

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 14th MEETING

(SECOND PART)*

Held at the Palais des Nations, Geneva,
on Friday, 3 May 1996, at 7.45 p.m.

President: Mr. MOLANDER (Sweden)

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* The summary record of the first part of the meeting appears as document CCW/CONF.I/SR.14.

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CONCLUDING STATEMENTS (continued)

1. Mr. CARRASCOSA COSO (Observer for the Holy See) said that his delegation had taken note of the modest results of the current Conference, which were the extent of the consensus of which the international community was capable at the moment. It welcomed the unilateral decisions of some countries on a total ban on mines, or a moratorium on their use or export. Steps must be taken so that, in future, national defence requirements would not take such a high toll on the lives and suffering of innocent people. He recalled that, at the beginning of the current session, Pope John Paul II had called on world leaders permanently to ban the production, sale and use of mines.
2. Ms. TINCOPA (Peru) said it was clear from the reports submitted to and the statements made before the Review Conference that the international community must continue its efforts to ban or restrict the use of land-mines. The revised Protocol II on mines, booby traps and other devices, which the Conference had just adopted, was an important achievement that would prevent innocent people from being killed or mutilated. Her delegation considered that the question of land-mines should be given higher priority on the international agenda and welcomed the decision to set up a regular mechanism to examine the Convention and its annexed protocols. She urged all States to comply with the regulations in force and to take part in efforts to improve existing instruments.
3. Her Government was pleased that some States had taken steps to put an end to the production, use, sale and transfer of land-mines. Such a ban was necessary owing to the hideous and indiscriminate nature of such mines, the permanent danger they represented and the tragic human consequences they could have, as well as to the need to prevent their use as an economic weapon, a practice which harmed only the poorest sectors of the population. As a State party to the majority of the multilateral conventions on disarmament and human rights, Peru was therefore considering the possibility of acceding to the 1980 Convention and its Protocols in the near future.
4. Mr. SANNIKAV (Belarus) said that he welcomed the new amendments to Protocol II, which was the result of a complicated compromise and represented a fragile balance of interests among States parties to the Convention. The Republic of Belarus had, from the beginning, supported the international community's efforts to implement and expand the Convention and had been one of the original signatories. It regretted that, owing to the small number of parties, the Convention and its protocols had not been able to play a greater role in disarmament.
5. A 1995 Presidential Decree had introduced a moratorium on the export of land-mines. However, the military heritage of the former Soviet Union, which Belarus had largely inherited, made it difficult to implement international agreements, as had been the case with the Treaty on Conventional Armed Forces in Europe. Such implementation was a heavy burden and there could be no expectation of outside assistance. In many cases, Belarus required more time and effort than other States to achieve the standards set in an agreement. The revised Protocol accurately reflected the current situation and the

capabilities of States parties. The machinery it set up for annual consultations would be a good basis for further efforts in preparation for the next Review Conference.

6. Mr. MATHESON (United States of America) said that the revised Protocol II on land-mines was a significant advance that would, if widely observed, result in a substantial decrease in civilian casualties and be an important first step towards the elimination of such mines. His country welcomed the expansion of the Protocol to include internal armed conflicts and peacetime use; the requirements relating to the detectability, self-destruction and self-deactivation of mines that were not kept within marked and protected minefields; the assignment of responsibility for the maintenance or clearance of minefields to the party that had laid the mines; the requirement that minefields should be cleared at the end of active hostilities, the improvements in recording and marking and in the protection of international forces and missions; the restrictions on transfers; and the new provisions on compliance, including the penal sanctions for violators of the Protocol and the requirement that annual meetings of States parties should be held to discuss implementation.

7. The revised Protocol did not include all the provisions favoured by the United States, in particular, the introduction of a compliance investigation mechanism and restrictions on certain types of anti-tank mines. It also seemed excessive to allow States parties to defer compliance with certain provisions for up to nine years.

8. The United States welcomed the inclusion in article 8 of an obligation to refrain from any transfer of mines whose use was prohibited, notwithstanding any deferral of compliance with the restrictions contained in articles 2 or 3 of the Technical Annex, and of a political commitment concerning such transfers. While such a commitment did not legally bind the United States or prejudice the Senate's consideration of the amended Protocol, it was his country's policy, pending the entry into force of the Protocol, to observe all of its restrictions to the fullest extent possible from the time of adoption. Moreover, although the commitment covered by article 8 applied only to anti-personnel mines, it was the policy of the United States to refrain from any transfer of non-detectable anti-tank mines as well and it encouraged other States to follow its example. It also supported the expansion of the scope of Protocol IV and would refrain from the use of the laser weapons prohibited by that Protocol.

