

REVIEW CONFERENCE OF THE STATES
PARTIES TO THE CONVENTION ON
PROHIBITIONS OR RESTRICTIONS ON
THE USE OF CERTAIN CONVENTIONAL
WEAPONS WHICH MAY BE DEEMED TO BE
EXCESSIVELY INJURIOUS OR TO HAVE
INDISCRIMINATE EFFECTS

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SUMMARY RECORD OF THE 11th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 22 April 1996, at 10.30 a.m.

President: Mr. MOLANDERI (Sweden)

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The meeting was called to order at 10.45 a.m.

STATEMENT BY THE PRESIDENT

1. The President declared open the second resumed session of the Review Conference. At the January session, the Conference had held intensive discussions on articles 2 to 7 of Protocol II and its Technical Annex with a view to finding acceptable compromises that would strengthen the provisions of Protocol II. Since then, the "President's text" (CCW/CONF.I/WP.4), which had served as the basis of the work of the Conference, had been further revised, reflecting the progress achieved and the state of the negotiations.

2. A critical stage of the negotiations had now been reached in which it was expected that the work on Protocol II and its Technical Annex would be finalized and the review of the operation of the Convention and its Protocols as a whole concluded. The Conference had to work towards that end result, since there was no time for prolonged negotiations. At the current session, articles of the Convention still under discussion would therefore be finalized and work on a Final Declaration of the Conference would be concluded. The heavy programme ahead would require additional time and resources and flexibility in its implementation.

MESSAGE FROM THE SECRETARY-GENERAL OF THE UNITED NATIONS

3. Mr. PETROVSKY (Director-General, United Nations Office at Geneva), conveying a message as personal representative of the Secretary-General, said that he (the Secretary-General) again wished to emphasize the urgency of the matters before the Conference. Differences of view must not mar the opportunity to keep the issue of land-mines on the international agenda and to bring about further progress towards the ultimate goal of their elimination. The magnitude of the problem posed by the millions of land-mines scattered around the world had deepened the understanding that the international community could deal with it only through coordinated action and United Nations personnel were increasingly involved in mine clearance in many countries.

4. The United Nations had taken the lead in calling for a ban on what were often described as "weapons of mass destruction in slow motion". Land-mines had devastating effects on the population in areas infested with them and made vast areas of land unavailable for development. He was encouraged that the number of Member States which had declared unilateral moratoria relating to the transfer, production or reduction of existing stockpiles of anti-personnel land-mines had continued to rise.

5. It was his hope that the efforts of the Conference would strengthen the Convention and Protocol II. Agreement should be possible on issues such as the extension of the scope of application to conflicts not of an international character and on stringent restrictions on the use and transfer of anti-personnel land-mines. Universal adherence to the Convention was an imperative necessity and he reiterated his appeal to all States which were not parties to the Convention to initiate or complete the procedures required for ratification or accession.

6. He urged the Conference to demonstrate the necessary flexibility and compromise to reduce the tragic consequences of land-mines. Failure to agree on severe restrictions on their use and transfer would seriously jeopardize the objective of their eventual elimination, a goal that would require the utmost determination and dedicated pursuit.

GENERAL EXCHANGE OF VIEWS

7. Mr. SOMMARUGA (Observer for the International Committee of the Red Cross) said that the Review Conference and its preparatory process had already played an indispensable role in focusing government attention on the need for action to stop the killing and maiming caused by land-mines. The process had been a catalyst for the review by many Governments of their policies on the production, use and transfer of those devices. Eight States had suspended or renounced the use of anti-personnel mines by their own armed forces and the number of States supporting their total prohibition had risen to 29 since Vienna. Those actions reflected a clear trend towards the complete prohibition of anti-personnel mines. He urged Governments to do their utmost to take additional national and regional steps to ensure that anti-personnel mines were no longer produced, used or transferred.

8. While the Conference had focused on strengthening restrictions on the use of anti-personnel mines, it appeared to be about to adopt a definition (art. 2, para. 3 of the "President's text") which would introduce a dangerous ambiguity by referring to a weapon "primarily designed to be exploded by the presence, proximity or contact of a person". If that definition were adopted, any other achievements of the Conference could in time be subverted by the possible abuse to which it might lead. If a munition was designed to be used as an anti-personnel mine as well as for some other purpose, it should clearly be considered an anti-personnel mine and be regulated as such. Future technology seemed likely to lead to smaller and cheaper mines with both anti-personnel and anti-tank characteristics. In ICRC's view, anti-personnel mines should be defined as those "designed to be exploded by the presence, proximity or contact of a person". The introduction of ambiguity into that crucial definition could over time weaken the protections against anti-personnel mines which the Conference was mandated to strengthen.

