

Geneva, 7-17 November 2006

SUMMARY RECORD OF THE 5th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 13 November 2006, at 10.20 a.m.

President: Mr. RIVASSEAU (France)

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The meeting was called to order at 10.20 a.m.

SPECIAL PLENARY MEETING OF THE CONFERENCE HELD TO MARK THE ENTRY INTO FORCE OF THE PROTOCOL ON EXPLOSIVE REMNANTS OF WAR (PROTOCOL V)

1. The PRESIDENT pointed out that on 12 May 2006, Switzerland and Liechtenstein had deposited the nineteenth and twentieth instruments of ratification of Protocol V on explosive remnants of war, and that since the stipulated period of six months had now passed, the Protocol had entered into force. In the interim, 26 States had notified the depositary of their consent to be bound by the Protocol: Albania, Bulgaria, Croatia, the Czech Republic, Denmark, El Salvador, Finland, France, Germany, the Holy See, India, Ireland, Liberia, Liechtenstein, Lithuania, Luxembourg, Malta, the Netherlands, Nicaragua, Norway, Sierra Leone, Slovakia, Sweden, Switzerland, Tajikistan and Ukraine.
2. Protocol V should constitute a source of hope for all those who were in daily danger from explosive remnants of war and the most dangerous of them, submunitions. In that regard the Protocol lay down the polluter-pays principle and also established rules for making munitions more reliable, though ultimately all would depend on the way in which the instrument was implemented. In that respect, there was much to be done to coordinate clearance efforts with those carried out under other arrangements, hence the importance of universal accession to the Protocol. He trusted that the draft decision on the universalization of the Convention and the Protocols annexed thereto and the draft decision relating to the sponsorship programme, which were to be presented to the Conference for approval, would make a contribution in that direction. The delegations would also be called on to take a decision on existing and future proposals concerning the problem of explosive remnants of war and submunitions, for which Protocol V marked the beginning of a solution. The States parties to Protocol V, aware of the urgency of those problems, had already decided to hold an informal meeting in order to get down to work without delay.
3. At the invitation of the President, Mr. TANAKA (United Nations Under-Secretary-General for Disarmament Affairs) read out a message addressed by the Secretary-General of the United Nations to the States parties on the occasion of the entry into force of Protocol V. In his message, the Secretary-General, noting that the consequences of wars persisted long after the cessation of hostilities as a result of the fact that explosive ordnance which had been abandoned in the field or remained in place because it had not exploded continued to threaten civilians and military personnel for decades, paid tribute to the firm resolve of the States parties to the Convention to fight the humanitarian impact of such explosive remnants, in particular the 26 States which had declared their consent to be bound by Protocol V. He pointed out that the entry into force of a legal instrument, however praiseworthy it might be, was only the beginning of a long series of actions. The States parties to the Protocol would now be responsible for ensuring its implementation. They would have to overcome many difficulties, and they would have to strongly support the removal and destruction of explosive remnants of war by integrating those activities into mine action programmes, to mobilize resources, to share experience and information and to cooperate closely with other States.

4. The Secretary-General urged those States that had not yet done so to declare their consent to be bound by Protocol V and, in the meantime, to apply its provisions voluntarily and take all necessary measures to protect the civilian population and humanitarian personnel from the horrendous effects of explosive remnants of war.
5. The Secretary-General was very busy and had been unable to come to Geneva himself on the occasion of the entry into force of Protocol V, but that in no way lessened his firm commitment to the solution of all issues relating to disarmament and non-proliferation.
6. The PRESIDENT said he believed he was expressing the general sentiment in requesting the Under-Secretary-General for Disarmament Affairs to convey to the United Nations Secretary-General the appreciation of the States parties to the Convention for his message.
7. Mr. SOMMARUGA (President of the Council of the Geneva International Centre for Humanitarian Demining), welcoming the entry into force of Protocol V on explosive remnants of war, called on the States parties to the instrument to display all the political firmness required to achieve the priority goal of the Protocol, which was to protect the civilian population following armed conflicts. He expressed the hope that it would soon be possible to mark the entry into force of a new legal instrument effectively addressing the problem of cluster munitions.
8. Now that Protocol V had entered into force, the States parties would have to study how best to implement it. To that end, the Geneva International Centre for Humanitarian Demining could put its technical know-how, its advice and especially its instruments at their disposal. In particular, it could, drawing on its experience with mine action standards, methods and techniques, extend its information management software, IMSMA, more systematically to all matters relating to explosive remnants of war. In general, the Centre would continue to provide independent technical inputs and direct support to international efforts to minimize suffering caused by the weapons or explosive remnants of war covered by the Convention on Certain Conventional Weapons and the Protocols annexed thereto. He noted that the sponsorship programme to be agreed by the States parties to the Convention at the present Review Conference, which was to be implemented by the Centre, would in itself constitute a very valuable instrument to ensure that representatives of countries affected by the problem of explosive remnants of war participated in the work of the States parties. The Centre would do its utmost to provide the States parties to the Convention with any help they might need in assisting the civilian populations affected by explosive remnants of war.
9. Mr. BORISOVAS (Lithuania), speaking in his capacity as Friend of the Chair for explosive remnants of war and former coordinator of the Group of Governmental Experts on the issue, noted that the 26 States parties to Protocol V, which included both donor countries and countries affected by the problem of explosive remnants of war, had explicitly recognized the importance of the goals of the Protocol and their expeditious implementation.
10. His country, Lithuania, had been one of the first to ratify the Protocol and a number of other States had announced the start of their ratification procedure. The issues raised by the ratification of Protocol V had been addressed in a series of meetings of the Group of Governmental Experts and informal consultations held in different settings at the initiative of the President-designate, the group coordinators, the Netherlands delegation and various bodies. Some States parties and intergovernmental organizations had organized seminars on those issues.

