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Geneva, 7-17 November 2006

SUMMARY RECORD OF THE 6th MEETING

Held at the Palais des Nations, Geneva,  
on Monday, 13 November 2006, at 3.30 p.m.

President: Mr. BRASAK (Germany)  
(Vice-President)

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SPECIAL PLENARY MEETING TO MARK THE ENTRY INTO FORCE OF  
CCW PROTOCOL V

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The meeting was called to order at 4.30 p.m.

SPECIAL PLENARY MEETING TO MARK THE ENTRY INTO FORCE OF  
CCW PROTOCOL V (continued)

1. Mr. RAWABDEH (Jordan) said that Jordan had begun mine-clearing operations in 1993, in order to eliminate anti-personnel mines and anti-vehicle mines. Considerable progress had been made in that regard, and steps had been taken to provide rehabilitation and assistance to mine victims. The Jordanian Government was particularly grateful to all States, non-governmental organizations and international organizations that had assisted in the mine-clearing process, through the provision of financial assistance, training for mine clearance specialists and the provision of equipment to remove unexploded ordnance. The principles of international humanitarian law were taught in Jordanian military training centres, and Jordan abided by all international conventions that aimed to prevent suffering among both the military and civilians. The effective implementation of the CCW and its protocols required all donor States to assist other countries that lacked the capacity to fulfil their obligations, and provide support for future programmes in States with limited resources. The sponsorship programme to assist States unable to attend Convention meetings was a step in the right direction. Jordan hoped that donor countries would launch bilateral or multilateral initiatives to encourage other States that were lacking in technical resources to accede to the Convention and its protocols.
2. Jordan supported the proposal for continued meetings of the expert groups in 2007, and considered that all States that had not yet signed Protocol V should be given the opportunity to attend those meetings, since that would assist non-signatory States in overcoming the obstacles they faced in acceding to the Protocol. Jordan would contribute actively to such discussions.
3. Mr. DUNCAN (United Kingdom of Great Britain and Northern Ireland) said that the United Kingdom welcomed the entry into force of Protocol V and planned to ratify it in the near future. His Government shared the concerns expressed about the humanitarian impact of unexploded ordnance, including submunitions, and recognized the need for a ban on dumb cluster munitions, as well as the importance of pressing other military forces to live up to their responsibilities under international humanitarian law. Although the British armed forces used dumb cluster munitions very rarely, they remained part of the arsenal, since at times of conflict the British forces might need to destroy or suppress dispersed enemy armour, other combat forces or military facilities in a defined terrain.
4. One of the main arguments for using cluster munitions was that a small number of those munitions delivered an effect over the required area without totally devastating the surrounding environment. The alternative was to use a greater number of high-explosive munitions, which would destroy the enemy but inevitably cause much greater destruction to the surroundings. Such munitions were also not immune from failure to detonate, and subsequent accidental detonation could have a devastating effect. Cluster munitions delivered the required effect at a distance, and allowed field commanders to select target areas to minimize collateral damage. Eliminating that option ran the risk of producing more intense combat on the ground when troops made contact with the enemy. That would increase the likelihood of casualties on both sides, and would increase physical collateral damage.

5. Although the United Kingdom agreed that nations should withdraw cluster munitions from service, internationally recognized definitions of cluster munitions and their dumb variants were required. His delegation proposed that the definition of cluster munitions should include munitions that had numerous submunitions, had explosive content, did not have a target discriminatory capability and did not have a self-destruction, neutralization or deactivation capability in the event of failing to detonate prior to, on, or immediately after impact with the target. Agreement on definitions and a review of existing instruments and their implementation were an integral part of the process to address the humanitarian issues that arose from the use of cluster munitions, which might lead to the elaboration of further legally binding international norms.

6. Mr. KONGSTAD (Norway) said that Norway shared the view expressed by the Austrian delegation that the humanitarian disaster caused by cluster munitions must be addressed urgently. Although his Government agreed that negotiations on an international instrument should start as soon as possible, it maintained that such negotiations should be held in a forum where they could be conducted effectively, with a realistic possibility of producing a treaty that could make a genuine difference to civilians both during and after armed conflicts. Norway was not convinced that the present forum would be adequate to achieve such results.

7. Mr. GOOSE (Human Rights Watch) said that Human Rights Watch welcomed the entry into force of Protocol V and encouraged all States to ratify it as soon as possible. The Protocol would strengthen awareness that the detritus of war must be removed as swiftly as possible, and that the users of weapons that became explosive remnants of war had a particular responsibility in that regard. The language of Protocol V was weak, to the extent that some of its key provisions could be considered voluntary. The success of the Protocol would therefore depend on thorough implementation by governments. No States had expressed a willingness to increase their resource allocations to clearance programmes as a result of the entry into force of Protocol V, and global funding for clearance of explosive remnants of war had decreased in 2005. He wondered whether Protocol V would really result in States that had been engaged in conflicts giving information and assistance to facilitate clearance in a more rapid and comprehensive fashion than in the past.

8. In 2003, many non-governmental organizations, including Human Rights Watch, had criticized the CCW States parties that were negotiating Protocol V for their refusal to address the issue of cluster munitions. Since that time, the political will to tackle all aspects of cluster munitions had developed, and a new international instrument was therefore needed to prohibit the use, production, transfer and stockpiling of unreliable and inaccurate cluster munitions.

9. Mr. HANNON (Mines Action Canada) said that when Protocol V had been negotiated, Mines Action Canada had expressed concern that it addressed only post-conflict, generic measures, and did not cover existing explosive remnants of war. It was only a partial solution to the problem of explosive remnants of war which focused on solving the problem, rather than preventing it. That notwithstanding, the adoption of the Protocol had been a necessary step forward, and his organization welcomed its entry into force, and encouraged all States to ratify it. The value of Protocol V would be judged on how effectively it resulted in funding for clearing explosive remnants of war, emergency risk education and assistance to survivors. States parties should go beyond the letter of Protocol V, and act in the spirit of resolving an urgent humanitarian problem. The large-scale ratification of the Mine Ban Convention demonstrated

that the majority of States were willing to join a treaty with robust obligations. Not only were they willing to support legally binding instruments that comprehensively addressed humanitarian crises, but they were also capable of implementing such treaties. That suggested that CCW States parties could make Protocol V a significant element of international humanitarian law. Those States should also make efforts to prevent the use of weapons that became explosive remnants of war. It was both illogical and unsustainable to expect development ministries and other donor agencies to fund clearance programmes without policy coherence to prevent the harm caused by cluster munitions. It was now time for States to agree to a negotiating mandate on cluster munitions that consistently became explosive remnants of war, causing foreseeable and unacceptable threats and harm to civilian populations.

10. Mr. BRUNI (Italy) said that the entry into force of Protocol V was a tangible result of the CCW process on mitigating the effects of explosive remnants of war, including unexploded cluster munitions. The existing legal provisions addressing post-conflict humanitarian threats should be integrated with preventive legal provisions. Since the Italian Chamber of Deputies had adopted a motion on cluster munitions, Italy could accept the establishment of an open-ended CCW group of governmental experts with a mandate to negotiate a legally binding instrument to reduce the impact of cluster munitions on civilian populations.

11. Mr. LANDMAN (Netherlands) said that the informal meeting of States parties that had consented to be bound by Protocol V had produced unanimous agreement on the need to convene a formal meeting of States parties in the autumn of 2007, with a preparatory committee meeting the previous spring. The Netherlands would chair those two meetings.

The meeting rose at 4.55 p.m.