

**Eleventh Annual Conference of  
the High Contracting Parties to  
Amended Protocol II to the Convention  
on Prohibitions or Restrictions on the Use of  
Certain Conventional Weapons Which May  
Be Deemed to Be Excessively Injurious  
or to Have Indiscriminate Effects**

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**Geneva, 11 November 2009**

**Summary record of the 1st meeting**

Held at the Palais des Nations, Geneva, on Wednesday, 11 November 2009, at 10 a.m.

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

*President:* Mr. Mažeiks ..... (Latvia)

**Contents**

Opening of the Conference  
Confirmation of the nomination of the President and other officers  
Adoption of the agenda  
Confirmation of the rules of procedure  
Appointment of the Secretary-General of the Conference  
Adoption of arrangements for meeting the costs of the Conference  
Organization of work including that of any subsidiary bodies of the Conference  
Message from the Secretary-General of the United Nations  
General exchange of views  
Review of the operation and status of the Protocol  
Consideration of matters arising from reports by High Contracting Parties according to paragraph 4 of article 13 of amended Protocol II

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Any corrections to the records of the meetings of this Conference will be consolidated in a single corrigendum, to be issued shortly after the end of the Conference.

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

### **Opening of the Conference**

1. **The Temporary President**, acting on behalf of the Secretary-General of the United Nations, Depositary of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects and the Protocols thereto, declared open the Eleventh Annual Conference of the High Contracting Parties to Protocol II on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices, as amended on 3 May 1996, annexed to the Convention.

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

2. **The Temporary President** recalled that the High Contracting Parties had decided at their Fourth Annual Conference, in order to ensure continuity in the preparatory work, that the incoming President and Vice-Presidents would be designated at the end of each annual conference. Accordingly, at the Tenth Annual Conference, the representative of Latvia had been nominated as President of the Eleventh Annual Conference (CCW/AP.II/CONF.10/2, para. 21). If there was no objection, he would take it that the Conference wished to confirm the nomination of Ambassador Jānis Mažeiks of Latvia as President.

3. *It was so decided.*

4. **Mr. Mažeiks (Latvia) took the Chair.**

5. **The President**, citing the decision taken at the Tenth Annual Conference concerning the posts of Vice-President (CCW/AP.II/CONF.10/2, para. 21), said that, after consultations with the regional groups and China, there appeared to be agreement to elect Mr. Li Yang of China, Mr. Germán Munaraín Hernández of the Bolivarian Republic of Venezuela and Mr. Hellmut Hoffmann of Germany as Vice-Presidents. He took it that the Conference wished to confirm those nominations.

6. *It was so decided.*

### **Adoption of the agenda (CCW/AP.II/CONF.11/1)**

7. **The President** recalled that the Tenth Annual Conference had recommended a provisional agenda for the Conference, which had been issued as document CCW/AP.II/CONF.11/1. He took it that the Conference wished to adopt the provisional agenda.

8. *It was so decided.*

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

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

10. *It was so decided.*

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

11. **The President**, referring to rule 10 of the rules of procedure, said that, in accordance with the established practice, Mr. Peter Kolarov of the Geneva Branch of the United

Nations Office for Disarmament Affairs had been nominated by the Secretary-General of the United Nations to serve as Secretary-General of the Conference. He took it that the Conference wished to appoint Mr. Kolarov to that office.

12. *It was so decided.*

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

13. **The President** recalled that the costs estimates for the Conference had been considered at the Tenth Annual Conference (CCW/AP.II/CONF.1012, annex IV). The budget for the Conference was virtually half that of previous years, as a result of the decision taken two years earlier to post all national annual reports on the CCW website rather than issue them as official documents of the Conference. The decision had also resulted in wider dissemination. With that explanation, he took it that the Conference wished to adopt the cost estimates as presented.

14. *It was so decided.*

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

15. **The President** said that, in view of the brevity of the Conference, he would not propose the establishment of any subsidiary bodies. The Tenth Annual Conference had decided to establish an informal open-ended Group of Experts that, under the responsibility of the President, would review the operation and status of the Protocol, matters arising from national annual reports and the development of technologies to protect civilians against indiscriminate effects of mines, as well as the issue of improvised explosive devices (IEDs). Two Friends of the President had been appointed to assist him. The expert implementation machinery under amended Protocol II had thus been reinitiated. The Group of Experts had proved its value as a useful tool to promote cooperation among States. The Friends of the President had been asked to report to the Conference on the work done by the Group of Experts, and their reports had been posted on the CCW website.

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

17. *It was so decided.*

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

18. At the invitation of the President, **Mr. Duarte** (United Nations High Representative for Disarmament Affairs) read out a message from the Secretary-General of the United Nations.

