

**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**

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**Geneva, 24 November 2010**

**Summary record of the 1st meeting**

Held at the Palais des Nations, Geneva, on Wednesday, 24 November 2010, at 10 a.m.

*Temporary President:* Mr. Sareva (Deputy Secretary-General of the Conference on Disarmament and Director of the Geneva Branch of the Office for Disarmament Affairs)

*President:* Mr. Mundaraín Hernández..... (Bolivarian Republic of Venezuela)

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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 10.25 a.m.*

### **Opening of the Conference**

1. **The Temporary President**, acting on behalf of the Secretary-General of the United Nations, Depositary 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 the Protocols thereto, declared open the Twelfth Annual Conference of the High Contracting Parties to Protocol II on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices, as amended on 3 May 1996, annexed to the Convention.

### **Confirmation of the nomination of the President and other officers**

2. **The Temporary President** recalled that the High Contracting Parties had decided at their Fourth Annual Conference, in order to ensure continuity in the preparatory work, that the incoming President and Vice-Presidents would be designated at the end of each annual conference. Accordingly, at the Eleventh Annual Conference, the representative of the Bolivarian Republic of Venezuela, had been nominated as President-designate of the Twelfth Annual Conference (CCW/AP.II/CONF.11/4, para. 30). If there was no objection, he would take it that the Conference wished to confirm the nomination of Mr. Mundaraín Hernández of the Bolivarian Republic of Venezuela as President.

3. *It was so decided.*

4. *Mr. Mundaraín Hernández (Bolivarian Republic of Venezuela) took the Chair.*

5. **The President**, citing the decision taken at the Eleventh Annual Conference concerning the posts of Vice-President (CCW/AP.II/CONF.11/4, para. 30), said that, after consultations with the regional groups and China, there appeared to be agreement to elect Mr. Wang Qun of China, Mr. Hellmut Hoffmann of Germany and Ms. Maria Ciobanu of Romania as Vice-Presidents. He took it that the Conference wished to confirm those nominations.

6. *It was so decided.*

### **Adoption of the agenda (CCW/AP.II/CONF.12/1)**

7. **The President** recalled that the Eleventh Annual Conference had recommended a provisional agenda for the Conference, which had been issued as document CCW/AP.II/CONF.12/1. He took it that the Conference wished to adopt the provisional agenda.

8. *It was so decided.*

### **Confirmation of the rules of procedure**

9. **The President**, noting that the rules of procedure for annual conferences of the High Contracting Parties to amended Protocol II had been adopted by the First Annual Conference and subsequently amended by the Fourth Annual Conference, and that an updated version was available on the Official Document System of the United Nations (ODS), said he took it that the Conference wished to confirm the rules of procedure, as amended.

10. *It was so decided.*

### **Appointment of the Secretary-General of the Conference**

11. **The President**, referring to rule 10 of the rules of procedure, said that, in accordance with the established practice, Mr. Bantan Nugroho, Chief of the Implementation Support Unit for the Convention in the Geneva Branch of the Office for Disarmament Affairs had been nominated by the Secretary-General of the United Nations to serve as Secretary-General of the Conference. He took it that the Conference wished to appoint Mr. Nugroho to that office.

12. *It was so decided.*

### **Adoption of arrangements for meeting the costs of the Conference**

13. **The President** recalled that the cost estimates for the Conference had been considered at the Eleventh Annual Conference (CCW/AP.II/CONF.11/4, annex IV). The budget for the Conference was virtually half that of most previous years, as a result of the decision taken three years earlier to post all national annual reports on the Convention's website rather than issue them as official documents of the Conference. The decision had also resulted in wider dissemination. With that explanation, he took it that the Conference wished to adopt the cost estimates as presented.

14. *It was so decided.*

### **Organization of work including that of any subsidiary bodies of the Conference**

15. **The President** said that, in view of the brevity of the Conference, he would not propose the establishment of any subsidiary bodies. The Group of Experts established by the Tenth Conference had proved its value as a useful tool for promoting cooperation among States in the implementation of the Protocol and for increasing understanding of the issue of improvised explosive devices (IEDs). The Coordinators who had been appointed to structure the deliberations of the Group at its meeting on 19 and 20 April 2010 (CCW/AP.II/CONF.11/4, para. 32) had been asked to report to the Conference on the work done by the Group, and their reports had been posted on the Convention's website.

16. He suggested that the Conference should first hear the Coordinators introduce their reports and subsequently hold the traditional exchange of views. Delegations wishing to speak on the Coordinators' reports would be able to do so after the exchange of views. The Conference would then discuss agenda items 9, 10 and 11 in plenary, before holding informal consultations if necessary, followed by another plenary meeting to discuss the draft final document. He took it that the Conference wished to proceed according to the scenario he had outlined.

