

Geneva, 26 November 2003

SUMMARY RECORD OF THE 1st MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 26 November 2003, at 10 a.m.

<u>Temporary President:</u>	Mr. FAESSLER	(Switzerland)
<u>President:</u>	Mr. TZANTCHEV	(Bulgaria)

CONTENTS

OPENING OF THE CONFERENCE

CONFIRMATION OF THE NOMINATION OF THE PRESIDENT AND OTHER OFFICERS

ADOPTION OF THE AGENDA

CONFIRMATION OF THE RULES OF PROCEDURE

APPOINTMENT OF THE SECRETARY-GENERAL OF THE CONFERENCE

ADOPTION OF ARRANGEMENTS FOR MEETING THE COSTS OF THE CONFERENCE

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CONTENTS (continued)

ORGANIZATION OF WORK, INCLUDING THAT OF ANY SUBSIDIARY BODIES OF THE CONFERENCE

GENERAL EXCHANGE OF VIEWS

REVIEW OF THE OPERATION AND STATUS OF THE PROTOCOL

CONSIDERATION OF MATTERS ARISING FROM REPORTS SUBMITTED BY HIGH CONTRACTING PARTIES IN ACCORDANCE WITH PARAGRAPH 4 OF ARTICLE 13 OF AMENDED PROTOCOL II

The meeting was called to order at 10.30 a.m.

OPENING OF THE CONFERENCE

1. The TEMPORARY PRESIDENT, acting in his capacity as President of the Fourth Annual Conference, declared open the Fifth Annual Conference of the States Parties to Amended Protocol II to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects.

CONFIRMATION OF THE NOMINATION OF THE PRESIDENT AND OTHER OFFICERS

2. The TEMPORARY PRESIDENT pointed out that the States parties had agreed at their Fourth Annual Conference, in order to ensure continuity, to designate a President and Vice-Presidents for the Fifth Conference at that time. Accordingly, Mr. Dimiter Tzantchev of Bulgaria had been nominated as President designate of the Fifth Conference, and representatives of China, South Africa and Switzerland as Vice-Presidents designate (CCW/AP.II/CONF.4/3 (Part I), para. 21). If there was no objection, he would take it that the Conference wished to confirm the nomination of Mr. Tzantchev to take the Chair.

3. It was so decided.

4. Mr. Tzantchev (Bulgaria) took the Chair.

5. The PRESIDENT then invited the Conference to confirm the nomination of the representatives of China, South Africa and Switzerland as Vice-Presidents.

6. Mr. Hu (China), Mr. Nene (South Africa) and Mr. Faessler (Switzerland) were confirmed as Vice-Presidents of the Conference.

ADOPTION OF THE AGENDA (CCW/AP.II/CONF.5/1)

7. The agenda was adopted.

CONFIRMATION OF THE RULES OF PROCEDURE

8. The PRESIDENT said that, at the First Annual Conference, the incumbent President had noted, with reference to rule 29 of the rules of procedure, that the high contracting parties had thus far proceeded on the basis of consensus in their deliberations and negotiations and had not taken any decision by vote. He therefore suggested that work should proceed on the principle that the current version of the rules of procedure (CCW/AP.II/CONF.3 (Part I), annex II), read in conjunction with that statement, applied mutatis mutandis to the Fifth Annual Conference.

9. It was so decided.

APPOINTMENT OF THE SECRETARY-GENERAL OF THE CONFERENCE

10. The PRESIDENT, referring to rule 10 of the rules of procedure, said his consultations had indicated that there was agreement to appoint Mr. Vladimir Bogomolov, Political Affairs Officer in the Geneva Branch of the Department of Disarmament Affairs, as Secretary-General of the Conference. He took it that it was the wish of the Conference to appoint Mr. Bogomolov to that office.

11. It was so decided.

ADOPTION OF ARRANGEMENTS FOR MEETING THE COSTS OF THE CONFERENCE

12. The PRESIDENT noted that the Fourth Annual Conference had considered cost estimates for the Fifth Annual Conference (CCW/AP.II/CONF.4/3 (Part I), annex V). According to information provided by the secretariat, significant savings had been made in the preparations for the Fifth Conference thanks to a reduction in the volume of documentation, and the actual costs were expected to be lower than the initial estimates. The actual figures would not be available, however, until after the Conference had ended. He took it that the Conference wished to approve the cost estimates as presented.

13. It was so decided.

Message from the Secretary-General of the United Nations

14. At the invitation of the President, Mr. ORDZHONIKIDZE (Director-General of the United Nations Office at Geneva and Secretary-General of the Conference on Disarmament) read out a message from the Secretary-General of the United Nations.

