

**Fifteenth 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**

4 December 2013

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Geneva, 13 November 2013

Summary record of the 2nd meeting

Held at the Palais des Nations, Geneva, on Wednesday, 13 November 2013, at 3 p.m.

President: Mr. Gallegos (Ecuador)

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* Items which the Conference decided to consider together.

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The meeting was called to order at 3.05 p.m.

Review of the operation and status of the Protocol

Report(s) of any subsidiary organ(s)

Report of the President

1. **The President** introduced his report (CCW/AP.II/CONF.15/2) on the operation and status of amended Protocol II, on matters arising from the annual reports filed by the High Contracting Parties pursuant to article 13, paragraph 4, of the amended Protocol, and on the development of technologies to protect civilians against indiscriminate effects of mines. Noting that the central question regarding the status of the original Protocol II was related to the universalization of amended Protocol II, he outlined his efforts and those of the Group of Experts in that regard and the results obtained. In particular, he described the discussions held with the 11 States parties to the original Protocol II that had not consented to be bound by amended Protocol II and with the 6 States parties to the Convention that had not acceded to either of those two instruments. Regarding the national annual reports, he emphasized that, while 48 per cent of the High Contracting Parties who had submitted responses using form C had done so correctly, only a handful of the High Contracting Parties had provided information on the availability of material for the clearance, removal and destruction of mines or on the marking of mines, and only one State had provided information on deferral of compliance. Regarding the development of technologies to protect civilians against indiscriminate effects of mines, the Group of Experts had heard a promising report from the Geneva International Centre for Humanitarian Demining on the information management system for mine action (IMSMA) that it had developed. He invited the Conference to approve the recommendations of the Group of Experts contained in part III of the report.

2. *It was so decided.*

Technical cooperation and assistance for mine action by China

3. **Mr. Wu Haitao** (China), accompanying his statement with a video presentation on the technical cooperation and assistance work that was being done in China in the domain of mine action, said that in the preceding two decades China had provided humanitarian demining assistance to more than 40 countries. Universities and academies operated by its Armed Forces conducted research, hosted conferences and provided training. The beneficiaries of the assistance included numerous participants in national mine clearance efforts as well as Cambodian peacekeepers preparing for deployment with the United Nations Interim Force in Lebanon. He concluded the video presentation with an overview of the types of equipment that had been donated as part of the technical cooperation and assistance programme and a presentation of research efforts that were expected to provide useful input for international humanitarian demining efforts in the future.

Report from the Coordinators on improvised explosive devices

4. **Ms. Payne** (Australia), speaking in her capacity as the Coordinator on improvised explosive devices, drew attention to the report (CCW/AP.II/CONF.15/3) that she and the Co-Coordinator, Mr. Masmajan (Switzerland), had submitted on improvised explosive devices (IEDs). The April 2013 meeting of the Group of Experts had focused on an exchange of information on IEDs; best practices for addressing the diversion or illicit use of materials that could be used for IEDs; and the promotion of compliance with international humanitarian law, including through the use of awareness campaigns to deprive the organizers of suicide bombings of support from unwitting donors and to increase public awareness of IED risks. The meeting had also heard a report on assistance to victims of IED

attacks in Afghanistan. In the light of those deliberations, the Group of Experts had formulated the recommendations set out at the end of the report.

5. **Mr. Valencia** (Colombia) expressed his delegation's appreciation for the report and in particular for the recommendations in paragraph 23 (a), (b) and (d). The people of Colombia were suffering particularly heavily from the devastating effects of the indiscriminate and criminal use of IEDs, which hampered economic development and prevented Colombians from the full enjoyment of their legitimate rights. Ready availability of the precursor materials and a low manufacturing cost made IEDs a weapon of choice for terrorists and illegal armed groups. Colombia considered that two topics deserved particular attention in the 2014 discussions between the High Contracting Parties: the exchange of information concerning mine action and the provision of assistance to victims. For the exchange of information, existing solutions and best practices from around the world could provide models for the platforms, mechanisms and processes that urgently needed to be set up or reinforced. The legal provisions for preventing and punishing the indiscriminate use of IEDs needed to be strengthened so as to target the suppliers. Further consideration should be given to addressing the issue in the framework of measures against transnational crime. The subject should therefore remain on the agenda of the Conference the following year. Victim assistance was an integral part of Colombia's action on anti-personnel mines and IEDs, and mine risk education among the more vulnerable members of society, especially young children and teenagers, was an important part of that action.

6. **Ms. Mouelhi-Rondeau** (Canada) said that Canada remained a firm supporter of the efforts undertaken by the High Contracting Parties to combat IEDs. Such devices posed special challenges due to the preference of non-State actors for such weapons and the fact that they relied extensively on dual-use materials. Her delegation welcomed the recommendations made in the report by the Coordinators, in particular the idea of setting up a database to facilitate information sharing at the international level.

