

**Sixth 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**

10 June 2013
English
Original: French

Geneva, 12–13 November 2012

Summary record of the 1st meeting

Held at the Palais des Nations, Geneva, on Monday, 12 November 2012, at 10 a.m.

Temporary President: Mr. Khvostov (President of the Fifth Conference)

President: Mr. Akram (Pakistan)

Contents

Opening of the Conference
Confirmation of the President-designate
Adoption of the agenda
Message from the Secretary-General of the United Nations
Confirmation of the rules of procedure
Appointment of the Secretary-General of the Conference
Organization of work including that of any subsidiary bodies of the Conference
Election of other officers of the Conference
Adoption of arrangements for meeting the costs of the Conference
General exchange of views*
Review of the status and operation of the Protocol*
Consideration of matters pertaining to national implementation of the Protocol, including
national reporting or updating on an annual basis*
Reports of any subsidiary organ(s)
Thematic discussion on cooperation and assistance and on requests for assistance

* Items which the Conference has decided to consider together.

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 10.15 a.m.

Opening of the Conference

1. **The Temporary President**, speaking on behalf of the Secretary-General of the United Nations, declared open the Sixth 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. He extended warm congratulations to Burundi, the Lao People's Democratic Republic, South Africa and Turkmenistan, which had become Parties to Protocol V after the previous Conference, and welcomed the representatives of the Democratic Republic of the Congo and Lesotho, who were attending within the framework of the Sponsorship Programme under the Convention. He strongly encouraged the High Contracting Parties to continue to work to assist countries with the clearance and destruction of explosive remnants of war, to implement generic preventive measures, to uphold victims' rights and to provide transparency through the national annual reports.

Confirmation of the President-designate

2. **The Temporary President** recalled that, at the Fifth Conference of the High Contracting Parties to Protocol V, it had been decided to nominate Ambassador Zamir Akram of Pakistan as President-designate of the Sixth Conference, as indicated in paragraph 46 of the final document of the Fifth Conference (CCW/P.V/CONF/2011/12). He took it that the Conference wished to confirm the nomination.

3. *It was so decided.*

4. *Mr. Akram (Pakistan) took the Chair.*

Adoption of the agenda

5. **The President** drew attention to the provisional agenda for the Sixth Conference, contained in document CCW/P.V/CONF/2012/1. He took it that the Conference wished to adopt the provisional agenda.

6. *It was so decided.*

Message from the Secretary-General of the United Nations

7. **Mr. Tokayev** (Director-General of the United Nations Office at Geneva) read out a message from the Secretary-General of the United Nations.

8. In his message, the Secretary-General said that explosive remnants of war continued to cause harm to people and development long after the cessation of hostilities. Protocol V was an ambitious instrument that would be judged by its ability to catalyse action by States to prevent and remedy that suffering. To reduce the number of casualties, it was essential that information on the use and abandonment of explosive ordnance was recorded and shared and that civilian populations in contaminated areas were educated and informed about the risks associated with those remnants of war.

9. He commended the Sixth Conference's readiness to address the challenges that States affected by remnants of war encountered in accessing assistance and to focus its work on coordinating clearance operations, sharing best practices on the safe storage of ammunition and assessing the progress made by the High Contracting Parties towards fulfilling their obligations. Highlighting the importance of the plan of action on victim assistance, he urged the High Contracting Parties to cooperate closely and to take on board the lessons learnt from other forums in addressing the needs of survivors within the

framework of the Convention on the Rights of Persons with Disabilities. He called for stronger efforts on the implementation of Protocol V and its universalization and urged all Parties to support those goals. He assured them that the United Nations fully supported their efforts to diminish the burden of conflict on civilians and wished the Conference every success.

Confirmation of the rules of procedure

10. **The President** recalled that the rules of procedure for conferences of the High Contracting Parties to Protocol V had been adopted at the First Conference on the recommendation of its Preparatory Committee, as indicated in paragraph 17 of the final document of the First Conference (CCW/P.V/CONF/2007/1). He took it that the Conference wished to confirm the rules of procedure.

11. **Mr. Amadei** (Italy) said that he would like to see the provisions of rule 12 of the rules of procedure aligned with those of article 10, paragraph 3, of Protocol V in order to avoid any contradiction or overlap in the description of the procedures for contributing to the costs of the Conference.

