

2004 Session
Geneva, 18 and 19 November 2004

SUMMARY RECORD OF THE 1st MEETING

Held at the Palais des Nations, Geneva,
on 18 November 2004, at 10 a.m.

Temporary Chairperson: Mr. ROMAN-MOREY (Deputy Secretary-General of the
Conference on Disarmament and Director of the Geneva
Branch of the Department of Disarmament Affairs)

Chairperson: Mr. MARKOTIĆ (Croatia)

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The meeting was called to order at 10.35 a.m.

OPENING OF THE MEETING (item 1 of the provisional agenda)

1. The TEMPORARY CHAIRPERSON called to order the 2004 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.

CONFIRMATION OF THE NOMINATION OF THE CHAIRPERSON OF THE MEETING
(item 2 of the provisional agenda)

2. The TEMPORARY CHAIRPERSON reminded the participants that at their 2003 Meeting, the States parties had decided (CCW/MSP/2003/3, para. 32) to designate the representative of Croatia, Mr. Gordan Markotić, as Chairperson of the 2004 Meeting of States Parties, and invited them to confirm that decision.

3. It was so decided.

4. Mr. Markotić (Croatia) took the Chair.

5. The CHAIRPERSON said that the Group of Governmental Experts of the States Parties to the Convention, which had been set up at the Second Review Conference, had worked within the framework that had been laid down in the Conference's final declaration (CCW/CONF.II/2). It had been entrusted with the task of considering the issues of explosive remnants of war and mines other than anti-personnel mines. In the final declaration the States parties had also decided that work should be carried out on possible options to promote compliance with the provisions of the Convention and its annexed protocols, and on the question of small-calibre arms and ammunition. At their Meeting in 2003, they had decided that the Working Group on Explosive Remnants of War and the Working Group on Mines Other than Anti-Personnel Mines should continue their work in 2004, and renewed the mandates of the two bodies, as set out in appendices III and IV to the report of the meeting (CCW/MSP/2003/3). In 2004, that work had been carried out under the chairmanship of the Coordinators for the two issues, Mr. Prasad and Mr. Reimaa. In pursuance of paragraph 28 of the report, he himself had held consultations on possible options to promote compliance with the provisions of the Convention and its annexed protocols, as well as overseeing the continuation of the work of the Group of Governmental Experts.

ADOPTION OF THE AGENDA (item 3 of the provisional agenda) (CCW/MSP/2004/1)

6. The agenda was adopted.

CONFIRMATION OF THE RULES OF PROCEDURE (agenda item 4)
(CCW/CONF.II/PC.1/1, annex II)

7. The CHAIRPERSON suggested that the 2004 Meeting of States Parties should apply mutatis mutandis the rules of procedure adopted by the Second Review Conference (CCW/CONF.II/PC.1/1, annex II). Since it was evident that some of those rules were not relevant to a short meeting, he suggested that the Meeting should be guided by the rules in question and apply its good judgement and cooperative spirit to any situations which might arise.

The rules would apply, inter alia, in the light of the statement made by the President of the Second Review Conference concerning rule 34: “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”.

8. It was so decided.

CONFIRMATION OF THE NOMINATION OF THE SECRETARY-GENERAL OF THE MEETING (agenda item 5)

9. The CHAIRPERSON, referring to rule 14 of the rules of procedure, said his consultations had indicated that there was agreement to appoint Mr. Peter Kolarov, Political Affairs Officer in the Geneva Branch of the Department of Disarmament Affairs, as Secretary-General of the Meeting. He took it that it was the wish of the Meeting to appoint Mr. Peter Kolarov as Secretary-General of the Meeting.

10. It was so decided.

ELECTION OF VICE-CHAIRPERSONS (agenda item 6)

11. The CHAIRPERSON pointed out that, as in the previous two years, the 2004 Meeting of the States Parties was an abridged version of a review conference. Given the short duration of the meeting, he suggested establishing a streamlined bureau consisting of the Chairperson, the representative of China, the Coordinators of the three groups of States, the Coordinators of the two working groups and the Chairpersons of the meetings of military experts, on the understanding that such a procedure would not set a precedent for future meetings of the States parties.

