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

15 November 2013

English only

2013 Session
Geneva, 14–15 November 2013
Item 13 of the agenda
Consideration and adoption of the final report

Draft Final report

I. Introduction

- 1. The Fourth 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 in Geneva from 14 to 25 November 2011, decided on An Accelerated Plan of Action on Universalization of the Convention and its annexed Protocols, as contained in annex I of its final declaration (final document, part II, CCW/CONF.IV/4/Add.1), and, in accordance with action 9 of the Accelerated Plan of Action, to request "the CCW Implementation Support Unit to continue to report annually to the Meeting of the High Contracting Parties on the efforts undertaken towards and progress made on universalization." Furthermore, action 10 of the Accelerated Plan of Action stipulates that 'Universalization of the Convention and its Protocols' should be established as "a standing agenda item of the annual Meetings of the High Contracting Parties under which the Chairperson-designate, High Contracting Parties, United Nations, International Committee of the Red Cross, regional organizations and other organizations would exchange information and report on their respective efforts to promote universalization."
- 2. The Fourth Review Conference also decided, as contained in decision 3 of the final declaration, "to continue the Sponsorship Programme and urge it to explore all options to promote the universalization and implementation of the Convention and its annexed Protocols in accordance with the recommendations contained in annex II of the final declaration."
- 3. The Fourth Review Conference also decided, as contained in decision 4 of the final declaration, "to enhance the implementation of the Compliance Mechanism for the Convention and its annexed Protocols, which was agreed to at the Third Review Conference and the Meeting of the High Contracting Parties to the Convention in 2007 in accordance with the recommendations as contained in annex III."
- 4. The Meeting of the High Contracting Parties to the Convention, held in Geneva on 15 and 16 November 2013, requested, as contained in paragraph 33 of its final document, CCW/MSP/2012/9, "the CCW Implementation Support Unit to continue to report annually on its activities, including on its estimated costs and actual costs."



- 5. The 2012 Meeting of the High Contracting Parties to the Convention decided, as contained in paragraph 36 of its final document, to hold the Meeting of the High Contracting Parties to the Convention on 14 and 15 November 2013.
- 6. The 2012 Meeting of the High Contracting Parties to the Convention decided, as contained in paragraph 37 of its final document, to designate Mr. Jean-Hugues Simon-Michel, Ambassador of France as Chairperson of the Meeting of the High Contracting Parties to the Convention to be held in 2013.

II. Organization of the Meeting of the High Contracting Parties

- 7. The Meeting of the High Contracting Parties to the Convention was held in Geneva on 14 and 15 November 2013. The Meeting was opened on 14 November 2013 by Mr. Denis Y. Lepatan, Ambassador of the Philippines.
- 8. The Meeting held four plenary sessions. At its first plenary meeting on 14 November 2013, the Meeting confirmed the nomination of Mr. Jean-Hugues Simon-Michel, Ambassador of France as Chairperson.
- 9. At the same plenary meeting, the Meeting of the High Contracting Parties confirmed the nomination of Mr. Bantan Nugroho, Head of the Implementation Support Unit, as Secretary-General of the Meeting.
- 10. Participation in the Meeting is specified in document CCW/MSP/2013/... In addition, representatives of relevant United Nations bodies, international organizations, and non-governmental organizations took part in the work of the Meeting.

III. Work of the Meeting of the High Contracting Parties

- 11. The Meeting adopted its agenda (CCW/MSP/2013/1), and programme of work (CCW/MSP/2013/2), and confirmed its rules of procedure (CCW/CONF.IV/2).
- 12. The Meeting noted that there were different views regarding the participation of one non-governmental organization in the meetings of the Convention, which, in the view of some delegations, departed from practice applied at previous meetings. The Chairperson-designate will conduct informal consultations in order to find a solution acceptable to all High Contracting Parties on this issue, prior to the next Meeting of High Contracting Parties to the Convention. For that purpose, neither the modalities of this meeting, nor those of any previous one, will be considered a precedent.
- 13. The Meeting received a message from the Secretary-General of the United Nations, Mr. Ban Ki-moon, which was delivered by the Director of the United Nations Office for Disarmament Affairs, Geneva Branch, Mr. Jarmo Sareva.
- 14. The participation in the general exchange of views was in the following order: Philippines, Brazil, European Union, Germany, Italy, China, Austria, United States, Holy See, Argentina, Pakistan, Madagascar, Lesotho, Ukraine, Australia, Russian Federation, Croatia, Mexico, Republic of Korea, Japan, India, Lithuania, France, Albania, Ireland, Cuba, Norway, Zambia, Netherlands, Ecuador, United Arab Emirates, Turkey, Canada, Kuwait, Belarus, Israel, Switzerland, Ghana, Mali, United Nations Mine Action Service (UNMAS) on behalf of the Inter-Agency Coordination Group on Mine Action (IACG-MA), International Committee of the Red Cross (ICRC), Human Rights Watch, Article 36, International Committee for Robot Arms Control, and IKV Pax Christi.
- 15. The Report of the Sponsorship Programme (CCW/MSP/2013/3 and Add.1/Rev.1) was presented by the Coordinator of the Steering Committee of the Programme, Mr.

