

CCW/CONF.II/2

**SECOND REVIEW CONFERENCE OF THE STATES 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**

Geneva, 11-21 December 2001

FINAL DOCUMENT

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1. The first part of the paper is devoted to a general discussion of the problem of the existence of a solution of the system of equations (1) for arbitrary values of the parameters α and β . It is shown that the system (1) has a solution for arbitrary values of the parameters α and β if and only if the condition $\alpha + \beta = 1$ is satisfied. In this case the solution is unique and is given by the formula

$$x = \frac{1}{\alpha + \beta} \left(\alpha x_1 + \beta x_2 \right)$$

where x_1 and x_2 are the solutions of the system of equations (1) for $\alpha = 1$ and $\beta = 0$ and $\alpha = 0$ and $\beta = 1$ respectively.

2. In the second part of the paper the problem of the existence of a solution of the system of equations (1) for arbitrary values of the parameters α and β is considered. It is shown that the system (1) has a solution for arbitrary values of the parameters α and β if and only if the condition $\alpha + \beta = 1$ is satisfied.

3. In the third part of the paper the problem of the existence of a solution of the system of equations (1) for arbitrary values of the parameters α and β is considered. It is shown that the system (1) has a solution for arbitrary values of the parameters α and β if and only if the condition $\alpha + \beta = 1$ is satisfied.

4. In the fourth part of the paper the problem of the existence of a solution of the system of equations (1) for arbitrary values of the parameters α and β is considered. It is shown that the system (1) has a solution for arbitrary values of the parameters α and β if and only if the condition $\alpha + \beta = 1$ is satisfied.

5. In the fifth part of the paper the problem of the existence of a solution of the system of equations (1) for arbitrary values of the parameters α and β is considered. It is shown that the system (1) has a solution for arbitrary values of the parameters α and β if and only if the condition $\alpha + \beta = 1$ is satisfied.

6. In the sixth part of the paper the problem of the existence of a solution of the system of equations (1) for arbitrary values of the parameters α and β is considered. It is shown that the system (1) has a solution for arbitrary values of the parameters α and β if and only if the condition $\alpha + \beta = 1$ is satisfied.

7. In the seventh part of the paper the problem of the existence of a solution of the system of equations (1) for arbitrary values of the parameters α and β is considered. It is shown that the system (1) has a solution for arbitrary values of the parameters α and β if and only if the condition $\alpha + \beta = 1$ is satisfied.

8. In the eighth part of the paper the problem of the existence of a solution of the system of equations (1) for arbitrary values of the parameters α and β is considered. It is shown that the system (1) has a solution for arbitrary values of the parameters α and β if and only if the condition $\alpha + \beta = 1$ is satisfied.

9. In the ninth part of the paper the problem of the existence of a solution of the system of equations (1) for arbitrary values of the parameters α and β is considered. It is shown that the system (1) has a solution for arbitrary values of the parameters α and β if and only if the condition $\alpha + \beta = 1$ is satisfied.

10. In the tenth part of the paper the problem of the existence of a solution of the system of equations (1) for arbitrary values of the parameters α and β is considered. It is shown that the system (1) has a solution for arbitrary values of the parameters α and β if and only if the condition $\alpha + \beta = 1$ is satisfied.

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PART I

Report of the Second Review Conference

**REPORT OF THE SECOND REVIEW CONFERENCE OF THE STATES 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**

I. Introduction

1. The First Review Conference of the States 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 agreed, *inter alia*, that future review conferences should be held more frequently, with consideration to be given to holding a review conference every five years. In this connection, the Conference decided, consistent with Article 8.3(c), to convene a further conference five years following the entry into force of the amendments adopted at the First Review Conference, but in any case not later than 2001, with preparatory expert meetings starting as early as 2000, if necessary (Final Declaration, Article 8).
2. At its fifty-fifth session, the General Assembly of the United Nations, in operative paragraph 4 of its resolution 55/37 of 20 November 2000, *inter alia*, recalled the decision of the States Parties to the Convention to convene the next Review Conference not later than 2001, preceded by a preparatory committee, and recommended that the Review Conference be held in Geneva in December 2001. Furthermore, the General Assembly noted that, in conformity with Article 8 of the Convention, the next Review Conference may consider any proposal for amendments to the Convention or the Protocols thereto as well as any proposals relating to other categories of conventional weapons not covered by existing Protocols to the Convention.
3. Following the recommendation of United Nations General Assembly resolution 55/37, the Preparatory Committee held three sessions, on 14 December 2000, from 2 to 6 April 2001 and from 24 to 28 September 2001, respectively. In addition, at its second plenary meeting on 6 April 2001, the Preparatory Committee decided to convene informal open-ended consultations in Geneva during the week from 27 to 31 August 2001.
4. The First Preparatory Committee was held at Geneva on 14 December 2000 and it decided, *inter alia*, that the Second Review Conference would be held also at Geneva from 11 to 21 December 2001.
5. At its meeting on 14 December 2000, the Preparatory Committee agreed to recommend that the Conference adopt the Rules of Procedure as contained in Annex II of document CCW/CONF.II/PC.1/1, that is to apply, *mutatis mutandis*, the same Rules of Procedure as adopted by the First Review Conference held in 1995-1996 with oral amendments. In connection with the adoption of the Rules of Procedure, the Committee recommended that the President of the Second Review Conference make the following statement:

"With regard to Rule 34 of the Rules of Procedure, it is affirmed that, in the deliberations and negotiations relating to the Convention and its annexed Protocols, High Contracting Parties have proceeded on the basis of consensus and no decisions have been taken by vote."

6. Furthermore, the Committee approved the estimated costs of the Review Conference and its three Preparatory Committees.

7. At the first plenary meeting of the Second Preparatory Committee on 2 April 2001, the Committee unanimously decided to nominate Ambassador Les Luck of Australia as the President-designate of the Review Conference.

8. At the closing plenary meeting of the Third Preparatory Committee on 28 September 2001, the President-designate presented to the Committee a compilation of the proposals he recommended for consideration at the Second Review Conference (document CCW/CONF.II/PC.3/1, Annex III).

II. Organisation of the Second Review Conference

9. The Second Review Conference was held at Geneva from 11 to 21 December 2001.

10. On 11 December 2001, the Conference was opened by the President of the First Review Conference, Ambassador Johan Molander of Sweden. Subsequently, the Chairman of the Third Preparatory Committee, Ambassador Les Luck of Australia, submitted the Report of the Preparatory Committee to the Second Review Conference for its consideration.

11. At the same meeting, the Conference confirmed by acclamation the nomination of Ambassador Les Luck of Australia as President of the Review Conference.

12. At its first plenary meeting, on 11 December 2001, the Review Conference adopted its agenda as recommended by the Third Preparatory Committee (CCW/CONF.II/PC.3/1, Annex IV).

13. At the same meeting, the Conference adopted the Rules of Procedure, as recommended by the First Preparatory Committee. In connection with the adoption of the Rules of Procedure, the President of the Second Review Conference made the following statement:

"With regard to Rule 34 of the Rules of Procedure, it is affirmed that, in the deliberations and negotiations relating to the Convention and its annexed Protocols, High Contracting Parties have proceeded on the basis of consensus and no decisions have been taken by vote."

14. At the same plenary meeting, the Conference unanimously confirmed the nomination of Mr. Vladimir Bogomolov, Political Affairs Officer in the Geneva Branch of Department for Disarmament Affairs as Secretary-General of the Conference. The nomination had been made by the Secretary-General of the United Nations by a letter dated 15 June 2001.

15. At the same plenary meeting, the Conference, in accordance with its Rules of Procedure and following the recommendation of the Third Preparatory Committee, unanimously elected 10 Vice-Presidents from the following States Parties: Bangladesh, China, Croatia, France, Mexico, Poland, Slovakia, South Africa, Switzerland, and the United States of America.

16. At the same meeting, the Conference also unanimously elected the Chairmen and Vice-Chairmen of the Drafting Committee, the two Main Committees and the Credentials Committee, as follows:

Drafting Committee:	Chairman	Mr. Munir Akram (Pakistan)
	Vice-Chairman	Mr. Seiichiro Noboru (Japan)
Main Committee I:	Chairman	Mr. Rakesh Sood (India)
	Vice-Chairman	Mr. Clive Pearson (New Zealand)
Main Committee II:	Chairman	Mr. Chris Sanders (The Netherlands)
	Vice-Chairman	Mrs. Anda Filip (Romania)
Credentials Committee:	Chairman	Mr. Peter Kolarov (Bulgaria)
	Vice-Chairman	Mr. Jean Lint (Belgium)

17. The Conference also appointed, on the proposal of the President, representatives from the following three States Parties as members of the Credentials Committee: China, Cuba and Germany.

18. At the same meeting, in accordance with Rule 16 of the Rules of Procedure, the Conference adopted the arrangements for meeting the costs of the Conference, as they were reflected in the documents of the Preparatory Committee (CCW/CONF.II/PC.1/1, Annex III and CCW/CONF.II/PC.2/1, Annex IV).

19. At its first plenary meeting on 11 December, the Conference received a message from the Secretary-General of the United Nations which was delivered by the Under Secretary-General of the United Nations for Disarmament Affairs, Mr. Jayantha Dhanapala.

20. The following 65 States Parties to the Convention participated in the work of the Conference: Argentina, Australia, Austria, Bangladesh, Belarus, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, China, Colombia, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Guatemala, Holy See, Hungary, India, Ireland, Israel, Italy, Japan, Jordan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mauritius, Mexico, Monaco, Mongolia, Netherlands, New Zealand, Norway, Pakistan, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Senegal, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Tunisia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America and Yugoslavia (Federal Republic of).

21. The following four Signatory States also participated in the work of the Conference: Egypt, Morocco, Turkey and Viet Nam.
22. The following 18 States not parties to the Convention participated as observers: Albania, Armenia, Bahrain, Chile, Eritrea, Honduras, Iran (Islamic Republic of), Kuwait, Libyan Arab Jamahiriya, Oman, Saudi Arabia, Singapore, Sri Lanka, Tanzania, Thailand, Tonga, Venezuela and Yemen.
23. The representatives of the International Committee of the Red Cross (ICRC) and the United Nations Children's Fund (UNICEF) also participated in the work of the Conference.
24. The representatives of the Geneva International Center for Humanitarian Demining (GICHD), the International Campaign to Ban Landmines (ICBL) (including its member organisations: the American Bar Association, German Initiative to Ban Landmines, Handicap International (Belgium), Handicap International (France), Human Rights Watch, International Peace Bureau, Landmine Action (UK), Landmine Monitor, Lutheran World Federation, Mennonite Central Committee, Mines Action Canada, and the Quaker United Nations Office), the Vietnam Veterans of America Foundation, and the World Forum on the Future of Sport Shooting Activities (WFSA) attended public meetings of the Conference.

III. Work of the Second Review Conference

25. Under the presidency of Mr. Les Luck, the Conference held four plenary meetings. The documentation and summary records of these meetings are included in the present report.
26. Following the adoption of the Agenda and Rules of Procedure, the Conference also adopted the Programme of Work and decided to distribute its work between the two main Committees as follows:
- (a) Main Committee I: Review of the scope and operation of the Convention and its annexed Protocols, consideration of any proposals relating to the Convention or to Protocols annexed to the Convention, and preparation and consideration of the final documents;
 - (b) Main Committee II: Consideration of proposals for additional Protocols to the Convention.
27. On 11 and 12 December 2001, the Conference held a general exchange of views. The following delegations participated in that exchange of views: Argentina, Australia, Bangladesh, Belarus, Belgium (on behalf of the European Union and associated States), Brazil, Canada, Chile, China, Croatia, Cuba, Egypt, France, Guatemala, India, Israel, Japan, Mexico, Morocco, New Zealand, Norway, Pakistan, Poland, Republic of Korea, Russian Federation, South Africa, Sweden, Switzerland, Ukraine, United States of America and the International Committee of the Red Cross (ICRC). The representative of the United Nations Children's Fund (UNICEF) also participated in the exchange of views. Non-governmental organisations, namely the Vietnam Veterans of America

Foundation, the Mennonite Central Committee and the International Campaign to Ban Landmines (ICBL), also participated in the exchange of views. Following the national statements, the President of the Third Annual Conference of States Parties to Amended Protocol II, Ambassador Christian Faessler of Switzerland presented the report of the Third Annual Conference.

28. Main Committee I held seven meetings from 13 to 20 December 2001. Its report, together with the Draft Final Declaration of the Second Review Conference, was submitted to the Conference at its fourth plenary meeting on 21 December 2001, at which time the Conference took note of the report (CCW/CONF.II/MC.I/1).

29. Main Committee II held four meetings from 13 to 20 December 2001. The Chairman of the Committee presented its report to the Conference at its fourth plenary meeting on 21 December 2001, at which time the Conference took note of the report (CCW/CONF.II/MC.II/1).

30. The Credentials Committee held two meetings and submitted its report to the Conference at its fourth plenary meeting on 21 December 2001 (CCW/CONF.II/CC/1). At the same meeting, the Conference approved the report of the Committee and adopted the draft resolution contained therein.

31. The Drafting Committee was not convened at the Second Review Conference.

IV. Decisions and Recommendations

32. At its fourth plenary meeting, on 21 December 2001, the Conference adopted by consensus the Final Declaration of the Review Conference.

33. Also at the same meeting, the Conference approved the cost estimates for the meeting of States Parties and the intersessional work established by the Final Declaration (see page 43 and 45, respectively). The Conference recommended the appointment of Ambassador Rakesh Sood of India as Chairman-designate of the meeting of States Parties to be held at Geneva from 12-13 December 2002, and appointed two Coordinators for the Group of Governmental Experts: Ambassador Chris Sanders of the Netherlands on Explosive Remnants of War, and Mr. Peter Kolarov of Bulgaria on Mines Other than Anti-Personnel Mines.

34. At the same meeting, the Conference adopted its final report.

PART II

Final Declaration

FINAL DECLARATION

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, WHICH MET IN GENEVA FROM 11 TO 21 DECEMBER 2001, TO REVIEW THE SCOPE AND OPERATION OF THE CONVENTION AND THE PROTOCOLS ANNEXED THERETO AND TO CONSIDER ANY PROPOSAL FOR AMENDMENTS OF THE CONVENTION OR OF THE EXISTING PROTOCOLS, AS WELL AS PROPOSALS FOR ADDITIONAL PROTOCOLS RELATING TO OTHER CATEGORIES OF CONVENTIONAL WEAPONS NOT COVERED BY THE EXISTING ANNEXED PROTOCOLS

Reaffirming their conviction that 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 can significantly reduce the suffering of civilians and combatants,

Reaffirming their determination to call upon all States that have not done so to become parties to the Convention and its annexed Protocols as soon as possible, so that the instrument attains universal adherence,

Reaffirming the need to reinforce international cooperation in the area of prohibitions or restrictions on the use of certain conventional weapons which may be deemed to be excessively injurious or to have indiscriminate effects,

Recognising that many armed conflicts are non-international in character, and that such conflicts should also be within the scope of the Convention,

Gravely concerned that the indiscriminate effects or the irresponsible use of certain conventional weapons often fall on civilians, including in non-international armed conflicts,

Recognising the need to protect civilians from the effect of weapons, the use of which is restricted or prohibited by this Convention and its annexed Protocols, which take into account all circumstances ruling at the time, including humanitarian and military considerations,

Reaffirming their unequivocal condemnation of all acts, methods and practices of terrorism as criminal and unjustifiable, regardless of their motivation, in all their forms and manifestations, wherever and by whomever committed,

Deeply concerned at the humanitarian and development problems caused by the presence of explosive remnants of war, which constitute an obstacle to the return of refugees and other displaced persons, to humanitarian aid operations, to reconstruction and economic development, as well as to the restoration of normal social conditions,

Welcoming the entry into force of Amended Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices (Amended Protocol II) on 3 December 1998,

Noting that the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction entered into force on 1 March 1999,

Reaffirming also the need to reinforce international cooperation in the area of mine action and to devote greater resources towards that end,

Recognising the need to further explore the issue of mines other than anti-personnel mines, including through reinforced international cooperation in the area of mine action, and the allocation of necessary resources to that end,

Welcoming the entry into force of the Protocol on Blinding Laser Weapons (Protocol IV) on 30 July 1998,

Recognising the crucial role of the International Committee of the Red Cross and encouraging it to continue to work to facilitate further ratifications and accessions to the Convention and its annexed Protocols, to disseminate their contents and to lend its expertise to future Conferences and other meetings related to the Convention and its annexed Protocols,

Acknowledging the invaluable humanitarian efforts of non-governmental organisations in armed conflicts and welcoming the expertise they have brought to the Review Conference itself,

Noting the report of the International Committee of the Red Cross on "Ensuring respect for the 1868 St. Petersburg Declaration prohibiting the use of certain explosive projectiles" (dated 18 September 2001). Inviting States to consider this report and other relevant information, and take any appropriate action,

SOLEMNLY DECLARE:

- Their commitment to respect and comply with the objectives and provisions of the Convention and its annexed Protocols as an authoritative international instrument governing the use of certain conventional weapons which may be deemed to be excessively injurious or to have indiscriminate effects,
- Their determination to promote universal adherence to the Convention and its annexed Protocols, and to call upon all States that have not yet done so to take all measures to become parties, as soon as possible, to the Convention and to its annexed Protocols. In this regard, the Conference encourages States to cooperate to promote universal adherence,

- Their reaffirmation of the principles of international humanitarian law, as mentioned in the Convention, that "the right of the parties to an armed conflict to choose methods or means of warfare is not unlimited, and on the principle that prohibits the employment in armed conflicts of weapons, projectiles and material and methods of warfare of a nature to cause superfluous injury or unnecessary suffering" and that "the civilian population and the combatants shall at all times remain under the protection and authority of the principles of international law derived from established custom, from the principles of humanity and from the dictates of public conscience",
- Their determination to extend the application of the Convention and its annexed Protocols to armed conflicts of a non-international character and, to that end, their satisfaction with the amendment of Article I of the Convention,
- The importance they attach to the earliest possible entry into force of the amendment of Article I of the Convention, and their desire that all States, pending its entry into force, respect and ensure respect for the revised scope of application of the Convention to the fullest extent possible,
- Their commitment to the full implementation of, and compliance with, the Convention and its annexed Protocols, and to keep the provisions of the Convention and its annexed Protocols under review in order to ensure their provisions remain relevant to modern conflicts,
- Their determination to consult and cooperate with each other in order to facilitate the full implementation of the obligations contained in the Convention and its annexed Protocols, thereby promoting compliance,
- Their commitment to reinforce cooperation and assistance, including the transfer of technology as appropriate, with a view to facilitating the implementation of the Convention and its annexed Protocols,
- Their determination to address as a matter of urgency the deleterious humanitarian effects of explosive remnants of war, through a thorough examination of these effects and possible measures to prevent and remedy them,
- Their commitment to further explore the issue of mines other than anti-personnel mines (referred to as anti-vehicle mines),
- Their satisfaction at the entry into force of Amended Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices (Amended Protocol II), and at the progress made by the three Annual Conferences of States Parties to Amended Protocol II, and their determination to encourage all States to become parties to Amended Protocol II as soon as possible,

- Their conviction that all States should strive towards the goal of the eventual elimination of anti-personnel mines globally and in this regard noting that a significant number of States Parties have formally committed themselves to a prohibition of the use, stockpiling, production and transfer of anti-personnel mines and on their destruction,
- Their continuing commitment to assist, to the extent feasible, impartial humanitarian demining missions, operating with the consent of the host State and/or the relevant States Parties to the conflict, in particular by providing all necessary information in their possession covering the location of all known minefields, mined areas, mines, booby-traps and other devices in the area in which the mission is performing its functions,
- Their satisfaction at the entry into force of the Protocol on Blinding Laser Weapons (Protocol IV), and their determination to encourage all States to become parties to the Protocol as soon as possible,
- Their reaffirmation of the recognition by the First Review Conference of the need for the total prohibition of blinding laser weapons, the use and transfer of which are prohibited in Protocol IV,
- Their recognition of the importance of keeping the blinding effects related to the use of laser systems under consideration, taking into account scientific and technological developments,
- Their determination to urge States which do not already do so, to conduct reviews such as that provided for in Article 36 of Protocol I additional to the 1949 Geneva Conventions, to determine whether any new weapon, means or methods of warfare would be prohibited by international humanitarian law or other rules of international law applicable to them,
- Their commitment to follow up the review process and, for that purpose, establish a regular review mechanism for the Convention and its amended Protocols, as well as more frequent meetings of States Parties,

RECOGNISE that the important principles and provisions contained in this Final Declaration can also serve as a basis for further strengthening the Convention and its annexed Protocols and express their determination to implement them,

AND

- DECIDE to amend Article I of the Convention to read as follows:

"1. This Convention and its annexed Protocols shall apply in the situations referred to in Article 2 common to the Geneva Conventions of 12 August 1949 for the Protection of War Victims, including any situation described in paragraph 4 of Article I of Additional Protocol I to these Conventions.

2. This Convention and its annexed Protocols shall also apply, in addition to situations referred to in paragraph 1 of this Article, to situations referred to in Article 3 common to the Geneva Conventions of 12 August 1949. This Convention and its annexed Protocols shall not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence, and other acts of a similar nature, as not being armed conflicts.
 3. In case of armed conflicts not of an international character occurring in the territory of one of the High Contracting Parties, each party to the conflict shall be bound to apply the prohibitions and restrictions of this Convention and its annexed Protocols.
 4. Nothing in this Convention or its annexed Protocols shall be invoked for the purpose of affecting the sovereignty of a State or the responsibility of the Government, by all legitimate means, to maintain or re-establish law and order in the State or to defend the national unity and territorial integrity of the State.
 5. Nothing in this Convention or its annexed Protocols shall be invoked as a justification for intervening, directly or indirectly, for any reason whatever, in the armed conflict or in the internal or external affairs of the High Contracting Party in the territory of which that conflict occurs.
 6. The application of the provisions of this Convention and its annexed Protocols to parties to a conflict which are not High Contracting Parties that have accepted this Convention or its annexed Protocols, shall not change their legal status or the legal status of a disputed territory, either explicitly or implicitly.
 7. The provisions of Paragraphs 2-6 of this Article shall not prejudice additional Protocols adopted after 1 January 2002, which may apply, exclude or modify the scope of their application in relation to this Article."
- DECIDE to commission follow-up work on decisions arising from the Second Review Conference of the Convention, under the oversight of the Chairman-designate of a meeting of the States Parties to the Convention to be held on 12-13 December 2002 in Geneva, in conjunction with the Fourth Annual Conference of States Parties to Amended Protocol II, which may begin on 11 December 2002.
 - DECIDE to establish an open-ended Group of Governmental Experts with separate Coordinators to:
 - (a) discuss ways and means to address the issue of Explosive Remnants of War (ERW). In this context the Group shall consider all factors, appropriate measures and proposals, in particular:

1. factors and types of munitions that could cause humanitarian problems after a conflict;
2. technical improvements and other measures for relevant types of munitions, including sub-munitions, which could reduce the risk of such munitions becoming ERW;
3. the adequacy of existing International Humanitarian Law in minimising post-conflict risks of ERW, both to civilians and to the military;
4. warning to the civilian population, in or close to, ERW-affected areas, clearance of ERW, the rapid provision of information to facilitate early and safe clearance of ERW, and associated issues and responsibilities;
5. assistance and co-operation.

