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**Fourth Review Conference of the High Contracting Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects** 21 December 2011

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**Geneva, 14–25 November 2011**

**Summary record of the 2nd meeting**

Held at the Palais des Nations, Geneva, on Monday, 14 November 2011, at 3 p.m.

*President:* Mr. Ganev .....(Bulgaria)

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*The meeting was called to order at 3.15 p.m.*

**General exchange of views (continued)**

1. **Mr. Sougouri** (Burkina Faso) said that the use of the conventional weapons prohibited under the Convention posed a threat to the fragile processes of democratization, good governance and establishment of the rule of law. Their use by non-State actors was one of the chief obstacles to development and to the success of international cooperation efforts. Burkina Faso was strongly committed to combating the proliferation of such weapons, given the value that it attached to peace among nations. His delegation wished to stress the importance of achieving the universality of the Convention and to urge States that had not yet acceded to it to do so. It furthermore welcomed the activities undertaken under the Sponsorship Programme and was in favour of strengthening it. Burkina Faso was a party to the Convention on Cluster Munitions and was taking steps to implement its provisions.
2. **Mr. Peláez** (Argentina) said it was regrettable that the Group of Governmental Experts at its most recent meeting, in August 2011, had not reached a definitive outcome on the issue of cluster munitions so as to enable a relevant protocol to be adopted under the Convention on Certain Conventional Weapons. He trusted that the latest draft submitted by the Chairperson of the Group, complemented by the work of the Conference, would result in such an instrument.
3. His Government saw a need for a protocol even though Argentina neither produced nor transferred cluster munitions, had never used them and had destroyed its existing stocks. An international, legally binding regime was necessary under which the major users and producers of cluster munitions would commit themselves to regulating and outlawing them. It was neither sufficient nor appropriate to leave issues of such great humanitarian importance at the mercy of national policies.
4. He hoped that those delegations that still wished to consider new proposals would continue to show flexibility and accept compromise wording that took into account national security concerns. A new protocol could have immediate tangible benefits.
5. While new instruments might need to be developed to address the humanitarian consequences of the use of certain types of conventional weapon, it was also necessary to continue strengthening the implementation of the Convention's existing Protocols, all of which Argentina had now ratified. He hoped that the universalization of the Convention and its Protocols could proceed without States entering security-related reservations that conflicted with the instruments' humanitarian principles and objectives.
6. Regarding mines other than anti-personnel mines, his Government considered the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices as amended on 3 May 1996 (amended Protocol II) an inadequate response to the humanitarian problems resulting from the use of such weapons. It was therefore prepared to support proposals for revitalizing discussion of the question with a view to the development of a legally binding instrument on the use, production and transfer of mines other than anti-personnel mines.
7. The Conference was an opportunity to reflect on the Convention's future. It was time to honour the commitments made in 1980 and to recognize the role of multilateralism as an effective tool in negotiations on instruments relating to conventional weapons.
8. **Mr. Gil Catalina** (Spain), referring to the Convention's compliance mechanism, said that his Government was in favour of streamlining the reporting system. Regarding universalization of the Convention and its Protocols, while there had been progress, the pace of accessions was slower than for other multilateral instruments. Accordingly, greater

efforts by States and regions were needed. It was also necessary to reaffirm the commitment made to the plan of action to promote the universality of the Convention, approved at the Third Review Conference, and to focus more attention on countries particularly vulnerable to tensions that could lead to armed conflict.

9. While the intersessional activities being undertaken were a sign of the Convention's vitality, in the current economic context it was advisable to reconsider the programme of work and to make meetings more productive.

10. Regarding the draft protocol on cluster munitions, the stances of High Contracting Parties fell into two broad categories: some seemed satisfied with the text submitted by the Chairperson of the Group of Governmental Experts, while others were clearly dissatisfied because they deemed it inadequate or would like to see it worded differently. In advancing the debate, it was vital to be guided by international humanitarian law, general international law and common sense. It was also crucial to eliminate ambiguity, lack of clarity and double standards. In his Government's view, while the Chairperson's draft was a step in the right direction, it still required work. The alternative draft protocol submitted by Austria, Mexico and Norway at the most recent meeting of the Group of Governmental Experts (CCW/GGE/2011-III/WP.1/Rev.1) more closely reflected Spain's position.

