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# 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

28 December 2018

Original: English

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Geneva, 21–23 November 2018

Item 17 of the agenda

Consideration and adoption of the final report

## Final report

### I. Introduction

1. The 2017 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), held from 22 to 24 November 2017 in Geneva decided (CCW/MSP/2017/8, paragraph 34):

- The Group of Governmental Experts related to emerging technologies in the area of lethal autonomous weapons systems (LAWS) in the context of the objectives and purposes of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons shall meet for a duration of ten days in 2018 in Geneva in accordance with Decision 1 of the Fifth Review Conference of the High Contracting Parties to the Convention (CCW/CONF.V/10), consistent with CCW/CONF.V/2.<sup>1</sup>
- The Rules of Procedure of the Review Conference shall apply *mutatis mutandis* to the Group. The Group shall conduct its work and adopt its report by consensus which shall be submitted to the 2018 Meeting of the High Contracting Parties to the Convention. The widest possible participation of all High Contracting Parties is to be promoted in accordance with the goals of the CCW Sponsorship Programme.
- The Group will continue to be chaired by Ambassador Amandeep Singh Gill of India without prejudice to the principle of geographical rotation.

2. The 2017 Meeting of the High Contracting Parties agreed to place on the agenda of its next meeting the item "Emerging Issues in the context of the objectives and purposes of the Convention" and invited High Contracting Parties to submit no later than six weeks in advance of that meeting working papers on issues they intend to raise.<sup>2</sup>

3. The Meeting also requested the Implementation Support Unit (ISU) to continue to report annually on its activities, including on its estimated costs and actual costs.

4. The 2017 Meeting of the High Contracting Parties adopted a set of financial measures to improve the financial situation of the Convention and decided that their implementation would be kept under regular review.<sup>3</sup>

5. The Meeting also requested the Chairperson elected, in consultation with the United Nations Office at Geneva (UNOG), the United Nations Office for Disarmament Affairs (UNODA) and High Contracting Parties, to identify and report to the High Contracting Parties in 2018 any further measures that could be considered to improve the stability of the

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<sup>1</sup> The schedule of meetings shall be decided in light of the financial situation.

<sup>2</sup> CCW/MSP/2017/8, paragraph 37.

<sup>3</sup> CCW/MSP/2017/8, paragraph 38.

Secretariat's support to the Convention, recognising the role of the ISU in performing this function according to the decision in this regard of the 2009 Meeting of the High Contracting Parties, and to keep the measures under review in order to ensure the financial sustainability of the Convention.<sup>4</sup>

6. The 2017 Meeting of the High Contracting Parties also requested the Chairperson elected to hold an informal open consultation on how best to address the continuing differences of views on "Mines Other than Anti-Personnel Mines" and to report to High Contracting Parties in 2018.<sup>5</sup> The 2017 Meeting also decided to retain the agenda item "Protocol III".<sup>6</sup>

7. The Meeting also decided to organize in 2018 the Meeting of the High Contracting Parties to the Convention from 21 to 23 November 2018 and elected Mr. Jānis Kārklīņš, Ambassador Extraordinary and Plenipotentiary of Latvia as Chairperson.

## **II. Organization of and participation in the Meeting of the High Contracting Parties**

8. The Meeting of the High Contracting Parties to the Convention was held in Geneva from 21 to 23 November 2018.

9. At its first plenary, on 21 November 2018, the Meeting confirmed the nomination of Ms. Anja Kaspersen, Director of UNODA, Geneva Branch, as Secretary-General of the Meeting. Ms. Silvia Mercogliano, Political Affairs Officer, served as Secretary of the Meeting.

10. The following High Contracting Parties to the Convention participated in the work of the Meeting: Albania, Algeria, Argentina, Australia, Austria, Belarus, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Holy See, Hungary, India, Iraq, Ireland, Israel, Italy, Japan, Kazakhstan, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Liechtenstein, Lithuania, Luxembourg, Mexico, Mongolia, Montenegro, Morocco, Netherlands, New Zealand, Norway, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Saudi Arabia, Senegal, Serbia, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, State of Palestine, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Togo, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela (Bolivarian Republic of).

11. The following signatory States participated in the work of the Meeting: Egypt, Sudan.

12. The following observer delegations participated in the work of the Meeting: Ghana, Mozambique, Myanmar, Singapore and Thailand.

13. The representatives of the following organizations participated in the work of the Meeting: United Nations Institute for Disarmament Research (UNIDIR), United Nations Mine Action Service (UNMAS), European Union, Geneva International Center for Humanitarian Demining (GICHD), International Committee of the Red Cross (ICRC).