The Coordinator shall undertake work in an efficient manner so as to submit recommendations, adopted by consensus, at an early date for consideration by the States Parties, including whether to proceed with negotiating a legally-binding instrument or instruments on ERW and/or other approaches.

- (b) further explore the issue of mines other than anti-personnel mines. The Coordinator shall submit a report, adopted by consensus, to the States Parties.
- DECIDE that the Chairman-designate shall undertake consultations during the intersessional period on possible options to promote compliance with the Convention and its annexed Protocols, taking into account proposals put forward, and shall submit a report, adopted by consensus, to the States Parties.
 - DECIDE to invite interested States Parties to convene experts to consider possible issues related to small calibre weapons and ammunition, such as:
 - military requirements
 - scientific and technical factors/methodology
 - medical factors
 - legal/treaty obligations/standards
 - financial implications

and in this respect, report on their work to the States Parties to the Convention. These meetings shall have no implications for the CCW budget.

The intersessional work will be undertaken in three sessions during 2002:

- 20 - 24 May 2002
- 8 - 19 July 2002 or 22 July - 2 August 2002

- 2 - 10 December 2002

The Chairman-designate shall consult States Parties on financial arrangements and the programme of work. The intersessional work will be conducted in accordance with the Rules of Procedure adopted by the Second Review Conference of the States Parties to the Convention.

Review of the Preamble

Preambular paragraph 3

The Conference recalls the obligation to determine in the study, development, acquisition or adoption of a new weapon, means and method of warfare, whether its employment would, in some or all circumstances, be prohibited under any rule of international law applicable to the High Contracting Parties.

Preambular paragraph 8

The Conference reaffirms the need to continue the codification and progressive development of the rules of international law applicable to certain conventional weapons which may be excessively injurious or have indiscriminate effects.

Preambular paragraph 10

The Conference underlines the need to achieve wider adherence to the Convention and its annexed Protocols. The Conference welcomes recent ratifications and accessions to the Convention and its annexed Protocols and urges the High Contracting Parties to accord high priority to their diplomatic efforts to encourage further adherence with a view to achieving universal adherence as soon as possible.

Review of the Articles

Article 1 (Scope of application)

The Conference recognises the necessity and the importance of extending the application of the principles and rules of this Convention to conflicts of a non-international nature.

The Conference also recognises the right of a State Party to take legitimate measures to maintain or re-establish law and order in accordance with paragraph 4 of amended Article 1 of the Convention.

The Conference acknowledges and confirms that the High Contracting Parties agreed

to broaden the scope of the Convention by amendment to Article 1. The Conference encourages all States Parties to deposit as soon as possible their instrument of ratification, acceptance, approval or accession of the amendment to Article 1 with the Depositary of the Convention.

Article 2 (Relations with other international agreements)

The Conference reaffirms that nothing in the Convention or its annexed Protocol shall be interpreted as detracting from other obligations imposed upon the High Contracting Parties by international humanitarian law.

Article 3 (Signature)

The Conference notes the provisions of Article 3.

Article 4 (Ratification, acceptance, approval or accession)

The Conference notes that 88 States have ratified, accepted, acceded or succeeded to the Convention.

The Conference calls upon States which are not parties to this Convention to ratify, accept, approve or accede, as appropriate, to the Convention, thus contributing to the achievement of universal adherence to the Convention.

The Conference, in this context, invites the High Contracting Parties to encourage further accessions to the Convention and its annexed Protocols.

Article 5 (Entry into Force)

This Conference notes the provisions of Article 5.

Article 6 (Dissemination)

The Conference encourages international cooperation in the field of dissemination of the Convention and its annexed Protocols and recognises the importance of multilateral collaboration relating to instruction, the exchange of experience at all levels, the exchange of instructors and the organisation of joint seminars. The Conference underlines the importance of the High Contracting Parties' obligation to disseminate this Convention and its annexed Protocols, and, in particular to include the content in their programmes of military instruction at all levels.

The Conference requests the United Nations Secretary General to make all documents relating to the Convention available on the United Nations website.

Article 7 (Treaty relations upon entry into force of this Convention)

The Conference notes the provisions of Article 7.

Article 8 (Review and amendments)

The Conference agrees that future Review Conferences should continue to be held on a regular basis.

The Conference decides, consistent with Article 8.3(c) to convene a further Conference five years following the entry into force of the amendments adopted at the Second Review Conference, but in any case not later than 2006, with preparatory meetings starting as early as 2005, if necessary.

The Conference welcomes the adoption of the text of an amended Article 1 of the Convention in accordance with subparagraph 3(a) of this Article.

The Conference proposes that the next Review Conference consider further measures in relation to other conventional weapons, which may be deemed to cause unnecessary suffering or to have indiscriminate effects.

The Conference decides to convene a meeting of High Contracting Parties on 12-13 December 2002 in Geneva.

Article 9 (Denunciation)

The Conference notes with satisfaction that the provisions of this Article have not been invoked.

Article 10 (Depositary)

The Conference notes the provisions of Article 10.

Article 11 (Authentic texts)

The Conference notes the provisions of Article 11.

Review of the Protocols

Protocol on Non-Detectable Fragments (Protocol I)

The Conference takes note of the provisions of this Protocol.

Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices (Protocol II) and Technical Annex to the Protocol

The Conference takes note of the provisions of this Protocol.

Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices as amended on 3 May 1996 (Amended Protocol II) and Technical Annex to the Protocol

The Conference acknowledges that the High Contracting Parties strengthened Protocol II in a number of areas at the First Review Conference, and takes note of the provisions of Amended Protocol II and welcomes its entry into force.

The Conference also notes with satisfaction that in accordance with Article 13 of Amended Protocol II, three Annual Conferences of High Contracting Parties were held for the purpose of consultations and cooperation on all issues related to Amended Protocol II.

The Conference recommends that future Annual Conferences of High Contracting Parties of Amended Protocol II coincide with any meetings of High Contracting Parties to the Convention.

The Conference takes note of the reporting obligations of High Contracting Parties under Amended Protocol II, and calls on High Contracting Parties to fulfill these obligations in a timely, consistent and complete manner.

The Conference acknowledges the valuable work of relevant agencies and bodies of the United Nations; of the International Committee of the Red Cross pursuant to its mandate to assist war victims and of NGOs in a number of fields, in particular the care and rehabilitation of mine victims, implementation of mine-awareness programmes and mine clearance.

Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III)

The Conference takes note of the provisions of this Protocol.

Protocol on Blinding Laser Weapons (Protocol IV to the 1980 Convention)

The Conference takes note of the provisions of this Protocol and welcomes its entry into force.

PART III

Documents of the Second Review Conference

Agenda of the Second Review Conference

1. Opening of the Second Review Conference
2. Submission of the final report of the Preparatory Committee
3. Confirmation of the nomination of the President-designate
4. Adoption of the Agenda
5. Adoption of the Rules of Procedure
6. Confirmation of the nomination of the Secretary-General of the Conference
7. Election of Vice-Presidents of the Review Conference, Chairmen and Vice-Chairmen of the Drafting Committee, the Credentials Committee and the Main Committees
8. Message from the Secretary-General of the United Nations
9. Arrangements for meeting the costs of the Conference
10. Appointment of the Credentials Committee
11. Organisation of work including that of the subsidiary bodies of the Conference
12. General exchange of views (Plenary)
13. Review of the scope and operation of the Convention and its annexed Protocols
14. Consideration of any proposal for the Convention and its existing Protocols
15. Consideration of proposals for additional protocols to the Convention
16. Report of the Credentials Committee
17. Reports of the Main Committees
18. Report of the Drafting Committee
19. Consideration and adoption of the final documents
20. Other matters

Annotations

1. Opening of the Conference by the Chairman of the Preparatory Committee for the Second Review Conference of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (CCW)

The Second Review Conference of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (CCW) will be opened at 10.00 a.m. on 11 December 2001 at the Palais des Nations, Geneva, Room XVIII.

The Chairman of the Preparatory Committee, Ambassador Les Luck of Australia, shall open the Review Conference.

2. Submission of the final report of the Preparatory Committee

At its final plenary meeting on 28 September 2001 the Preparatory Committee adopted its Report, as contained in document CCW/CONF.II/PC.3/1, which is submitted for consideration of the Second Review Conference. This Report contains Annex III in which the President-designate presented to the Preparatory Committee a compilation of proposals he recommended be considered by the Second Review Conference. Pursuant to Rule 29 of the Draft Rules of Procedure those proposals shall constitute the basic proposals for consideration by the Conference.

The Report of the Preparatory Committee shall be submitted by the Chairman of the Preparatory Committee to the Second Review Conference for its consideration.

3. Confirmation of the nomination of the President-designate

Rule 6 of the Draft Rules of Procedure provides that the Conference shall elect a President from among the States Parties participating in the Conference.

At the first plenary meeting of the Second Preparatory Committee on 2 April 2001, the Preparatory Committee unanimously decided to nominate Ambassador Les Luck of Australia as the President-designate of the Review Conference. The Review Conference will confirm this nomination.

4. Adoption of the Agenda

At its final meeting on 28 September 2001, the Third session of the Preparatory Committee approved the draft provisional agenda for the Review Conference, as contained in its Report (document CCW/CONF.II/PC.3/1 – Annex IV) and recommended it for adoption by the Review Conference. The Present document

contains the provisional agenda with annotations.

5. Adoption of the Rules of Procedure

At its first meeting on 14 December 2001 of the First Session of the Preparatory Committee, the Committee agreed to apply, *mutatis mutandis*, the same Rules of Procedure as adopted by the First Review Conference held in 1995-96 with oral amendments.

The Committee agreed to recommend that the Conference adopt the Rules of Procedure, as contained in Annex II. In connection with the adoption of the Rules of Procedure, the Preparatory Committee recommended that the President of the Second Review Conference make the following statement:

"With regard to Rule 34 of the Rules of Procedure, it is affirmed that, in the deliberations and negotiations relating to the Convention and its annexed Protocols, High Contracting Parties have proceeded on the basis of consensus and no decisions have been taken by vote."

6. Confirmation of the nomination of the Secretary-General of the Conference

At the first plenary meeting of the First Session of the Preparatory Committee on 14 December 2000, the Committee, noting that the Under Secretary-General for Disarmament Affairs had designated Mr. Vladimir Bogomolov, Political Affairs Officer in the Geneva Branch of the Department for Disarmament Affairs, to serve as Provisional Secretary-General of the Conference, decided to confirm Mr. Bogomolov as Provisional Secretary-General of the Conference on the understanding that he would perform this function until the convening of the Conference, at which time his nomination would need to be confirmed.

By a letter dated 15 June 2001 the Secretary-General of the United Nations appointed Mr. Bogomolov as Provisional Secretary-General of the Review Conference. The Review Conference will confirm this nomination.

7. Election of Vice-Presidents of the Review Conference, Chairman and Vice-Chairmen of the Drafting Committee, the Credentials Committee and the Main Committees

In accordance with Rule 6 of the Draft Rules of Procedure, the Conference shall elect from among the States Parties participating in the Conference ten Vice-Presidents as well as the Chairman and a Vice-Chairman for each of the 2 (two) Main committees, the Drafting Committee and the Credentials Committee. These officers shall be elected so as to ensure the representative character of the General Committee provided for in Rule 10 ("The General Committee shall be composed of the President, who shall preside, ten Vice-Presidents, the Chairman of the two main committees, the Drafting Committee and the Credentials Committee.").

The Third Session of the Preparatory Committee addressed the issue of provisional nomination of Vice-Presidents of the Review Conference, Chairmen and Vice-Chairmen of the Main Committees, the Drafting Committee and the Credentials Committee and agreed to request the Group Coordinators and China to have a list of nominees available by the opening plenary meeting of the Second Review Conference scheduled for 11 December 2001, based on the following attribution of positions to States Parties:

Vice-Presidents of the Review Conference: Bangladesh, China, Croatia, France, Mexico, Poland, Slovakia, South Africa, Switzerland, and the United States of America.

Main Committee I: Chairman: India; Vice-Chairman: New Zealand.

Main Committee II: Chairman: The Netherlands; Vice-Chairman: Romania.

Drafting Committee: Chairman: Pakistan; Vice-Chairman: Japan.

Credentials Committee: Chairman: Bulgaria; Vice-Chairman: Belgium.

Members of the Credentials Committee: China, Cuba and Germany.

8. Message from the Secretary-General of the United Nations

The Secretary-General of the United Nations will address the Review Conference via a video message during the high-level segment of the general exchange of views.

9. Adoption of arrangements for meeting the costs of the Conference

At its first meeting on 14 December 2001, the Preparatory Committee approved the estimated costs of the Review Conference and its three Preparatory Committees as contained in Annex III of the Final Document – Report of the First Preparatory Committee (CCW/CONF.II/PC.1/1).

At its second plenary meeting on 6 April 2001, the Second Session of the Preparatory Committee decided that informal open-ended consultations would be convened in Geneva during the week of 27-31 August 2001. In that connection, the Preparatory Committee approved the cost estimates for that session as contained in Annex IV (CCW/CONF.II/PC.2/1). During the Second Session of the Preparatory Committee a number of delegations emphasised that the budgetary decision had been taken on the understanding that the costs of the informal consultations on August would be covered by savings made on the provision of services to the Second Session. Accordingly, the actual expenditure of the informal consultations will be apportioned among the participants at the time of final billing for the Second Session when total

actual expenditures have been recorded.

In accordance with Rule 16 of the draft rules of procedure, the costs of the Review Conference will be met by the States Parties to the Convention participating in the Review Conference based on the United Nations scale of assessment to the regular budget, prorated to take into account the number of States Parties participating in the Conference. States which are not States Parties to the Convention and which have accepted the invitation to take part in the Review Conference will share in the costs to the extent of their respective rates of assessment under the United Nations scale. States were informed about their assessed share of the estimated costs of the Conference in a note verbale to that effect.

10. Appointment of the Credentials Committee

In accordance with Rule 4 of the draft rules of procedure, there shall be a Credentials Committee consisting of five members elected by the Conference on the proposal of the President (see paragraph 7). The Committee will examine the credentials of representatives and report to the Conference.

11. Organisation of work including that of the subsidiary bodies of the Conference

With the adoption of the Rules of Procedure the Review Conference will establish a General Committee, which shall be composed of the President, who shall preside, ten Vice-Presidents, the Chairmen of the two Main Committees, the Drafting Committee and the Credentials Committee. The Review Conference will also establish two Main Committees, which shall receive their assignments from the Conference and report to it; the Drafting Committee, which will be composed of representatives of the same States which are represented on the General Committee; and a Credentials Committee. The Conference and the Main Committees may establish working groups.

The President-designate of the Conference has proposed the following distribution of work among the two main committees:

- Main Committee I:
Review of the scope and operation of the Convention and its annexed Protocols, consideration of any proposals relating to the Convention or to Protocols annexed to the Convention, and preparation and consideration of the final documents;
- Main Committee II:
Consideration of proposals for additional Protocols to the Convention;

Pursuant to Rule 44 of the Draft Rules of Procedure the plenary meetings of the Conference and the meetings of the Main Committees shall be held in public, unless the body concerned decides otherwise. As a general rule, meetings of other

committees and working groups shall be held in private (Rule 45).

12. General exchange of views (Plenary)

The general exchange of views will take place during the plenary meetings to be held on 11, 12 and 13 December (high-level segment) and thereafter any time the President of the Conference will deem it to be necessary. Pursuant to Rule 49.2 of the Draft Rules of Procedure representatives of non-governmental organisations may make oral statements in plenary meetings on questions in which they have a special competence, upon the invitation of the presiding officer of the plenary and subject to the approval of that body. A plenary meeting has been envisaged for that purpose on 14 December 2001.

13. Review of the scope and operation of the Convention and its annexed Protocols

The First Review Conference of the States Parties to the Convention on the Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects agreed, *inter alia*, that future Review Conferences should be held more frequently, with consideration to be given to holding a Review Conference every five years. In this connection, the Conference decided, consistent with Article 8.3(c) of the Convention to convene a further Conference five years following the entry into force of the amendments adopted at the First Review Conference, but in any case not later than 2001, with preparatory expert meetings starting as early as 2000, if necessary (Final Declaration, Article 8).

At its fifty-fifth session, the General Assembly of the United Nations, in its resolution 55/37 of 20 November 2000, *inter alia*, recalled the decision of the States Parties to the Convention to convene the next Review Conference not later than 2001, preceded by a Preparatory Committee, and recommended that the Review Conference be held in Geneva in December 2001; welcomed the convening of the first session of the Preparatory Committee for the Second Review Conference at Geneva on 14 December 2000, and decided to convene the second session from 2 to 6 April 2001 and the third session from 24 to 28 September 2001. Furthermore, the General Assembly noted that, in conformity with Article 8 of the Convention, the next Review Conference may consider any proposal for amendments to the Convention or the Protocols thereto as well as any proposals relating to other categories of conventional weapons not covered by existing Protocols to the Convention.

The First Session of the Preparatory Committee, noting the recommendation of the United Nations General Assembly contained in operative paragraph 4 of resolution 55/37, decided that the Second Review Conference would be held at Geneva from 11 to 21 December 2001.

14. Consideration of any proposal for the Convention and its existing Protocols

Proposals for amendments to the Convention and its annexed Protocols are included in the Report of the Third Session of the Preparatory Committee as Annex III (document CCW/CONF.II/PC.3/1). Pursuant to Rule 29 of the Draft Rules of Procedure, these proposals shall constitute the basic proposals for consideration by the Conference, under this item.

15. Consideration of proposals for additional Protocols to the Convention

Proposals for additional Protocols are included in the Report of the Third Session of the Preparatory Committee as Annex III (document CCW/CONF.II/PC.3/1). Pursuant to Rule 29 of the Draft Rules of Procedure these proposals shall constitute the basic proposal for consideration by the Conference under this item.

16. Report of the Credentials Committee

The Conference shall take note of the Report of the Credentials Committee.

17. Reports of the Main Committees

The Conference shall take note of the Reports of the Main Committees.

18. Report of the Drafting Committee

Pursuant to Rule 36 of the draft rules of procedure, the Review Conference will establish a Drafting Committee, composed of representatives of the same States which are represented on the General Committee. It shall co-ordinate the drafting of and edit all texts referred to it by the Conference or by a Main Committee, without altering the substance of the texts, and report to the Conference or to the Main Committee as appropriate. It should also, without reopening the substantive discussion on any matter, formulate drafts and give advice on drafting as requested by the Conference or a Main Committee. Representatives of other States may also attend the meetings of the Drafting Committee and may participate in its deliberations when matters of particular concern to them are under discussion.

The Conference shall take note of the report of the Drafting Committee.

19. Consideration and adoption of the final documents

The Conference shall consider and adopt the final documents under this item.

20. Other matters

Any other matters may be raised as the situation warrants.

Programme of Work of the Second Review Conference

PROGRAMME OF WORK (WEEK 1)

	11 December Tuesday	12 December Wednesday	13 December Thursday	14 December Friday
Plenary Meetings	11:00 am - Room XVIII Agenda items 1 to 7 and 9 to 11 3:00 pm - Room XVIII General exchange of views - High level segment	10:00 am - Room XVIII General exchange of views - High level segment, as well statements by NGOs		
Main Committee I - Review of the scope and operation of the Convention and its annexed Protocols, consideration of any proposals relating to the Convention or to Protocols annexed to the Convention, and preparation and consideration of the final documents			3:00pm - Room XVIII	10:00 am - Room XVIII
Main Committee II - Consideration of proposals for additional Protocols to the Convention			10:00am - Room XVIII	3:00 pm - Room XVIII
Drafting Committee				
Credentials Committee				
General Committee				3:00 pm - Room XXIV

PROGRAMME OF WORK (WEEK 2)¹

	18 December Tuesday	19 December Wednesday	20 December Thursday	21 December Friday
Plenary Meetings				10:00 am - Room XVIII
Main Committee I - Review of the scope and operation of the Convention and its annexed Protocols, and consideration of any proposals relating to the Convention or to Protocols annexed to the Convention, and preparation and consideration of the final documents	3:00 pm - Room XVIII	10:00 am - Room XVIII 3:00 pm - Room XVIII	10:00 am - Room XVIII 3:00 pm - Room XVIII	
Main Committee II - Consideration of proposals for additional Protocols to the Convention	10:00 am - Room XVIII			
Drafting Committee				
Credentials Committee		10:00 am - Room XXIV		
General Committee				

¹ On 17 December 2001 there will be no meetings because of The Eid Al-Fitr Observance

Agenda of Main Committee I

1. Opening of the meeting by the Chair
2. General statements regarding the new proposals
3. Consideration of proposals concerning scope of the Convention
4. Consideration of proposals concerning compliance and operation of the Convention
5. Consideration of President's non-paper of 11 December 2001
6. Consideration of the Final Declaration
7. Any other matters
8. Conclusions

Report of Main Committee I

1. The Second Review Conference of the States 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, at its first plenary meeting, on 11 December 2001, adopted the distribution of work for the two main committees, and decided that Main Committee I should deal with: "Review of the scope and operation of the Convention and its annexed Protocols, consideration of any proposal relating to the Convention or to Protocols annexed to the Convention, and preparation and consideration of the final documents."

2. The Committee held seven meetings from 13 to 20 December 2001, under the Chairmanship of Ambassador Rakesh Sood of India. Ambassador Clive Pearson of New Zealand served as Vice-Chairman of the Committee. Mr. Jerzy Zaleski, Political Affairs Officer of the United Nations Department for Disarmament Affairs (Geneva Branch), served as Secretary of the Committee.

3. In the course of its consideration of items 13 and 14 of the agenda of the Review Conference, entitled "Review of the scope and operation of the Convention and its annexed Protocols" and "Consideration of any proposal for the Convention and its existing Protocols", respectively, the Committee had before it:

CCW/CONF.II/PC.3/1, Annex III

List of proposals for consideration at the Second Review Conference

CCW/CONF.II/MC.I/WP.1

Draft Agenda of Main Committee I

CCW/CONF.II/MC.I/CRP.1 and Rev.1*

Draft Final Declaration

CCW/CONF.II/MC.I/CRP.2*

Draft Report of Main Committee I

4. At the third meeting on 18 December 2001, the Chairman of the Committee submitted a conference room paper (CCW/CONF.II/MC.I/CRP.1)* containing a draft Final Declaration of the Conference.

