

GROUP OF GOVERNMENTAL EXPERTS 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/CONF.III/SR.10
17 July 2008

ENGLISH
Original: FRENCH

Geneva, 7-17 November 2006

SUMMARY RECORD OF THE 10th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 17 November 2006, at 3.30 p.m.

President: Mr. RIVASSEAU (France)

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CLOSURE OF THE CONFERENCE

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GE.07-60073 (E) 020708 170708

The meeting was called to order at 3.30 p.m.

CONSIDERATION AND ADOPTION OF THE FINAL DOCUMENTS (agenda item 18)
(continued) (CCW/CONF.III/7/Add.7-CCW/GGE/XV/6/Add.7 and Amend.1, 8 and Amend.1,
and CRP.1)

Draft final declaration

1. Mr. BORISOVAS (Lithuania) said that, with the adoption of the decision on explosive remnants of war, it had been thought necessary to add to the draft final declaration two texts explaining the decision. After final consultations, it seemed that delegations were ready to approve a new paragraph for insertion between the eighth and ninth preambular paragraphs, which would read as follows:

“Deeply concerned at the humanitarian and development problems caused by the presence of explosive remnants of war, which constitute a danger to the civilian population as well as an obstacle to reconstruction, restoration of normal social conditions and economic development and in this context reaffirming the need to reinforce international cooperation and assistance in this respect,”

together with a new operative paragraph, to be inserted between paragraphs 11 and 12, which would read as follows:

“Their commitment without prejudice to Protocol on Explosive Remnants of War to continue to address the humanitarian problems caused by certain specific types of munitions in all its aspects, including cluster munitions, with a view to minimizing the humanitarian impact of these munitions.”

2. The new paragraphs were approved and referred to the Drafting Committee.

Consideration of articles and Protocols

Article 7

3. The PRESIDENT proposed, with regard to article 7, that the Conference should approve the following text; it was understood that the Drafting Committee had yet to transmit to him the draft decision to which the article referred:

“The Conference notes the provisions of article 7.

“On Compliance, the Conference notes the work done and the decision taken by the Review Conference.”

4. The text was approved and referred to the Drafting Committee.

5. The PRESIDENT proposed that the Conference should approve the following text, on the understanding that the decision to which it referred had yet to be formally adopted:

“The Conference notes the provisions of article 8.

“On Mines Other than Anti-Personnel Mines, the Conference notes the work done and the decision taken by the Review Conference.

“On Explosive Remnants of War, the Conference notes the work done and the decision taken by the Review Conference.

“In this regard, the Conference notes that while not opposing its adoption by the Conference, one delegation did not join the consensus on the decision on Explosive Remnants of War as the delegation considered that the text did not adequately address humanitarian concerns.”

6. The texts were approved and transmitted to the Drafting Committee.

Part III of the final document

Annex A

7. The PRESIDENT, recalling that, apart from decision 2, no text had been adopted on the subject of mines other than anti-personnel mines, proposed that annex A should deal with the question of explosive remnants of war and contain the text of the declaration adopted on 13 November 2006 on the occasion of the entry into force of Protocol V.

8. The proposal was accepted.

Annex B

9. The PRESIDENT proposed that the text of the decision on compliance should be reproduced in annex B, once it had been adopted.

10. The proposal was accepted.

Annex C

11. The PRESIDENT proposed that the text of the plan of action to promote universality of the Convention and the reasons for the plan of action should be set out in annex C.

12. The proposal was accepted.

Annex D

13. The PRESIDENT proposed that the text of the decision on the establishment of a sponsorship programme within the framework of the Convention should be set out in annex D.

14. The proposal was accepted.

Documents of the Conference

15. The PRESIDENT said that the secretariat would reproduce the texts of the different agendas, programmes of work and reports under the heading “Documents of the Conference”.

16. The President announced that the Conference would return to the consideration and adoption of the final document as soon as the Drafting Committee had submitted its report and the secretariat had finalized the text of the document.

CLOSING STATEMENTS OF DELEGATIONS

17. Mr. CHANG (Republic of Korea), paying tribute to the President and the chairmen of the two main committees, said that he welcomed the decision adopted by the Conference on the plan of action to promote universality of the instrument, the establishment of a sponsorship programme, compliance and further discussions on the issue of explosive remnants of war. He had hoped to see a new, legally binding, protocol on mines other than anti-personnel mines and regretted that States parties were not really even willing to negotiate an agreement on the matter. In expressing the wish for a consensus on the humanitarian impact of such mines and on a related protocol, he said that he associated himself with the declaration on anti-vehicle mines (CCW/CONF.III/WP.16) presented by the representative of Denmark.

