

**Twelfth Annual Conference
of the High Contracting Parties to
Amended Protocol II 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**

21 October 2011
English
Original: French

Geneva, 24 November 2010

Summary record of the 2nd meeting

Held at the Palais des Nations, Geneva, on Wednesday, 24 November 2010, at 3 p.m.

President: Mr. Mundarián Hernández (Bolivarian Republic of Venezuela)

Contents

General exchange of views (*continued*)

Review of the operation and status of the Protocol

Consideration of matters arising from reports by High Contracting Parties according to paragraph 4 of article 13 of amended Protocol II

Consideration of the development of technologies to protect civilians against indiscriminate effects of mines

Report(s) of any subsidiary organ(s)

Other matters

Consideration and adoption of the final document

Closure of the Conference

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Editing Unit, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the meetings of this Conference will be consolidated in a single corrigendum, to be issued shortly after the end of the Conference.

The meeting was called to order at 3.55 p.m.

General exchange of views (continued)

1. **Mr. Daryaei** (Observer for the Islamic Republic of Iran) said that the Islamic Republic of Iran had been affected by mines to such an extent that it was considered by international organizations to be among the world's most contaminated countries. The war waged against it by the former Iraqi regime and its then Western supporters had left behind more than 20 million mines and items of unexploded ordnance scattered over some 4.2 million hectares of the territory of the Islamic Republic of Iran. In response, the authorities had fully cleared 4.1 million hectares of contaminated areas at a cost of more than \$8.6 billion and were continuing to clear 100,000 remaining hectares. The variety of mines found, extensiveness of the mine-affected areas and intensity of the contamination had required designing and manufacturing detection and personal protection equipment and heavy machinery for mine clearance.
2. The Islamic Republic of Iran Mine Action Centre (IRMAC) had been established to deal with humanitarian demining, mine destruction, mine risk education, victim assistance and regulatory issues. The Centre had organized many training courses for deminers covering such areas as survey, detection and deactivation of explosive remnants of war, international mine action standards, first aid and safety. It had also led awareness-raising for civilians, including farmers, shepherds, nomads, travellers and schoolchildren. IRMAC had translated international mine action standards into Persian so as to provide national standards in that area and to improve the country's mine action efforts.
3. Victim assistance was a major focus of the mine action programme of the Islamic Republic of Iran. Deminers injured by mines had the status of "national heroes" and were supported in every way, while civilian victims enjoyed adequate health cover, pay and pension benefits. The Red Crescent Society of the Islamic Republic of Iran had established a centre in every province to provide emergency assistance and financial support for mine victims.
4. The Islamic Republic of Iran had always espoused international cooperation in eliminating mines, owing to its religious principles and international humanitarian commitments. The memorandum of understanding on mine action it had signed with Iraq in the wake of the war between the two countries provided a unique example of international humanitarian cooperation. In addition, IRMAC had engaged in a number of joint activities with the Geneva International Centre for Humanitarian Demining, the United Nations Development Programme, the International Campaign to Ban Landmines and the International Committee of the Red Cross (ICRC). It was thus all the more regrettable that some countries, on the pretext of very unjust sanctions against the Islamic Republic of Iran, had been unwilling to provide it with humanitarian assistance and equipment as specified under the memorandum of understanding signed with the Geneva International Centre. The Islamic Republic of Iran was hopeful that international humanitarian cooperation under the Convention might offer some incentives for it to become a party to the Convention and its Protocols.
5. Delegations who so wished could obtain from his country's mission a CD-ROM with the PowerPoint presentation made during his statement.
6. **Mr. Antonov** (Russian Federation), speaking on the issue of the development of technologies to protect civilians against indiscriminate effects of mines, said that such technologies were being developed along two main lines in the Russian Federation. One consisted in setting increasingly sophisticated mine specifications, which required continuous monitoring at the design, development and mass production stage. Work in that area focused on increasing the selectivity of target detection devices so that mines might be directed only against military targets such as a tank, armoured vehicle or armed person.

Special attention was given to multi-sensor target detectors that employed a combined seismic and induction sensor or seismic, optical and acoustic sensor, for example.