12. It was so decided.

MESSAGE FROM THE SECRETARY-GENERAL OF THE UNITED NATIONS (agenda item 7)

13. At the invitation of the Chairperson, Mr. ROMAN-MOREY (Deputy Secretary-General of the Conference on Disarmament and Director of the Geneva Branch of the Department of Disarmament Affairs) read out a message from the Secretary-General of the United Nations.

14. In his message, the Secretary-General said that to date, 97 States had become parties to the Convention, and he urged those States to consider practical steps to encourage more accessions to the Convention, which saved lives and reduced suffering, while protecting countries' security interests.

15. Thirty-five States had so far ratified amended article 1 of the Convention. The Secretary-General urged the remaining States parties to ratify the amendment without delay, to extend the scope of the instrument to internal conflicts. Noting that three States had notified the depositary of their consent to be bound by Protocol V, designed to eradicate the daily threat that explosive remnants of war posed to civilian populations and to humanitarian personnel, he expressed the hope that more States parties would soon do likewise, so that the Protocol could enter into force in the near future.

16. The Secretary-General expressed the hope that the Group of Governmental Experts would soon be able to recommend to States parties the strongest possible commitment with regard to mines other than anti-personnel mines. It was also important that the States parties should consider what further steps could be taken to prevent weapons from becoming explosive remnants of war and to minimize their devastating humanitarian impact.

ADOPTION OF FINANCIAL ARRANGEMENTS FOR THE MEETING (agenda item 8)

17. The CHAIRPERSON said that the Programme Planning and Budget Section of the United Nations Office at Geneva had drawn the secretariat's attention to that fact that on 25 September 2004, 71 States parties owed the United Nations a total of US\$ 324,320 in respect of their share of the costs of Convention-related meetings held between 1994 and 2003, and that at the same date, total contributions received by the Office for the 2004 meetings stood at less than 25 per cent of the estimated costs of the individual meetings. Consequently, he wished to urge all States which had not yet done so to meet their financial obligations as soon as possible. He hoped that it would not be necessary to revisit the issue at future meetings of the States parties.

18. He also pointed out that at their 2003 Meeting, the States parties had adopted the cost estimates for the present Meeting and for the three sessions of the Group of Governmental Experts to be held in 2004 (CCW/MSP/2003/3, annexes III and IV). He was informed by the secretariat that the actual figures would be available only upon the conclusion of the Meeting. Since the financial arrangements for the Meeting had been adopted in 2003, no further action was called for.

REPORT OF THE WORK OF THE GROUP OF GOVERNMENTAL EXPERTS OF THE STATES PARTIES TO THE CONVENTION (agenda item 9) (CCW/GGE/IX/2)

19. The CHAIRPERSON said that the report of the ninth session of the Group of Governmental Experts (CCW/GGE/IX/2), along with the reports of the Group's seventh and eighth sessions (CCW/GGE/VII/3 and CCW/GGE/VIII/3), provided a complete account of its work during 2004. Moreover, the Group of Experts had included in its report recommendations for future work, suggesting in particular that the Meeting of States Parties should adopt the proposed mandate for future work on the issue of explosive remnants of war (annex I to the report), as well as the proposed mandate for future work on the issue of mines other than anti-personnel mines (annex II). The Group of Experts also recommended that the Chairperson-designate should undertake consultations during the intersessional period on possible options to promote compliance with the Convention and its annexed protocols (para. 25). Some 30 working papers which had been circulated during the course of 2004, and which were listed in annex III to the report, had constituted the basis of the deliberations in the Group of Experts. In addition, presentations had been given by several delegations as well as intergovernmental and non-governmental organizations. The Group's report would guide the States parties in their work during 2005 and would help to reinforce the international norm represented by the Convention and its annexed protocols.

CONSIDERATION OF THE REPORT OF THE WORK OF THE GROUP OF GOVERNMENTAL EXPERTS AND GENERAL EXCHANGE OF VIEWS (agenda item 10)

20. Mr. SANDERS (Netherlands), speaking on behalf of the European Union, the candidate countries for accession (Bulgaria, Romania and Croatia) and the countries participating in the stabilization and association process (Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia and Serbia and Montenegro, which were potential candidates, as well as Croatia), said that the Union considered it crucial that the serious humanitarian, developmental and economic concerns posed by the irresponsible use of mines other than anti-personnel mines - concerns which had been amply documented, in particular in a new study by the Geneva International Centre for Humanitarian Demining - be addressed. At the same time, such mines could also be used for legitimate military purposes, and hence there was a need to strike a balance between humanitarian concerns and military considerations. After three years of intensive discussions, it was time to start negotiations on a legally binding instrument on the matter, which it should be possible to finalize in 2005.