5. At its seventh meeting on 20 December 2001, the Committee adopted its draft report (CCW/CONF.II/MC.I/CRP.2)* as well as the Draft Final Declaration (CCW/CONF.II/MC.I/CRP.1/Rev.1)* and recommended the Draft Final Declaration for adoption by the Conference.

* This document was distributed by the Secretariat during the Conference beyond official channels.

Annex

DRAFT FINAL DECLARATION

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, WHICH MET IN GENEVA FROM 11 TO 21 DECEMBER 2001, TO REVIEW THE SCOPE AND OPERATION OF THE CONVENTION AND THE PROTOCOLS ANNEXED THERETO AND TO CONSIDER ANY PROPOSAL FOR AMENDMENTS OF THE CONVENTION OR OF THE EXISTING PROTOCOLS, AS WELL AS PROPOSALS FOR ADDITIONAL PROTOCOLS RELATING TO OTHER CATEGORIES OF CONVENTIONAL WEAPONS NOT COVERED BY THE EXISTING ANNEXED PROTOCOLS

Reaffirming their conviction that 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 can significantly reduce the suffering of civilians and combatants,

Reaffirming their determination to call upon all States that have not done so to become parties to the Convention and its annexed Protocols as soon as possible, so that the instrument attains universal adherence,

Reaffirming the need to reinforce international cooperation in the area of prohibitions or restrictions on the use of certain conventional weapons which may be deemed to be excessively injurious or to have indiscriminate effects,

Recognising that many armed conflicts are non-international in character, and that such conflicts should also be within the scope of the Convention,

Gravely concerned that the indiscriminate effects or the irresponsible use of certain conventional weapons often fall on civilians, including in non-international armed conflicts,

Recognising the need to protect civilians from the effect of weapons, the use of which is restricted or prohibited by this Convention and its annexed Protocols, which take into account all circumstances ruling at the time, including humanitarian and military considerations,

Reaffirming their unequivocal condemnation of all acts, methods and practices of terrorism as criminal and unjustifiable, regardless of their motivation, in all their forms and manifestations, wherever and by whomever committed,

Deeply concerned at the humanitarian and development problems caused by the presence of explosive remnants of war, which constitute an obstacle to the return of refugees and other displaced persons, to humanitarian aid operations, to reconstruction and economic

development, as well as to the restoration of normal social conditions,

Welcoming the entry into force of Amended Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices (Amended Protocol II) on 3 December 1998,

Noting that the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction entered into force on 1 March 1999,

Reaffirming also the need to reinforce international cooperation in the area of mine action and to devote greater resources towards that end,

Recognising the need to further explore the issue of mines other than anti-personnel mines, including through reinforced international cooperation in the area of mine action, and the allocation of necessary resources to that end,

Welcoming the entry into force of the Protocol on Blinding Laser Weapons (Protocol IV) on 30 July 1998,

Recognising the crucial role of the International Committee of the Red Cross and encouraging it to continue to work to facilitate further ratifications and accessions to the Convention and its annexed Protocols, to disseminate their contents and to lend its expertise to future Conferences and other meetings related to the Convention and its annexed Protocols,

Acknowledging the invaluable humanitarian efforts of non-governmental organisations in armed conflicts and welcoming the expertise they have brought to the Review Conference itself,

Noting the report of the International Committee of the Red Cross on "Ensuring respect for the 1868 St. Petersburg Declaration prohibiting the use of certain explosive projectiles" (dated 18 September 2001). Inviting States to consider this report and other relevant information, and take any appropriate action,

SOLEMNLY DECLARE:

- Their commitment to respect and comply with the objectives and provisions of the Convention and its annexed Protocols as an authoritative international instrument governing the use of certain conventional weapons which may be deemed to be excessively injurious or to have indiscriminate effects,
- Their determination to promote universal adherence to the Convention and its annexed Protocols, and to call upon all States that have not yet done so to take all measures to become parties, as soon as possible, to the Convention and to its annexed Protocols. In this regard, the Conference encourages States to cooperate to promote universal adherence,

- Their reaffirmation of the principles of international humanitarian law, as mentioned in the Convention, that “the right of the parties to an armed conflict to choose methods or means of warfare is not unlimited, and on the principle that prohibits the employment in armed conflicts of weapons, projectiles and material and methods of warfare of a nature to cause superfluous injury or unnecessary suffering” and that “the civilian population and the combatants shall at all times remain under the protection and authority of the principles of international law derived from established custom, from the principles of humanity and from the dictates of public conscience”,
- Their determination to extend the application of the Convention and its annexed Protocols to armed conflicts of a non-international character and, to that end, their satisfaction with the amendment of Article I of the Convention,
- The importance they attach to the earliest possible entry into force of the amendment of Article I of the Convention, and their desire that all States, pending its entry into force, respect and ensure respect for the revised scope of application of the Convention to the fullest extent possible,
- Their commitment to the full implementation of, and compliance with, the Convention and its annexed Protocols, and to keep the provisions of the Convention and its annexed Protocols under review in order to ensure their provisions remain relevant to modern conflicts,
- Their determination to consult and cooperate with each other in order to facilitate the full implementation of the obligations contained in the Convention and its annexed Protocols, thereby promoting compliance,
- Their commitment to reinforce cooperation and assistance, including the transfer of technology as appropriate, with a view to facilitating the implementation of the Convention and its annexed Protocols,
- Their determination to address as a matter of urgency the deleterious humanitarian effects of explosive remnants of war, through a thorough examination of these effects and possible measures to prevent and remedy them,
- Their commitment to further explore the issue of mines other than anti-personnel mines (referred to as anti-vehicle mines),
- Their satisfaction at the entry into force of Amended Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices (Amended Protocol II), and at the progress made by the three Annual Conferences of States Parties to Amended Protocol II, and their determination to encourage all States to become parties to Amended Protocol II as soon as possible,

- Their conviction that all States should strive towards the goal of the eventual elimination of anti-personnel mines globally and in this regard noting that a significant number of States Parties have formally committed themselves to a prohibition of the use, stockpiling, production and transfer of anti-personnel mines and on their destruction,
- Their continuing commitment to assist, to the extent feasible, impartial humanitarian demining missions, operating with the consent of the host State and/or the relevant States Parties to the conflict, in particular by providing all necessary information in their possession covering the location of all known minefields, mined areas, mines, booby-traps and other devices in the area in which the mission is performing its functions,
- Their satisfaction at the entry into force of the Protocol on Blinding Laser Weapons (Protocol IV), and their determination to encourage all States to become parties to the Protocol as soon as possible,
- Their reaffirmation of the recognition by the First Review Conference of the need for the total prohibition of blinding laser weapons, the use and transfer of which are prohibited in Protocol IV,
- Their recognition of the importance of keeping the blinding effects related to the use of laser systems under consideration, taking into account scientific and technological developments,
- Their determination to urge States which do not already do so, to conduct reviews such as that provided for in Article 36 of Protocol I additional to the 1949 Geneva Conventions, to determine whether any new weapon, means or methods of warfare would be prohibited by international humanitarian law or other rules of international law applicable to them,
- Their commitment to follow up the review process and, for that purpose, establish a regular review mechanism for the Convention and its annexed Protocols, as well as more frequent meetings of States Parties,

RECOGNISE that the important principles and provisions contained in this Final Declaration can also serve as a basis for further strengthening the Convention and its annexed Protocols and express their determination to implement them,

AND

- DECIDE to amend Article I of the Convention to read as follows:
“1. This Convention and its annexed Protocols shall apply in the situations referred to in Article 2 common to the Geneva Conventions of 12 August 1949 for the Protection of War Victims, including any situation described in paragraph 4 of

Article I of Additional Protocol I to these Conventions.

2. This Convention and its annexed Protocols shall also apply, in addition to situations referred to in paragraph 1 of this Article, to situations referred to in Article 3 common to the Geneva Conventions of 12 August 1949. This Convention and its annexed Protocols shall not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence, and other acts of a similar nature, as not being armed conflicts.
 3. In case of armed conflicts not of an international character occurring in the territory of one of the High Contracting Parties, each party to the conflict shall be bound to apply the prohibitions and restrictions of this Convention and its annexed Protocols.
 4. Nothing in this Convention or its annexed Protocols shall be invoked for the purpose of affecting the sovereignty of a State or the responsibility of the Government, by all legitimate means, to maintain or re-establish law and order in the State or to defend the national unity and territorial integrity of the State.
 5. Nothing in this Convention or its annexed Protocols shall be invoked as a justification for intervening, directly or indirectly, for any reason whatever, in the armed conflict or in the internal or external affairs of the High Contracting Party in the territory of which that conflict occurs.
 6. The application of the provisions of this Convention and its annexed Protocols to parties to a conflict which are not High Contracting Parties that have accepted this Convention or its annexed Protocols, shall not change their legal status or the legal status of a disputed territory, either explicitly or implicitly.
 7. The provisions of Paragraphs 2-6 of this Article shall not prejudice additional Protocols adopted after 1 January 2002, which may apply, exclude or modify the scope of their application in relation to this Article.”
- DECIDE to commission follow-up work on decisions arising from the Second Review Conference of the Convention, under the oversight of the Chairman-designate of a meeting of the States Parties to the Convention to be held on 12-13 December 2002 in Geneva, in conjunction with the Fourth Annual Conference of States Parties to Amended Protocol II, which may begin on 11 December 2002.
 - DECIDE to establish an open-ended Group of Governmental Experts with separate Coordinators to:
 - (a) discuss ways and means to address the issue of Explosive Remnants of War (ERW). In this context the Group shall consider all factors, appropriate measures and proposals, in particular:

1. factors and types of munitions that could cause humanitarian problems after a conflict;
2. technical improvements and other measures for relevant types of munitions, including sub-munitions, which could reduce the risks of such munitions becoming ERW;
3. the adequacy of existing International Humanitarian Law in minimising post-conflict risks of ERW, both to civilians and to the military;
4. warning to the civilian population, in or close to, ERW-affected areas, clearance of ERW, the rapid provision of information to facilitate early and safe clearance of ERW, and associated issues and responsibilities;
5. assistance and co-operation.

The Coordinator shall undertake work in an efficient manner so as to submit recommendations, adopted by consensus, at an early date for consideration by the States Parties, including whether to proceed with negotiating a legally-binding instrument or instruments on ERW and/or other approaches.

(b) further explore the issue of mines other than anti-personnel mines. The Coordinator shall submit a report, adopted by consensus, to the States Parties.

- DECIDE that the Chairman-designate shall undertake consultations during the intersessional period on possible options to promote compliance with the Convention and its annexed Protocols, taking into account proposals put forward, and shall submit a report, adopted by consensus, to the States Parties.
- DECIDE to invite interested States Parties to convene experts to consider possible issues related to small calibre weapons and ammunition, such as:
 - military requirements
 - scientific and technical factors/methodology
 - medical factors
 - legal/treaty obligations/standards
 - financial implications

and in this respect, report on their work to the States Parties to the Convention. These meetings shall have no implications for the CCW budget.

The intersessional work will be undertaken in three sessions during 2002:

- 20 – 24 May 2002

- 8 – 19 July 2002 or 22 July – 2 August 2002
- 2 – 10 December 2002

The Chairman-designate shall consult States Parties on financial arrangements and the programme of work. The intersessional work will be conducted in accordance with the Rules of Procedure adopted by the Second Review Conference of the States Parties to the Convention.

Review of the Preamble

Preambular paragraph 3

The Conference recalls the obligation to determine in the study, development, acquisition or adoption of a new weapon, means and method of warfare, whether its employment would, in some or all circumstances, be prohibited under any rule of international law applicable to the High Contracting Parties.

Preambular paragraph 8

The Conference reaffirms the need to continue the codification and progressive development of the rules of international law applicable to certain conventional weapons which may be excessively injurious or have indiscriminate effects.

Preambular paragraph 10

The Conference underlines the need to achieve wider adherence to the Convention and its annexed Protocols. The Conference welcomes recent ratifications and accessions to the Convention and its annexed Protocols and urges the High Contracting Parties to accord high priority to their diplomatic efforts to encourage further adherence with a view to achieving universal adherence as soon as possible.

Review of the Articles

Article 1 (Scope of application)

The Conference recognises the necessity and the importance of extending the application of the principles and rules of this Convention to conflicts of a non-international nature.

The Conference also recognises the right of a State Party to take legitimate measures to maintain or re-establish law and order in accordance with paragraph 4 of amended Article 1 of the Convention.

The Conference acknowledges and confirms that the High Contracting Parties agreed to broaden the scope of the Convention by amendment to Article 1. The Conference encourages all States Parties to deposit as soon as possible their instrument of ratification, acceptance, approval or accession of the amendment to Article 1 with the Depositary of the Convention.

Article 2 (Relations with other international agreements)

The Conference reaffirms that nothing in the Convention or its annexed Protocols shall be interpreted as detracting from other obligations imposed upon the High Contracting Parties by international humanitarian law.

Article 3 (Signature)

The Conference notes the provisions of Article 3.

Article 4 (Ratification, acceptance, approval or accession)

The Conference notes that 88 States have ratified, accepted, acceded or succeeded to the Convention.

The Conference calls upon States which are not parties to this Convention to ratify, accept, approve or accede, as appropriate, to the Convention, thus contributing to the achievement of universal adherence to the Convention.

The Conference, in this context, invites the High Contracting Parties to encourage further accessions to the Convention and its annexed Protocols.

Article 5 (Entry into Force)

This Conference notes the provisions of Article 5.

Article 6 (Dissemination)

The Conference encourages international cooperation in the field of dissemination of the Convention and its annexed Protocols and recognises the importance of multilateral collaboration relating to instruction, the exchange of experience at all levels, the exchange of instructors and the organisation of joint seminars. The Conference underlines the importance of the High Contracting Parties' obligation to disseminate this Convention and its annexed Protocols, and, in particular to include the content in their programmes of military instruction at all levels.

The Conference requests the United Nations Secretary General to make all documents relating to the Convention available on the United Nations website.

Article 7 (Treaty relations upon entry into force of this Convention)

The Conference notes the provisions of Article 7.

Article 8 (Review and amendments)

The Conference agrees that future Review Conferences should continue to be held on a regular basis.

The Conference decides, consistent with Article 8.3(c) to convene a further Conference five years following the entry into force of the amendments adopted at the Second Review Conference, but in any case not later than 2006, with preparatory meetings starting as early as 2005, if necessary.

The Conference welcomes the adoption of the text of an amended Article 1 of the Convention in accordance with subparagraph 3(a) of this Article.

The Conference proposes that the next Review Conference consider further measures in relation to other conventional weapons, which may be deemed to cause unnecessary suffering or to have indiscriminate effects.

The Conference decides to convene a meeting of High Contracting Parties on 12 – 13 December 2002 in Geneva.

Article 9 (Denunciation)

The Conference notes with satisfaction that the provisions of this Article have not been invoked.

Article 10 (Depositary)

The Conference notes the provisions of Article 10.

Article 11 (Authentic texts)

The Conference notes the provisions of Article 11.

Review of the Protocols

Protocol on Non-Detectable Fragments (Protocol I)

The Conference takes note of the provisions of this Protocol.

Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices (Protocol II) and Technical Annex to the Protocol

The Conference takes note of the provisions of this Protocol.

Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices as amended on 3 May 1996 (Amended Protocol II) and Technical Annex to the Protocol

The Conference acknowledges that the High Contracting Parties strengthened Protocol II in a number of areas at the First Review Conference, and takes note of the provisions of Amended Protocol II and welcomes its entry into force.

The Conference also notes with satisfaction that in accordance with Article 13 of Amended Protocol II, three Annual Conferences of High Contracting Parties were held for the purpose of consultations and co-operation on all issues related to Amended Protocol II.

The Conference recommends that future Annual Conferences of High Contracting Parties of Amended Protocol II coincide with any meetings of High Contracting Parties to the Convention.

The Conference takes note of the reporting obligations of High Contracting Parties under Amended Protocol II, and calls on High Contracting Parties to fulfill these obligations in a timely, consistent and complete manner.

The Conference acknowledges the valuable work of relevant agencies and bodies of the United Nations; of the International Committee of the Red Cross pursuant to its mandate to assist war victims and of NGOs in a number of fields, in particular the care and rehabilitation of mine victims, implementation of mine-awareness programmes and mine clearance.

Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III)

The Conference takes note of the provisions of this Protocol.

Protocol on Blinding Laser Weapons (Protocol IV to the 1980 Convention)

The Conference takes note of the provisions of this Protocol and welcomes its entry into force.

Agenda of Main Committee II

1. Opening of the meeting of the Chair
2. General statements regarding the new proposals
3. Consideration of proposals concerning "Explosive Remnants of War"
4. Consideration of proposals concerning Mines other than Anti-Personnel Mines
5. Consideration of proposals concerning Wound Ballistics
6. Procedural matters, follow-up
7. Any other matters
8. Conclusions

Report of Main Committee II

1. The Second Review Conference of the States 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, at its first plenary meeting on 11 December 2001 decided to entrust Main Committee II with the mandate to "consider proposals for additional protocols to the Convention".
2. The Committee held four formal meetings and one informal meeting from 13 to 20 December 2001, under the Chairmanship of Ambassador Chris Sanders of the Netherlands. Ambassador Anda Filip of Romania served as Vice-Chairman of the Committee. Mr. Richard Lennane, Political Affairs Officer, Geneva Branch, Department for Disarmament Affairs, served as Secretary of the Committee.
3. In the course of its consideration of item 15 of the agenda of the Second Review Conference, entitled "Consideration of proposals for additional protocols to the Convention", the Committee had before it proposals on explosive remnants of war, on mines other than anti-personnel mines, and on small calibre weapons and ammunition, as set out in Annex III of CCW/CONF.II/PC.3/1. The Committee considered these proposals and related follow-up and procedural matters in accordance with its agenda, CCW/CONF.II/MC.II/WP.1, adopted at its first meeting on 13 December 2001.
4. At its third meeting on 18 December 2001, the Chairman recommended that the proposals, as developed in course of the discussions held by the Committee, be referred to Main Committee I for further consideration and incorporation as appropriate into the Final Declaration of the Conference.
5. At its fourth meeting on 20 December 2001, the Committee adopted its report.

Report of the Credentials Committee

1. Rule 4 of the Rules of Procedure of the Second Review Conference of the States 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 provides that:

“1. There shall be a Credentials Committee of five members elected by the Conference on the proposal of the President.

“2. The Credentials Committee shall examine the credentials of representatives and report to the Conference.”

2. On 11 December 2001, in accordance with Rule 6 of the Rules of Procedure, the Conference unanimously elected Minister Plenipotentiary Peter Kolarov (Bulgaria), as Chairman of the Credentials Committee and H.E. Ambassador Jean Lint (Belgium) as Vice-Chairman of the Committee. Mr. Ye Min Than, Professional Assistant, served as Secretary of the Committee.

3. At the same meeting, in accordance with Rule 4 of the Rules of Procedure, the Conference acting on the proposal of the President appointed the following countries as members of the Credentials Committee: China, Cuba and Germany.

4. Rule 3 of the Rules of Procedure provides that “The credentials of representatives and the names of alternate representatives and advisers shall be submitted to the Secretary-General of the Conference, if possible not later than 24 hours after the opening of the Conference. Any later change in the composition of delegations shall also be submitted to the Secretary-General of the Conference. The credentials shall be issued by the Head of the State or Government or by the Minister for Foreign Affairs.”

5. The Committee held its first meeting on 14 December 2001 to examine the credentials received as of that date. The Committee had before it the Memorandum of 14 December 2001 from Mr. Vladimir Bogomolov, the Secretary-General of the Conference, containing information on the status of the credentials of the representatives of the States Parties attending the Conference.

6. Noting the information contained in the Memorandum from the Secretary-General of the Conference, the Committee decided to issue an informal paper on the status of credentials. This document was circulated in the Conference Room on 14 December.

7. At its second meeting held on 20 December 2001, the Committee examined the information contained in the Secretary-General's Memorandum as well as the documentation received from States Parties to the Convention. The Committee noted that as of 20 December 2001:

I. States Parties

(a) Formal credentials in due form, as provided for by Rule 3 of the Rules of Procedure, had been communicated to the Secretary-General of the Conference for representatives from the following 52 States Parties:

Argentina, Australia, Austria, Belarus, Belgium, Brazil, Bulgaria, Canada, China, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Guatemala, Holy See, Hungary, India, Ireland, Israel, Italy, Korea (Republic of), Latvia, Liechtenstein, Lithuania, Luxembourg, Mauritius, Mexico, Monaco, Netherlands, New Zealand, Norway, Peru, Philippines, Poland, Romania, Russian Federation, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Tunisia, Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America.

(b) Provisional credentials for the representatives of the following 6 States Parties had been communicated to the Secretary-General of the Conference:

Bangladesh, Japan, Jordan, Mongolia, Pakistan and Yugoslavia (Federal Republic of).

(c) The designation of the representatives of the following States Parties had been communicated to the Secretary-General of the Conference by notes verbales or letters from their Permanent Missions in Geneva:

Benin, Bolivia, Bosnia-Herzegovina, Colombia, Malta, Portugal and Senegal.

II. States not parties

The following States not parties to the Convention, which had been among those invited as observers, had accredited their representatives:

(a) Signatories: Egypt, Morocco, Turkey and Viet Nam.

(b) Non-signatories: Albania, Armenia, Bahrain, Chile, Eritrea, Honduras, Iran (Islamic Republic of), Kuwait, Libyan Arab Jamahiriya, Oman, Saudi Arabia, Singapore, Sri Lanka, Tanzania, Thailand, Tonga, Venezuela and Yemen.

8. Rule 18 of the Rules of Procedure provides that "A majority of the States Parties to the Convention participating in the Conference shall constitute a quorum." In this regard, the number of the States Parties that had submitted credentials constituted a quorum.

9. On the proposal of the Chairman, the Committee agreed to accept the credentials of all the participating States Parties referred to in paragraph 7 I (a), (b) and (c) above, on the understanding that the originals of the credentials of the representatives of those States referred to in paragraph 7 I (b) and (c) would be submitted as soon as possible, in

accordance with Rule 3 of the Rules of Procedure.

10. At its second meeting, the Committee unanimously adopted its report to the Conference.

11. In view of the foregoing, the present report is submitted to the Conference.

RECOMMENDATION OF THE CREDENTIALS COMMITTEE

12. The Credentials Committee recommends to the Conference the adoption of the following draft resolution:

“Report of the Credentials Committee to the Second Review Conference of the States 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

“The Second Review Conference of the States 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,

“Having considered the report of the Credentials Committee and the recommendation contained therein,

“Approves the report of the Credentials Committee.”

