

**Third Conference of the High Contracting Parties
to Protocol V on Explosive Remnants of War 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**

12 January 2010

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Summary record of the 3rd meeting

Held at the Palais des Nations, Geneva,
on Tuesday, 10 November 2009, at 10 a.m.

President: Mr. Rao (India)

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* Items which the Conference has decided to consider together.

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The meeting was called to order at 10.20 a.m.

General exchange of views (*continued*)

Review of the status and operation of the Protocol (*continued*)

Consideration of matters pertaining to national implementation of the Protocol, including national reporting or updating on an annual basis (*continued*)

Preparation for review conferences (*continued*)

Report(s) of any subsidiary organ(s) (*continued*)

1. **Mr. Sirakov** (France) commended the significant progress achieved in the universalization of Protocol V, to which an additional 13 States had acceded in the past year. The acceleration of that process and the fact that most States with extensive military arsenals were now Parties to the Protocol enhanced the prospects of achieving tangible results through the instrument's implementation. The increase in the number of Parties would also have a beneficial effect on cooperation and assistance, while the synergies between the Protocol and other relevant instruments of international humanitarian law would be strengthened.
2. The implementation of the Protocol would be facilitated by the new tools developed, including the draft guide to national reporting under Protocol V and the generic electronic template. France was committed to making use of those tools to share information and experience with other High Contracting Parties.
3. Minimizing the occurrence of explosive remnants of war also required effective preventive measures. He therefore welcomed the proposal by the working group chaired by the Coordinator on generic preventive measures to develop a guide for the implementation of part 3 of the technical annex.

Thematic discussions on clearance (CCW/P.V/CONF/2009/7)

4. **Ms. Ališauskienė** (Lithuania), speaking as Coordinator on clearance, removal or destruction of explosive remnants of war under Protocol V, introduced the related report, which was contained in document CCW/P.V/CONF/2009/7. The clearance of explosive remnants of war remained a difficult and long-term task for the affected countries, requiring significant financial and human resources. The meeting of experts held in April 2009 had been intended to provide a forum for exchanging information on cooperation and assistance in that area. Another goal of the meeting had consisted in focusing attention on the implementation of the Protocol's provisions, in particular articles 3 and 4, which defined the responsibilities of users of weapons that were likely to become explosive remnants of war, and of the States that controlled the affected territories. The meeting's third objective had been to raise the issue of the environmental impact of clearance. She called on the Conference to approve the recommendations contained in her report.
5. **Mr. Iltanen** (Finland), giving a slide presentation on clearance of explosive remnants of war in Finland, said that, as a result of the Second World War, the country had tens of thousands of such objects, both on the ground and in the water. The Finnish Defence Forces had in recent years intervened some 350 times to clear explosive ordnance at the request of the Finnish police.
6. It was artillery and mortar systems that were currently responsible for producing most explosive remnants of war. The Finnish Defence Forces had adopted information systems to keep track of unexploded ordnance, including a soon to be implemented

engineer information system (ENGIS), which would be interoperable with an artillery fire control system and would include an information management system for mine action (IMSMA). A manual data sheet served as a back-up for such systems.

7. Military personnel were provided with training to ensure that they understood the importance of the recording, retaining and transmission of information, and cooperation was ensured between the military and civilian authorities. The main challenges faced in implementing the measures described related to the interoperability of information systems and difficulties in changing the attitudes of personnel, who often questioned the usefulness of introducing new procedures.

8. **Ms. Bernadisiute** (Lithuania) said that, while most provisions of the Protocol applied to explosive remnants of war resulting from conflicts after the instrument's entry into force, certain provisions allowed States to resolve pre-existing problems relating to explosive remnants of war. In April 2007, her Government had adopted a national programme for the clearance and prevention of explosive remnants of war for the period up to 2018. The primary objective was to ensure that explosive remnants of war were found and their adverse effects on public and private activities minimized. The programme dealt with the widest possible range of explosive remnants of war, most of which dated from the Second World War. The activities undertaken included the collection and analysis of information on polluted territories, the creation of a database on explosive remnants of war, the mapping of territories polluted with such objects, the drafting and amendment of relevant legislation, and the approval of national plans for clearance works. Marking and clearance activities had begun in mid-2008, and the military had cleared some 33 hectares of territory and found over 4,000 explosive items.