21. The European Union attached great importance to the entry into force of Protocol V on explosive remnants of war, which it believed would significantly reduce the post-conflict risks to civilian populations. It called on all States parties to agree to be bound by the Protocol and to implement it as soon as possible. The Union also looked favourably at the possibility of convening in 2005 meetings of military and legal experts on the application of existing principles of international humanitarian law in the context of explosive remnants of war. It also favoured continuation of work on possible preventive measures aimed at improving the design of certain specific types of munitions, including submunitions, with a view to minimizing the risk that such munitions might become explosive remnants of war and thus pose humanitarian problems. In particular, it urged the States parties to strive to identify which preventive measures would best succeed in improving the reliability of such munitions, which had very high failure rates. States parties should also consider how the exchange of information, assistance and cooperation might contribute to reducing the risk that munitions might become explosive remnants of war.

22. Concerning the subject of ensuring compliance with the provisions of the Convention and its annexed protocols, he drew the attention of delegations to working paper CCW/GGE/IX/WP.1, in which the European Union set out ideas and suggestions for a possible compliance mechanism. In the view of the European Union, the procedure to be created should be non-politicized, non-adversarial and forward-looking. The existence of the mechanism should not rule out recourse to a dispute settlement procedure. Lastly, it should be credible, cost-effective, efficient and transparent. The working paper had the merit of reviving the discussions on the issue of compliance with the provisions within the Group of Governmental Experts. Several States had acknowledged that the European Union had submitted a flexible and useful paper; they had also raised legitimate questions concerning the content of the paper, which would need to be clarified. The European Union looked forward to further work on the issue in 2005.

23. Mr. HODSON (United States of America) said he was convinced that, with Protocol V and the mandate which would no doubt be given to the Working Group on Explosive Remnants of War, and which contained provision for participation by legal experts in the work of the Group, as well as the preparation of a report on that work, the States parties would be able to address the humanitarian concerns posed by weapons which could become explosive remnants.

24. He welcomed the progress made in work on the issue of mines other than anti-personnel mines within the Group of Governmental Experts in 2004. The discussions had been more focused and the States parties had been able to identify areas of common ground. The papers prepared by the Coordinator (CCW/GGE/VIII/WG.2/1 and CCW/GGE/IX/WG.2/1) had made a real contribution to moving the discussions forward, while outlining the work which would be needed in 2005. In 2004, the draft protocol put forward by 30 countries and issued as CCW/GGE/VI/WG.2/WP.9 had been extensively discussed. Some States parties, such as India and Ireland, had expressed written views on some parts of the draft, while others, in particular the Russian Federation, China and Pakistan, had highlighted difficulties which would need to be resolved. The International Committee of the Red Cross and the Geneva International Centre for Humanitarian Demining had made clear presentations on the humanitarian threat posed by the irresponsible use of mines other than anti-personnel mines. The authors of the 30-nation proposal had made an effort to respond to all the concerns expressed on certain parts of their draft, and would no doubt be ready to study with care any exceptions or transition periods which might be suggested. The task now was to reach a consensus on the elements of a legal instrument on the basis of the 30-nation proposal and in the light of the papers presented by the Coordinator, so as to conclude a protocol on mines other than anti-personnel mines in 2005. The United States proceeded from the principle that the proposed mandate for the Group of Governmental Experts provided authority for the drafting of such a protocol.

25. Mr. CHOI (Republic of Korea), noting that the number of States parties to the Convention had risen to 97 since it entered into force, said that the States parties should make further efforts to promote universal adherence to it. The current constructive momentum within the Convention framework should not be lost. Following the adoption of amended article 1 of the Convention and Protocol V on explosive remnants of war, the next step was to address the problems caused by the irresponsible use of mines other than anti-personnel mines. He observed that that idea enjoyed growing acceptance and that there was even some convergence of views on the main elements of a legally binding instrument on the matter. He expressed the hope that agreement could be reached on such an instrument in 2005. Noting that a variety of views remained on the question of explosive remnants of war, he said that States should be encouraged to apply in good faith the generic preventive measures provided for in Protocol V, while continuing to study at the expert level possible preventive measures aimed at improving the design of certain types of munitions. Finally, in relation to compliance with the provisions of the Convention and its annexed protocols, he called for the establishment of a credible compliance mechanism. He expressed the hope that the States parties would reach agreement on the matter in 2005, taking the South African proposal as a starting point and combining it with key elements of the latest European Union working paper.