Arturas Gailiunas of Lithuania, and the report on promoting universality of the Convention and its Protocols (CCW/MSP/2013/4) was presented by the Chairperson. The Chairperson reported on the implementation of the Accelerated Plan of Action on Universalization of the Convention and its annexed Protocols. The Meeting of the High Contracting Parties welcomed the accession of Kuwait to the Convention, Protocol I, Protocol III, Amended Protocol II, Protocol IV, Protocol V, and the amendment to Article 1, as well as Zambia's accession to the Convention, Protocols I, II, III, Amended Protocol II, Protocol IV, Protocol V, and the amendment to Article 1. The Meeting also welcomed the accession of Bangladesh to Protocol V and the amendment to Article 1.

- 16. The Meeting noted the concerns raised by a number of High Contracting Parties over the allegations of use of incendiary weapons against civilians.
- 17. The Meeting noted the concerns raised by some High Contracting Parties regarding the implementation of existing international humanitarian law, in particular the use of explosive weapons in populated areas.
- 18. The Meeting welcomed the proposal to explore the questions related to emerging technologies in the area of lethal autonomous weapons systems.
- 19. The Meeting heard a presentation on "The Humanitarian and Developmental Impact of Anti Vehicle Mines Global AVM Study" by Stockholm International Peace Research Institute (SIPRI) and Geneva International Centre for Humanitarian Demining (GICHD).
- 20. The following States participated in an exchange of views on Mines Other Than Anti-Personnel Mines: Belarus, Ireland, Australia, Germany, Cuba, United States of America, Mexico, Israel, China, France, Sweden, Russian Federation, and Switzerland.
- 21. In accordance with the decision of the Fourth Review Conference to enhance the implementation of the Compliance Mechanism for the Convention and its Protocols, the Meeting had before it national annual reports on compliance from the following High Contracting Parties: Albania, Argentina, Australia, Austria, Belarus, Belgium, Bulgaria, Canada, Colombia, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Ecuador, Estonia, Finland, France, Germany, Greece, Hungary, Holy See, Hungary, India, Ireland, Italy, Japan, Jordan, Latvia, Lithuania, Mexico, Montenegro, Netherlands, New Zealand, Norway, Pakistan, Poland, Portugal, Philippines, Republic of Korea, Romania, Russian Federation, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America.
- 22. During the course of the Meeting, the following documents were considered: CCW/MSP/2013/1 to CCW/MSP/2013/8, as listed in annex III. The official documents of the Meeting of the High Contracting Parties 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/ccw.

IV. Conclusions and recommendations

- 23. The Meeting welcomed the report on promoting universality of the Convention and its Protocols and reaffirmed their commitment to the Accelerated Plan of Action on Universalization. The Meeting emphasized the importance of achieving universal adherence to, and compliance with, the Convention, the amendment to its Article 1, and its Protocols.
- 24. The Meeting recommended that the Secretary-General of the United Nations and the Chairperson-designate of the 2014 Meeting of High Contracting Parties to the Convention to exercise their authority to achieve the goal of universality of the Convention and its

Protocols. To this effect, the Meeting requested the Chairperson to consider reporting to the sixty-ninth session of the General Assembly of the United Nations on his endeavours.