17. *It was so decided.*

### **Message from the Secretary-General of the United Nations**

18. At the invitation of the President, **Mr. Ordzhonikidze** (Director-General of the United Nations Office at Geneva and Secretary-General of the Conference on Disarmament) read out a message from the Secretary-General of the United Nations.

19. In his message, the Secretary-General said that since its inception, the Protocol had been a driving force in global efforts to eliminate the scourge of landmines, booby traps and other explosive devices and that, together with the Convention's Protocol V, the Ottawa Convention on Landmines and the Convention on the Rights of Persons with Disabilities, the Protocol had been an integral part of the international framework for mine action.

20. After 12 years of successful implementation of amended Protocol II, the time had come to review the performance of the original Protocol II. He urged the Conference to

continue to focus on strengthening the operation of the Protocol and its implementation mechanism. In particular, more attention should be paid to the protection of civilians and the humanitarian impact of IEDs.

21. He welcomed the spirit of collaboration and cooperation demonstrated in the joint meeting of experts organized under amended Protocol II and Protocol V and encouraged the Conference to continue to share information, find synergies and build transparency.

22. Universalizing the Protocol was also of vital importance. With every new State that agreed to adhere to the Protocol, the chances of preventing future tragedies increased. Moreover, global participation in humanitarian norm-setting could have a powerful effect, spurring action in other areas of concern. He therefore congratulated the 95 States that had consented to be bound by amended Protocol II and called on all countries that had not yet become parties to do so as soon as possible.

#### **General exchange of views**

23. **Mr. Laassel** (Morocco), 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, introducing his report (CCW/AP.II/CONF.12/2), said that, while the number of Parties to amended Protocol II had doubled in 10 years, several States had not acceded to the Convention and its Protocols not for political or legal reasons, but owing to their complex structure. Accordingly, renewed efforts were required to promote universality; the eponymous plan of action remained a relevant mechanism to achieve that objective.

24. The question of the status of the original Protocol II had been addressed by the Group of Experts. The Protocol had not proved effective in preventing humanitarian crises related to the use of anti-personnel mines, and Parties should consider the legal feasibility of terminating the instrument. If they so wished, it would be possible to convene a meeting of the High Contracting Parties to Protocol II and to collectively denounce it. While the Protocol itself did not provide for denunciation, the Parties could invoke article 54 of the Vienna Convention on the Law of Treaties to do so. Protocol II could also be denounced by applying article 9 of the Convention on Certain Conventional Weapons. Either procedure would require consensus on the matter among the High Contracting Parties, and paragraph 20 (c) of his report needed to be amended to reflect that. As the procedure recommended in paragraph 20 (c) — of encouraging the Parties to the original Protocol II to accede to the amended one — could take considerable time, one delegation had proposed that the High Contracting Parties to the Convention should declare a freeze on accessions to the original Protocol II.

25. Regarding national measures taken for the implementation of amended Protocol II, he recalled that at the Third Review Conference of the High Contracting Parties to the Convention, 26 States had made unilateral declarations of their intention to extend the scope of amended Protocol II to mines other than anti-personnel mines (MOTAPMs). He asked such States to inform the Conference about measures taken to that effect.

26. As in 2009, he had addressed a letter to those States that had not yet submitted national annual reports and had recommended that, in case of difficulties, they should seek assistance from other Parties, the United Nations Mine Action Service or appropriate non-governmental organizations. He called on the Conference to approve the recommendations contained in his report (paras. 20 and 21), including the suggested synchronization of deadlines for submitting national reports under amended Protocol II and Protocol V to the Convention.

27. **Mr. Wollenmann** (Switzerland), Coordinator on improvised explosive devices, introducing his report (CCW/AP.II/CONF.12/3), said that at its meeting in April, the Group of Experts had built on the work done on IEDs in 2009. Issues had been addressed in a more focused way, and additional experts had contributed to a better understanding of the problem. A discussion paper had been distributed beforehand and had proved useful for both structuring the session and facilitating engagement by a great number of Parties, observers and experts from international organizations and civil society.

28. Information had been exchanged at the meeting about the various trends in the source materials and designs of IEDs, the dynamic nature of the threat and, particularly, the close link to the question of explosive remnants of war, which was dealt with under Protocol V. The humanitarian challenges posed by IEDs had also been mentioned, specifically the increasing use of IEDs against civilians and other soft targets and in populated areas. Concern stemmed from the way in which such devices and explosives were typically used, rather than from their improvised nature. IEDs and IED incidents needed to be studied more closely to better assess the humanitarian problem posed. The important role of protection, surveillance and control of relevant materials had been stressed, and specific measures to prevent civilians from becoming victims of IEDs discussed.

29. The discussion on victim assistance had taken place at a joint session that he had co-chaired with the Coordinator on victim assistance under Protocol V. The purpose of the session had been to build on synergies between the two Protocols. The plan of action on victim assistance under Protocol V and the principles of non-discriminatory and inclusive victim assistance had been broadly recognized as relevant for IED victims.