12. **The President** said that the issue raised did not necessitate a formal amendment of the rules of procedure. Noting that the issue had not attracted further comments from the delegations present, for the sake of efficiency and optimal time management he suggested that the Conference should avail itself of rule 44 of the rules of procedure, which provided for the suspension of the rules of procedure, and that a motion to suspend the application of rule 12 should therefore be adopted. He took it that the Conference wished to proceed in that manner.

13. *It was so decided.*

Appointment of the Secretary-General of the Conference

14. **The President** said that he wished to inform the delegations that Ms. Hine-Wai Loose, who was part of the Implementation Support Unit for the Convention, would be providing substantive support throughout the Conference.

15. He recalled that rule 10 of the rules of procedure made provision for the nomination of the Secretary-General of the Conference. Mr. Bantan Nugroho, Chief of the Implementation Support Unit for the Convention, 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.

16. *It was so decided.*

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

17. **The President** drew attention to the provisional programme of work (CCW/P.V/CONF/2012/2), which was intended to be flexible. He invited delegations to include in their statements under agenda item 9 (General exchange of views) any comments they might wish to make on the substantive items, including items 10 and 11. After the general exchange of views, each coordinator would introduce a report on the meeting of experts held from 25 to 27 April 2012 and the resulting recommendations. At the end of each thematic debate, for which the topics were — cooperation and assistance and requests for assistance; victim assistance; national reporting; generic preventive measures; clearance of explosive remnants of war; and the article 4 generic electronic template — the approval of the Conference would be sought on the recommendations made in the relevant report. The recommendations, once approved, would be included in the final document of the Conference and would serve as a road map for the implementation of Protocol V in 2013.

18. In the absence of any comments, he would take it that the Conference wished to proceed according to the scenario he had outlined and to adopt the provisional programme of work.

19. *It was so decided.*

Election of other officers of the Conference

20. **The President** said that there appeared to be agreement to elect Ambassador Jüri Seilenthal of Estonia and Ambassador Jan Knutsson of Sweden as Vice-Presidents of the Sixth Conference. He took it that the Conference wished to confirm those nominations.

21. *It was so decided.*

Adoption of arrangements for meeting the costs of the Conference

22. **The President** recalled that the cost estimates for the Sixth Conference had been considered at the Fifth Conference and recommended their adoption, as indicated in paragraph 47 of the final document of the Fifth Conference (CCW/P.V/CONF/2011/12). He took it that the Conference wished to adopt those financial arrangements.

23. *It was so decided.*

General exchange of views

Review of the status and operation of the Protocol

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

24. **The President** said that the universalization of Protocol V was critical to its rules becoming norms of international law and ultimately improving the protection of civilians from the impacts of explosive remnants of war, and that in the course of the past year significant efforts had been made to urge States that were not yet parties to the Protocol to join. He awaited with interest the statements of those States, as well as the updates from the High Contracting Parties on their recent efforts to encourage universalization.

25. **Mr. Kos** (European Union), speaking on behalf of the European Union; the acceding country Croatia; the candidate countries the former Yugoslav Republic of Macedonia, Montenegro, Iceland and Serbia; the stabilization and association process and potential candidate countries Albania and Bosnia and Herzegovina; and, in addition, the Republic of Moldova, Georgia and Ukraine, noted with satisfaction that four new States had acceded to the Protocol since the last Conference, bringing the number of High Contracting Parties to 81.

26. As a humanitarian actor, the European Union welcomed the progress made on victim assistance, even if improvements were still required; an increased understanding of the needs of victims on the ground was particularly crucial. Through its mine action strategy, it remained firmly committed to strengthening victim care, rehabilitation and socioeconomic reintegration services. Like many donors, the European Union did not differentiate between the different types of explosive remnants. It also believed that the Convention on the Rights of Persons with Disabilities, of which it was a signatory, provided a wider framework for addressing the needs of survivors and ensuring respect for their fundamental rights and dignity. In conclusion, the European Union stood ready, where possible, to provide assistance including political and financial support to States endeavouring to comply with the provisions of the Protocol.

27. **Mr. Lusiński** (Poland) said that Poland had submitted its instrument of ratification in September 2011 and that Protocol V had thereby entered into force for his country on 26 March 2012. In addition, Poland had submitted its initial report under the Convention on 26 September 2012.