15. In his message, the Secretary-General described Amended Protocol II as an integrating and inclusive instrument which had helped to trigger a wider movement towards the total prohibition and destruction of anti-personnel mines, addressing humanitarian and security considerations in a balanced way. Yet efforts to date had been insufficient: landmines continued to kill and maim, to aggravate the economic consequences of armed conflicts and to threaten future generations. The pace of ratification had slowed. He appealed to countries that had not yet signed or ratified the Protocol to do so as soon as possible, to bring the goal of universal membership closer.

ORGANIZATION OF WORK, INCLUDING THAT OF ANY SUBSIDIARY BODIES OF THE CONFERENCE

16. The PRESIDENT said that, in view of the limited time available, he was reluctant to suggest the establishment of a subsidiary body. He proposed that the remainder of the first meeting, following the consideration of procedural issues, should be devoted to a general exchange of views under item 8, during which delegations could also take up substantive issues on the agenda, namely, items 9, 10 and 11.

17. With regard to item 10, he said that, given the time constraints faced by the Conference, his delegation and other interested delegations had prepared a synopsis (to be annexed to the report of the Conference) of all the national annual reports submitted by States parties for the current Conference, which, as at previous conferences, would constitute a major substantive analytical document for consideration.

GENERAL EXCHANGE OF VIEWS

18. Mr. CUMMINGS (United States of America) said that the Amended Protocol was and would continue to be instrumental in substantially reducing casualties caused by the indiscriminate use of mines. Its humanitarian purposes could be advanced through the adoption

of a new protocol dealing exclusively with anti-vehicle mines. The United States supported the call for more countries to sign and ratify the Protocol, especially those insofar underrepresented regions, such as Africa. At the same time, more needed to be done on issues related to the protection of civilians against the indiscriminate effects of mines (article 13, paragraph 3 (d) of the Protocol).

19. Mr. McCLOY (United States of America) announced that the United States had just submitted its annual report under article 13 of the Protocol, describing a broad range of initiatives to bring relief to mine-affected countries. Assistance was currently being provided to 43 countries, the latest being Iraq, and totalled over \$700 million over the past decade.

20. The United States pursued a holistic approach, focused on the development of indigenous infrastructure together with the provision of training, which was equally important in creating leadership and organizational skills for the planning, equipping, coordination and implementation of national and regional mine action programmes. A detailed description of the content of United States mine action efforts in Iraq and achievements so far served to underline the fact that technology and training were inseparable in such efforts, as well as pointing to the importance of article 13, paragraph 3 (d) of the Protocol.

21. Mr. CHUNG (Republic of Korea), after reconfirming his country's unwavering commitment to the letter and spirit of the Protocol, called for redoubled efforts to encourage more countries to subscribe to the Protocol. Further work to promote universal membership would help to strengthen the Convention regime as a whole. The Republic of Korea's annual report described considerable progress in demining operations in the Korean peninsula, as well as its contribution to the Voluntary Trust Fund for Assistance in Mine Action and the indefinite extension of its moratorium on exports of anti-personnel mines.

22. Mr. SHAW (Australia) emphasized the importance of the Protocol because of its broad scope and its role in engaging key mine-using States which were not currently in a position to sign the Ottawa Convention. It was vital to raise the current level of adherence to the Protocol. He welcomed the decision of the Group of Governmental Experts to study all proposals on mines other than anti-personnel mines that had been presented over the past two years, and looked forward to appropriate recommendations for submission to the 2004 Meeting of States Parties. Australia also strongly supported the Danish-United States proposal on anti-vehicle mines, and was giving active consideration to proposed restrictions on all anti-vehicle mines outside marked and fenced areas. Lastly, he supported the initiative to formulate best practices relating to sensitive fuses for anti-vehicle mines.

23. Australia's strong commitment to mine action was evident from the fact that it was well on its way to meeting its undertaking to provide \$A 100 million for such activities in the decade to December 2005, focused on Asia.

24. Mr. SOOD (India) said that India remained fully committed to the ultimate objective of a non-discriminatory universal ban on anti-personnel mines in a manner that addressed States' legitimate defence requirements. Progress in that direction would be facilitated by the availability of appropriate militarily effective, non-lethal and cost-effective alternative technologies.

25. India had taken all necessary steps to comply with the provisions of the Protocol. Anti-personnel landmines had been modified to make them detectable, production of non-detectable mines had been discontinued and a moratorium on mine exports was observed. Awareness of mine-related issues was fostered among the armed forces and the general public, both by the Government and by non-governmental organizations. Only the armed forces were permitted to use landmines, in accordance with strict procedures. They had carried out extensive work in defusing and clearing improvised explosive devices in India, and had made a major contribution to United Nations-sponsored mine clearance operations in many countries, as well as supporting technical cooperation and the transfer of mine clearance technology, equipment and training.