18. Mr. PAPP (Hungary), expressing his appreciation for the efforts of the President and the coordinators, said that he welcomed the entry into force of Protocol V on the explosive remnants of war and wished to inform the Conference that Hungary had just deposited its instrument of approval for the Protocol. His delegation looked forward to the first conference of States parties to Protocol V, scheduled for November 2007, and encouraged all High Contracting Parties that had not done so to consider ratifying the Protocol.

19. Mr. PETRITSCH (Austria), congratulating the President and other members of the bureau for their skill in steering the proceedings, said that he noted with concern that the Review Conference had failed to reach agreement on a new protocol on mines other than anti-personnel mines, after five years of intensive work. He supported the rules on such mines as worked out in the set of recommendations published in 2005 in document CCW/GGE/XII/WG.2/1/Rev.2; in his view, those rules should form part of an international legally binding instrument.

20. Although it noted that the mandate to negotiate a legally binding instrument on cluster munitions was gaining wider support among the States parties, the Austrian delegation was nevertheless disappointed at the inability of the Conference to adopt such a mandate. It continued to believe that urgent action was needed to address the humanitarian concerns posed by cluster munitions, and to establish new norms prohibiting the use of cluster munitions in areas with high concentrations of civilians, together with the production, stockpiling, transfer and use of cluster munitions that posed serious humanitarian hazards, and to ensure the destruction of unreliable cluster munitions. Accordingly, the Austrian delegation had joined other States in supporting the declaration (CCW/CONF.III/WP.18) introduced by the representative of Sweden.

21. Mr. AVRAMCHEV (The former Yugoslav Republic of Macedonia), addressing his congratulations to the President of the Conference, said that The former Yugoslav Republic of Macedonia aligned itself with the statement made by the representative of Finland on behalf of

the European Union, at the previous session, and fully supported the declaration on mines other than anti-personnel mines and the declaration on cluster munitions which had been introduced by the representatives of Denmark and Sweden respectively.

22. Mr. MARKOTIĆ (Croatia) said that the Republic of Croatia associated itself with the closing statement made on behalf of the European Union at the previous session. Croatia was one of a considerable number of States which supported the declaration on mines other than anti-personnel mines read out by the representative of Denmark, a document enumerating the practices which the Governments concerned were determined to adopt as a matter of national policy. It was to be hoped that the States parties would reach a consensus, in the near future, on a new protocol on such mines.

23. The Croatian delegation had followed very carefully all the deliberations on that important issue and was ready to participate actively in the work of the Group of Governmental Experts on explosive remnants of war in 2007. It supported the declaration on cluster munitions presented by the Ambassador of Sweden, in view of its special interest in the subject. Mr. Markotić, who was a Friend of the President for the issue of compliance, expressed satisfaction that the Conference had adopted a decision on that sensitive issue.

24. Mr. BRASACK (Germany) said that Germany, which supported the declaration on cluster munitions presented by the representative of Sweden, looked to States parties to make a commitment to resolving that issue, given the gravity and urgency of the humanitarian problems at stake. He said that he was convinced that their deliberations could draw inspiration from the declaration.

25. Speaking in his capacity as coordinator of the Group of Western States, Mr. Brasack congratulated the President on his tireless efforts and his capacity to stay calm, to inspire optimism and to create a climate of cooperation.

26. Mr. PRASAD (India) said that he welcomed the fact that the Conference had reached consensus on a final document and had been able to adopt a plan of action to promote universality of the Convention and to establish a sponsorship programme and a compliance mechanism.

27. The entry into force of Protocol V was a real milestone in the realization of the fundamental aims of the Convention and his delegation encouraged the States parties to take the generic preventive measures envisaged in the Protocol in order to avoid, to the extent possible, the problem of explosive remnants of war. His delegation welcomed the decision to convene a meeting of the Group of Governmental Experts in 2007 to study further the application of international humanitarian law to particular types of munitions, especially cluster munitions, which risked becoming explosive remnants of war. Mr. Prasad said that he was convinced that the meeting would find a way to address the concerns raised by cluster munitions. His delegation therefore welcomed the decision to let the military and technical experts complete the useful work which they had begun on the elaboration of criteria to define the most dangerous munitions and the measures to be taken to increase the reliability of those munitions. It was convinced that the discussions on the Convention and its protocols offered the right framework for the resolution of the cluster munitions issue.