28. **Mr. Guerreiro** (Brazil) said that while it was encouraging that new States had ratified Protocol V in the course of the past year, much remained to be done to achieve the universality of the instrument. Brazil was not affected by explosive remnants of war but was conscious of the grave humanitarian concerns they created after conflicts and of the need for action in affected areas as well as for generic preventive measures. With regard to other issues, the Brazilian delegation reiterated the positions expressed at the Fifth Conference of the High Contracting Parties.

29. **Mr. Tomasi** (Holy See) said that his delegation wished to express its concern about the many situations where explosive remnants of war were not only a safety problem for the local population but also a national and regional security problem. A large number of explosive weapons were falling into the hands of terrorist groups, criminal gangs or the population at large and were thus becoming a source of criminal or political violence and threatening the stability of countries.

30. There was an urgent need to provide for a renewed and strong response to the problem of explosive remnants of war. The credibility of Protocol V was at stake. It had to be admitted that in recent and current conflicts the civilian populations had not been protected and the rules of international humanitarian law had not been respected. The challenge therefore lay in making Protocol V effective in protecting civilian populations, which should not have to pay twice for the absence of a secure, free and peaceful environment.

31. **Mr. Schmid** (Switzerland) said that the commitment of Switzerland to the fight against anti-personnel mines and other explosive remnants of war was rooted in the country's humanitarian tradition. Switzerland had adopted a comprehensive anti-mine strategy for 2012–2015 that encompassed all forms of action to reduce the economic, social and environmental impact of mines, explosive remnants of war and cluster munitions. His Government believed that it was important to continue reinforcing the synergies between Protocol V and other instruments, whether other protocols to the Convention or international treaties such as the Ottawa Convention on Landmines and the Oslo Convention on Cluster Munitions. It also believed that victim assistance must be improved, that international cooperation must be strengthened and that the drive to universalize Protocol V must remain a priority. In the current period of financial crisis, it was more vital than ever to use the limited resources available to the Parties in a coordinated, consistent and complementing manner.

32. **Mr. Wu Haitao** (China) said that China believed that, to resolve the issue of explosive remnants of war in a more effective way, the principle of user responsibility for clearance should be observed. That approach would encourage States to adopt a more responsible attitude and to exercise restraint in the purchase and transfer of relevant weapons. China was ready to participate, within the limits of its capacity, in international cooperation efforts for the clearance of explosive remnants of war, in accordance with Protocol V.

33. **Mr. Benítez Verson** (Observer for Cuba) said that the Cuban Government had taken the decision to accede to Protocol V. The instrument of ratification had already been duly signed by the Cuban authorities and it would shortly be deposited with the Secretary-General of the United Nations.

34. **Mr. Malov** (Russian Federation) said that the Russian Federation deactivated tens of thousands of explosive remnants of war every year. The demining efforts under way in the

Chechen Republic and the Republic of Ingushetia, in which over 400 mine clearance experts were involved, had resulted in the detection and destruction of more than 3,500 explosive remnants of war already. The Russian Federation stood ready to provide assistance in international humanitarian demining and deactivation efforts, including by using the resources of the Ministry for Emergency Situations, as well as in training specialists in those areas.

35. **Ms. Mehta** (India) said that her country welcomed the accession of Burundi, the Lao People's Democratic Republic, South Africa and Turkmenistan to Protocol V. Her delegation would in due course convey its comments on the recommendations proposed by the coordinators during the meeting of experts of the High Contracting Parties to Protocol V that had taken place in April 2012. India was cooperating with Belarus in efforts to clear explosive remnants of war, including through the provision of equipment.

36. **Ms. Fogante** (Argentina) said that Protocol V had entered into force for Argentina on 7 April 2012. Argentina had indicated when submitting its instrument of ratification that there were explosive remnants of war in Argentine territory in the Falkland Islands (Malvinas). Because that part of its territory was illegally occupied by the United Kingdom of Great Britain and Northern Ireland, Argentina was unable to access those remnants with a view to their removal and destruction.

37. In order to implement the provisions of Protocol V, the Argentine Government had adopted measures for the production, management and storage of munitions. The Argentine Armed Forces were in a position to provide assistance at the international level, particularly in the marking and destruction of explosive remnants of war.

38. **Mr. Simon-Michel** (France) said that, since France had ratified Protocol V, the French Armed Forces had adopted operating procedures that would allow for information on used or abandoned explosive ordnance to be recorded in order to facilitate destruction or deactivation at the end of an armed conflict. In the light of the military operations carried out in Libya in 2011 and those that still continued in Afghanistan, procedures for recording and sharing information of that kind could provide an effective tool for authorities responsible for the decontamination of land.