14. The following non-governmental organizations participated in the work of the Meeting: Article 36, Cambridge University, Campaign to Stop Killer Robots, Center for International Security and Policy (CISP), Columbia University, Facing Finance e.V, Handicap International, Human Rights Watch, International Committee for Robot Arms Control (ICRAC), International Panel on Regulation of Autonomous Weapons (iPRAW), Italian National Association for Civilian Victims of War (ANVCG), Mines Action Canada, Mines Advisory Group (MAG), Norwegian People's Aid, PAX, PAX Christi International, Pax Christi Ireland, Protection, Pugwash Conference on Science and World Affairs, Red de

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<sup>4</sup> CCW/MSP/2017/8, paragraph 39.

<sup>5</sup> CCW/MSP/2017/8, paragraph 36.

<sup>6</sup> CCW/MSP/2017/8, paragraph 35.

Seguridad Humana en Latinoamérica (SEHLAC Network), Slovenian Artificial Intelligence Society (SLAIS) and the Women's International League for Peace and Freedom (WILPF).

### III. Work of the Meeting of the High Contracting Parties

15. The Meeting was opened on 21 November 2018 by the Chairperson-elect, Mr. Jānis Kārklīņš, Ambassador Extraordinary and Plenipotentiary of Latvia, who was confirmed as Chairperson during the same session.

16. At the same meeting, on 21 November 2018, Ms. Anja Kaspersen, Director of the United Nations Office for Disarmament Affairs, Geneva Branch, delivered a message on behalf of the High Representative for Disarmament Affairs, Ms. Izumi Nakamitsu.

17. The following delegations participated in the general exchange of views, which took place on 21 November 2018 in the morning and afternoon: Algeria, Argentina, Australia, Belarus, Belgium, Brazil, Bulgaria, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Ecuador, Finland, France, Germany, Greece, Guatemala, Holy See, India, Iraq, Ireland, Israel, Italy, Japan, Kazakhstan, Kuwait, Liechtenstein, Mexico, Montenegro, Morocco, Netherlands, Pakistan, Panama, Peru, Philippines, Poland, Republic of Korea, Romania, Russian Federation, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela (Bolivarian Republic of) on behalf of the Non-Aligned Movement, European Union, UNMAS on behalf of the United Nations Inter-Agency Group on Mine Action, International Committee of the Red Cross (ICRC), Article 36, PAX.

18. At the second plenary meeting, Mr. Amandeep Gill, former Ambassador and Permanent Representative of India to the Conference on Disarmament, and outgoing Chairperson of the Group of Governmental Experts related to emerging technologies in the area of Lethal Autonomous Weapons Systems (LAWS), presented the report of the Group. The following delegations participated in the discussion on this matter that took place at the second and third plenary meeting: Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Chile, Colombia, Costa Rica, Cuba, Ecuador, Egypt, El Salvador, Estonia, Finland, France, Germany, Guatemala, Holy See, Iraq, Ireland, Israel, Italy, Japan, Mexico, Morocco, Netherlands, New Zealand, Pakistan, Panama, Peru, Russian Federation, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela (Bolivarian Republic of) on behalf of the Non-Aligned Movement, European Union, International Committee of the Red Cross (ICRC), Campaign to Stop Killer Robots, Center for International Security Policy (CISP), International Committee for Robotic Arms Control (ICRAC).

19. At the fourth plenary meeting, delegations addressed the issue of Prohibitions or Restrictions on the Use of Incendiary Weapons under Protocol III of the Convention. A number of High Contracting Parties raised concerns over the recent growing number of reports of use of incendiary weapons against civilians and condemned any use of incendiary weapons against civilians or civilian objects, and any other use incompatible with relevant rules of International Humanitarian Law, including the provisions of Protocol III, where applicable. The following delegations participated in the discussion: Australia, Austria, Chile, Croatia, Mexico, New Zealand, Russian Federation, Switzerland, ICRC, Human Rights Watch.

20. At the same plenary meeting, delegations addressed the issue of Emerging issues in the context of the objectives and purposes of the Convention. Under this agenda item, delegations considered developments in Science and Technology that may be relevant to the work of the Convention on Certain Conventional Weapons and referred to the Working Paper submitted by India and Switzerland on "Consideration of developments in Science and Technology that may be relevant to the work of the Convention on Certain Conventional Weapons (CCW)". The following delegations participated in the discussion: Argentina, Austria, Belgium, Brazil, Chile, Finland, India, Italy, Japan, Netherlands, Pakistan, Russian Federation, Spain, Switzerland, United States of America, ICRC, Article 36.

