
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 (INHUMANE WEAPONS CONVENTION/CONVENTION ON CERTAIN CONVENTIONAL WEAPONS) (IWC/CCW)

Opened for Signature: 10 April 1981.

Entered into Force: 2 December 1983.

Depositary: United Nations Secretary-General.

Number of Parties: 114 States, 5 Signatories

Amended Article 1: 74 States have notified their consent to be bound by Article 1

Protocol I: 1112

Protocol II: 93

Protocol II (Amended): 97

Protocol III: 107

Protocol IV: 99

Protocol V: 72

[Text of Convention and its Protocols](#)

Purpose: The Convention's (CCW) primary purpose is to protect civilians from the effects of conventional weapons and to protect combatants from the infliction of suffering, which exceeds what is necessary for the achievement of a legitimate military objective. The Convention is a framework, to which are added individual Protocols governing the use of specific conventional weapons.

Obligations: Not to use conventional weapons that create non-detectable fragments (Protocol I); not to use mines or booby traps against civilians or the civilian population; not to use indiscriminately (i.e., to place on or direct at only military objectives, employ only those means of delivery that can be directed at a military objective, and avoid placement that may cause incidental loss of civilian life or damage to civilian objects that is excessive in relation to the concrete and direct military advantage anticipated); not to use weapons in populated areas unless specific conditions are met; not to use booby-traps that are in the form of an apparently harmless, portable object or associated with specified categories of objects; to record their locations; to protect UN forces by

providing information or escort; to cooperate in their removal after a conflict (Protocol II); not to use incendiary weapons against civilian populations; not to use air-delivered incendiary devices against military objectives located within concentrations of civilians (Protocol III); to prohibit the use and transfer of laser weapons designed to cause permanent blindness (Protocol IV); and to clear, remove or destroy explosive remnants of war as soon as feasibly possible after a conflict; to record the location of explosive remnants of war; to protect civilians from the dangers of explosive remnants (Protocol V).

The Amended Protocol II, adopted by the Conference of State Parties in 1996 and entered into force on 3 December 1998, extended the restrictions on landmine use to internal conflicts; established reliability standards for remotely delivered mines, and prohibited the use of non-detectable fragments in anti-personnel landmines (APL). There is no verification or compliance mechanism in Amended Protocol II, and negotiations to amend Protocol II failed to produce a total ban on APL use. This gave rise to the movement that eventually produced the [APL Ban Treaty](#). For those countries which do not yet support a total prohibition of anti-personnel landmines and therefore are not parties to the APL, the Amended Protocol II provides a minimum standard for their use and transfer. These countries include China, India, Israel, Pakistan, the Russian Federation, South Korea, Turkey, and the United States. As of July 2011, 97 States have consented to be bound by the Protocol.

Application: The Convention and its annexed protocols apply in the situations referred to in Article 2 common to the Geneva Conventions of 12 August 1949 for the Protection of War Victims, including any situation described in paragraph 4 of Article 1 of Additional Protocol I to these Conventions.

An amendment to Article 1 of the convention extended the application of the treaty to include non-international armed conflicts. This amendment was adopted at the Second Review Conference in 2001 and entered into force in 18 May 2004.

Verification and Compliance: The Convention contains no verification or compliance provisions.

Review Conferences: Article 8.3(c) provides that if, after a period of 10 years following the entry into force of this Convention, no conference has been convened, any States Party may request the Depositary to convene a conference to review the scope and operation of the Convention and the Protocols. In accordance with this provision, on 22 December 1993, States Parties submitted a request to the Secretary General of the UN to convene a Review Conference. As a result, the First Review Conference took place from 25 September to 13 October 1995 in Vienna, and from 15 to 19 January and from 22 April to 3 May 1996 in Geneva.

The First Review Conference agreed that “future review conferences should be held more frequently, with consideration to be given to holding a review conference every five years.” As a result, the Second Review Conference was held from 11-21 December 2001. The Third Review Conference was held 1-17 November 2006.

Meetings of States Parties: The Second Review Conference decided to convene a meeting of States Parties to follow-up decisions arising from the Conference. According to this decision, the 2002 Meeting of States Parties was held from 12 to 13 December 2002. The 2003 meeting of States Parties was held on 27-28 November in Geneva for follow-up work. Meetings of States Parties were held in Geneva on 18-19 November 2004, 24-25 November 2005, and the Third Review Conference was held on 7-17 November 2006. The 2007 and 2008 Meetings of States Parties were held on 7-13 November and 13-14 November, respectively. The 2009 Meeting of the High Contracting Parties to the Convention was held in Geneva on 12-13 November 2009. The 2010 Meeting of the High Contracting Parties to the Convention was held on 25-26 November.

Annual Conferences of States Parties to the Amended Protocol II: Article 13 of the Amended Protocol provides for a Conference of the States Parties to that Protocol to be held annually for the purpose of consultations and cooperation on all the issues relating to the Protocol.

Meetings of the Group of Governmental Experts: The 2001 Second Review Conference of States Par-

ties to the CCW decided to establish an open-ended Group of Governmental Experts with separate coordinators to (a) discuss ways and means to address the issue of explosive remnants of war (ERW), and (b) further explore the issue of mines other than anti-personnel mines (MOTAPM). From 2002-2006, meetings were held three times a year in Geneva: in the early spring, summer, and late fall. In 2007, one meeting was held from 19-22 June in Geneva. In 2008, five meetings were held in Geneva on 14-18 January, 7-11 April, 7-25 July, 1-5 September, and 3-7 November. The GGE met twice in 2009, from 16-20 February and subsequently on 14-17 April 2009. Informal consultations were held from 17-21 August. In 2010, the GGE met on 12-16 April and from 30 August to 3 September. Informal consultations were held from 28 June to 1 July. In 2011, the GGE met three times, on 21-25 February, 28 March to 1 April and 22-26 August, with a mandate from the High Contracting Parties to negotiate a draft Protocol on Cluster Munitions in preparation for the Fourth Review Conference held on 24-25 November in Geneva.

.Developments:

2011: The first round of negotiations in 2011 for a protocol to the CCW to combat the negative humanitarian effect of cluster munitions opened on 21 February. Melanie Khanna, the Legal Adviser to the U.S. Mission to the United Nations, made a [statement](#), in which she confirmed the commitment of the United States to negotiate a legally binding Protocol on Cluster Munitions to the CCW to mitigate the threat to civilian populations resulting from the use of cluster munitions. Nonetheless, she affirmed the U.S. stance that the country’s national security interests cannot be fully ensured and consistent with the terms of the CCW.