30. Four topics had been held to be relevant, useful and acceptable for continued discussion, and those topics were highlighted in the recommendations contained in his report (para. 10): IEDs, IED incidents and their prevention; the relevance of existing guidelines, best practices and other recommendations, and the possibility of establishing guidelines to address the diversion or illicit use of materials that could be used for IEDs; the benefit of a set of practices and procedures to ensure the protection of civilians, highlighting the responsibilities of each High Contracting Party or party to a conflict under amended Protocol II; and victim assistance under amended Protocol II, building on the plan of action on victim assistance under Protocol V and the principles of age- and gender-sensitive medical care, rehabilitation and psychological support and adequate assistance for social and economic inclusion in a non-discriminatory manner. Some delegations had suggested slight changes to the wording of the recommendations, however, and he would therefore submit a revised version for approval at the following meeting.

31. **Mr. Iliopoulous** (Council of the European Union), speaking on behalf of the European Union, the candidate countries Croatia, Iceland, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process countries Albania, Bosnia and Herzegovina, and Montenegro; and, in addition, Armenia, Georgia, the Republic of Moldova and Ukraine, said that the conclusions and recommendations of the Eleventh Annual Conference and the work done since then had helped to revitalize the implementation of amended Protocol II and thus strengthen the effectiveness of the instrument.

32. The European Union supported the full implementation of the Protocol, which was an important instrument of international humanitarian law. Compliance with its provisions helped to limit the devastating effects of mines, booby traps and other devices on civilian populations and to improve the security of military personnel in the field.

33. In particular, the provisions concerning the recording of data relating to minefields, demining, the protection of civilians and international cooperation were essential in

facilitating humanitarian assistance and post-conflict reconstruction and in ensuring the security of peacebuilding operations. The Protocol also allowed mine-affected countries to benefit from technical and material assistance. The European Union encouraged the High Contracting Parties to explore further ways of protecting civilians against IEDs, to respond to the humanitarian challenges posed by those devices and to provide their victims with assistance, focusing on their socio-economic inclusion.

34. The universality of amended Protocol II remained a priority objective of the European Union. It therefore welcomed the accession of two additional States since the Eleventh Annual Conference and called on those States that had not yet done so to become parties to the instrument. Parties to the original Protocol II should also ratify or accede to the amended Protocol, thereby facilitating the termination of the former. The European Union's Joint Action of 2007 in favour of the universalization of the Convention had supported the objective of wider accession to the Convention and its Protocols.

35. The European Union had welcomed the opportunity to participate in the meetings of the Group of Experts and thanked the Coordinators for their very useful discussion papers. It attached great importance to confidence-building measures: the submission of national annual reports helped to ensure greater transparency and cooperation, as required by amended Protocol II. The recommendation by the Coordinator on the operation and status of the Protocol that the Group of Experts should consider the dissemination of information on the instrument to armed forces and civilian populations was welcome, as was the proposal for the synchronization of the submission of reports under amended Protocol II and Protocol V. The Group of Experts should continue to study the feasibility of online submission of national annual reports. States that were not yet parties to amended Protocol II might wish to consider submitting national reports on a voluntary basis.

36. The European Union concurred with the view that the work of the Group of Experts on IEDs should continue to focus on prevention and on ways to combat the supply chain, in synergy with related activities under Protocol V when appropriate.

37. Lastly, it was essential to continue giving fresh momentum to amended Protocol II and to demonstrate that it could produce tangible results. The European Union was confident that the Conference would perform its task effectively.

38. **Mr. Dumont** (Argentina), after commending the work of the two Coordinators, said that, although as a State party to the Ottawa Convention on Landmines Argentina pursued policies on anti-personnel mines that were broader in scope than those provided for under amended Protocol II, it remained committed to the full implementation and universalization of the latter. It therefore supported the intensification of efforts to implement the plan of action to promote the universality of the Convention and its Protocols and the holding of regional seminars to that end.

39. The Protocol was a dynamic instrument, which needed to strike a balance between humanitarian and military concerns. Accordingly, a periodic review of its implementation, of issues arising from national annual reports and of the development of new technologies for the protection of civilians was necessary. Regarding national reporting, his Government was in favour of the proposal to synchronize the submission of reports under amended Protocol II and Protocol V.

40. His Government was willing to continue the discussion on matters relating to IEDs. However, it wished to stress that, while international humanitarian law was not applied on the basis of the availability of IEDs but rather their use, those elements were connected. It therefore endorsed the Coordinator's recommendation that steps should be discussed for preventing the diversion of materials that could be used to manufacture such weapons. Any progress made in that area must respect the specific scope of amended Protocol II, which covered situations of armed conflict, and foster synergy with Protocol V, in particular with

regard to victim assistance. Duplication of efforts with work being done under other international instruments must be avoided.