11. In that connection, he wished to reiterate his Government's firm commitment to the Convention on Cluster Munitions (Oslo Convention). Spain had, at considerable economic cost, ceased manufacturing and selling such munitions and had destroyed stocks held by its Armed Forces. With Mexico, it was leading the working group on cooperation and assistance under the Convention, which would present its conclusions at the Third Meeting of States Parties to the Convention on Cluster Munitions, to be held in Oslo in 2012.

12. **Mr. Garcia** (Philippines) said that improvised explosive devices (IEDs), explosive remnants of war and unexploded ordnance continued to threaten the safety and well-being of civilians and military personnel in his country. IEDs in particular were widely used by terrorist groups active there. He acknowledged the contribution of the United States Government in helping to dispose of explosive remnants dating mainly from the Second World War.

13. Due importance should be accorded to victim assistance. In that connection, he wished to draw attention to the outcome of the Second Ministerial Review Conference on the Geneva Declaration on Armed Violence and Development, held in Geneva in 2011, particularly concerning the impact of inhumane conventional weapons on socio-economic development.

14. With regard to dissemination of information on the Convention on Certain Conventional Weapons to military personnel, his country's Armed Forces conducted regular training in explosive ordnance disposal and related topics. The Philippines had an ammunition control centre, and inspection and disposal teams operated nationwide. Training was also provided to private-sector employees – for example, security agency workers.

15. **Ms. Ciobanu** (Romania) said that her Government welcomed any mechanisms to strengthen compliance with the Convention and its Protocols, all of which Romania had ratified. The Protocol on Explosive Remnants of War (Protocol V) was a comprehensive and implementable instrument that addressed military and humanitarian concerns in a balanced way. Amended Protocol II complemented the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (Ottawa Convention), and its importance had been acknowledged by the international community. An appropriate solution must also be found to the humanitarian concerns raised by the use of mines other than anti-personnel mines.

16. The main issues to be considered at the Conference were related to cluster munitions. Any text agreed, in order to provide significant humanitarian benefits, must have the support of the major producers, users and stockpilers of cluster munitions and must respect the mandate to balance military and humanitarian considerations. Romania continued to support the adoption of a protocol on cluster munitions under the Convention on Certain Conventional Weapons and considered the text proposed by the Chairperson of the Group of Governmental Experts a realistic starting point.

17. **Ms. Adnin** (Observer for Malaysia) said her Government hoped that a consensus would be achieved regarding the text of the draft protocol on cluster munitions. It was conducting an in-depth study of the Convention and its Protocols with a view to Malaysia's accession in the near future.

18. **Mr. Wu Haitao** (China) outlined the progress made in conventional arms control under the Convention. He said that his country, as a Party to the Convention and all its Protocols, participated actively in international cooperation under the instrument.

19. Since 1998, China had provided humanitarian demining assistance to nearly 40 countries in Asia, Africa and Latin America, as well as victim assistance to mine-affected countries. It was ready to continue such efforts in cooperation with the international community.

20. A new protocol on cluster munitions would play an important role in addressing the humanitarian concerns raised by the use of such munitions. At the same time, those concerns must be balanced with military needs. He called on all Parties to demonstrate the political will needed to achieve a pragmatic, balanced and feasible outcome.

21. His Government attached great importance to the humanitarian concerns arising from non-State actors' abuse of IEDs. It stood ready to exchange views and relevant experience with other Parties and supported the discussion of the issue under amended Protocol II. The full implementation of that Protocol and Protocol V would contribute to addressing problem of IEDs.

22. Management of explosive items for civilian use was also important in tackling the problem of IEDs, and his Government had adopted a series of laws, regulations and other measures to control the production, sale, purchase, transport and stockpiling of such items.

23. **Ms. Pillay** (United Nations High Commissioner for Human Rights), speaking on behalf of the Office for the Coordination of Humanitarian Affairs, United Nations Children's Fund, United Nations Development Programme, United Nations High Commissioner for Refugees, United Nations Population Fund, United Nations Special Rapporteur on the human rights of internally displaced persons, World Health Organization, United Nations Mine Action Service, ACT Alliance, All India Disaster Mitigation Institute, Danish Demining Group, Danish Refugee Council, Handicap International, InterAction, Jesuit Refugee Service, Norwegian Refugee Council, Office Africain pour le Developpement et la Coopération and OXFAM (United Kingdom and Ireland), said that, while she appreciated efforts by the Parties to address the humanitarian concerns associated with cluster munitions, the Convention on Cluster Munitions already resolved those concerns by imposing a comprehensive ban on the use, production and stockpiling of such weapons. A comprehensive ban was the only viable means of sparing civilians, and humanitarian and development operations, from the indiscriminate and lasting effects of cluster munitions.