The second round of GGE meetings at the end of March produced a draft Protocol on Cluster Munitions. The draft Protocol, which resulted from a series of negotiations among the High Contracting Parties to the CCWC, seeks to ban the use of cluster munitions manufactured before 1980, limit the use, storage and production of newer cluster munitions, and require the destruction or secure storage of prohibited cluster munitions, among other things. However, advocacy groups criticized the GGE’s draft Protocol for containing major loopholes and exemptions that weaken the international legal basis for a blanket prohibition on cluster munitions. Certain CCWC States Parties who have signed the Convention on Cluster Munitions also insisted that any cluster munitions protocol that stops short of a total ban is unac-

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ceptable. The idea for a protocol on cluster munitions was first raised at the 2006 CCWC Review Conference.

2010: In February, seventeen countries objected to the U.S. reservation to Protocol III. These countries were Austria, Belgium, Cyprus, Denmark, Finland, France, Germany, Greece, Ireland, Netherlands, Norway, Poland, Portugal, Spain, Sweden, Switzerland, and the United Kingdom. Several of the objections noted that the reservation appeared to be contrary to the purpose of the Protocol, expressed concern that decisions on what actions violated the Protocol would be made by military commanders, and expressed concern that interpretation of the reservation could become too wide.

The following states became members to the CCW and party to Protocol I: Antigua and Barbuda, the Dominican Republic, and Saint Vincent and the Grenadines. The Dominican Republic became party to Protocol II. The Dominican Republic, Gabon, and Saint Vincent and the Grenadines became party to the amended Protocol II. Antigua and Barbuda and the Dominican Republic became party to Protocol III. Antigua and Barbuda, the Dominican Republic, and Gabon became party to Protocol IV. Belgium, Brazil, China, Cyprus, the Dominican Republic, Gabon, Honduras, Italy, Panama, Saint Vincent and the Grenadines, and Saudi Arabia became party to Protocol V. Brazil became party to the amendment to Article I.

The 2010 Meeting of the High Contracting Parties to the Convention was held in Geneva on 25-26 November. Ambassador Gancho Ganev of Bulgaria was named as Chairperson-designate. In addition to 84 Parties, Egypt and Viet Nam, which are Signatory States to the Convention, took part in the meeting. Armenia, Azerbaijan, Bahrain, Côte d'Ivoire, Ghana, Guinea, Haiti, the Islamic Republic of Iran, Iraq, Lebanon, Libyan Arab Jamahiriya, Malaysia, Singapore, and Thailand, which are not parties to the Convention, participated in the work of the Meeting as observers.

Deputy Secretary-General of the Conference on Disarmament and Director of the United Nations Office for Disarmament Affairs, Geneva Branch, Mr. Jarmo Sareva, opened the Meeting of the High Contracting Parties on 25 November 2010. The Meeting noted the report on the implementation of the Plan of Action to Promote the Universality of the Convention. In addition, the Meeting noted the importance of achieving universal adherence to, and compliance with the

Convention, the amendment to its Article 1, and its annexed Protocols.

The Meeting expressed its satisfaction at the steps undertaken in implementing relevant decisions on Compliance in particular, including the establishment and maintenance by the Secretariat of the Compliance Database and the Roster of Experts. Member States were encouraged to submit annual national compliance reports and to nominate national experts for inclusion in the Roster of Experts. In addition, the Meeting decided to keep the issue of Mines Other Than Anti-Personnel Mines (MOTAPM) under consideration under the overall responsibility of the Chairperson-designate.

The CCW meeting of State Parties followed separate meetings on Protocol V (22-23 November) and Amended Protocol II and Cluster Munitions (Protocol VI) (25 November). The meeting on Protocol V focused on victim assistance provisions and the generic reporting form. In regard to amended Protocol II, participants agreed that the topic of Improvised Explosive Devices merited further consideration through a meeting of experts in 2011. In regard to cluster munitions, participants held a lengthy general debate where states suggested changing the mandate of the GGE to focus predominately on a transfer ban. Participants were unable to reach agreement on a new protocol addressing cluster munitions, however agreement was reached to continue the debate and roll over the mandate for the GGE to 2011. The United States, which rejects the Convention on Cluster Munitions (CCM), remained a supporter of a sixth CCW protocol.

Parties designated Ambassador Gancho Ganev of Bulgaria as President of the Fourth Review Conference of the High Contracting Parties to be held in 2011, and appointed Minister Jesus S. Domingo of the Philippines as Chairperson of the Group of Governmental Experts.

At its final plenary meeting, on 26 November 2010, the Meeting adopted the cost estimates of the Fourth Review Conference of the High Contracting Parties and of the sessions of the Group of Governmental Experts.

2009: On 21 January, the United States deposited its consent to be bound by Protocol III (banning use of incendiary weapons against civilian targets) while reserving “the right to use incendiary weapons against military objectives located in concentrations of civilians where it is judged that such use would cause fewer casualties and/or less collateral damage than alternative weapons.”

The following states became members to the CCW and party to Protocol I: Kazakhstan, Qatar, and United Arab Emirates. Georgia became party to Protocol II. Qatar became party to the amended Protocol II. Kazakhstan, Qatar, and the United States became party to Protocol III. Kazakhstan, Qatar, and the United States became party to Protocol IV. Canada, Chile, Costa Rica, Ecuador, Latvia, Mali, Pakistan, Peru, Qatar, United Arab Emirates, and United States became party to Protocol V. Colombia, Costa Rica, Ecuador, Georgia, Guatemala, Tunisia, and the United States became party to the amendment to Article I.

The Meeting of the High Contracting Parties to the CCW took place from 12-13 November 2009 in Geneva, Switzerland. Ambassador Babacar Carlos Mbaye of Senegal served as Chairperson of the Meeting. The meeting expressed satisfaction at the steps taken for the implementation of the Plan of Action to Promote the Universality of the Convention and its annexed Protocols. Delegations present were unable to reach a direct agreement on cluster munitions. It was decided that the Group of Governmental Experts (GGE) should continue its negotiations, taking into account past, present and future proposals by delegations to urgently address the humanitarian impact of cluster munitions.

2008: The Meeting of High Contracting Parties to the CCW was held on 13-14 November in Geneva. Delegates were unable to reach agreement on a new protocol for cluster munitions. The protocol was supported by a group of countries including the United States, Russia, China, India, Pakistan, Israel, and Finland, countries that possess the vast majority of the world's cluster munitions stockpiles and will not sign the Convention on Cluster Munitions, which was adopted through the Oslo process. A group of 25 nations, strong supporters of the Oslo Convention, jointly opposed the protocol text, believing that it would legitimize the use of weapons that constitute an unacceptable threat to humanity.

Member States agreed to continue protocol negotiations in two meetings of the Group of Governmental Experts to be held in 2009.