11. Now came the task of implementing Protocol V. He wished to pay tribute to the valuable contribution already made in that direction by the Geneva International Centre for Humanitarian Demining, the United Nations Mine Action Service, the International Committee of the Red Cross and various non-governmental organizations. He commended the initiative taken by the Netherlands delegation to begin the consideration of some matters relating to the application of the Protocol. The United Nations bodies which were responsible for mine action had called for more precise details of the actual arrangements for the exchange of information on munitions use, which was one of the central obligations under Protocol V. It had been suggested that it was for States themselves to determine whether they considered themselves to be affected by the problem of explosive remnants of war and that a procedure might be set up to help them and indicate to them the measures to be taken thereafter. He considered that at the present Review Conference it would be useful to address the procedural matters relating to the convening of the first Conference of the States parties to Protocol V, such as the agenda and cost estimates. At all events, the draft declaration which the States parties to the Convention would be invited to adopt on the occasion of the entry into force of Protocol V expressed the strong commitment of those States to significantly reduce the suffering of the civilian population and enhance protection for them and for humanitarian personnel from the effects of explosive remnants of war.

12. The PRESIDENT drew delegations' attention to the draft declaration proposed for adoption by the Conference on the occasion of the entry into force of Protocol V (CCW/CONF.III/7/Add.6 - CCW/GGE/XV/6/Add.6), which had been drawn up by the Group of Governmental Experts and approved by Main Committee I.

13. Mr. PRASAD (India), speaking in his capacity as Chairperson of the Drafting Committee, highlighted the corrections the Committee had agreed to make in the English version of the draft declaration: to delete the acronym "CCW" after the reference to the title of the Convention and in the third preambular paragraph, to spell the words "at the fact" in Roman letters in the second preambular paragraph, to add the figure 26 to paragraph 1 and the word "the" before "civilian population" in paragraph 2, to change the word "victims" in paragraph 4 to the singular and to reverse the position of the second and third phrases in paragraph 5. Those changes would be transposed as appropriate into the other versions of the draft declaration. The Drafting Committee had also approved some minor drafting changes in the French version.

14. The PRESIDENT, citing rule 18 of the rules of procedure, concerning the quorum, requested the Chairperson of the Credentials Committee to indicate to the Conference whether the quorum required for the adoption of decisions had been reached.

15. Mr. MARKOTIĆ (Croatia), speaking in his capacity as Chairperson of the Credentials Committee, said that 76 States parties were participating in the Review Conference and that the quorum therefore stood at 39. The Committee had accepted the credentials submitted in good and due form by the representatives of 43 States parties, and had provisionally accepted faxed or photocopied credentials submitted by a further 13 States parties. Accordingly, the Conference had the power to adopt decisions.

16. The PRESIDENT entrusted Mr. Borisovas, the Friend of the President and former coordinator of the Group of Governmental Experts on the question of explosive remnants of war, with the task of overseeing the adoption of the draft declaration.

17. Mr. BORISOVAS (Lithuania), after reading out the English version of the draft declaration to be issued by the Conference on the occasion of the entry into force of the Protocol on explosive remnants of war (Protocol V) annexed to the Convention on Certain Conventional Weapons (CCW/CONF.III/7/Add.6 - CCW/GGE/XV/6/Add.6), as corrected by the Drafting Committee, said that, if there were no objections, he would take it that the Conference wished to adopt the draft declaration in that form.