9. Referring to the other issues which ICRC considered to be important at the current stage of negotiations, he said that only the complete prohibition of anti-personnel mines would be effective; if that could not be achieved by consensus in the Conference, States should consider taking unilateral action as a means of fulfilling their humanitarian obligation to protect their own population and territory in the event of armed conflict. A recent ICRC study on the military use and effectiveness of anti-personnel mines had highlighted the difficulty of using those weapons according to legal and doctrinal norms and the fact that their effectiveness was limited.

10. In keeping with existing moratoria in most mine-producing countries, the transfer of anti-personnel mines should be prohibited within the framework of the Convention. Provisions on transfers adopted by the Conference should be as far-reaching as possible so as not to constitute a retreat from current practice.

11. Other amendments should enter into force in the shortest possible time. Transition periods of years or decades could compound the land-mine crisis. In order to protect civilians and humanitarian workers, anti-tank mines must be made detectable and anti-handling devices must not be permitted. The strongest possible protection should be provided, under draft article 12, to missions of humanitarian organizations as an expression of the commitment States had made, when they had acceded to the Geneva Conventions and their Additional Protocols, to providing access to war victims. The scope of the Convention must be extended to non-international armed conflicts and effective measures for its implementation must be added. Future Review Conferences should be held on a regular basis every five years to ensure further the development and effective implementation of the Convention.

12. Recent actions by States had demonstrated that neither the public conscience, Parliaments nor Governments lacked the means to act with regard to land-mines. The Review Conference had both the opportunity and a moral obligation to contribute to ending the scourge, as it had done with the threat of blinding laser weapons.

13. Prince NICOLAS (Liechtenstein) said that his delegation regretted that Protocol II had not been strengthened at the January session of the Review Conference and hoped that the second resumed session would make progress toward tightened provisions, but also the adoption of a revised Protocol. However, the worldwide proliferation of anti-personnel mines could not be stopped by technical regulations on their use, but only by a total ban. As a small country with no armed forces, Liechtenstein lacked the military expertise to participate in technical discussions on mine adaptation. It nevertheless shared the concern expressed by the Secretary-General of the United Nations about the devastation caused by land-mines and attached great importance to the Convention and, especially, Protocol II and had therefore decided to contribute SwF 10,000 to the United Nations Voluntary Trust for Assistance in Mine Clearance.

14. Mr. HARTMANN (Germany) said that his Government had recently decided completely to renounce the use of anti-personnel land-mines even if the current session of the Review Conference failed to take a decision on the matter.

15. Baron GUILLAUME (Belgium) said that public opinion expected the current session of the Conference to provide at least a partial solution to the problems caused by the proliferation of anti-personnel mines. The scope of the Convention must be extended to cover non-international armed conflicts; the ambiguity of the text under discussion appeared to be the result of ulterior motives in contradiction with the officially stated goal.

16. Despite the enormous stocks of undetectable anti-personnel mines and the security issues at stake, all anti-personnel mines must be made detectable. The wording of the current text, which allowed for a period of transition which might be measured in decades, was unacceptable. The revised text must also include as general as possible a prohibition of the transfer of anti-personnel mines. While his country did not underestimate the importance

of a strengthened version of Protocol II, it considered that the true solution was the total and universal elimination of anti-personnel mines and called for a universal convention on their prohibition.

17. Mr. WALKER (Australia) said that, in response to widespread domestic and international concern, his Government had reviewed its policy on anti-personnel mines. It had decided to support a global ban on the use, transfer, production and stockpiling of such mines and had unilaterally suspended their operational use by the Australian Defence Force except in the case of a threat to the country's security where failure to deploy such mines would result in additional Australian casualties. Australia did not produce and would not export anti-personnel mines and its Defence Force would retain stocks of such mines for training and research purposes only. While Australia had never used anti-personnel mines except in conformity with international legal and humanitarian norms, it now considered that the only sane response was to eliminate them as a weapon of war. Pending a global ban, it urged States parties to drop their demands for long phase-in periods for new obligations and to endorse mandatory perimeter marking for mines which did not comply with the proposed new standards. It hoped that other countries would support a total ban and that Governments would adopt concrete unilateral measures as an example to other countries.