7. The other line of development was improving the means of marking and fencing mined areas to ensure that civilians did not enter them. The Armed Forces of the Russian Federation had adopted a system of signs and tape with warning markings to be used for minefield fencing. The markings and signs fully met the requirements specified in paragraph 4 of the technical annex of amended Protocol II. They were also visible at night. In the view of Russian specialists, such developments would facilitate the work of service personnel responsible for fencing and marking minefields, help civilians to recognize markings more readily and preclude them from entering mined areas. That was very important in areas in which there were no items or locally available material that could be used for fencing or marking a mined area. The use of the system would significantly reduce the time period for fencing off an area, in accordance with international requirements.

8. The issues relating to the development of mine clearance technologies should be discussed more extensively at expert meetings. His Government intended to submit a document to the Fourth Review Conference outlining an integrated approach to issues concerning the protection of civilians against mines and explosive remnants of war.

9. **Mr. Abdillahi** (Observer for Djibouti) said that Djibouti had always focused its efforts on economic development to keep its population secure rather than invest in the acquisition or use of indiscriminate weapons. It had thus established strict laws prohibiting the possession, use, production or sale of weapons or explosives by anyone other than Government forces and had imposed strict rules on the Armed Forces themselves in that respect. Djibouti had been fully cleared of the mines and explosive remnants in its territory.

10. Djibouti had provided ample proof on the international stage of its willingness to combat the use of weapons that were excessively injurious or struck indiscriminately and to curb their damaging effects. It had signed the Convention on Cluster Munitions on 30 July 2010 and had been one of the first States parties to the Anti-Personnel Mine Ban Convention. It had ratified the Convention on Certain Conventional Weapons in 1996 and declared its consent to be bound by Protocols I, II and III annexed thereto. Djibouti intended to make a similar declaration in 2011 concerning amended Protocol II, Protocols IV and V, and the amendment to article 1 of the Convention. Djibouti considered that it was worth reviewing the provisions of the Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III) that defined those weapons, particularly the provisions relating to the unacceptable injurious effects of explosive ordnance containing white phosphorus. He hoped that the full implementation of amended Protocol II, the Anti-Personnel Mine Ban Convention and the Convention on Cluster Munitions would significantly reduce the suffering of civilian populations and allow them to go back without risk to cultivating their fields in order to support themselves.

Operation and status of the Protocol; matters arising from reports by High Contracting Parties according to paragraph 4 of article 13 of amended Protocol II; and development of technologies to protect civilians against indiscriminate effects of mines

11. **Mr. Laassel** (Morocco), Coordinator on the above issues, drew attention to the recommendations contained in paragraphs 20 and 21 of his report (CCW/AP.II/CONF.12/2), which required revision in the light of the observations made during the discussions and consultations he had held. Thus, the following sentence should be added at the end of paragraph 20 (c):

“Any action in this regard should be taken with the consent of all the High Contracting Parties to the Convention.”

In addition, the following new recommendation should be added to the paragraph:

“(e) The High Contracting Parties to the Convention which have not acceded to amended Protocol II are encouraged to submit national annual reports on a voluntary basis.”

Lastly, it had become clear that not only the submission dates for the national annual reports under amended Protocol II, but also the period covered by the reports, should be aligned with those under Protocol V. Consequently, provisional arrangements must be made for the period 2010–2011 and the following details added at the end of paragraph 21:

“The next national annual reports are due by 31 March 2011 and, on an exceptional basis, will only cover the period from September 2010 to March 2011 (after the submission of previous reports). Thereafter, the reporting period should cover 1 January to 31 December of each year.”

12. **Mr. Batlak** (Croatia) said he feared that the proposed transitional provisions would cause confusion. As the synchronization of the periods covered took effect on 1 January 2011 and the previous reports referred to the period up to 30 September 2010, it would be better if the next reports covered, on an exceptional basis, the period from 1 October to 31 December 2010 rather than 31 March 2011.

13. He requested the President to clarify the timetable for compliance reports. Some delegations considered that those reports were due every year, while others considered that they were due only during the year of a review conference.

14. **Mr. Grinevich** (Belarus) said, with respect to paragraph 20 (c) and the issue of the termination of the original Protocol II, that the decisions of States to give their consent to be bound by Protocol II had been taken at the time by the highest national authorities and had marked the completion of a complex procedure. It might be advisable for the Convention secretariat to review all precedents provided by the law on treaties in that regard and to make recommendations on the procedure to be followed at the national level to ratify the possible termination of Protocol II.

