

**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**

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Summary record of the 2nd meeting

Held at the Palais des Nations, Geneva, on Monday, 12 November 2012, at 3 p.m.

President: Mr. Lisuchenko (Coordinator on cooperation)(Ukraine)
later: Mr. Seilenthal (Vice-President)(Sweden)

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In the absence of Mr. Akram (Pakistan), Mr. Lisuchenko (Ukraine), Coordinator on international cooperation and assistance and requests for assistance, took the Chair.

The meeting was called to order at 3.20 p.m.

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

*Thematic discussion on cooperation and assistance and requests for assistance
(continued)*

1. **Mr. Bui Hoang Long** (Observer for Viet Nam), introducing the film *Rainy Season*, said that the effects of explosive remnants of war were perhaps the tragedy of the two atrocious wars that Viet Nam had been through in the twentieth century that were currently the most visible. Some 800,000 of the 15 million tons of ammunition used against Viet Nam had remained as explosive remnants, killing 42,000 persons since 1975 and injuring a further 63,000. Around 20 per cent of the land was contaminated. Despite limited financial resources, Viet Nam had invested heavily in tackling the problem by clearing the land and rehabilitating victims. International cooperation was crucial, and he wished to thank Norway, Ireland, Japan and the United States of America, as well as the international organizations and non-governmental organizations (NGOs) that had provided support. Viet Nam remained steadfastly committed to comprehensive and total disarmament and urged the international community to work together to secure a world free from any kind of destructive weapons.

2. *A video recording of the film Rainy Season was shown in the meeting room.*

3. **Ms. Widdifield** (Clear Path International) said that, as a psychologist working for the NGO Clear Path International, she had decided to make the documentary film *Rainy Season* to raise awareness of the issue of explosive remnants of war, particularly among citizens of the United States, since it was part of their country's legacy. She had thus chosen to focus on the poignant story of one rural family in Viet Nam. The film showed that, 40 years after the war, poor civilians were the main victims of explosive remnants of war. Tens of thousands of people in Viet Nam had been killed or injured, and only a small proportion of contaminated land had been cleared. In the province where the documentary had been filmed, there were over 50,000 tons of unexploded ordnance. Raising awareness, it was hoped, would inspire citizens to work with NGOs and Governments to address the problem. A full-length film was now being produced.

4. **Mr. Meier** (United States of America) commended the film and said that the United States recognized that contamination with explosive remnants of war was an impediment to development in South-East Asia. Since the 1990s, the United States Government had been providing substantial support for victim assistance, clearance activities and national capacity-building in Viet Nam, the Lao People's Democratic Republic and Cambodia. Those countries were to be commended for their well-planned and well-executed clearance programmes. In the light of its involvement in the contamination, the United States was committed to providing support for as long as it was required.

5. *Mr. Seilenthal (Estonia), Vice-President, took the Chair.*

Thematic discussion on victim assistance and national reporting

Thematic discussion on victim assistance (CCW/P.V/CONF/2012/6 and Amend.1)

6. **Ms. Wörgötter** (Austria), Coordinator on victim assistance, presenting the 2012 report on victim assistance, recalled that, under article 8 of Protocol V, all High Contracting Parties had an obligation to provide assistance to victims of explosive remnants of war.

7. **Mr. Salopek** (Croatia), Friend of the Coordinator on victim assistance, first addressed the state of implementation of the plan of action on victim assistance under

Protocol V, adopted in 2008. At the meeting of experts held in April 2012, the High Contracting Parties had stressed the need to strengthen implementation of victim assistance in line with the plan of action, focus more on the social and economic integration of victims and increase the exchange of experience regarding the practical implementation of international instruments related to the rights and needs of victims and persons with disabilities. In the light of the outcome of those discussions, the Coordinator on victim assistance recommended that the meeting of experts should continue to promote and review the implementation of the plan of action in order to further improve assistance and foster a culture conducive to its implementation.

8. A discussion on the identification of victims' needs during the Fifth Conference of the High Contracting Parties, held in 2011, had underscored the importance of data collection, as well as of the involvement of survivors and their representative organizations in the needs assessment process. The discussion had also stressed that close cooperation among all stakeholders at the national and community levels was required for the effective provision of assistance, and that financial planning must be an integral part of victim assistance policy planning. A number of States did not have a clear picture of victims' needs, and to address that issue, disaggregated data was essential. The shortage of funding, however, often hindered assistance efforts. The High Contracting Parties should continue to promote data collection and needs assessment, and those Parties in a position to do so should provide cooperation and assistance.