The following states became members of the CCW and parties to Protocol I: Iceland, Jamaica, and Madagascar. Iceland and Madagascar became party to Protocol II. Iceland, Jamaica, and Madagascar became party to the amended Protocol II and Protocol III. Iceland, Jamaica, Madagascar, and Paraguay became party to Protocol IV. Belarus, Bosnia and Herzegovina, Georgia, Guatemala, Iceland, Jamaica, Madagascar, Moldova, Paraguay, Portugal, the Republic of Korea, Romania, Senegal, and Tunisia be-

came party to Protocol V. Belarus, Iceland, Jamaica, Madagascar, Paraguay, Portugal, and Slovenia became party to the amendment to Article I.

2007: At the Third Review conference held in 2006 (see below), the States Parties decided to convene an intercessional meeting of the GGE 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.” The 2007 Session of the Group of Governmental Experts was held 19-22 June 2007.

The Meeting of High Contracting Parties to the CCW, chaired by Ambassador Francisco Verros of Greece, took place from 7-13 November 2007 in conjunction with the two meetings of the High Contracting Parties to Protocol V on 5 November and to Amended Protocol II on 6 November.

In addition to the general exchange of views and reports, two working papers were introduced. Most notably, Russia submitted a working paper in which it outlined its willingness to move towards negotiations on an instrument to address cluster munitions, a departure from their previously demonstrated position. The Russian delegation will engage on the issue, provided that such a document would not decrease defense military capability or economic impact and the restrictions focus on their use, and not design specifications of the weapons themselves.

The High States Parties heard reports from coordinator Ambassador Edvardas, on the work of the Programme's Steering Committee and the Sponsorship Program and Ambassador Janis Klarkins of Latvia on the activities of the Group of Governmental Experts.

2006: The Third Review Conference was held from 7-17 November. The designated president of the conference was François Rivasseau of France. The Conference resulted in six decisions which are laid out in the Third Review Conference [Final Document](#) and Final [Declaration](#). The Israeli attacks on Lebanon created a new vibrant source of debate and discussion. The representatives from Austria, the Holy See, Ireland, Mexico, New Zealand, and Sweden presented a [proposal](#) to address cluster munitions. The proposal seeks to negotiate a new protocol. Though a total ban was not part of the proposal, it received strong opposition from the United States, Russia, and Israel.

Building on the entry into force of Protocol V, the EU sought measures to universalize Protocol V and to continue to work on munitions that may become ERW. The U.S. opposed this, believing that the entry into force of Protocol V was sufficient to address ERW concerns.

MOTAPM continued to be a difficult negotiation topic. The EU supported the creation of a protocol to include legally binding measures regarding detectability and active life. To address some states' concerns that such a protocol would affect a state's defense capability, the EU suggested permitting "the use of non-detectable and persistent mines within PMAs [perimeter marked areas], provided that a meaningful PMA definition is retained." Russia made an alternate proposal, which stated that "States shall endeavor to produce mines which shall, when their military necessity period expires, preserve features allowing to increase their defectability [sic]." And "to the extent permitted by their technical and financial capabilities to produce remotely-delivered MOTAPM with mechanisms (devices) that limit their life time." However, no legally binding mechanism was included in the proposal. The United States and Cuba rejected the Russian proposal saying that it did not add anything new to the existing provisions of Amended Protocol II. While several states, such as Switzerland, Australia, Canada, and Ukraine were in favor of a legally binding measure, Norway insisted that it would not agree to any treaty that did not include one. The Conference reserved two days of the 2007 Meeting of the High Contracting Parties for the issue of MOTAPM (Decision 2).

Germany and Switzerland submitted proposals to study laser weapons systems and their humanitarian effects so that changes to Protocol IV might be considered. This proposal was opposed by the United States and Russia.

Negotiations on mechanisms for compliance continued and a draft resolution was submitted by the president designate. The draft included several suggestions, including the creation of a pool of experts to help states in assessing compliance. While Russia's concerns that a compliance verification mechanism might be too intrusive and cumbersome, it was most troubled by the pool of experts suggestion, citing that the purpose and scope of the proposal was unclear. In the Decision Three of the Final Declaration the Parties agreed to "establish a Compliance mechanism applicable to the Convention."

On 8 November, an agreement was reached on a ["Plan of action to Promote Universality for the CCW"](#) The plan called on each state to:

- Review its participation in the CCW and consider acceding to protocols it has not yet ratified
- Encourage the six signatory states not yet party to the CCW to ratify it
- Try to promote universalization through contacts with states not party to the convention and cooperate with regional and international organizations
- Give priority attention to encouraging adherence to the CCW
- Specifically focus on areas of low acceptance
- Prevent and suppress violations of the CCW by persons on territory of their jurisdiction or control
- Increase involvement and cooperation in universalization efforts with the United Nations, international organizations, parliamentarians, NGOs, and citizens

Perhaps spurred by progress on an instrument addressing cluster munitions through the Oslo process, the Conference, Decision One of the final declaration mandated the GGE to "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." In addition to this task, the GGE was tasked to consider the results of an upcoming experts meeting to be held by the ICRC regarding cluster munitions and to report on the events and progress achieved at the 2007 Meeting of High Contracting Parties.

The delegates also agreed to adopt a draft resolution to establish a sponsorship program (Decision 5). Accelerating the implementation of the CCW, promoting universality and observation of the norms and principles contained in the convention, and encouraging cooperation and the exchange of information by states on issues relating to the CCW are the goals set out in the draft proposal. The Conference recommended that the Secretary General and President of the conference work to achieve Universalization. The

President of the Conference was requested to report to the 61st UN General Assembly on progress towards this goal (Decision 4)

The Conference also agreed on the overall structure for CCW's work in 2007, including the appointment of Ambassador Jānis Kārklīš of Latvia as Chair of the GGE and a representative of the Western Group to serve as Chairperson-designate of the Meeting of the High Contracting Parties.

A special plenary meeting was held on 13 November to mark the entry into force of "Protocol V on explosive remnants of war," which was adopted on 28 November 2003 by 92 states. Twenty-seven states agreed to abide by the protocol and called on the remaining states to voluntarily adhere. The protocol calls on states to take "measures to mark and clear, remove or destroy unexploded ordnance or abandoned explosive ordnance."

2004: The Sixth Annual Conference of States Parties to the Amended Protocol II occurred on November 17, 2004. Ambassador Carlos Antonio da Rocha Paranhos of Brazil presided over the one-day conference as the President selected by the Fifth Annual Conference last year. The conference issued a strong appeal to promote wider adherence to the Amended Protocol II in their respective regions and for all States to accede to the Protocol. The universalization of the Protocol is an important topic for the conference.