15. **Mr. O'Shea** (Ireland) said that the Coordinator's recommendation in paragraph 21 of his report to synchronize the submission of national annual reports was a very significant step forward in the work of the Conference. Ireland had already changed its practice in that regard for administrative reasons and would submit on 31 March each year its reports under amended Protocol II, Protocol V, the Convention on Certain Conventional Weapons and the Anti-Personnel Mine Ban Convention covering the previous calendar year. To facilitate the transition to the new timetable in question, he proposed amending paragraph 21 so that the next annual reports under Protocol II, due on 31 March 2011, would cover only the period from September 2010 to 31 December 2010 rather than 31 March 2011, as had been suggested by the representative of Croatia.

16. **Mr. Quintanilla Román** (Observer for Cuba) said that his delegation had reservations concerning the proposed revisions to paragraph 20 (c) of the draft recommendations, which did not reflect Cuba's position on the termination of the original Protocol II. His delegation also had reservations concerning the proposed new paragraph 20 (e), which it considered unacceptable and contrary to international law. International law did not provide for the possibility of exerting pressure on a State that was not a party to an international instrument to submit information on a voluntary basis.

17. **Mr. Wilson** (Australia) said that, for the sake of clarity and in the light of article 9 of the Convention, which related to denunciation by an individual Party of the Convention and its Protocols, the sentence to be added to paragraph 20 (c) of the draft recommendations should be amended to read: “Any action with respect to the termination of original Protocol II should be taken with the consent of the High Contracting Parties to the Convention.”

18. **Ms. Rahamimoff-Honig** (Israel) said that she supported the Australian proposal.
19. **Mr. Laassel** (Morocco), Coordinator, said that he was grateful to delegations for their particularly useful contributions. He subscribed to the proposals by Croatia, Ireland and Australia, which had the advantage of clarifying the purpose of the measures taken and addressing the concerns expressed by the delegation of Cuba. Paragraph 20 (e) of the draft recommendations had been added following consultations held in the morning and should not be seen as imposing any legal obligation.
20. The High Contracting Parties could decide collectively to terminate original Protocol II in accordance with article 54 of the Vienna Convention on the Law of Treaties or opt for denunciation by individual Parties under article 9 of the Convention on Certain Conventional Weapons. Furthermore, paragraph 20 (c) of the draft recommendations would encourage the High Contracting Parties to the Convention that were Parties to the original Protocol II to accede to amended Protocol II before denouncing the instrument and thus avoid a situation in which a Party, on denunciation, was no longer bound by two or more protocols as required under article 4 of the Convention.
21. **The President** said he took it that the Conference wished to approve the recommendations set out in the report (CCW/AP.II/CONF.12/2), as amended.
22. *It was so decided.*

Improvised explosive devices

23. **Ms. Shalkivska** (Ukraine), outlining the bodies responsible for the management of improvised explosive devices in Ukraine and the initiatives undertaken in that area in the period 2006–2010, said that detection, clearance and destruction operations were performed by specialized units working under the Ministry of Internal Affairs and were regulated by the Police Act of 1990 and by a number of Ministry orders. In the past five years, the units had defused or disassembled 222 improvised explosive devices, mostly activated electronically or manually or by remote control. Since January 2010, they had also carried out more than 6,000 on-site inspections of places where public or high-level events were organized. Those preventive measures had resulted in the removal of 2,161 explosive devices and 429 kg of explosives, demonstrating the Government's vigilance, in particular ahead of Euro 2012.
24. **Ms. Carranza** (Argentina) said that the High Contracting Parties should take a number of specific preventive measures to deal with the risks posed by improvised explosive devices, including preventing the components that were likely to go into their manufacture from falling into the hands of non-State actors, training military personnel and security forces in their detection and deactivation, promoting the development of explosive detection equipment that could be used in sensitive or potentially dangerous areas, recognizing the correlation that might exist between the availability of components required for the manufacture of improvised explosive devices and their possible use against civilian populations, establishing effective control and security systems in the storage areas of military and security forces in order to avoid the diversion of material, and complying with current regulations on transfers of explosives between States. It would also be useful if the High Contracting Parties included in their national annual reports under amended Protocol II information on victims and the circumstances surrounding incidents involving improvised explosive devices so that a database could be constituted and measures adopted to prevent and mitigate the adverse humanitarian effects of those devices.
25. To ensure that certain materials and components were not used in the manufacture of improvised explosive devices, Argentina had established monitoring procedures for the Armed Forces and security forces and persons using dual-use materials. Military laws and regulations thus specified strict accountability and inventory management procedures in

respect of components for military use. The use, transport and storage of dual-use explosives were also regulated. Every authorized product must be registered and assigned to the proper hazard class in accordance with United Nations standards after a technical assessment had been carried out and the staff handling the products must be duly trained.