9. **Ms. Wörgötter** (Austria), Coordinator on victim assistance, presenting the amended national reporting template contained in the annex to the report, said that the meeting of experts had concluded that reporting on victim assistance and cooperation needs, which was of particular interest to affected States, was fragmented and limited in scope. A draft template for national reporting on victim assistance had therefore been sent out to all High Contracting Parties, signatory States and observer States for comment. In addition, informal consultations had been held with over 20 interested States. The input received had been used to draw up the revised draft template, which was now being submitted for consideration and adoption by the High Contracting Parties.

10. Referring to the recommendation contained in paragraph 16 (e) of the report, she said that the High Contracting Parties had repeatedly stressed the benefits of exchanging best practices with institutions dealing with related international conventions and with the treaty bodies. Instruments such as the Convention on Cluster Munitions and the Anti-Personnel Mine Ban Convention were all concerned with victim assistance. The Convention on the Rights of Persons with Disabilities deserved special attention, as many survivors of incidents involving explosive remnants of war were disabled. Furthermore, that Convention included provisions on accessibility, education, employment, national legislation and data collection that were of direct relevance to the implementation of Protocol V. At the meeting of experts in 2012, the High Contracting Parties had recognized that the foregoing conventions all aimed to remove barriers to the full inclusion in social and economic life of persons who survived incidents involving mines and unexploded ordnance and those with disabilities. Victim assistance could be made more effective and duplication avoided by stepping up cooperation and drawing on the experience gained and practices adopted by related international legal instruments.

11. Within the framework of the Convention on Certain Conventional Weapons itself, the High Contracting Parties had continued to use the plan of action on victim assistance as a blueprint for helping States extend the legal basis for providing victim assistance. The relevance of the plan of action had been recognized and discussed for three years in a row at the joint meeting of experts organized under amended Protocol II and Protocol V. A recommendation had been put forward in the report to further promote the plan of action within the wider community of the Convention on Certain Conventional Weapons. Lastly,

all five recommendations contained in the report sought to strengthen the monitoring and implementation of activities covered by article 8, paragraph 2, of Protocol V.

12. **Mr. Laurie** (United Nations Mine Action Service), speaking also on behalf of the Inter-Agency Coordination Group on Mine Action, said that victim assistance was one of the pillars of mine action. From the outset, the United Nations Mine Action Service had fully supported the plan of action for victim assistance and would continue to do so. It also supported the efforts to encourage the High Contracting Parties to further report on the progress made and the challenges faced in assisting victims. Despite significant advances in the past decade, the needs of victims of explosive remnants of war had yet to be fully met, especially in respect of long-term medical care, psychological support and the social and economic reintegration and inclusion of such victims. Partnerships must be forged for such goals to be achieved. The need for such partnerships would be reflected in the new United Nations mine action strategy that the Inter-Agency Coordination Group on Mine Action would soon be adopting.

13. The United Nations Mine Action Service had an important role to play in fostering the effective implementation of the Convention on the Rights of Persons with Disabilities, including efforts to benefit victims of mines and explosive remnants of war in a non-discriminatory manner. The Convention offered an excellent framework for meeting victim assistance requirements. The United Nations Mine Action Service supported the integration of victim assistance into sustainable disability, public health, social welfare and other relevant frameworks. The Service had played a critical part in promoting such integration and would continue to do so whenever appropriate and necessary.

14. **Mr. Debač** (Croatia) said that his Government was pleased to see that victim assistance, rehabilitation and reintegration was being given its due importance within the framework of the Convention on Certain Conventional Weapons. In order to ensure adequate victim assistance, Croatia had in 2010 established a national coordinating body for victims of mines and unexploded ordnance. Five of the body's 19 members were from NGOs. The body had been set up in accordance with various recommendations and pursuant to the obligations undertaken under the Convention on the Rights of Persons with Disabilities. Its main objective was to draft a national action plan for victims for 2010 to 2014 and coordinate victim assistance in Croatia.

15. The national action plan sought to improve the quality of life of victims and their families. It focused on the following areas: identification of issues, medical care, physical rehabilitation, psychological and social support, economic integration and the law and public policies.

16. The National Institute of Public Health was developing a database on incidents involving mines and unexploded ordnance, levels of disability, the enjoyment of rights such as the right to education and employment, family members of survivors and other relevant aspects. The database should facilitate the monitoring of efforts to rehabilitate and reintegrate mine victims into society.

