

Geneva, 23 November 2005

SUMMARY RECORD OF THE 1st MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 23 November 2005, at 10 a.m.

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

President: Mr. STREULI (Switzerland)

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The meeting was called to order at 10.25 a.m.

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

1. The TEMPORARY PRESIDENT, acting on behalf of the Secretary-General of the United Nations, in his capacity as Depositary of 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 (the CCW Convention) and its Protocols, declared open the Seventh Annual Conference of the States Parties to Amended Protocol II to the Convention.

CONFIRMATION OF THE NOMINATION OF THE PRESIDENT AND OTHER OFFICERS (item 2 of the provisional agenda)

2. The TEMPORARY PRESIDENT pointed out that the States parties had agreed at their Fourth Annual Conference, in order to ensure continuity, that a President and Vice-Presidents should be designated at the end of each annual conference for the forthcoming period. Accordingly, in 2004 the representative of Switzerland had been nominated as President designate of the Seventh Conference (CCW/AP.II/CONF.6/3, para. 21). If there was no objection, he would take it that the Conference wished to confirm the nomination of Mr. Jürg Streuli of Switzerland to take the Chair.

3. It was so decided.

4. Mr. Streuli (Switzerland) took the Chair.

5. The PRESIDENT expressed appreciation for his selection, noting that he would be able to count on the support of an effective secretariat and an experienced bureau. The 2005 Conference should be short and routine in nature, since all energies were currently focused on the talks on mines other than anti-personnel mines, which were at a crucial stage. He invited participants to consider how the discussions in the context of amended Protocol II might be revitalized, especially after the forthcoming CCW review conference, for example through the re-establishment of a subsidiary body to study the development of technologies to protect civilians against the indiscriminate effects of mines. Moreover, it should be borne in mind that any new convention or protocol should respect the standards that had been set by amended Protocol II and build on them. Lastly, as progress towards the universalization of the Protocol was slow, he called for greater efforts to increase the number of signatories.

6. The Sixth Conference had also nominated three Vice-Presidents designate of the Seventh Conference. He invited the Conference to confirm the nomination of Mr. Hu Xiaodi of China, Mr. Alexander Slabý of Czech Republic and Mr. Mousa Burayzat of Jordan as Vice-Presidents designate of the Seventh Conference.

7. Mr. Hu (China), Mr. Slabý (Czech Republic) and Mr. Burayzat (Jordan) were confirmed as Vice-Presidents of the Conference.

ADOPTION OF THE AGENDA (item 3 of the provisional agenda)

8. The provisional agenda (CCW/AP.II/CONF.7/1) was adopted.

CONFIRMATION OF THE RULES OF PROCEDURE (agenda item 4)

9. 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 Seventh Annual Conference.

10. It was so decided.

APPOINTMENT OF THE SECRETARY-GENERAL OF THE CONFERENCE (agenda item 5)

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

12. It was so decided.

ADOPTION OF ARRANGEMENTS FOR MEETING THE COSTS OF THE CONFERENCE (agenda item 6)

13. The PRESIDENT noted that the cost estimates for the Seventh Annual Conference (CCW/AP.II/CONF.6/3, annex IV) had been considered in 2004 at the Sixth Conference. If he heard no objection, he would take it that the Conference wished to approve the cost estimates as presented.

14. It was so decided.

Message from the Secretary-General of the United Nations

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

16. In his message, the Secretary-General pointed out that despite the efforts of the international community, landmines, booby-traps and other explosive devices continued to cause victims among civilians and combatants and hinder socio-economic reconstruction. Amended Protocol II was an important tool for minimizing humanitarian risks and an essential complement to other multilateral efforts. He echoed the appeal made at the 2005 World Summit urging all States parties to the Protocol to discharge their obligations and calling for greater technical assistance to mine-affected States. He welcomed the rise in the number of parties to the Protocol, and appealed to countries which had not yet done so to ratify it as soon as possible.

17. After reading out the Secretary-General's message, the speaker said that after several years' contributions to the work of the annual conferences, he would shortly be leaving his post for other duties. At his last conference he therefore wished to express appreciation for the constant support he had received from delegations, as well as the friendship that had been displayed towards him.

18. The PRESIDENT thanked the Director on behalf of the Conference for all his past efforts and wished him every success in his future assignment.