24. The adoption of the draft protocol on cluster munitions as it stood would create a new international instrument weaker than existing standards, thus setting a disturbing precedent in international humanitarian law. The use of certain cluster munitions would, moreover, be facilitated, which would endanger civilians and imperil humanitarian and

development staff. Research had shown that manufacturers' claims about the reliability of the weapons, in terms of their ability to explode as intended or to self-destruct, were unconvincing. As United Nations agencies had stressed repeatedly during the negotiations, civilians and clearance personnel were now at greater risk from unexploded and very sensitive submunitions because of the increased sophistication of the technology. She therefore wished to urge States that had not signed or ratified the Convention on Cluster Munitions to do so without delay.

25. The Parties to the Convention on Certain Conventional Weapons should refocus their efforts on the issue of mines other than anti-personnel mines and, in particular, anti-vehicle mines. Negotiations on a protocol covering such weapons should be restarted, with the emphasis on ensuring that mines had a short lifespan and were detectable.

26. **Mr. Woolcott** (Australia) urged States not yet party to the Convention to consider ratifying or acceding to it and current Parties to express their consent to be bound by all the annexed Protocols, as Australia had done. While the existing total of 114 High Contracting Parties to the Convention was an achievement, the accession of only one additional State since the 2010 Meeting of the High Contracting Parties demonstrated that there was considerable scope for further efforts towards universalization. For its part, Australia had promoted the Convention and its Protocols, particularly in the Asia-Pacific region, and had made regular financial contributions to the Sponsorship Programme, which it considered a valuable tool for furthering the Convention's goals, enhancing its universality and assisting its effective implementation.

27. Although his Government strongly supported the Convention on Cluster Munitions and was working towards ratification, it recognized that some countries were not in a position to become parties to the instrument. Without a protocol to the Convention on Certain Conventional Weapons, international law would not provide sufficient restrictions and prohibitions on the use of cluster munitions by States outside the framework of the Oslo Convention and the virtually unfettered use of cluster munitions would remain an unfortunate possibility. His delegation therefore supported continuing negotiations on the basis of the text submitted by the Chairperson of the Group of Governmental Experts in order to find an acceptable middle ground; the outcome of the negotiations must, however, contain a strong humanitarian element. A protocol to the Convention on Certain Conventional Weapons would be a stepping stone to a global ban on cluster munitions and, although a temporary measure, might bring crucial States on board in establishing minimum standards.

28. Thought should be given to the future work of the Parties, in 2012 and beyond. The Convention would continue to be a relevant and robust humanitarian law and arms control instrument only if it was regularly strengthened. The Conference should therefore explore the possibility of a mandate for discussions on mines other than anti-personnel mines in the Group of Governmental Experts in 2012. The issue had not been meaningfully addressed for five years, yet the recent death of 18 civilians in South Sudan when a bus struck an anti-vehicle mine and the use of such mines by the troops of former President Muammar Gaddafi as a weapon of terror against the Libyan people starkly highlighted the need to counter the risk posed by such weapons. A genuine exchange would also be welcome on the scope of the Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III) and its applicability to other weapons having the same purpose and effect.

29. **Mr. Kmentt** (Austria) said that his Government fully supported the focus on consolidation, implementation and universalization of the Convention and its Protocols. In that regard, it appreciated the suggestions made to enhance and facilitate transparency reporting and the work being done on an accelerated plan of action to promote the universality of the instruments.

30. Turning to Protocol V, he said that quality reporting and regular sharing of information among States were vital for achieving effective cooperation and assistance under the Protocol. The holistic approach embodied in the plan of action on victim assistance would be crucial in granting survivors of incidents involving unexploded ordnance and abandoned explosive ordnance their full rights. However, further efforts were required to achieve the effective implementation of the plan of action, notably the enhancement of reporting. Addressing victim assistance in a synergistic and practical manner across the various instruments of international humanitarian law, including by extending the relevant provisions of Protocol V to other protocols to the Convention, would facilitate compliance with obligations in that area.