26. **Mr. Wilson** (Australia) said that, by their very nature, improvised explosive devices were made up of diverse, commonly used materials and components, including electrical power sources, push-button communication systems that could be used to set them off and widely available precursor materials such as farm fertilizer and industrial chemicals. Sources of explosives were also easy to find at the end of armed conflicts or in countries with poor ammunition stockpile controls. While considerable efforts had been made throughout the world to regulate the use of explosives by soldiers, the police and armed forces, and thus tackle the problem of improvised explosive devices, or at least protect military personnel and civilians from their adverse effects, it seemed difficult to monitor, detect or limit access to widely available commercial products, especially by non-State actors who had little regard for international humanitarian law.

27. The discussions under the Convention on the issue of improvised explosive devices should focus on areas where there was scope to limit access to explosives or their precursors and help victims of those weapons, whether through preventive measures aimed at enhancing the management and security of military munitions stockpiles and explosive remnants of war and tightening export controls or through the promotion of the full implementation and universalization of Protocol V. The work already done by other organizations could prove very useful, notably the efforts made under the Convention on the Marking of Plastic Explosives for the Purpose of Detection to facilitate the identification of producers of explosives by forensic means. While the chances of success were limited, they existed, and Australia was pleased to hear the views of other delegations on that important issue.

28. **Mr. Wollenmann** (Switzerland), Coordinator on improvised explosive devices, said that he was grateful for the contributions made by delegations, particularly Argentina, Australia and Ukraine. The discussions held had been very useful, especially those on possible future work on improvised explosive devices and the use of existing synergies between the Protocols and of work done elsewhere.

29. The report on improvised explosive devices (CCW/AP.II/CONF.12/3) was not controversial as such and the recommendations set out in paragraph 10, which required some fine-tuning, seemed to reflect delegations' wishes. Therefore, he hoped that the Conference would quickly reach agreement on the revised text of the draft recommendations, which he had drawn up after consulting with the delegations concerned and which had just been distributed, in English only, especially as the proposed changes to paragraph 10 should not have a substantial impact on the work of the Group of Experts.

The meeting was suspended at 5.10 p.m. and resumed at 5.15 p.m.

30. **Mr. Wollenmann** (Switzerland), Coordinator, said that "bearing" should be replaced with "bear" in paragraph 10 (d) of the revised draft recommendations.

31. **The President** said he took it that the Conference wished to approve the recommendations set out in the report, as revised by the Coordinator.

32. *It was so decided.*

Review of the operation and status of the Protocol

33. **The President** said that, as at 24 November 2010, 95 States had notified the Depositary of their consent to be bound by amended Protocol II. Despite the progress made, that figure remained relatively modest for such an important international instrument. It was

necessary to give further consideration to the ways in which the High Contracting Parties could promote the universalization of the Protocol and implement the plan of action to promote the universality of the Convention and its Protocols.

34. Pursuant to the relevant decision of the Eleventh Annual Conference, and in accordance with the plan of action, letters had been addressed to the Ministers for Foreign Affairs of States not party to the Convention, inviting them to consider the accession of their respective countries to the Convention and its Protocols, including amended Protocol II. Separate letters had been sent to the Ministers for Foreign Affairs of States that were parties to the Convention but had not yet acceded to amended Protocol II.

35. The Coordinator on the operation and status of the Protocol had taken up the issue of the legal possibility and feasibility of terminating the original Protocol II in his report (CCW/AP.II/CONF.12/2, paras. 5–9). The High Contracting Parties to the Convention that had not yet acceded to amended Protocol II should complete the necessary procedures without delay so as to pave the way for the termination of the original Protocol II, which would simplify the structure of the Convention.

Consideration of matters arising from reports by High Contracting Parties according to paragraph 4 of article 13 of amended Protocol II

36. **The President** said that of the 95 States that had notified the Depositary of their consent to be bound by the Protocol, only 41 had submitted their national annual report in accordance with article 13. He recalled that amended Protocol II required the High Contracting Parties to draft national reports. The secretariat had prepared a synopsis of the national annual reports submitted for the Twelfth Annual Conference, which would be annexed to the final document of the Conference. In accordance with the relevant decision of the Ninth Annual Conference, national reports had not been issued as official documents of the Conference but had been made available on the Convention website in the national annual reports database (<http://www.unog.ch/ccw>).