7. **Mr. Biontino** (Germany) supported the recommendations made in the report. Germany placed great importance on strengthening the capacity of States to reduce the threat of IEDs. It therefore welcomed the proposal to task the Group of Experts with studying how to set up an effective mechanism to exchange and pool information. The sensitive nature of some of that information had to be borne in mind because of its national security implications, but neither national security nor the goal of reducing IED-related suffering would be well served if mine action continued to rely on fragmented and ad hoc information. To that end, the High Contracting Parties would have to reach a consensus first on the scope and type of information to share, and then on the procedures and mechanisms to set up. Such work could best be done in a structure such as a small group of experts.

8. **Mr. Malov** (Russian Federation) said that the examination of IED-related issues in the framework of amended Protocol II offered a promising avenue for more effective action against a particularly pernicious type of weapon which was taking a growing toll of civilian and military victims. IEDs, unlike devices falling into the category of mines other than anti-personnel mines (MOTAPM), represented a real humanitarian threat due to the way they were designed, which often made it impossible to detect or clear them. The threat was aggravated by the devices' poor discrimination between military and civilian vehicles and by the fact that their explosive charges were often more destructive than necessary and thus caused needless suffering. To respect the scope of amended Protocol II, the recommended activities should focus primarily on IED use in the context of military action or against military units. Other forms of IED use should be addressed in the appropriate forums. Thus, their use by terrorists was primarily a security concern. Amended Protocol II lent itself well to studying the following IED-related issues: sharing information on types of IEDs, their design characteristics, the manner of their deployment and the tactics used against military

targets; cooperation relating to equipment and methods for sweeping, detecting and destroying IEDs; and measures designed to thwart and stop the use of IEDs and to protect civilians and combatants. The proposal to create a common database was an intriguing possibility, but given the sensitivity of such information, detailed clarification would first be needed regarding the scope, rationale and mechanisms of the sharing.

9. **Mr. Grinevich** (Belarus) suggested that the final recommendation made by the Coordinators, in subparagraph 23 (d), should cite other relevant instruments and programmes, some of which provided a useful framework for assisting victims of all manner of explosive remnants of war, including IEDs.

10. **The President** invited the Conference to approve the recommendations contained in paragraph 23 of the report submitted by the Coordinators on improvised explosive devices.

11. *It was so decided.*

Adoption of the estimated costs for 2014

12. **The President** drew attention to the document containing the estimated costs for a two-day meeting of the Group of Experts in 2014 (CCW/AP.II/CONF.15/4). He said that he took it that the Conference wished to approve the costs as described in the document.

13. *It was so decided.*

The meeting was suspended at 3.55 p.m. and resumed at 6 p.m.

Consideration and adoption of the final document (CCW/AP.II/CONF.15/CRP.1)

Paragraphs 1–4

14. *Paragraphs 1 to 4 were adopted.*

Paragraphs 5–8

15. **Mr. Vipul** (India) said that his delegation would require more time to consider the changes made in the section of the report entitled Organization of the Fifteenth Annual Conference, which differed from the corresponding section of the report of the previous year, in particular in paragraph 8.

16. **The President** said that he took it that a decision on the section in question could be deferred.

17. *It was so decided.*

Paragraphs 9–19

18. **Ms. Giles** (Australia) said that paragraph 19 (e) should be deleted, as it repeated paragraph 19 (c).

19. **Mr. Levon** (Israel) said that the list of participants in paragraph 11 should be put in alphabetical order, with the European Union following Ecuador and Zambia following the United Nations Mine Action Service. Not all participants in the list were States, and not all were parties to amended Protocol II.

20. **Ms. Miyoba** (Zambia) said that the States that had participated in the general exchange of views should be listed before United Nations bodies and international organizations. The States were seated alphabetically in the conference room, in front of other participants.

21. **Mr. Levon** (Israel) proposed that, in order to steer clear of such questions, the paragraph could simply state that several States and organizations had participated in the general exchange of views, without naming the participants.

22. **Mr. Dhuor** (Observer for South Sudan) noted that South Sudan had been omitted from the list of participants.

23. Following consultations with a number of delegations, **the President** suggested that the participants should be listed in the order in which their statements had been made. He took it that the Conference agreed to list them in that manner.

24. *It was so decided.*

25. *Paragraphs 9 to 19 were adopted.*

Paragraphs 20–27

26. **Mr. Nugroho** (Secretary-General of the Conference) said that “Belarus” should be replaced by “Albania” in paragraph 21 and “Mr. Laurent Masméjean of Switzerland” by “Mr. Erwan Roche of France” as Co-Coordinator in paragraph 23. He also read out the following additional paragraph 23 bis: “The Conference decided that at future Conferences rule 2 of the rules of procedure requiring submission of formal credentials would be suspended, except for when an amendment to amended Protocol II or a new instrument was being proposed.”

27. **The President** said that the amendment had been agreed by the participants at the previous meeting and was aimed at facilitating participation in the Conference.

28. *Paragraphs 20 to 27 were adopted.*

Annexes I–V

29. *Annexes I to V were adopted.*

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

Closure of the Conference

31. After the customary exchange of courtesies, **the President** declared the Fifteenth Annual Conference of the High Contracting Parties to Amended Protocol II closed.

The meeting rose at 6.45 p.m.