18. Mr. SANCHEZ ARNAU (Argentina) said that his country's ratification of the Convention was part of a broader disarmament policy which included Argentina's active support of, and participation in, United Nations activities to reduce or eliminate the use of land-mines and the Organization's demining projects in the former Yugoslavia, Central America and, currently, Kuwait.

19. Argentina considered that the Convention must be expanded to cover non-international armed conflicts and that there must be more stringent limitations on, or the prohibition of, the use and transfer of anti-personnel mines. All anti-personnel mines, without exception, should be equipped with detection devices and anti-handling devices on such mines should be prohibited or, at least, not function beyond the active period of the mines. Mines, and particularly remotely delivered anti-personnel mines, should be equipped with self-destructing and self-neutralizing mechanisms. The Convention should also envisage requirements for the detectability, self-destruction and self-neutralization of anti-tank mines. Argentina would continue to support the ban on the transfer of mines prohibited under Protocol II and the requirement that mines permitted under the Convention should be transferred only between States parties to it. Because of the low cost and high availability of land-mines, moreover, any further prohibition on or restriction of their use must be accompanied by verification procedures, which were lacking in the 1980 Convention.

20. Mr. WANG Jon (China) said that the international community should take urgent measures to reduce civilian casualties and suffering caused by the irresponsible use of anti-personnel land-mines. His Government would exercise the utmost restraint and strict control on their export. Pending the entry into force of the revised Protocol, it would implement a moratorium on the export of those mines which were not in conformity with its technical specifications on detectability, self-destruction and self-deactivation mechanisms and would ban the export of booby-traps.

21. Mr. Hwang Yong SHIK (Republic of Korea) said that the countries most seriously affected by anti-personnel land-mines were usually those with the fewest available resources for demining. As a token of its support of the United Nations Voluntary Trust Fund for Assistance in Mine Clearance, his Government had made a voluntary contribution of US\$ 100,000. It planned further to extend its one-year export moratorium on anti-personnel land-mines, which had first been announced on 28 September 1995.

22. Long after the cessation of active hostilities during the Korean War, many Korean civilians had suffered great injuries from hidden mines on former battlefields. Even today, the 155-mile demilitarized zone dividing the Korean Peninsula was one of the most densely mined regions in the world. An enormous amount of time and effort would be needed to demine the 372-square-mile area.

23. Although his country was not yet a party to the Convention because of its unique security concerns, it had shown great interest in efforts to strengthen Protocol II and was seriously considering its accession to the amended Convention in the near future. His Government was basically in favour of the proposals in the "President's text" for further restrictions on the use of land-mines, providing that several remaining issues were resolved at the current session. Careful consideration should be given to balancing humanitarian objectives with the use of land-mines for defence purposes. He stressed the importance of technological assistance and technology transfer in enabling States to comply with the provisions of the Protocol. Unless an appropriate arrangement on that matter was worked out, many States lacking the relevant technological resources would be reluctant to accept the obligations of a strengthened Protocol II, regardless of their humanitarian concerns. The new Protocol should also include a credible and effective verification mechanism for ensuring compliance.

24. Mr. KLINGENBERG (Denmark) said that his country continued to support all steps leading to the eventual elimination of all anti-personnel land-mines. In the light of that policy, the Danish Minister of Defence had decided in March to commission a study on the need for such mines in the Danish armed forces. The consequences of a total or partial substitution of anti-personnel land-mines would be examined, taking into account alternatives deemed adequate from a defence point of view. The study would be completed in the spring of 1997, in time for a general review of the future organization of the Danish armed forces.

25. Mr. SKOGMO (Norway) said that a total global ban on the production, stockpiling, transfer and use of anti-personnel mines would ensure greater transparency and be easier to enforce than mere stronger restrictions. Throughout the negotiations, his country had consistently advocated a total ban. In 1995, it had declared a moratorium on the production, stockpiling, transfer and use of anti-personnel mines. All anti-personnel mines currently found in Norwegian armed forces stockpiles would be removed and destroyed - according to the present schedule, by 1 October 1996.