9. **The President** said he took it that the Conference wished to approve the recommendations contained in the Coordinator's report.

10. *It was so decided.*

Thematic discussion on generic preventive measures (CCW/P.V/CONF/2009/2 and Add.1)

11. **Mr. Le Roux** (France), speaking as Coordinator on generic preventive measures, introduced the related report, which was contained in documents CCW/P.V/CONF/2009/2 and Add.1. He had been requested by the Second Conference of the High Contracting Parties to Protocol V to hold open-ended consultations to identify how to make best use of the existing theory and practice, and to develop recommendations for further progress in the field of preventive technical measures. The Conference had requested the meeting of experts to focus in particular on the proposal contained in document CCW/P.V/CONF/2008/7, entitled "Generic preventive measures", which had been submitted by France. The meeting of experts had addressed two main subjects: a proposal to draw up a generic questionnaire and the issue of munitions storage.

12. Significant progress had been made in achieving a better mutual understanding of the technical means of implementing article 9 of the Protocol and part 3 of the technical annex. However, owing to a lack of time, it had not been possible to discuss national approaches. In place of a questionnaire, delegations had agreed to draw up a guide for the implementation of part 3 of the technical annex. The guide would help States implement the elements of the technical annex relating to article 9 on generic preventive measures by providing an example of best practices. While there was general consensus on the draft guide, more work was required on it.

13. The meeting of experts had heard two presentations on the subject of munitions storage, by representatives of the Geneva International Centre for Humanitarian Demining and by a member of the delegation of the United States, and had subsequently held an interesting discussion on the topic.

14. The Conference should agree to complete the elaboration of the guide for the implementation of part 3 of the technical annex, to pursue the practice of addressing one specific technical issue directly related to the implementation of article 9 of the Protocol and part 3 of the technical annex, and to invite all Parties to share their national technical approaches and experience at the 2010 meeting of experts.

15. **Mr. Frisch** (Germany) expressed appreciation to the Coordinator for his work on the draft guide for the implementation of part 3 of the technical annex, which was an important tool providing guidance to those countries that lacked relevant experience.

16. **Mr. Karpov** (Russian Federation) said that the Russian Federation had already made use of the draft guide when it had drawn up its national report. Since the 1950s, a system had been developed and implemented in the Russian Federation to ensure the reliability of munitions at all stages of their life cycle, beginning at the design stage, and in all possible conditions of storage, handling and use. New munitions were subjected to both theoretical and practical testing. During mass production, samples of each component were tested twice, on production and on delivery, and those munitions that failed such tests were rejected and destroyed. In arsenals and weapons depots, munitions were checked to determine their reliability and longevity. When problems were found, the munitions were withdrawn from service and destroyed.

17. The existing munitions reliability system in the Russian Armed Forces was highly effective at reducing the likelihood that explosive remnants of war would result from the use of munitions by the Russian Federation. Further information was provided in the national report on compliance with Protocol V.

18. **Mr. Garraux** (Switzerland) said that the Coordinator was to be commended for his work in preparation for and during the 2009 meeting of experts. The Swiss delegation believed that a holistic approach to the life cycle of munitions would help to minimize the humanitarian threat posed by explosive remnants of war. Indeed, the risks could already be reduced in the blueprints for munitions. Preventive measures made an essential contribution to the implementation of Protocol V. The draft guide for the implementation of part 3 of the technical annex was a handy tool for High Contracting Parties as well as States that might wish to accede to the Protocol. His delegation therefore endorsed the recommendations contained in paragraph 10 of the report before the Conference.

