
Twelfth Session

Geneva, 14 – 22 November 2005

Item 12 of the agenda

Adoption of the procedural report

DRAFT PROCEDURAL REPORT

1. The Meeting 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 (CCW) held at Geneva on 18 and 19 November 2004 decided, as contained in paragraph 25 of its report (document CCW/MSP/2004/2), that the Working Group on Explosive Remnants of War would continue its work in the year 2005 with the following mandate:

“To continue to consider, including through participation of legal experts, the implementation of existing principles of International Humanitarian Law and to further study, on an open-ended basis, with particular emphasis on meetings of military and technical experts, possible preventive measures aimed at improving the design of certain specific types of munitions, including sub-munitions, with a view to minimising the humanitarian risk of these munitions becoming explosive remnants of war. Exchange of information, assistance and co-operation would be part of this work. The Group will report on the work done to the next Meeting of the States Parties.”

2. At the same Meeting the States Parties decided, as contained in paragraph 26 of CCW/MSP/2004/2, that the Working Group on Mines Other Than Anti-Personnel Mines would continue its work in the year 2005 with the following mandate:

“1. To consider all proposals on Mines Other Than Anti-Personnel Mines put forward since the establishment of the Group of Governmental Experts with the aim of elaborating appropriate recommendations on Mines Other Than Anti-Personnel Mines for submission to the next Meeting of the States Parties to the Convention.

2. Meetings of military experts shall also be conducted to provide advice on these activities.”

3. At the same Meeting the States Parties decided, as contained in paragraph 27 of CCW/MSP/2004/2, that “the Chairperson-designate shall undertake consultations during the intersessional period on possible options to promote compliance with the Convention and its annexed Protocols, taking into account proposals put forward, and shall submit a report, adopted by consensus, to the States Parties.”

4. At the same Meeting the States Parties decided, as contained in paragraph 28 of CCW/MSP/2004/2, that “the Chairperson-designate shall undertake consultations during the intersessional period on the preparation of the Third Review Conference of the States Parties to the Convention and shall report to the next Meeting of the States Parties.”
5. At the same Meeting the States Parties decided, as contained in paragraph 29 of CCW/MSP/2004/2, “to commission follow-up work under the oversight of the Chairperson-designate of a Meeting of the States Parties to the Convention to be held on 24 and 25 November 2005 at Geneva in conjunction with the Seventh Annual Conference of the States Parties to Amended Protocol II.”
6. The Meeting of the States Parties decided, as contained in paragraph 30 of CCW/MSP/2004/2, that “the intersessional work of the Group of Governmental Experts of up to five weeks will be undertaken in three sessions at Geneva during 2005”.
7. The Twelfth Session of the Group of Governmental Experts was held at Geneva from 14 to 22 November 2005.
8. On 14 November 2005, the session was opened by the Chairperson-designate of the Meeting of the States Parties to the Convention, Ambassador Gordan Markotic of Croatia.
9. The meetings of the Working Groups of the Group of Governmental Experts were chaired by the two Coordinators: Ambassador Jayant Prasad of India on Explosive Remnants of War, and Ambassador Markku Reimaa of Finland on Mines Other Than Anti-Personnel Mines. Mr. Peter Kolarov, Political Affairs Officer, Department for Disarmament Affairs, Geneva Branch, served as Secretary of the Group. He was assisted by Mr. Bantan Nugroho, Political Affairs Officer.
10. The Group held four plenary meetings. At its first plenary meeting, on 14 November 2005, the Group confirmed its Agenda as adopted at its Tenth Session (CCW/GGE/X/5, Annex I), confirmed the Rules of Procedure as adopted and used by the Second Review Conference (CCW/CONF.II/PC.1/1 with oral amendments) and adopted its Programme of Work (CCW/GGE/XII/1).
11. The following States Parties to the Convention participated in the work of the Group: Argentina, Australia, Austria, Belarus, Belgium, Bolivia, Brazil, Bulgaria, Cambodia, Canada, Chile, China, Colombia, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Ecuador, Estonia, Finland, France, Germany, Greece, Guatemala, Holy See, Hungary, India, Ireland, Israel, Italy, Japan, Jordan, Latvia, Lithuania, Luxembourg, Malta, Mauritius, Mexico, Morocco, Netherlands, New Zealand, Norway, Pakistan, Peru, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Senegal, Serbia and Montenegro, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Turkey, United Kingdom of Great Britain and Northern Ireland, Ukraine, United States of America and Venezuela.
12. The following Signatory States to the Convention also participated in the work of the Group: Afghanistan, Egypt and Vietnam.