26. When dealing with the land-mine problem, humanitarian ideals would be best served if political stances were backed up by measures that would have

the maximum practical effect. In that context, it could not be accepted that basic humanitarian concerns should give way to military requirements.

27. Mr. KRYLOV (Russian Federation) said that draft Protocol II embodied the new concept of moving within a reasonable period of time from "long lived" mines to those with a limited service life and, hence, to more selective and humane ones. His country greatly appreciated the desire of most Conference participants to extend the revised Protocol to cover armed conflicts of a non-international nature. The provision on international, including technological, cooperation was crucial. Proposals aimed at improving the transparency of the future Protocol were also useful. The temptation of raising the requirements in the Protocol, particularly in the military sphere, should be resisted so as to avoid frightening away potential parties to the Convention. A maximalist approach would destroy the work which had already been done.

28. Monsignor CARRASCOSA (Holy See) said that, on 21 April, Pope John Paul II had called on all those responsible to ban the production, trade in and use of anti-personnel mines. There was a contradiction in some of the decisions taken by the international community. On the one hand, efforts were being made on behalf of children and, on the other, children were the most numerous innocent victims of land-mines. On the one hand, efforts were being made to return refugees and displaced persons to their countries of origin, while, on the other, they were often discouraged and prevented from returning by their fear of mines, which the world had not yet succeeded in outlawing. On the one hand, there were economic benefits for the producing countries, although at the expense of the population of the countries that bought that "weapon of the poor", while, on the other hand, the entire international community was forced to make disproportionate efforts to provide humanitarian assistance to the victims of such weapons and for demining. Courageous decisions were needed in that regard, as such problems would not be solved by laying down certain requirements that anti-personnel land-mines were supposed to meet. The only solution, rather, lay in their prohibition.

29. Mr. ANDERSON (Ireland) said it was imperative that the political and substantive message resulting from the statements of national policy on land-mines made at the Review Conference should be fairly reflected in the work of the Conference and in the amended Protocol which emerged from it. Otherwise, the review process would be seen to be out of step with trends in the real world and its credibility would suffer.

30. As one of a tiny handful of countries to have advocated a total ban on land-mines during the very early stages of the preparatory work for the Conference, Ireland had been heartened by the steady increase in the number of countries that had in the meantime come to share the view that the only way to solve the catastrophic problems created by land-mines was to eliminate them. In particular, he commended those countries which had reversed long-established policies and practices to suspend, end or prohibit the operational use, production, stockpiling and export of anti-personnel land-mines.

31. The proposed detectability standard for all anti-personnel land-mines without exception should apply at the earliest possible date, with significant

constraints in any phase-in period. The reliability standard for the required self-destruction and self-deactivation features of remotely delivered anti-personnel land-mines should be unambiguous, with particular attention to the phase-in period during which only the self-detection feature could be present. To the extent possible, corresponding requirements should apply to anti-tank mines as well. The Protocol should also address the problem of anti-handling devices.

32. Ms. FORSYTH (New Zealand) said that her Government had today announced a decision to renounce the use by the New Zealand Defence Force of anti-personnel land-mines, with immediate effect. While that Force had not used such mines since the Korean War and held no stocks, the formal renunciation of their use reflected her Government's concern at the horrific and ongoing effect of land-mines worldwide.

33. New Zealand's preference for the outcome of the Conference was that it should agree on an immediate ban on the use of anti-personnel land-mines. At the least, it should adopt measures which would bring it that much closer to a ban on their use and should put in place procedures enabling the situation to be reviewed at an early date.

34. New Zealand would continue to contribute personnel to demining operations in a number of countries and had recently made a three-year pledge to the Voluntary Trust Fund for Assistance in Mine Clearance. Only a ban on the use of land-mines, however, would provide a long-term solution.

35. Mr. GORGOL (Czech Republic) welcomed the progress made in many areas following the first two sessions of the Review Conference. There was a common understanding of the need to introduce effective restrictions on the production, transfer and use of anti-personnel land-mines and his country, together with many others, had declared a comprehensive moratorium on their transfer. Unfortunately, a large number of key issues, mostly technical, remained unresolved.