39. **Mr. Woolcott** (Australia) said that the Australian Government was making considerable efforts to encourage the Pacific Island nations to accede to Protocol V. In particular, in February 2012 it had hosted a meeting on explosive remnants of war to raise awareness of the risks associated with explosive remnants of war and ways to combat those risks.

40. Australia had also provided support in the clearance of explosive remnants of war to countries across the Asia-Pacific region, the Middle East and Africa and was currently providing assistance in works in Afghanistan, Cambodia, Iraq, Lebanon, the Lao People's Democratic Republic and Palau. It also supported a number of centres in rehabilitating and reintegrating persons with disabilities, including victims of explosive remnants of war.

41. **Ms. Levy** (South Africa) said that Protocol V had entered into force for South Africa on 24 July 2012. South Africa had recently participated in a meeting hosted by the International Committee of the Red Cross on the implementation of article 4 of Protocol V.

42. **Mr. Al-Shani** (Observer for Yemen) said that Yemen had developed a national demining programme and had established a demining centre with support from the United Nations and certain donor States, including the United States of America and Japan. Yemen intended to accede to the Convention on Certain Conventional Weapons, and also to Protocol V on Explosive Remnants of War.

43. **Mr. Mashoi** (Observer for Lesotho) said that the Government of the Kingdom of Lesotho had begun a process of consultation with a view to becoming a party to Protocol V.

The documents concerning the proposal to join Protocol V would be submitted to the Cabinet of Ministers in the near future and the process should be finalized in the first half of 2013.

44. **Ms. Yoon-jeong Baek** (Republic of Korea) said that the Government of the Republic of Korea had adopted instructions for the management of explosive remnants of war in 2009. The aim of the instructions was to enable the Ministry of National Defence to deal swiftly with the clearance, removal or destruction of explosive remnants of war in the event that such remnants were to be found in the territory of the Republic of Korea.

45. **Mr. Thammavongsasa** (Lao People's Democratic Republic) said that the Lao People's Democratic Republic had been a party to Protocol V since December 2011. Fourteen of the 17 provinces of his country were contaminated by unexploded ordnance that constituted an immediate and long-term threat to the affected communities and was also an obstacle to the country's socioeconomic development. The Lao People's Democratic Republic hoped that it would continue to benefit from the international community's assistance.

46. **Mr. Oyarce** (Chile) said that Chile intended to continue to contribute to the programme of cooperation with developing countries through which specialist expertise in the clearance and destruction of explosive remnants of war could be amassed and good practices disseminated in the countries concerned in a context of South-South cooperation.

47. **Mr. Pollard** (Observer for the United Kingdom), exercising his right of reply in respect of the statement of Argentina concerning the illegal occupation by the United Kingdom of the Falkland Islands (Malvinas), said that there could be no negotiations on the issue of sovereignty unless the population concerned expressed a desire for such negotiations. However, the local population regularly made it expressly known that it had no intention either of ceding British sovereignty or of seeking independence. The United Kingdom therefore requested that Argentina refrain from raising the issue during the forthcoming meetings of the Sixth Conference of the High Contracting Parties to Protocol V.

48. **Mr. Avilés** (Ecuador) said that the General Demining Command was engaged in humanitarian mine clearance operations in several areas of Ecuador close to the border with Peru. Ecuador had been exchanging information about mined areas with Peru for 10 years. The Command had been running ongoing campaigns to raise awareness of the potential dangers posed by explosive devices in border areas since the 1995 conflict. It had also begun the task of marking dangerous areas and had conducted impact surveys in those areas. The mine detection teams of Ecuador and Peru participated in exchanges that allowed them to locate the mines situated in areas under their control with greater precision.

49. **Mr. Božović** (Observer for Montenegro) said that previous activities related to unexploded ordnance in Montenegro had been conducted without adequate protective equipment and technical resources for transporting, searching for and destroying such munitions. Montenegro also lacked spaces in which to store the munitions prior to their destruction. Lack of equipment had also prevented the execution of planned search activities at a number of sites. Montenegro hoped to be in a position to ratify Protocol V and to deposit its instrument of consent to be bound in 2013.