9. Protocol II must be part of a broader strategy which included mine clearance, further international controls on production, transfers and stockpiles, and research on alternatives to anti-personnel land-mines and would lead to the total elimination of such mines, but it could substantially reduce the disastrous effects of the indiscriminate use of land-mines and serve as a basis for further efforts.

10. Ms. RIVERO (Uruguay) said that her country had traditionally adopted a pacifist position reflected in early ratification of or accession to international humanitarian law instruments and cooperation with international missions for peace. From the earliest stages of the revision of the Convention, it had expressed its opposition to the use of mines and other

weapons of destruction. Her delegation welcomed the progress made during the current Review Conference, but regretted that there had been so many exceptions to the prohibitions and restrictions agreed on. She hoped that other countries would adopt unilateral measures to ban the production and export of mines and destroy existing stocks and that they would cooperate in demining operations. The Review Conference had laid the foundations for future periodic meetings which might make greater progress toward a total ban on land-mines.

11. Mr. MICHIE (South Africa) said that his Government supported efforts to achieve an international prohibition on the production, stockpiling, transfer and use of anti-personnel land-mines. It had adopted a moratorium on the export of all types of land-mines and, in September 1995, had extended that measure to prohibit the export of long-lived anti-personnel mines and to phase out their use. It had also decided to suspend the use of anti-personnel land-mines by the South African National Defence Force, which was re-evaluating the future military utility of such mines.

12. Mr. REID (United Kingdom) associated himself with the statement made by the representative of Italy on behalf of the European Union. While the progress achieved at the current Review Conference fell short of his country's hopes, it would help to reduce the danger to civilians from anti-personnel land-mines. In a series of decisions of 23 April, the United Kingdom had decided to join the growing number of countries which supported a total ban on anti-personnel land-mines. It recognized that such a ban and, indeed, any interim steps such as those taken at the current Conference would require international agreement and it would work towards a total ban. It would destroy nearly half of its stockpile of anti-personnel land-mines as quickly as possible and, save in exceptional circumstances and if the Government decided that there was no alternative, it would not use its remaining stocks. Its plans for the replacement of the reduced stocks would be kept under review and would depend, in part, on the progress towards a total ban. His Government would also pursue alternatives which would make it possible to abandon the use of anti-personnel land-mines and had decided on a moratorium on their export. Those measures showed how much importance his country attached to the banning of land-mines, a goal towards which the current Review Conference had made progress and for which the United Kingdom would continue to work.

13. Mr. SOTHA (Cambodia) said that, while the Review Conference had made some progress, the new agreement was a very small step. Cambodia welcomed the inclusion in the Convention of protection for humanitarian mine clearance operations and the outlawing of blinding laser weapons. It thanked the donor countries which supported demining operations in Cambodia, namely, Australia, Belgium, Canada, Denmark, the European Commission, Germany, the Holy See, Japan, the Netherlands, New Zealand, Norway, Sweden, the United Kingdom and the United States of America, and all of the non-governmental organizations (NGOs) which were working in Cambodia to clear mines and were lobbying for a total ban. Over 30 countries had called for such a ban; Cambodia urged other nations to do the same and to listen to the voice of the people, who wanted no more mines, whether "smart" or "dumb". He thanked the delegations which had worked to strengthen Protocol II and looked forward to working so that other

countries need not suffer as the people of Cambodia had suffered. King Norodom Sihanouk had called for an end to mine warfare and Cambodia planned to ratify the Convention in the very near future.

14. Mr. TANDAR (Afghanistan) said that, when the victims of land-mines learned the result of the Review Conference, they would feel that the horror of their amputations, the unhappiness of their lives and the unbearable images of the savagery inflicted upon them had not touched the hearts of some countries. Afghanistan, which suffered from the presence of over 15 million mines, thanked the United Nations and all the other agencies which had helped it to demine part of its territory; however, it still faced the problem of the economic integration of the victims of land-mines. It was saddened by some of the language used at the Review Conference. It failed to understand the meaning of the words "the responsible or irresponsible use of anti-personnel mines"; he wondered whether anyone would dare to call the Soviet Union, which had laid the mines in Afghanistan, an irresponsible State. He also regretted that some countries claimed to support the right to development, but did not oppose anti-personnel land-mines, which were an obstacle to that development. He failed to see how it was possible to support the rights of women and children without opposing the use of land-mines, of which women and children were so often the victims.

15. Afghanistan welcomed the progress, however slight, made during the current Review Conference, but it would continue to dream of a world without land-mines. Only a total, unconditional ban on the production, export, use and stockpiling of anti-personnel land-mines would satisfy his Government.