41. **Mr. Rao** (India) said that India supported the approach adopted in amended Protocol II of balancing humanitarian concerns on landmines and legitimate defence requirements, particularly of States with long borders. Its vision was of a world free of the threat of landmines, with mine survivors fully integrated in society, and individuals and communities free to pursue development in a safe environment. The availability of militarily effective alternative technologies that could perform cost-effectively the defensive function of anti-personnel landmines would facilitate the achievement of that goal.

42. India attached importance to the Protocol's full implementation and universalization, and to the regular submission of national reports. It had fulfilled its obligations under the instrument, including by not manufacturing non-detectable mines and rendering all its anti-personnel mines detectable. A moratorium on the export and transfer of landmines was also being observed. Information regarding the Protocol had been disseminated to the Indian Armed Forces, and mines used for defensive military operations were always laid within fenced perimeters and properly marked. Global positioning and geographical information systems were used to help record the position of mines, and, following operations, the mines were cleared by trained troops. Mine victims were assisted in their rehabilitation through provision of financial compensation, employment and health care. India's ratification of the Convention on the Rights of Persons with Disabilities underscored the importance it attached to victim assistance.

43. Technical cooperation and exchange of experience in mine clearance technology, equipment and training was critical to the full implementation of amended Protocol II. India had helped international demining and rehabilitation efforts, including as part of United Nations peacekeeping operations, to which it was a leading contributor. Indian military personnel had carried out demining operations in Cambodia, Angola and Afghanistan and had provided support for two NGO groups to undertake mine clearance in former conflict zones in Sri Lanka.

44. His delegation supported the continued discussion of the important issue of IEDs. Those devices were being used by terrorists and non-State actors worldwide with a high number of casualties and a deep socio-economic impact. There would indeed be value in establishing guidelines and best practices to avoid the diversion or illicit use of materials that could be used for IEDs. His delegation also supported the idea of identifying key elements in the supply chain that should be prohibited or more effectively regulated by Parties. Measures that could be taken included marking and tracing key components, strengthening security of stockpiles and transportation, preventing unauthorized manufacture and trafficking, tightening export controls, and prosecuting and extraditing offenders. The Conference should aim to coordinate the efforts being made under the Convention on Certain Conventional Weapons with the work of other multilateral forums to counter terrorism and illicit trade in conventional weapons.

45. His delegation commended the work of the Coordinator on the operation and status of the Protocol and supported the continued consideration of the issues highlighted in his report. It endorsed his call for the intensification of efforts to implement the plan of action to promote the universality of the Convention and its Protocols. However, the development and sharing of technologies to protect civilians against the indiscriminate use of mines was also important.

46. **Mr. Wang Qun** (China) said that amended Protocol II played a crucial role in resolving humanitarian issues involving landmines. His Government attached great importance to the implementation of the instrument and complied fully with its provisions. In 2010, it had allocated considerable human and material resources for that purpose. The

Chinese Armed Forces had destroyed anti-personnel mines that did not meet the technical requirements of the Protocol and had made progress in developing alternatives to those weapons. His Government had continued to promote training and awareness-raising activities, particularly for key technical personnel in the Armed Forces. For example, workshops had been held on the implementation of the instrument and on destruction techniques for stockpiles of anti-personnel mines.

47. His Government welcomed the increase in international exchanges, assistance and cooperation under the Protocol. China's participation in international humanitarian demining would be described in a presentation to be given subsequently. He noted, however that in 2010 his Government had, for the first time, provided assistance to victims of explosive devices in Peru and Ethiopia.

48. After commending the Coordinators for their reports, he said that his Government was particularly concerned about the misuse of IEDs by non-State actors and wished to continue the exchange of views with other Parties on the issue. It stood ready to step up its cooperation with all Parties, relevant international organizations and NGOs with a view to reducing the civilian casualties caused by anti-personnel mines worldwide.

49. **Mr. Antonov** (Russian Federation) said that, over the years, the importance of amended Protocol II as a tool for resolving issues relating to the use of landmines had increased significantly. Crucially, the Protocol imposed restrictions on the use of different types of landmines while maintaining a balance between humanitarian and defence interests. The Russian Federation was in favour of the fullest possible implementation of the instrument, through rigorous observance of its provisions at the national level, which should considerably reduce the human casualties and suffering caused by mines. One of the main challenges for the Parties was the universalization of the Protocol; the fact that a number of countries had not yet ratified or acceded to the instrument remained a cause for concern.

50. His Government complied strictly with the Protocol, through the adoption of practical measures to reduce the mine threat and regular compliance with reporting obligations. It had ceased production of blast mines long ago and, more recently, had destroyed approximately 10 million anti-personnel mines, including some 500,000 in 2010 alone. The Russian Armed Forces laid, marked and fenced minefields, in accordance with the requirements contained in the Protocol.