13. The following States not parties to the Convention participated as observers: Azerbaijan, Democratic Republic of the Congo, Côte d'Ivoire, Kuwait, Libyan Arab Jamahiriya, Madagascar, Malaysia, Qatar, Saudi Arabia, Thailand, United Arab Emirates, United Republic of Tanzania and Yemen.

14. The representatives of the United Nations Development Programme (UNDP), United Nations Institute for Disarmament Research (UNIDIR), and United Nations Mine Action Service (UNMAS) took part in the work of the Group.

15. The representatives of the following organisations also took part in the work of the Group: European Commission, Geneva International Centre for Humanitarian Demining (GICHD) and International Committee of the Red Cross (ICRC).

16. The representatives of the following non-governmental organisations also took part in the work of the Group: Actiongroup Landmine.de, American Bar Association, Cluster Munition Coalition, Danchurchaid, Geneva Call, Handicap International, Human Rights Watch, International Campaign to Ban Landmines (ICBL), Landmine Action (UK), League of Iraqi Doctors (LOID), Mines Action Canada, Pax Christi Ireland, Swiss Campaign to Ban Landmines, The Friends World Committee for Consultation (Quakers), University of Saint-Thomas School of Law, Minnesota (USA).

17. At the Group's first plenary meeting, the following States participated in a general exchange of views: Austria, Belarus, Bulgaria, Canada, Chile, China, Cuba, Japan, New Zealand, Norway, Pakistan, Republic of Korea, Russian Federation, Switzerland, Turkey, and United States of America. Cluster Munition Coalition also participated in the general exchange of views.

18. At the same meeting, the Group welcomed the States Parties which had notified the Secretary-General of the United Nations of their consent to be bound by Protocol V on Explosive Remnants of War Protocol: Bulgaria, Croatia, Denmark, Finland, Germany, India, Liberia, Lithuania, Luxembourg, Netherlands, Nicaragua, Norway, Sierra Leone, Sweden and Ukraine.

19. The Working Group on Explosive Remnants of War held two meetings and discussed the implementation of existing principles of International Humanitarian Law and possible preventive measures aimed at improving the design of certain specific types of munitions, including sub-munitions, with a view to minimise the humanitarian risk of these munitions becoming explosive remnants of war. It also held one meeting of military and technical experts, chaired by Ms. Vera Bohle of GICHD, and discussed a paper presented by the Chairperson of the Meeting of Military and Technical Experts on Explosive Remnants of War entitled "Provisional Agenda for the Meeting of the Military Experts on ERW" as contained in CCW/GGE/XI/WG.1/1.

20. The Working Group on Mines Other Than Anti-Personnel Mines held five meetings and discussed "Proposals and Ideas on MOTAPM in the Group of Governmental Experts (GGE) with the Purpose to Provide a Basis for Further Work" presented by the Coordinator as contained in CCW/GGE/XII/WG.2/1 and CCW/GGE/XII/WG.2/1/Rev.1. It also held two meetings of military experts, chaired by Maj. Gen. Ahti Vartiainen of Finland, and discussed a paper presented by the Chairperson of the Meeting of Military Experts on Mines Other Than Anti-Personnel Mines entitled "Provisional Agenda for the Meeting of the Military Experts on MOTAPM" as contained in CCW/GGE/XII/WG.2/2.