Estimated Costs of the 2002 Meeting of the States 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

Note by the Secretariat

1. The Second Review Conference of the States 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, held in Geneva from 11 to 21 December 2001, decided to convene a 2 day meeting of the States Parties in December 2002.
2. This document is submitted pursuant to the above-mentioned decision of the States Parties and provides the estimated costs of that meeting.
3. The costs of this meeting (including both conference and non-conference servicing requirements) are estimated at US\$ 343,000. A breakdown of the estimated costs is provided in the attached table.
4. It should be noted that the costs are estimated on the basis of past experience and anticipated workload. The actual costs would be determined after the closure of the meeting when the exact workload is known and actual expenditures have been recorded.
5. With regard to the financial arrangements, it will be recalled that in accordance with the practice followed on the occasion of previous conferences on multilateral disarmament treaties, and as reflected in their Rules of Procedure, the costs would be shared among the States Parties participating in the conferences, based upon the United Nations scale of assessment pro-rated to take into account the number of States Parties participating in the conference. States that are not States Parties but that have accepted the invitation to take part in the meeting would share in the costs to the extent of their respective rates of assessment under the United Nations scale of assessments.
6. Subject to the States Parties' approval of the estimated costs and cost-sharing formula, assessment notices would be prepared based on the overall estimated costs and applicable cost-sharing formula. Since the above-mentioned activities have no financial implication for the regular budget of the Organisation, States Parties should proceed with the payment of their share of the estimated costs as soon as assessment notices have been received.

Title of session: ANNUAL MEETING OF STATES PARTIES TO CCW

Date to be held: 12 - 13 December 2002

Conference-servicing items	Meeting Servicing \$	Pre-session documentation \$	In-session documentation \$	Summary records \$	Post-session documentation \$	General Services requirements \$	Other requirements \$	Total \$
Interpretation and meeting servicing	17,993							17,993
Translation of documentation		59,058	59,058	56,619	57,825			232,561
General Services requirements						1,485		1,485
Other requirements							4,333	4,333
Total	17,993	59,058	59,058	56,619	57,825	1,485	4,333	256,372

- A. Total conference-servicing requirements 256,372
- B. Non-conference-servicing requirements 7,000
- 1) Office of the Secretary-General of the Conference (special post allowance for six months and hospitality) 45,000
- 2) One P-3 for nine months 27,867
- 3) One G4 for nine months 6,760
- Programme support costs @13% of B 86,627

Subtotal B

Grand total (rounded) A+B

343,000

The special post allowance was calculated on the basis of standard salary cost differential between D-2 and ASG posts @ \$1108 per month for six months. In addition, \$300 included for hospitality (representation allowance).

Estimated Costs of the Three Sessions of the Group of Governmental Experts of the States 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

Note by the Secretariat

1. The Second Review Conference of the States 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, held in Geneva from 11 to 21 December 2001, decided to establish an open-ended Group of Governmental Experts to examine a number of proposals submitted by various States Parties. The Group will meet for three sessions as follows: 1st session 5 working days, 2nd session 10 working days and 3rd session 7 working days.
2. This document is submitted pursuant to the above-mentioned decision of the States Parties and provides the estimated costs of those sessions.
3. The costs of the sessions are estimated at US\$ 868,100. A breakdown of the estimated costs is provided in the attached tables.
4. It should be noted that the costs are estimated on the basis of past experience and anticipated workload. The actual costs would be determined after the closure of the sessions when the exact workload is known and actual expenditures have been recorded.
5. With regard to the financial arrangements, it will be recalled that in accordance with the practice followed on the occasion of previous multilateral disarmament conferences, and as reflected in their Rules of Procedure, the costs of such conferences, including those pertaining to preparatory meetings, would be shared among the States Parties participating in the conferences, based upon the United Nations scale of assessment pro-rated to take into account the number of States Parties participating in the conference. States that are not States Parties but that have accepted the invitation to take part in the meeting would share in the costs to the extent of their respective rates of assessment under the United Nations scale of assessments.
6. Subject to the States Parties' approval of the estimated costs and cost-sharing formula, assessment notices would be prepared based on the overall estimated costs and applicable cost-sharing formula. Since the above-mentioned activities have no financial implication for the regular budget of the Organisation, States Parties should proceed with the payment of their share of the estimated costs as soon as assessment notices have been received.

Title of session: 2002 CCW - GROUP OF GOVERNMENTAL EXPERTS ON CCW, 1st Session

Date to be held: 5 working days (Option 2)

Conference-servicing items	Meeting servicing \$	Pre-session documentation \$	In-session documentation \$	Summary records \$	Post-session documentation \$	General Services requirements \$	Other requirements \$	Total \$
Interpretation and meeting servicing	64,086							64,086
Translation of documentation		59,058	65,258		29,159			153,475
General Services requirements						5,842		5,842
Other requirements							5,826	5,826
Total	64,086	59,058	65,258	0	29,159	5,842	5,826	229,229

A. Total conference-servicing requirements

B. Non-conference-servicing requirements

229,229

Programme support costs @13% of B

Subtotal B

0

Grand total (rounded) A+B

229,200

Title of session: 2002 CCW - GROUP OF GOVERNMENTAL EXPERTS ON CCW, 2nd Session

Date to be held: 10 working days (Option 2)

Conference-servicing items	Meeting servicing \$	Pre-session documentation \$	In-session documentation \$	Summary records \$	Post-session documentation \$	General Services requirements \$	Other requirements \$	Total \$
Interpretation and meeting servicing	128,172							128,172
Translation of documentation		59,058	65,258		29,159			153,475
General Services requirements						11,684		11,684
Other requirements							10,219	10,219
Total	128,172	59,058	65,258	0	29,159	11,684	10,219	303,550

303,550

A. Total conference-servicing requirements

B. Non-conference-servicing requirements

Programme support costs @13% of B

Subtotal B

0

Grand total (rounded) A+B

303,600

Title of session: 2002 CCW - GROUP OF GOVERNMENTAL EXPERTS ON CCW, 3rd Session

Date to be held: 7 working days (Option 2)

Conference-servicing items	Meeting Servicing \$	Pre-session documentation \$	In-session documentation \$	Summary records \$	Post-session documentation \$	General Services requirements \$	Other requirements \$	Total \$
Interpretation and meeting servicing	89,701							89,701
Translation of documentation		65,258	71,458	0	93,349			230,065
General Services requirements						8,200		8,200
Other requirements							7,382	7,382
Total	89,701	65,258	71,458	0	93,349	8,200	7,382	335,348

A. Total conference-servicing requirements

335,348

B. Non-conference-servicing requirements

-

Programme support costs @13% of B

Subtotal B

0

Grand total (rounded) A+B

335,300

SUMMARY

Title of session: 2002 CCW - GROUP OF GOVERNMENTAL EXPERTS ON CCW (1st, 2nd and 3rd Sessions)

Conference-servicing items	Meeting Servicing \$	Pre-session documentation \$	In-session documentation \$	Summary records \$	Post-session documentation \$	General Services requirements \$	Other requirements \$	Total \$
Interpretation and meeting servicing	281,959							281,959
Translation of documentation		183,374	201,974	0	151,667			537,015
General Services requirements						25,726		25,726
Other requirements							23,427	23,427
Total	281,959	183,374	201,974	0	151,667	25,726	23,427	868,127

A. Total conference-servicing requirements 868,127
B. Non-conference-servicing requirements -

Programme support costs @13% of B
Subtotal B 0

Grand total (rounded) A+B 868,100

Draft Mandate on Explosive Remnants of War for a Group of Governmental Experts

(As submitted by Friend of the Chair on Explosive Remnants of War
Ambassador Chris Sanders of the Netherlands)

The Review Conference of the States 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 decides to establish an open-ended Group of Governmental Experts to discuss ways and means to address the issue of Explosive Remnants of War (ERW). In this context, and taking into account the example of Amended Protocol II or of other existing instruments as appropriate, the Group shall consider all factors, appropriate measures and proposals, in particular:

1. factors and types of munitions that could cause humanitarian problems after a conflict;
2. technical improvements and other measures for relevant types of munitions, including sub-munitions, which could reduce the risks of such munitions from becoming ERW;
3. the adequacy of existing International Humanitarian Law in minimising post-conflict risks of ERW, both to civilians and to the military;
4. warning to the civilian population in or close to ERW affected areas, clearance of ERW, the rapid provision of information to facilitate early and safe clearance of ERW, assistance and cooperation, and associated issues and responsibilities;

The Group of Governmental Experts shall undertake its work in an efficient manner so as to submit its recommendations at an early date for consideration by the States Parties, including whether to proceed with negotiating a legally-binding instrument or instruments on ERW and/or other approaches.

Working Paper submitted by the European Union

Explosive Remnants of War

This paper is presented by Belgium on behalf of the European Union. The Central and Eastern European countries associated with the European Union - Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia, Slovenia – and the associated countries, Cyprus and Malta, have expressed the wish to align themselves with this paper.

Objective

The European Union recognises the serious problems caused by "Explosive Remnants of War" (ERW), munitions which have ceased to have any military purpose, and which are a cause of humanitarian suffering and a serious impediment to humanitarian assistance, peace-keeping, reconstruction and development. They are a threat to civilians and military alike. In this context, the EU would like to refer to the UK working paper on the military and humanitarian objectives of addressing unexploded remnants of war (UXO) of September the 26th.

The present working paper seeks to contribute to the deliberations on how to deal with problems caused by ERW with an aim to facilitate the building of a consensus on how to carry forward the process after the Review Conference in December 2001. The European Union believes guidance on how to regulate explosive remnants of war can be found in the existing instruments of the CCW as well as in proposals put forward by the ICRC, Switzerland (sub-munitions) and others.

Scope of application

Measures on ERW should apply to international and non-international armed conflicts.

Material Scope

There are different approaches on this, each having its own merits. One could envisage a *comprehensive approach* to tackle the problems, such as combining general provisions with weapon-specific requirements in one legal instrument. Such an instrument could have a general part including provisions on practical applications of existing humanitarian law, the duty to inform civilians, promote early clearing, etc. Another part could contain weapon-specific requirements for selected munitions and ordnance on, for example, detectability and self-destruction mechanisms. Another approach to dealing with the problem could be a *weapons-specific approach*, e.g. with separate Protocols for specific categories of munitions, such as sub-munitions.

An issue to consider is how to deal with possible overlaps between a Protocol on ERW and other Protocols of the CCW.

Preventative measures

The aim of a legal instrument to deal with ERW would be twofold. Firstly, it should deal with

munitions before they become ERW. It should strive to prevent the occurrence of explosive remnants, inter alia through establishing provisions for enhanced reliability and self-destruction. Secondly, the instrument should aim at preventing injury caused by explosive devices once they have become ERW. This could be done by requiring, inter alia, detectability for clearance, rapid warning to the public and information to facilitate clearance and other steps to promote early clearance. Thus both technical and non-technical solutions could form part of such a legal instrument.

- 1) With regard to measures to *prevent munitions from becoming ERW*, technical requirements need to be considered with regard to inter alia increased reliability of fuses, self-destruction/neutralisation devices and deactivation. The European Union believes that the Swiss proposal on deactivation and self-destruction of sub-munitions is a valuable contribution to those discussions.

As International Humanitarian Law (IHL) applies to all spheres of armed conflict, the EU believes that this should be reflected in an instrument on ERW. Further discussions are necessary on practical application of IHL in view of the specific characteristics of ERW.

- 2) For munitions which *have failed to explode*, the question of responsibility for providing information to the general public and to those clearing, has to be addressed. Inspiration for such provisions could be found in Amended Protocol II. The technical aspect of detectability also has to be considered.

A legal obligation should require parties to a conflict to provide information and education for civilians on what munitions were used in specific areas and particularly, of the dangers unstable unexploded ordnance may cause. Such information should be provided as soon as possible, but at any rate, expeditiously after hostilities have ceased. Therefore it may be necessary to include provisions on the recording and use of information.

With regard to clearing, the aim would be to promote rapid and safe clearing. This requires that ERW are easy to detect and that those working in clearing (inter alia UN agencies, governments and other relevant actors) are provided, taking operational security considerations into account, with the appropriate technical information on munitions used.

A separate issue that needs to be addressed is the regulation of munitions and ordnance which do not fulfil the new technical standards. In this context, decommission requirements for old stockpiles and provisions allowing for retro-fitting within an appropriate time-line, as well as a transfer ban on munitions which do not meet the new standards, could be considered.

Compliance

The European Union is of the opinion that measures on ERW should be subject to compliance mechanisms, and is open to discussions on how this best can be achieved.

Future work

The European Union supports the proposal to establish a Group of Governmental Experts. This Group should be mandated to further explore how to regulate the ERW issue within the context of the CCW. It is the position of the EU that the Group should start as soon as possible negotiating on a legally binding instrument (protocol). The Group should prepare concrete proposals and report to the States Parties on the results of its work before the end of 2002.

Working Paper submitted by South Africa

**CCW Convention:
Additional Articles on Consultations and Compliance***

Article 7 BIS

Consultations of High Contracting Parties

1. The High Contracting Parties undertake to consult and co-operate with each other on all issues related to the operation of this Convention and its annexed Protocols.
2. For this purpose, a Conference of High Contracting Parties shall be convened by the Depositary within one year after the entry into force of this Article. Subsequent Conferences shall be held as agreed to by a majority, but not less than eighteen of the High Contracting Parties.
3. Participation in the Conference of High Contracting Parties shall be determined by their agreed Rules of Procedure.
4. The work of the Conference shall include:
 - (a) review of the operation and status of the Convention and its annexed Protocols;
 - (b) consideration of matters arising from reports by High Contracting Parties according to paragraph 4 of this Article;
 - (c) preparation for review conferences; and
 - (d) consideration of international co-operation and assistance to facilitate the implementation of the Convention and its annexed Protocols.
5. The High Contracting Parties, shall provide reports to the Depositary, who shall circulate them to all High Contracting Parties in advance of the Conference, on any of the following matters:
 - (a) dissemination of information on this Convention and its annexed Protocols to their armed forces and to the civilian population;
 - (b) steps taken to meet the relevant technical requirements of the Convention and its annexed Protocols and any other relevant information pertaining thereto;

* Revised version of Working Paper CCW/CONF.II/PC.3/WP.7 dated 25 September 2001 distributed during the Third Preparatory Conference (Geneva, 24-28 September 2001)

- (c) legislation related to the Convention and its annexed Protocols;
 - (d) measures taken on technical co-operation and assistance; and
 - (e) other relevant matters.
6. The cost of the Conference of High Contracting Parties shall be borne by the High Contracting Parties and States not parties participating in the work of the Conference, in accordance with the United Nations scale of assessment adjusted appropriately.

Article 7 TER

Compliance

1. Each High Contracting Party shall take all appropriate steps, including legislative and other measures, to prevent and suppress violations of this Convention and its annexed Protocols by persons or on territory under its jurisdiction or control.
2. The measures envisaged in paragraph 1 of this Article include appropriate measures to ensure the imposition of penal sanctions against persons who, in relation to an armed conflict and contrary to the provisions of the Convention and its annexed Protocols, wilfully kill or cause serious injury to civilians and to bring such persons to justice.
3. Each High Contracting Party shall also require that its armed forces issue relevant military instructions and operating procedures and that armed forces personnel receive training commensurate with their duties and responsibilities to comply with the provisions of the Convention and its annexed Protocols.
4. The High Contracting Parties undertake to consult each other and to co-operate with each other bilaterally, through the Secretary-General of the United Nations or through other appropriate international procedures, to resolve any problems that may arise with regard to the interpretation and application of the provisions of the Convention and its annexed Protocols.

PART IV

Summary Records of Plenary Meetings

SUMMARY RECORD OF THE 1st MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 11 December 2001, at 11 a.m.

Acting President: Mr. MOLANDER (Sweden), President
of the First Review Conference

President: Mr. LUCK (Australia)

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CONFERENCE

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 Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

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

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ELECTION OF VICE-PRESIDENTS OF THE REVIEW CONFERENCE, CHAIRS AND VICE-CHAIRS OF THE DRAFTING COMMITTEE, THE CREDENTIALS COMMITTEE AND THE MAIN COMMITTEES

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ARRANGEMENTS FOR MEETING THE COSTS OF THE CONFERENCE

APPOINTMENT OF THE CREDENTIALS COMMITTEE

ORGANISATION OF WORK INCLUDING THAT OF THE SUBSIDIARY BODIES OF THE CONFERENCE

GENERAL EXCHANGE OF VIEWS

The meeting was called to order at 11.10 a.m.

OPENING OF THE SECOND REVIEW CONFERENCE (item 1 of the provisional agenda)

1. Mr. MOLANDER (Sweden), President of the First Review Conference of the States Parties to the Convention on Prohibition or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects, declared open the Second Review Conference of the States Parties to the Convention. In his opening statement he said that, as Chair of the Ad Hoc Group of Governmental Experts, he had been involved in the Convention process for a long time and considered it to be an innovative and indispensable international legal instrument which had significantly reduced the number of innocent victims among civilian populations. Noting that 88 States had acceded to the Convention, he stated his view that adherence to the Convention was not yet sufficiently high and that the issue of universalization of the Convention must be a priority for the current Review Conference. The international community was, however, moving in the right direction, as evidenced by the increase in numbers of States agreeing to be bound by the provisions of amended Protocol II (63 States), and those ratifying Protocol IV (60 States).

SUBMISSION OF THE FINAL REPORT OF THE PREPARATORY COMMITTEE (item 2 of the provisional agenda) (CCW/CONF.II/PC.1/1, PC.2/1 and PC.3/1)

2. Mr. LUCK (Australia) said that the Preparatory Committee had held three sessions, on 14 December 2000, 6 April 2001 and 24-28 September 2001, and that open-ended informal consultations had also been held from 27 to 31 August 2001. All procedural and substantive issues necessary for the Second Review Conference to begin its work had been addressed, the rules of procedure had been approved for recommendation to the Review Conference and the costs of the Review Conference had been considered and approved.

3. The Preparatory Committee had considered proposals on the following issues: scope of the Convention; compliance; explosive remnants of war; mines other than anti-personnel mines; and small calibre weapons and ammunition. In addition, delegations had submitted proposals for the text of the final declaration. There had been no consensus on the proposals but a considerable degree of convergence had been achieved among delegations. Accordingly, he had undertaken to prepare a compilation of the proposals, contained in annex III to the report of the Preparatory Committee's third session (CCW/CONF.II/PC.3/1), which he believed to be a fair reflection of the stage achieved in its work. He proposed that the Review Conference should consider the proposals, under items 14 and 15 of the provisional agenda, taking into account all relevant statements, working papers and other documents submitted in the course of the preparatory process.

4. Noting that all decisions of the Preparatory Committee had been taken by consensus and in a constructive and cooperative atmosphere, and that a large number of highly technical documents had been submitted, which attested to the serious commitment and efforts of all involved, he believed that its work presented a sound basis for the successful outcome of the Second Review Conference.

CONFIRMATION OF THE NOMINATION OF THE PRESIDENT-DESIGNATE (item 3 of the provisional agenda)

5. The ACTING PRESIDENT said that rule 6 of the draft rules of procedure provided that the Conference should elect a president from among the States parties participating in the Conference. At the first plenary meeting of its second session, on 2 April 2001, the Second Preparatory Committee had unanimously decided to nominate Mr. Luck (Australia) as the President-Designate of the Review Conference. He took it that it was the wish of the Conference to confirm Mr. Luck in that office.

6. Mr. Luck (Australia) was elected President of the Conference by acclamation.

7. Mr. Luck (Australia) took the Chair.

8. The PRESIDENT, following his election, thanked his predecessor, Mr. Molander, and hoped that he would prove a worthy successor, working in a fair, transparent and efficient manner. He echoed the sentiments expressed by Mr Molander, namely, the need for broader adherence to the Convention and to ensure that it remained relevant to modern conflicts.

9. Reviewing the work done by the Preparatory Committee under his chairmanship, he expressed gratitude to those delegations, the International Committee of the Red Cross (ICRC) and interested non-governmental organisations which had submitted imaginative and thoughtful proposals, conducive to strengthening and enhancing the appeal of the Convention. He believed that the preparatory work for the Review Conference had been thorough, comprehensive and balanced and provided a sound basis for further progress and informed decisions. The Conference had an opportunity to invigorate the Convention with fresh vitality. He also paid tribute to and welcomed the continued participation of the Friends of the Chair, who had enabled the Preparatory Committee to come forward with mature proposals.

10. He drew attention to the proposed programme of work that he had circulated, and to the duties allocated to the two main committees: Main Committee I being entrusted with reviewing the scope and operation of the Convention and its annexed protocols, consideration of any proposals relating to the Convention or to protocols annexed thereto and the preparation and consideration of the final documents, and Main Committee II with consideration of proposals for additional protocols to the Convention, on such areas as explosive remnants of war, anti-vehicle mines and small calibre weapons and ammunition. As provided in the rules of procedure for the First Review Conference, plenary meetings and meetings of Main Committees would be held in public unless otherwise decided. He envisaged, however, that the discussion of proposals would be held in private but would be guided by the Chairs of the Main Committees. He was confident that the Review Conference would bring a new dynamic to the Convention process and would help reduce the indiscriminate effects of certain conventional weapons on civilians and combatants alike.

ADOPTION OF THE AGENDA (item 4 of the provisional agenda) (CCW/CONF.II/1)

11. The PRESIDENT said that he would take it that the Conference wished to adopt the agenda contained in document CCW/CONF.II/1, approved by the Preparatory Committee at its third session and recommended for adoption by the Review Conference.

12. The agenda was adopted.

ADOPTION OF THE RULES OF PROCEDURE (agenda item 5)

13. The PRESIDENT said that, at the first meeting of its first session, on 14 December 2001, the Preparatory Committee had agreed to apply, *mutatis mutandis*, the same rules of procedure as adopted by the First Review Conference with oral amendments. The Committee had agreed to recommend that the Conference adopt the rules of procedure, as contained in annex II to the report of the First Review Conference (CCW/CONF.I/16). As recommended by the Preparatory Committee, he affirmed that, with regard to rule 34, in the deliberations and negotiations relating to the Convention and its annexed protocols, High Contracting Parties had proceeded on the basis of consensus and no decisions had been taken by vote. In addition, he noted with regard to rule 35 that, at its third session, the Preparatory Committee had agreed to two, and not three, main committees. That rule and other rules referring to main committees would need to be adjusted accordingly.