26. Mr. HU (China) said that the Convention had stood the test of time because, firstly, it struck a balance between humanitarian concerns and legitimate military needs, and secondly, it was in fact a framework convention capable of evolving in response to new international challenges, scientific and technological progress and the transformation of methods of warfare - developments which had been reflected in the amendment of existing provisions and the adoption of new protocols. Noting with satisfaction that amended article 1 of the Convention had entered into force on 18 May 2004, he encouraged countries which had not yet done so to ratify those provisions, which marked a significant development of humanitarian law. The

Protocol on explosive remnants of war was another important contribution to arms control and humanitarian causes. China was examining the possibility of ratification and stood ready to promote its early entry into force.

27. Noting that some countries had suggested the initiation of negotiations on technical retrofitting of certain specific types of munitions - an issue closely related to that of explosive remnants of war - he pointed out that the retrofitting of existing munitions would raise complex problems without genuinely improving the humanitarian situation, and that it would be better to seek to improve the reliability of the munitions in question. Indeed, the Protocol on explosive remnants of war set out best practice in that regard. On the matter of mines other than anti-personnel mines, China considered that a solution should be sought to the problem which was balanced and took account of the circumstances of different countries, which did not all possess the same economic and technological capabilities. The very comprehensive work carried out in the Group of Governmental Experts in 2004 had resulted in more concrete proposals. China had put forward a package solution which it considered realistic, and expected that it would be further explored by the Group.

28. Ms. WHELAN (Ireland) expressed the view that significant progress had been made during 2004 on the issue of mines other than anti-personnel mines, thanks largely to the papers prepared by the Coordinator, in which he had pinpointed the most realistic options while identifying common ground and clarifying points of difference among delegations. Ireland had updated the proposal it had submitted (CCW/GGE/VIII/WG.2/WP.2) on restricting the use and lifespan of such mines placed outside perimeter-marked areas. It remained convinced that such restrictions would greatly reduce the long-term humanitarian damage caused by those weapons. Ireland could accept the proposals put forward in that regard by the Coordinator in his papers, subject to the reservation that perimeter-marked areas should be both monitored by military personnel and protected by fencing or other means in order to ensure the effective exclusion of civilians. That idea should be reflected in a legally binding instrument to be negotiated by States parties to the Convention, which might be complemented by a best practices regime dealing with such issues as the sensitivity of fuzes and minefield marking methods.

29. Ireland was working towards ratification of the Protocol on explosive remnants of war. It was particularly concerned about the impact of submunition use on civilian populations: in many cases submunitions became explosive remnants of war as a result of their high failure rate. Given the large volume of submunitions delivered at each individual firing and the wide footprint of each delivery, it was possible that, as the International Committee of the Red Cross claimed, such weapons might be intrinsically indiscriminate when used against targets close to concentrations of civilians. Hence it was important to examine the problem of submunitions in the context of the Convention on Certain Conventional Weapons. Lastly, Ireland fully supported the proposal put forward by the European Union for the creation of a cost-effective and non-intrusive mechanism to ensure compliance with the Convention and its annexed protocols.

30. Mr. FAESSLER (Switzerland), emphasizing the importance of the rapid implementation of the Protocol on explosive remnants of war, to benefit the civilian populations of the affected areas, commended Sweden, Lithuania and Sierra Leone for having so promptly declared their consent to be bound by the Protocol, and announced that the Swiss Government planned to do likewise at the end of 2005.

31. Concerning mines other than anti-personnel mines, he noted that the discussions in the Group of Governmental Experts had highlighted the fact that, for the vast majority of States, the humanitarian impact of such mines outweighed their military value, unless they were detectable, self-destructed or self-deactivated and were placed in protected and monitored areas. Switzerland was of the view that a comprehensive and effective solution must be found to the problem. It was one of the 30 sponsors of the draft protocol proposed by the United States and Denmark, and supported the complementary Irish proposal. Regarding possible preventive measures of a technical nature in relation to certain specific types of munitions, including submunitions, there was no doubt that improving the reliability of such munitions would be worthwhile in both military and humanitarian terms. It would be important to examine that issue in greater depth in the context of the work of the Group of Governmental Experts in 2005. Switzerland supported the Coordinator's suggestion for structuring the debates in 2005 so as to analyse all aspects of the use of explosive munitions from the viewpoint of international humanitarian law.