18. The draft declaration, as corrected, was adopted by acclamation.

19. The PRESIDENT said that, before giving the floor to the delegations on the list of speakers, he wished to invite the representatives of the International Committee of the Red Cross, the United Nations Mine Action Team and the Geneva International Centre for Humanitarian Demining to present some specific ideas on the implementation of Protocol V in the short term, as well as the representative of the Netherlands, since it was under the chairmanship of the Ambassador of the Netherlands, Mr. Chris Sanders, that Protocol V had been adopted, and that delegation had made a special effort to elicit ideas on the initial application of the Protocol.

20. Mr. HERBY (International Committee of the Red Cross) said that ICRC had prepared a video film in order to highlight the serious problems which Protocol V was intended to tackle. The film existed in DVD form in English, French, Russian, Arabic, Spanish and Portuguese. He invited the delegations to make use of it to encourage the ratification and implementation of Protocol V, which was an important instrument.

21. The film was shown.

22. Mr. HERBY (International Committee of the Red Cross), emphasizing the great value and wide scope of the very ambitious Protocol V, pointed out that its entry into force offered States parties an opportunity to remedy a very serious and real problem, but that it would be important to implement all its provisions, both those which contained remedial measures and those which aimed at prevention, otherwise explosive remnants of war would only proliferate constantly, at great cost to civilian populations. Effective implementation of the Protocol could increase the authority of the regime established by the Convention and encourage additional States, particularly those affected by the problem of explosive remnants of war, to accede to the Convention and the Protocols annexed thereto. The first Conference of the States parties to Protocol V would be of considerable importance, and its main objective should be to determine how best to “operationalize” the Protocol, so that its humanitarian objectives were achieved.

23. First among the key issues which should be addressed by the first Conference were the recording, retention and sharing of the information required for the removal of explosive remnants of war: much information had been learned from recent conflicts and the meetings of the States parties could play an important role in identifying the types of information that were essential, sharing solutions found in that regard by different military organizations and encouraging national planning in that field before conflicts occurred.

24. Secondly, although the Protocol did not require national reports to be submitted annually, periodic reports could be useful in indicating how the States parties were fulfilling their obligations. They would help to identify actions and policies which had been or needed to be

taken at the national level. Many of the core obligations laid down in the Protocol had to be implemented after the cessation of active hostilities, but structures and policies must be in place before conflicts in order to ensure fulfilment.

25. Thirdly, the States parties needed to consider without delay the role they would play in cooperatively addressing the massive problem of existing explosive remnants of war. The assistance provided to the States affected by that problem would have a direct impact on the lives of their civilian nationals. The response of the States parties to that problem would be of crucial importance for the viability of the Protocol.

26. Lastly, the effective operationalization of the Protocol would require the establishment of a dialogue with the United Nations bodies and the many international and non-governmental organizations which were already working to clear explosive remnants of war, create awareness of the risks posed by such remnants and assist victims. Such a dialogue was already occurring in the context of the Ottawa Convention, and it would be a good idea for the States parties to Protocol V to ensure synergy between the work carried out at the intersessional meetings of the States parties to the Ottawa Convention and their own work. Having risen to the challenge of negotiating the Protocol very rapidly, the States parties must now ensure that the benefits of its implementation soon followed.

27. Mr. GAYLARD (United Nations Mine Action Team) drew delegations' attention to working paper CCW/GGE/XV/WG.1/WP.2, which had been presented to the Group of Governmental Experts at its fifteenth session and detailed, article by article, the role which the Team could play in the application of Protocol V. United Nations bodies were already at work to clear, remove and destroy explosive remnants of war and were prepared to continue to play a key role in the implementation of precautionary measures, particularly promotion of awareness of the risks posed by mines. An ongoing project, which covered safety in relation to landmines and explosive remnants of war, should help to ensure the implementation of article 6 of the Protocol, on the protection of humanitarian organizations and missions in the field. The United Nations Mine Action Team would continue to promote and support universal accession to the Convention and all the Protocols annexed thereto, as well as compliance with their provisions, through its capacity-building and technical cooperation and assistance activities at the national and regional levels. The Team remained convinced that the entry into force of the Protocol would enhance efforts undertaken at the global level to protect civilian populations from the impact of explosive remnants of war.

28. Concerning the management of information, an issue which had been raised by the Netherlands Government during the work of the Group of Governmental Experts, he pointed out that the armed forces generally collected and recorded information on weapon use during a conflict and that it was important for such information to be made available after the cessation of hostilities to enable those operating on the ground to use it quickly to protect civilians and humanitarian workers. Fortunately, an Information Management System for Mine Action, or IMSMA, had been developed by the Geneva International Centre for Humanitarian Demining and was currently used for 43 countries and programmes. It would be preferable for countries to communicate the data electronically, given the volume involved. It would be relatively simple to develop a template for software such as Microsoft Excel. The data could then be entered directly

into IMSMA and downloaded by those working in the field, enabling them to plan and structure their activities, rather than merely responding after the fact, when they were notified of the presence of explosive remnants of war.