14. The rules of procedure, as orally amended, were adopted.

CONFIRMATION OF THE NOMINATION OF THE SECRETARY-GENERAL OF THE CONFERENCE (agenda item 6)

15. The PRESIDENT said that, at the first meeting of its first session, on 14 December 2000, the Preparatory Committee, noting that the Under-Secretary-General for Disarmament Affairs had designated Mr. Vladimir Bogomolov, Political Affairs Officer in the Geneva Branch of the Department for Disarmament Affairs, to serve as provisional Secretary-General of the Conference, had decided to confirm Mr. Bogomolov as provisional Secretary-General of the Conference on the understanding that he would perform that function until the convening of the Conference, at which time his nomination would need to be confirmed. He took it that it was the wish of the Conference to confirm Mr. Bogomolov in that office.

16. Mr. Bogomolov was confirmed as Secretary-General of the Review Conference.

ELECTION OF VICE-PRESIDENTS OF THE REVIEW CONFERENCE, CHAIRS AND VICE-CHAIRS OF THE DRAFTING COMMITTEE, THE CREDENTIALS COMMITTEE AND THE MAIN COMMITTEES (agenda item 7)

17. The PRESIDENT said that, in accordance with rule 6 of the rules of procedure, the Conference should elect from among the States parties participating in the Conference 10 Vice-Presidents, as well as the Chair and a Vice-Chair for each of the two

main committees, the Drafting Committee and the Credentials Committee. Those officers should be elected so as to ensure the representative character of the General Committee provided for under rule 10.

18. Turning to the election of the Vice-Presidents of the Conference, he said that the candidates for the 10 posts were as follows: Mr. Ali (Bangladesh), Mr. Sha (China), Ms. Cek (Croatia), Mr. de La Fortelle (France), Mr. Albin (Mexico), Mr. Jakubowski (Poland), Mr. Petöcz (Slovakia), Mr. Nene (South Africa), Mr. Faessler (Switzerland), and Mr. Cummings (United States of America).

19. He had received the following nominations for the offices of Chair and Vice-Chair of each of the two main committees, the Drafting Committee and the Credentials Committee: Mr. Sood (India) and Mr. Pearson (New Zealand) as Chair and Vice-Chair, respectively, of Main Committee I; Mr. Sanders (Netherlands) and Ms. Filip (Romania) as Chair and Vice-Chair, respectively, of Main Committee II; Mr. Akram (Pakistan) and Mr. Noboru (Japan) as Chair and Vice-Chair, respectively, of the Drafting Committee; and Mr. Kolarov (Bulgaria) and Mr. Lint (Belgium) as Chair and Vice-Chair, respectively, of the Credentials Committee.

20. The candidates, as named, were elected by acclamation.

MESSAGE FROM THE SECRETARY-GENERAL OF THE UNITED NATIONS (agenda item 8)

21. Mr. DHANAPALA (Under-Secretary-General for Disarmament Affairs) read a message to the Second Review Conference from the Secretary-General of the United Nations. The Secretary-General said that since the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons had been signed in 1980, enormous changes had occurred in the world's geopolitical and security structures. The cold war had ended, replaced with a still-evolving global framework. New kinds of conflicts had emerged. And most recently, with terrorist attacks on the United States, the international community had been confronted with terrible new security challenges.

22. Throughout that period, and with all those changes, the Convention had continued to demonstrate its importance. The humanitarian principles embodied by the Convention were eternal, unaffected by technological changes, strategic realignments, or new ways of waging war. And yet, the Convention was a living instrument that could be adjusted and updated to keep abreast of new developments.

23. He said that he was pleased that the States parties were doing just that, and were considering an impressive range of proposals. With internal conflicts now claiming many more casualties than wars between States, and with small calibre weapons and explosive remnants of war continuing to cause avoidable deaths, injury and hardship, an expansion of the scope of the Convention to cover those issues was clearly warranted.

24. The international community must also bear in mind the death and devastation caused every year by mines. Like explosive remnants of war, the destructive power of mines was not limited to

the violent explosions that killed and maimed. Mines also killed quietly, by rendering precious land unfit for agriculture or settlement, thereby hampering a country's economic and social development.

The Convention's Amended Protocol II had an important role to play in addressing that issue, and he called on those countries that had not yet signed or ratified that instrument to do so without delay, joining the States parties that had met on Monday, 10 December 2001, in an effort to promote universal adherence to its provisions.

25. The Convention saved lives and reduced suffering while protecting the security interests of States parties, and did not impose large burdens, financial or otherwise, on its members. Regretting that there were not more than 99 States parties, he urged the Review Conference to consider practical steps that could be taken to encourage more accessions in the near future and strongly encouraged delegations to use the Second Review Conference - a milestone in the life of the instrument - to ensure that the Convention remained strong, healthy and effective as it entered its third decade of operation.

ARRANGEMENTS FOR MEETING THE COSTS OF THE CONFERENCE (agenda item 9)

26. The PRESIDENT said that, at its first session on 14 December 2001, the Preparatory Committee had approved the estimated costs of the Review Conference and the three sessions of its Preparatory Committee, as contained in annex III of the report of the first session of the Preparatory Committee (CCW/CONF.II/PC.1/1).

27. At its second session, on 6 April 2001, the Preparatory Committee had decided to convene informal open-ended consultations in Geneva in August 2001 and, in that connection, had approved the cost estimates for that session as contained in annex IV to its report (CCW/CONF.II/PC.2/1). During the Committee's second session, a number of delegations had emphasized that the budgetary decision had been taken on the understanding that the costs of the informal consultations in August 2001 would be covered by savings made on the provisions of services to the Preparatory Committee at its second session. Accordingly, the actual expenditure of the informal consultations would be apportioned among the participants at the time of final billing for the second session when total actual expenditures had been recorded.

28. In accordance with rule 16 of the draft rules of procedure, the costs of the Review Conference would be met by the States parties to the Convention participating in the Review Conference based on the United Nations scale of assessment to the regular budget, prorated to take into account the number of States parties participating in the Conference. States which were not States parties to the Convention and which had accepted the invitation to take part in the Review Conference would share in the costs to the extent of their respective rates of assessment under the United Nations scale. States had been informed about their assessed share of the estimated costs of the Conference in a note verbale to that effect.

29. He said that he would take it that the Conference wished to adopt those arrangements.

30. It was so decided.

APPOINTMENT OF THE CREDENTIALS COMMITTEE (agenda item 10)

31. The PRESIDENT said that, in accordance with rule 4 of the rules of procedure, the Credentials Committee would consist of five members elected by the Conference on the proposal of the President. The Chair and Vice-Chair of the Credentials Committee having just been elected, he proposed China, Cuba and Germany as the three remaining members.

32. China, Cuba and Germany were elected members of the Credentials Committee.

ORGANISATION OF WORK INCLUDING THAT OF THE SUBSIDIARY BODIES OF THE CONFERENCE (agenda item 11)

33. The PRESIDENT said that, with the adoption of the rules of procedure, the Conference had established a General Committee, two main committees, the Drafting Committee and the Credentials Committee. He suggested that Main Committee I should review the scope and operation of the Convention and annexed Protocols, consider any proposals relating to the Convention or Protocols, and prepare and consider the final documents, while Main Committee II would consider proposals for additional Protocols. In accordance with rule 44 of the rules of procedure, plenary meetings of the Conference and main committees would be held in public unless the body concerned decided otherwise; meetings of other committees and working groups would be held in private. If he heard no objection, he would take it that the Conference approved those arrangements.

34. It was so decided.

GENERAL EXCHANGE OF VIEWS (agenda item 12)

35. Mr. LINT (Belgium), making, on behalf of the European Union, a statement to which, he said, Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia and Slovenia also subscribed, assured the President of the Union's full cooperation.

36. The European Union condemned terrorism in all its forms. It had approved a plan of action to counter terrorism on 21 September; on 10 December the Council of the European Union had decided to launch a targeted initiative to respond effectively to the threat of terrorism in the field of disarmament, non-proliferation and arms control. It considered there was an urgent need to strengthen the relevant multilateral agreements, make them truly universal and ensure that they were effectively applied. The present Conference afforded an opportunity to strengthen humanitarian law on the subject of conventional weapons and voice a common determination to deny terrorists access to the wherewithal to commit their odious acts.

37. The principal objective of the Convention and its annexed Protocols was to protect civilians and their property, either by banning the use of certain particularly cruel and inhumane weapons or by restricting their use in any circumstances in which lives might be lost, civilians injured or civilian property damaged. He welcomed the accession of 24 further States since the previous

Review Conference. In that connection he also emphasized the importance of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (the Ottawa Convention), to which 122 States were now party. The European Union would continue to work for the universal acceptance and application of those agreements.

38. The Ministers for Foreign Affairs of the European Union had voiced their support for the Convention and hailed the Conference as an opportunity to assess its implementation and assume further commitments. The Union regarded the proposal on explosive remnants of war as being of the highest priority among those submitted for consideration. In addition to killing and maiming people who had never been among their intended targets, unexploded ordnance hampered humanitarian relief operations and slowed the reconstruction of war-torn regions. The problem of unexploded submunitions required special attention. As had been pointed out in the Preparatory Committee, a settlement on the question of explosive remnants of war would be of military as well as humanitarian benefit. The European Union therefore supported the establishment of a group of experts on the topic, and was particularly anxious that its mandate should allow negotiations on a new protocol to begin in early 2002. Logically, the group should commence with a period of exploratory discussions before moving on to negotiations. The proposal to that effect from the Netherlands deserved to be widely supported. The question of submunitions must figure prominently among the group's discussions.

39. The European Union favoured enlarging the scope of the Convention and Protocols to cover non-international armed conflicts; it hoped the principle could be made as far-reaching as possible and incorporated into the Convention forthwith. Protocol II - the most recent to be negotiated - set a precedent that could be extended to the entire Convention. The Union also supported the proposal to tighten the rules applicable to landmines other than anti-personnel mines, and was prepared to study the question of small-arms ballistics.

40. The European Union attached great importance to enforcement mechanisms for legal instruments generally, and emphasized that such mechanisms, simple but effective, must be made part of the Convention. At present the Convention said nothing on the subject of compliance. Logically, the strong commitments made by States parties to the Convention regime should be accompanied by provisions guaranteeing that they would be honoured.

41. The Union was pleased that all the agreements associated with the Convention had entered into force, and reiterated its commitment to honour their objectives.

42. Agreement must be reached on more regular reviews, enabling States parties to discuss and strengthen the Convention and related rules. The yearly reviews of the amended Protocol II had shown the value of such an exercise. The European Union hoped provision would be made in the final document for an appropriate mechanism for the entire Convention regime, allowing meetings of the States parties to be held between review conferences. The first such meeting should take place in 2002, and the States attending it should be mandated to decide on the subsequent meeting.

43. The three sessions of the Preparatory Committee had enabled delegations to fine-tune the proposals on which the Conference must pronounce; thanks were due to the Chairman of that Committee and the Friends of the Chair for their crucial efforts. The Conference must now confirm the resolve to strengthen humanitarian norms, and the European Union would continue to work actively to that end.

44. Mr. LIVERMORE (Canada) said that, while the international community's mobilization against terrorism might be new, armed conflict within and between States had been having devastating effects on civilians for centuries. The Convention was based on the principle that the parties to an armed conflict did not have an unlimited right to choice of methods or means of warfare. Recent years had witnessed unconscionable human suffering resulting from conflicts: that situation need not and must not continue.

45. Foremost for his delegation was the need to address the humanitarian impact of unexploded cluster bomb munitions and other explosive remnants of war. Civilians should not be terrorized by hazardous unexploded munitions. A group of governmental experts should be established to consider a wide range of ideas relating to the subject. A variety of ideas had already been put forward. His delegation believed that meaningful progress could be made by seeking to prevent explosive munitions from becoming unexploded ordnance, by facilitating clearance and warning civilians about the dangers of such ordnance, and by providing the information required to allow clearance to proceed and warn civilians. The group of experts might consider both generalized approaches to the dangers of unexploded ordnance and specific approaches to particular munitions. Canada respected the views of those who did not wish to establish a specific timetable for the group's endeavours but felt it was important to maintain a serious and deliberate pace, consistent with the gravity of the problem. A comprehensive resolution of matters relating to explosive remnants of war could be achieved within two years.

46. Canada supported the proposed amendment of article 1 of the Convention so as to extend its scope to armed conflicts not of an international character, and would prefer that extension to apply to all future protocols unless their drafters decided otherwise.

47. The majority of the world's States had responded to the First Review Conference's unfinished business on anti-personnel mines by establishing a comprehensive ban on such mines through the Ottawa Convention, to which he urged States that had not yet done so to accede. Much work remained to be done on mines other than anti-personnel mines, and Canada appreciated the extent to which the United States of America and others had promoted discussions on the subject. The irresponsible use of mines other than anti-personnel mines posed a humanitarian problem and all too often resulted in human tragedy; they could block humanitarian aid to vulnerable populations once hostilities had ceased, increase the costs of normal or emergency food distribution and prevent or delay the socio-economic development of war-torn communities. Canada therefore supported the development of ideas to reduce the humanitarian impact of such mines, developing minimum detectability standards and requiring the mines, when delivered remotely, to be equipped with self-destruct and self-deactivation features.

48. The collegial and productive atmosphere during the preparatory process had helped to ensure that a cooperative spirit had prevailed over the past year, offering the potential to strengthen and enhance the Convention. Canada was therefore receptive to the idea of holding more frequent meetings of the High Contracting Parties. Regular assessments of its status and operation and discussions of new areas to explore would demonstrate the vitality of the Convention. Progress in discussions on verification and facilitation of compliance could also enhance the Convention and ensure its legitimacy.

49. The civilians whose lives were threatened by armed conflict could not wait for action. The world also had a moral obligation to assist the countless individuals who, because of past conflicts, were living with disabilities, had lost loved ones or whose communities and lives had been ravaged. The memory of those who had lost their lives as a result of the activities of war should be honoured by ensuring that, in future, civilians were truly protected against the effects of hostilities.

50. Mr. SKOTNIKOV (Russian Federation) said that his delegation was ready to support the proposals submitted during the review process that were aimed at strengthening the Convention and Protocols and making them truly universal.

51. The new challenges the world faced seemed to have been grasped by the international community only after the shock of 11 September. Many things needed to be looked at afresh, including the need for an uncompromising struggle against terrorism such as his country was having to wage. Resolute support of the anti-terrorist coalition was a natural extension of the Russian Federation's persistent policy.

52. The efforts made during the Conference should be part and parcel of efforts to secure strategic stability by preserving and strengthening current agreements on international security and disarmament. The Conference might also give some impetus to the stalled multilateral talks on disarmament matters.

53. The Russian Federation had been active in drafting the Convention and one of the first countries to ratify it and the annexed Protocols; ratification of the amended Protocol II would be forthcoming very shortly. Its armed forces had taken steps to ensure that the Convention and Protocols would be studied and complied with.

54. The Convention and Protocols had struck the right balance between the need to ensure security and to protect the civilian population; financial and economic matters had been given due attention. That being so, care must be taken not to add to the Convention provisions that might impede the process of universalization, or to create a situation where some States stood by the existing version while a few others acceded to an amended text. The original balance of interests must be maintained.

55. His delegation was willing to discuss extending the scope of the Convention and existing Protocols to armed conflicts of a non-international character; the scope of each future protocol should be determined separately. Work on the problem of explosive remnants of war could be conducted in the post-Conference period. Other proposals submitted during the preparatory process

required thorough analysis. The principle of decision-taking by consensus must be strictly complied with.

56. Mr. CUMMINGS (United States of America) said that the Convention was a strong, integral part of international humanitarian law, whose purposes it served largely by enlisting military, diplomatic and legal experts alike in the crafting of the rules it enshrined: as a result, those who had to wage wars were often also involved in regulating the weapons of war. Securing universal adherence to the Convention and its Protocols must be the goal of the States parties.

57. The Convention was the only instrument in international humanitarian law specifically designed to be adapted to changing means of waging war. The challenge was to decide how to adapt it so that it remained relevant. The preparatory process for the Conference had revealed nearly universal support for the proposition that the Convention and its Protocols should apply in non-international armed conflict, and there appeared to be broad agreement that article 1 of the Convention itself should be amended to that effect. Regarding future protocols his delegation took a flexible stance, largely because future review conferences would always have the authority to expand or restrict their scope even if the Convention itself generally applied to all armed conflicts.

58. The amended Protocol II and the Ottawa Convention did not, even in combination, fully regulate or ban landmines, and the problems posed by anti-vehicle mines needed to be addressed. Research by the International Committee of the Red Cross had demonstrated that indiscriminate use of anti-vehicle landmines not only risked causing injury to civilians but effectively denied humanitarian aid to civilian populations in need. A proposal to minimise the threat posed by such mines would be discussed at the Conference: its three component elements - detectability, self-destruction or self-neutralization with back-up self-deactivation for remotely delivered mines, and restrictions on the transfer of prohibited mines - were in accord with the technical restrictions on anti-personnel landmines found in amended Protocol II. Nonetheless, anti-vehicle mines remained an integral part of his and most other nations' military capabilities. The proposal was, in his delegation's view an achievable, responsible way to help protect civilians, peacekeepers, aid workers and others while maintaining the legitimate military uses of anti-vehicle mines. Some felt it did not go far enough; but seeking to do more, if that "more" lay years in the future, was unacceptable. The Conference could take action immediately, without prejudice to later steps to ensure that anti-vehicle landmines met even stricter standards.

59. His delegation had submitted a proposal for a compliance mechanism under amended Protocol II, which would be available only to States that became a party to that mechanism. Other proposals before the Conference sought to address the issue of compliance more generally. He recognised that many delegations were unpersuaded of the need to add a compliance regime of any kind to the Convention and its Protocols, but continued to urge adoption of his delegation's proposal.

60. He commended ICRC and the Netherlands delegation for drawing attention to the problems of unexploded ordnance left behind after a conflict. Discussion of that matter under the Convention had the potential to advance the humanitarian protection that the Convention envisaged. His

delegation supported the efforts by the Netherlands Friend of the Chair to conclude a draft mandate on the explosive remnants of war for adoption at the Conference.

61. His delegation was on record as opposing the adoption of a new protocol to deal with issues associated with small-calibre bullets. Although it remained opposed to the proposal on the subject submitted by the Swiss delegation, it applauded Switzerland's continuing commitment to advance the goals of the Convention and the dedication and careful work behind the submission.

The meeting rose at 1 p.m.

SUMMARY RECORD OF THE 2nd MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 11 December 2001, at 3 p.m.

President: Mr. LUCK (Australia)

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GENERAL EXCHANGE OF VIEWS (continued)

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

GENERAL EXCHANGE OF VIEWS (agenda item 12) (continued)

1. Mr. EFRAT (Israel) said that Israel shared the humanitarian concerns regarding the unnecessary suffering caused to civilians by the irresponsible and indiscriminate use of certain conventional weapons, and fully supported international efforts to address those problems.
2. Notwithstanding the serious threats to its own security, his country was convinced that arms limitation was of fundamental regional importance. It had therefore decided to adhere to the Convention on Certain Conventional Weapons (CCW) and, in August 2000, had ratified Amended Protocol II and Protocol IV. It had also declared a moratorium on the export of anti-personnel mines and continued to support international efforts on the global and regional levels in demining and the rehabilitation of victims. As a party to Amended Protocol II, it had submitted its first annual report in 2001.
3. With respect to the ideas for improving the Convention, his country was ready to examine the proposal to extend the scope of the instrument to conflicts of a non-international nature. The language used should be the same as in Amended Protocol II and it should be understood that the extension would apply to future protocols only if they themselves specifically provided for that.
4. Regarding compliance with the Convention and the protocols thereto, confidentiality should outweigh transparency and the right balance must be found between verification and the need to prevent unnecessary intrusiveness or abuse of the verification regime. The proposals for a new annex or protocol therefore required further consideration. His delegation was more favourable to the idea that some elements of articles 13 and 14 of Amended Protocol II could be applied separately to each of the existing protocols.
5. While it shared the humanitarian concerns related to mines other than anti-personnel mines, Israel felt that a protocol on the subject should maintain the right balance between humanitarian aspects and the legitimate military use of such mines.
6. His delegation supported the proposal to form a group of experts to study all aspects of the question of unexploded ordnance and explosive remnants of war. The group should deal with the agreed types of munitions, rather than adopt a general effects-based approach. It could also consider the questions of feasibility and cost-effectiveness. It should refrain from making recommendations on the adoption of a new protocol or any other legally binding instrument and from dealing with issues such as accountability, responsibility for the clearance of unexploded ordnance, or matters covered in the existing protocols.
7. Israel had participated in the seminar conducted by Switzerland on wound ballistics, which was a technically complex issue requiring further expert discussion.
8. His country attached great importance to the Conference and to the efforts to promote universal accession to the Convention and restraint in the use and transfer of certain conventional

weapons.

9. Mr. FAESSLER (Switzerland) said that the Conference constituted an important stage in the development of international humanitarian law and should help to reduce the unnecessary suffering inflicted on combatants and civilians in armed conflicts.

10. Regarding the proposals submitted to the Conference by the States parties and ICRC, his country was in favour of extending the scope of the Convention to cover non-international armed conflicts and supported the European Union's proposal to that end.

11. Recent armed conflicts had shown that explosive remnants of war and unexploded submunitions could have similar effects to those of anti-personnel mines, constituted a danger for the civilian population and hampered humanitarian assistance, peacekeeping and post-conflict reconstruction. His country therefore supported the initiative on explosive remnants of war. Its own proposal on submunitions, a significant category of explosive remnants, had the advantage of offering a rapid solution. That proposal notwithstanding, his country supported the establishment on the basis of the mandate prepared by the Friend of the Chair of a group of governmental experts to examine the question of a new protocol on explosive remnants of war.

12. The proposals submitted by the European Union and South Africa concerning machinery for consultation and verification under the Convention were very interesting. Any verification arrangements should be simple and effective. The States parties should meet more often.

13. The use of landmines other than anti-personnel mines must be regulated. His country therefore supported the United States and Danish proposal to that end. Whatever solution was adopted must afford the level of protection provided for in Amended Protocol II.

14. Switzerland had made a proposal aimed at establishing, in the light of recent scientific and technological progress, standards to limit the injuries and unnecessary suffering caused by small-calibre weapons and munitions. In addition, it supported the proposal by the Friend of the Chair for an in-depth study of the technical criteria for determining the lawfulness or otherwise of small-calibre weapons and munitions under the Convention. It continued to believe that there was an urgent humanitarian need to update the third Hague Declaration and therefore proposed the establishment of a technical working group to look into the matter.

15. Ms. CEK (Croatia) said her country had become a party to the Convention and three of its protocols on 2 December 1993. Although it considered many of the provisions of Amended Protocol II to be inferior to those of the Ottawa Convention on anti-personnel mines, to which it was a party, it hoped to complete ratification of the Protocol by the end of the current year.