28. His delegation was disappointed that it had not been possible to reach consensus on a legally binding instrument on mines other than anti-personnel mines or even on the commencement of negotiations on such an instrument. It welcomed the declaration by which several States parties had undertaken to apply specific measures relating to the use and transfer of such mines, in particular their firm undertaking not to transfer such mines to non-State actors. With regard to mines other than anti-personnel mines, India pursued a practice consistent with the proposals of the relevant coordinators and with the declaration by the States parties. In his view, States parties should resume the discussions and hold negotiations in the hope of reaching agreement on a legally binding instrument.

29. Ms. MILLAR (Australia) congratulated the President on his effective conduct of the Third Review Conference. Noting the achievements of the Conference eloquently listed by previous speakers, she said that the States parties had in fact achieved some useful and practical outcomes. It was regrettable, however, that the Conference had failed to deliver a legally binding instrument on mines other than anti-personnel mines, in order to protect civilians and humanitarian workers. That would not prevent Australia and many other States from putting in place measures, at the national level, to restrict the use and transfer of such mines, as indicated in the declaration delivered by the Ambassador of Denmark on behalf of 21 States, including Australia. Her delegation nonetheless viewed the Convention as the right framework for negotiations on the issue.

30. With regard to explosive remnants of war and cluster munitions, Australia, which would have liked to see a consensus to negotiate an instrument on cluster munitions, noted that while States agreed on the need to act, they were far from unanimous about negotiating such an instrument. In her view, any such instrument must include major producing and user States to maximize its humanitarian benefit. The mandate in Decision 1 offered States the possibility of exploring the application of international humanitarian law to munitions, including cluster munitions, which might become explosive remnants of war, and she encouraged all States parties to participate actively in the meeting to be held in 2007 on that subject, with a view to devising an effective approach to the problem.

31. Mr. CHENG (China) said that, in many ways, the Third Review Conference had made progress, due in part to the dedicated efforts of the President of the Conference. With regard to anti-vehicle mines, as there were diverging views on the matter, a balanced solution must be found that would take account not only of humanitarian concerns but also national security imperatives. His delegation had been working for the adoption of such a solution over the previous five years, by making specific and constructive proposals, and was willing to continue with the consultations between delegations in order to arrive at a workable solution.

32. Mr. BETTAUER (United States) recalled that his country had been one of the first to put forward the idea of a protocol on anti-vehicle mines, or mines other than anti-personnel mines, and that, over the years, it had constantly joined its efforts with those of others in order to secure the adoption of such an instrument. Since it had not been possible to achieve that objective at the current Review Conference, and in order not to let slip the important humanitarian measures that would have been established by such a protocol, the United States had joined the other States which had affirmed their commitment, as a matter of national policy, to implementing the

measures envisaged in the declaration on mines other than anti-personnel mines (CCW/CONF.III/WP.16) that had been introduced by the representative of Denmark. Whatever the humanitarian gains to be derived from such a policy, the United States would not stop there, but intended to pursue efforts to open negotiations on a protocol, within the framework of the Convention on Certain Conventional Weapons.

33. With regard to Protocol V on explosive remnants of war, which had been submitted to the United States Senate for ratification, his delegation was aware that, however important the instrument was, it would not suffice to eliminate the humanitarian problems caused by explosive remnants of war, in particular cluster munitions. His delegation took the view that the mandate which the Third Review Conference had agreed to give to the Group of Governmental Experts, who were due to meet in June 2007, would offer all delegations an opportunity to examine the issue in earnest. The United States delegation would do everything possible to clarify and determine the risks of such munitions. In that connection, the United States Government had been disappointed by the announcement made at the previous session of a meeting to be held in Oslo to negotiate, outside the framework of the Convention on Certain Conventional Weapons, an instrument on cluster munitions. In its view, separate meetings would not contribute to the development of international humanitarian law and widely applicable rules, which was why his delegation, notwithstanding its disappointment over the lack of agreement on a protocol on mines other than anti-personnel mines, would only push for the adoption of an instrument on cluster munitions within the framework of the Convention on Certain Conventional Weapons. The Convention and its protocols, which were important and strong international agreements, took account both of the military needs of States and the necessity of protecting civil populations against the impact of conflict. It was only within such a framework that it was possible to bring together munitions producers and users with the defenders of humanitarian values and to make real progress in the humanitarian sphere. In the view of the United States, the effectiveness of an international treaty could be gauged from the seriousness with which States carried out their obligations and complied in good faith with their legally binding commitments.