51. A national system of technical standards for landmines, including anti-personnel mines, and new, more effective equipment for mine location and neutralization had been introduced. Minefields along the Russian border had been marked pursuant to the provisions of the Federal Act on Ratification of the Protocol. The Ministry of Defence had published guidelines on international humanitarian law for the Armed Forces, which contained basic instructions on the use of landmines in keeping with amended Protocol II. Other measures taken included enhanced public information campaigns and extracurricular courses provided in secondary schools to explain the risks posed by mines.

52. His Government was ready to provide assistance with humanitarian demining operations, including by supplying mine clearance teams and equipment and by training personnel. The Ministry for Emergencies had an important role to play, since it had the relevant equipment and expertise. Russian experts had participated successfully in demining operations in various regions.

53. The issue of IEDs warranted further consideration by the Group of Experts, since those devices were one of the principal causes of loss of life during and after modern military conflicts. At the same time, the topic's clear anti-terrorist subtext should be taken up in other forums.



54. **Mr. Woolcott** (Australia) said that the accession of key mine-using and mine-producing States had been crucial to the progress achieved in addressing humanitarian concerns arising from the use of anti-personnel landmines and booby traps. He welcomed the Dominican Republic and Gabon as new High Contracting Parties to amended Protocol II.

55. Australia continued to fulfil its obligations under the Protocol and as a State party to the Ottawa Convention on Landmines. As stated in its national annual report, it was a major mine action donor, supporting clearance, victim assistance and mine risk education, primarily in the Asia-Pacific region.

56. Australia had also supported the recent efforts to revitalize the Protocol. It had welcomed, in particular, the opportunity to discuss in the Group of Experts the threat posed by IEDs to military forces and civilians in countries in which those devices were deployed indiscriminately. Australia had been affected by IEDs through the terrorist bombings in Bali and Jakarta and in the course of its operations in Afghanistan, with the loss of many lives. It was therefore investing in the development of effective countermeasures to those weapons and their deployment.

57. To help combat the problem of IEDs, the Conference should focus on the need to limit access by non-State actors to military munitions and explosive remnants of war. That would require Parties to enhance their stockpile security, tighten export controls and promote universal acceptance of Protocol V. It must be recognized, however, that amended Protocol II had only limited ability to restrict access to commercially available explosive precursors. Accordingly, in addressing the issue of IEDs, States should consider overlaps with the provisions of other international instruments and draw on initiatives in other relevant fields, including the fight against organized crime and the tracking of illicit fund flows. Many obligations under amended Protocol II had been superseded by the Ottawa Convention, which Australia strongly supported.

58. **Mr. de Macedo Soares** (Brazil) said that although the Ottawa Convention imposed higher standards, amended Protocol II established obligations that continued to be relevant, particularly to major producers or users of anti-personnel mines that had yet to ratify or accede to the former instrument. The positive humanitarian impact of the Protocol was indisputable. He applauded the efforts undertaken at each Conference to improve the operation and status of the Protocol, as well as, ultimately, to achieve its universality.

59. His delegation supported the proposal to synchronize the submission of reports under amended Protocol II and Protocol V, as well as the Coordinator's recommendation to continue contacts with the High Contracting Parties to the original Protocol II that had not yet become parties to amended Protocol II. Termination of the original Protocol II was not a priority for the Conference. It was, however, a decision to be taken by all the Parties to that instrument.

60. The issue of IEDs should continue to be discussed within the framework of the Convention on Certain Conventional Weapons. Used increasingly against civilians and other soft targets, they posed a humanitarian challenge, especially in densely populated areas. His delegation supported the recommendation to establish a set of guidelines to avoid the diversion or illicit use of materials that could be used for IEDs. Brazil had been undertaking efforts to that end at the national level, with legislation in place to regulate the manufacture, use, customs clearance, transport and trade of specific materials.

61. **Mr. Ahmad** (Pakistan) said that Pakistan remained committed to implementing all provisions of amended Protocol II, which had the capacity — if fully implemented — to minimize human suffering caused by mines, booby traps and other such devices. The Protocol's strength lay in the balance it maintained between humanitarian concerns and the legitimate security imperatives of States.

62. Information on amended Protocol II was included in the curricula of military academies and disseminated to civilians on a regular basis. All technical requirements for mines were being met. Pakistan no longer faced any problem of uncleared mines, those laid on its eastern border in 2001–2002 having been cleared successfully. Its Armed Forces, moreover, contributed to international demining operations in various parts of the world.

63. The Armed Forces, civil administration and civilian population had all suffered casualties due to IEDs used by terrorists. It was thus vital to consider how to prevent those indiscriminate and lethal devices from being developed and transferred to terrorists. It was also important to discuss new technologies to protect civilians against indiscriminate effects of mines. States could greatly reduce human suffering by sharing technology, information and experience in that area.