29. Mr. NELLEN (Geneva International Centre for Humanitarian Demining) referred to the three questions which had been raised by the Netherlands delegation during the work of the Group of Governmental Experts regarding the future implementation of Protocol V: concerning what, in the view of the States and relevant organizations, should appear on the agenda of the first Conference of the States parties to Protocol V, he said that, as far as the Centre was concerned, the States parties to Protocol V would need to achieve three main goals, namely minimizing the effects of explosive remnants of war in the future and the risks they would pose after conflicts, preventing potential risks and effects and minimizing the risks posed by existing explosive remnants of war. That would require States to mark, clear, remove and destroy explosive remnants of war, assist the victims when such remnants exploded, take generic preventive measures and deal with the problems posed by existing explosive remnants. All those were points which the States parties to Protocol V might consider when drawing up the agenda for the first Conference.

30. Concerning the question of what information management procedures could be used for recording, retaining and transmitting information, the Centre wished to underline that in recent years its efforts in that area had been aimed at developing the now extensively used Information Management System for Mine Action (IMSMA), which had been continuously revised and upgraded since its release in 1999, so as to respond better to the needs of its users in the field. The fourth version of IMSMA, launched in early 2006, incorporated a map-driven navigation system that significantly improved data entry and retrieval. That new tool combined a full geographical information system with a powerful relational database, which provided managers and users with a complete set of information management capabilities, which could be easily tailored to meet local needs in the field.

31. Finally, as to the question of which procedures should be set up for States which declared themselves to be affected by the problem of explosive remnants of war and wished to draw attention to the problem, the Centre considered that the States in question should themselves frame their national plans relating to the explosive remnants of war with which they had to deal, draw up baseline information on the problems they faced and establish specific, measurable objectives that could be achieved in accordance with a given timetable. Those States should draw up and implement their plans, clearly articulating any priorities regarding assistance.

32. Mr. LANDMAN (Netherlands) pointed out that Protocol V addressed a very real and serious issue, since the number of victims of explosive remnants of war was akin to the number of victims of anti-personnel landmines, a problem that had received considerably more publicity. Above and beyond the physical suffering they inflicted, unexploded or abandoned munitions, like landmines, caused enormous, if unquantifiable, socio-economic difficulties. In some ways, the problems caused by explosive remnants of war were worse than those stemming from anti-personnel mines, owing to the greater area affected if they exploded and their more lethal nature. In addition, the task of clearing them safely was complicated by the fact that the reasons why they had not exploded were not known.

33. Responding to the appeal made by the International Committee of the Red Cross, the Netherlands, supported by many States parties to the Convention, had formally proposed that the issue of explosive remnants of war should be placed on the agenda of the meetings of the States parties. Following the adoption of the protocol, some had questioned whether its provisions were really useful. At all events, the central obligation placed on the parties to an armed conflict to mark and clear, remove or destroy explosive remnants of war in the affected areas under their control constituted a real and firm commitment which the States parties could not shirk.

34. Nevertheless, as the Secretary-General of the United Nations had emphasized, the entry into force of a legal instrument was not an end in itself but should mark the beginning of a whole series of measures. The success of Protocol V would be determined by success in its implementation, on which a start should be made right away. As early as 2006, informal meetings on the subject had been organized regularly in Geneva, open to all States, relevant international organizations and non-governmental organizations, at dates on which most of the representatives concerned were already in Geneva. That pragmatic solution had proved very useful. The speakers, including representatives of United Nations bodies and national authorities, had begun to frame issues such as the institution of channels for the exchange of information and the establishment of assistance and cooperation machinery. Furthermore, setting up a simple and low-cost procedure for communicating data should be relatively easy. States already had a clearer idea of what the implementation of Protocol V entailed. The statements made at the present meeting by ICRC, the United Nations Mine Action Team and the Geneva International Centre for Humanitarian Demining had offered food for thought. The Netherlands delegation expected that the first Conference of the States parties would be held in November 2007, with preparations made at a meeting in April.

35. Mr. KAHILUOTO (Finland), speaking on behalf of the European Union, as well as the acceding countries Bulgaria and Romania, the candidate countries Croatia and the former Yugoslav Republic of Macedonia, the countries of the Stabilization and Association Process and potential candidates Albania, Bosnia and Herzegovina, Montenegro and Serbia, as well as Liechtenstein, Moldova and Ukraine, said that the European Union welcomed the entry into force of Protocol V, noting that time and again crisis situations had highlighted the importance of achieving the objectives laid down in the Protocol. It was convinced that States should work with determination to universalize the instrument and above all to implement it expeditiously and effectively, since the vitality and authority of the Convention and the Protocols annexed thereto were at stake.