19. In his message, the Secretary-General commended the Conference's decision to strengthen implementation of amended Protocol II by re-establishing the Group of Experts. The Group was a valuable informal mechanism and had already made considerable efforts to improve understanding of the impact of IEDs. The universality of the Protocol remained of vital importance. While congratulating the 93 States that had consented to be bound by the instrument, he said that more efforts were needed to expand the number of signatories, especially among developing countries and States affected by landmines or those in conflict. He called on all States that had not yet done so to ratify the Protocol and the other treaties in the field of mine action, namely Protocol V to the Convention on Certain Conventional Weapons, the Ottawa Convention on Landmines, the Convention on the

Rights of Persons with Disabilities and the new Convention on Cluster Munitions, which should enter into force in the near future. Lastly, he emphasized the grave threat posed by mines other than anti-personnel mines (MOTAPMs), which in many regions blocked the delivery of humanitarian aid, hindered a return to normal civilian life after hostilities and impeded economic development. Although the High Contracting Parties to the Convention on Certain Conventional Weapons had yet to reach agreement on MOTAPMs, it was important to draw the subject to the Conference's attention.

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

20. **Mr. Laassel** (Morocco), Friend of the President on the operation and status of the Protocol; on matters arising from reports by High Contracting Parties according to paragraph 4 of article 13 of amended Protocol II; as well as on development of technologies to protect civilians against indiscriminate effects of mines, introducing his report (CCW/AP.II/CONF.11/3), said that, while the number of Parties to amended Protocol II had doubled in 10 years to reach 93, several States had not acceded to the Convention and its Protocols not for political or legal reasons, but owing to their complex structure. Accordingly, renewed efforts were required to promote universality; the plan of action remained a relevant mechanism to achieve that objective.

21. The question of the status of the original Protocol II had been addressed by the Group of Experts. The Protocol had not proved effective in preventing humanitarian crises related to the use of anti-personnel mines, and Parties should consider the legal feasibility of terminating the instrument. If they so wished, it would be possible to convene a meeting of the High Contracting Parties to Protocol II and to collectively denounce it. While the Protocol itself did not provide for denunciation, the Parties could invoke article 54 of the Vienna Convention on the Law of Treaties to denounce it. Protocol II could also be denounced by applying article 9 of the Convention on Certain Conventional Weapons.

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

23. He had addressed a letter to those States that had not yet submitted national annual reports and had recommended that, in case of difficulties, they should seek assistance from other Parties, the United Nations Mine Action Service or appropriate non-governmental organizations. He called for the Conference to adopt the decisions recommended at the end of his report.

24. **Mr. Wollenmann** (Switzerland), Friend of the President on improvised explosive devices, introducing his report (CCW/AP.II/CONF.11/2), said that the discussion held by the Group of Experts in April had laid an excellent foundation for the substantive paragraphs of his report. During the event, it had been noted that, as no other legally binding disarmament, arms control or humanitarian law instrument explicitly covered IEDs, it would be appropriate for that issue to be taken up within the framework of amended Protocol II, which covered almost all types of IEDs under its definitions of mines, booby traps and other explosive devices and which applied to all parties to a conflict, including terrorists.

25. Many delegations had said that the exchange in the Group of Experts had provided valuable insights and helped raise awareness. Some had mentioned the challenges involved in ensuring that the efforts undertaken would have a practical impact in the field. The classified nature of many counter-terrorism initiatives would have a limiting effect on future work. Also, as work on the issue was under way elsewhere in the United Nations, it

would be necessary to avoid overlapping or duplication. The aim of future work should not be to negotiate a new protocol or to reopen amended Protocol II, but rather to improve implementation of the existing instrument in order to address humanitarian problems.

26. IEDs were made from either military explosives or commercially available materials. The experts had agreed that the CCW framework could play a positive role in limiting access to military explosives, including precursor materials, especially in post-conflict situations. Universalization and full operationalization of Protocol V would be a priority. Beyond the scope of the Convention and its Protocols, stockpile management and the destruction and secure transport of munitions and explosives were also important aspects. The experts had referred in particular to the provisions of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects.

27. Regarding commercially available materials used in the preparation of IEDs, delegations had discussed the challenges faced in monitoring, tracing or restricting access to widely available goods such as diesel fuel and fertilizers and the mobile phones, remote control units and infrared or magnetic triggers that were often used to set off such devices. They had also spoken about export control efforts in that connection.

28. Delegations had found the exchange useful and, during the proceedings, had suggested a few minor drafting changes to the recommendations contained in paragraph 15 of his report. Having explained those changes, he called on the Conference to adopt the recommendations.