64. **Mr. Avila Camacho** (Colombia) said that his country supported the recommendations contained in the reports submitted by the two Coordinators. Colombia was committed to ensuring the implementation of amended Protocol II, particularly in the light of the use of anti-personnel mines by illegal armed groups in its territory. It had developed advanced legislation enabling it to achieve considerable progress in combating that scourge, but many challenges still lay ahead, and Colombia would continue to work unstintingly to address them.

65. During the discussions of the Group of Experts, Colombia had had the opportunity to share its national experience and to highlight the threats to which its civilian population and security forces were subjected as a result of the use of IEDs. Over the past 20 years, such devices had caused accidents involving some 2,938 civilians, nearly 30 per cent of whom were children. For that reason, his delegation believed that the topic of victim assistance should continue to be discussed, including matters relating to victims' social and economic rehabilitation and the effective restoration and exercise of their rights.

66. Joint sessions on victim assistance between the Parties to amended Protocol II and Protocol V provided a useful forum for exchanging experience and establishing a more solid foundation for cooperation among all States. Key elements of such cooperation should include strengthening of capacity to deal with the problem of IEDs at the national level; discussions on prevention and risk education; and sharing of information on methods used by authorities to detect IEDs and on technological advances in that area. In addition, guidelines should be formulated for preventing the use of commonly available materials to make IEDs. Colombia was fully prepared to contribute to that work with its acquired experience on the subject.

67. **Mr. Domingo** (Philippines) said that of all the weapons covered by the Convention, IEDs were responsible for the most deaths and injuries among civilians and military personnel in the Philippines. As an active troop contributor to United Nations peacekeeping operations, the Philippines shared concerns about the use of such devices in other countries and the vulnerability to them of forces serving overseas.

68. Taking preventive and regulatory measures to counter the threat of IEDs was no easy task, however, given that they were typically constructed from readily available materials. The sharing of information and best practices on a bilateral, regional and global basis should thus be enhanced, including in diplomatic, defence, export-control, law enforcement and counter-terrorist contexts.

69. His delegation wished to appeal for increased capacity-building and resources to combat IEDs. The international community should support civil society stakeholders engaged on the issue. Action on Armed Violence, in particular, had begun a study on the impact of explosive weapons on populated areas in the Philippines. His Government hoped to foster greater synergy between related disarmament and conventional arms processes and with government, civil society and private sector stakeholders.

70. Lastly, his delegation strongly recommended that IEDs should remain a focus of efforts under the Convention.

71. **Mr. Itzhaki** (Israel) said that in July 2010, his Government had endorsed a bill providing for the establishment of a national mine clearance authority to coordinate the clearance of minefields not essential for national security, in order to enhance the safety of citizens, residents and visitors to Israel. The bill was currently at its second reading in the parliament.

72. Termination of the original Protocol II required careful examination, as the issue was not addressed in the Convention, the original Protocol II or amended Protocol II. A carefully balanced outcome would firmly acknowledge the prerogative right of Governments to decide by which international instruments they wished to be bound, while recognizing the real humanitarian progress made with the adoption of amended Protocol II and the improvements made to the mine management regime. Israel supported the Coordinator's recommendation to encourage the High Contracting Parties to the original Protocol II that had not yet become parties to amended Protocol II to accede to it, as well as the Coordinator's intention to insert in his report a reference to the requirement for consent of all Parties to the termination of the original Protocol II.

73. As a country whose civilian population and military personnel were greatly affected by the use of IEDs, mainly by terrorists, Israel attached great importance to more extensive consideration of that issue, in particular aspects relating to the transfer and diversion of precursor materials.

74. **Mr. Lee Sang-woong** (Republic of Korea) said that amended Protocol II was an effective mechanism that balanced security and military requirements with humanitarian concerns. Together with Protocol V and the Convention on the Rights of Persons with Disabilities, it had contributed greatly to strengthening the global legal framework on landmines.

75. The Republic of Korea attached great importance to amended Protocol II, which it was faithfully implementing. The Government had intensified its demining efforts and had cleared almost 1,400 landmines in 2010 alone, although the clearance work was taking longer than anticipated. Civilian companies were not currently authorized to conduct mine clearance, but a bill to change the situation was in reading. An indefinite moratorium on the export of anti-personnel mines had been observed by his country since 1997.

76. International assistance and cooperation were an integral part of global efforts to mitigate the human suffering caused by landmines, and the Republic of Korea continued to contribute to demining and victim assistance projects through various channels, such as the Voluntary Trust Fund for Assistance in Mine Action, the United Nations Development Programme Crisis Prevention and Recovery Thematic Trust Fund and the International Trust Fund for Demining and Mine Victims Assistance. His Government was committed to sharing its demining experience and techniques with affected countries, and to global cooperation with other countries, international organizations and civil society.