50. **Ms. Marcaillou** (Director of the United Nations Mine Action Service), speaking on behalf of the Inter-Agency Coordination Group for Mine Action, said that she welcomed the recent initiative of the International Committee of the Red Cross to hold a meeting of experts to promote the implementation of article 4 of Protocol V. Article 4 was of particular importance in the context of a military alliance between the High Contracting Parties, especially with regard to the transmission of information for the purpose of facilitating mine action activities. The Parties were urged to give particular consideration to the

disposal of old and defective stockpiles and of explosive ordnance prohibited by a specific treaty. The Parties were also encouraged to apply the International Ammunition Technical Guidelines adopted by the United Nations General Assembly in 2011. Affected States, meanwhile, were encouraged to provide updates on national efforts to safeguard the rights of victims and survivors of explosive remnants of war and to address their needs.

51. **Mr. Maresca** (International Committee of the Red Cross) said that, as adherence to Protocol V increased, full and effective implementation of its provisions was of the utmost importance. However, the proper implementation of article 4, upon which the success of the Protocol was in many ways contingent, was a source of concern because it appeared to create challenges for a significant number of countries. In the course of 2013 the International Committee of the Red Cross would be issuing a report on the meeting of experts held recently to discuss the implementation of article 4 that would include recommendations.

Reports of any subsidiary organ(s)

Thematic discussion on cooperation and assistance and on requests for assistance
(CCW/P.V/CONF/2012/7, CCW/P.V/CONF/2012/7/Amend.1 and
CCW/P.V/CONF/2012/7/Corr.1)

52. **Mr. Lisuchenko** (Coordinator on cooperation and assistance and requests for assistance) said that the focus of the 2012 meeting of experts had been the receipt of updates from affected States on their needs and priorities. Belarus, the Lao People's Democratic Republic, Serbia and Ukraine had provided information in that connection. A small group meeting for affected States only had also been organized. It had been attended by the representatives of Belarus, Georgia, Nigeria, the Democratic Republic of the Congo, Senegal, South Sudan and Ukraine. In the Report on Cooperation and Assistance and Requests for Assistance it was proposed that small group meetings of that type should take place again, and that in 2013 donor countries should also be invited to join those discussions. With regard to coordination between donor States, it was difficult to obtain a clear idea of the activities taking place and there were a number of challenges.

53. **Mr. Ponomarev** (Belarus) said that the request for assistance made by his country in 2008 in accordance with article 7 of Protocol V was currently being satisfied by the Government of India. It was providing demining teams, mine detectors, mobile transceivers and GPS-type equipment for the clearance of explosive remnants of war on the territory of Belarus.

54. **Ms. Love** (Australia) said that her country was increasingly targeting its bilateral mine action assistance through nationally coordinated mechanisms and programmes and that its long-standing assistance to Afghanistan, Cambodia and the Lao People's Democratic Republic was already being channelled through such mechanisms. As the current Chair of the Mine Action Support Group, Australia was working to improve coordination and partnerships and to assist countries in implementing their clearance programmes. The national mine action strategy was being successfully implemented against all four of its outcomes, including improving quality of life for victims of explosive remnants of war, reducing the number of deaths and injuries from explosive remnants of war and enhancing the capacity of countries to manage their mine action programmes.

55. **Mr. Meier** (United States of America) said that his country agreed with the recommendations made by the Coordinator in his report, including the proposal that the small group discussions for affected States should be opened up to donor countries to create an atmosphere more conducive to the exchange of views. He noted that since 1993 the United States had contributed more than \$2 billion to the implementation of conventional weapons destruction programmes in over 90 countries.

56. **Mr. Laurie** (United Nations Mine Action Service), speaking on behalf of the Inter-Agency Coordination Group on Mine Action, said that requests for assistance from the Mine Action Service submitted using the appropriate form should be addressed to the international community as a whole rather than to the Mine Action Service or to the United Nations in particular. He added that the United Nations could not provide long-term support to affected States without the commitment of Governments and the generous support of the donor community.

57. **Ms. Payne** (Australia), speaking on behalf of the Mine Action Support Group, which was chaired by Australia, said that the Group could not make resourcing decisions on behalf of its members but that all members had been invited to consider the requests for assistance that several States parties and observer States affected by explosive remnants of war had recently submitted. Affected States were also encouraged to follow up funding possibilities directly with members of the Group.

58. **The President** invited the High Contracting Parties to approve the recommendations made in paragraph 11 of the Report on Cooperation and Assistance and Requests for Assistance, and said that he took it that they wished to endorse them.

59. *It was so decided.*

The meeting rose at 12.55 p.m.