Conference discussion also centered on the review of the operation and status of the Protocol in accordance with article 13 of the Amended Protocol II. In addition, the conference received national annual reports from 50 States Parties containing material on the dissemination of information on Amended Protocol II to armed forces and civilian populations; mine clearance and rehabilitation programs; steps taken to meet the technical requirements of the Protocol; legislation related to the Protocol; international cooperation and assistance, as well as other relevant matters.

Also at the one-day meeting, the conference confirmed the nomination of Ambassador Paranhos as President, as well as Ambassador Christian Faessler of Switzerland, Ambassador Hu Xiaodi of China and Ambassador Doru-Romulus Costea of Romania as Vice-Presidents.

The Meeting of the States Parties to the CCW took place November 18-19, 2004 in Geneva. The Meeting was chaired by Ambassador Gordan Markotic of Croatia. At the meeting, the States Parties confirmed their commitment to take action on the report of the CCW Group of Governmental Experts, established

by the Second Review Conference of the States Parties to the Convention on December 21, 2001. Members also agreed to follow-up works for its two respective working groups on the issues of ERW and MOTAPM. They also agreed to follow-up work on a mandate on the issue of possible options to promote compliance with the convention and its annexed protocols.

The meeting also discussed the possibility of undertaking preparatory work for that 2006 Third Review Conference of the States Parties to the CCW and came to the conclusion that the chairman-designate would undertake consultations during the intercessional period on the matter and would report to the next meeting of the states parties. The meeting also decided to designate Ambassador Gordan Markotic of Croatia as chairman of the Meeting of the States Parties again in 2005. Additionally, the meeting re-appointed Ambassador Jayant Prasad of India on ERW and Ambassador Markku Reimaa of Finland on MOTAPM as coordinators for the Group of Governmental Experts.

2003: The fifth annual Conference of the States Parties to the Amended Protocol II was held on 26 November. The conference reviewed the operation and statues of the Protocol, while emphasizing the necessity for universalization of the Protocol. During the session, the conference received national annual reports from 48 State Parties. It also considered a proposal introduced by Switzerland on the improvement of the reporting format to simplify and facilitate the submission of the national annual reports.

Meeting of States Parties to the Convention, which was held on 27-28 November, adopted a draft protocol on ERW. It will become Protocol V on ERW to be annexed to the convention. Under the new Protocol, States would have to clear areas they control, keep records of ordnance used, warn civilians of the dangers of ERW, and provide technical, material and financial help if they cannot clear the ordnance by themselves. Since the Protocol is not retroactive, there is no obligation to clean up the remnants of past conflicts. The Protocol will enter into force once it has been ratified by 20 member states.

Group of Governmental Experts

2011: The GGE met from 21-25 February and 28 March-1 April and will meet on 22-26 August 2011.

An open-ended, informal meeting in preparation for the First 2011 GGE Session was organized on 10 February 2011 in Geneva. Minister Jesus S. Domingo of the Philippines, Chairperson of the GGE, co-chaired the informal meeting with President-

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designate of the Fourth Review Conference, Ambassador Gancho Ganev of Bulgaria. During the informal meeting the Chairperson circulated advance versions of the Provisional Agenda and the Provisional Programme of Work. Based on comments by delegations during the informal meeting, the Chairperson revised the Provisional Programme of Work.

At the first GGE Session of 2011, work centered almost exclusively on preparations for the upcoming Fourth Review Conference and negotiations of a Protocol that would restrict the use of cluster munitions. The group recommended for adoption a draft paper on Rules of Procedure for the Fourth Review Conference, as well as a draft Provisional Agenda for the review conference. The rest of the session was devoted to plenary meetings and informal group meetings to discuss a CCWC protocol to restrict the use of cluster munitions. Austria, Canada, Croatia, Denmark, Germany, Luxembourg and Switzerland submitted a proposal for provisions on cluster munitions transfers to be included in a CCWC cluster munitions protocol. The proposed provisions would prohibit the transfer of cluster munitions in most cases, and would require in all other cases that states acquiring or transferring munitions submit reports on the planned and actual use of these munitions.

67 States Parties, one signatory state, and 8 observer states participated in this session of the GGE.

At the second GGE session of 2011, the group agreed upon an advance version of the latest Chair's paper, a draft Protocol on Cluster Munitions, and friends of the chair Lt. Col. Jim Burke of Ireland and Mr. Philip Kimpton of Australia produced summaries of the issues under discussion and relevant delegations' proposals. Contained in the advance version of the latest Chair's paper are 14 articles and 2 technical annexes which stipulate the protocol's general provision and scope of application (Article 1), definitions of terms relevant to cluster munitions (Article 2,) international humanitarian law (Article 3,) general prohibitions on cluster munitions produced before 1 January 1980 (Article 4,) general prohibitions on cluster munitions produced after 1 January 1980 (Article 5,) protocol for storage and destruction of cluster munitions (Article 6,) prohibitions and restrictions on the transfer of cluster munitions (Article 7,) clearance and destruction of cluster munitions remnants (Article 8,) recording, retaining and transmission of information (Article 9,) protection of humanitarian missions and organizations from the effects of cluster munitions (Article 10,) victim assistance (Article 11,) cooperation and assistance (Article 12,) and consultations of High Contracting Parties (Article 13).

In his paper, Lt. Col. Burke addressed issues arising from three presentations from the delegations of Ukraine, Germany and the Cluster Munition Coalition. Mr. Kimpton provided a summary of open-ended informal consultations held during the second GGE session in 2011 on Article 7 and Article 13

2010: The first meeting of the GGE took place on 12-16 April 2010 under the Chairmanship of Minister Jesus S. Domingo of the Philippines. The second meeting was held on 30 August-3 September 2010. Informal consultations were held from 28 June- 1 July.

Egypt and Nigeria participated in the work of the Group as Signatory States to the Convention.

States not parties to the Convention – Azerbaijan, Bahrain, Haiti, Kuwait, Lebanon, Malaysia, Thailand, and Timor Leste – participated as observers.

Chairperson Domingo of the Philippines opened the first session on 12 April 2010. Lt. Col. Leonidas Hidalgo of the Philippines assisted him as Chairperson of the Meetings of the Military and Technical Experts (MMTE). Friends of the Chair included Mr. Philip Kimpton of Australia, Ms. Anesa Kundurovic of Bosnia and Herzegovina, and Lt. Col. Jim Burke of Ireland. Mr. Peter Kolarov of the United Nations Office for Disarmament Affairs, Geneva Branch, served as Secretary of the Group and was assisted by Mr. Bantan Nugroho, Political Affairs Officer.

Chairperson Domingo of the Philippines opened the second session on 30 August.