32. He considered that the mechanism which might be adopted to ensure compliance with the provisions of the Convention should be effective, non-accusatory, non-political and forward-looking; it should also contain provision for meetings among the States parties and the drafting of reports, as South Africa had suggested, as well as the establishment of a compliance committee, under the European Union proposal. Lastly, he expressed the hope that it would be possible to report tangible results to the Review Conference in 2006.

33. Ms. POLLACK (Canada) paid tribute to the International Committee of the Red Cross, the Geneva International Centre for Humanitarian Demining and the intergovernmental and non-governmental organizations which had helped the States parties to bring real-world relevance to their deliberations.

34. In Canada's view, the States parties could take satisfaction in the fact that so far, through the adoption of Protocol V and the entry into force of amended article 1 of the Convention, they had assured the future of the Convention, a dynamic and flexible instrument which was able to remedy urgent humanitarian problems. However, they must not let up on their efforts, as their accomplishments must be followed through and other important problems must be addressed. For example, regarding explosive remnants of war, steps must include the development of consultative mechanisms and reporting procedures required under Protocol V, but also the identification of the best ways of applying the principles of international humanitarian law to ensure proper protection of civilians. Canada looked forward to participation by legal experts in the work of the Group of Governmental Experts on that issue. Efforts should also be made to solve the problems caused by anti-vehicle mines. Canada continued to support the drafting of a protocol on that matter, which would supplement the restrictions on mine use imposed by amended Protocol II.

35. Mr. MINE (Japan), drawing attention not only to the humanitarian but also to the socio-economic impact of mines other than anti-personnel mines, said that, after three years of debates, it was time to start negotiations on a legally binding instrument on the issue. However, he recognized that some countries did not share that view. The proposal for the maintenance of the same mandate for the Working Group on Mines Other than Anti-Personnel Mines was therefore a wise one insofar as the mandate was broad enough to cover the views of all the States parties and neither commanded nor excluded the commencement of negotiations. In that way the

States parties could eliminate a number of differences in 2005. At the same time, it would be impossible to settle all the problems before negotiations were started. As a sponsor of the 30-nation proposal, Japan considered that the most recent paper prepared by the Coordinator (CCW/GGE/IX/WG.2/1), and especially paragraph 18 of the paper, offered a good starting point for discussions and negotiation, since it gathered together the various views expressed by the States parties. In any event, there was a need to adopt a separate legal instrument to address the specific humanitarian problems raised by mines other than anti-personnel mines, which the international community could not resolve by means of amended Protocol II alone. In addition, considering the urgency of those problems, speed was vital.

36. The adoption of a mechanism to ensure compliance with the provisions of the Convention and all the annexed protocols was needed, in order to ensure their effectiveness. However, the mechanism should be designed taking due account of the principle of State sovereignty as well as the administrative burden which the planned measures would impose on States. Lastly, concerning amended article 1 of the Convention, all States parties to the original Convention which had not yet done so should ratify it as soon as possible, so that the scope of application of the Convention was the same for all the States parties to the Convention.

37. Mr. SMITH (Australia) welcomed with satisfaction the progress made in the discussions in 2004 on the issue of mines other than anti-personnel mines and that of explosive remnants of war. While supporting the renewal of the discussion mandate given to the Working Group on Mines Other than Anti-Personnel Mines for 2005, Australia was ready to begin negotiations for the adoption of a new instrument on the issue, since the mines in question represented a real and urgent humanitarian problem. The Australian delegation trusted that in 2005 the States parties would submit concrete proposals on how to move work forward in that area.

38. Noting that in 2004 the Coordinator on the issue of explosive remnants of war had usefully structured the discussions on the application of the principles of international humanitarian law to explosive remnants, Australia welcomed with satisfaction the idea of renewing the mandate given to the Working Group on the issue. The Australian delegation looked forward to participation by legal experts in the 2005 discussions, and called for an in-depth study of whether the failure rate of certain specific types of munitions, especially submunitions, could be reduced by means of technical improvements. Australia commended Sweden, Lithuania and Sierra Leone for notifying their consent to be bound by the Protocol on explosive remnants of war, and had itself embarked on a study of the steps which would enable it to follow suit.