34. Mr. KAVANAGH (Ireland), paying tribute to the President and his team for their valuable work to ensure the success of the Third Review Conference, said that he was very disappointed with the outcome of the Conference with respect to mines other than anti-personnel mines. He said that he noted the commitment by the States parties which had signed up to the declaration delivered by the representative of Denmark. His delegation would continue to work with all interested parties on the conclusion of a legally binding instrument on such mines, as it continued to believe that, in order to protect civilians, it was essential to restrict the use of persistent mines of that type to perimeter-marked areas.

35. Recalling that Ireland was one of six States parties which had co-sponsored a call for a mandate to negotiate a legally binding instrument on cluster munitions, he said that his delegation regretted that the Review Conference had been unable to agree a more comprehensive mandate to deal with the grave humanitarian problems caused by such munitions, and that it would continue to work within the framework of the Convention to seek agreement on a legally binding instrument.

36. Mr. VAN MEEUWEN (Belgium), congratulating the President and other members of the bureau for their efforts to ensure the success of the Conference, and expressing his support for the statement made by the representative of Finland on behalf of the European Union, said that

he welcomed the Conference's decision to revive the work of the Group of Governmental Experts, by tasking it to focus specifically on the question of cluster munitions. It was to be hoped that the humanitarian concerns raised by sub-munitions would remain at the centre of future discussions and that such discussions would rapidly produce practical results. With regard to the question of mines other than anti-personnel mines, Belgium associated itself with the relevant declaration delivered by the representative of Denmark, encouraging States to move forward on the issue without delay. Belgium, which already adhered to the principles set forth in the declaration, again appealed for the rapid negotiation and adoption of a protocol on such mines.

37. Archbishop TOMASI (Holy See), expressing his appreciation to the President and other members of the bureau for their untiring efforts to make the Conference a success, said that he noted with regret, notwithstanding the progress made in some areas, that States parties had not been able to agree on a legally binding instrument on mines other than anti-personnel mines that would have provided an adequate response to the humanitarian concerns raised by those weapons. It was now up to individual States to take measures to fill the gap, until an international consensus could be reached.

38. His delegation had supported from the beginning negotiations for a legally binding instrument on cluster munitions. While it was heartened that many States and civil society groups had become more aware of the importance of the issue, it regretted that it had not been possible to establish the necessary negotiations mandate. Given the gravity and urgency of the humanitarian problems caused by cluster munitions, it was understandable that other initiatives should be taken to move forward towards an international agreement on the issue.

39. Ms. KALMETA (Bosnia and Herzegovina) said that her country aligned itself with the closing statement made by Finland on behalf of the European Union and the declaration presented by the representative of Denmark, on behalf of several countries, on the question of mines other than anti-personnel mines. The President was to be congratulated for the skilful and patient manner in which he had conducted the proceedings of the Conference.

40. Mr. LAZOVÍČ (Serbia) said that his country aligned itself with the closing statement made on behalf of the European Union and congratulated the President and his team for their excellent work. Serbia was looking forward to putting the adopted documents and declarations, including the Protocol on explosive remnants of war, into practice as soon as possible.

41. Mr. BENJABER (Morocco) thanked the President and all the members of the bureau for their tireless efforts, which had contributed to the success of the Conference. His delegation welcomed in particular the adoption of the plan of action to promote universality of the Convention and its protocols, as well as the establishment of a sponsorship programme. Morocco, which viewed the Convention and its protocols as key instruments of international humanitarian law, would continue to support efforts to promote and strengthen their provisions.

42. Mr. QERIMAJ (Albania) said that his delegation supported the closing statement made by the representative of Finland on behalf of the European Union, together with the declaration introduced by the representative of Denmark. He congratulated the President and his team for having successfully conducted the work of the Conference.

43. Mr. HERBY (International Committee of the Red Cross) (ICRC) said that he regretted that it had not been possible to adopt a protocol on anti-vehicle mines, particularly as the effects of those weapons fully justified stricter regulation. However, he welcomed the fact that some 23 States had pledged to make some of those mines detectable and to limit their active life, a commitment which directly pertained to the feasible precautions envisaged in article 3 of Amended Protocol II, concerning all landmines. ICRC urged the States parties which had signed the declaration on mines other than anti-personnel mines to implement its provisions as soon as possible and called on other States to follow suit.

44. ICRC welcomed the increasing attention to the human costs of cluster munitions which had been evident at the Third Review Conference and in the declarations of intent made by some countries. It welcomed all efforts to elaborate, in the national and international domains, new rules regulating cluster munitions specifically, and in particular welcomed the commitment on that issue made by 25 States, together with the offer of Norway to host a meeting on the subject. ICRC would be holding an informal meeting of experts in 2007 to promote a convergence of views on different aspects of the cluster munitions issue and identify feasible means of reducing the humanitarian costs of those weapons.