26. Mr. TREZZA (Italy), speaking on behalf of the European Union, the acceding countries Czech Republic, Cyprus, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia and the associated countries Bulgaria and Romania, emphasized the importance of the full implementation of the Protocol, which could provide afflicted countries with clear socio-economic benefits, and complemented the Ottawa Convention because of its wider scope. He welcomed the growing list of parties to the Protocol, and called for further progress towards universal membership. He also stressed the value of timely submission of annual reports by States parties, as well as voluntary reporting by States which were not yet parties. Consideration should be given to expanding on the provisions of article 14 to develop a full-fledged compliance mechanism which would cover the Convention and its protocols. Discussions should be held to build on the existing broad acceptance of the principle of a compliance mechanism.

27. Mr. FAESSLER (Switzerland) said that, as his country had always considered the Protocol as complementary not only to the Ottawa Convention, but also to efforts to deal with explosive remnants of war, it welcomed the success of the Group of Governmental Experts in finalizing negotiations on a new protocol on remnants of war. Full respect for the provisions of the Protocol could be ensured through the obligation borne by States to incorporate its rules into domestic law and prosecute violations, the presentation of annual reports, which promoted transparency and dialogue, and the holding of annual conferences for purposes of review. The latest reports had been analysed by his delegation, and a synopsis would be circulated. There was also a need to resume longer annual conferences, to allow time for thorough discussion of technical issues such as those referred to in paragraphs 1 and 4 of article 13.

28. Mrs. INOBUCHI (Japan) said that Japan had launched a very ambitious project for the development of demining equipment in cooperation with manufacturers, researchers and mine-affected countries. It was also engaged in a wide range of mine action projects, and was the largest donor to the United Nations Voluntary Trust Fund. She called for additional ratifications of the Protocol, which occupied a unique position in international humanitarian law, and struck the right balance between national security requirements and humanitarian interests. All parties should fulfil their obligations under the Protocol, and efforts were needed to develop a compliance mechanism. Its success had generated momentum and led to meaningful deliberations on measures to deal with mines other than anti-personnel mines in a more comprehensive manner, which were to be welcomed.

29. Mr. OLSON (Canada) called on States parties to comply fully with their commitments under the Protocol, including the prohibition of the indiscriminate use of mines, booby traps and other devices, and the requirement to clear such devices after hostilities, and to provide

assistance in mine clearance when able to do so. More States parties should also submit the annual reports required under article 13, paragraph 4, as a contribution towards checking compliance. At the same time, Canada continued to feel that the Protocol did not adequately address the humanitarian threats posed by anti-personnel and anti-vehicle mines. It was pleased that the Group of Governmental Experts had agreed to examine all existing proposals relating to mines other than anti-personnel mines, with the help of military experts, with the aim of drawing up recommendations for the Meeting of States Parties. Such action would make it possible to continue the necessary work on anti-vehicle mines in a serious framework and supplement the current restrictions in Amended Protocol II. Outlining the process of growing acceptance of the Ottawa Convention, he called on States to sign it and subscribe to the principles it contained, and to participate in the first conference to review the Convention, which would be held in December 2004.

30. Mr. HU (China) said that, since ratifying the Protocol, China had faithfully fulfilled all its obligations. Noting recent proposals for a new protocol to the Convention dealing with mines other than anti-personnel mines, he expressed the view that Amended Protocol II already covered all mines and struck a realistic balance between humanitarian concerns and States' legitimate military needs, while taking account of economic and technological divergences between countries. Effective implementation of its provisions, and wider membership, would allay concerns about anti-vehicle mines.

31. He paid tribute to the States parties to the Ottawa Convention, pointing out that the fact that China had not signed it had not hindered China's exchanges and cooperation with those that had. It had played an active role in international demining assistance programmes, as well as promoting awareness within China, destroying old mines and clearing mines in border areas. China had accumulated a wealth of experience and had many well-trained personnel, despite its limited resources.

32. Mr. SHAUKAT (Pakistan) said that his country was fully committed to the goals of the Protocol. It regularly submitted reports under article 13, and had banned the export of anti-personnel mines, production of which was restricted to the public sector. It was participating in various United Nations mine-related activities and also cooperating with relevant non-governmental organizations. The Protocol struck the right balance between security and humanitarian considerations, and deserved wider adherence. At the present stage full implementation was more important than its revision or the development of a new protocol on anti-vehicle mines. Emphasis should be given to mine clearance and victim assistance programmes, new demining technologies and international cooperation and coordination.

33. Mr. HORUMBA (Romania) announced that, as proof of its resolve to contribute to international efforts to eliminate the negative effects of anti-personnel mines, his country had recently become a party to the Protocol. He called on other States to do likewise and boost the complementary impact of the Protocol and the Ottawa Convention.