31. His Government was committed to the Convention on Cluster Munitions as a means of strengthening international humanitarian law. It shared the concerns of the International Committee of the Red Cross, among others, about the negotiations held on the issue of cluster munitions under the Convention on Certain Conventional Weapons. The approach followed in developing the Chairperson's text had been flawed, and the concerns of his own delegation and others had been consistently ignored. The Chairperson's text would legitimize vast quantities of cluster munitions, all of which were known to cause terrible humanitarian problems. His Government also had serious reservations about the precedent that would be set by the adoption of a protocol that weakened international norms. It was inconceivable that States could refer to the Convention on Cluster Munitions as the gold standard while considering agreeing to such a step.

32. In order to ensure that the final text was complementary to and compatible with the Convention on Cluster Munitions, Austria, Mexico and Norway had drawn up an alternative draft protocol. His delegation stood ready to improve that proposal, to fundamentally rework the Chairperson's draft or to consider any other approaches that were put forward. However, it believed that common ground could be found only if there was readiness to change the approach followed in the Group of Governmental Experts.

33. **Archbishop Tomasi** (Holy See) acknowledged the positive steps made since the Third Review Conference. He said it was regrettable, however, that no agreement had been reached on mines other than anti-personnel mines. At the same time, it was encouraging that the issue was still on the agenda, as the majority of stakeholders continued to view such arms as a significant threat to civilians.

34. Protocol III, on incendiary weapons, might need to be revised in order to reflect the important developments since its adoption and thereby strengthen the protection of civilians from that category of weapon.

35. At the Third Review Conference, a document submitted by the Holy See and others calling for the adoption of a negotiating mandate for a new protocol on cluster munitions had been rejected by a number of delegations. Subsequently, his delegation had decided to work with other States to find a satisfactory humanitarian solution outside the framework of the Convention on Certain Conventional Weapons. The resulting Convention on Cluster Munitions provided for preventive and remedial solutions and had helped to stem the increase in the number of victims and in the contamination of areas with cluster munitions.

36. Nevertheless, his delegation continued to support efforts to achieve a protocol on cluster munitions, provided that the text was compatible with the spirit and letter of the Oslo Convention. Sadly, in its current form the draft protocol, if adopted, would weaken existing international humanitarian law, thereby setting an unacceptable precedent and betraying the aspirations of peoples to reduce the impact of armed conflicts. To accomplish the aim of the Convention of Certain Conventional Weapons, namely the protection of civilians, a strong consensus was required. Unjust and inefficient compromises would

merely deprive the instrument of credibility. In that regard, his delegation fully supported the position of the International Committee of the Red Cross.

37. **Ms. Jordán** (Cuba) said that it was increasingly important to preserve multilateralism in international relations, based on strict compliance with the principles of international law and the Charter of the United Nations. In the modern unipolar world, hegemony, unilateralism, overt and covert interventionism, insecurity, efforts to justify the preventive use of force and even the use of war as an instrument of foreign policy were becoming more prevalent. Moreover, despite an economic crisis that had hit developing countries especially hard, military expenditure was escalating every year and had reached \$1.63 trillion in 2010, half of which was spent by just one country.

38. Her Government attached particular importance to the Convention because of its contribution to the development of the norms of international humanitarian law and its simultaneous preservation of the legitimate security interests of Parties. Cuba was actively involved in the work conducted within the framework of the Convention and complied with its obligations under the Convention and the Protocols to which it was a Party. It was currently considering acceding to the Protocol on Blinding Laser Weapons (Protocol IV) and Protocol V.

39. The Non-Aligned Movement had repeatedly pointed out the imbalance between industrialized and developing nations in terms of the production, possession of and trade in conventional arms, emphasizing the need for significant reductions by the former in the interests of maintaining international and regional peace and security. The approach taken to the issue in international forums had often been selective and based on double standards whereby the same States that championed restrictions on certain categories of conventional arm, such as small arms and light weapons, manufactured ever more sophisticated and destructive conventional arms of other types. While nuclear disarmament should always be the top priority, peace and security would be unattainable without the comprehensive prohibition and elimination of conventional arms.

40. Her delegation shared fully the concerns expressed about the indiscriminate and irresponsible use of mines other than anti-personnel mines. Any measures aimed at addressing the problem must, however, take into account the legitimate right of peoples to defend themselves and to protect their territory from aggression. Cuba had been subjected to continuous aggression by a military super-Power for the past 50 years and therefore, in line with the right to legitimate defence enshrined in the Charter of the United Nations, it was not possible for it to renounce its use of anti-personnel mines, and it had not acceded to the Anti-Personnel Mine Ban Convention.

