providing relief to war-affected areas. Mexico was therefore in favour of creating a binding legal instrument to ban the production, storage, use and transfer of all types of mines, reinforcing the legal framework of amended Protocol II and complementing the existing provisions of the Convention. Such an instrument should have a broad scope, modelled on the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction. It was illusory to think that the problems caused by MOTAPM could be addressed by purely technical solutions. The aim should therefore be a total ban on all anti-vehicle mines. The approach should be one of complete respect for international humanitarian law and strong international cooperation to assist the communities affected. International organizations and regional and civil society bodies had made laudable efforts to advance the dialogue on MOTAPM. It was now for the High Contracting Parties to take the discussion further.

53. **Mr. Levon** (Israel) said that Israel supported efforts to reduce the suffering caused by irresponsible and indiscriminate use of MOTAPM, while recognizing the military necessity and legitimacy of the use of mines. The inability of the High Contracting Parties to reach consensus on a new protocol on MOTAPM at the Third Review Conference had led to the declaration by a number of States, including Israel, that they intended as a matter of national policy to adopt certain practices limiting the use of MOTAPM and their transfer, in particular to terrorists and States sponsoring them. The declaration recognized the distinction between military practices during a time of conflict and in other situations. His delegation was in favour of seeing the issue of MOTAPM discussed further in the Convention framework, as long as the need to balance humanitarian and military considerations was acknowledged and a realistic prospect of progress existed. The work that had already been done provided a basis for future discussions, which could focus on the remaining problematic issues.

54. **Mr. Ji Haojun** (China) said that his delegation appreciated the work done by GICHD and SIPRI so far, but had reservations about the value of extrapolating from the very limited sample size of their study. A simplistic reliance on incomplete data could lead to unfounded conclusions. The impact of anti-vehicle or anti-tank mines was very different from that of anti-personnel mines and called for a different approach. If the intention was to

achieve consensus on the issue, then the capabilities, interests and concerns of all States would have to be taken into account. An ill-considered rush into a new round of negotiations merely risked repeating the unfruitful experience of the previous attempt to reach a consensus on how to deal with such mines. The Convention and its Protocols were founded on the principle that humanitarian concerns and military necessity had to be balanced. Priority should be given to the strict application of the existing rules governing MOTAPM.

55. **Mr. Olsson** (Sweden) said that his country supported the continuation of studies on MOTAPM and discussions of legally binding commitments. The existence of differing views should not be taken as a reason to halt attempts to find consensus.

56. **Mr. Malov** (Russian Federation) noted that the primary argument for the creation of a new instrument for MOTAPM, the supposedly unique threat that they represented, was no longer tenable. During the discussions at the meeting of experts, experts from his Government had submitted numerous documents and made presentations showing that the threat from MOTAPM was no different in scale from that of other types of ordnance. The crucial factor remained, as always, the strict observance of international humanitarian law when deploying such weapons. Furthermore, there was no evidence to back up the assertion that tragic incidents mainly had MOTAPM at their origin and not some other kind of explosive device, such as IEDs. Sophisticated equipment and expertise were needed to establish the origin of such explosions in each individual case. The statistics emerging from areas of armed conflict in recent years showed that in fact it was IEDs that caused the heaviest losses among military personnel and civilians alike. Therefore, interesting as the GICHD-SIPRI presentation might be, its reliance on aggregate data for all land mines, without distinction as to type, made it difficult to draw any conclusions as to the real impact of MOTAPM. Another argument frequently invoked by the proponents of a new rule for MOTAPM was that such mines were being used “irresponsibly”. The Russian Federation would not qualify the work of its own Armed Forces in those terms, nor would it presume to do so for the armed forces of any of the other High Contracting Parties. The accusation clearly applied mainly to non-State actors who were either using mines in an “irresponsible” manner or using IEDs for the purposes of terrorism. Before deciding whether to continue discussions on MOTAPM, the Meeting of the High Contracting Parties should consider the imposing list of technical questions on which the States remained far apart. That included, to name just a few: detectability by “commonly-available technical mine detection equipment”; anti-handling devices and self-destruction or self-neutralization mechanisms; mining outside marked perimeters; and operational parameters for detonators and methods for assessing their sensitivity. The Russian Federation was very sceptical about the prospects for reaching an agreement even on the criteria for proposed solutions to those issues, let alone on actual parameters with numbers and figures. The protracted efforts made within the meeting of experts had not led to a common understanding on a whole range of strategic questions touching on matters of principle and conceptual issues. The problem had proved to be intractable, and the underlying differences could not be papered over. Prolonging the discussions in those circumstances would be unwise and imprudent.

57. On the other hand, maximum use should be made of the considerable legacy of humanitarian rules applicable to mines of all types, including anti-vehicle mines. That included the provisions in the Convention and in amended Protocol II for the protection of the civilian population. The Russian Federation therefore remained open to a constructive exchange of views.

58. **Mr. Masmejean** (Switzerland) accepted the preliminary conclusion of the GICHD-SIPRI study that there was a causal link between the presence of MOTAPM and an enduring impact on social and economic development, as well as the finding that civilians made up the vast majority of the victims. Existing international humanitarian law, including

amended Protocol II, was clearly inadequate to cope with the challenge. Switzerland remained convinced that a new legal instrument on MOTAPM was required to provide a significant level of protection for the civilian population. The Meeting of the High Contracting Parties must prove itself capable of meeting that challenge.

Consideration of the report of the CCW Sponsorship Programme

59. **Mr. Gailiūnas** (Lithuania), speaking in his capacity as Coordinator of the Steering Committee for the Sponsorship Programme, reviewed the information contained in the Committee's report (document CCW/MSP/2013/3). Since the 2012 sessions of the Meeting of the High Contracting Parties, the Programme had sponsored 23 States. He welcomed the recent deposit by Zambia of its instrument of accession to the Convention. The Steering Committee had done some strategic groundwork in support of universalization. In particular, it had prepared a priority list to focus its resources on those States considered to be of particular importance to the universalization effort and had compiled information material on the background to the Convention and the reasons for joining it, and it had held a briefing at the 2013 meeting of experts. Sponsorship had been provided to make it possible for the Governments of Armenia, the Democratic Republic of the Congo, Ghana, Indonesia, Nigeria and Uganda to take part in the meeting of experts. The States in question had provided information regarding their possibilities for accession in the future.

60. **The Chairperson** said that he took it that the Meeting approved the report.

61. *It was so decided.*

The meeting rose at 6 p.m.