21. Likewise delegations also addressed the Working Paper submitted by Germany "Mitigating the civilian harm from the use of explosive weapons in populated areas" and related issues. The following delegations made statements and comments: Argentina, Austria, Belgium, Brazil, Bulgaria, Chile, Finland, Germany, Italy, Ireland, Israel, Mexico, Morocco, Mozambique, Netherlands, New Zealand, Poland, Russian Federation, Spain, Switzerland, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, ICRC, Norwegian People's Aid. Some of them specifically addressed the issue of explosive weapons in populated areas. Some other delegations were of the view that CCW was not the right framework to address this issue.

22. At the fifth meeting, delegations also addressed the issue of the Universalization of the Convention and its annexed Protocols. The following delegation participated in the discussions: Cuba.

23. At the same meeting, the Coordinator of the Steering Committee of the Sponsorship Programme, Ms. Ines Šprem Scigliano of Croatia, presented the Report of the Sponsorship Programme (CCW/MSP/2018/4).

24. At the third and fourth meetings, delegations addressed issues related to the ISU. Under this agenda item, delegations also discussed the report on any further measures that could be considered to improve the stability of the Secretariat's support to the Convention (CCW/MSP/2018/7), which was presented by the Chairperson pursuant to the request of the High Contracting Parties to the Convention at their 2017 meeting.<sup>7</sup>

25. At the third and fourth meetings, delegations also addressed the financial issues related to the Convention and its annexed Protocols and discussed the report presented by the Chairperson (CCW/MSP/2018/7) for the part that it pertains to financial issues.

26. At the same meetings, Mr. Clemens Adams, Director of Administration at UNOG, presented the status of contributions and financial outlook of the Convention and responded to questions from delegations. The Secretariat presented the cost estimates for the 2019/2020 activities of the Convention, as per the financial measures adopted at the 2017 Meeting of the High Contracting Parties to the CCW and was available to answer questions by the High Contracting Parties.

27. At the fifth plenary meeting, on 23 November 2018, delegations addressed the issue "Other matters". Delegations were invited to consider the report of the Chairperson on the informal consultations on how best to address the continuing differences of views on "Mines Other than Antipersonnel Mines". The following delegations participated in these discussions: Argentina, Australia, Austria, Belgium, Brazil, Chile, China, Croatia, Cuba, Greece, Ireland, Italy, Mexico, Morocco, Russian Federation, Sweden, Switzerland, United States of America, Venezuela (Bolivarian Republic of), GICHD, ICRC.

28. During the course of the Meeting, the following documents were considered: CCW/MSP/2018/1 to CCW/MSP/2018/10 and CCW/MSP/2018/INF.1, as listed in annex II.

#### **IV. Conclusions and recommendations**

29. Reaffirming the commitment to achieving universal adherence to, and compliance with, 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, the amendment to Article 1 and its Protocols, the Meeting recommended that the Secretary-General of the United Nations and the elected Chairperson of the 2019 Meeting of the High Contracting Parties to the Convention work towards achieving the goal of universality of the Convention and its Protocols. The meeting also decided to ask the Chairperson elected to hold informal consultations on issues related to the universalization and implementation of the Convention and its protocols, as appropriate.

30. Reiterating its appreciation for the report of the CCW Sponsorship Programme and the work of its Steering Committee, the Meeting stressed the importance of the programme

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<sup>7</sup> CCW/MSP/2017/8, paragraph 39.

to promote the universalization and strengthening the implementation of the Convention and its Protocols. The Meeting also called upon all High Contracting Parties and States not yet party to the Convention and in a position to do so to contribute to the Sponsorship Programme.

31. Stressing the importance of national implementation and compliance with the provisions of the Convention and its Protocols, the High Contracting Parties reaffirmed their commitment to the Compliance Mechanism of the Convention and its Protocols and reiterated the call for all High Contracting Parties to submit national reports on compliance in accordance with the decision taken at the Fifth Review Conference. The Meeting took note of the national reports on compliance submitted by the High Contracting Parties and posted on the website of the Convention.

32. The Meeting reaffirmed the importance of Protocol III and its provisions and called for their full implementation by all High Contracting Parties to the Protocol and invited States not yet party to it to accede as soon as possible.