19. **The President** said he took it that the Conference wished to approve the recommendations contained in the Coordinator's report.

20. *It was so decided.*

Thematic discussion on victim assistance (continued) (CCW/P.V/CONF/2009/SR.3)

21. **Ms. Robinson** (Australia), speaking as Coordinator on victim assistance, drew attention to a non-paper with amendments to the recommendations contained in paragraph 6 of her report (CCW/P.V/CONF/2009/3), which had been agreed on during the informal consultations held.

22. **Mr. Turcotte** (Observer for Canada) said that, regrettably, his delegation had been unable to participate actively in the informal consultations. However, it wished to raise one point. Humanitarian concerns were at the heart of all discussions on disarmament issues, particularly those concerning victims of explosive remnants of war. It was therefore important to refer directly in the recommendations on victim assistance to the highest existing international standard in that area, namely the Convention on the Rights of Persons with Disabilities. In the amended version of paragraph 6 (c) contained in the non-paper, the instrument was referred to merely in connection with the work of a human rights body. He therefore wished to propose the addition, at the beginning of paragraph 6 (c), of the

following sentence: “To request that the implementation of Protocol V be informed by the Convention on the Rights of Persons with Disabilities.”

23. **Mr. Khokher** (Pakistan) said that he would prefer to retain the text of paragraph 6 (c) as amended in the non-paper, since the proposal by the representative of Canada was not in line with the agreement reached during the informal consultations. Any State was free to be guided in implementing the Protocol by any other relevant instrument and to take action, as appropriate.

24. **Mr. Turcotte** (Observer for Canada) said that the Convention on the Rights of Persons with Disabilities was not merely another instrument but one that was especially germane to the topic under discussion. An explicit reference to the Convention would thus be useful. By way of a compromise, he proposed the addition, in paragraph 6 (c), of the phrase “bearing in mind the provisions of the Convention on the Rights of Persons with Disabilities”.

25. **Mr. Khokher** (Pakistan) said that he did not object to the Convention on the Rights of Persons with Disabilities per se. It was a question of principle: why should States be requested to bear in mind the provisions of another instrument, particularly one to which they were not necessarily all parties?

26. **Ms. Robinson** (Australia), speaking as Coordinator on victim assistance, and noting that there was currently no support for the proposal by the observer for Canada, proposed that the matter should be deferred to a future conference.

27. **The President** said he took it that the Conference wished to approve the recommendations contained in the Coordinator’s report, with the amendments to paragraph 6 set forth in the non-paper.

28. *It was so decided.*

29. **The President** said that he would now touch individually on the items that the Conference had considered together under the general exchange of views. With regard to item 10 (Review of the status and operation of the Protocol), he reiterated the need for further efforts to achieve the Protocol’s universality. Turning to item 11 (Consideration of matters pertaining to national implementation of the Protocol, including national reporting and updating on an annual basis), he emphasized that national reporting was an important confidence-building and transparency measure. It was also of paramount importance for creating a specific Protocol V culture and keeping the instrument high on national agendas. The Protocol V website showed that most High Contracting Parties had met their reporting obligations, some even ahead of time. Those States that had not yet done so should submit their national reports as soon as possible. Consideration of item 12 (Preparation for review conferences) would be premature. Regarding item 13 (Report(s) of any subsidiary organ(s)), no additional subsidiary body had been established, and the reports on the work of the 2009 meeting of experts had already been considered at length.

The meeting was suspended at 11.25 a.m. and resumed at 12.35 p.m.

Consideration and adoption of the final document (CCW/P.V/CONF/2009/CRP.3; non-paper containing amendments to the preceding document, circulated in the meeting room in English only)

30. **The President** drew attention to the draft final document of the Third Conference of the High Contracting Parties to Protocol V (CCW/P.V/CONF/2009/CRP.3) and to the non-paper containing amendments thereto and invited the Conference to consider the draft final document paragraph by paragraph before adopting the text as a whole.