41. Technological advances alone would not solve the humanitarian problems associated with cluster munitions, and those weapons should therefore be subject to an outright ban. She commended the efforts of the Group of Governmental Experts from 2008 to 2011 to balance humanitarian concerns and the variety of security interests in the complex discussions on the draft protocol on cluster munitions and said that those negotiations should continue.

42. **Mr. Benevides** (Brazil) said that, although Brazil had been insulated from the scourge of war, it had never been indifferent to the suffering caused by the destructive power of war. As a founding Member of the United Nations, it was of the view that the use of force was legitimate only under the circumstances provided for in the Charter of the United Nations and only as a last resort. In order to minimize the excessive suffering caused by military hostilities, States must comply fully with the principles set forth in international humanitarian law. The Convention on Certain Conventional Weapons embodied some of the most fundamental of those principles, including the protection of the

civilian population against the effects of hostilities and the idea that the right of the parties to an armed conflict to choose methods or means of warfare was not unlimited.

43. Protocol V had entered into force for Brazil on 30 May 2011. Accordingly, Brazil was taking part in the Conference as a High Contracting Party to the Convention and all its Protocols.

44. His delegation hoped that the Conference would adopt a protocol on cluster munitions. Such an outcome would represent the culmination of four years of negotiations aimed at formulating a text to address the humanitarian impact of those weapons. His delegation considered the Chairperson's draft to come closest to fulfilling the mandate assigned to the Group of Governmental Experts, which called for any proposed text to strike a balance between military and humanitarian considerations. While the Chairperson's draft might not respond to the aspirations and concerns of all States involved in the negotiations, it certainly had the potential to make a difference on the ground. The proposed new protocol would require major producers and users of cluster munitions to assume a broad set of obligations under international humanitarian law. It would impose certain immediate prohibitions, introduce other meaningful prohibitions within the next 12 years, prescribe more stringent standards for the production of the weapons covered and significantly expand the provision and facilitation of victim assistance. A protocol based on the Chairperson's draft would be better than the alternative of not having any obligations at all with regard to cluster munitions, as was the case for many States.

45. While his delegation respected the views of Parties that questioned the humanitarian impact of the draft protocol, as compared, for example, with the Convention on Cluster Munitions, it believed that the strength of multilateralism lay in bringing States with differing viewpoints together to negotiate and compromise in an effort to produce genuinely universal instruments.

46. Another major task of the Conference was to address the issue of universalization. His delegation welcomed the accession of 14 new States to the Convention on Certain Conventional Weapons since the Third Review Conference, a success attributable to the impact of the plan of action to promote the universality of the Convention. Nonetheless, much work remained to be done, and universalization must continue to be treated as a matter of priority. Accordingly, his delegation would support the recommendation to include universalization as a standing item on the agenda of the annual meetings of the Parties to the Convention.

47. **Ms. Arana Vizcaya** (Nicaragua) said that, on ratifying the Convention on Cluster Munitions, Nicaragua had undertaken to prohibit and eliminate such weapons, which harmed people and violated international humanitarian law. Her delegation shared the concerns expressed by other States that the draft protocol on cluster munitions sought to reduce the scope of the provisions contained in the Oslo Convention. The proposed new protocol should not be at odds with the spirit of that Convention, nor should it prescribe only a partial prohibition on cluster munitions or establish provisions that were confusing or incompatible with international humanitarian law. Moreover, it was unacceptable for the draft protocol to leave victim assistance to the discretion of States.

48. She reiterated Nicaragua's commitment to fulfilling its obligations under international humanitarian law and urged States to work together to promote the well-being of all people, in keeping with the standards stipulated by that law.

49. **Ms. Rahamimoff-Honig** (Israel) said that the Convention on Certain Conventional Weapons provided the only negotiating forum that included all the most relevant actors, which contributed to making the outcomes achieved among the most effective on the ground. The strength of the Convention derived from its fundamental tenet that a balance must be struck between military and humanitarian objectives.

50. Greater efforts must be made to promote universalization, focusing in particular on parts of the world such as her own region, the Middle East, where very few States had expressed their consent to be bound by the Convention.