45. ICRC encouraged all States which had not already done so to ratify Protocol V on explosive remnants of war and to begin the process of ensuring that their plans and practices were consistent with the Protocol, which represented the main achievement of the Convention process over the previous five years. The coming months and years would be crucial in determining whether the Protocol could really deliver on the promise of providing relief to communities living daily with the explosive remnants of armed conflict.

46. Mr. BRABANT (Handicap International) said that the debate at the Conference over Fatal Footprint, a report by Handicap International on the humanitarian impact of sub-munitions weapons in 24 affected countries and territories, had been short-lived; delegations had not come up with any solutions for the humanitarian problems caused by those weapons, the effects of which Handicap International witnessed on a daily basis. Affected communities expected States to destroy unexploded sub-munitions, to assist the far too many victims of those weapons and, above all, to prohibit the use of those weapons. The years of work devoted to the Convention on Certain Conventional Weapons and its protocols had done nothing to change the situation; there had been no progress on assistance for victims and the difficulties facing victims and their families had never been examined properly, even though sub-munitions weapons caused more serious injuries than the majority of explosive remnants of war and the number of survivors of accidents caused by those weapons was on the rise. For Handicap International, it was high time to act. Since States parties to the Convention on Certain Conventional Weapons were unable to agree on a mandate to negotiate an instrument prohibiting sub-munitions weapons, some States had proposed holding discussions in another framework. Handicap International would do everything it could, in conjunction with governments and civil society partners, to bring the latter discussions to a successful conclusion.

47. Mr. NASH (Cluster Munition Coalition) thanked the President and his colleagues for the flexibility that they had shown towards NGOs participating in the conference. The Coalition welcomed the initiative, announced by the representative of Norway at the previous meeting, to hold an international conference in Oslo with a view to commencing work on an

international ban of cluster munitions with unacceptable humanitarian consequences. The Coalition congratulated all the States which had expressed their willingness to commence that process, in particular by signing the declaration introduced by Sweden or supporting a negotiating mandate. The Coalition noted that two thirds of the States which had declared their readiness to negotiate an instrument on cluster munitions had stockpiles of such munitions, and interpreted it as an expression of a growing commitment among the States concerned to resolve the problems created by such munitions. He shared the disappointment of various States parties over the Conference's inability to open negotiations on that issue at the current juncture. The Coalition was ready to participate in all new discussions initiated by Norway or other countries, in conjunction with all States concerned about the impact of cluster munitions.

48. Mr. Nash read out a message addressed to the Conference by the representative of a Lebanese member organization of the Coalition who had made a statement at the Conference on Monday, 13 November, at the meeting held to mark the entry into force of Protocol V. In the message, the representative urged States to accede promptly to the Protocol, to implement its provisions on the removal of explosive remnants of war and to focus their energies on banning, rather than on technical improvements to, cluster munitions.

49. Mr. GOOSE (Human Rights Watch) said that, while he recognized the very real efforts by all sides to make the Conference a success, his organization shared the feelings of discouragement and disappointment expressed by many delegations at the Conference's inability to achieve meaningful progress on anti-vehicle mines. As for cluster munitions, he considered the decision simply to continue the discussions on explosive remnants of war and cluster munitions to be far too feeble, given the problems involved. His organization supported the powerful declaration on cluster munitions which had been presented by the representative of Sweden on behalf of around 20 countries, and was encouraged that more and more States were calling for urgent negotiations on that matter within the framework of the Convention. Norway's idea of holding a conference in Oslo to facilitate new discussions on the negotiation of a treaty, outside the framework of the Convention, was a turning point in the international community's campaign. No country that was truly committed to protecting civilians against the terrible effects of cluster munitions could fail to adhere to the initiative which, for now, offered the only real prospect of alleviating the suffering caused by cluster munitions.

50. Mr. HANNON (Mines Action Canada) said that virtually everyone who had spoken at the Conference had acknowledged that there were problems with cluster munitions. Over the previous five years, civil society had continued to argue that, given those problems and the huge stockpiles of cluster munitions, urgent action was needed to avert a humanitarian crisis, a problem which only prevention could address; the clearing of explosive remnants of war after conflicts, while important, was insufficient. However, after five years, the Conference had opted merely to continue the discussions rather than open negotiations on an instrument on cluster munitions, and there was every reason to suppose that the discussions would go the same way as those on mines other than anti-personnel mines and that the next review conference would not adopt a protocol on the subject.