36. Most non-governmental organizations called for a global and comprehensive ban on all anti-personnel land-mines. Even the most stringent possible prohibitions would, however, not solve the greatest existing problem, namely, the nearly 110 million land-mines already laid. Immediate concrete and effective measures should be taken to clear large areas of mine fields that had been laid in 64 countries, including Angola, Somalia and Bosnia and Herzegovina, and his country had repeatedly announced its willingness to participate in such operations.

37. The Convention covered a limited number of categories of weapons, but also offered a framework for further development. The adoption in Vienna of new Protocol IV prohibiting blinding laser weapons and covering both their use and transfer appeared to be the best indication of how to strengthen the Convention and extend it to other categories of conventional weapons. The issue of land-mines had been given priority because of its urgency and its humanitarian aspects, but his delegation was confident that naval mines and small-calibre weapons would also be dealt with in the near future.

38. Mr. ZACKHEOS (Cyprus) said that mines, especially anti-personnel mines, were a detestable weapon whose impact was far in excess of its military utility. At least 250,000 people had reportedly been disabled by land-mines and their number was increasing. The use of mines also had an extensive impact in the form of medical care and loss of manpower and land. His Government was committed to the full implementation of the decisions taken at the current session, which it hoped would be the last.

39. Cyprus had associated itself with the efforts of the European Union to promote the success of the Conference and also supported the objectives of the joint action adopted by the European Union. Despite the fact that a substantial part of its territory was under foreign occupation, his Government was currently restricting the use of anti-personnel mines and had officially proposed the full demilitarization of the island.

40. Mr. MADEY (Croatia) said that his country had from the very beginning supported efforts to restrict the use, production, stockpiling and transfer of land-mines. As previously stated, it advocated a total ban on anti-personnel land-mines as a significant first step towards a total ban on all land-mines. His Government was also seriously considering the unilateral declaration of a moratorium on the production, stockpiling, transfer and use of all anti-personnel land-mines, which it hoped to be able to announce by the end of the session.

41. His country understood that land-mines were both a human problem, with catastrophic consequences for human beings and a military and political issue of major proportions. Its concern was even greater because it had been the victim of aggression in which land-mines had been used on a large scale. Between 1991 and 1996, 271 Croatian children had been killed by land-mines and 972 injured; the figures for adults were even more terrifying. Other damage inflicted by land-mines, affecting tourism, agriculture, the cost of mine clearance, etc., was still to be calculated; the total figure was certainly enormous.

42. The Republic of Croatia was neither a producer nor an exporter of land-mines and therefore unhesitatingly supported the restrictions to be included in the Protocol under consideration by the Conference. The task before the Conference was of extreme importance and would also be under strict scrutiny by the public, which expected definite results. The adoption of the new text of Protocol II had never been closer.

43. He stressed the importance of mine clearance, by which thousands of lives might be saved and hundreds of thousands of refugees and displaced persons might return to their homes, as foreseen in the international and bilateral documents Croatia had signed. Demining also meant the possibility of developing tourism and other branches of Croatia's economy on which it strongly depended. As a necessary step, Croatia had recently adopted a law on mine clearance and had already approached various international organizations for assistance in that area. It had also responded positively to a proposal that a "mine action" centre should be established in Croatia, entailing not only the financing of mine clearance operations, but also the training and education of staff and the transfer of technology. The clearing of approximately 3 million land-mines on Croatian soil would take at least

three years and would be a particularly serious operation in eastern Slavonia, Baranja and Western Serbia, the last parts of Croatian territory not under the control of the Croatian authorities. He expected that the peaceful reintegration of that area would be completed by the end of the year.

44. Mr. BOULLE (United Nations Department of Humanitarian Affairs) welcomed the fact that an increasing number of countries supported the total ban on land-mines as the only viable solution to the humanitarian crisis caused by land-mines. That course of action was not only morally right, but politically and militarily viable. No military consideration could outweigh the devastating effect of those weapons.

45. Land-mines killed indiscriminately and would continue to do so. There should be no further delay in the implementation of a meaningful regime to stop the proliferation of those weapons. Transition periods as currently being discussed would only allow the senseless killing to continue. Another 20 years of the indiscriminate use of those weapons would result in more than 200,000 innocent people killed unnecessarily. That was an avoidable tragedy that the Conference had the historic opportunity to prevent.