77. Ensuring the universality of amended Protocol II should be given top priority. The effective implementation of the Protocol would demonstrate the essential role it played in addressing the problems caused by landmines and lead to increased membership. It was time, also, to consider ways to further enhance the Protocol's relevance; the discussions on IEDs at the April 2010 meetings of the Group of Experts had been a meaningful step in that direction. Those discussions should continue, taking into account the existing international framework.

78. **Ms. Khanna** (United States of America) said that her Government was committed to continuing its global leadership of efforts to eliminate the humanitarian risks posed by

landmines. Since 1993, the United States had provided more than \$1.8 billion for mine and explosive remnant of war clearance in 80 countries, as mentioned in the 2010 report entitled “To Walk the Earth in Safety”, available in the meeting room and online. The United States had ended use of all non-detectable anti-vehicle landmines, in addition to the non-detectable anti-personnel landmines covered by amended Protocol II. By the end of 2010, it would also end all use of persistent mines, both anti-personnel and anti-vehicle.

79. The April 2010 meetings of the Group of Experts had resulted in a valuable exchange of views on best practices in the implementation of amended Protocol II. Her delegation supported the Coordinator’s proposals for the continuation of the discussions on IEDs. His specific recommendations required refinement, however, to avoid giving the impression that the Conference sought to create new obligations for Parties. Her delegation could not support a decision to terminate the original Protocol II until such time as all Parties to that instrument had acceded to the amended Protocol. Nonetheless, it welcomed the recommendations made for moving the issue forward.

80. **Mr. Sato** (Japan) said that his Government had taken steps to implement fully amended Protocol II. Japan’s long-term involvement in international efforts to mitigate the risks and effects of mines, booby traps and other devices showed its commitment to fulfilling the objectives of the Protocol and the Ottawa Convention on Landmines, to which it was also a party.

81. The discussions that had taken place at the meetings of the Group of Experts in April 2010 had provided useful insights into issues connected with IEDs. Japan supported, in principle, the continuation of such discussions in order to share and identify best practices in responding to the concerns raised by those devices.

82. The issue of the denunciation or termination of the original Protocol II had no direct bearing on the promotion of higher international standards for mines, booby traps and other devices, and any rush to conclude the matter should be avoided. Since some High Contracting Parties to the original Protocol II had not yet become parties to the amended Protocol, the original instrument remained useful, and priority should therefore be given to achieving the universality of the amended Protocol.

83. **Mr. Demiralp** (Turkey) welcomed the discussions on the operation and status of the Protocol and on IEDs that had taken place at the meetings of the Group of Experts. The reports before the Conference (CCW/AP.II/CONF.12/2 and 3) were the results of meticulous work conducted by the Coordinators in close cooperation with the High Contracting Parties.

84. The Group of Experts was the appropriate forum in which to address the challenges posed by IEDs. Further in-depth discussions on ways and means to curb access by terrorists and criminal groups to military explosives and IED precursor materials would indeed be valuable, and his delegation wished to join the consensus on the approach proposed by the Coordinator.

85. The universalization of amended Protocol II, an indispensable element of the international legal corpus for addressing the humanitarian concerns arising from landmines, booby traps and other explosive devices, remained a high priority. The submission of national annual reports under the Protocol enhanced transparency, cooperation and mutual understanding among States.

86. **Mr. Clark** (United Nations Mine Action Service), speaking on behalf of the United Nations Mine Action Team, said that the Team endorsed the decision to strengthen amended Protocol II through intersessional work and supported the effective implementation of its provisions. The Team encouraged the Parties to fulfil their reporting obligations under the Protocol, which almost half were failing to do, and continued to stand

ready to provide assistance with that task. The Team welcomed the discussions on the possible termination of the original Protocol II and the proposal to bring reporting deadlines forward to match or approach those under other mine-action-related treaties.

87. IEDs had a significant impact on civilians, humanitarian workers and peacekeepers in an increasing number of countries. The deliberations on IEDs in the context of amended Protocol II were contributing to the analysis of the issue as well as the identification of possible solutions, and the discussion paper prepared by the Coordinator contained good suggestions for the direction that future discussions should take. The Team appealed once again to the High Contracting Parties to make further progress with eliminating the grave humanitarian and development threat of anti-vehicle mines. Current legal standards in that area should be revisited and, if appropriate, revised.

88. **The President** invited delegations wishing to do so to make a separate statement on the issues addressed in the reports of the two Coordinators, beginning with the report introduced by the 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 (CCW/AP.12/CONF.12/2).

89. **Mr. Quintanilla Román** (Observer for Cuba) said that Cuba fully shared the legitimate humanitarian concerns associated with the indiscriminate and irresponsible use of anti-personnel mines. At the same time, having been subjected for more than five decades to a policy of ongoing hostility by the world's greatest military power, Cuba found it impossible to renounce the use of such weapons, which it considered necessary to preserve its sovereignty and territorial integrity, in accordance with the right to legitimate self-defence embodied in the Charter of the United Nations. It was for that reason that Cuba was not a party to the Ottawa Convention on Landmines. Nevertheless, Cuba would continue to support efforts to ensure the necessary balance between humanitarian and national security considerations, with a view to eliminating the devastating effects on civilian populations and economies of the indiscriminate and irresponsible use of anti-personnel mines. It urged all States in a position to do so to provide the necessary financial, technical and humanitarian assistance for mine clearance operations and the economic and social rehabilitation of victims.