51. Mines Action Canada therefore welcomed the support that 27 countries had given to the adoption of a negotiating mandate at the present Review Conference, together with the strong declaration by 25 countries which had been read out by the representative of Sweden and the offer from Norway to host a meeting to begin discussions on a new legal instrument regulating

cluster munitions that cause unacceptable suffering. His organization would join all States and international or governmental organizations that wished to eliminate as a matter of urgency the humanitarian problems caused by unreliable and inaccurate cluster munitions.

52. Mr. DUNCAN (United Kingdom) said that, all in all, the Third Review Conference appeared to have been a success, given the many reverses in the field of multilateral diplomacy which had been averted. That was a tribute to the skill of the President, Ambassador Rivasseau, and at the same time proof that it was important never to lose heart. Admittedly, however, it was regrettable that, after five years of deliberations, the Third Review Conference had failed to agree on a protocol on anti-vehicle mines which, like cluster munitions, raised particular concerns in the context of modern armed conflicts.

53. Noting that a preliminary agreement had been reached between users of cluster munitions and those whose concerns were largely humanitarian - not an easy task - he said that it was important to keep up the dialogue and not to dilute the efforts of the international community to resolve the problem. In the view of the United Kingdom, it had been unlikely from the beginning that the Third Review Conference would agree on a negotiating mandate on cluster munitions, notwithstanding the, albeit laudable, ambition of some States to have the proposed mandate adopted. It was regrettable that some had thought it necessary to renounce the effort, even before the discussions had ended and despite the results achieved. In his view, it was unacceptable for the international community to do nothing about the obvious suffering caused by certain munitions, and he therefore welcomed the fact that the States parties to the Convention had agreed to take up that challenge and discuss the problem on the basis of a specific timetable. Although he himself had expressed the wish for a negotiated ban on "dumb" cluster munitions, the United Kingdom would continue to take action to bring about change that would make a real difference on the ground, rather than just making declarations of intent.

54. Mr. KHAN (Pakistan) said that he wished to congratulate the President of the Conference on having managed to draw together the diverse strands of the preparatory committee meetings into a good synthesis, and that he also congratulated the other members of the bureau. Important progress had been made in the areas of explosive remnants of war, compliance and sponsorship by some States, and there had also been movement on cluster munitions.

55. Anti-vehicle mines had been the most difficult and sensitive issue discussed by the States parties in recent years. The discussions had revealed divergences on many issues and had shown that States parties were a long way from agreeing to a legally binding instrument on the issue. In his view, the lack of consensus was not due to reticence on the part of a few countries but rather the fact that the ingredients for consensus were not there; the proponents of a legally binding instrument had made their proposals in all sincerity. Regrettably, those proposals did not address the delicate balance between security imperatives and humanitarian concerns. Pakistan knew from experience that humanitarian demining did not require anti-vehicle mines to be detectable or equipped with self-destruction, self-neutralization or self-deactivation mechanisms. His delegation, which had outlined its approach in a document issued in September 2006 (CCW/GGE/XV/WG.2/WP.2), hoped that future discussions on anti-vehicle mines would be based on the documents prepared by the two coordinators and those submitted by the Russian Federation, Pakistan, China and Cuba, as well as the proposals submitted by other States parties.

56. Mr. VALLE VONROUGE (Argentina) expressed his appreciation to the President of the Conference and his team and to the coordinators for their efforts before and during the Review Conference to ensure the success of the Conference, and said that he was pleased with the results that had been achieved.

57. He informed the Conference that, on 16 November 2006, the executive authority in Argentina had promulgated a decree establishing a national department for human rights and international humanitarian law at the Ministry of Defence. The decree satisfied the objective of creating a means for ensuring effective protection and respect for fundamental rights and the rules of international humanitarian law in times of peace and armed conflict alike. The task of the body thus created would be to ensure, by means of assessments and follow-up, that the decisions of the Ministry of Defence were consistent with the rules of international humanitarian law and related treaties.

58. His delegation would continue to defend the idea of negotiating a legally binding international instrument on mines other than anti-personnel mines and of adopting a negotiation mandate on cluster munitions, with a view to attenuating the risks that those weapons posed for civilian populations.

REPORT OF THE DRAFTING COMMITTEE (agenda item 17)

59. Mr. PRASAD (India), speaking in his capacity as Chairman of the Drafting Committee, said that, as the Committee had not had time to meet before the end of the Conference, after consulting the English speakers on the Committee, he had made some final changes and necessary minor editorial changes, and had sent a handwritten text back to the secretariat for it to clean it up. The secretariat was still working on the text, and he was not in a position to submit a written report of the Committee to the States parties.