51. The existence of two instruments dealing with the issue of mines, booby traps and other explosive devices — namely original Protocol II and amended Protocol II — gave rise to a variety of legal and political complexities. The Conference must identify the most appropriate and practical way of convincing States to subscribe to the obligations imposed by the amended Protocol, which would strengthen the Convention and its humanitarian impact. There were various ways of accomplishing that goal, and the Conference should not limit itself prematurely to the adoption of any one method.

52. Also relating to amended Protocol II was the issue of improvised explosive devices (IEDs), which had devastating consequences in many regions of the world and constituted the weapon of choice for terrorists. Although laudable efforts had been made by the Coordinator on the topic over the past three years to advance knowledge and understanding of those devices, it was time to enter a new phase and to identify best practices or guidelines for addressing the security challenge they posed. Suggestions included raising awareness of the scope and characteristics of the problem and exploring ways to increase the monitoring of explosives that could be used in the fabrication of IEDs, including dual-use materials. The Parties must work together to prevent unauthorized IED transfers, production and use.

53. Her delegation would play an active and constructive role in the efforts to formulate a protocol on cluster munitions, as it had throughout earlier negotiations. Much progress had been made on the issue over the past four years. The Chairperson's text was the product of intensive deliberations and a shared commitment to addressing urgently the humanitarian concerns associated with the use of such weapons. The focus now must be on bridging the remaining gaps and bringing the process to fruition. Her delegation was confident that all Parties to the Convention could appreciate the benefits of having an instrument that would produce immediate practical results and make a genuine humanitarian impact. Such an instrument would also compel States that regarded cluster munitions as legitimate and necessary weapons to undertake a costly modernization process. Those States would otherwise be free of any obligations with regard to cluster munitions, apart from the general rules of international humanitarian law.

54. It was to be hoped that the existence of other instruments, which might be broader in scope but did not enjoy the support of many of the States most concerned, would not hinder the achievement of a successful outcome within the framework of the Convention. It would be erroneous, from both a political and a legal point of view, to treat an agreement reached by a group of like-minded States — few of which were producers or users of cluster munitions — as a solution to the issue. From a humanitarian point of view, such an approach might very well prove counterproductive.

55. **Mr. Kommasith** (Lao People's Democratic Republic), noting the positive results achieved since the Third Review Conference, including the entry into force of Protocol V and the substantial increase in the number of Parties thereto, said that the Lao People's Democratic Republic had made considerable progress towards its own accession to the Protocol and expected to deposit its instrument of consent to be bound in the months to come.

56. His delegation regretted that negotiations on the draft protocol on cluster munitions remained at an impasse. While recognizing the need to strike a balance between humanitarian concerns and national military objectives, it believed that any new protocol must complement the Convention on Cluster Munitions, not weaken it. The Chairperson's draft had not met the expectations of many States, especially those affected by cluster

munitions. The Lao People's Democratic Republic was the world's most affected country in terms of the number of cluster munitions per capita; it knew only too well how much suffering those weapons inflicted on the civilian population and how severely they retarded the process of socio-economic reconstruction long after hostilities had ceased, and his Government wished to spare other States the same fate that had befallen the Lao people. Despite the divergence of views on the draft protocol, his delegation was ready to work with all concerned parties in an effort to reach a consensus on any outstanding issues.

57. **Ms. Vuković** (Croatia) said that Croatia was a Party to the Convention on Certain Conventional Weapons and all its Protocols and duly submitted its annual national compliance reports. In addition, her Government had supplied a qualified expert on the Convention to the pool of experts on compliance and was interested in exploring ways of making better use of the available expertise. It spared no effort in encouraging States not yet party to the Convention and all its Protocols to accede to them, to share their experiences and to submit compliance reports, which constituted a crucial tool of accountability and confidence-building among States in the unique forum provided by the Convention.

58. Her delegation regretted that no consensus had been reached on the text of the draft protocol on cluster munitions. Croatia was not only a State party to the Convention on Cluster Munitions but also a State affected by those weapons. Accordingly, her delegation stood ready to work diligently towards achieving a consensus and would welcome new proposals that might hasten that objective while at the same time fulfilling the mandate of the Group of Governmental Experts and taking account of the Chairperson's text. Croatia would remain fully involved in any effort to prohibit or restrict the use of cluster munitions.