At its final plenary meeting, on 3 September 2010, the GGE considered document CCW/GGE/2010-II/WP.2 titled "Draft Protocol on Cluster Munitions," referred to as the "Chair's text." The Group did not reach any conclusion and decided to submit the issue for consideration and decision by the 2010 Meeting of the High Contracting Parties to the Convention.

2009: The GGE met on 16- 20 February, and subsequently on 14-17 April. Mr. Gustavo Ainchil of Argentina chaired the 2009 sessions of the GGE. The Chairperson of the Meetings of the Military and Technical Experts of the Group is Capitán de Navío Roberto C. Juárez of Argentina. Delegates held informal consultations on 17-21 August. The 2009 Meeting of the High Contracting Parties to the Convention noted the Chairperson's report on negotiations in the Group, including his consolidated text, titled "Draft Protocol on Cluster Munitions."

The following states not parties to the Convention participated as observers in the first meeting: Azerbaijan, Côte d'Ivoire, Ghana, Guinea, Iraq, Kenya,

Lebanon, Libyan Arab Jamahiriya, Malaysia, Mauritania, Mozambique, Nepal, Oman, Qatar, Swaziland, Syrian Arab Republic, and Thailand.

The 2009 GGE first meeting focused on the following items: Clearance, removal or destruction of Explosive Remnants of War (ERW), under the responsibility of Coordinator Ms. Renata Alisauskiene of Lithuania; Victim assistance, under the responsibility of Coordinator Ms. Angela Robinson of Australia, to be assisted by Ms. Danijela Zunec of Croatia; Cooperation and assistance and requests for assistance, under the responsibility of Coordinator, Mr. Gyula Somogyi of Hungary; National reporting, and the Article 4 Generic electronic template under Coordinator, Mr. Henrik Markus of Slovakia; and Generic preventive measures, under the responsibility of Coordinator Col. Jean-Christophe Le Roux of France.

Chairperson Mr. Gustavo Ainchil of Argentina opened the second meeting of 2009 on 14 April. Navy Captain Roberto C. Juárez of Argentina assisted Mr. Gustavo Ainchil, as Chairperson of the Meetings of the Military and Technical Experts (MMTE); Ms. Angela Robinson of Australia as Friend of the Chair (FOC) on Cooperation and Assistance; Ms. Anesa Kundurović of Bosnia and Herzegovina as FOC on Victim Assistance; Mr. Julio Fontes Laranjeira of Brazil as FOC on Storage and Destruction and on Transfers; and Lt. Col. Jim Burke of Ireland as FOC on Definitions. Mr. Peter Kolarov, Head of Section on Humanitarian Conventions at the United Nations Office for Disarmament Affairs, Geneva Branch, served as Secretary of the Group and was assisted by Mr. Bantan Nugroho, Political Affairs Officer.

The Group also held plenary meetings and informal open-ended meetings on the Consolidated Text entitled “Cluster Munitions,” referred to as the Chair’s paper, as contained in document CCW/GGE/2009-I/2.

At the final plenary meeting, on 16 April 2009, the Group of Governmental Experts heard the report of the Chairperson who submitted an updated version of the Chair’s consolidated paper.

2008: The Group of Governmental Experts (GGE) held its first week of meetings of the 2008 session from 14 to 18 January 2008 in Geneva. Ambassador Bent Wigotski of Denmark presided as chair over the conference with the assistance of Maj. General Lars Fynbo (Denmark), who served as Chairman of the Military and Technical Experts.

The group was mandated by the States Parties in a decision annexed to the final report (see below) to

negotiate a proposal to address cluster munitions. Delegations took part in a general exchange of views regarding the possible scope and structure of such a proposal and the military, humanitarian, legal and technical aspects of cluster munitions in light of the parallel Oslo process which has been moving along at rapid pace towards a strong and comprehensive instrument by the end of 2008. Many States strongly desire to preserve the relevance of the CCW for addressing conventional weapons issues multilaterally and view the Oslo process as an obstacle to this. Others, who are actively engaged in both processes, repeatedly stress their position that the two processes are mutually reinforcing rather than mutually exclusive. At the opening of the meeting it was unclear how the delegations would respond to the pressure of this added dimension to the negotiations. The Oslo process led to one significant difference from past meetings, the lack of participation from the NGO community. In the past, these organizations have been very active in CCW meetings.

While far from earth shattering in its accomplishments, the outcome of the meeting exceeded many expectations. The discussion was often chaotic and unfocused, but most participants spoke favorably about the tone and tenor of the discussions, with particular reference to negotiations conducted during the Working Group on Definitions. This resulted in engaged, targeted and substantive discussions during which a wide range of views were expressed and delegations appeared to make honest attempts at bridging differences. The United Kingdom, Ireland, France, Japan, Germany, Canada, United States, and Russia all put forward proposals. However, only those of France and Ireland were presented in the form of working papers. ([CCW/GGE/2008-I/WP.1](#) and [CCW/GGE/2008-I/WP.2](#)) Following two informal meetings and several backdoor consultations, the Group was able to produce a draft working definition.

In the Plenary Meetings, the delegations heard presentations delivered by members of the U.S. and German delegation and the private firm, Textron Defense Systems. The presentations outlined technical advancements in cluster munitions technology which increase reliability and accuracy while minimizing the risk of unexploded remnants and the associated civilian hazards. The presentations also underscored the military utility of cluster munitions as flexible and efficient force multipliers which can help suppress artillery fire and seal breaches in defenses. Several States such as the U.S., Russia, Brazil, South Korea and India argued that the appropriate use of cluster munitions, in accordance with international humanitarian law, should serve as the basis for a pro-

posal, not a ban on all or some cluster munitions. Many of these States expressed support for a best practices guide, rather than a legally binding CCW protocol as the format and scope for the negotiated proposal.

Other States, predominantly those engaged fully in the Oslo process argued for a legally binding instrument prohibiting the production, use, stockpile and transfer of cluster munitions. Among this group, a second dividing line became apparent between those States who wanted to distinguish between the weapons which result in high amounts of ERW (and therefore are a source of humanitarian concern) and wanted only to prohibit weapons lacking certain design specifications and those states who favored a complete ban on cluster munitions of all types. This difference of opinion manifested itself in the discussions regarding the definition of cluster munitions, because any definition will be inexorably tied to the prohibitions set out in the following provisions of the protocol.