21. In accordance with the decisions taken at the Meeting of the States Parties to the Convention in 2004 (CCW/MSP/2004/2) one plenary meeting, on 16 November 2005, was devoted to the consideration of the preparation of the Third Review Conference of the States Parties to the Convention. The meeting was chaired by Ambassador Gordan Markotic and considered a paper presented by the Chairperson-designate entitled “Third Review Conference of the States Parties to the CCW” as contained in CCW/GGE/XII/2 and CCW/GGE/XII/2/Corr.1.
22. In accordance with the decisions taken at the Meeting of the States Parties to the Convention in 2004 (CCW/MSP/2004/2) one plenary meeting, on 21 November 2005, was devoted to the consideration of options to promote compliance with the Convention. The meeting was chaired by Ambassador Gordan Markotic and considered a paper presented by the Chairperson-designate entitled “Compliance” as contained in CCW/GGE/XII/3.
23. During the course of the session, the Working Group on Explosive Remnants of War considered documents CCW/GGE/XII/WG.1/WP.1 to CCW/GGE/XII/WG.1/WP.xxxx, and the Working Group on Mines Other Than Anti-Personnel Mines considered documents CCW/GGE/XII/WG.2/1, CCW/GGE/XII/WG.2/1/Rev.1, CCW/GGE/XII/WG.2/2, CCW/GGE/XII/WG.2/WP.1 to CCW/GGE/XII/WG.2/WP.xxxx, as listed in the Annex. These documents are available in all official languages through the Official Document System of the United Nations at <http://documents.un.org>.
24. The Working Group on Explosive Remnants of War heard presentations by United Kingdom describing a methodology for analysing the extent to which different classes of munition contribute to the ERW problem, France on “A Way Ahead to Reduce the ERW Rate”, Germany on “General Requirements for Safety and Suitability for Service of Cluster Munition”, and UNMAS on “ERW”. Mr. Charles Garraway, an independent academic from the United Kingdom, presented a lecture entitled “How Does Existing International Law Address the Issue of Explosive Remnants of War?”.
25. At the final plenary meeting, on 22 November 2005, the Group of Governmental Experts adopted the procedural report of the Twelfth Session, as contained in document CCW/GGE/XII/CRP.1, as orally amended, which is being issued as document CCW/GGE/XII/4.

Annex

LIST OF DOCUMENTS
OF THE GROUP OF GOVERNMENTAL EXPERTS
TENTH SESSION, 7 - 11 MARCH 2005

Number	Title	Countries/ Organizations
CCW/GGE/X/1	Provisional Agenda	Chairperson-designate
CCW/GGE/X/2	Provisional Programme of Work	Chairperson-designate
CCW/GGE/X/3	Compliance	Chairperson-designate
CCW/GGE/X/4	Food-for-Thought Paper	Chairperson-designate
CCW/GGE/X/5	Procedural Report	Secretariat
CCW/GGE/X/WP.1	Responses to Certain Concerns Regarding a Possible Compliance Mechanism under CCW, Elaborative Memorandum on CCW/GGE/IX/WP.1	European Union
CCW/GGE/X/WG.1/1	Provisional Agenda for the Meeting of Military Experts on ERW	Chairperson of the Meeting of the Military and Technical Experts on ERW
CCW/GGE/X/WG.1/WP.1	Military Utility of Cluster Munitions	United Kingdom
CCW/GGE/X/WG.1/WP.2	International Humanitarian Law and ERW	Australia, Canada, New Zealand, Norway, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland and United States of America in consultation with the International Committee of the Red Cross
CCW/GGE/X/WG.1/WP.3	Proposed definitions for cluster munitions and sub-munitions	UNMAS, UNDP and UNICEF