16. Mr. EHRLICH (Austria) said that his delegation fully supported the statement made by the representative of Italy on behalf of the European Union. Austria had been among the first countries to declare a moratorium on the production and export of anti-personnel mines and its armed forces would destroy the country's remaining stocks of such mines by summer 1995. Further legal measures were under consideration, but unilateral measures, though useful, were not enough. The growing support for a total ban on anti-personnel mines was one of the most important results of the current Review Conference. Austria had been one of the first countries to support that proposal, which had been initiated by the International Committee of the Red Cross and was supported by over 40 States, and it was convinced that the trend would continue. Austria would support all such efforts and welcomed the Canadian proposal for a meeting of States which supported a ban.

17. Mr. KHOURY (Syrian Arab Republic) said that the States which were responsible for the laying of anti-personnel mines throughout the world should, in accordance with the provisions of articles 5 and 10 of the revised Protocol II, be responsible for clearing those mines at the end of the conflicts in which they had been used. Any interpretation of either of those articles which was contrary to that assignment of responsibility would be a step away from the goal of the Conference. Rapid mine clearance was essential to prevent the further mutilation of civilians, damage to economic life and other tragic consequences of anti-personnel land-mines.

18. Mrs. WAHLSTRÖM (Observer for the International Federation of Red Cross and Red Crescent Societies) said that she wondered how to inform Red Cross volunteers of the results of the Review Conference. How could she tell a volunteer whose colleague had been killed by an anti-personnel mine while trying to help others that, from now on, there would be information on safe routes, but only in so far as was feasible, if information was available and unless ongoing hostilities prevented it? How could she tell a volunteer in whose country floods had left mines in unsuspected places that such mines would be detectable only in nine years, after the entry into force of the new Protocol? How could those volunteers tell the refugees who wanted to return to their mine-infested countries that they must wait until the next Review Conference in 2001? She urged Member States to take immediate steps to ratify the 1980 Convention and its new Protocols, to ban anti-personnel land-mines at the national level, to adopt bilateral, regional and international initiatives and to begin preparations for the annual consultations. There was no time to waste.

19. Mr. ROETHLISBERGER (Observer for the International Committee of the Red Cross (ICRC)) said that, while the results of the Review Conference were modest, the Conference had at least focused the attention of Governments and their military forces on the humanitarian responsibilities involved in land-mine use and on the need for dramatic changes in their approach to those weapons. As with poison gas, the public conscience and a growing number of States had already stigmatized anti-personnel mines. Though not yet reflected in a global consensus, movement towards the elimination of those weapons had proceeded rapidly, as State after State had reviewed the balance between military utility and humanitarian concerns and announced support for a ban.

20. However, the provision of Protocol II on mine transfers, if narrowly implemented, would represent for most States a step backwards from present practice. The limitations adopted on the use of land-mines were woefully inadequate. They would encourage the production, transfer and use of a new generation of mines, while not prohibiting any existing types other than, possibly, non-detectable anti-personnel mines. Taken together with the absence of verification measures, those measures were unlikely to reduce significantly the level of civilian land-mine casualties. The horrific numbers of such victims in recent years would continue unless Governments squarely faced their humanitarian responsibilities and did far more than required by the agreement just adopted.

21. The ICRC deeply regretted that, for the first time in a humanitarian law treaty, measures had been adopted which, instead of entirely prohibiting the use of an indiscriminate weapon, both permitted its continued use and implicitly promoted the use of new models which would have virtually the same effects, at least in the short term. While it was also regrettable that the scope of the Protocol could not be extended as had been agreed at Vienna, the ICRC encouraged all States to issue a statement of understanding at the time of accession, indicating that they considered the Protocol to apply at all times. The ICRC would host regional meetings of Central American and South-East Asian States on the land-mine issue at the end of May.

22. The interpretation of the word "primarily" give by the representative of Germany and supported by a number of States had helped to make it clear that, with only one exception, mines with anti-personnel characteristics fell within the definition of an anti-personnel mine. However, that did not solve an important humanitarian problem, namely, the use of anti-handling devices on remotely delivered anti-tank mines. Such mines would be just as dangerous to civilian populations as anti-personnel mines, the only difference being that they would usually kill their victims. States should seriously address that problem in the very near future.

23. Ms. CURRY (For Humanity's Future) said that the group of NGOs she represented was deeply concerned about the failure of the Review Conference. Its terms of reference clearly contained the words "prohibitions" and "restrictions"; the reality was that the Conference had dealt exclusively with "restrictions" on anti-personnel land-mines to be emplaced in the future. What had prevented the Conference from working on both aspects at the same time?

