
**Meeting 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**

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Summary record of the 3rd meeting

Held at the Palais des Nations, Geneva, on Friday, 14 November 2008, at 10 a.m.

Chairperson: Mr. Akram.....(Pakistan)

Contents

Status of implementation of and compliance with the Convention and its Protocols

Mines other than anti-personnel mines

Consideration of the report of the work of the Group of Governmental Experts (*continued*)

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

Status of implementation of and compliance with the Convention and its Protocols

1. **The Chairperson**, introducing the item, recalled the important decisions taken at the Third Review Conference of the High Contracting Parties to the Convention, concerning the establishment of a compliance mechanism, a reporting mechanism for the High Contracting Parties and a pool of experts and the adoption of appropriate measures to prevent and suppress violations of the Convention and all the Protocols annexed thereto. He further recalled that the 2007 Meeting of the High Contracting Parties had decided to enhance the compliance mechanism, in particular by systematically including the current item in the agendas of the annual meetings of the High Contracting Parties. In addition, reporting forms had been adopted to facilitate the preparation of national reports.
2. He called on all delegations to comply fully with the decisions adopted and informed them that, thus far, only 25 States parties had submitted their national reports. He reminded them that the recommended deadline for submitting reports was 1 October of each calendar year.
3. He referred to the letter sent to all High Contracting Parties on 20 October 2008 concerning the proposal to establish an implementation support unit. He recalled some of the key elements mentioned in the letter: the considerable increase in activities related to the implementation of the Convention, due largely to the entry into force of amended Protocol II and Protocol V; the unique structure of the Convention and its Protocols, with six different legal regimes and six different configurations of States parties; the fact that the proposed implementation support unit would secure the continuity and stability of the support provided, preserve the institutional memory of the Convention and the related process and enhance the professional performance of the secretariat; the unit's possible general functions (in particular, providing administrative support and preparing documents, facilitating communication, centralizing information submitted and supporting the States parties in implementing the Convention); the fact that the unit would be established within the Geneva Branch of the Office for Disarmament Affairs and be comprised of three full-time Professional staff members and that the financial implications would be minimal compared to the expected gains.
4. **Mr. Turcotte** (Canada) said that Canada would ratify Protocol V within two months. As new instruments were adopted, more attention tended to be given to implementation. It was therefore important for States parties to receive all necessary assistance in that regard. As current resources were not sufficient, Canada was in favour of establishing an implementation support unit.
5. **Mr. Hirano** (Japan) said that, while he was fully aware of the benefits of having an implementation support unit, he wished to have more detailed information on the costs and how they would be distributed.
6. **Ms. García Guiza** (Mexico) said that she too would welcome detailed explanations of the financial implications in the short, medium and long term of establishing the unit, and clarification of its remit, responsibilities and the recruitment level of the three staff members.
7. **Mr. Venkatesh Varma** (India) said that India had submitted its report under the compliance mechanism and, like Mexico, had no objection to the establishment of the unit. Recalling that the Convention was a United Nations instrument, he said that the Geneva Branch of the Office for Disarmament Affairs deserved greater financial support from the Organization's regular budget.

8. **Mr. Mathias** (United States of America) said that his delegation acknowledged the need for an implementation support unit but could not back the proposal until the necessary detailed information on the financial implications had been provided.
9. **Mr. Etensel** (Turkey) reiterated his delegation's support for the establishment of the unit and said that Turkey was prepared to contribute financially, once a consensus had been reached on the matter.
10. **Mr. Landman** (Netherlands) said that there was a contradiction in the position of the Japanese delegation, which emphasized the importance of the Convention while at the same time remaining non-committal about providing the resources required to set up the support unit. He was convinced of the need to establish the unit and hoped that it would be possible to reach an agreement. He wished to ask the Chairperson and the other persons present on the podium what the next step would be if no decision could be reached on the issue at the meeting.
11. **Mr. La Rosa Domínguez** (Cuba) said that, as the workload with regard to the Convention and its Protocols, particularly Protocol V, was increasing on a daily basis, it would be appropriate to establish a support unit, taking as a basis the constructive experience of the analogous unit created within the framework of the Biological Weapons Convention.
12. **Mr. Camacho** (Colombia) asked for detailed information on the financial implications of setting up the unit in order to be able to take a fully informed decision.
13. **Mr. Hemmingway** (Australia) said that his country firmly supported the establishment of the implementation support unit.
14. **Ms. Pleština** (Croatia) said that she resolutely supported the establishment of the unit, given the successful similar experience under the Ottawa Convention on Landmines. She added that such a unit would be particularly useful to small delegations.
15. **Mr. Caughley** (Deputy Secretary-General of the Conference on Disarmament and Director of the Geneva Branch of the Office for Disarmament Affairs) said that he wished first of all to underline that establishing an implementation support unit was not a question of organization but rather a problem of resources. He recalled that one of the two political affairs officers recruited under the Convention was paid for by States parties, whereas Mr. Kolarov's post was funded from the United Nations regular budget, as was the documentation officer's. A similar unit had been established for the Biological Weapons Convention and worked very effectively. The unit was made up of three political affairs officers, representing a total annual cost of \$500,000. Administrative support was funded in full from the United Nations regular budget (two administrative assistants and one documentation officer).
16. He confirmed that an implementation support unit would guarantee transparency of mandated activities and resource management. Even modest additional human resources would improve the implementation of the Convention and the Protocols annexed thereto.
17. **Mr. Kolarov** (Secretary-General of the Meeting), responding to the questions on the financial implications, noted that the number of meetings to be held in 2009 had not been decided yet.
18. The cost of the two Professional posts foreseen was approximately \$400,000 at the current exchange rate.
19. In reply to the question raised by the representative of Japan, he said that it was difficult to provide estimates. The estimated budget for 2008 was \$2 million. For 2009, on the basis of what had been adopted thus far and the document prepared by the Chairperson, the amount was less than \$2 million.