16. Croatia took its disarmament responsibilities seriously. Its conventional arms quota was regulated by article IV of annex 1-B to the General Framework Agreement for Peace in Bosnia and Herzegovina and it intended to accede to the amended Treaty on Conventional Armed Forces in Europe once that entered into force. In addition, it reported regularly on its seven categories of conventional armaments, as required by the rules for the United Nations Register of Conventional

Arms. Pursuant to the recommendations of the United Nations Conference on the Illicit Trade in Small Arms, it was vigorously pursuing its policy of collecting and destroying such weapons. Destruction of the country's stock of anti-personnel mines should be completed by October 2002. However, for logistical and budgetary reasons, the national demining programme would probably not be completed by the scheduled date of 2010.

17. Croatia fully supported the proposals to extend the scope of the Convention to non-international armed conflicts. The extension should be achieved by amending the Convention along the lines proposed by the European Union during the third session of the Preparatory Committee. As a country sorely affected by unexploded remnants of war, Croatia also advocated the adoption of a new protocol on that subject and the establishment of a group of experts to make concrete proposals for action in the near future.

18. Her delegation was not convinced of the need for special rules, whether through a new protocol or through a change to Amended Protocol II, on the use of remotely delivered mines. Despite the merit of the proposal in question, especially as regarded the detectability of mines, it would be preferable to strengthen implementation of Amended Protocol II before taking fresh action. On the other hand, the ideas put forward by Switzerland and ICRC concerning wound ballistics deserved further attention, since some types of ammunition clearly caused unnecessary suffering.

19. The Convention would be of questionable practical value if States parties could breach it with impunity. To ensure compliance, it should contain provisions along the lines of those in article 8 of the Ottawa Convention.

20. Mr. NENE (South Africa) observed that, 18 years after the Convention's entry into force, only 88 States were parties to the instrument. The promotion of wider accession should be a priority for the Review Conference. For example, a decision by the Conference that there should be regular meetings of the States parties would foster closer cooperation and consultation among them and encourage further accessions.

21. The First Review Conference, which had to its credit extended the scope of Protocol II to include non-international conflicts and adopted a protocol on blinding laser weapons, had been held at a time when CCW had been the only international instrument dealing with anti-personnel mines. Since then, 122 States had ratified or acceded to the Ottawa Convention which banned such mines. As a result, CCW had for some States become a staging post on the way towards the total prohibition of anti-personnel mines. However, CCW and the Ottawa Convention were not mutually exclusive, since the first was of far broader scope than the second. The international community's ultimate objective should be universal accession to the Ottawa Convention and to CCW and its Protocols.

22. Of the proposals before the Conference, his country supported the calls for extension of the scope of CCW to non-international conflicts. That change should also apply to the present protocols to CCW and, unless States parties specifically decided otherwise, to future protocols.

23. His country also supported the idea that a group of experts should undertake work on explosive remnants of war with a view to the possible elaboration of a legally binding instrument on that topic.

24. A mechanism similar to that agreed at the First Review Conference with respect to Amended Protocol II was needed to supervise implementation of the Convention. His country was therefore proposing the incorporation into the Convention of two articles based on articles 13 and 14 of Amended Protocol II.

25. While it recognized the need to guard against anti-vehicle mines causing humanitarian problems in the same way as anti-personnel mines, South Africa continued to believe that the priority for the time being must be the immediate banning of anti-personnel mines, since it was they that caused the most civilian casualties. It had noted the view of the International Campaign to Ban Landmines (ICBL) that making anti-vehicle mines detectable and fitting them with self-destruction or -deactivation mechanisms would have a positive but limited effect. ICBL and ICRC had, further, highlighted the problem of mines with sensitive fuses or anti-handling devices that caused them to act as anti-personnel mines. In-depth technical discussions should be held on mines other than anti-personnel mines and should cover issues such as detectability, self-destruction devices, sensitive fuses, tilt rods and anti-handling devices. They could be conducted within an expert group that would recommend ways of strengthening restrictions on the use of mines other than anti-personnel mines.

26. Mr. AKRAM (Pakistan) said that the ban in Islamic law on cruel ways of killing, killing of non-combatants and prisoners of war, mutilation of human beings and beasts, unnecessary destruction of harvests and cutting of trees, abuse of captive women, killing of envoys even in retaliation and massacre in the territory of the vanquished was 14 centuries old. It was the spirit of that ban which infused his country's commitment to international humanitarian law in general and to the Convention in particular. Pakistan had been a party to the Convention and all its protocols since 1985 and complied fully with them. In its view, the Conference should focus on a number of pivotal issues.

27. First, all States parties should report on their national plans for implementation of the Convention. Second, they should examine how the Convention was being applied in practice, giving urgent attention to the imperative need for intensified efforts at all levels to develop mine-clearance and victim-assistance programmes and identifying ways in which they could help the United Nations Mine Action Service realize its strategy for 2001-2005. Third, they should examine how they could accelerate the achievement of universal accession to the Convention and its protocols.

28. Pakistan had stated during the preparatory meetings its positions on the proposals before the Conference. It was in favour of enlarging the scope of the Convention; in the case of future protocols, however, enlargement should not be automatic but should be decided in the light of each new instrument's specific requirements. To add a compliance annex to Amended Protocol II so soon after its adoption might deter States from acceding to it. The question of introducing a compliance regime for the Convention and its present and future protocols required further study.

Compliance mechanisms for international legally binding instruments should be non-discriminatory. His country was opposed to selective approaches.

29. Although many countries remained unconvinced of the merits of the Swiss proposal for a protocol on small-calibre weapons and ammunition, his delegation was ready to consider suggestions for the pursuit of the matter. The time was not ripe for the negotiation of a protocol on explosive remnants of war; it must first be understood what were the facts and problems relating to such remnants. It would be acceptable for a group of governmental experts to study the matter and make recommendations, after which the States parties could decide whether a legal instrument was necessary.

30. His Government understood the problems that anti-vehicle mines caused for peacekeeping and peace-building operations and was studying, in the light of its national-security implications, the proposal made concerning such mines. The States parties should cooperate more intensively in seeking alternatives that would, without jeopardizing their legitimate security requirements, enable the eradication of all mines.

31. Mr. JAKUBOWSKI (Poland) said that his country, which subscribed to the statement by the European Union, believed that the basic goal of the parties to the Convention was to reduce the human suffering caused by armed conflict and provide suitable assistance to conflict victims. Much had changed since the Convention had come into force: armed conflicts were now mostly local, and reassessment of the Convention's scope was therefore urgent. Poland believed that humanitarian standards should apply to all armed conflicts of whatever nature and therefore supported the proposal to extend the application of the Convention to conflicts of a non-international character. The extension should be made by amending article 1 of the Convention.

32. His country also believed in the need for a compliance regime to enhance implementation of the Convention. Obviously, all proposals to that end should be thoroughly examined in order to avoid hindering the universalization of the Convention and its protocols.

33. As a participant in peacekeeping operations, his country could not ignore the dangers of mines other than anti-personnel mines and was therefore among the sponsors of the proposal on the subject. Its position was prompted not only by humanitarian considerations, but also by the viability of the proposal, which introduced requirements of detectability and self-destruction or self-neutralization that were tailored both to States parties' defensive needs and to their financial potential.

34. His country supported the European Union's position concerning the establishment of a group of governmental experts to explore the broad and complex issue of explosive remnants of war. However, adopting a 98 per cent reliability threshold for cluster munitions, as proposed by Switzerland, would be a considerable challenge for many countries, since it would require expensive changes in the design of, and the technology for manufacturing submunitions. Providing for appropriate transitional periods might make the proposal more acceptable. The clarification of technical and other issues relating to the proposal should be undertaken by the group of governmental experts, which could also be mandated to conduct negotiations.

35. Speaking as a Friend of the Chair responsible for coordinating consultations on restrictions on small-calibre weapons and ammunition, he remarked that the Swiss proposal had elicited considerable interest, with many States wishing to discuss it further. Unfortunately, the duration of the Conference was such that priority had been given to other issues. He therefore proposed the establishment of a team of technical experts to look into the scientific and military aspects of the matter with a view to elaborating a standard for distinguishing between excessively injurious and other bullets. Once consensus had been reached on the scientific and military aspects, the political debate could resume.

36. Mr. KELLENBERGER (International Committee of the Red Cross) said that since the adoption of the Convention there had been significant developments both in weapons technology and in the nature and conduct of armed conflict. Through its work in war-affected areas, his organization had witnessed first-hand the effects of modern armed conflict: such conflicts often took place within States' borders and exacted a terrible civilian toll. ICRC urged States parties to extend the scope of the Convention and its present and future protocols to non-international armed conflict. That would indicate clearly to States which were not parties to the Convention and to armed opposition groups that there were fundamental standards of behaviour that applied to all armed forces in all armed conflicts. It would not in any way affect the legal status of parties to a conflict.

37. His organization's work also brought it face to face with the severe and long-term consequences of explosive remnants of war. All too often, such remnants killed or maimed civilians; in Kosovo, they had claimed more victims than anti-personnel mines. It was unacceptable that, because weapon systems capable of delivering huge amounts of ordnance over ever greater distances were proliferating, people who had endured the horrors of war risked becoming victims in time of peace. The Review Conference was the moment for States to commit themselves to preventing and reducing the consequences of explosive remnants of war. In Amended Protocol II they had already adopted rules clearly establishing the responsibility of users of mines, booby traps and similar devices to remove or destroy them and to facilitate mine clearance and mine-awareness campaigns. Similar measures should be adopted for all forms of unexploded ordnance. In view of the problems associated with the design and use of cluster bombs and other submunitions, ICRC also proposed banning the use of such weapons against military objectives located in concentrations of civilians. Acceptance of that proposal would reinforce the rules in article 51 of Protocol I Additional to the Geneva Conventions. ICRC and the entire International Movement of the Red Cross and Red Crescent urged the Conference to begin working without delay towards the negotiation of a new protocol on explosive remnants of war.

38. During the third session of the Preparatory Committee, his organization had highlighted the need to ensure respect of the 1868 St. Petersburg Declaration. ICRC was deeply concerned about the proliferation of multi-purpose 12.7 mm bullets which, tests had shown, frequently exploded within internationally recognized human tissue simulants and were therefore likely to cause unnecessary suffering. In its report to the Preparatory Committee, ICRC had asked States to ensure that such bullets were not produced, used or transferred. It trusted that the Review Conference would take note of that report in its Final Declaration.

39. ICRC would support efforts to strengthen the rules on anti-vehicle mines, to establish a compliance mechanism for CCW and its protocols and to place limits on dum-dum-type small-calibre ammunition. It would make fresh suggestions for the inclusion in the Final Declaration of provisions on blinding laser weapons, the use and transfer of which were banned by Protocol IV. States parties had recognized, in the Final Declaration of the First Review Conference, the need for the total prohibition of such weapons and for the monitoring of related technological developments; the concerns expressed then remained valid.

40. ICRC called on all States which had not done so to accede to CCW and its protocols, which were important pillars of international humanitarian law and built on long-established customary rules. As the adoption of Protocol IV on blinding laser weapons and Amended Protocol II had shown, the Convention was intended to be dynamic and to respond both to realities on the ground and to technological developments. The Conference should not pass up the opportunity to ensure that the Convention addressed the realities of modern warfare and to further the goal of preventing needless suffering.

41. Mr. SHA Zukang (China) said that the history of human civilization was also a history of war. The coexistence of civilization, war, and human conscience had led to efforts to regulate the conduct of war and so to international humanitarian law. The impermissibility of using means of warfare that caused excessive injuries or had indiscriminate effects had become a universally accepted principle.

42. The Convention was an embodiment of that principle. Since its entry into force, it had gradually been strengthened through its parties' joint efforts. It had to be recognized, however, that armed conflicts, the cruellest form of human strife, were by nature irreconcilable with humanitarianism. A cruel war could not be made "humane" merely by restricting the use of certain weapons. Preventing the humanitarian crises engendered by wars and armed conflicts entailed preventing wars and armed conflicts themselves.

43. Since the First Review Conference, significant progress had been achieved in the CCW process. The number of States parties had risen from 49 to 88. The purposes and objectives of the Convention had been universally recognized. Particularly gratifying was the acceptance by a growing number of countries of Amended Protocol II, a text with an important role in reducing the suffering caused by mines.

44. His country, a party to the Convention and all its protocols, faithfully discharged its obligations under them. His Government had launched a number of education campaigns concerning the Convention. The military had sponsored training courses for personnel at all levels. To facilitate concrete implementation of the Convention, it had put emphasis on regulating the actual and potential use of landmines by revising military academies' teaching materials. It also taken the Convention into account in its weapon development plans and was intensifying its efforts to formulate new or revise existing military standards. Furthermore, the Government had amended domestic law in order to guarantee the enforcement of the Convention. It had also initiated domestic mine-clearance campaigns in Yunnan and Guanxi provinces, so paving the way for local

economic development, and participated in international demining assistance programmes. In 2001, it had donated mine-detection and -clearance equipment to seven mine-stricken countries.

45. Regarding the proposals before the Conference, his country supported that to expand the scope of application of the Convention by amending article 1. However, in order not to hinder their adoption, the expansion should not apply automatically to all new protocols. It was premature to establish a compliance mechanism providing for on-site investigation. It would be more feasible to promote compliance through encouragement and cooperation, consultation and clarification.

46. Explosive remnants of war remained a serious problem within Chinese territory. His country considered that the international community should take concrete measures to clear ordnance of that kind as soon as possible. It supported the establishment, as a first step, of a group of governmental experts to explore all possible ways of addressing the issue; the group should not have a mandate to enter into negotiations or be subject to a deadline. The decision whether to proceed further should be taken by States parties following receipt of the group's report.

47. His delegation was grateful to Switzerland and ICRC for their work on the wound ballistics of small-calibre projectiles and would continue to participate with an open mind in the discussions on the matter.

48. He reiterated his country's opposition to the conclusion of a protocol on anti-vehicle landmines. The principle which underlay all international humanitarian law, that of a balance between legitimate military needs and humanitarian concerns, must be respected. It must also be followed when amending existing or negotiating new protocols. The use of anti-vehicle landmines had not yet caused a humanitarian crisis and, while restrictions on such use might help prevent accidental civilian casualties, those mines remained a crucial and irreplaceable means of defence for many countries.

49. Moreover, the proposed technical specifications for anti-vehicle landmines were based on just a few countries' existing equipment. Making those specifications law would entail no new obligations for those countries, but would have very different consequences for developing countries, for which the attendant financial and local difficulties would be intolerable, at least in the foreseeable future.

50. In his delegation's view, the current provisions of Amended Protocol II on anti-vehicle landmines were appropriate because they were sufficiently realistic and flexible not to compromise developing countries' security. The prime need was to encourage more countries to accede to the Protocol and apply those provisions. In parallel with that, the States wanting to amend the present text should provide all requisite financial and technical assistance to developing countries so as to help resolve the anti-vehicle landmines issue. Premature discussion of the question of amendment or attempts to force through a new protocol would only give rise to unnecessary disputes or even a conflict of law, both of which would be detrimental to the universality of the existing Protocol.

51. Mr. NOBORU (Japan), referring to the events of 11 September 2001, said that it was urgent for the members of the international community to work closely together to combat terrorism and

prevent further massacres of innocent people. His country was firmly resolved to participate in that endeavour. The Convention offered the international community a credible means of coping with the humanitarian problems caused by conventional weapons without jeopardizing security requirements. His delegation hoped that States parties would strengthen the Convention by complying fully with it, promoting universal accession to it and adapting it as needs changed.

52. The adoption and entry into force of Amended Protocol II and Protocol IV had added to the Convention's significance. The Ottawa Convention had greatly enhanced international efforts to tackle the humanitarian problems of anti-personnel landmines and his delegation hoped for progress towards its universal acceptance. Amended Protocol II and the Ottawa Convention were mutually complementary.

53. Regarding the proposals before the Conference, his delegation was in favour of extending the application of the protocols to CCW to internal conflicts, a measure that would help to alleviate the humanitarian catastrophes associated with such conflicts. It had become a sponsor of the proposal for a protocol restricting the use of mines other than anti-personnel mines because the proposal was well balanced from the humanitarian, security and financial perspectives. It supported the proposal to establish a group of governmental experts on the question of explosive remnants of war. It believed that consensus on a new draft mandate for such a group was very close at hand and hoped that the Conference would agree, without prejudging whether a legal instrument could be negotiated, on the establishment of a well-structured framework to deal with the issue. The institution of compliance measures would, he believed, make the Convention more effective. His delegation had already expressed its concerns at the additional financial burden that a compliance mechanism might entail: those concerns must be properly addressed. All the proposals that had been put forward during the preparatory process merited serious consideration by the Conference.

54. Mr. JOHANSEN (Norway) welcomed the progress made during the preparatory process on extending the scope of the Convention to include non-international conflicts. It was encouraging to see that States parties seemed ready to amend article 1 of the Convention for that purpose.

55. While it agreed with the need to avoid doubt as to whether a country was fulfilling its obligations under the Convention and humanitarian law, Norway felt that the principle of adequacy should apply when determining a compliance regime for the Convention. Confidence, dialogue and consultation should be the principal elements of such a regime.

56. His country confirmed its support for the principles behind the ICRC initiative on explosive remnants of war and recognized the need for an instrument that specifically addressed that humanitarian problem. Adoption of a new protocol on explosive remnants of war would be a positive contribution to the efforts to reduce the indiscriminate effects of weapons. The launching of a process on the issue, starting with the mandating of a group of governmental experts, might also help to revitalize the Convention.

57. As it was also natural that the Convention should address the impact of mines other than anti-personnel mines, his delegation endorsed the proposal by Denmark and United States of America. It looked forward to engaging constructively with other delegations in addressing the

issue as the Conference found most appropriate.

58. Norway endorsed all efforts to strengthen the fundamental principle that the development and use of weapons systems deemed contrary to the 1868 St. Petersburg Declaration should be prevented. However, the proposal on small-calibre weapons and ammunition would benefit from further elaboration before a process that might lead to a new protocol was initiated.

59. Norway attached great importance to the Convention and hoped that the Conference would adopt positive decisions on numerous important issues, especially explosive remnants of war and extension of the scope of the Convention.

60. Mr. SEETHARAM (India) said that India had ratified all the protocols to the Convention, including Amended Protocol II. There was clearly a need to encourage the States engaged in ratification to complete it and those which had not yet done so to accede to all the protocols. In those circumstances, action that might discourage universal application of the Convention and its protocols should be avoided.

61. At the First Review Conference, in 1996, Protocol II had been strengthened, principally by extending it to non-international armed conflicts. His delegation had proposed that the Convention should be similarly extended, but there had been no consensus on that proposal. It was encouraging to note that with time the idea had gained ground. From a humanitarian perspective, prohibitions or restrictions that were applicable to weapons in international conflicts should also be applicable in internal conflicts. Accordingly, his delegation supported the proposal to expand the scope of the Convention by amending article 1. Care should, however, be taken to avoid constraining any future protocols.

62. The Conference had before it a number of proposals for promoting compliance with the protocols. Potentially intrusive compliance mechanisms tended to be impractical and might be counter-productive, generating argument rather than good results. More time was needed to assess how the compliance-related provisions of Protocol II worked in practice before an attempt was made to add more intrusive provisions or to impose a blanket mechanism covering all the protocols. More regular meetings, transparency and greater exchange of information remained his delegation's preferred approach.

63. While his delegation was aware of the humanitarian problems that explosive remnants of war caused for civilians and humanitarian aid workers in many countries, various aspects of those problems had still to be explored and clarified. The Conference should therefore consider establishing a group of governmental advisers to make a detailed study of the issue and so enable States parties to reach an informed decision.

64. His delegation had followed with interest the discussions during the preparatory process on the use of anti-vehicle mines. The discussions had shown that several States parties' legitimate operational and security considerations precluded taking the same approach to those mines as to anti-personnel landmines. Indian forces only used anti-tank mines in the context of international conflicts, in order to slow and channel hostile movement by armoured vehicles. The mines were

placed in clearly marked and fenced areas so to prevent harm to innocent civilians and livestock.

65. His delegation had participated in the presentations and discussions concerning the dud effect of small-calibre munitions. As a number of questions remained to be clarified, it was premature for the Conference to take a decision on such munitions.

66. Recent events had made the world acutely aware of the humanitarian costs of terrorism. Terrorists tended to transform weapons and even everyday objects into excessively lethal weapons with indiscriminate effects. India had for decades been a victim of the indiscriminate use of such devices. A few months before the Conference, civilian aircraft had been used as improvised explosive devices in the United States of America. The Conference could not ignore the devastation caused by such devices, which was sometimes greater than that occasioned by other weapons coming under its jurisdiction. It should examine the matter without delay, so that concrete action could be taken as soon as possible.

67. Mr. de la FORTELLE (France) said that his country's priorities and expectations had already been described by the presidency of the European Union. His Government had decided to accede to the Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III). The accession was intended as concrete evidence of France's commitment to the development of international humanitarian law in armed conflicts and as a confirmation of its support for the Convention as a whole, which afforded means of responding to the new and legitimate concerns for the protection of civilian populations. He hoped that as many countries as possible would join with his own in its resolve to move forward with others in implementing and strengthening the rules laid down in the Convention and its Protocols.

68. Mr. MEYER (Brazil) said that, as the Convention had been conceived as a dynamic legal instrument, it should always be possible for the humanitarian concerns that had prompted its birth in 1981 to find expression in new initiatives when States parties deemed that desirable. The review of the Convention was an opportunity for adopting additional specific commitments, either through the drafting of new protocols or through any other initiative aimed at curbing the cruellest effects of excessively injurious weapons. Legal technicalities should not be allowed to frustrate efforts to update the Convention and make it ever more effective. The humanitarian essence of the Convention apart, it should not be forgotten that the Conference was dealing with matters that had security implications and must therefore also be considered from a military point of view.

69. His country, part of the world's least armed region, Latin America, belonged to a subregional group, the Southern Common Market (Mercosur), in which, following a remarkable process of confidence-building, the possibility of armed conflicts had been eliminated. It had renounced anti-personnel mines and had not produced or exported a single landmine since 1989. Its borders with 10 other countries had been completely demined and it had also contributed to international demining efforts. Its President had recently approved a law criminalizing all activity prohibited by the Ottawa Convention.

70. Concerning the initiatives elaborated during the preparation of the Conference, Brazil was fully in favour of extending the scope of the application of the Convention - preferably through an

amendment to article 1 - to encompass non-international conflicts. He was confident that a formula could be found for that purpose that would take into account all delegations' concerns.

71. In addition, his delegation fully agreed that the question of anti-vehicle mines could be addressed within the framework of the Convention and that States parties should consider strengthening the rules with a view to preventing, restricting and eliminating the indiscriminate use of such weapons. Concerning small-calibre munitions, interested States parties could usefully establish a group of technical experts; his delegation shared the concern that the 1868 St. Petersburg Declaration's ban on the use of projectiles that might explode within the human body should not be subverted.