- 25. The Meeting expressed its appreciation for the report of the CCW Sponsorship Programme, the Guidelines on the Administration of the Programme and the continuing role of the Geneva International Centre for Humanitarian Demining in administering the Programme. The Meeting recognized the value and importance of the Sponsorship Programme within the framework of the Convention for promoting universalization of the Convention and its Protocols, strengthening the implementation of the Convention and its Protocols, enhancing the cooperation and exchange of information among the High Contracting Parties and States not yet party, and ensuring broader geographical representation at meetings of the Convention. The Meeting called upon those States in a position to do so to contribute to the Sponsorship Programme.
- 26. The Meeting emphasized once again the importance of compliance with the provisions of the Convention and its Protocols by all High Contracting Parties, their commitment to fully implement the provisions enshrined therein, and their determination to consult and cooperate with each other in order to facilitate the full implementation of the obligations contained in the Convention and its Protocols to which they are party, thereby promoting compliance.
- 27. The Meeting reaffirmed its commitment to the Compliance Mechanism of the Convention and its Protocols. Further, the Meeting reiterated the call for all High Contracting Parties to submit national compliance reports in accordance with the decision taken at the Fourth Review Conference to enhance the implementation of the Compliance Mechanism. In this respect, it was recalled that the deadline for submission of the national reports on compliance was fixed by the Fourth Review Conference at 31 March of each calendar year.
- 28. The Meeting expressed its appreciation for the report of the Implementation Support Unit and the work carried out by the Unit. The Meeting requested the Implementation Support Unit to continue to report annually on its activities, including on its estimated costs and actual costs.
- 29. The Meeting noted that some States questioned the usefulness of the summary records with regard to their cost. The Chairperson-designate will conduct informal consultations prior to the 2014 Meeting of High Contracting Parties to the Convention in order to find a solution acceptable to all High Contracting Parties.
- 30. The Meeting decided that at future meetings rule 3 of the rules of procedure requiring the submission of formal credentials would be suspended, except for when an amendment to the Convention or the adoption of a new instrument were being proposed.
- 31. The Meeting noted that the Chairperson-designate will take action in relation to paragraph 12 of the final document.
- 32. The Meeting decided that the Chairperson will convene in 2014 a four-day informal Meeting of Experts, from 13 to 16 May 2014, to discuss the questions related to emerging technologies in the area of lethal autonomous weapons systems, in the context of the objectives and purposes of the Convention. He will, under his own responsibility, submit a report to the 2014 Meeting of the High Contracting Parties to the Convention, objectively reflecting the discussions held.
- 33. The Meeting decided that:
 - The next Meeting of the High Contracting Parties to the Convention will be held on 13 and 14 November 2014 at Geneva, and adopted its estimated costs (CCW/MSP/2013/6.).

- The Eighth Conference of the High Contracting Parties to Protocol V on Explosive Remnants of War will be held on 10 and 11 November 2014 at Geneva.
- The Sixteenth Annual Conference of the High Contracting Parties to Amended Protocol II will be held on 12 November 2014 at Geneva.
- 34. The Meeting decided to designate Mr. Remigiusz A. Henczel, Ambassador of Poland as Chairperson of the 2014 Meeting of the High Contracting Parties to the Convention.
- 35. At the same plenary meeting, the Meeting adopted its final report, as contained in document CCW/MSP/2013/CRP.1, as orally amended, which is being issued as document CCW/MSP/2013/...

Annex I

Provisional Agenda of the 2014 Meeting of the High Contracting Parties

(as recommended by the 2013 Meeting of the High Contracting Parties at its fourth plenary meeting on 15 November 2013)

- 1. Opening of the Meeting
- 2. Confirmation of the nomination of the Chairperson of the Meeting
- 3. Adoption of the agenda
- 4. Confirmation of the rules of procedure
- 5. Confirmation of the nomination of the Secretary-General of the Meeting
- 6. Organization of work, including that of any subsidiary body of the Meeting.
- 7. General exchange of views
- 8. Lethal autonomous weapons systems
- 9. Mines other than anti-personnel mines (MOTAPM)
- 10. An Accelerated Plan of Action on Universalization of the Convention and its annexed Protocols
- 11. Consideration of the report of the CCW Sponsorship Programme
- 12. Status of implementation of and compliance with the Convention and its Protocols
- 13. Consideration of the report of the Implementation Support Unit
- 14. Consideration and adoption of the final report
- 15. Other matters
- 16. Closing of the Meeting

Annex II

High Contracting Parties to the Convention and its annexed Protocols (including those which have consented to be bound by the following Protocols)¹