59. **Mr. Applerh** (Observer for Ghana) said that his delegation wished to associate itself with the statement made earlier by the representative of Costa Rica on behalf of 27 countries. Ghana was committed to strengthening the global resolve reflected in the Convention on Certain Conventional Weapons, as well as international efforts to enhance global safety and security and reduce excessive injury to human populations occurring long after wars had ceased. It could not support any proposals that were inconsistent with that commitment.

60. His delegation had taken note of claims that certain types of cluster munition potentially allowable under the future protocol VI could be equipped with a self-destruct mechanism in order to ensure that they did not pose a threat to civilians. It had also taken note of views contradicting those claims. Clearly, there was a need for further reflection on the matter and for a mechanism to verify such claims. His concern was that, if the use of certain categories of cluster bomb was allowed, States might then adopt them as a weapon of choice. That raised the question of whether all States, and in particular least developed countries, had the capability to procure and stockpile such weapons safely. While it was gratifying to note that cluster munitions, unlike small arms and light weapons, did not pose a major problem in Africa, that might not remain the case if such weapons could be used legally.

61. It was necessary to mitigate the unintended harm caused by cluster munitions to innocent civilian populations rather than to focus on commercial, industrial or economic considerations. His Government's position was that, until such time as it could be verified that cluster munitions did not cause excessive injury and harm to humanity and were therefore not contrary to the object and purpose of the Convention and its five existing Protocols, the Parties should proceed cautiously and prohibit their use. Ghana, for its part, remained committed to a comprehensive ban.

62. **Mr. Žerovec** (Slovenia) said that his Government was generally satisfied with the progress made under the Convention over the past five years: steady advances had been

made towards the goal of universalization and the Sponsorship Programme had enabled the participation of a number of countries in meetings conducted within the framework of the Convention, which was still regarded as an important instrument in the field of international law.

63. The Parties needed to make an important decision at the Conference regarding the mandate of the Group of Governmental Experts, which had been negotiating a draft protocol on cluster munitions for the past four years. In that connection, his delegation welcomed the statement made earlier by the representative of Costa Rica.

64. There was no consensus on the draft protocol as currently worded, and the Chairperson's text did not adequately respond to the humanitarian impact of the use of cluster munitions, as was required by the Group's mandate. His delegation shared the fundamental humanitarian and legal concerns expressed regarding the text by representatives of the International Committee of the Red Cross, United Nations bodies and civil society, among others. Improvements were needed, particularly to articles 4, 5 and 7, which specified the year 1980 as the start date of a transitional period that, in his delegation's view, should be shortened with all transfers of cluster munitions being prohibited immediately.

65. His delegation welcomed any steps taken to address the problem of cluster munitions by States not yet party to the Convention on Cluster Munitions and encouraged them to accede to that Convention as soon as possible. It trusted that effort would be made to conclude, at the current Conference, a protocol on cluster munitions that would complement existing international law and, more importantly, would address adequately the humanitarian impact of those weapons.

66. **Mr. Laurie** (United Nations Mine Action Service) said that, as one of the United Nations bodies that contributed regularly to the work carried out under the Convention on Certain Conventional Weapons, the Mine Action Service was of the view that considerable progress had been made since the Third Review Conference in terms of the universalization and implementation of the Convention. Such progress was largely due to the effective operationalization of the plan of action to promote the universality of the Convention, as well as to the establishment of the compliance mechanism, the Implementation Support Unit and the Sponsorship Programme. The Parties to the Convention should pursue those efforts throughout the next five years.

67. The progress made was also attributable to the particular relevance of the matters addressed under the Convention. Not surprisingly, the focus of the Mine Action Service had been on the implementation of the two protocols related to mine action, namely amended Protocol II and Protocol V, as well as on the efforts carried out in relation to mines other than anti-personnel mines and cluster munitions. The position of the United Nations on the need to strengthen the existing rules of international humanitarian law concerning anti-vehicle mines was well known. The Convention provided the best framework for achieving that objective.

68. In his message to the Conference, the Secretary-General of the United Nations had stated that experience sent a clear message that the cluster munitions used to date caused unacceptable harm to civilians. Regrettably, the field-based work of the Mine Action Service had recorded and confirmed that experience. Despite numerous efforts to improve the draft protocol on cluster munitions, the current text still allowed for the use of certain types of cluster munition employed in recent conflicts with grave humanitarian consequences. Bearing that in mind, the Mine Action Service had associated itself with the statement made by the United Nations High Commissioner for Human Rights.

*The meeting rose at 5.10 p.m.*