90. Cuba was opposed to the termination of the original Protocol II. It would not accept criticism from any State for its failure to become a party to amended Protocol II or to support restrictions on anti-personnel landmines. It wished to underscore that any decision on the termination of the original Protocol II must be taken by the Review Conference of the High Contracting Parties to the Convention in plenary meeting, with the consent of all the Parties to the instrument.

91. **Mr. Maresca** (International Committee of the Red Cross (ICRC)) said that the problem of IEDs was multifaceted, since the devices were manufactured from a large variety of military and civilian items. As deliberations within the Group of Experts had shown, IEDs were not inherently indiscriminate. Their indiscriminate effects were generally due to the way in which the weapons were used, not to their design. The most appropriate means of minimizing the impact of IEDs on civilians was to fully implement the general rules of international humanitarian law and ensure observance of article 3 of the amended Protocol II by all parties to international and non-international conflicts. The credibility of the Convention could be undermined if it appeared that States were developing non-proliferation or arms control regimes directed at only one side in an armed conflict.

92. **Mr. Mažeiks** (Latvia) said that he wished to brief the Conference on the activities he had undertaken as President of the Eleventh Annual Conference. He recalled that one of

the duties of the President was to promote the universalization of the Protocol. Together with the Chairperson of the 2009 Meeting of the High Contracting Parties to the Convention on Certain Conventional Weapons and the President of the Third Conference of the High Contracting Parties to Protocol V, he had written to all States not parties to the Convention and its Protocols to urge them to ratify or accede to amended Protocol II. In addition, he had addressed letters to the 12 High Contracting Parties to the original Protocol II and had met with their representatives in Geneva to encourage them to accede to the amended Protocol, and in so doing, facilitate the termination of the former instrument. He had also contacted the representatives of most of those States in New York, in conjunction with his visit there to report to the First Committee of the General Assembly in October 2010. A number of the States had informed him that they were currently reviewing their stance on accession to amended Protocol II, and he had found attitudes towards accession to be generally favourable. He hoped that those States would notify their consent to be bound by the instrument in the near future, in view of the upcoming Fourth Review Conference.

93. **Ms. Lu Xiaodong** (China), introducing a film on her country's mine action efforts, said that, as stated in the film, 2010 marked the twelfth year since her Government had begun carrying out international humanitarian demining. Its programme of assistance had made a positive contribution to that cause in some 40 developing countries in Asia, Africa and Latin America. Having been affected itself by landmines, China was sympathetic to the needs of other mine-affected countries. It had applied to its foreign mine clearance activities the experience it had gained in two large-scale demining operations undertaken during the 1990s in the south-west border areas of its own territory. By 2009, her Government had held six international humanitarian demining training courses, benefiting over 300 mine clearance personnel from more than 10 countries, and supplied large quantities of mine clearance equipment.

94. In 2010, China had organized two six-week training courses for 45 mine clearance personnel from the Sudan and Afghanistan and had dispatched Government officials and military mine clearance experts to Sri Lanka to carry out mine clearance cooperation and consultation in support of that country's reconstruction and resettlement efforts. It had donated equipment to the countries concerned and provided them with the necessary technical support and material aid to carry out the related operations.

95. The international humanitarian mine clearance assistance provided by China respected international standards. The ultimate aim was to strengthen the capacity of mine-affected countries, thereby reducing their reliance on external assistance and achieving sustainability of operations. China would continue to carry out international exchanges and cooperation in the field of humanitarian mine clearance, thus contributing to efforts to resolve the issues surrounding landmines.

96. *A film entitled "China's Efforts on Mine Action 2010" was projected.*

97. **Mr. Laassel** (Morocco), 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, said that the proposal by the representative of the European Union that States not party to amended Protocol II should consider submitting voluntary reports under the instrument was constructive and worthy of consideration. He wished to thank the many delegations that had expressed support for the proposal to synchronize the date of submission of national annual reports under article 13, paragraph 4, of amended Protocol II, with that of national reports under Protocol V. Given that the question of the termination of the original Protocol II appeared to require more in-depth consultations, he would contact all delegations whose representatives had spoken on that point, requesting them to propose wording for a recommendation that might be acceptable to all Parties.

98. **The President** suggested that the Conference should defer consideration of the recommendations contained in the report of the 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 until further consultations had been held. The Conference might also wish to defer consideration of the recommendations of the Coordinator on improvised explosive devices pending their amendment.

99. *It was so decided.*

*The meeting rose at 1 p.m.*