24. It was well known that legal prohibition provided a legal basis for effective monitoring, controlling and stopping the production, transfer and use of weapons. That had been confirmed by the example of chemical weapons and yet the Conference had totally ignored that practical approach. The reason was that the major Powers, which had largely determined the course of the Conference, did not have the political will to place humanitarian criteria and development above geopolitical and military considerations. The situation was worse and more dangerous than before for the populations affected by the scourge in over 60 countries, particularly because of increased difficulties with control and verification provisions in the revised version of Protocol II. It was also alarming that the little confidence the world public, and the maimed and potential victims of land-mines, still had in international consultations and conferences would diminish yet again with the failure of the Review Conference. Under the circumstances, there was no choice and no other duty but to continue most vigorously the struggle for the total ban of anti-personnel land-mines.

25. She commended Canada on its initiative to convene a conference in the fall of 1996 and welcomed the statements by Angola, Mexico, Afghanistan and the ICRC. The reaction to Protocol II reminded her of the folktale about the Emperor's new clothes, which had been proclaimed as being extraordinary and magnificent, but which had in fact not existed.

26. Ms. WALKER (Handicap International), speaking on behalf of the International Campaign to Ban Landmines, said that the changes made as a result of the review process would not affect the lives of those living with land-mines. The 1996 version of the Convention failed to meet its own standard and purpose; rather than put anti-personnel land-mines outside the law, Governments and the military had laboured long and hard to continue to make room in the law for anti-personnel land-mines and they had succeeded. That diplomatic success was the failure of the Convention regime on land-mines.

27. Her organization had always viewed the Review Conference as but one part of the process that would bring about a total ban on land-mines. The Convention had been overtaken by the ban movement. While the amended Convention would not change the lives of land-mine victims, the process itself had contributed to the momentum of the ban movement. National campaigns would step up pressure to bring reluctant countries into the pro-ban movement. The Campaign would continue to mobilize a public outcry to oppose the production, use, stockpiling or transfer of land-mines, for the public was far ahead of its own Governments, as shown by the 2.5 million signatures from people around the world calling for an immediate ban, which the Campaign had delivered to the Conference. The Campaign welcomed the initiative of Canada to convene a meeting of like-minded Governments, along with NGOs, to form a bloc within the international community to outlaw land-mines.

28. Mr. CHANNARETH (International Campaign to Ban Landmines) said that he, along with his friends from Afghanistan, Mozambique and Cambodia, had come to Geneva to put a human face on the mass suffering caused by land-mines. They were living reminders of what the power of hate could do to legs, arms and eyes. They wanted the participants in the Conference to see them because it was easy to sit inside big buildings and legalize new war toys for new-generation soldiers when they did not see the hospitals and killing fields. He called on the participants to come see for themselves and take pity on the poor.

29. While it was difficult for people like him not to have legs, they most pitied their own children. As the father of six, he wanted his children to have a future free of land-mines and he was therefore very disappointed that the Conference could not agree to ban those mines. He and other ordinary people had thought the work of the United Nations was to forge unity between countries, not weapons that divided them; to stop poverty, not increase it for generations; and to gather clever brains together to solve difficult problems. Ordinary people did not want the United Nations to be ruled by armies, but wanted peace-makers deciding the future of the world. He called on the participants in the Conference to go back to their own countries, work for a total ban and ask for money for demining. Many wanted to do that, but were trapped by fear and mistrust. First they must remove the mines from their hearts. Then, they could remove them from the world.

30. Mr. MOON (International Campaign to Ban Landmines) said that, in 1995, while clearing land-mines for a charity in Africa, he had found exactly what he was looking for and had had his right lower leg and his hand blown off as a result. He accepted that with good grace and did not consider himself a victim because he had chosen to run humanitarian mine clearance teams. People living in mined areas had no choice and frequently no voice. He had worked with many NGOs with diverse views, but, on the issue of land-mines, they spoke with one voice. He heard the same outrage from people around the world, but the rising tide of opinion from the majority of mankind had not been converted into a political and international process of land-mine abolition. There were now many military commanders with enormous credibility and experience who had asked for a total ban because of the indiscriminate nature of land-mines and because they failed the proportionality test: the human cost far exceeded the military value. He challenged the Conference to learn from their experience and to treat the Convention not as an end, but as a beginning.

Representatives must insist that their Governments should deal with the issue and the Governments of China and the Russian Federation, in particular, should do more in that regard.

31. The PRESIDENT said that the achievement of the Conference lay in having developed a piece of legislation, but also in the great number of unilateral actions taken by Governments because of the review process, the insistence of NGOs and the galvanization of political will, which, in the end, would produce further results. Increased accession to the Protocol and the Convention would, he was sure, guarantee their universal implementation.

The meeting rose at 8.55 p.m.