CCW/GGE/X/WG.1/WP.4	Reliability and Use of Cluster Munitions	Germany
CCW/GGE/X/WG.1/WP.5	Review 2004	Chairperson of the Meeting of the Military and Technical Experts on ERW
CCW/GGE/X/WG.1/WP.6	Perspectives 2005	Chairperson of the Meeting of the Military and Technical Experts on ERW
CCW/GGE/X/WG.2/1	Proposals and ideas on MOTAPM in the Group of Governmental Experts (GGE) with the purpose to provide a basis for further work	Coordinator on MOTAPM
CCW/GGE/X/WG.2/2	Provisional Agenda for the Meeting of the Military Experts on MOTAPM	Chairperson of the Meeting of the Military Experts on MOTAPM
CCW/GGE/X/WG.2/WP.1	Visualising Operational Impacts of proposed Detectability and Fusing Standards	Coordinator on MOTAPM
CCW/GGE/X/WG.2/WP.2	Observations on Pertinent Issues Related to Mines Other than Anti-Personnel Mines	Germany
CCW/GGE/X/WG.2/WP.3	Wrap-up of the Meeting of the Military Experts on MOTAPM	Chairperson of the Meeting of the Military Experts on MOTAPM
CCW/GGE/X/CRP.1 (English Only)	Draft Procedural Report	Secretariat
CCW/GGE/X/Misc.1 (English/French/Spanish Only)	Provisional List of Participants	Secretariat
CCW/GGE/X/INF.1 (English/French/Spanish Only)	List of Participants	Secretariat
CCW/GGE/X/INF.1/Add.1 (English Only)	List of Participants Addendum	Secretariat

LIST OF DOCUMENTS
OF THE GROUP OF GOVERNMENTAL EXPERTS
ELEVENTH SESSION, 2 - 12 AUGUST 2005

Number	Title	Countries/ Organizations
CCW/GGE/XI/1	Provisional Programme of Work	Chairperson-designate
CCW/GGE/XI/2	Compliance	Chairperson-designate
CCW/GGE/XI/3	Food-for-Thought Paper	Chairperson-designate
CCW/GGE/XI/4	Procedural Report	Secretariat
CCW/GGE/XI/WG.1/1*	Provisional Agenda for the Meeting of the Military and Technical Experts on ERW	Chairperson of the Meetings of Military and Technical Experts on ERW
CCW/GGE/XI/WG.1/WP.1	Responses to Document CCW/GGE/X/WG.1/WP.2, Entitled IHL and ERW Dated 8 March 2005	United Kingdom of Great Britain and Northern Ireland
CCW/GGE/XI/WG.1/WP.1/Corr.1 (English and Russian Only)	Responses to Document CCW/GGE/X/WG.1/WP.2, Entitled IHL and ERW Dated 8 March 2005, Corrigendum	United Kingdom of Great Britain and Northern Ireland
CCW/GGE/XI/WG.1/WP.2	Responses to Document CCW/GGE/X/WG.1/WP.2, Entitled IHL and ERW Dated 8 March 2005	Canada
CCW/GGE/XI/WG.1/WP.3	Responses to Document CCW/GGE/X/WG.1/WP.2, Entitled IHL and ERW Dated 8 March 2005	Republic of Poland
CCW/GGE/XI/WG.1/WP.4	Responses to Document CCW/GGE/X/WG.1/WP.2, Entitled IHL and ERW Dated 8 March 2005	United States of America
CCW/GGE/XI/WG.1/WP.5	Responses to Document CCW/GGE/X/WG.1/WP.2, Entitled IHL and ERW Dated 8 March 2005	Norway