ORGANIZATION OF WORK, INCLUDING THAT OF ANY SUBSIDIARY BODIES OF THE CONFERENCE (agenda item 7)

19. The PRESIDENT said that the brevity of the Conference made him reluctant to propose the establishment of any subsidiary body. Instead, he invited the participants, in holding their traditional general exchange of views, to address all relevant substantive issues on the agenda, falling under the following items: "Review of the operation and status of the Protocol", "Consideration of matters arising from reports by high contracting parties in accordance with paragraph 4 of article 13 of amended Protocol II", and "Consideration of the development of technologies to protect civilians against indiscriminate effects of mines".

GENERAL EXCHANGE OF VIEWS (agenda item 8)

20. Mr. FREEMAN (United Kingdom), speaking on behalf of the European Union, expressed appreciation to the Director of the Geneva Branch of the Department for Disarmament Affairs for the work he had accomplished in Geneva and the smooth working relations he had instituted, and expressed best wishes for his future endeavours.

21. Amended Protocol II was an important instrument of humanitarian law whose obligations were essential in order to facilitate humanitarian assistance, post-conflict recovery and safer peacekeeping operations. It complemented the Ottawa Convention, and compliance helped to enhance the security of military ground operations and curtail negative impacts on civilian populations. The European Union welcomed progress towards the key goal of universalization of the Protocol, and reiterated its call to all parties to the CCW Convention to accede to amended Protocol II and the other protocols. It also attached great importance to the timely submission of annual reports by States parties, and urged non-parties to consider submitting such reports voluntarily. Lastly, the Union favoured the establishment of an effective compliance mechanism for the CCW Convention and its protocols. The principle of such a mechanism was already politically and legally accepted, and further discussions should be held drawing on experience with the application of article 14 of amended Protocol II.

22. Mr. KHAN (Pakistan) thanked the Director of the Geneva Branch of the Department for Disarmament Affairs for his valuable services and guidance to the States parties to the CCW Convention, and wished him success in his future assignment.

23. Amended Protocol II was broad in scope, effectively addressed humanitarian concerns while guaranteeing military uses of mines, contained an effective compliance mechanism, provided for cooperation in mine clearance and allowed regular review of the Protocol itself and its implementation. There was a need to focus on securing universal participation in the Protocol and enhancing cooperation and assistance in mine clearance and the rehabilitation of victims.

24. Mr. PRASAD (India) said that the availability of appropriate, militarily effective, non-lethal and cost-effective alternative technologies should greatly facilitate progress towards the goal of a mine-free world. Amended Protocol II, if properly implemented, would go a long way towards reconciling humanitarian concerns and military requirements. He welcomed the fact that an overwhelming majority of States parties were satisfied with the consultation, cooperation and compliance mechanism established under the Convention, and sought a similar mechanism for the entire CCW process. India supported the measures taken to promote the universalization of amended Protocol II, and called on States which had not yet done so to ratify the Convention and its protocols as soon as possible.

25. Mr. HU (China) welcomed the progress made in implementing amended Protocol II since its entry into force. However, as risks posed by landmines persisted in many countries, further efforts were needed to improve the implementation of the Protocol and promote its universality. China supported the purposes and objectives of the Ottawa Convention, attached great importance to its role and was ready to strengthen exchanges and cooperation with its States parties. It was also ready to cooperate with other countries and international and non-governmental organizations to assist mine-affected countries to eliminate landmine problems.

26. Mr. BIELASHOV (Ukraine) said he looked forward to a universal commitment to eradicate the inhumane effects of anti-personnel mines. It was also important to establish a simple, clear and cost-effective compliance mechanism which was applicable to the entire CCW process. It should not impose an undue burden on States parties and should be consistent with existing reporting procedures. Ukraine had extensive experience in mine clearance techniques, which it stood ready to make available to other countries.

27. Mr. MINE (Japan) said that Japan had been actively engaged in efforts to increase the number of parties to the Ottawa Convention. At the same time, amended Protocol II to the CCW Convention also provided a realistic and practical approach to reducing the humanitarian impact of landmines, and he called on States which had difficulty acceding to the Ottawa Convention to sign and ratify the Protocol as a first step. The Protocol had provided a basis for the amendment of article 1 of the Convention. It also served as the basis for the current negotiations on mines other than anti-personnel mines, and underlay the South African and European Union proposals for a new compliance mechanism. He welcomed the new parties to the Protocol, and called on all existing parties to fulfil their obligations and work towards universalization.