Consideration of the development of technologies to protect civilians against indiscriminate effects of mines

37. **The President** noted that no delegation wished to take the floor on the item.

Report(s) of any subsidiary organ(s)

38. **The President** said that there was no need to take up the agenda item, as no new subsidiary bodies had been established and the work of the Group of Experts, the Conference's main subsidiary body, had already been discussed.

Other matters

39. **The President** noted that no delegation wished to take the floor on the item.

Consideration and adoption of the final document (CCW/AP.II/CONF.12/CRP.1-3)

40. **The President** drew attention to the draft final document of the Twelfth Annual Conference of the High Contracting Parties to Amended Protocol II (CCW/AP.II/CONF.12/CRP.1, issued in English only) and invited the Conference to consider the document chapter by chapter and, where necessary, paragraph by paragraph, before adopting the text as a whole.

Chapter I. Introduction

Paragraphs 1 to 4

41. *Paragraphs 1 to 4 were adopted.*

Chapter II. Organization of the Twelfth Annual Conference

Paragraphs 5 to 14

42. *Paragraphs 5 to 14 were adopted.*

Chapter III. Work of the Twelfth Annual Conference

Paragraphs 15 to 20

43. **The President** said that paragraph 18 of the final document would indicate that the following delegations had participated in the general exchange of views: Argentina, Australia, Belgium (on behalf of the European Union), Brazil, China, Colombia, Cuba, Djibouti, India, Israel, Japan, Pakistan, Philippines, Republic of Korea, Russian Federation, Turkey and the United States of America and that the representatives of the United Nations Mine Action Service and ICRC had also taken the floor. The elements contained in the synopsis of national annual reports submitted for the Twelfth Annual Conference (non-paper) would be reflected in paragraph 19 and the incomplete document symbol in paragraph 20 would be filled in by the secretariat.

44. *Paragraphs 15 to 20 were adopted.*

Chapter IV. Conclusions and recommendations

Paragraphs 21 to 26

45. **The President** said that the recommendations made by the Coordinator on the operation and status of the Protocol and the Coordinator on improvised explosive devices that the Conference had just approved would be added to paragraphs 24 and 26.

Paragraph 27

46. **The President** drew attention to document CCW/AP.II/CONF.12/CRP.2, which set out the estimated costs of the Thirteenth Annual Conference, and said that, at the end of paragraph 27, the words “Twelfth Annual Conference” should be replaced with “Thirteenth Annual Conference”.

47. *The estimated costs as set out in document CCW/AP.II/CONF.12/CRP.2 were approved.*

Paragraph 28

48. **The President** suggested that the Conference should designate Mr. Hellmut Hoffman, Permanent Representative of Germany to the Conference on Disarmament, as President of the Thirteenth Annual Conference of the High Contracting Parties and the representatives of China, the Dominican Republic and Romania as Vice-Presidents.

49. *It was so decided.*

Paragraph 29

50. **The President** drew attention to document CCW/AP.II/CONF.12/CRP.3, which set out the estimated costs of the 2011 meeting of the Group of Experts of the High Contracting Parties to Amended Protocol II.

51. *The estimated costs as set out in document CCW/AP.II/CONF.12/CRP.3 were approved.*

Paragraph 30

52. **The President** suggested that Mr. Abderrazzak Laassel of Morocco should continue his work as Coordinator on the operation and status of the Protocol; on matters arising from reports by High Contracting Parties according to paragraph 4 of article 13 of amended Protocol II; as well as on development of technologies to protect civilians against indiscriminate effects of mines, and that Mr. Reto Wollenmann of Switzerland should continue his work as Coordinator on improvised explosive devices.

53. *It was so decided.*

54. *Paragraphs 21 to 31, as orally amended, were adopted.*

Annexes I to VI

55. *Annexes I to VI were adopted.*

56. *The draft final document of the Twelfth Annual Conference of the High Contracting Parties to Amended Protocol II as a whole, as amended, was adopted.*

Closure of the Conference

57. After thanking all the delegations, the secretariat and the conference services for their contributions, **the President** declared the Twelfth Annual Conference of the High Contracting Parties to Amended Protocol II closed.

The meeting rose at 5.50 p.m.