36. The European Union unreservedly endorsed the declaration adopted on the occasion of the entry into force of Protocol V. It called on all States that had not yet done so to become parties to it as soon as possible and encouraged the States parties to commence preparations for their first Conference without delay. Apart from questions of procedure, there were several substantive questions which needed addressing as soon as preparations for the first Conference began, namely the definition of specific and if possible measurable objectives for the fulfilment of the obligations laid down in the Protocol, identification of the States self-declared to be affected by the problem of explosive remnants of war, in order to be able to link needs to resources, and settlement of operational matters such as the establishment of forms for the communication of data, plans of action and machinery for the exchange of information.

37. The European Union wished to place special emphasis on the role and the tasks assigned to the United Nations in the implementation of Protocol V, and to commend the most valuable contributions which ICRC, the Geneva International Centre for Humanitarian Demining and interested non-governmental organizations were making to the States parties' deliberations on the issue.

38. Mr. Streuli (Switzerland) took the Chair.

39. Ms. MILLAR (Australia) said that Protocol V made a real contribution to the development of international humanitarian law. The universalization and full implementation of the Protocol, together with continued work on international humanitarian law within the framework of the Convention, should make it possible to address the humanitarian impact of all types of explosive remnants of war, including cluster munitions, which could become a threat to civilian populations. Australia was on the point of ratifying the Protocol, after having completed all the steps necessary to ensure that it was able to comply with its provisions. It planned to be in a position to declare its consent to be bound by the Protocol by the end of 2006, but had not waited for that moment before making a contribution of \$7.5 million for humanitarian assistance in Lebanon, including \$500,000 for clearance of unexploded ordnance.

40. Mr. WU (China) welcomed the entry into force of Protocol V, which offered new proof that it was possible to reconcile States' security needs appropriately with humanitarian concerns. The Protocol, which was broad in scope, provided for practical and feasible measures which took into account the particular circumstances of different countries, and the earnest implementation of all its provisions, including those which provided for generic preventive measures, should help to resolve the humanitarian problems posed by explosive remnants of war. China had embarked on the procedure for the ratification of the Protocol and on preparations for its implementation.

41. Mr. CHOI (Republic of Korea) said that it was not possible to overemphasize the significance of the entry into force of Protocol V, which was one of the main achievements which had been arrived at not only in the framework of the Convention, but also of the disarmament regime as a whole. It was the first multilateral instrument to address the problems posed by unexploded and abandoned munitions in the wake of armed conflicts. It was true that much remained to be done before the threat posed by such ordnance was eliminated. The immediate task was to work for the universalization of the Protocol and its effective application, while also focusing efforts on preventive technical measures. As a first step, collecting and sharing information on unexploded and abandoned ordnance would be very important. Standard diagrams and forms prepared on the basis of the technical annex to the Protocol would help to make information management easier. The delegation of the Republic of Korea commended the 26 States which had already ratified the Protocol, and planned to join them in the very near future.

42. Mr. PETRITSCH (Austria) said that he was speaking on behalf of Argentina, Austria, Bosnia and Herzegovina, Chile, Costa Rica, the Czech Republic, Denmark, Germany, the Holy See, Hungary, Ireland, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Norway, New Zealand, Peru, Portugal, Slovakia, Slovenia, Spain, Sweden and Switzerland. Those countries welcomed the entry into force of Protocol V on explosive remnants of war and, noting that cluster munitions had a high risk of becoming such remnants, reiterated their support for the

proposal for a mandate to negotiate a legally binding instrument which met the humanitarian concerns posed by cluster munitions (CCW/CONF.III/WP.1). They considered that, without completely banning cluster munitions, there was a need to study the question of the reliability of such weapons and to establish urgently precise rules governing their use during conflict situations, and particularly in areas where there were concentrations of civilians. They urged all States to join that initiative.

43. Mr. DABKUS (Lithuania), noting that his country had been one of the first States to ratify Protocol V, in 2004, said he was confident that the instrument would rapidly receive further ratifications. Efforts by States to ratify and subsequently universalize the Protocol, as well as their commitment to implement it effectively and in good faith, would serve as a measure of the authority of the whole regime established by the Convention.