28. Mr. ANTONOV (Russian Federation) said that amended Protocol II brought together the interests of those who advocated a comprehensive ban on the use of landmines and those who needed them to enhance their security. Consistent and strict compliance with its provisions would contribute to steady progress towards a world free of mines. The path towards a

mine-free world should be pursued by means of phased and realistic measures, without setting unachievable goals. Securing universal accession to the Protocol was an important task, and there was a need for cooperation with States which were not yet parties but which basically supported its principal provisions. Russian experts had accumulated unique experience in the field of humanitarian demining, and were ready to cooperate with all interested countries and organizations in that field.

29. Mr. WALSH (Canada) said that amended Protocol II addressed a wide variety of weapons not covered by other instruments, and called on all States parties to comply fully with their commitments. Current obligations relating to mines other than anti-personnel mines should be fully respected even as efforts were being made to improve on them through a new, legally binding instrument. However, the Protocol did not provide adequate protection from the humanitarian and developmental threats posed by landmines, and anti-personnel mines in particular were inherently indiscriminate and therefore did not comply with the principles of international humanitarian law.

30. The Ottawa Convention provided a comprehensive framework for dealing with such problems, and an ambitious and pragmatic action plan had been adopted at its first review conference - the Nairobi Summit on a Mine-free World. He called on all non-parties to accede to it as soon as possible, and to abide by its provisions in the meantime.

31. Mr. HAN (Republic of Korea) said that amended Protocol II had played a significant humanitarian role since its adoption in 1996. The steady increase in the number of parties bore witness to the importance attached to it. Close and coordinated international cooperation and assistance were very important in mitigating the suffering caused by the scourge of landmines.

32. Mr. HEMMINGWAY (Australia) said that his country was a party to the Ottawa Convention and supported efforts to secure its universalization. At the same time, amended Protocol II was particularly valuable because its parties included key mine-using and mine-producing States which were not in a position to accede to the Ottawa Convention. He welcomed the States which had recently become parties to the Protocol, and urged other States to follow suit. The humanitarian goals of the Protocol could be furthered through the conclusion of a protocol on mines other than anti-personnel mines.

33. Mr. İŞİK (Turkey) said that his country had recently become a party to the CCW Convention as well as Protocol I, amended Protocol II and Protocol IV, in addition to the Ottawa Convention, and would play its part in global efforts to eliminate the excessive and indiscriminate effects of landmines.

34. Mr. ARROYAVE (Guatemala) said that his Government had accomplished extensive demining operations throughout the country, in cooperation with the Organization of American States, and was ready to engage in technical cooperation with other countries on request.

35. Mr. PATHIVANA (Sri Lanka) said that his country had recently become a party to the Convention, amended Protocol II and Protocols II and IV, and was discussing accession to Protocol V. It had submitted a voluntary report under article 7 of the Ottawa Convention, and was engaged in a comprehensive mine action programme.

36. Ms. BAKER (United States of America) said that in 2005 her country had become the first major military Power to terminate its use of any landmine that could not be located using standard metal detectors, thus going beyond the detectability requirement of amended Protocol II. It continued to be a leader in humanitarian mine action throughout the world, allocating \$89 million in 2004 for mine clearance, mine risk education, demining technology research and development and survivor assistance projects in 54 countries.

37. Ms. HALLER (Switzerland) welcomed the steady rise in the number of parties to amended Protocol II, and urged States which had not already done so to accede to it. The value of the Protocol depended on strict compliance with its provisions, including the submission of annual reports and participation in annual meetings. In view of the benefits to be drawn from international cooperation, Switzerland was ready to work bilaterally and multilaterally to address the problems connected with the mines and other weapons covered by the Protocol.

REVIEW OF THE OPERATION AND STATUS OF THE PROTOCOL

38. 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, the States parties had undertaken to review the provisions of the Protocol. To date, 85 States had consented to be bound by the Protocol, a relatively modest figure 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)

39. The PRESIDENT said that of the 85 States which had notified the Depositary of their consent to be bound by the Protocol, 60 had submitted annual reports as required by article 13, paragraph 4. He also reminded the participants that at their Fifth Annual Conference in 2003, the States parties had decided to simplify the submission of national annual reports (CCW/AP.II/CONF.5/2, para. 20). Under the new arrangement, States parties need simply indicate on a summary sheet where certain information had not changed since the previous report. Accordingly, only the summary sheet, the cover page and forms containing new information should be submitted in the future.

CONSIDERATION OF THE DEVELOPMENT OF TECHNOLOGIES TO PROTECT CIVILIANS AGAINST INDISCRIMINATE EFFECTS OF MINES (agenda item 11)

40. The PRESIDENT noted that there were no speakers on this item.

The meeting rose at 12.07 p.m.