39. Mr. VALLE FONROUGE (Argentina) said that at the end of November 2003, the Argentine Congress had enacted a law ratifying amended article 1 of the Convention. Furthermore, in order to facilitate the prompt entry into force of Protocol V on explosive remnants of war, Argentina had dropped the corrections it had submitted in writing to the Spanish version of the protocol.

40. Regarding mines other than anti-personnel mines, Argentina supported the suggested mandate for the Working Group on the issue in 2005, which would certainly help States parties to broaden areas of agreement with a view to the speedy start of negotiations on a legally binding instrument on the issue. In order to secure the support of States for the idea of such negotiations,

and in due course to facilitate the application of the provisions, norms and restrictions to be agreed on in the instrument, the Argentine delegation had suggested the keeping of a register listing institutions and States in a position to provide countries which needed it with assistance and cooperation in the form of transfers of technology and equipment. In addition, it considered that transfers of such mines should be banned, in view of the fact that their use by non-State actors only increased the number of innocent victims and the area of land which could not be inhabited or worked.

41. Concerning explosive remnants of war, it seemed important to continue the work which the Group of Governmental Experts had devoted to certain specific types of munitions, including submunitions, under a broad mandate which would permit further study of the preventive measures needed to improve the design of the munitions in question and the application of the principles of international humanitarian law. In that field too, it would be necessary to set up machinery for assistance and cooperation among States parties so as to facilitate the application of best practices which balanced the humanitarian objectives of the Convention with States' legitimate defence needs. It would also be desirable in the future to incorporate in the mandate of the Working Group on explosive remnants of war the question of assistance and cooperation in relation to technologies, trade and production of certain munitions. Lastly, Argentina called for the establishment of a mechanism to ensure all-round compliance with the provisions of the Convention and its annexed protocols.

42. Mr. ANTONOV (Russian Federation) said that his country, which had been applying the provisions of amended Protocol II for several years, planned to complete shortly the procedure required to enable it to notify its consent to be bound by that instrument. The Russian delegation was carefully studying the proposals made to strengthen the Convention and the annexed protocols and to resolve the related problems. It proceeded from the principle that the new proposals should not have the insidious effect of undermining the commitments already entered into in that framework, and that the States parties should take all their decisions by consensus.

43. The Russian delegation was satisfied with the outcome of work relating to the Convention in 2004, especially as regards mines other than anti-personnel mines. The participants had presented their arguments more clearly, so that common elements and differences were now better understood. The outcome of those discussions confirmed the view of the Russian delegation that it would be premature to start negotiations on the issue of mines other than anti-personnel mines. As far as his country was concerned, major questions remained to be answered, in particular how Russia would benefit from the proposed instrument and how it would affect Russia's defence capability, whether it was truly reasonable to seek to improve such mines, and what would be the financial implications. At the same time, the Russian delegation was ready to examine the arguments of those who advocated the negotiation of a legally binding instrument on such mines. The Russian delegation remained convinced of the need for a serious and totally impartial analysis of all the aspects of the problem of the use of munitions which might become explosive remnants of war. At the national level, Russia would focus its efforts on the ratification and effective application of Protocol V.

44. Concerning compliance with the provisions of the Convention and the annexed protocols, the Russian delegation was not convinced that a verification mechanism should be adopted. If

one proved necessary, the proposal by South Africa seemed the most compelling, while the European Union proposal deserved further study, since it raised many questions, in particular as regards the composition and activities of the proposed compliance committee.

45. Mr. RAPACKI (Poland) informed the meeting that amended Protocol II had entered into force for Poland in July 2004 and that Protocol IV would enter into force for it in March 2005. Arrangements for ratification of amended article 1 of the Convention were progressing, while the Government had taken steps in order to be able to notify its consent to be bound by Protocol V. Through those measures, Poland had reaffirmed its support for humanitarian law and the protection of civilians from certain conventional weapons which had indiscriminate effects. Poland had also decided to ratify the Ottawa Convention. He expressed the hope that the mandate to be given to the Working Group on Mines Other than Anti-Personnel Mines would provide States parties with an opportunity to start negotiations on a new protocol on such mines, as soon as all delegations had assured themselves that their concerns could be taken into account during the substantive work on the provisions of such an instrument. It would be desirable for the new protocol to be adopted before the Conference to review the Convention scheduled for 2006.