In the end, the final document contained only two decisions of the conference. First, the draft text of the working definition created by the Working Group on Definitions was attached to the final report with the agreement that it serve as a basis for future work. However, a note was also included that other proposals from the meeting and future proposals will also be considered. The draft definition, heavily punctuated with square brackets, was not entirely welcomed by all delegations but did represent the discussions that had taken place, as well as the desire of the participants to make progress and engage cooperatively. Ireland was the most displeased by the text and proposed its own definitions at the last session ([CCW/GGE/2008-I/WP.2](#)). Second, pursuant to the mandate in Paragraph 37 of the 2007 Report on the Meeting of States Parties, it was decided that the GGE would gather from 7 to 11 April and shorten the scheduled July gathering by one week. This was seen by most as a necessary step to prevent a loss of momentum between sessions.

The second session met from 7-11 April. It discussed the implementation of International Humanitarian Law, cluster munitions, and aspects of how to implement the CCW. The third session met from 7-24 July. It discussed the protection of civilians and civilian objects, victim assistance, cooperation and assistance, definitions, and the CCW text. The fourth session met from 1-5 September. It discussed Articles 2,4,5, and 6 of the CCW. The fifth session met from 3-7 November, although the Chairman officially

stopped the clock so that negotiations on a cluster munitions protocol could continue.

2007: In the course of seven plenary meetings, the GGE heard presentations on a wide variety of technical matters ranging from aspects of cluster munitions design to possible legal frameworks for their use in accordance with international humanitarian law, as well as their humanitarian impact. In total, there were ten working papers submitted covering definitions, principles and draft proposals. The United Kingdom and Germany both submitted very detailed proposals. Germany submitted a draft protocol ([CCW/GGE/2007/WP.1/Add.1](#)) and draft negotiating mandate ([CCW/GGE/2007/WP.3](#)). The United Kingdom submitted a draft proposal ([CCW/GGE/2007/WP.10](#)) on the legal framework for implementation for international humanitarian law as it relates to cluster munitions.

The GGE included in its Procedural Report ([CCW/GGE/2007/3](#)) a recommendation to be made to the 2007 Meetings of States Parties, “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.” Following the presentation of the GGE Report to the Meeting of High Contracting Parties, the GGE was mandated by paragraph 37 of the [Final Report](#) to “negotiate a proposal to address urgently the humanitarian impact of cluster munitions, while striking a balance between military and humanitarian considerations. The work of the GGE should make every effort to negotiate this proposal as rapidly as possible and to report on the progress made to the next Meeting of High Contracting Parties in November 2008.”

2006: The Group of Governmental Experts held three meetings largely focused on preparing for the Third Review Conference. The 13th session of the Group of Government Experts was held from 6-10 March. The working group meetings were chaired by Ambassador Edvardas Borisovas of Lithuania as coordinator on explosive remnants of war, and Ambassador Carlos Antonio da Rocha Paranhos of Brazil as coordinator on mines other than anti-personnel mines. At the first plenary meeting, the states of Bulgaria, Croatia, Denmark, Finland, Germany, the Holy See, India, Liberia, Lithuania, Luxembourg, Netherlands, Nicaragua, Norway, Sierra Leone, Sweden, and Ukraine announced to the UN secretary-general their consent to be bound by Protocol V of the CCW. In the plenary meetings held on 6 and 10 of March, the group agreed on a provisional agenda and draft rules

and procedures for the Third Review Conference and devoted considerable time to the issue of universalization of the CCW and its protocols. The group also discussed the possibility of a sponsorship program. Mr. Peter Kolarov, political affairs officer, Department for Disarmament Affairs, Geneva Branch, was nominated as provisional secretary-general of the Third Review Conference.

The Working Group on Explosive Remnants of War held two meetings in which they discussed international humanitarian law and the ways in which new designs and preemptive steps might be able to minimize humanitarian risk. In addition, one meeting of military experts was held, chaired by Ms. Vera Bohle of GICHD. The Working Group on Mines Other Than Anti-Personnel Mines held two meetings and discussed proposals on Mines Other Than Anti-Personnel Mines put forward since the establishment of the Group of Governmental Experts. It also held one meeting of military experts, chaired by Brigadier-General Gerson Menandro Garcia de Freitas of Brazil.

The 14th session was held 19-23 June. Working groups of the Group of Governmental Experts were

chaired by the two coordinators: Ambassador Edvardas Borisovas of Lithuania as coordinator on explosive remnants of war and Ambassador Carlos Antonio da Rocha Paranhos of Brazil as coordinator on mines other than anti-personnel mines. The group held six plenary meetings. At the first of these, the group welcomed the states that consented to be bound by Protocol V a number that grew to 24 with the addition of Albania, Bulgaria, Croatia, Czech Republic, El Salvador, Liechtenstein, Slovakia, Switzerland, and Tajikistan. The group also took note that in accordance with Article 5 (3) of the convention, Protocol V will enter into force on 12 November 2006 during the Third Review Conference of the States Parties to the Convention.

The group held one expert meeting and two additional meetings to discuss proposals on mines other than anti-personnel mines. In other meetings, the group continued debate and discussion on the creation of a sponsorship program under the convention, reducing humanitarian risk through munitions design and the universalization of the CCW. A decision was made to recommend a plan of action to the Third Review Conference to promote the universality of the CCW.

The Fifteenth session was held from 28 August – 6 September. Working groups of the Group of Governmental Experts were chaired by the two Coordinators: Ambassador Edvardas Borisovas of Lithuania as

coordinator on explosive remnants of war and Ambassador Carlos Antonio da Rocha Paranhos of Brazil as coordinator on mines other than anti-personnel mines. The group held eight plenary meetings. The main focus of the meetings was the preparation and consideration for the Third Review Conference, as well as continued debates and discussions on the issues of universality of the CCW, a sponsorship program under the CCW, ERW, and the reduction of humanitarian risk possible through preemptive measures and new munitions design. Experts also heard expert testimony on battle field laser weapons and loss of sight, given by ISIS's Gari Owen. In addition, Human Rights Watch gave a presentation on the use of cluster bombs in Israel's attacks on Lebanon. The Group of Governmental Experts decided to recommend to the Third Review Conference a Provisional Program of Work of Main Committees I and II. The Group also decided to recommend to the Third Review Conference the "Draft Final Document of the Third Review Conference," as well as the "Draft Decision on the Establishment of a Sponsorship Program under the Convention."

2005: The Tenth Conference of the Group of Governmental Experts, which took place March 7-11, was chaired by Ambassador Gordan Markotic of Croatia. Two coordinators chaired the meetings of the working groups of ERW and MOTAPM: Ambassador Jayant Prasad of India and Ambassador Markku Reimaa of Finland, respectively.

The group held two meetings at which it discussed the issue of ERW. An additional meeting of military and technical experts took place under the chairmanship of Mr. Roman Hunger of Switzerland. At these meetings, the group considered including participation of legal experts, the implementation of existing principles of international humanitarian law and further studied, on an open-ended basis with an emphasis on meetings of military and technical experts, possible preventive measures aimed at improving the design of certain specific types of munitions, including sub-munitions, with a view to minimizing the humanitarian risk of these munitions becoming explosive remnants of war.