CCW/GGE/XI/WG.1/WP.6	Responses to Document CCW/GGE/X/WG.1/WP.2, Entitled IHL and ERW Dated 8 March 2005	Australia
CCW/GGE/XI/WG.1/WP.7	Existing Principles and Rules of International Humanitarian Law Applicable to Munitions that May Become Explosive Remnants of War	ICRC
CCW/GGE/XI/WG.1/WP.8	Responses to Document CCW/GGE/X/WG.1/WP.2, Entitled IHL and ERW Dated 8 March 2005	Sweden
CCW/GGE/XI/WG.1/WP.9	Responses to Document CCW/GGE/X/WG.1/WP.2, Entitled IHL and ERW Dated 8 March 2005	Federal Republic of Germany
CCW/GGE/XI/WG.1/WP.10	Replies to Document CCW/GGE/X/WG.1/WP.2, Entitled "International Humanitarian Law and ERW", Dated 8 March 2005	Argentine Republic
CCW/GGE/XI/WG.1/WP.11	Preventive Technical Measures in Munitions Management	Argentine Republic
CCW/GGE/XI/WG.1/WP.12	Responses to Document CCW/GGE/X/WG.1/WP.2, Entitled IHL and ERW Dated 8 March 2005	Japan
CCW/GGE/XI/WG.1/WP.13	Responses to Document CCW/GGE/X/WG.1/WP.2, Entitled IHL and ERW Dated 8 March 2005	Switzerland
CCW/GGE/XI/WG.1/WP.14	Responses to Document CCW/GGE/X/WG.1/WP.2, Entitled IHL and ERW Dated 8 March 2005	Austria
CCW/GGE/XI/WG.1/WP.15	Discussions on Improving Munition Reliability	Australia
CCW/GGE/XI/WG.1/WP.16	Responses to Document CCW/GGE/X/WG.1/WP.2, Entitled IHL and ERW Dated 8 March 2005	New Zealand
CCW/GGE/XI/WG.1/WP.16/Corr.1 (Arabic, English and French Only)	Responses to Document CCW/GGE/X/WG.1/WP.2, Entitled IHL and ERW Dated 8 March 2005, Corrigendum	New Zealand
CCW/GGE/XI/WG.1/WP.17	Explosive Remnants of War and International Humanitarian Law	France

CCW/GGE/XI/WG.1/WP.18	Responses to Document CCW/GGE/X/WG.1/WP.2, Entitled IHL and ERW Dated 8 March 2005	Denmark
CCW/GGE/XI/WG.1/WP.19	International Humanitarian Law Principles and Explosive Remnants of War (Working Paper based on the Presentation by Prof. Tim McCormack, University of Melbourne, Australia)	Prepared at the request of the Coordinator on Explosive Remnants of War
CCW/GGE/XI/WG.2/1	Proposals and ideas on MOTAPM in the Group of Governmental Experts (GGE) with the purpose to provide a basis for further work	Coordinator on MOTAPM
CCW/GGE/XI/WG.2/2	Provisional Agenda for the Meetings of the Military Experts on MOTAPM	Chairperson of the Meetings of the Military Experts on MOTAPM
CCW/GGE/XI/WG.2/WP.1	Selected Rules on MOTAPM and Anti-Personnel Mines in Amended Protocol II to the CCW	ICRC
CCW/GGE/XI/WG.2/WP.2*	Package Solution to the Issue of MOTAPM	People's Republic of China
CCW/GGE/XI/CRP.1 (English Only)	Draft Procedural Report	Secretariat
CCW/GGE/XI/Misc.1 (English/French/Spanish Only)	Provisional List of Participants	Secretariat
CCW/GGE/XI/INF.1 (English/French/Spanish Only)	List of Participants	Secretariat