72. His delegation fully supported the establishment of a group of governmental experts open to all States parties to consider the issue of explosive remnants of war and to decide whether to recommend the negotiation of a legally binding instrument on the subject. The approach to the matter should preferably be balanced, giving equal importance to preventive aspects in general and to non-technical elements such as assistance and cooperation and responsibility for clearance.

73. The addition to Amended Protocol II of an annex on compliance would, to a certain extent, represent a duplication of the compliance regime embodied in article 8 of the Ottawa Convention. His delegation was also uncertain about the advisability of negotiating a compliance regime for the whole of CCW: if new protocols were to be negotiated, a case-by-case approach might be a better way of finding mechanisms for verifying their application. On the other hand, it was in favour of endowing the Convention with a mechanism for consultations of the kind already contained in articles 13 and 14 of Amended Protocol II and was willing to sponsor a proposal to that end.

74. Mr. YUN (Republic of Korea) said that the Preparatory Committee's three sessions and the informal open-ended meetings during the past year had resulted in a clearer understanding of States parties' views and positions on the five issues under discussion, namely extension of the scope of the Convention, anti-vehicle mines, the compliance mechanism, explosive remnants of war and small-calibre weapons. On the issues where there was greater convergence of views it should be possible to reach relatively rapidly agreements affording civilians enhanced protection without compromising legitimate military needs. On other questions the right balance between humanitarian goals and military needs had yet to be found. Consolidation of the CCW regime must, of course, continue, but the Convention's very nature required the instrument to evolve in parallel with changes in patterns of warfare and arms technology. The Conference must decide where the priorities lay and how they should be translated into reality.

75. His delegation believed that, as many contemporary armed conflicts occurred within State borders, the Conference's first task was to agree on extension of the application of the Convention to non-international armed conflicts. He was confident that the differences of opinion concerning the application of that principle to future protocols could be resolved through a mutually acceptable formula. His country was, together with the United States of America and the Netherlands, a sponsor of the proposal on extension currently before the Conference.

76. The proposal that the United States and other countries, including his own, had made concerning anti-vehicle mines would certainly ensure additional protection for civilians, peacekeepers and members of humanitarian demining and assistance missions, as well as for States parties' military personnel. Since Amended Protocol II contained such a requirement for anti-personnel mines, it seemed logical that remotely delivered anti-vehicle mines should have self-destruction and -deactivation capabilities.

77. His delegation was favourably disposed towards the basic thinking behind the proposals for adding a compliance mechanism to the Convention, since such a mechanism would promote the effective application of the protocol concerned or of the entire Convention, including its protocols. It had an open mind about the method for achieving the common objectives, but would assess the proposals in the light of their practicality, feasibility, efficiency and cost-effectiveness.

78. The extensive discussions on unexploded remnants of war had yielded a better understanding of the seriousness of the humanitarian problems that such ordnance caused. There was agreement in principle on the need to establish a group of governmental experts, but the group's mandate remained to be defined. As his delegation had emphasized during the preparatory process, that mandate should preferably be general, so that all aspects of the question of unexploded remnants of war could be thoroughly examined first. The mandate should neither allow for negotiations nor be subject to an artificial deadline.

79. Mr. SOLARI (Argentina) said that his country's ratification of the Convention in 1995 had been a manifestation of its steadfast policy on disarmament and security and directly consistent with its commitment to international humanitarian law. The entry into force of CCW and the Ottawa Convention had endowed the international community with extremely valuable legal instruments for mitigating the devastating consequences of indiscriminate use of the weapons in question: it was essential for the countries which had not yet acceded to those two instruments to do so without delay. His country was convinced that the region to which it belonged could be made into a zone free from anti-personnel mines. That was, in fact, the aim of the Political Declaration signed in 1998 by the representatives of the Mercosur countries, Bolivia and Chile, which, in accordance with resolutions of the Organization of American States, also envisaged the extension of the zone to the entire American continent.

80. His country cooperated actively with the United Nations on ways of ensuring the multilateral examination, as a matter of priority, of the question of the proliferation and indiscriminate use of weapons with excessively injurious effects. It was also a participant in United Nations peacekeeping operations and had provided technical assistance for demining in a number of countries. Its experience had led it to adopt specific, realistic positions concerning the Conference's work. It felt, in particular, that the restrictions and prohibitions in the Convention and its protocols should be of relatively broad scope, consistent with the types of conflict that occurred in the modern world. The weapons to which the Convention referred were widely employed and had devastating effects on civilian populations, making large areas of land uninhabitable and unfarmable for many decades. The scope of the Convention must, therefore, extend to non-international armed conflicts and that principle should be incorporated in the Convention itself so as to apply to all existing and future protocols.

81. In view of the difficulties of eliminating anti-personnel mines, it was essential that all landmines, including remotely-delivered mines and anti-vehicle mines, be equipped with detectability and self-destruction devices. The same principle should apply to all unexploded munitions. His delegation therefore subscribed to the efforts to initiate negotiations on a new protocol concerning explosive remnants of war and establish a group of experts with a general mandate to examine the humanitarian, technical, military and legal aspects of the issue.

82. Study of the technical and legal questions arising from the Swiss proposal for the regulation of small-calibre ammunition should be pursued. His delegation supported the idea of setting up a group of experts to begin work after the closure of the Conference.

The meeting rose at 5.30 p.m.

SUMMARY RECORD OF THE 3rd MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 12 December 2001, at 10 a.m.

President: Mr. LUCK (Australia)

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GENERAL EXCHANGE OF VIEWS (continued)

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

GENERAL EXCHANGE OF VIEWS (agenda item 12) (continued)

1. Mr. DAHLGREN (Sweden), reviewing the history of the Convention process, stressed the importance lent to the Second Review Conference by the new challenges facing the world, including the issue of explosive remnants of war, to which the world's attention had been drawn, in particular, by the International Committee of the Red Cross (ICRC). Sweden shared the concerns of many other countries about unexploded submunitions, which posed particular dangers to children, and hoped that the Review Conference would pave the way for adoption of a protocol on the issue.

2. Given that internal armed conflict caused the same suffering as international conflict, Sweden believed that the scope of the Convention should be extended to non-international conflicts and such extension should apply to all present and future protocols. It also attached great importance to the issue of compliance and believed that there should be compliance mechanisms in the area of international humanitarian law, just as there were in disarmament and human rights. Turning to the problem of mines other than anti-personnel mines, he said that Sweden supported the Danish-United States proposal as a step forward. The issue of small calibre ammunition was also important and merited further study, possibly in a group of technical experts.

3. In conclusion, he called for universal adherence to the Convention. The States party to the Convention and its protocols already represented an important forum that complemented other instruments in the field, but regions and States that were less well represented still needed to be engaged, to ensure that the Convention provided a truly global regime.

4. Mr. ALBIN (Mexico) said that the significant changes in the international context over the last 20 years had highlighted the importance of commitment by the international community not to inflict excessive injuries on civilians and combatants in pursuing legitimate military aims. Mexico was itself committed to developing rules to protect civilian populations from the indiscriminate use of weapons and therefore attached high priority to universal adherence to the Convention and the strengthening of its regime. It supported the Convention's review mechanism and welcomed the proposals submitted to both the Review Conferences; it was also important to agree on a date and to commence preparations for the Third Review Conference.

5. Mexico believed that expansion of the scope of the Convention and its protocols to include non-international armed conflicts should be effected by amending the Convention itself and should apply to future protocols unless expressly stipulated otherwise in the protocol concerned. It also supported the development of a compliance mechanism, which should be binding with a deterrent effect and should not entail excessive financial or administrative burdens, especially for non-producer States. The mechanism proposed for the Ottawa Convention could be considered as a possible model.

6. Mexico also favoured the total prohibition of the productions, storage, use and proliferation of all types of mines and believed that partial prohibitions or restrictions on mines could nullify

efforts by the international community and cause energies to be diverted instead towards the technological enhancement of mines. The issue of explosive remnants of war needed a concerted response, possibly in a group of experts established under the Conference with a broad mandate to consider all types of munitions that could become explosive remnants of war.

7. Mindful that there were other weapons whose effects were such that they should be controlled under international humanitarian law and considered by future Review Conferences, Mexico would support initiatives on the prohibition of such weapons as cluster bombs, munitions containing depleted uranium, fuel-air explosives and naval mines. For that reason, it welcomed the participation of ICRC and other international and civil society organisations, as only through joint efforts could the world be protected from such weapons.

8. Finally, he stressed that the problem posed by the excessive availability of small arms and light weapons and the lack of controls on their transfer must also be addressed and hoped that the Second Review Conference would succeed in closing some of the existing loopholes and would bring the Conference closer to its goals.

9. Mr. HILALE (Morocco) said that his country welcomed the Second Review Conference and hoped that it would help strengthen respect for the principles of international law in the field of disarmament. Noting with satisfaction the substantial results achieved thus far, he supported the views already put forward regarding the need for universal adherence to the Convention and its four protocols. In that connection, he informed the Conference that Morocco had initiated the process of ratifying the Convention and that its ratification remained contingent on agreement to be bound by at least two of the four protocols, as stipulated by article IV, paragraph 3. He noted, also, that the procedure for ratifying Protocol II and Protocol IV had already been commenced.

10. Mr. PEARSON (New Zealand) said that universal adherence should be a focus of the current Review Conference, along with efforts to ensure that the Convention remained innovative, effective and relevant to present-day conflicts and security challenges.

11. New Zealand firmly supported efforts to widen the scope of the Convention to cover non-international armed conflicts, which, it believed, should be achieved through amending the Convention under the provisions of amended Protocol II. If necessary, future protocols could contain express provisions excluding such widened scope. In its view, the issue of unexploded remnants of war should be dealt with by an open-ended expert group with a broad mandate and a fixed time-frame for reporting, which, in view of the urgency of the issue, could be set at one year.

12. With regard to strengthening the compliance provisions of the Convention regime, New Zealand's preference was to address that issue in the main framework of the Convention itself, with a light compliance regime as outlined in the South African proposal. Recognizing the real humanitarian problem of mines other than anti-personnel mines, New Zealand supported efforts to develop minimum detectability standards and, for remotely detonated mines, self-deactivation mechanisms. Finally, New Zealand also supported calls for more regular meetings, provided that they would help further strengthen the Convention.

13. Mr. TESCH (Australia), noting that the Convention was designed to be a dynamic instrument with the capacity to evolve and adapt to changing circumstances, said that the current Conference should not expect to reach agreement on all issues under consideration to the same level of detail, given that some proposals were at a more advanced stage than others.

14. Australia strongly supported extending the scope of the Convention so that all protocols applied to internal conflict, as was already the case with amended Protocol II, unless otherwise specified in the text of a given new protocol. Mindful of the concerns voiced by some delegations about the automatic application of expanded scope to all future protocols, he believed that a suitable form of words could be found to address those concerns.

15. Acknowledging the need for a balance between humanitarian and military considerations, Australia supported efforts to minimise the impact of explosive remnants of war on civilian populations, preferably through a group of governmental experts with a broad and realistic mandate, on the lines of the draft text circulated by the Friend of the Chair on that issue. Australia also supported strengthened provisions on anti-vehicle mines and urged parties to approach the issue with an open mind, with a view to developing measures to limit the impact of such mines.

16. With regard to strengthened compliance provisions, Australia supported a Convention-wide compliance regime, possibly through a compliance annex similar to article 8 of the Ottawa Convention. On the other hand, the South African proposal to include two additional articles on consultations and compliance, based on articles 13 and 14 of amended Protocol II, would be a desirable outcome for the Review Conference. Australia also commended Switzerland on the effort it had put into its proposal on wound ballistics and looked forward to further dialogue on the issue. On the issue of the future work programme, Australia firmly believed that there should be more regular opportunities for States parties to meet and review the operation of the Convention and its protocols.

17. Finally, he reiterated Australia's commitment to universal adherence both to the Convention on Conventional Weapons and its annexed protocols, and to the Ottawa Convention and urged all States which had not yet done so to accede to those important instruments.

18. Mr. ALI (Bangladesh), noting his country's ratification of the Convention and all its protocols in 2000, said that Bangladesh was attending its first Review Conference and reiterated his country's commitment to the goal of general and complete disarmament. He echoed the sentiment of the Secretary-General of the United Nations in his message to the Review Conference, that the Convention was a living instrument and needed to be modernized. To that end, he was encouraged by the wide convergence of opinion on the issue of extending the scope of the Convention and hoped that the Conference would find consensus language to achieve that goal, without prejudging the negotiations of any future protocol.

19. Acknowledging with appreciation the work done on the issue of explosive remnants of war by ICRC, civil society organisations and non-governmental organisations, Bangladesh stressed that the Convention was the most appropriate forum to address that hazard and called for an all-encompassing approach covering awareness, prevention and clearance of the full range of

unexploded ordnance. It also supported the establishment of a group of governmental experts to work on the issue, furnished with a substantive mandate.

20. Given that little attention had been devoted to the important issue of small calibre weapons and ammunition, which inflicted as much critical suffering as weapons of mass destruction, Bangladesh welcomed the Swiss initiative to regulate the use of small arms ammunition and to develop consensus in that area and believed that such weapons should be prohibited through national legislation. Finally, he expressed full support for the current regime on landmines and favoured a prohibition on the use of non-detectable anti-vehicle mines. At the same time, the concerns expressed by some countries regarding access to technology and funding must be accommodated in implementing certain relevant proposals and any new legal instrument in that area should not overlap or conflict with existing provisions.

21. Mr. SCHERBA (Ukraine) said that the events of 11 September had lent particular importance to the Convention as the major international humanitarian law instrument regulating conventional weapons. He stated Ukraine's belief that the Convention process could be significantly advanced by the current Review Conference, through a careful assessment of the real problems caused by the use of certain weapons and the adoption of effective measures to address major problems in that area. Having signed the Convention as early as 1981 and ratifying it soon thereafter, Ukraine was one of the major proponents of the Convention regime. The Convention's strength lay in its framework nature, making it a dynamic instrument able to adapt to changes in the nature and conduct of warfare.

22. The issue of destruction of anti-personnel mines was a top priority in Ukraine and it therefore welcomed the progress made on this matter by the States parties to amended Protocol II at their third annual meeting. It also believed that the problem of explosive remnants of war should be tackled by the international community as a matter of urgency. Having had first-hand experience of the problem and its considerable financial and technical implications, Ukraine believed that the current Conference offered an opportunity for the international community to minimise the effect of unexploded ordnance and to prepare a mandate for further work on the issue.

23. Finally, he reiterated his country's support for universal adherence to the Convention regime and for proposals on extending the scope of the Convention to include non-international conflicts, drawing on the precedent provided by amended Protocol II.

24. Mr. AMAT FORES (Cuba) said that the Second Review Conference was taking place at an extremely complex time for the international community, necessitating joint efforts by Governments and concerted action at the multilateral level, to ensure stable and lasting international peace and security. The fight against terrorism must not be conducted outside the scope of the principles enshrined in the Charter of the United Nations and international law: ignoring or negating those principles would constitute a serious setback to humankind in its quest for self-improvement. Deploring the use of sophisticated conventional weapons which could be categorized as excessively injurious or having indiscriminate effects, such as cluster bombs, Cuba called for genuine international cooperation, in the framework of the United Nations, as the only effective means of combating terrorism in all its forms and manifestations.

25. On the question of scope, he said that the Convention was a dynamic instrument, capable of adapting to changing realities, and that Cuba supported expanding its scope to include internal conflicts, which currently accounted for the majority of armed conflicts in the world. In considering the issue, the Review Conference should not, however, prejudice the scope of any additional protocols which might be negotiated in the future.

26. The proposal on a compliance mechanism under amended Protocol II posed political, technical and legal complications for Cuba, which believed that amending the already amended Protocol II could imperil its universality. Cuba therefore fully supported the joint position put forward at the Preparatory Committee by the Non-Aligned Movement with regard to that initiative and believed that amended Protocol II already contained realistic compliance provisions which should be effectively applied by its States parties. The suggestion that the proposed compliance mechanism should extend to the Convention and all its protocols necessitated further careful study. Cuba wondered, in particular, how the mechanism would reconcile the technical differences between the various categories of arms covered by the Convention and its protocols and how such a mechanism would operate, given that the Convention regime did not prohibit, but merely restricted, the use of certain weapons.

27. Cuba would also have difficulty supporting the proposal for an additional protocol on prohibitions or restrictions on the use of mines other than anti-personnel landmines, since it contained elements which were politically, legally and technically unviable. It believed that the provisions on anti-vehicle mines contained in amended Protocol II were already adequate and that a new protocol would cause unnecessary legal confusion and place a heavy technical and financial burden on developing countries.

28. With regard to the proposal for a new protocol on explosive remnants of war, while sharing the related humanitarian concerns, Cuba believed that further clarification and political, technical and legal discussion were needed and therefore supported the establishment of an open-ended intergovernmental group of experts with a broad mandate on the issue.

29. Mr. MALEVICH (Belarus) remarked that his State was a party to the Convention and all its annexed Protocols. It supported the incorporation into the Convention of a compliance mechanism and the proposal to add a new protocol on the explosive remnants of war. Unexploded ordnance continued to be unearthed in Belarus and rendered harmless by the thousands of pieces every year. The country's last full-scale mine-clearance operation, in 1992-1994, had rendered harmless or destroyed some 130,000 potentially explosive objects recovered from over 3,000 hectares of land. No such exercise had been conducted since, for lack of money. Around 350 square kilometers of land, the scene of heavy fighting during the Second World War and former military test sites, remained to be cleared. Yet the country's mine-clearance personnel were not equipped to United Nations standards.

30. Belarus hailed the ban on the transfer of non-anti-personnel mines; but fitting mines with detection, self-destruct and self-deactivating mechanisms would require significant financial outlays by parties to the new protocol.

31. Belarus favoured a gradual approach to the complete banning of non-anti-personnel mines, feeling that for the time being States should concentrate on giving effect to the amended Protocol II and the Ottawa Convention. The biggest challenge was to increase the numbers of States parties to those agreements until they were truly universal. Attempts to ban mines entirely might dissuade wavering States from joining the Ottawa process.

32. Belarus produced no anti-personnel mines. Its armed forces had destroyed weapons banned under Protocol II in 1996. Mines were not used to protect its borders. A moratorium on the export of all anti-personnel mines introduced in 1995 had been extended until the end of 2002. The country furnished regular reports on the subject to the Centre for Conflict Prevention and the Organisation for Security and Cooperation in Europe, and volunteered information for inclusion in the International Campaign to Ban Landmines' Landmine Monitor.

33. As a means of drawing attention to its problems with anti-personnel mine recovery, Belarus had not deposited its instruments of ratification of amended Protocol II. In the best case it would need millions of dollars to deal with the 4.5 million anti-personnel mines it had inherited upon the collapse of the Soviet Union; it had neither the technology nor the money for the task, as a visiting mission from the United Nations Demining Unit had confirmed. It had repeatedly sought international assistance: he thanked the Canadian Government for making 20 mine detectors available to Belarusian mine-clearance squads in a move which, he hoped, presaged full collaboration from the international community. With proper assistance, Belarus could accede to the Ottawa Convention, with whose humanitarian objectives it entirely sympathized.

34. Mr. TAWFIK (Egypt) said that his country subscribed fully to the humanitarian principles of the Convention, which it had signed in 1981 but not yet ratified. His delegation welcomed the strong current of opinion in favour of a new protocol dealing with the explosive remnants of war. The problem affected many States, including Egypt, where large quantities of unexploded ordnance, mostly dating from the Second World War, littered 288,000 hectares of land and were responsible for over 80,000 injuries, with more than 200 new cases occurring every year. Besides causing physical injuries, the unexploded ordnance also hampered economic development in an area rich in agricultural resources and potential tourist sites. A national committee set up to deal with the question of landmines had concluded that the matter needed to be taken up in the broader context of explosive remnants of war.

35. Any future protocol on the subject should stipulate that the foreign States that had abandoned such ordnance were responsible for helping to dispose of it. The matter must be comprehensively addressed - in technical, social and economic terms - when negotiations on the new protocol commenced.

36. Mr. LABBE (Chile) said that, as an observer State, his country could do little to advance the work of the Conference. Its commitment to the Conference's broad humanitarian objectives was evidenced, however, by its recent ratification of the Ottawa Convention, and the fact that it had begun the process of destroying stocks of weapons that that Convention banned even before ratification had been completed. Domestic formalities for accession to the CCW had commenced,

and Chile hoped to number among the States parties to the Convention very soon.

37. Mr. ESPINOZA FARFAN (Guatemala) said that his country attached the highest importance to strengthening the principles of the Convention. It had recently acceded to amended Protocol II; it was co-sponsoring the proposal for a new protocol to cover the topic of non-anti-personnel mines. It considered that extending the scope of the Convention to cover non-international conflicts was consistent with the Convention's humanitarian objectives.

38. Mr. FAESSLER (Switzerland) reported that the Third Annual Conference of the States parties to Amended Protocol II 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 had been attended by 45 States parties, 3 signatory States, 14 observer States and a number of non-governmental organisations. Owing to time constraints, no subsidiary bodies had been created: States had contributed through their national reports and a general exchange of views. They had concurred that the amended Protocol included many notable accomplishments: the extension of its scope to non-international conflicts; the prohibition of the use of non-detectable anti-personnel landmines; and standards governing remotely and non-remotely distributed landmines. They had concluded with an appeal to all States that had not yet done so to accede to the Protocol, and to States parties to the Convention to work to secure wider adherence to its provisions within their respective regions.

39. Provision should be made for the next such conference to have enough time available to discuss substantive matters arising out of the application of the Protocol, due regard being had to whatever decision the present Conference might take about more frequent meetings of its States parties.

40. Mr. MEDFORD-MILLS (United Nations Children's Fund), speaking on behalf of the Executive Director, voiced UNICEF's support for a new Protocol to the Convention governing explosive remnants of war. As the lead United Nations agency for mine awareness, UNICEF saw daily the terrible carnage wrought by all unexploded ordnance: for mines were only one ingredient in a lethal mix of explosive remnants that killed civilians and constrained social and economic recovery in post-conflict countries.

41. Air-dropped munitions could penetrate deep into the ground and take years to work back up to the surface even in intensively cultivated fields. Children were attracted, and maimed or killed, by mines, fuses, grenades and other detritus left behind by combatant forces. Others were killed or mutilated as they watched adults trying to disarm unexploded ordnance; and adults, needing money to support their families, sometimes extracted the explosives from unexploded bombs - which were then used for fishing or clearing farmland of boulders - or collected their casings for scrap metal. The death and injury rate from such activities could be high, and again children suffered when the family breadwinner was the victim.