Paragraphs 1 to 8

31. **The President** said that, in paragraph 2, “13 January 2009” should be replaced with “2 December 2008”.

32. *Paragraphs 1 to 8, as amended, were adopted.*

Paragraphs 9 to 17

33. **Mr. Kamissoko** (Mali) said that Mali should be added to the list of High Contracting Parties that had participated in the work of the Conference in paragraph 10.

34. *Paragraphs 9 to 17, as amended, were adopted.*

Paragraphs 18 to 28

35. **The President** said that, in paragraph 26, in the phrase “the Conference had before it initial national annual reports”, the word “initial” should be deleted. The missing symbols of the documents referred to in paragraph 27 would be inserted at a later stage.

36. *On that understanding, paragraphs 18 to 28, as amended, were adopted.*

Paragraphs 29 and 30

37. *Paragraphs 29 and 30 were adopted.*

Paragraphs 31 to 58

38. **The President** drew attention to the text of paragraphs 31 to 52, which was contained in the non-paper circulated by the secretariat. Those paragraphs outlined the Conference’s conclusions and recommendations on the following topics: clearance, removal or destruction of explosive remnants of war; victim assistance; cooperation and assistance and requests for assistance; recording, retaining and transmission of information; national reporting; and generic preventive measures. Paragraphs 53 to 58 had been deleted. Subsequent paragraphs would be renumbered accordingly.

39. *Paragraphs 31 to 58, as amended, were adopted.*

Paragraph 59

40. **The President** informed the Conference that the 2010 meeting of experts was scheduled to take place from 21 to 23 April 2010. He took it that the Conference agreed to those dates.

41. *It was so decided.*

42. *Paragraph 59 was adopted.*

Paragraph 60

43. **The President** announced that the regional groups had decided to propose Ms. Ališauskienė of Lithuania as Coordinator on clearance, removal or destruction of explosive remnants of war; Ms. Karner of Austria, as Coordinator on victim assistance, to be assisted by Ms. Žunec Brandt of Croatia; Mr. O’Shea of Ireland as Coordinator on cooperation and assistance and requests for assistance; Mr. Somogyi of Hungary as Coordinator on the web-based information system for Protocol V; Mr. Markuš of Slovakia as Coordinator on national reporting and the article 4 generic electronic template; and Mr. Steimyller of France as Coordinator on generic preventive measures. Those were the issues on which the 2010 meeting of experts would focus. If he heard no objection, he would take it that the

candidates put forward by the regional groups were acceptable to the Conference and that it wished to amend paragraph 60 accordingly.

44. *It was so decided.*

45. *Paragraph 60, as amended, was adopted.*

Paragraphs 61 and 62

46. *Paragraphs 61 and 62 were adopted.*

Paragraph 63

47. **The President** announced that, following consultations among the regional groups, it had been decided to nominate the representative of Australia as President of the Fourth Conference, and representatives of Pakistan and Slovakia as Vice-Presidents. If he heard no objection, he would take it that the Conference wished to accept those nominations and to amend the paragraph accordingly.

48. *It was so decided.*

49. *Paragraph 63, as amended, was adopted.*

Paragraph 64

50. **The President** said that the costs estimates referred to in paragraph 64 were contained in documents CCW/P.V/CONF/2009/CRP.1 and 2. If he heard no objection, he would take it that the Conference wished to recommend the estimated costs of the Fourth Conference for adoption at the time of the Conference, to adopt the estimated costs of the 2010 meeting of experts and to amend the paragraph accordingly.

51. *It was so decided.*

52. *Paragraph 64, as amended, was adopted.*

Paragraph 65

53. *Paragraph 65 was adopted, subject to minor editorial changes.*

54. *The draft final document of the Third Conference of the High Contracting Parties to Protocol V as a whole, as amended, was adopted.*

Closure of the Conference

55. After thanking all the delegations, the non-governmental organizations, the secretariat and the conference services for their contributions, **the President** declared the Conference closed.

The meeting rose at 12.55 p.m.