	CCW (117)	Amended Article 1 ²	Protocol I 3	Protocol II ⁴	Amended Protocol II ⁵	Protocol III ⁶	Protocol IV ⁷	Protocol V ⁸
State Party	WESSER	(77)	(112)	(94)	(100)	(108)	(102)	(83)
Albania	1	✓	✓	✓	✓	✓	✓	✓
Antigua and Barbuda	✓		✓			✓	✓	
Argentina	✓	✓	✓	✓	✓	\checkmark	✓	✓
Australia	✓	✓	✓	✓	✓	✓	✓	✓
Austria	✓	✓	✓	✓	✓	✓	✓	✓
Bangladesh	✓		✓	✓	✓	✓	✓	
Belarus	✓	✓	✓	✓	✓	✓	✓	✓
Belgium	√	✓	✓	✓	✓	✓	✓	✓
Benin	✓		✓			✓		
Bolivia (Plurinational State of)	✓		✓	✓	✓	✓	✓	
Bosnia and Herzegovina	✓	✓	✓	✓	✓	✓	✓	✓
Brazil	✓	✓	✓	✓	✓	✓	✓	✓
Bulgaria	✓	1	✓	✓	✓	✓	✓	✓
Burkina Faso	✓	✓	✓	✓	✓	✓	✓	
Burundi	✓			✓				✓
Cambodia	✓		✓	✓	✓	✓	✓	

¹ As at 16 November 2012.

² Expanding the scope of application of the Convention to apply to all armed conflicts, including non-international armed conflicts.

³ Protocol on Non-Detectable Fragments.

⁴ Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices.

⁵ Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices, as amended on 3 May 1996.

⁶ Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons.

⁷ Protocol on Blinding Laser Weapons.

⁸ Protocol on Explosive Remnants of War.

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Holy See	^	<i>></i>	^	^	^	^	^	^
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Guatemala	^	<i>></i>	^	^	.^.	^	<i>></i>	<i>></i>
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Cuba	^	^	^	/		<i>></i>	^	^
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Costa Rica	^	^	^	^	^	^	^	^
Colombia	^	^	^	^	^	^	^	
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(83)	(201)	(801)	(001)	(†6)	(211)	(22)	(211)	State Party
Protocol Pr	Protocol	Protocol Protocol	Amended Protocol II ⁵	Protocol II 4	Protocol 1	bəbnəmh ^L l ələitth	MOO	

	CCW (117)	Amended Article 1 ²	Protocol I ³	Protocol II ⁴	Amended Protocol II ⁵	Protocol III ⁶	Protocol IV ⁷	Protocol V ⁸
State Party	(21.)	(77)	(112)	(94)	(100)	(108)	(102)	(83)
The former Yugoslav Republic of Macedonia	✓	V	✓	V	√	✓	✓	✓
Togo	✓		✓	✓		✓		
Tunisia	✓	✓	✓	✓	✓	✓	✓	✓
Turkey	✓	✓	✓		✓		✓	
Turkmenistan	✓		✓	✓	✓			✓
Uganda	✓		✓	✓		.✓		
Ukraine	✓	✓	\checkmark	✓	✓	✓	✓	✓
United Arab Emirates	✓		✓			✓		✓
United Kingdom of Great Britain and Northern Ireland	✓	✓	✓	✓	✓	✓	✓	
United States of America	✓	Ž	✓	✓	✓	✓	✓	✓
Uruguay	✓	✓	✓	✓	✓	✓	✓	✓
Uzbekistan	1		✓	✓		✓	✓	
Venezuela (Bolivarian Republic of)	✓		✓	✓	✓	✓		
Zambia	✓	✓	1	✓	✓	✓	✓	✓

States signatories to the Convention

Afghanistan, Egypt, Nigeria, Sudan and Viet Nam.

Annex III

List of documents

Document symbol	Title
CCW/MSP/2013/1	Provisional agenda
CCW/MSP/2013/2	Provisional programme of work
CCW/MSP/2013/3 and Add.1/Rev.1	Report of the sponsorship programme
CCW/MSP/2013/4	Promoting universality of the Convention and its Protocols
CCW/MSP/2013/5	Report of the Implementation Support Unit
CCW/MSP/2013/6	Estimated costs of the 2014 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
CCW/MSP/2013/7	Estimated costs of the 2014 Meeting of Experts 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/MSP/2013/8	Estimated costs of the 2014 Meeting of Experts 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/MSP/2013/	Final report
CCW/MSP/2013/INF.1	List of participants
CCW/MSP/2013/CRP.1	Draft final report
CCW/MSP/2013/MISC.1	Provisional list of participants