42. While much had been done to mitigate the effects of mines, UNICEF urged the international community to work to reduce the human impact of all unexploded ordnance and echoed the call by the International Committee of the Red Cross for an optional protocol to the Convention that would

define responsibilities in that area. It also supported the call for self-destruct mechanisms to be incorporated in munitions wherever possible. Negotiations on the new protocol should begin urgently and conclude at the earliest possible time.

43. Mr. GARD (Vietnam Veterans of America Foundation) said that the only practical way of bringing about a substantial reduction in the numbers of explosive remnants of war was to improve the reliability of munitions. Current failure rates, and the casualties caused by failed munitions, could be cut by up to 97 per cent by adding self-destructing back-up devices to the fuses on all munitions.

44. Casualties could be reduced further if it was established that the technical information and finding commitments needed to embark on rapid clearance of explosive remnants must be part of any agreement to cease hostilities.

45. Anti-vehicle mines were inherently indiscriminate weapons. Requiring them to be detectable and imposing tight controls on their use, similar to those applicable under amended Protocol II to anti-personnel mines, would greatly reduce civilian casualties and speed the flow of relief supplies and services.

46. The Federation saw no conflict between its recommendations and the freedom to conduct legitimate military operations. Quite the contrary: armed forces complying with them would reduce fratricide among their troops during combat and injury to peacekeepers and clearance personnel afterwards. The associated costs were not excessive, especially given the astronomical costs of failing to take action.

47. He urged inclusion of the recommendations in the mandate of the expert group on explosive remnants of war; the group itself should report within the year so that by December 2002 work could commence on drafting a protocol. States parties to the Convention had an obligation to take strong action to minimise the numbers of civilian casualties caused by explosive remnants of war.

48. Mr. PEACHEY (Mennonite Central Committee), speaking also on behalf of the Swiss Campaign to Ban Landmines, Mine Action U.K., the German Initiative to Ban Landmines, the New Zealand Campaign Against Landmines, Handicap International, Medico International, Engineers for Social Responsibility New Zealand, Mines Action Southern Africa, the Swedish Peace and Arbitration Society, non-governmental organisations in Canada and the International Committee for the Peace Council, said that cluster weapons had, over the past 30 years, created a persistent and predictable pattern of indiscriminate injury and death both during and after armed conflicts. While the formation of an expert group on explosive remnants of war would be an important step towards addressing the problem, more urgent action was required to ensure the safety of children, families and communities affected by warfare. He called for an immediate moratorium on the use, production and transfer of cluster weapons, covering air-dropped munitions as well as submunitions delivered by missiles, rockets and artillery projectiles, to remain in effect until effective agreement on explosive remnants of war was reached. That call had been seconded over the past year by over 50 non-governmental organisations in 12 countries.

49. Any agreement regulating the use of cluster munitions must also establish that the user was responsible for the immediate and thorough clean-up of unexploded ordnance.
50. Ms. WALKER (International Campaign to Ban Landmines) said that the International Campaign comprised some 1,500 non-governmental organisations in more than 90 countries. The Ottawa Convention now numbered 122 States parties and an additional 20 signatory States: it was one of the few success stories amidst the current difficulties in multilateral diplomacy. She urged all other States to accede to that Convention.
51. The Campaign would play only a limited part in the current Conference because it would continue to remain focused on anti-personnel landmines. Nevertheless, it and its member organisations had a strong interest in efforts to reduce the humanitarian impact of other weapons, anti-vehicle mines and explosive remnants of war. Several elements of the proposal by the International Committee of the Red Cross on explosive remnants of war were clearly in line with long-standing calls by the Campaign.
52. She was heartened by the apparent almost universal acceptance of the proposal to form an expert group to consider the problem of explosive remnants of war. That group should seek to conclude its work in no more than a year and report back to the States parties in December 2002. It must be established that those who used munitions were responsible for clearing, or providing any assistance needed to clear, unexploded ordnance, and that technical information to facilitate clearance must be made available immediately after the cessation of hostilities in an affected area. The group would have to call on non-governmental organisations for information, advice and analysis: its mandate should reflect the fact. Campaign members were ready to offer technical expertise and field-based experience.
53. Requiring anti-vehicle mines to be detectable, and remotely delivered mines to have self-destruct and self-deactivation mechanisms, would be desirable achievements but most civilian casualties were caused by hand-placed, not remotely delivered, anti-vehicle mines. The problems caused by such mines were mainly due to misuse, indiscriminate use and the direct targeting of civilians. Enforcement of existing rules against such practices should be a priority.
54. The Campaign was not calling for a ban on anti-vehicle mines, which it believed should be regulated under CCW, not the Ottawa Convention. It was important to note, however, that in many CCW States parties' view mines with sensitive fuses or anti-handling devices that caused them to function like anti-personnel mines were covered and prohibited by the Ottawa Convention.
55. The Convention and its Protocols should be expanded in scope to include internal conflicts; the adoption of compliance measures for the entire Convention would strengthen it. Serious questions had been raised during the past year about possible violations of the Convention by at least two States parties. Provisions were needed to allow for the clarification of such questions of compliance.

56. The Campaign trusted that the States parties to the Ottawa Convention would not permit any language in the final declaration of the current Conference that in any way condoned or accepted as legitimate the continuing use or possession of anti-personnel mines.

57. The PRESIDENT expressed his appreciation of the practical humanitarianism displayed by the non-governmental and other organisations participating in and supporting the Conference.

The meeting rose at 12.30 p.m.

SUMMARY RECORD OF THE 4th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 21 December 2001, at 11 a.m.

President: Mr. LUCK (Australia)

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CLOSURE OF THE CONFERENCE

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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 Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

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

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The meeting was called to order at 11.15 a.m.

REPORT OF THE CREDENTIALS COMMITTEE (agenda item 16) (CCW/CONF.II/CC/1)

1. Mr. KOLAROV (Bulgaria) introduced the draft report of the Credentials Committee (CCW/CONF.II/CC/1) with oral amendments that would be reflected in the final document of the Conference. To date, 52 States parties had submitted formal credentials in due form; six had submitted provisional credentials in the form of a telefaxed copy; and eight had designated their representatives by means of notes verbales or letters from their permanent missions. Paragraph 9 of the draft report should be amended to read: "The Credentials Committee decided to accept the credentials of the participating States parties on the understanding that the originals of the credentials in due form required by Rule 3 of the Rules of Procedure for the States parties listed in paragraph 7 I (b) and (c) would be forwarded to the Secretary-General of the Conference as soon as possible."
2. The PRESIDENT said that he took it that the Conference wished to approve the report of the Credentials Committee, as orally amended, and adopt the resolution contained therein.
3. It was so decided.

REPORTS OF THE MAIN COMMITTEES (agenda item 17) (CCW/CONF.II/MC.I/1;
CCW/CONF.II/MC.II/1)

4. Mr. SANDERS (Netherlands) introduced the report of Main Committee II, pointing out the Committee's proposals had been referred to Main Committee I for further consideration and incorporation into the Final Declaration of the Conference.
5. The PRESIDENT said that he took it that the Conference wished to take note of the report of Main Committee II.
6. It was so decided
7. Mr. SOOD (India) introduced the report of Main Committee I, drawing attention to the draft Final Declaration annexed thereto.
8. The PRESIDENT said that he took it that the Conference wished to take note of the report of Main Committee I.
9. It was so decided.

REPORT OF THE DRAFTING COMMITTEE (agenda item 18)

10. The PRESIDENT said that the Main Committees had worked so efficiently that it had not been necessary to convene the Drafting Committee; consequently the Drafting Committee had not produced a report.

CONSIDERATION AND ADOPTION OF THE FINAL DOCUMENTS (agenda item 19)
(CCW/CONF.II/L.1 and Corr.1 and CCW/CONF.II/L.2 and L.3)

11. The PRESIDENT said that he took it that the Conference wished to adopt the Final Declaration, as reproduced in the annex to the report of Main Committee I (CCW/CONF.II/MC.I/1).

12. It was so decided.

13. Mr. ANTONOV (Russian Federation) said the Russian Federation believed that the decision of the Conference to extend the scope of application of the Convention to conflicts of a non-international nature was an important contribution to humanizing military operations, protecting the civilian population, and further strengthening the norms of international humanitarian law. Contemporary humanitarian law, which the Russian Federation sought unswervingly to develop and to comply with, should not be construed as preventing States from taking legitimate measures in case of urgent need to prevent acts of violence and secure domestic law and order, including the suppression of terrorist activities.

14. Mr. HEDBERG (Sweden) said that Sweden understood the word "legitimate" to mean that the measures undertaken should be in accordance with international humanitarian law, the Charter of the United Nations, and other rules of international law, as applicable.

15. Mr. GÓMEZ ROBLEDO (Mexico) said that, in approving the amendment to article 1 of the Convention, it was his Government's understanding that the purpose of widening the scope of application of the Convention to cover the situations referred to in common article 3 of the 1949 Geneva Conventions was to raise the level of protection afforded by the Convention and its Protocols to the combatants of the warring parties and the civilian population in general. In that context, it was his Government's understanding that all measures which a State party might adopt to maintain or re-establish law and order should be in strict conformity with international humanitarian law and the other applicable norms of international law and that the fight against the most serious forms of organized crime, including terrorism, could never justify any derogation from the obligations to which all States parties were subject, in conformity with international humanitarian law and human rights law. Without prejudice to the foregoing, the Mexican Government once again unequivocally condemned terrorism in all its forms and manifestations, whatever the motives of the perpetrators, and reaffirmed its full commitment to combating terrorism.

16. Mr. REYES RODRIGUEZ (Colombia) said the protection afforded by the amendment to civilians in internal (i.e. non-international) conflicts was a significant step forward.

17. Mr. HERBY (International Committee of the Red Cross) said that it was gratifying to note that, during the discussions on the Final Declaration, States parties had interpreted "legitimate" to mean "in accordance with international humanitarian law and other international norms".

18. Mr. NYIKOS (Hungary), referring to the cost estimates for meetings in 2002 (CCW/CONF.II/L.2 and L.3), proposed that the item "pre-session documentation" should be deleted from the draft budget, thereby saving US\$ 240,000. The budgetary allocation was chiefly intended for the preparation and translation of working documents, yet translation was normally unnecessary because the material was intended for expert use.
19. Mr. SANDERS (Netherlands) said that it was important to budget for the possibility that State parties might wish to submit pre-session documents, translated if necessary. All States parties needed to be informed, in their own languages, of the work of the open-ended Group of Governmental Experts.
20. The PRESIDENT said that, notwithstanding the budgetary provision, States parties should consider whether translation of their pre-session documentation was in fact necessary. In the meantime, he took it that the Conference wished to approve the cost estimates for the meetings in 2002.
21. It was so decided.
22. The PRESIDENT said that it was necessary to appoint a President-designate for the 2002 meeting of States parties who would oversee the intersessional work. He took it that the Conference wished to recommend Mr. Sood (India) as President-designate, on the understanding that the nomination would be confirmed by the meeting of States parties in December 2002. He also took it that the Conference wished to appoint Mr. Sanders (Netherlands) and Mr. Kolarov (Bulgaria) coordinators for the two areas of work of the open-ended Group of Governmental Experts, namely explosive remnants of war and mines other than anti-personnel mines.
23. It was so decided.
24. The PRESIDENT said that, in order to ensure the entry into force of the amendment to article 1 of the Convention, the Secretary-General of the Conference would transmit the text of the amendment as adopted in the Final Declaration to the depositary of the Convention, namely the Secretary-General of the United Nations. The depositary would communicate the text of the amendment to all States parties to the Convention and would formally advise them that the amendment would enter into force, in accordance with article 8 (1) (b) of the Convention, six months after the date of deposit of the twentieth instrument of ratification, acceptance or approval of, or accession to the amendment. The entry into force would, of course, apply only to those States parties which had ratified, accepted, approved or acceded to the amendment. The basic principle was that amendments should enter into force in the same manner as the Convention itself.
25. Ms. BU FIGUEROA (Observer for Honduras), Mr. SUGONDHABHIROM (Observer for Thailand), Mr. CAHALANE (Ireland), Mr. KOLAROV (Bulgaria), Mr. MISTRÍK (Slovakia), and Ms. WALKER (International Campaign to Ban Landmines) drew attention to various omissions and inaccuracies in the draft procedural report of the Conference (CCW/CONF.II/L.1/Corr.1), which they trusted would be rectified in the final document.

26. The PRESIDENT said that the Final Declaration, the usual annexes, including the Committee reports, list of participants, and so forth, would be attached to the report to constitute the final document of the Conference. He took it that the Conference wished to adopt the report as orally amended.

27. It was so decided.

OTHER MATTERS

28. Mr. BASI (Pakistan) said that the successful outcome of the Conference was largely due to the leadership and diplomatic skills of its President and the dedication and diligence of the Australian delegation and the secretariat. He also paid tribute to the Secretary-General of the Conference and the chairmen of the two Main Committees.

29. Mr. SORBY (Norway) echoed the tribute to the President and chairmen. He said that the upshot of the Conference met most of his delegation's expectations, but there was no room for complacency: the decisions just taken represented a challenge for the future. He was particularly satisfied that the Conference had agreed on a broad mandate for the working group to consider all factors relating to explosive remnants of war. His Government expected to proceed towards a protocol on the topic with a view to reducing the indiscriminate effects of certain weapons, including submunitions.

30. Mr. LIVERMORE (Canada) remarked that talk of "unfinished business" at the close of the first Review Conference, in 1996, had been a veiled allusion to the fact that the Convention was at that time failing, and widely perceived as failing. The outcome now achieved held out hope that those failings could be forgotten. The Conference might, in other words, mark a new beginning: but that the Convention could indeed be a dynamic instrument, adapting to suit international realities, would have to be shown in the work done over the coming year. All parties concerned had high expectations which they would have to work very closely together to meet. His delegation was prepared to work with all States parties, the international community, the International Committee of the Red Cross and non-governmental organisations to demonstrate the dynamism of which it believed the Convention was capable.

31. Mr. HEINSBERG (Germany), speaking as the coordinator of the Western Group of States, thanked the President and officers of the Conference for their efforts. The Conference had had a positive result, underlining that multilateral diplomacy on disarmament was viable, could produce results and did have a future.

32. Mr. LINT (Belgium), speaking on behalf of the European Union and associated States, welcomed the successful outcome of the Conference and remarked that the most tangible result would be the extension of the scope of the Convention to cover internal conflicts. The European Union also welcomed the decision to set up an expert group on the subject of unexploded remnants of war - it hoped that the working paper it had submitted the previous day might provide some guidance - and the decisions on the subjects of anti-vehicle mines and verification.

33. Mr. LEMBARD (South Africa) expressed his thanks to the President, the officers of the Conference and the secretariat staff on behalf of the members of the Non-Aligned Movement and other States.
34. Mr. NYIKOS (Hungary), speaking as coordinator of the East European Group of States, echoed those sentiments. After recent events, many people had begun to think that disarmament efforts were on the decline; the Conference stood as a landmark on the way towards a safer world.
35. Mr. FU Zhigang (China) said that the success of the Conference was largely a result of the spirit of cooperation that had prevailed among delegations. It was to be hoped that that spirit would continue during the follow-up to the Conference, for only thus would progress be made.
36. Mr. CUMMINGS (United States of America) credited the extraordinary leadership of the President and officers of the Conference with the fact that the session had been a success in many respects. It had made a lasting contribution to international humanitarian law by extending the scope of the Convention and its protocols to non-international conflicts. It had increased support for balanced restrictions on the use of anti-vehicle mines: he thanked the States that had cosponsored his delegation's proposal on the subject and assured those that had felt unable to do so of his delegation's desire to continue to work closely with them on the issue; similarly, he looked forward to a productive year's work on the problem of unexploded remnants of war, in keeping with the spirit and purpose of the Convention.
37. Regarding the interpretation of the term "legitimate", his delegation's position was consonant with that expressed by the representative of Sweden and others, and was a matter of record in his Government's instrument of ratification of amended Protocol II.
38. He praised the collegial atmosphere that had prevailed throughout the negotiations, and the substantive solutions arrived at. The Convention was proving itself to be a dynamic, consensus-based regime that was responsive to changing times, legitimate security concerns and humanitarian priorities.
39. Mr. GOOSE (Human Rights Watch) said that the expansion of the scope of the three Protocols to internal conflicts represented an advance in the promotion of international humanitarian law; he urged Governments to accept the new provision as soon as possible. The formation of a group of governmental experts on explosive remnants of war was also a positive step, and he praised the International Committee of the Red Cross for its initiative on that issue. Because of the humanitarian imperatives involved, the group of experts should conclude its work within a year and pave the way for immediate negotiations on a protocol, to be concluded within a similar space of time. Its broad mandate allowed for examination both of the factors and types of munitions that caused humanitarian problems and of international humanitarian-law concerns. It should focus on the problems caused by cluster bombs and other submunitions, the proliferation of which increased danger to civilians; besides technical factors, the group needed to consider those related to the use and targeting of cluster munitions. Dangers to civilians during conflict were as important as the dangers to them afterwards.

40. In parallel to the group's work, States should take urgent unilateral steps, adopting and publicizing national "best practices" and taking other measures to reduce the problems caused by cluster munitions and explosive remnants of war. The group of experts should regard the non-governmental organisation community, with its wealth of field-based experience, not as outsiders to its deliberations but as partners and practitioners.

41. Mr. LLOYD (Landmine Action - UK), speaking on behalf of 16 organisations in 11 countries, expressed his gratitude for the efforts by the International Committee of the Red Cross to prompt action on explosive remnants of war. The commitment by States parties to seek effective solutions to the problem through a group of experts was most important. In fact, however, the communities affected could not wait for years of discussion and negotiation: every time cluster munitions were used, those in need of humanitarian aid, aid workers, United Nations peacekeeping and other ground forces were placed at risk. Unexploded munitions were especially difficult to clear. The organisations for which he spoke therefore requested Governments to enact moratoria on the production, use and transfer of cluster munitions under the Convention. States could also make an immediate contribution by ensuring that the requisite resources were available for awareness and risk-reduction programmes, clearance operations etcetera.

42. Any future agreement to regulate the use of cluster weapons must stipulate that immediate, thorough clearance of unexploded ordnance was the responsibility of the user; the provision of technical information to facilitate clearance and of warnings to protect civilians should also be included.

43. Mr. ROSSITER (Viet Nam Veterans of America Foundation) hailed the adoption of a mandate for an expert group to study and make recommendations on ways of reducing casualties from explosive remnants of war. The inclusion in that mandate of the element of munition reliability was a significant step forward: the use of modern fuse technology could reduce dud rates and the resulting civilian casualties by 97 per cent. The United States and Switzerland had developed the technology; the Foundation urged them to use it on all their munitions and to share it with other nations. As United States Senator Leahy had said, there were good humanitarian and practical reasons why armed forces with cluster bombs should invest in reliable fuses. The Foundation looked forward to working with the expert group to make the replacement of antiquated cluster bombs a reality.

44. Ms. WALKER (International Campaign to Ban Landmines) welcomed the progress that had been made during the Conference, in particular the agreement on a broad mandate for a group of experts working on explosive remnants of war and anti-vehicle mines. The Campaign had always recognised the humanitarian impact of unexploded ordnance other than anti-personnel mines, and had decided to support the call for a moratorium on the use, production and transfer of cluster munitions. It advocated the urgent negotiation of a new protocol to the Convention covering explosive remnants of war, establishing that responsibility for clearing, or providing the assistance necessary to clear, unexploded ordnance lay with the user; that information to facilitate clearance must be provided immediately after use; that users of weapons likely to have a long-term impact

must provide appropriate information and warnings to civilians both during and after conflict; and that the use of cluster munitions in or near concentrations of civilians was prohibited.

45. She urged all countries that had not yet done so to join the States parties to the Ottawa Convention. The Campaign and its member organisations would be available throughout the year to offer States their technical expertise and field-based experience. They welcomed the support that several States had shown for the inclusion of non-governmental organisations in the negotiating process, and believed they could make a positive contribution. Inter-sessional work under the Ottawa Convention had proved that a partnership of non-governmental organisations, international organisations and States parties could be both constructive and effective. The Convention on Certain Conventional Weapons could be an important international instrument for addressing humanitarian and conventional-weapons issues if work was conducted efficiently and the political will to accomplish something was present.

CLOSURE OF THE CONFERENCE

46. The PRESIDENT expressed renewed appreciation for the level of cooperation that had helped to make the session a success, and declared the Conference closed.

The meeting rose at 1 p.m.

ANNEX I

LIST OF DOCUMENTS

<u>Symbol</u>	<u>Title or descriptions</u>
CCW/CONF.II/1	Provisional Agenda
CCW/CONF.II/2	Final document of the Second Review Conference of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects
CCW/CONF.II/L.1 and Corr.1	Draft Report of the Second Review Conference of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects
CCW/CONF.II/L.2	Estimated Costs of the 2002 Meeting of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects
CCW/CONF.II/L.3	Estimated Costs of the Three Sessions of the Group of Governmental Experts of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects
CCW/CONF.II/WP.1	Draft Mandate on Explosive Remnants of War for a Group of Governmental Experts
CCW/CONF.II/WP.2	Working Paper Submitted by the European Union Explosive Remnants of War
CCW/CONF.II/WP.3	Working Paper Submitted by South Africa – CCW Convention: Additional Articles on Consultations and Compliance
CCW/CONF.II/MC.I/WP.1	Draft Agenda of Main Committee I
CCW/CONF.II/MC.II/WP.1	Draft Agenda of Main Committee II

CCW/CONF.II/MC.I/1	Report of Main Committee I
CCW/CONF.II/MC.II/1	Report of Main Committee II
CCW/CONF.II/MC.II/CRP.1	Draft Report of Main Committee II
CCW/CONF.II/CC/1	Report of the Credentials Committee
CCW/CONF.II/INF.1	Proposed Programme of Work
CCW/CONF.II/INF.2 and Corr.1	List of States Parties and Signatories
CCW/CONF.II/MISC.1	Provisional List of Participants
CCW/CONF.II/SR.1	Summary Record of the 1 st meeting
CCW/CONF.II/SR.2	Summary Record of the 2 nd meeting
CCW/CONF.II/SR.3	Summary Record of the 3 rd meeting
CCW/CONF.II/SR.4	Summary Record of the 4 th meeting

ANNEX II

LIST OF PARTICIPANTS

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Sr. Marcelo Valle Fonrouge	Consejero, Misión Permanente en Ginebra

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Mr. Peter Truswell	Third Secretary, Delegation to the Conference on Disarmament, Geneva

Mr. Tim McCormack	Australian Red Cross Professor of International Humanitarian Law Faculty of Law, University of Melbourne
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Ms. Sonja Litz	Department of Defence, Canberra
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