

**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/GGE/2007/3
9 August 2007

Original: ENGLISH

2007 Session
Geneva, 19-22 June 2007
Item 10 of the Agenda
Adoption of procedural report

PROCEDURAL REPORT

Submitted by the Secretariat

1. The Third Review Conference of the High Contracting 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 from 7 to 17 November 2006 decided, as contained in Decision 1 of its Final Document (CCW/CONF.III/11, Part II):

“To convene, as a matter of urgency, an intersessional meeting of governmental experts:

To consider further the application and implementation of existing international humanitarian law to specific munitions that may cause explosive remnants of war, with particular focus on cluster munitions, including the factors affecting their reliability and their technical and design characteristics, with a view to minimizing the humanitarian impact of the use of these munitions.

This meeting of governmental experts will, *inter alia*, consider the results of the meeting of experts on cluster munitions to be held by the ICRC. The meeting of governmental experts will report to the next meeting of the High Contracting Parties.

The Meetings of Military and Technical Experts of the GGE shall continue their technical work and provide further advice, as required.”

2. The Third Review Conference decided, as contained in Decision 6 of its Final Document (CCW/CONF.III/11, Part II) on the organization of the 2007 CCW-related activities, and, *inter alia*, that the Group of Governmental Experts, including the continuation of the Meetings of Military and Technical Experts, shall be held from 19 to 22 June 2007.

3. The Third Review Conference decided, as contained in Decision 6 of its Final Document (CCW/CONF.III/11, Part II) to “appoint Ambassador Jānis Kārkliņš of Latvia as Chairperson of the GGE.”

4. The 2007 Session of the Group of Governmental Experts was held at Geneva from 19 to 22 June 2007.

5. The following States Parties to the Convention participated in the work of the Group: Argentina, Australia, Austria, Belarus, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Cambodia, Canada, Chile, China, Colombia, Croatia, Cuba, Cyprus, Czech Republic, Denmark, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Holy See, Hungary, India, Ireland, Israel, Italy, Japan, Jordan, Latvia, Lithuania, Luxembourg, Malta, Mexico, Monaco, Morocco, Netherlands, New Zealand, Norway, Pakistan, Peru, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Senegal, Serbia, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, and Venezuela.

6. The following Signatory States to the Convention also participated in the work of the Group: Egypt.

7. The following States not parties to the Convention participated as observers: Azerbaijan, Burundi, Kuwait, Lebanon, Libyan Arab Jamahiriya, Malaysia, Qatar, Thailand, and United Arab Emirates.

8. 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.

9. The representatives of the International Committee of the Red Cross (ICRC) took part in the work of the Group. The representatives of the Geneva International Centre for Humanitarian Demining (GICHD) and the European Commission also participated in the work of the Group.

10. The representatives of the following non-governmental organisations also took part in the work of the Group: Cluster Munition Coalition, Handicap International, Human Rights Watch, International Campaign to Ban Landmines (ICBL), Landmine Action (UK), Mines Advisory Group (MAG), OXFAM, Pax Christi International, Swiss Campaign to Ban Landmines, and Women's International League for Peace and Freedom.

11. On 19 June 2007, the session was opened by the Chairperson, Ambassador Jānis Kārklīņš of Latvia.

12. The meetings of the Military and Technical Experts were chaired by Ms. Vera Bohle of GICHD. Mr. Peter Kolarov, Political Affairs Officer, Office for Disarmament Affairs, Geneva Branch, served as Secretary of the Group, and was assisted by Mr. Bantan Nugroho, Political Affairs Officer.

13. The Group held seven plenary meetings and considered the following issues: the military use of cluster munitions; the humanitarian impact of cluster munitions; the technical aspects of cluster munitions; the legal aspects of cluster munitions; definitions; and other relevant issues.

14. At its first plenary meeting, on 19 June 2007, the Group adopted its Agenda, as contained in Annex I, confirmed the Rules of Procedure as adopted and used by the Third Review Conference (CCW/CONF.III/11, Part III) and adopted its Programme of Work, as contained in Annex II.

15. During the course of the session, the Group of Governmental Experts considered documents CCW/GGE/2007/1 and CCW/GGE/2007/2, and CCW/GGE/2007/WP.1 to CCW/GGE/2007/WP.10, as well as CCW/GGE/2007/CRP.1, as listed in Annex IV. These documents are available in all official languages through the Official Document System of the United Nations at <http://documents.un.org>, and the official CCW website as part of the website of the United Nations Office at Geneva at <http://www.unog.ch/disarmament/CCW>.