33. The Meeting took note of the Report of the Group of Governmental Experts on emerging technologies in the area of Lethal Autonomous Weapons Systems (CCW/GGE.1/2018/3) and "Conclusions and recommendations" contained therein. The Meeting also decided that:

- The Group of Governmental Experts related to emerging technologies in the area of lethal autonomous weapons systems (LAWS) in the context of the objectives and purposes of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons, established by Decision 1 of the Fifth Review Conference of the High Contracting Parties to the Convention (CCW/CONF.V/10), shall meet for a duration of seven (5+2) days in 2019 in Geneva, consistent with document CCW/CONF.V/2.
- The Rules of Procedure of the Meetings of the High Contracting Parties shall apply *mutatis mutandis* to the Group. The Group shall conduct its work and adopt its report by consensus which shall be submitted to the 2019 Meeting of the High Contracting Parties to the Convention. In accordance with the goals of the CCW Sponsorship Programme, the Meeting encouraged the widest possible participation of all High Contracting Parties.
- The Group will be chaired by Mr. Ljupčo Jivan Gjorgjinski, Minister Counsellor, Chargé d'affaires a.i. of the former Yugoslav Republic of Macedonia.

34. The Meeting took note of the Report presented by the Chairperson on the informal consultations on how best to address the continuing differences of views on Mines other than Anti-personnel Mines (MOTAPM) (CCW/MSP/2018/3) and concluded that the continuing differences of views persisted.

35. The Meeting agreed to place on the agenda of its next meeting the item "Emerging Issues in the context of the objectives and purposes of the Convention". The Meeting encouraged the High Contracting Parties to submit working papers on developments in science and technology relevant to this agenda item. The Meeting also underlined the relevance of the CCW as an appropriate forum to address these issues as it provides the High Contracting Parties with an opportunity to engage with the scientific and technical community, civil society, academia and other relevant stakeholders. The Meeting also encouraged the High Contracting Parties to submit working papers on any other emerging issues in the context of the objectives and purposes of the Convention. A number of High Contracting Parties signalled their intention to submit working papers on the challenges presented by the use of certain conventional weapons in armed conflict and their impact on civilians, particularly in areas where there are concentrations of civilians.

36. The Meeting took note of the Chairperson's Report on further measures that could be considered to improve the stability of the Secretariat's support to the Convention and on financial issues related to the Convention and its annexed Protocol, which was submitted by the Chairperson (CCW/MSP/2018/7). While re-confirming the relevance of the financial measures adopted at the 2017 Meeting of the High Contracting Parties, the Meeting agreed to the following clarifications:

(a) unused funds residing on the CCW accounts at the end of the calendar year can be used to fund mandated activities of CCW that are taking place by July of the following calendar year when there is a reasonable assurance that funds will be paid by the High Contracting Parties to cover those expenses before the previous year financial accounts are closed and remaining funds returned to the High Contracting Parties, if requested by them;

(b) no High Contracting Party can claim any credits back before the closure of the financial accounts of the year in question.

37. The High Contracting Parties stressed that the payment of annual assessed contributions by the High Contracting Parties in a timely manner and in full is of utmost importance and is prerequisite for the sustainability of the CCW and urged all High Contracting Parties to honour their financial obligations under Convention.

38. The High Contracting Parties also decided to continue monitoring the financial situation of the CCW.

39. The Meeting also considered the measures to improve the stability of the ISU support to the Convention, as indicated in the Report submitted by the Chairperson (CCW/MSP/2018/7), and decided to ask the Chairperson elected to continue consultations in this regard in 2019. Recalling the decision on the establishment of a CCW ISU contained in CCW/MSP/2009/5, which remains effective, the Meeting decided to request UNODA to provide temporary staff support to the ISU to provide support to CCW activities and services in 2019, provided sufficient funding exists and without prejudice to future staffing arrangements of the ISU.

40. The Meeting decided to organize in 2019, in accordance with the relevant decisions taken by the Twentieth Annual Conference of the High Contracting Parties to Amended Protocol II and the Twelfth Conference of the High Contracting Parties to Protocol V, and subject to available resources, the following CCW related activities:

(a) The Group of Experts of the High Contracting Parties to Amended Protocol II on 22 August 2019;

(b) The Meeting of Experts of the High Contracting Parties to Protocol V on 23 August 2019;

(c) The Group of Governmental Experts of the High Contracting Parties related to emerging technologies in the area of lethal autonomous weapons systems (LAWS) from 25 to 29 March 2019 and from 20 to 21 August 2019. The meeting also adopted the relevant cost estimates contained in CCW/MSP/2018/6, as orally amended, to be re-issued as document CCW/MSP/2018/6/Rev.1;

(d) The Thirteenth Conference of the High Contracting Parties to Protocol V on 11 November 2019;

(e) The Twenty-First Conference of the High Contracting Parties to Amended Protocol II on 12 November 2019;

(f) The Meeting of the High Contracting Parties to the Convention from 13 to 15 November 2019. The meeting also adopted the relevant cost estimates contained in CCW/MSP/2018/8 as orally amended to be re-issued as document CCW/MSP/2018/8/Rev.1.