The group held four meetings regarding MOTAPM. A fifth meeting of military experts chaired by Major General Ahti Vartiainen of Finland also occurred. The group considered all proposals on MOTAPM announced since the creation of the group, but focused specifically on a discussion paper presented by the coordinator, Ambassador Markku Reimaa of Finland. The discussion paper highlighted such topics as detectability; restrictions on the use of MOTAPM,

fuse design and sensors; protection of civilians through warning and mine risk education; transfers, transparency, and other confidence-building measures; issues related to the irresponsible use of MOTAPM; and international cooperation and assistance with the aim of finding appropriate recommendations on MOTAPM for submission to the next meeting of the states parties.

The group held an additional meeting, chaired by Ambassador Markotic, to discuss options for the promotion of compliance with the convention and its annexed protocols. The group also met to consider preparation for the Third Review Conference of the States Parties to the Convention.

The group held its eleventh session from August 2-12, 2005, and its twelfth session from November 14-22, 2005.

2004: The seventh session of the Group of Governmental Experts convened from 8-12 March in Geneva. Ambassador Gordan Markotic, Chairman-designate of the November 2004 Meeting of States Parties to the Convention, opened the session. The Working Groups on ERW and on MOTAPM were chaired, respectively, by Indian Ambassador Jayant Prasad and Peter Kolarov, political affairs officer for the Department of Disarmament Affairs' Geneva Branch. In addition to the States Parties to the Convention and several observer States, the United Nations Mine Action Service and several other organizations participated during the session.

The Working Group on ERW met twice during the five-day session. Members discussed a working paper presented by the group coordinator, in which he recalled the mandate adopted in November 2003 to "consider the implementation of existing principles of International Humanitarian Law" and explore "possible preventive measures aimed at improving the design of certain specific types of munitions" through meetings with military and technical experts. The coordinator encouraged the group to discuss which existing humanitarian laws were applicable to the ERW, and consider the feasibility and effectiveness of possible preventive measures and their financial and technological consequences.

The Working Group on MOTAPM held three meetings; one of these, chaired by Ambassador Gordan Markotic, focused on means of promoting States' compliance with the Convention. The group discussed several working papers and proposals, including a proposal for a Protocol on Prohibitions or Restrictions on the Use and Transfer of MOTAPM, which would prohibit undetectable MOTAPM and

remotely-delivered MOTAPM unless they contain self-destruction or self-neutralization devices. The Republic of Lithuania proposed, and the Working Group also considered, two new articles to the draft Protocol on MOTAPM

Among several presentations heard was one delivered by the United Nations Mine Action Service, in which it addressed the impact of MOTAPM on the provision of humanitarian and socio-economic developmental aide to civilian populations, and made several recommendations. The Working Groups on ERW and MOTAPM also held meetings of military experts chaired, respectively, by Lt. Colonel Bernard Jeanty of Switzerland and Chairman Colonel Juhani Kaariainen of Finland.

The eighth session of the Group of Governmental Experts was held from 5-16 July in Geneva. Ambassador Gordan Markotic of Croatia again served as chairman, with Jayant Prasad of India chairing the Working Group on ERW and Markku Reimaa of Finland chairing the Working Group on MOTAPM. In addition to the States Parties to the Convention, Signatory States Egypt, Iceland, Nigeria and Vietnam, along with several observer States and a representative of the UN Mine Action Service and other groups, also took part in the session. At a plenary meeting on 5 July, participants discussed the status of Protocol V on ERW, which was negotiated and adopted on 28 November 2003, noting Sweden's and the Lithuanian Parliament's ratification of it.

The Working Group on ERW held two general meetings devoted to addressing various aspects of international humanitarian law and potential efforts towards the improvement of munitions designs to prevent humanitarian risk. In addition, it convened two meetings of military experts under the direction of Switzerland's Lt. Col. Bernard Jeanty. During the course of the session, Group members heard a range of presentations from member States addressing the risks posed by ERW and possible preventive efforts.

An additional nine meetings were convened to address MOTAPM-related issues, and a second group of military experts also met twice, under Finland's Brig. Gen. Juha Kilpia. The Working Group on MOTAPM specifically sought to expand a set of recommendations to be discussed at the November Meeting of the States Parties. The Group's coordinator presented, and Group members addressed, a series of "Proposals and Ideas on MOTAPM in the GGE with the purpose to provide a basis for further work." The document included information, recommendations and discussion questions regarding preventive technical measures, limiting the active life of

MOTAPM, handling sensitive fuses, anti-handling devices and MOTAPM outside marked and fenced areas. Other issues addressed were the significance of a civilian warning system and the illicit trafficking and use of MOTAPM by non-state actors. The document also stressed the importance of confidence-building measures and international collaboration in achieving success in this area, and recommended the establishment of an effective accountability system. Other primary topics of discussion included the problems posed for humanitarian organizations by non-detectable mines and possible concerns regarding a MOTAPM Protocol to the Convention.

Finally, the Group of Governmental Experts also convened two meetings exclusively to address means of continuing to encourage States' compliance with the CCWC. Among other things, participants reviewed a "Discussion Paper on Compliance" issued by the chairman.

The ninth session of the Group of Governmental Experts of the States Parties to the CCW was held from November 8-16 in Geneva.

The group continued its discussion on issues related to ERW and MOTAPM. The group also addressed possible options to promote compliance with the convention and its annexed protocols.

Regarding ERW, the group discussed considerations such as the participation of legal experts, the implementation of existing principles of international humanitarian law and to further study, on an open-ended basis, possible preventative measures aimed at improving the design of certain specific types of munitions, including sub-munitions, with the hopes of minimizing humanitarian risks of these munitions becoming explosive remnants of war. The group emphasized the need for meeting of military and technical experts, as well as an open exchange of information encouraging assistance and cooperation.

Regarding MOTAPM, the group will consider all proposals introduced since the establishment of the Group of Governmental Experts with the aim of elucidating appropriate recommendations on mines other than anti-personnel mines for submission to the next Meeting of the States Parties to the Convention. Discussion of MOTAPM will include meetings of military experts to obtain informed advice.

The Group of Governmental Experts held a session on March 7-11, and will hold two additional sessions on August 2-12, and November 14-22, 2005. The Seventh Annual Conference of the States Parties to Amended Protocol II is scheduled for November 23,

which will be followed by the Meeting of the States Parties on November 24-25, 2005.

2003: The fourth session of the Group of Governmental Experts on ERW and MOTAPM was held from 10 -14 March in Geneva. The session was chaired by Ambassador Rakesh Sood of India.