16. The Group of Governmental Experts heard presentations by Germany on “Benchmarks for Alternative Munitions to Cluster Munitions. Sensor Fused Area Munitions (SEFAM)”; Russian Federation on “Technical Aspects of Cluster Munitions”; United Kingdom of Great Britain and Northern Ireland on “Legal Aspects of Cluster Munitions - A Possible Framework for IHL Implementation – Draft Proposals” and “Possible Definition of a Cluster Munition and a Submunition – Draft Proposals”; United States of America on “The Ongoing Military Utility and Role of Cluster Munitions” and “Designing Self Destruct Fuzes”; UNDP on “Humanitarian Impact of Cluster Munitions”; ICRC on “Legal Issues related to the Use of Cluster Munitions”; GICHD on “Cluster Munitions: Overview of Existing and Proposed Definitions”, “Technical Note on Mine Action. Lessons Learned from Cluster Munitions Clearance in Lebanon”, and on the “Guide to Cluster Munitions”; Colin King of C. King Associates Ltd. on “The Evolution of Cluster Munitions” and “Cluster Munitions Technical Issues”; Human Rights Watch on “Humanitarian Issues Resulting from the Use of Cluster Munitions”; Mines Advisory Group on “Humanitarian Impact of Cluster Munitions”.

17. The Group of Governmental Experts approved a recommendation to the 2007 Meeting of the High Contracting Parties to the Convention, as contained in Annex III.

18. As decided by the Third Review Conference, the Meeting of the High Contracting Parties to the Convention will be held from 7 to 13 November 2007.

19. At the final plenary meeting, on 22 June 2007, the Group of Governmental Experts adopted the procedural report of its 2007 session, contained in document CCW/GGE/2007/CRP.1, as orally amended, which is being issued as document CCW/GGE/2007/3.

Annex I

AGENDA

As adopted during the first plenary meeting on 19 June 2007

1. Opening of the Session of the Group of Governmental Experts.
2. Adoption of the Agenda.
3. Confirmation of the Rules of Procedure.
4. Organization of work of the Group of Governmental Experts including that of the Meetings of Military and Technical Experts.
5. Background documentation.
6. Consideration of the results of the ICRC Meeting of experts on cluster munitions¹.
7. Application and implementation of existing international humanitarian law to specific munitions that may cause explosive remnants of war, with particular focus on cluster munitions, including the factors affecting their reliability and their technical and design characteristics, with a view to minimizing the humanitarian impact of the use of these munitions.
8. Report of the Meetings of Military and Technical Experts.
9. Any other issues.
10. Adoption of procedural report.

¹ The Meeting of experts on cluster munitions was held in Montreux, 18 to 20 April 2007.

Annex II

PROGRAMME OF WORK

As adopted during the first plenary meeting on 19 June 2007

Tuesday, 19 June 2007	10.00 – 13.00	<ul style="list-style-type: none">• Opening formalities• Consideration of the results of the ICRC meeting of experts on cluster munitions (Montreux, 18-20 April 2007)
	15.00 – 18.00	Military use of cluster munitions
Wednesday, 20 June 2007	10.00 – 13.00	Humanitarian impact of cluster munitions
	15.00 – 18.00	Technical aspects of cluster munitions.
Thursday, 21 June 2007	10.00 – 13.00	Legal aspects of cluster munitions
	15.00 – 18.00	Definitions
Friday, 22 June 2007	10.00 – 13.00	Other relevant issues
	15.00 – 18.00	<ul style="list-style-type: none">• Wrap-up• Adoption of the Procedural Report• Closure of the session

Annex III

RECOMMENDATION

to the 2007 Meeting of the High Contracting Parties to the Convention
(as approved at the final plenary meeting on 22 June 2007)

Recognizing the serious humanitarian concerns associated with the use of cluster munitions and having engaged in a substantive discussion on the application and implementation of existing humanitarian law to specific munitions that may cause explosive remnants of war, with particular focus on cluster munitions, including the factors affecting their reliability and their technical and design characteristics, the GGE, without prejudice to the outcome, recommends to the 2007 Meeting of the High Contracting Parties to the CCW to decide how best to address the humanitarian impact of cluster munitions as a matter of urgency, including the possibility of a new instrument. Striking the right balance between military and humanitarian considerations should be part of the decision.

The 2007 Meeting should take into account all documents put forward at the 2007 session of the GGE², as well as any other relevant documents and proposals.”