29. **Mr. Wingren** (Sweden), speaking on behalf of the European Union; the candidate countries Croatia, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process countries Albania, Bosnia and Herzegovina, and Montenegro; and, in addition, Armenia, Georgia, the Republic of Moldova and Ukraine, said that the European Union attached great importance to the full implementation of amended Protocol II. Compliance with its prohibitions contributed both to limiting the devastating effects of mines, booby traps and other devices on civilian populations and to improving the security of military personnel in the field. Its obligations regarding recording of data on minefields, demining and protection of civilians were essential in facilitating humanitarian assistance and post-conflict reconstruction and in ensuring the security of peacekeeping operations. In addition, amended Protocol II enabled Parties to benefit from technical and material assistance.

30. The European Union welcomed the recent accession of Georgia to the Protocol, which brought the total number of Parties to 93, and called on all States that had not yet done so to accede to the instrument. Through the Joint Action adopted by the Council of the European Union in 2007 with a view to the universalization of the Convention on Certain Conventional Weapons, the six regional seminars organized in cooperation with the United Nations Office for Disarmament Affairs and its contribution to the CCW Sponsorship Programme, the European Union promoted wider adherence to the Convention and its Protocols.

31. He commended the work of the Group of Experts established at the Tenth Annual Conference. The submission of national annual reports enhanced transparency and cooperation in the implementation of amended Protocol II and the Group's recommendation to analyse the fulfilment of reporting obligations and the content of national reports was therefore welcome, as was the proposal to synchronize the submission of reports under the Protocol and under other instruments such as Protocol V. The Group should continue to examine the legal feasibility of denouncing the original Protocol II, and States that were not yet parties to amended Protocol II should consider submitting reports on a voluntary basis. The issue of IEDs should continue to be considered by the Group in

the context of amended Protocol II and, as appropriate, in conjunction with related issues under Protocol V.

32. **Mr. Rao** (India) said that his Government had fulfilled all its obligations under amended Protocol II. Since 1 January 1997, India had not produced any non-detectable mines, and all anti-personal mines in stock had been fitted with metallic rings to make them detectable. India was also observing a moratorium on the export of landmines. His Government appreciated the approach taken in amended Protocol II to the legitimate defence requirements of States, especially those with long borders. It attached importance to the regular submission of national reports under the Protocol.

33. India had taken a number of measures to address the humanitarian concerns arising from the indiscriminate use of landmines. Information concerning obligations under amended Protocol II had been disseminated to the Indian Armed Forces through its inclusion in training curricula, and through the conduct of seminars and the distribution of handbooks, inter alia. Information on mines was disseminated to the civilian population in affected areas and to the media, so as to raise public awareness and avoid civilian casualties. Wherever mines had been used for defensive military operations, they had been laid within clearly marked, fenced perimeters. Global positioning and geographic information systems were used to record the position of mines, and all mines were cleared after the completion of operations.

34. The Indian Armed Forces did not use mines to maintain law and order or internal security, or even in counter-insurgency or counter-terrorism operations, including against organizations that used IEDs and mines indiscriminately. The Corps of Engineers continued to assist civilian authorities in defusing and clearing such devices, which included mines of foreign origin used by terrorist groups.

35. Efforts had been made to rehabilitate mine victims through financial compensation, employment and other assistance, including prosthetic care. In addition, India had ratified the Convention on the Rights of Persons with Disabilities in October 2007. There had been reports of an increase in the number of mine victims in India, but that information was inaccurate, as no distinction was made between casualties caused by landmines and those resulting from the use of IEDs.

36. His Government supported technical cooperation and exchanges in mine clearance technology, equipment and training and urged other High Contracting Parties to do likewise. It remained committed to international demining and rehabilitation efforts and was willing to provide assistance and expertise in that area. India was one of the main contributors to the United Nations peacekeeping operations throughout the world. Its military personnel had participated in national, regional and international workshops and seminars and had carried out demining operations in Cambodia, Angola and Afghanistan. They regularly provided demining training to the Cambodian Armed Forces, which had in turn conducted demining operations in the Sudan under the auspices of the United Nations Mission in the Sudan.

37. India attached particular importance to the issue of IEDs, in view of the large number of casualties caused by such devices and their profound socio-economic impact. The issue extended beyond the scope of Protocol V, since the supply chains were often transboundary in nature. Measures should be taken to identify key elements in the supply chains that could be prohibited or more effectively regulated by Parties. Steps could include marking and tracing key components, increasing the security of stockpiles and their transportation, preventing unauthorized manufacture and trafficking, imposing stricter export controls, and prosecuting and punishing violators. While cooperation and exchange of experience and equipment among Parties should be encouraged, it was essential to maintain confidentiality with a view to preventing the creation of new versions of IEDs. In

addition, all efforts to address the problem in the context of the Convention on Certain Conventional Weapons should be consistent with other international counter-terrorism initiatives.