44. Nationally, Lithuania had already started to apply the provisions of Protocol V in the context of efforts to solve the problems posed by existing explosive remnants of war throughout the country. An inter-agency working group had been established to assess the threats posed by such explosive remnants of war, identify the priority regions in that regard and propose action; the group would also analyse national legislation to verify its compliance with the provisions of Protocol V. Internationally, it was important to establish principles relating to the application of the Protocol. Lithuania recognized the efforts already made in that regard, in particular by the United Nations Mine Action Service and the Geneva International Centre for Humanitarian Demining. Emphasizing that Protocol V complemented and reinforced the Ottawa Convention, he considered that efforts to combat explosive remnants of war should be inspired by mine action and should be closely related to it. He emphasized the importance of international cooperation and assistance in achieving the aims of Protocol V, including in relation to existing explosive remnants of war. So far the United Nations had played a useful role in the coordination and administration of assistance to the affected countries. Lithuania, for its part, had decided to contribute to the trust fund managed by the United Nations Mine Action Service; in 2006 it had supported the OSCE project for securing unexploded ordnance in Ukraine, had lent military engineers to carry out similar work in Afghanistan and had contributed to the activities of the Geneva International Centre for Humanitarian Demining.

45. Noting that Protocol V did not address all the important humanitarian problems posed by munitions, including submunitions, the Lithuanian delegation wished to see an agreement designed to prohibit the use of cluster munitions in or near areas where there were concentrations of civilians, as well as the development, production, stockpiling, transfer and use of those cluster munitions which were unreliable and inaccurate, to ensure the destruction of stockpiles of such munitions and to establish means of cooperation and assistance in that regard. It paid tribute to the non-governmental organizations, which had often been a driving force for the settlement of humanitarian problems.

46. Mr. PRASAD (India) pointed out that the entry into force of Protocol V was a landmark in the pursuit of the objectives of the Convention on Certain Conventional Weapons, demonstrating that multilateral efforts concerning international security could be promoted through a humanitarian initiative. The declaration which had just been adopted reaffirmed the firm resolve of the States parties to address the impact of explosive remnants of war in humanitarian, environmental and development terms. India, which had been closely involved in the drafting of

the Protocol, had immediately undertaken to ratify it. The Indian delegation paid tribute to the enlightened guidance of Ambassador Sanders in the finalization of the Protocol, as well as the Netherlands delegation's constant focus on the issue.

47. He noted that Protocol V, which struck a delicate balance between humanitarian concerns and States' security imperatives and set out both preventive and remedial measures, recognized the right of States parties to seek and receive assistance in addressing the problems posed by existing explosive remnants of war and encouraged them to take generic preventive measures to minimize the risk that munitions might become explosive remnants of war. He was convinced that, when fully and effectively applied, the Protocol would go a long way in responding to the humanitarian concerns prompted by explosive remnants of war. States parties to the Convention would probably have to be encouraged to accede to the Protocol by pointing out that they could benefit from technology transfer and assistance in creating the capabilities required. States should be allowed to decide for themselves whether they were affected by the problem of explosive remnants of war.

48. The Indian delegation favoured the idea of convening in 2007 the first of the conferences referred to in article 10, jointly with a meeting of the States parties to the Convention, in order to review the status and operation of the Protocol, especially its application at the national level, which was all the more important as some of the commitments set out in the Protocol were optional.

49. Mr. MOSKVITIN (Ukraine), pointing out that his country was one of the first States parties to Protocol V, called on States to do their best to universalize the instrument and ensure its effective implementation. The Ukrainian delegation endorsed the declaration which had just been adopted, by means of which the international community had reiterated its firm determination to address the humanitarian and environmental impact of explosive remnants of war in order to reduce the suffering they inflicted on the civilian population.

50. His country suffered from the existence of huge stockpiles of surplus and obsolete munitions, as well as the presence of unexploded ordnance left on its territory after the Second World War. Detection and destruction of such ordnance, which continued to cause death and injury among civilians, required considerable financial and technical resources, for which the Government had to rely on substantial support from its foreign partners. Obsolete munitions, which had been transported to Ukraine when Soviet troops had withdrawn from the countries of Eastern Europe, also posed serious problems. An example was the recent explosion in an ammunition depot in Novobohdanivka, close to a populated area and industrial facilities. The very scale of the problem meant that the country needed to be able to count on greater cooperation on the part of the international community.

51. Mr. GRINEVICH (Belarus) noted with satisfaction the entry into force of Protocol V and indicated that the Belarusian authorities were finalizing a bill for the ratification of the instrument. Those authorities believed that the country's domestic law was in keeping with the provisions of the Protocol, in particular those of articles 3 to 6 of the instrument.