60. The PRESIDENT said that he took it that the Conference was ready to take note, subject to further comments, of the report of the Drafting Committee, which would be a largely procedural document.

61. It was so decided.

REPORT OF THE CREDENTIALS COMMITTEE (agenda item 15) (CCW/CONF.III/CC/1)

62. Mr. MARKOTIĆ (Croatia), speaking in his capacity as Chairman of the Credentials Committee, submitted to the Conference the Committee's report as contained in document CCW/CONF.III/CC/1.

63. The PRESIDENT said he took it that the Conference wished to approve the report of the Credentials Committee.

64. It was so decided.

CONSIDERATION AND ADOPTION OF THE FINAL DOCUMENTS (agenda item 18)
(continued)

Adoption of the full text of the draft decision on compliance

65. The PRESIDENT submitted to the Conference the full text of the decision on compliance (CCW/CONF.III/8 and Amend.1, as orally amended) and invited Mr. Markotić, who had crafted the text, to take note of the agreement reached by the Conference on the text.

66. Mr. MARKOTIĆ (Croatia) said that if he heard no objections he would take it that the Conference wished to adopt the draft resolution as contained in document CCW/CONF.III/8 and Amend.1, as orally amended.

67. It was so decided.

Documents of the Conference

68. The PRESIDENT said that there remained the question of the possible reproduction, in a single document, of the declaration on anti-vehicle mines introduced by Australia, Denmark, the United States of America and other countries, and that of France and the United Kingdom, or any other declarations on that subject made at the Conference by countries named on the list of co-sponsors of the declaration on anti-vehicle mines (CCW/CONF.III/WP.16/Amend.1).

69. Mr. BETTAUER (United States) said that the co-sponsors of the declaration appeared to accept that solution.

70. The PRESIDENT took note of the agreement.

The meeting was suspended at 5.25 p.m. and resumed at 5.35 p.m.

CONSIDERATION AND ADOPTION OF THE FINAL DOCUMENTS (agenda item 18)
(continued)

Nomination of the presidents for the 2007 meetings of States parties to the Convention, the Ninth Annual Conference of States parties to Amended Protocol II and the first annual conference of States parties to Protocol V

71. The PRESIDENT said that, according to the coordinator of the Group of the Non-Aligned Movement and Other States, the Group had agreed to nominate the representative of Jordan for the presidency of the Ninth Annual Conference of the States parties to Amended Protocol II. The Group had no nomination to make for the presidency of the meeting of States parties due to be held in 2007 and would have no objection if a member of another group were to be nominated for that position. According to the coordinator for the Group of Eastern European States, the members of the Group had suggested that the Ambassador of Latvia, Mr. Jānis Kārklīņš, should be nominated to preside over the meeting of the Group of Governmental Experts due to be held in June 2007. The States parties to Protocol V had nominated the Ambassador of the Netherlands

for the presidency of their first annual conference and of the preparatory committee for the conference. The President said he took it that the Conference wished to take note of those nominations.

72. It was so decided.

73. The PRESIDENT said that, according to the coordinator of the Western Group, in the absence of a candidate from the Group of the Non-Aligned Movement and Other States, the Group was ready to nominate another of its members to preside over the 2007 meeting of States parties. As the delegation of China did not wish to assume that role, the President suggested that a statement should be made to the effect that, as soon as the Western Group had nominated one of its members to preside over the November 2007 meeting of States parties, the nominee could immediately take up his functions, and the President of the Third Review Conference would act as focal point in the meantime, if necessary.

74. The Conference approved the statement.

Estimated costs of meetings of the States parties to the Convention for 2007

75. Mr. KOLAROV (Secretary-General of the Conference) called attention to the estimated costs of the meeting of States parties due to be held in November 2007 and of the meeting of the Group of Government Experts scheduled for June 2007 (CCW/CONF.III/L.1 and L.2, respectively). He recalled that the estimated amounts had been calculated based on previous experience and the anticipated volume of work, and that the actual costs would be determined once the meetings had ended, the work had been completed and all the relevant costs had taken into account.

76. Mr. BETTAUER (United States) said that he had just received a communication about the estimated costs; at first glance, he had no objection to them.

77. The PRESIDENT said that he took it that the Conference wished to approve the estimated costs of the meetings for 2007 as set out in documents CCW/CONF.III/L.1 and L.2.