46. He shared ICRC's concern about the inclusion of the word "primarily" in the definition of anti-personnel land-mines. That would seriously weaken the application of the restrictions on anti-personnel land-mines, as it would exclude "hybrid" mines that were not "primarily" designed as anti-personnel mines, but could be activated by individuals. Strong restrictions on transfer and a meaningful system for verification and compliance were necessary measures to safeguard the Protocol. In addition, the Review Conference should maintain momentum towards a ban by providing for a further review of the Protocol at the earliest possible time.

47. Ms. WILLIAMS (International Campaign to Ban Landmines) said that, although the Campaign's goal - an immediate, complete ban on anti-personnel mines - had been called "utopian" when it had begun its work in 1991, its call for a ban had now been joined by 30 countries, 450 NGOs, numerous organizations and important religious and political leaders. While it recognized the importance of the review process, without which such dramatic progress might not have been made, it was discouraged that the changes to the Convention were not likely to be more far-reaching and immediate. Since the end of the first session of the Review Conference in October 1995, more than 13,700 people had been killed and maimed throughout the world by land-mines. In Cambodia, in Battambang Province alone, land-mines had claimed 791 victims since 13 October. She invited delegations and NGOs to view the display of photographs of those victims, a "Wall of Remembrance" to those who had been and those who would inevitably become victims of land-mines.

48. A plan under consideration by her country, the United States, would "phase out" the use of land-mines by the year 2010, but, during that same period, 390,000 more people would be killed or maimed by them. How many more people would fall victim before the international community had banned anti-personnel mines?

49. For those whose lives had been destroyed by land-mines, it was too late. But what was to happen in Geneva over the following two weeks was important.

Whatever the outcome in Geneva, however, Governments would make a difference; the momentum of change had begun. She hoped the international community understood that the International Campaign to Ban Landmines would not end its work until anti-personnel land-mines had been removed from the arsenals of the planet.

50. Mr. AGA (Afghan Mine Clearance Planning Agency) said that Afghanistan was one of the most severely mine affected countries, infested by nearly 10 million land-mines. A survey of the mine situation in Afghanistan conducted by his Agency in 1993 had revealed the presence of land-mines in more than 1,000 Afghan villages. In addition to killing and maiming thousands of innocent civilians, land-mines kept thousands of refugees from returning to their homes, destroyed food and water sources, created new refugee flows and hampered relief and reconstruction activities. There were currently over 400,000 mine amputees in Afghanistan and their number was increasing by at least 12 persons a day.

51. The destructive consequences of land-mines outweighed their short-term military utility by an extremely large margin. Almost all political factions in Afghanistan had agreed not to use land-mines during their internal conflicts. At a recent meeting between Western diplomats and the Prime Minister of Afghanistan and officials of the Ministries of Defence and Foreign Affairs, the Prime Minister had reconfirmed Afghanistan's position on a comprehensive ban on land-mines.

52. On 16 April, he had visited 3 hospitals in Kabul, each of which admitted an average of 15 mine victims per week. Between 10 February and 10 April, a total of 885 civilian victims of land-mines had been admitted to hospitals in Afghanistan; as less than 40 per cent of the victims reached the hospital, casualties represented only a fraction of the problem represented by land-mines.

53. The only way to stop the killing and maiming was to agree on a total ban and a strong compliance verification mechanism. He came from a place where the devastating impact of land-mines was seen and felt on a daily basis and had lost many good friends in land-mine explosions. If the participants in the Conference thought that a ban was an unreasonable proposal, they should come to Kabul to see the tragedy for themselves.

54. Mr. WALKER (Observer for the International Federation of Red Cross and Red Crescent Societies) said that the position of the Afghan Red Crescent, the Cambodian Red Cross, the Somali Red Crescent, 166 other Red Cross and Red Crescent Societies throughout the world and 132 million Red Cross and Red Crescent volunteers was 100 per cent support for a total ban on anti-personnel land-mines. A growing number of States were expressing support for a total ban and the world was moving in that direction. It was only a question of time. The Conference had two weeks before it to move as far as possible towards that goal; if it did not seize that opportunity, the world might not have another chance. In no more than five years' time, there should be a new, and hopefully final, Review Conference.

The meeting rose at 12.55 p.m.