LIST OF DOCUMENTS
OF THE GROUP OF GOVERNMENTAL EXPERTS
TWELFTH SESSION, 14 - 22 NOVEMBER 2005

Number	Title	Countries/ Organizations
CCW/GGE/XII/1	Provisional Programme of Work	Proposal by the Chairperson-designate
CCW/GGE/XII/2	Third Review Conference of the States Parties to the CCW	Proposal by the Chairperson-designate
CCW/GGE/XII/2/Corr.1 [English only]	Third Review Conference of the States Parties to the CCW	Proposal by the Chairperson-designate
CCW/GGE/XII/3	Compliance	Presented by the Chairperson-designate
CCW/GGE/XII/4	Procedural Report	Prepared by the Secretariat
CCW/GGE/XII/CRP.1 [English only]	Draft Procedural Report	Prepared by the Secretariat
CCW/GGE/XII/MISC.1 [English/French/Spanish only]	Provisional List of Participants	Prepared by the Secretariat
CCW/GGE/XII/INF.1 [English/French/Spanish only]	List of Participants	Prepared by the Secretariat
CCW/GGE/XII/WG.1/WP.1	Responses to document CCW/GGE/X/WG.1/WP.2, entitled IHL and ERW, dated 8 March 2005	Response from Brazil
CCW/GGE/XII/WG.1/WP.1/Corr.1 [English, French, Russian and Spanish only]	Responses to document CCW/GGE/X/WG.1/WP.2, entitled IHL and ERW, dated 8 March 2005 Corrigendum	Response from Brazil
CCW/GGE/XII/WG.1/WP.2	Responses to document CCW/GGE/X/WG.1/WP.2, entitled IHL and ERW, dated 8 March 2005	Response from Belarus
CCW/GGE/XII/WG.1/WP.3	Responses to document CCW/GGE/X/WG.1/WP.2, entitled IHL and ERW, dated 8 March 2005	Response from the Russian Federation
CCW/GGE/XII/WG.1/WP.4	Responses to document CCW/GGE/X/WG.1/WP.2, entitled IHL and ERW, dated 8 March 2005	Response from The Netherlands

CCW/GGE/XII/WG.1/WP.5	Responses to document CCW/GGE/X/WG.1/WP.2, entitled IHL and ERW, dated 8 March 2005	Response from Estonia
CCW/GGE/XII/WG.1/WP.6*	Responses to document CCW/GGE/X/WG.1/WP.2, entitled IHL and ERW, dated 8 March 2005	Response from Belgium
CCW/GGE/XII/WG.1/WP.7	Responses to document CCW/GGE/X/WG.1/WP.2, entitled IHL and ERW, dated 8 March 2005	Response from The Republic of Croatia
CCW/GGE/XII/WG.1/WP.8	Responses to document CCW/GGE/X/WG.1/WP.2, entitled IHL and ERW, dated 8 March 2005	Response from Finland
CCW/GGE/XII/WG.1/WP.9	Submunitions	Prepared by France
CCW/GGE/XII/WG.2/1	Proposals and ideas on MOTAPM in the Group of Governmental Experts (GGE) with the purpose to provide a basis for further work	Prepared by the Coordinator on MOTAPM
CCW/GGE/XII/WG.2/1/Rev.1 [English only]	Proposals and ideas on MOTAPM in the Group of Governmental Experts (GGE) with the purpose to provide a basis for further work	Prepared by the Coordinator on MOTAPM
CCW/GGE/XII/WG.2//1Rev.2	Proposals and ideas on MOTAPM in the Group of Governmental Experts (GGE) with the purpose to provide a basis for further work	Prepared by the Coordinator on MOTAPM
CCW/GGE/XII/WG.2/2	Provisional Agenda for the Meetings of the Military Experts on MOTAPM	Prepared by the Chairperson of the Meeting of the Military Experts on MOTAPM
CCW/GGE/XII/WG.2/WP.1	Proposal on Mines Other than Anti-Personnel Mines MOTAPM	Prepared by Cuba
CCW/GGE/XII/WG.2/WP.1/Corr.1 [Español solamente]	Propuesta sobre el tema de las minas diferentes a las minas antipersonal (MDMA)	Preparado por Cuba

The above documents are available in all official languages through the Official Document System of the United Nations at <http://documents.un.org>