20. **Mr. Fontes Laranjeira** (Brazil) said that his delegation supported, in principle, the establishment of an implementation support unit but needed further information on the unit's status and whether it would form part of the Office for Disarmament Affairs, as it had understood.

21. **Mr. Caughley** (Deputy Secretary-General of the Conference on Disarmament and Director of the Geneva Branch of the Office for Disarmament Affairs), replying to the previous question, said that the implementation support unit established under the Biological Weapons Convention had been set up within the Geneva Branch of the Office for Disarmament Affairs. The three staff members assigned to the unit had been recruited by the United Nations and carried out their tasks within the Geneva Branch of the Office for Disarmament Affairs, which dealt with all the administrative requirements related to the three posts.

22. **The Chairperson** noted that the Meeting was satisfied with the steps taken to implement the decisions on compliance, including the establishment and maintenance by the secretariat of the compliance database and the roster of experts. The Meeting had also encouraged the High Contracting Parties to submit national compliance reports every year and to nominate national experts for inclusion in the pool of experts. Furthermore, the importance of providing adequate assistance for Convention activities had been emphasized and support expressed for the establishment of an implementation support unit.

23. Having observed the emerging consensus on the modalities for establishing the unit, he had decided to proceed with the consultations on the issue, with a view to submitting a draft decision for adoption by the Meeting subsequently.

Mines other than anti-personnel mines

24. **The Chairperson** recalled that the 2007 Meeting of the High Contracting Parties had decided to keep the issue of mines other than anti-personnel mines (MOTAPM) under consideration, under the overall responsibility of the Chairperson-designate (CCW/MSP/2007/5, para. 36).

25. **Mr. Brasack** (Germany) said that his delegation still believed that the issue of anti-vehicle mines merited further consideration. After five years of negotiations, no decision had been reached, even though a large majority of States were affected. In his message to the Meeting, the Secretary-General of the United Nations had urged greater effort on the issue. That point had also been emphasized by the Mine Action Service in its statements of 12 and 13 November 2008.

26. At the 2006 Review Conference, Germany, supported by the European Union and Japan, had proposed that negotiations on a legally binding protocol on MOTAPM should be intensified. However, no consensus had been achieved.

27. He asked for the issue of MOTAPM to be included on the agenda of the 2009 Meeting of the High Contracting Parties.

28. **Mr. O'Ceallaigh** (Ireland) noted that a large majority of States parties had expressed the view that MOTAPM were not adequately dealt with under amended Protocol II and that a new protocol therefore needed to be agreed.

29. The vast majority of MOTAPM casualties were due to persistent mines laid outside perimeter-marked areas. In 2002, his delegation had proposed that the use of long-life mines should be restricted to perimeter-marked areas and that only non-persistent mines whose active life was limited could be laid outside those areas. The proposal had attracted wide support among State parties.

30. Excellent work had been accomplished on the issue since 2002 under the direction of various coordinators. He considered that the paper produced by the Ambassador of Finland in 2005 provided an appropriate basis for further work. He urged States parties to act without delay and to use that basis to negotiate and adopt a legally binding protocol.

31. **Mr. de Macedo Soares** (Brazil) pointed out that Brazil had participated actively in the coordination of the 2006 consultations on the issue and remained convinced that legislation on MOTAPM was necessary. It was vital to keep the item on the agenda and to provide the next Meeting with the means to give it more specific consideration.

32. **Mr. León González** (Cuba) said that Cuba had participated actively in discussion on the issue within the framework of the Convention for some time; that remained the appropriate context for such discussion. In 2005, Cuba had proposed a protocol comprising several options, a simple text that recommended a complete ban on the use of MOTAPM outside the national borders of the State in possession of those weapons.

33. **The Chairperson** said that, following his consultations with delegations, he had observed that there was a convergence of views concerning the need to keep the issue on the agenda of the Meeting.

Consideration of the report of the work of the Group of Governmental Experts
(CCW/GGE/2008-V/2) (*continued*)

34. **The Chairperson** said that, despite the efforts made, no consensus had been reached on the document that he had introduced the day before. He suggested that informal consultations should be held, taking a flexible and cooperative approach, in order to avoid deadlock on the issue.

The meeting rose at 11.30 a.m.