17. Among the challenges faced was the fact that the coordinating body did not have a government mandate to monitor or assess the status of implementation of the national plan, nor did it have the necessary resources to do so. Provision for continuing psychological and social support remained inadequate. Emergency teams and rehabilitation specialists were still unevenly spread throughout the country. People with disabilities continued to face discrimination in employment, especially outside the capital, and members of the military injured by mines, unexploded ordnance and explosive remnants of war in the Homeland War, or Croatian War of Independence, received much more financial support than did civilian survivors.

18. **Mr. Vipul** (India), commending the report, said that his Government attached high importance to victim assistance. While he could support the recommendations put forward, he took issue with the reference to international legal instruments other than the Protocol.

19. **Mr. Thammavongsa** (Lao People's Democratic Republic), expressing support for the report and the recommendations contained therein, said that victim assistance was among the core elements of Protocol V. His Government had conducted a national survey of victims of incidents and accidents involving unexploded ordnance between 1964 and 2008, which showed that such ordnance had claimed the lives of almost 30,000 people and caused more than 50,000 casualties in total. The number of casualties had decreased in recent years, from 304 in 2008 to 117 a year in both 2009 and 2010. Between January and September 2011, there had been 81 recorded casualties, 45 of them children. The drop in the number of casualties was attributable to effective mine risk education and progress made in clearance. However, much remained to be done, particularly in respect of victim assistance.

20. The Ministry of Health was the main national player involved in victim assistance. The National Rehabilitation Centre under the Ministry had provided rehabilitation services and prosthetic devices to victims. The Government was working with international NGOs to provide survivors with equipment, education and training in areas such as animal husbandry and handicrafts, and it provided grants to persons with disabilities to help them set up small businesses. Lastly, the Government was currently drafting a national strategy for victim assistance, which would soon be finalized. He wished to express his gratitude to the international and non-governmental organizations for the contributions that they had made to victim assistance in the country.

21. **Ms. Ji Weiwei** (China) said that China had made significant contributions to international humanitarian mine action and assistance to victims, including sending mine clearance experts to Cambodia to carry out training there, and had also organized mine-clearance training seminars in China for mine clearance personnel from Sudan and South Sudan. China had provided some RMB 2.3 million worth of assistance to the victims of cluster munitions in Lebanon and the Lao People's Democratic Republic to help them be reintegrated into their societies. The Government had also produced a relevant handbook, which it would be distributing to participants in the Conference. Since 1998, the Chinese Government had provided assistance, including equipment and training, to more than 40 Asian, African and Latin American countries, amounting to some RMB 60 million.

22. **Mr. Khan** (Pakistan), commending the report and the transparent and inclusive manner in which it had been drafted, said that victim assistance was a very important part of Protocol V and his Government would continue to work towards providing such assistance. While he could generally support the recommendations in the report, he concurred with the representative of India that paragraph 16 (e) raised problems, in particular because of the reference to certain conventions that included obligations and memberships different from those of the Protocol. He therefore requested that the reference to the Convention on Cluster Munitions and the Anti-Personnel Mine Ban Convention should be deleted. The last phrase of the paragraph should be "and to foster an exchange of experiences and practices of Protocol V", with the words "regarding victim assistance" inserted thereafter. Such an amendment would leave the spirit and effectiveness of the recommendation unaffected and would help to avoid a difficult political issue.

23. **Mr. Masmejean** (Switzerland) said that his delegation supported the recommendations set out in the report. Much progress had been achieved since the entry into force of Protocol V, and the plan of action on victim assistance was a significant step forward. However, as the meeting of experts had highlighted, there were still great challenges to be met, including the need for better data collection and analysis, for example. His Government therefore supported in particular the recommendation to provide adequate

time to consider victim assistance at meetings of experts and conferences of the High Contracting Parties and to continue to promote data collection. Full consideration should be given to strengthening the sharing of practices and experiences with other relevant international instruments dealing with victim assistance. Lastly, the plan of action played an essential role in promoting non-discriminatory, comprehensive and gender-sensitive assistance for victims of explosive remnants of war. He therefore welcomed the recommendation to continue to review the implementation of the plan of action in order to assess progress and make recommendations at the Seventh Conference for further improving assistance for victims.

24. **Mr. Malov** (Russian Federation) said that the proposal to amend paragraph 16 (e) made sense and was justified from the legal point of view. Not all the States participating in the current meetings on Protocol V were members of the related international instruments, and so it would be counterproductive to refer to them.