52. The Belarusian delegation had played an active role in the discussions held by the Group of Governmental Experts, following the adoption of the Protocol, on evaluation of the rules of international humanitarian law applicable to explosive remnants of war and had

replied to the questionnaire on the topic. It considered that the recommendations made by Professor McCormack, of the University of Melbourne, in his analysis of States' responses to that questionnaire, were useful, but feared that it might be difficult to draw up a single set of optional guidelines relating to explosive remnants of war, given that not all the States parties to the Convention were at the same time parties to the 1949 Geneva Conventions and all the additional Protocols thereto. As for remedial measures, it should be noted that it would be difficult to ensure that munitions were 100 per cent reliable. In that regard, the States parties to the new Protocol should undertake to devise effective machinery to provide technical and financial assistance to countries encountering difficulties in dealing with the problem of explosive remnants of war.

53. In article 3, paragraph 4, and article 7, paragraph 2, of Protocol V, in particular, it was recommended that States parties, when they engaged in activities involving the clearance, removal or destruction of explosive remnants of war or provided assistance for such activities, should take into consideration, inter alia, the International Mine Action Standards. Of all the protocols annexed to the Convention, Protocol V was alone in mentioning those Standards, which would hence, with the entry into force of the instrument, acquire greater importance for the methodological organization of the activities of States parties in relation to mine clearance and removal of explosive remnants. In those circumstances, it would be a good idea to carry out the translation of all the documents relating to the International Mine Action Standards into all the official United Nations languages, since that would simplify the drawing up of the national procedures which the States parties to Protocol V would have to institute in order to apply the provisions of that instrument, in addition to facilitating the training of national deminers. It would also be worth making mine action uniform and systematic at both the national and the international level.

54. Also with regard to the fact that Protocol V expressly mentioned the International Mine Action Standards, he pointed out that, under its terms of reference, the Inter-Agency Coordination Group on Mine Action was expected to undertake a three-yearly review of the Standards, in order to make any necessary changes dictated by the evolution of standards and practices in relation to efforts to combat mines. It would therefore probably be helpful to devise arrangements for coordinating that review of the International Standards and the activities carried out by the States parties to the Protocol. In that regard he proposed three solutions, one of which would involve leaving it to the Inter-Agency Group to carry out the review and make the necessary changes in the Standards, and then inform the States parties so that they could draw on the modified standards, or leaving it to the Group to draft proposals for changes on the basis of a mandate to be given to it by the States parties, or undertaking the review of the Standards in the framework of the Convention, at sessions of a group of governmental experts from the States parties to the Convention.

55. Ms. HALLER (Switzerland) welcomed the entry into force of Protocol V and fully subscribed to the declaration which had just been adopted on that occasion. Switzerland wished to emphasize the indispensable role which would be played by the United Nations, the International Committee of the Red Cross and the Geneva International Centre for Humanitarian Demining, as well as non-governmental organizations, in the implementation of the new instrument. Switzerland favoured the holding of the first Conference of the States parties to

Protocol V in 2007, together with other meetings of the States parties to the Convention and its Protocols, and suggested that it should be chaired by the Netherlands delegation, in view of the valuable contribution that delegation had made to the adoption of the protocol.

56. The effective and meaningful implementation of Protocol V would reduce human suffering caused by unexploded ordnance which threatened civilian populations, deminers and peacekeepers, but she doubted that the remedial measures to be adopted after conflicts, such as those referred to in Protocol V, would suffice to protect the civilian population from the dangers stemming from the use of munitions, including submunitions, which might become explosive remnants of war. Even when the Protocol was being adopted, Switzerland had emphasized the need to draw up a binding international instrument which contained preventive measures of a technical nature, particularly as regards the reliability of munitions, as well as provisions relating to the use of munitions which might become explosive remnants of war. It consequently favoured the continuation of the work initiated by the Group of Governmental Experts, on the basis of a mandate for the negotiation of a legally binding instrument on the munitions which caused the most serious humanitarian problems, namely cluster munitions.

57. Mr. TAYLOR (New Zealand) said that his country heartily welcomed the entry into force of Protocol V and planned to become a party before the first Conference of the States parties, in 2007, in which it very much wished to participate. At that Conference, it would be useful to discuss a wide range of issues relevant to the effective implementation of the Protocol, including universalization of the instrument, and to study practical steps relating to cooperation in recording information on explosive ordnance used, marking and clearance, removal or destruction of explosive remnants of war, as well as efforts to promote awareness among civilian populations of the risks posed by such remnants. Concerning the recording of information on explosive ordnance used, the New Zealand Defence Force had devised procedures which could be used in meeting the obligation set out in article 4 in that regard. It had also devised arrangements for the communication of information in a useful form, which might perhaps be drawn on for an international procedure of that type. Lastly, New Zealand considered that it would be a good idea to look into a procedure by means of which States could declare that they were affected by the problem of explosive remnants of war.