41. The Meeting adopted an operational budget for 2019 and a preliminary budget for 2020 (as contained in CCW/MSP/2018/10, as orally amended to be re-issued as document CCW/MSP/2018/10/Rev.1).

42. The Meeting also decided to adopt a 8-4-4 weeks submission pattern for pre-session documents<sup>8</sup> for future Meetings of the High Contracting Parties of 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 and its Protocols, as well as for meetings of the Group of Governmental Experts related to emerging technologies

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<sup>8</sup> Documents submitted at least eight weeks before the Meeting will be released in the six official languages of the United Nations four weeks before the Meeting

in the area of lethal autonomous weapons systems (LAWS). The Meeting invited the High Contracting Parties to submit not later than 6 weeks in advance of that Meeting working papers on issues they intend to raise.

43. The Meeting elected Mr. Farukh Amil, Ambassador and Permanent Representative of Pakistan to the United Nations and Other International Organizations in Geneva, as Chairperson of the 2019 Meeting of the High Contracting Parties to the Convention.

44. The meeting expressed deep appreciation to UNODA for the work carried out in supporting the CCW in 2018.

45. At the final plenary session, the Meeting adopted its final report, as contained in document CCW/MSP/2018/CRP.1/Rev.1, as orally amended, to be issued as document CCW/MSP/2018/11.

## **Annex I**

### **Provisional agenda**

(as recommended by the 2018 Meeting of the High Contracting Parties to the Convention at its sixth plenary session on 23 November 2018)

1. Opening of the Meeting
2. Election of the Vice-Chairpersons
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. Consideration of the report of the Group of Governmental Experts on lethal autonomous weapons systems (LAWS)
9. Emerging Issues in the context of the objectives and purposes of the Convention
10. 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 and issues related to the Implementation Support Unit
14. Financial issues related to the Convention and its annexed Protocols
15. Other matters
16. Consideration and adoption of the final report
17. Closing of the Meeting



## Annex II

### List of documents

<i>Symbol</i>	<i>Title</i>
CCW/MSP/2018/1	Provisional agenda
CCW/MSP/2018/2	Provisional programme of work and annotations
CCW/MSP/2018/3	Mines other than Anti-personnel Mines
CCW/MSP/2018/4	Report of the CCW Sponsorship Programme
CCW/MSP/2018/5	Estimated Costs — 2019 Group of Governmental Experts on emerging technologies in the area of Lethal Autonomous Weapons Systems (GGE on LAWS) (5 days)
CCW/MSP/2018/6 and Rev.1	Estimated Costs — 2019 Group of Governmental Experts on emerging technologies in the area of Lethal Autonomous Weapons Systems (GGE on LAWS)
CCW/MSP/2018/7	Report on further measures that could be considered to improve the stability of the Secretariat's support to the Convention and on financial issues related to the Convention and its annexed Protocols
CCW/MSP/2018/8 and Rev.1	Estimated Costs — 2019 Meeting of the High Contracting Parties to the Convention
CCW/MSP/2018/9	Estimated Costs — 2019 Meeting of the High Contracting Parties to the Convention Biennial budget. Summary of the estimated costs for 2019 and 2020 CCW meetings and conferences (LAWS 5 days)
CCW/MSP/2018/10 and Rev.1	Estimated Costs — 2019 Meeting of the High Contracting Parties to the Convention Biennial budget. Summary of the estimated costs for 2019 and 2020 CCW meetings and conferences
CCW/MSP/2018/11	Final report
CCW/MSP/2018/INF.1	List of participants
CCW/MSP/2018/WP.1	Mitigating the civilian harm from the use of explosive weapons in populated areas
CCW/MSP/2018/WP.2	Consideration of developments in Science and Technology that may be relevant to the work of the Convention on Certain Conventional Weapons (CCW)

<i>Symbol</i>	<i>Title</i>
CCW/MSP/2018/WP.3	The Element of Human Control
CCW/MSP/2018/CRP.1 and Rev. 1	Draft final report
CCW/MSP/2018/MISC.1	Provisional list of participants

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