78. It was so decided.

Adoption of the final document

79. The PRESIDENT said that the secretariat was not in a position to submit to the Conference the definitive text of the final draft document, owing to technical difficulties and the sheer size of the text, and he invited the Conference to adopt different parts of the draft in the form in which it had considered them for the last time. With the agreement of delegations, he invited the Ambassador of Brazil, Mr. Paranhos, the former coordinator for the issue of mines other than anti-personnel mines, to take note of the Conference's decisions on the matter.

80. Mr. PARANHOS (Brazil), drawing delegations' attention to documents CCW/CONF.III/7/Add.7-CCW/GGE/XV/6/Add.7 and CCW/CONF.III/CRP.1 and to the various informal texts presented during the Conference, together with the oral amendments made to the documents, invited the Conference to take note, section by section, of the agreements reached on the draft final document.

Part I. Report of the Third Review Conference

- Introduction
- Organization of the Third Review Conference
- Work of the Third Review Conference

81. Part I of the final document, which contained the report of the Third Review Conference, was adopted.

Part II. Final Declaration

- Preamble
- Provisions
- Decision
- Consideration of articles and Protocols

82. Part II of the final document, which contained the final declaration, was adopted.

Part III

- A. Declaration on the occasion of the entry into force of Protocol V
- B. Decision on compliance
- C. Plan of Action to Promote Universality of the Convention
- D. Decision on the establishment of a sponsorship programme

83. Part III of the final document was adopted.

84. The entire final document was adopted.

85. Mr. PARANHOS (Brazil) said that it was important to safeguard multilateralism and consensus, as they were the best means of promoting better understanding among States and achieving results in the interests of all. He invited delegations to pursue their work in the framework of the Convention on that basis, rather than moving away from it. Lastly, he paid tribute to the President of the Third Review Conference, Ambassador Rivasseau, for his tireless work, diplomatic talents and personal skills and qualities, to the members of the bureau for their team spirit and to the secretariat for its efficiency.

CLOSURE OF THE CONFERENCE

86. The PRESIDENT said that the Third Review Conference was ending with a substantial outcome and that it was up to States parties to make that outcome a success. Protocol V on

explosive remnants of war, which had entered into force during the Conference, was the only multilateral disarmament treaty to have been adopted in recent years. Through the efforts of several delegations, including the delegation of the Netherlands, States parties were now ready to address the implementation of the Protocol, which would inevitably lead to increased cooperation between States parties to the Convention and States parties to other treaties, including the Ottawa Convention.

87. The Conference had agreed a mandate for further discussions on explosive remnants of war and cluster munitions, bringing together affected countries, users and countries pushing for negotiations on the issue. The mandate was a global mandate, addressing all aspects of cluster munitions - their conception, reliability, technical characteristics and use, bearing in mind international humanitarian law, and lastly, their depollution in accordance with Protocol V. It was also an open mandate, as it allowed for consideration of all proposals, including any negotiation proposals. It would then be for States parties to take whatever action that they deemed fit. Obviously, the mandate would appear very audacious to those that intended to prevent any decisions on cluster munitions but very disappointing to those that had advocated a negotiating mandate. Nevertheless, the mandate reflected the momentum behind the examination of the issue.

88. With regard to mines other than anti-personnel mines, while it had not been possible to broaden the consensus, the issue would remain on the agenda for further discussion. The unilateral commitment by some 20 States to implementing the rules devised by Ambassador Reimaa of Finland was a novel means of reconciling the application of high humanitarian standards with the promotion of multilateralism. Moreover, the States concerned had acted within the framework of the Convention, offering an example that would repay closer study. Lastly, the coordinator for the issue, Ambassador Paranhos of Brazil, had successfully raised the level of confidence and dialogue among everyone, creating a positive atmosphere which had facilitated progress on substantive issues.

89. The States parties had agreed to establish a mechanism to ensure compliance with the Convention, reopening a route that had been blocked since 2001 by the failure of negotiations on a verification protocol for the Biological Weapons Convention. They had adopted a plan of action to promote universality of the Convention and established a sponsorship programme financed through funding provided by Switzerland. The programmes would strengthen the Convention regime and create renewed synergies and cooperation, with the assistance of the Geneva International Centre for Humanitarian Demining.

90. The President said that the Convention and its protocols were merely tools that the States parties had been able to use to the maximum. Whatever the disappointment of some who would have liked to go further on certain issues at the Review Conference, the Convention had established a lively and healthy regime.

91. After the customary exchange of courtesies, the PRESIDENT declared closed the Third 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.

The meeting rose at 6.20 p.m.