34. Mr. JAKUBOWSKI (Poland) announced that the Protocol would shortly enter into force for Poland, following its ratification. Poland, which was fully committed to the letter and spirit of the Convention, was especially aware of the serious humanitarian problems caused by landmines, because of its past, and was also actively involved in peace-making and

peace-keeping operations around the world. Long before it ratified the Protocol, it had included information about it in military training programmes, made all remaining landmines readily detectable and banned the export of anti-personnel mines. It had also voluntarily submitted two annual reports under article 13.

35. Mr. VALLE FONROUGE (Argentina) said that, as indicated in his country's recently submitted annual report under article 3 of the Protocol, efforts were being made to foster awareness of the Protocol, as well as international humanitarian law, in the Argentine armed forces and among the general public. The armed forces had played a role in demining programmes in various Latin American countries, Angola, Iraq and Kuwait. A centre for training in demining had produced highly skilled personnel. Stocks of mines were scheduled to be destroyed in accordance with the Protocol. A feasibility study was to be carried out jointly with the Government of the United Kingdom on the removal of mines which had been emplaced in the Falkland Islands (Malvinas). A moratorium had been imposed on the export, sale and transfer of all anti-personnel mines.

36. Mr. ANTONOV (Observer for the Russian Federation) stressed the desirability of cooperation with States that had yet to ratify the Protocol, while cautioning against frequent changes to the Protocol, which could drive away potential signatories. His country was fully complying with the provisions of the Protocol pending ratification. It had observed a unilateral moratorium on the export of the most dangerous anti-personnel mines since 1994; it had destroyed millions of such mines; it had trained its armed forces in minefield marking, demining techniques and international humanitarian law. New mine detection and clearance technologies were being developed, and experience in handling improvised explosive devices was being accumulated, and could be shared. Public awareness of landmines was being fostered. Steps were being taken to destroy prohibited types of mines, and cooperation with NATO in the future was a possibility.

37. In working for a world without mines, it was necessary to move step by step while guaranteeing stability. The Russian Federation looked forward to the strengthening of the Protocol and accession by more States. It had put forward a proposal for the development of a single methodology for evaluating the reliability of the self-destruction and self-deactivation mechanisms of anti-personnel mines, which could be combined with a possible new joint activity involving mines other than anti-personnel mines.

38. Mr. HIZNAY (Human Rights Watch) pointed out that very few of the States parties to Amended Protocol II continued to assert the right to use anti-personnel mines. Yet the integrity of the Protocol was threatened by the practices of several States parties. Some had not taken adequate measures to protect civilians from the effects of anti-personnel mines, and had not reported on any such measures. Those that had deferred compliance with specific technical requirements had not provided detailed information on steps planned or taken to comply with their obligations. States that stockpiled remotely delivered anti-personnel mines had provided scant information on efforts to comply with the technical requirements for those mines. He called on States parties to create a voluntary informal mechanism to share experience in operationalizing article 5 of the Protocol for the protection of civilians, and to include in their annual reports under article 13 detailed information on progress towards fulfilling technical requirements and meeting deferral deadlines.

39. Ms. WALKER (International Campaign to Ban Landmines) paid tribute to the countries that had met their March 2003 stockpile destruction deadlines under the Ottawa Convention, as well as the new parties to that Convention and to Amended Protocol II. Considerable progress had been made since the adoption of the Convention, in the form of export bans, the destruction of mines, lower production, reduced use, increased mine clearance, greater assistance and a decline in the numbers of new victims, though significant challenges remained in 82 mine-affected countries, with new casualties suffered and further use of anti-personnel mines by Governments and rebel or other groups. She called on the 11 countries which were not parties to the Ottawa Convention to join it or take steps to align themselves with the rapidly emerging international norm.

REVIEW OF THE OPERATION AND STATUS OF THE PROTOCOL (agenda item 9)

40. The PRESIDENT pointed out that, in article 13, paragraph 3, the Protocol stipulated that the work of the Conference should include a review of the operation and status of the Protocol, and that, at the First Review Conference of the Convention on Conventional Weapons, the States parties had undertaken to review the provisions of the Protocol. To date, 73 States had consented to be bound by the Protocol; of them, 45 had submitted annual reports as required by article 13, paragraph 4. While it was gratifying that 28 States had agreed to be bound by the Protocol since the Third Annual Conference, that figure remained relatively modest for an important international instrument. He invited the States parties to consider how they could promote universal adherence to the instrument.

CONSIDERATION OF MATTERS ARISING FROM REPORTS SUBMITTED BY HIGH CONTRACTING PARTIES IN ACCORDANCE WITH PARAGRAPH 4 OF ARTICLE 13 OF AMENDED PROTOCOL II (agenda item 10)

41. The PRESIDENT reminded the Conference that his delegation together with that of Switzerland had prepared a synopsis of all the national reports that had been submitted to date.

The meeting rose at 12.35 p.m.