25. **Mr. MacBride** (Canada) said that his delegation had no objection to removing the specific names of the instruments, but proposed retaining “with related international legal instruments” to clarify that the recommendation related to structures outside the framework of the Convention on Certain Conventional Weapons.

26. **Mr. Petrausch** (France) and **Mr. Amadei** (Italy) expressed support for Canada’s proposal, as the wording would highlight the need for synergies with other instruments.

27. **Mr. Gillon** (Belgium) said that the recommendation did not carry additional legal obligations, but merely referred to the exchange of experience and practices.

28. **Mr. Vipul** (India) said that references to other legal instruments posed two problems. Firstly, the Conference would be going beyond its mandate, which merely called for the Parties to continue their efforts to fully implement the plan of action. Secondly, synergies with legal instruments were not the same as synergies on the ground. The former were delicate and complicated matters because of the variety of memberships and obligations under the instruments in question. No decision had been taken in the framework of the Convention to explore such synergies. The Parties should leave out any mention of other legal instruments until further discussions had been held on the subject.

29. **Ms. Wörgötter** (Austria), Coordinator on victim assistance, said that the drafting of the recommendations reflected discussions at the 2012 meeting of experts and at the previous Conference. The drafters had not intended to refer to legal obligations, only to recommend the practical exchange of knowledge. According to reports from practitioners on the ground, what mattered most was not deciding which particular legal instruments dealt with victims, but to share experiences, learn from one another and avoid the duplication of work.

30. **Mr. Khan** (Pakistan) said that regardless of the drafters’ best intentions, the reality was that the current wording caused legal problems and was contentious because it would refer to instruments which some countries had specifically opted not to join.

31. **Mr. Winter** (Uruguay) said that he could not see why the mention of international instruments was legally contentious. The recommendation would not require countries to accede to any instrument; it would merely stress the importance of exchanging information on best practices to enhance victim assistance, thus strengthening the mandate.

32. **Mr. MacBride** (Canada) proposed recasting the paragraph to refer to an informal exchange of experiences at the practitioner level.

33. **Ms. Ji Weiwei** (China) said that since her country had not acceded to the Oslo Convention on Cluster Munitions, she understood why the delegations of India and Pakistan might prefer not to mention legal instruments. She proposed dividing the

recommendation into two paragraphs, one calling on the High Contracting Parties to continue to promote the plan of action in the broad framework of the Convention and another requesting that they exchange, where feasible, experiences and practices of Protocol V with related international legal instruments.

34. **Mr. Oyarce** (Chile) said that there were clearly two positions which could not be reconciled at the current meeting of the Conference. He proposed that individual consultations should be held to find a compromise. The two positions were essentially not so different from each other.

35. **The President** said he took it that the Conference approved recommendations (a), (b), (c) and (d) of paragraph 16 and decided to hold informal consultations on recommendation (e) with a view to finding an acceptable formulation.

36. *It was so decided.*

Thematic discussion on national reporting (CCW/P.V/CONF/2012/4)

37. **Mr. Gill** (India), Coordinator on national reporting, introducing the report on the topic, said that the general rate of return of reports had in recent years been encouraging. In 2012, 47 High Contracting Parties had submitted reports – 2 more than in the previous year. Argentina, Ecuador, the Lao People's Democratic Republic and Poland had submitted their first reports. Some Parties had understandable reasons for delays and had contacted the Coordinator to confirm their commitment to reporting. The Implementation Support Unit was at their service for any assistance in the fulfilment of their reporting requirements.

38. Improvement in the quality of reports was another priority. Pursuant to the decision of the Fifth Conference, assessments had started on national reports and the utility of the guide to national reporting. In April, discussions on the topic, especially on forms A to I, had been fruitful, in part thanks to the work of Ms. Hine-Wai Loose of the Implementation Support Unit. Enhancing the clarity of the reporting forms and avoiding duplication were areas where improvement would be possible.

39. He expressed satisfaction with the response to form G. Any changes to the guide to national reporting should be minimal and should aim to provide more clarity rather than encumbering reports with details. High-quality reporting would improve the work of clearance agencies and help them to overcome challenges in the field. Improving clearance reduced the numbers of victims, and thus the need for assistance.

40. **The President** invited the Conference to approve the recommendations contained in the Coordinator's report.

41. *It was so decided.*

The meeting rose at 5.20 p.m.