46. Mr. LEVANON (Israel) expressed satisfaction at the work carried out in 2004, in which the States parties had pursued a serious approach and steered clear of politicization. In his view, not only the two Working Groups but also the two Coordinators and the Chairperson of the Meeting should be given renewed mandates, so as to provide continuity and ensure success. Regarding mines other than anti-personnel mines, he pointed out that the working paper prepared by the Coordinator had enabled the States parties to pinpoint the elements on which they could agree, as well as those which were still contentious. The mandate to be adopted was sufficiently broad to lead to negotiations, while at the same time safeguarding the legitimate military concerns of the States parties. Israel had no objection to the start of negotiations on an instrument on such mines in 2005, but could not at the present stage commit itself as to the nature of the instrument, believing that it was often preferable to leave some formulations open to interpretation and take decisions later on certain critical issues. As for explosive remnants of war, he wished to point out that, for his country, the mandate to be given to the Working Group on the issue would not encompass the application of international humanitarian law to the use of munitions which presented a risk of becoming explosive remnants.

47. Concerning the options which might be adopted to ensure compliance with the provisions of the Convention and the protocols, Israel's position was that compliance with international obligations, whether they were legally binding or political in nature, was one of the pillars of the international system, but it doubted that any mechanism, however intrusive, could replace good faith in the discharge of such obligations. Israel was therefore of the view that compliance mechanisms based on bilateral consultations, or resort to a third party in the event of disagreement, as provided for in articles 13 and 14 of amended Protocol II, should be developed for each protocol separately. Israel would read the European Union proposal carefully, but for the moment reiterated its support for the South African proposal as it stood.

48. Ms. JURIC-MATEJCIC (Croatia) informed the Meeting that on 15 October the Croatian Parliament had adopted a law incorporating Protocol V into domestic law, and that in the coming months the Croatian Ministry of Foreign Affairs would notify the Secretary-General of the United Nations of Croatia's consent to be bound by the Protocol.

49. Mr. LOKEN (Norway) said that as long as the States parties had not fully addressed the problems posed by certain conventional weapons, they should not let up on their efforts to reach the required solutions. Norway would like to see the adoption of legally binding instruments both on the question of mines other than anti-personnel mines and on that of measures to be taken to prevent munitions from becoming explosive remnants of war, and it considered that that should be possible before the 2006 review conference. While calling for negotiating mandates for both issues, the Norwegian delegation realized that only discussion mandates would command consensus among States parties at the present stage. It considered, however, that continued discussion should by no means prevent States parties from contemplating a start to negotiations in 2005 if sufficient progress was made. The Norwegian delegation continued to consider the 30-country proposal as an excellent starting point for a new protocol on mines other than anti-personnel mines. It noted that in 2004 it had been possible to identify common ground as a result of the consultations held and the papers prepared by the Coordinator. On the question of explosive remnants of war, it would support the adoption of the mandate to be given to the Working Group, which would provide for participation by legal experts in the Group's work. He considered that it was important to conduct a thorough discussion of the interpretation and implementation of the principles of international humanitarian law in that regard.

50. Mr. CAUGHLEY (New Zealand), recalling the principles of customary international law which underpinned the Convention and the annexed protocols, urged States not to falter in their efforts to address the problems still posed by certain conventional weapons. He noted with satisfaction that progress had been made in 2004 regarding mines other than anti-personnel mines. True, it would be difficult for some States to implement a protocol that comprehensively dealt with such mines, as had been recognized through the general agreement to transitional periods, the need for effective cooperation and assistance provisions and the special imperatives related to border areas. Nevertheless, the problems posed by the irresponsible use of the mines in question demanded an instrument that encompassed the detectability of such mines, restrictions on their use, the fencing and marking of mined areas, and sensitive fuses. The mandate to be given to the Working Group on Explosive Remnants of War, though still very modest, should nevertheless offer an opportunity for more structured and focused debate on the principles of international humanitarian law and for taking stock of achievements to date. The Government of New Zealand remained very concerned about the high failure rate of submunitions.