² These are:

- CCW/GGE/2007/WP.1 titled ”Draft CCW Protocol on Cluster Munitions”, submitted by Germany;
- CCW/GGE/2007/WP.1/Add.1, titled ”Benchmarks for alternative munitions to cluster munitions “Sensor Fused Area Munitions” (SEFAM) - additional explanatory information to the draft CCW Protocol on cluster munitions”, submitted by Germany;
- CCW/GGE/2007/WP.2, titled ”Cluster munitions”, submitted by France;
- CCW/GGE/2007/WP.3, titled ”Draft CCW negotiating mandate on cluster Munitions”, submitted by Germany on behalf of the European Union;
- CCW/GGE/2007/WP.4, titled “Report of the Expert Meeting on the Humanitarian, Military, Technical and Legal Challenges of Cluster Munitions held in Montreux, Switzerland, 18 to 20 April 2007”, submitted by ICRC;
- CCW/GGE/2007/WP.4/ Excerpts, titled “Excerpts from the Report of the Expert Meeting on the Humanitarian, Military, Technical and Legal Challenges of Cluster Munitions held in Montreux, Switzerland, 18 to 20 April 2007”, submitted by ICRC;
- CCW/GGE/2007/WP.5, titled ”Overview of existing and proposed definitions”, submitted by the GICHD;
- CCW/GGE/2007/WP.6, titled ”Position paper on cluster munitions”, submitted by the Russian Federation;
- CCW/GGE/2007/WP.7, titled ”Treaty Principles”, submitted by CMC;
- CCW/GGE/2007/WP.8, titled ” Observations on the Legal Issues Related to the Use of Cluster Munitions”, submitted by ICRC;
- CCW/GGE/2007/WP.9, titled ” Possible Definition of a Cluster Munition and a Submunition – Draft Proposals”, submitted by the United Kingdom of Great Britain and Northern Ireland
- CCW/GGE/2007/WP.10, titled ” Legal Aspects of Cluster Munitions - A Possible Framework for IHL Implementation – Draft Proposals”, submitted by the United Kingdom of Great Britain and Northern Ireland.

Annex IV

LIST OF DOCUMENTS

CCW/GGE/2007/1*	Provisional Agenda, proposal by the Chairperson
CCW/GGE/2007/2	Provisional Programme of Work, submitted by the Chairperson
CCW/GGE/2007/3	Procedural Report, submitted by the Secretariat
CCW/GGE/2007/WP.1 and Corr.1	Draft CCW Protocol on Cluster Munitions, submitted by Germany
CCW/GGE/2007/WP.1/Add.1	Benchmarks for Alternative Munitions to Cluster Munitions “Sensor Fused Area Munitions” (SEFAM) - Additional Explanatory Information to the Draft CCW Protocol on Cluster Munitions, submitted by Germany
CCW/GGE/2007/WP.2	Cluster Munitions, submitted by France
CCW/GGE/2007/WP.3	Draft CCW negotiating mandate on cluster munitions, submitted by Germany on behalf of the European Union
CCW/GGE/2007/WP.4 (English Only)	Report of the Expert Meeting on the Humanitarian, Military, Technical and Legal Challenges of Cluster Munitions held in Montreux, Switzerland, 18 to 20 April 2007, submitted by the International Committee of the Red Cross at the request of the Chairperson of the Group of Governmental Experts
CCW/GGE/2007/WP.4/Excerpts	Excerpts from the Report of the Expert Meeting on the Humanitarian, Military, Technical and Legal Challenges of Cluster Munitions held in Montreux, Switzerland, 18 to 20 April 2007, submitted by the International Committee of the Red Cross at the request of the Chairperson of the Group of Governmental Experts
CCW/GGE/2007/WP.5	Overview of Existing and Proposed Definitions, Submitted by the Geneva International Centre for Humanitarian Demining (GICHD)
CCW/GGE/2007/WP.6	Position Paper on Cluster Munitions, submitted by the Russian Federation

CCW/GGE/2007/WP.7	Treaty Principles, submitted by Cluster Munition Coalition (CMC)
CCW/GGE/2007/WP.8	Observations on the Legal Issues Related to the Use of Cluster Munitions, submitted by the International Committee of the Red Cross (ICRC)
CCW/GGE/2007/WP.9	A Possible Definition of a Cluster Munition and a Submunition – Draft Proposals, submitted by the United Kingdom of Great Britain and Northern Ireland
CCW/GGE/2007/WP.10	Legal Aspects of Cluster Munitions - A Possible Framework for IHL Implementation – Draft Proposals, submitted by the United Kingdom of Great Britain and Northern Ireland
CCW/GGE/2007/INF.1 (ENGLISH/FRENCH/SPANISH ONLY)	List of Participants, submitted by the Secretariat
CCW/GGE/2007/CRP.1 (ENGLISH ONLY)	Draft Procedural Report, submitted by the Secretariat
CCW/GGE/2007/MISC.1 (ENGLISH/FRENCH/SPANISH ONLY)	Provisional List of Participants, submitted by the Secretariat

The above documents are available in all official languages through the Official Document System of the United Nations at <http://documents.un.org>, and the official CCW website as part of the website of the United Nations Office at Geneva at <http://www.unog.ch/disarmament/CCW> .