The group began negotiations on an instrument which would reduce the risk of ERW according to the mandate developed by the Coordinator, Ambassador Chris Sanders of the Netherlands. The mandate provides, in one part, for negotiation of an instrument on post-conflict remedial measures of a generic nature, and, in another part, for further exploration of preventive generic measures for improving the reliability of munitions.

Regarding MOTAPM, the group continued to explore the issue under the guidance of the coordinator, Minister Counselor Peter Kolarov of Bulgaria. In addition, the Group also continued examination of the issue of compliance with the Convention and its Protocols.

The fifth session of the Group of Governmental Experts took place from 16-27 June in Geneva. The Group held two plenary meetings, chaired by Ambassador Rakesh Sood of India.

The Working Group on ERW held 11 meetings and discussed the "Draft Proposal for an Instrument on Explosive Remnants of War" presented by the Coordinator, Ambassador Chris Sanders. The Draft Proposal comprises 11 substantive articles and a technical annex, which was based on the outcome of the discussion of the Group at its previous session in March 2003. The main elements considered were: general provisions and scope; definitions; clearance, removal, and destruction of ERW; recording and use of information; provisions for the protection of civilian populations from the effects of ERW; provisions for the protection of humanitarian missions under the auspices of the UN from the effects of ERW; existing ERW; cooperation and assistance; preventive generic measures; consultations of High Contracting Parties; and compliance.

The Group examined the Draft Proposal article by article and negotiated the language contained therein. The nature of the instrument and the responsibility of the users of explosive ordinance remained controversial with fundamentally different positions among States Parties. Many States were in favor of or supported a legally binding instrument, while others opposed this.

On the issue of the user responsibility, some States insisted that users of explosive ordnance have stronger obligation to cooperate with the party in control of the territory. Users should provide technical assistance to facilitate clearance, removal, and destruction of ERW. Others argued that States who are in control of the territory should be preliminarily responsible for dealing with ERW.

The Working Group on MOTAPM discussed “Core Questions on MOTAPM,” prepared by the Coordinator, Minister Counselor Peter Kolarov. The Working Group explored four issues: MOTAPM with sensitive fuses; the use of MOTAPM by non-state actors; mine clearance; and international cooperation and assistance. The positions on MOTAPM still remained wide apart among States Parties, and the differences on the necessity of a negotiating mandate persisted.

Meetings of military experts were also convened. Col. Erwin Dahinden of Switzerland chaired the meeting on ERW, which mainly focused on addressing the contents of the Technical Annex of the Draft Proposal and Definitions (Article 2). Another military experts meeting on MOTAPM, chaired by Mr. Paul Ellis of the General International Centre for Humanitarian Demining (GICHD), discussed the issue of “operational use of mines” and “sensitive fuses.”

One meeting was devoted to discussing the issue of compliance with the Convention and its four protocols. Throughout the deliberations, the Group continued to underscore the importance of striking a balance between the humanitarian problems caused by the irresponsible use of certain munitions, and the legitimate military requirements of States for enhancing national security.

During the course of the session, a demonstration on mine detectability took place on the UN premises in Geneva. The demonstration was co-organized by the United Nations Mine Action Service (UNMAS), GICHD, and the Swiss Army.

The sixth session of the Group of Governmental Experts took place from 17 -24 November in Geneva. The group reached agreement on a new protocol on ERW and agreed to recommend that the meeting of the States parties to the convention decide to adopt the text of the protocol. The group also agreed to continue its work in 2004 on the issues such as the implementation of existing principles of international humanitarian law. They also agreed to further study preventive measures aimed at improving the design of certain specific types of munitions with a view to

minimize the humanitarian risk of those munitions becoming such remnants.

On the issue of MOTAPM, the group agreed to recommend to the meeting of the States parties that it would continue its work in 2004, with a mandate to consider all proposals on the MOTAPM, which has been put forward since the establishment of the Group. The work would aim to elaborate appropriate recommendations on MOTAPM for submission to the meeting of States Parties in 2004.

2002: The Group of Governmental Experts on ERW and MOTAPM held three sessions in Geneva in 2002: 21-24 May, 15-26 July, and 2-10 December.

The Group had a mandate to discuss ways and means to address the issue of explosive remnants of war (ERW). In this context, the Group at its first session considered the following points:

factors and types of munitions that could cause humanitarian problems after a conflict;

technical improvements and other measures for relevant types of munitions, including sub-munitions, which could reduce the risk of such munitions becoming ERW;

the adequacy of existing International Humanitarian Law in minimizing post-conflict risks of ERW, both to civilians and to the military;

warnings to the civilian population, in or close to, ERW-affected areas, clearance of ERW, the rapid provision of information to facilitate early and safe clearance of ERW, and associated issues and responsibilities; and assistance and cooperation.

The group also had a mandate to further explore the issue of mines other than anti-personnel mines.

At the group’s second session on 15-26 July 2002, members submitted 22 working papers for discussion and, in accordance with the program of work, the Group discussed the following issues: (a) ERW (scope, adequacy of existing international humanitarian law, technical improvements and other measures, warning to civilian populations, clearance, rapid provision of information to facilitate clearance, and associated issues and responsibilities and post-conflict assistance and cooperation); and (b) MOTAPM (humanitarian aspects, legal aspects, technical and other measures, definitions and future work).

The group held two meetings of military experts during this session under the chairmanship of Col. Erwin Dahinden of Switzerland to deal with the issue of ERW, and two other meetings of military experts to

deal with MOTAPM under the chairmanship of Mr. Paul Ellis of the Geneva International Center for Humanitarian Demining (GICHD).

The third session of the group met from 2-10 December 2002. The session adopted the report of the Group of Governmental Experts, which recommended a mandate for two respective working groups, namely on the issue of ERW, and the issue of MOTAPM.

On the issue of ERW, the meeting decided to begin negotiations on a legally binding instrument in 2003. The mandate provided contains, in one part, a negotiating mandate on post-conflict remedial measures, and, in another part, a mandate on further exploration of preventive measures. Meanwhile, on the issue of MOTAPM, the meeting decided to continue to further explore the issue in 2003. In addition, the meeting decided to continue examination of the issue of compliance with the Convention and its Protocols. Agreement was also achieved on the consideration of small-caliber weapons and ammunition. The meeting invited interested States parties to continue informal meetings at the expert level on that issue.

The meeting decided to re-designate Ambassador Rakesh Sood of India as Chairman of the Meeting of the States Parties in 2003, and reappointed Ambassador Chris Sanders of the Netherlands as Coordinator on ERW and Peter Kolarov of Bulgaria as Coordinator on MOTAPM.