51. Mr. QUINTERO CUBIDES (Colombia) said he wished to inform the Meeting of the situation in his country. Colombia contained the fourth largest number of mine victims: there had been 2,919 victims of mines since 1990 and 318 in 2004 alone, 40 per cent of whom were civilians and half of them children; the victims were all living below the poverty line. In order to cope with the situation, despite the fact that irregular armed groups continued to place mines in areas where civilians lived and worked, the Government of Colombia had embarked on the destruction of the 18,501 anti-personnel mines held by the security services and the armed forces. The operation had been completed on 25 October 2004, leaving the armed forces with 986 mines for military instruction and training in mine clearance techniques. Pressure-activated mines in 22 zones protecting public buildings and military bases had been replaced by other models. In the circumstances, the members of the international community could support the Government of Colombia by exerting pressure on non-State actors to renounce the use of mines and providing the country with technical assistance for mine clearance and assistance to victims,

which was already being done by many of them, including Switzerland, with which Colombia had recently signed a cooperation agreement providing for the implementation of a national mine awareness plan.

52. Mr. HILAËL (Morocco) confirmed his country's attachment to the principles of international law in the field of disarmament and to the progressive development of the rules of international law applicable in armed conflicts. Morocco proceeded from the principle that the elimination of explosive remnants of war should be a shared responsibility and that the dangers posed by such remnants could be completely eradicated only through international partnership. The delegation of Morocco welcomed the progress made in 2004 by the Working Group on the subject and favoured the renewal of its mandate for 2005. Participation in the Group's work by legal experts would not fail to boost that work, but should remain optional and should not lead to the establishment of another body, so as not to place at a disadvantage the large number of developing countries which had no legal experts in Geneva and could not afford to send any.

53. Regarding mines other than anti-personnel mines, Morocco considered that amended Protocol II served as a model in that area because it guaranteed balance between humanitarian concerns and defence and security imperatives. The Moroccan delegation considered that the paper prepared by the Coordinator on the topic (CCW/GGE/IX/WG.2/1) had the merit of really taking account of the various concerns and aspirations on all sides. It was sure that, thanks to the renewal of the Working Groups' mandates, the States parties would be able to broaden areas of agreement and make further progress towards agreed recommendations. Lastly, it considered that the preparations for the Third Review Conference should be initiated as soon as possible.

54. Ms. MTSHALI (South Africa), noting that the implementation of Protocol V would help to reduce significantly the risks to civilian populations arising from explosive remnants of war, announced that South Africa had embarked on the preparations necessary for notifying the Secretary-General of the United Nations of its consent to be bound by the protocol, so that it could speedily enter into force for South Africa. She noted that, following the consideration, in 2004, of other proposals on explosive remnants of war and those relating to mines other than anti-personnel mines, differences among delegations were still too great to allow them to contemplate giving the two Working Groups on those issues negotiating mandates in 2005. The idea of maintaining the same mandates for the two Groups therefore accurately reflected the state of progress in the deliberations.

55. Concerning the proposed means of ensuring compliance with the provisions of the Convention and the annexed protocols, she noted with satisfaction the growing support for the South African proposal. She considered that it would be difficult to reach consensus on the issue as long as delegations did not take the mechanism that had been agreed for amended Protocol II as a starting point. While welcoming the efforts made by the States parties which were members of the European Union to revise the mechanism they had proposed so as to make it less intrusive, she remained convinced that compliance with the Convention and the protocols could best be achieved by ensuring that the States parties committed themselves to consulting each other and cooperating with each other bilaterally, through the Secretary-General of the United Nations or through other appropriate international procedures, to resolve any problems that might arise with regard to the interpretation and application of the provisions of the Convention and its annexed protocols.

56. Concerning the programme of work for 2005, the South African delegation had felt it might perhaps be unnecessary to plan for five weeks of work in the absence of any negotiating mandate, and had therefore proposed that the Group of Governmental Experts should determine, at its first session in 2005, whether a full two-week session was really necessary in the middle of the year; if it was, the South African delegation would fully support the retention of the session in question.

57. She believed that the preparations for the Third Review Conference should be initiated in 2006, following the work of the 2005 session of the Group of Governmental Experts, in view of the fact that the issues under discussion in the two forums differed both from a procedural and from a substantive perspective. That would not prevent States parties from beginning to reflect in an informal manner in 2005 on the issues to be put before the Review Conference in 2006.

The meeting rose at 12.55 p.m.