

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

23 November 2023

English only

Geneva, 15-17 November 2023

Agenda item 7

General exchange of views

Participation of Observers

Submitted by the Chairperson

1. As Chairperson of the 2023 Meeting of the High Contracting Parties to the Convention on Certain Conventional Weapons (CCW), I would like to thank the participants again for their work, contribution and active engagement to the successful outcome of this important event.
2. In the current tense times, having agreed on a new and stronger mandate for the GGE on LAWS and a plan for discussions for the next 2-3 years is a collective achievement that all HCP should be proud of, something undoubtedly rare in today's multilateral world, especially in Geneva. I want to thank and congratulate all the High Contracting Parties for this result.
3. However, I would like to record the particular circumstances under which the Meeting took place. The elements contained in this paper are presented under the sole responsibility of the Chairperson and do not commit the Meeting of the High Contracting Parties, nor any of the High Contracting Parties that have taken part in it.
4. During the discussion on item 4 of the Agenda on the confirmation of the Rules of Procedure, one Delegation expressed its concerns regarding Chapter X of the Rules related to the participation of Observers. In that vein, the Delegation requested a particular interpretation on the application of rules 46 to 50, proposing that the Observers be able to speak only after the High Contracting Parties, only after point 15 of the Agenda ("Other matters") and informally.
5. The Delegation's proposal faced firm and clear opposition from the majority of the Room, which expressed concern about the precedent that such a practice would be setting. Neither a diminished status for Observers nor a particular interpretation on the Rules of Procedure was accepted, since these could be used in the future to complicate the participation of Observers or the normal development of the Meetings. Let me remind HCP that Observers have a specific chapter under the Rules of Procedure, therefore the original HCP that drafted our treaty predicted at that time that their role would be fundamental for the implementation of the CCW.
6. After in-depth discussion and multiple informal consultations among interested parties during the first day of the Meeting, it was not possible to reach an acceptable solution and the Rules of Procedure were not confirmed. It was agreed, instead, to continue the Meeting in an informal mode, allocating the second day of the Meeting for an informal exchange of views, and the third day for the adoption of a procedural report.
7. The intention of this document is to express my deep concern about attempts to limit the participation of Observers. I consider that the exchange of opinions with other parties is always enriching, but fundamentally I believe that this Convention has benefited enormously from the experience and expertise of numerous organizations, among which is the



International Committee of the Red Cross (ICRC), the main promoter of the Convention and undoubtedly a voice of authority on issues of international humanitarian law.

8. At the opening of the Meeting I recalled the spirit of dialogue and collective construction that allowed the agreements that resulted in this Convention, and I cited the following paragraph from the Preamble:

“Desiring to contribute to international détente, the ending of the arms race and the building of confidence among States, and hence to the realization of the aspiration of all peoples to live in peace,”

9. I believe that this spirit of dialogue is needed more than ever in the present geopolitics, and being able to recover it perhaps was one of the reasons for our collective effort and success on the new mandate of the GGE LAWS. But the same spirit is needed to recognize the multiple voices that enrich the debates due to their role and expertise in matters that concern the Convention. I deeply regret the opposition by a Delegation to the full and dignified participation of the different Observers of the Convention, which led us to have an unprecedented meeting in the history of the Convention at a time when multiple Delegations had a high expectation of address sensitive and highly relevant issues in current conflicts.

10. The multiple crises and conflicts that define today's world can only be overcome with dialogue and the generation of trust between the parties, not with isolation and increased tensions. After this experience, I call on all Delegations to reflect on the regrettable situation that we experienced during the meeting and to maintain constructive and flexible positions in future meetings, at the risk of completely losing the original spirit of the Convention.