58. Ms. QUANQUIN (France) said that France welcomed the entry into force of Protocol V, which attested to the relevance and vitality of the 1980 Convention: in the past 10 years the meetings of the States parties to the latter were the only forum in which it had been possible to adopt by consensus a legally binding instrument relating to the reduction of human suffering caused by armed conflicts. The entry into force of the Protocol also constituted a key stage in practically addressing in the field the humanitarian problem posed by explosive remnants of war. The mobilization of the international community in the framework laid down by the Protocol would be one of the major challenges of the coming years. France, which was a party to the Convention and all the Protocols annexed thereto, had recently declared its consent to be bound by Protocol V, from 30 April 2007.

59. Ms. KRESSEL (Estonia) noted that Protocol V was a landmark in the development of international humanitarian law applicable to the conduct of States in armed conflicts. She agreed that it was now important to apply its provisions and begin to prepare for the first Conference of

the States parties. The Republic of Estonia intended to notify the depositary of its consent to be bound by the Protocol in the coming weeks. It hoped that other countries would accede to the Protocol as soon as possible.

60. Mr. MALOV (Russian Federation) welcomed the entry into force of Protocol V and pointed out that the efficient manner in which the Group of Governmental Experts had drawn up the instrument clearly showed that, given a spirit of realism and compromise, it was possible to achieve genuine practical results, however complex the problems being addressed might be. The Russian Federation, for its part, had undertaken to ratify Protocol V.

61. He emphasized that the instrument struck a sound balance between humanitarian concerns and States' legitimate defence interests and considered that the instrument rather fully met the concerns raised by the possibility that various munitions might become explosive remnants of war. In his view, the task was now to ensure its universalization and study its operation - at the present stage, it was necessary to avoid excessive haste in seeking to ban or restrict the use of certain munitions without justification.

62. Mr. HAIDER (Pakistan) pointed out that Protocol V would genuinely help States to reduce the risks posed by explosive remnants of war for humans and prevent them from impeding post-conflict reconstruction and having such a severe impact on social and economic life in the affected areas. Now the task was to effectively apply its provisions. Pakistan, for its part, had undertaken to ratify Protocol V. Domestically, rules and regulations were in complete conformity with international humanitarian law applicable to explosive remnants of war - military practice and law required that, after the cessation of hostilities, explosive remnants of war must be marked, cleared, removed and then destroyed.

63. Mr. MINE (Japan) pointed out that Protocol V, adopted in 2003 by the States parties to the Convention, included general measures for post-conflict recovery and preventive measures related to the production and management of explosive ordnance, the goal being to minimize the dangers to which explosive remnants of war exposed civilians. In humanitarian terms, the entry into force of Protocol V was immensely significant. Even before its adoption, Japan had been actively cooperating with Afghanistan, Cambodia and the Lao People's Democratic Republic in removing unexploded ordnance and landmines. The country attached great importance to that type of international cooperation, in which it would continue to participate in the future.

64. Mr. MARKOTIĆ (Croatia) pointed out that Protocol V was the first international agreement to require the parties to an armed conflict to clear all unexploded munitions that threatened civilians, peacekeepers and humanitarian workers after the cessation of hostilities. According to Croatian deminers, there was no practical difference between explosive remnants of war and anti-personnel mines as far as their deadly effects were concerned. Protocol V was therefore, for Croatia, a necessary addition to the Ottawa Convention. Most of the countries affected by the problem of explosive remnants of war were at the same time the poorest in the world, and so Croatia was especially encouraged by the provisions of the Protocol relating to cooperation and assistance. Croatia had been among the first States to ratify Protocol V, allowing the instrument to enter into force. Having its own direct experience of the horrible effects of explosive remnants of war, which continued to affect the country, Croatia welcomed the prospect

of the rapid and effective application of the Protocol. It urged all States that had not already done so to accede to the Protocol as soon as possible and thus join with the States parties in their efforts to create a safer world.

65. Mr. da ROCHA PARANHOS (Brazil), pointing out that Brazil had launched the process of ratification of Protocol V, said that the importance of that international instrument could not be underestimated, as it was expected to become the keystone of global action against the humanitarian problems posed by explosive remnants of war. He pointed out that the Protocol sought to provide an integrated answer to the problem of explosive remnants of war, by means of a balanced set of obligations providing for the adoption of both preventive and remedial measures. After the adoption of the instrument, the Group of Governmental Experts had focused its work on devising technical preventive measures and should be enabled to continue that work, which meant that its mandate should be renewed after the Third Review Conference. As for the Protocol, it was now important that its provisions should be fully and properly implemented. Brazil hoped that the entry into force of the instrument would strengthen the resolve of countries to enhance international efforts to provide cooperation and assistance in the clearance of explosive remnants of war.

The meeting rose at 1 p.m.