38. **Ms. Grey** (Australia) said that the accession of key mine-using and mine-producing States had been crucial to the progress achieved in addressing humanitarian concerns arising from the use of anti-personnel landmines and booby traps. She welcomed Georgia as a new High Contracting Party to amended Protocol II and looked forward to hearing the contributions of other Parties on their efforts to implement the instrument. Her Government continued to fulfil its obligations under the Protocol and as a State party to the Ottawa Convention on Landmines. As stated in Australia's national annual report under amended Protocol II, her Government had committed \$75 million over the past five years to clearance, victim assistance and mine risk education, primarily in the Asia-Pacific region.

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

40. IEDs were easy to assemble, with many readily available components. They were devised, funded, sourced, constructed, transported and deployed by a large and complex network of individuals, much like a criminal organization. The military and police forces were endeavouring to combat the problem and to ensure the protection of military and civilian personnel. The Conference for its part should focus on areas in which there was scope to limit access to explosives or their precursor materials, notably, access by non-State actors to military munitions and explosive remnants of war. That would require Parties to enhance their stockpile security, tighten export controls and promote universal acceptance of Protocol V. Access to commercially available explosive precursors must also be restricted. However, amended Protocol II had only limited ability to do so. Accordingly, in addressing the issue of IEDs, it would be useful for States to take into consideration the provisions of other international instruments, such as the 1991 Convention on the Marking of Plastic Explosives for the Purpose of Detection, and to draw on initiatives in other relevant fields, including the fight against organized crime and the tracking of illicit fund flows.

41. Lastly, her delegation supported the recommendation by the Friend of the President that the Group of Experts should continue to explore the issue of IEDs in the context of amended Protocol II.

42. **Mr. Wang Qun** (China) said that the implementation of amended Protocol II had always been a priority for his Government. Over the past year, it had allocated substantial human and material resources and taken effective measures to that end. A national annual implementation plan had been developed, and training courses organized for military trainers, as well as workshops on China's obligations under the Protocol.

43. His Government had made significant progress in tackling landmine problems in border areas. Extensive, year-long demining operations had been successfully completed in the Guangxi Zhuang Autonomous Region and in Yunnan province, both of which shared borders with Viet Nam. In addition, the Chinese Armed Forces had removed and destroyed unexploded ordnance and continued to destroy obsolete anti-personnel mines that did not meet the technical requirements laid down in amended Protocol II. Progress had also been made with regard to research into alternative weapons.

44. China had provided international humanitarian assistance in the form of demining cooperation. In 2009, his Government had donated demining equipment to Egypt and had sent experts to provide technical training to Egyptian personnel. A training course had been organized in Nanjing for demining personnel from Afghanistan and Iraq, and it had been decided to donate demining equipment to the two countries after the course. His Government was seriously concerned about the landmine problem affecting Sri Lanka and had pledged to provide the country with humanitarian demining assistance. Furthermore, the Chinese Armed Forces had completed the translation into Chinese of the second version of the International Mine Action Standards.

45. In the light of the humanitarian problems stemming from the use of IEDs by non-State actors, he welcomed the report of the Friend of the President on improvised explosive devices.

46. **Mr. Üzümcü** (Turkey) recalled that, at the meeting of the Group of Experts held in April 2009, a broad consensus had emerged that the issue of IEDs could be addressed in the context of amended Protocol II, taking into account in particular the variety of explosives used by criminal groups and other non-State actors. The Group of Experts provided an ideal forum for in-depth discussions on ways of curbing access by such parties to military explosives and IED precursor materials. He therefore supported the continuation of its deliberations and encouraged it to explore possible practical steps to address the challenges posed by IEDs, including the identification of best practices.

47. The universalization of amended Protocol II, a key international legal instrument that struck a balance between humanitarian concerns and military requirements, remained a high priority. The submission of national annual reports under the Protocol enhanced transparency, cooperation and mutual understanding among States.

48. **Mr. Romanovskis** (Latvia) said that Latvia had acceded to all the Protocols and amendments to the Convention and was fully committed to their implementation and universalization. At the time of ratification of amended Protocol II, in 2002, his Government had declared that it would defer compliance with paragraph 2 (b) of the technical annex, relating to detectability. The nine-year deadline for States that had chosen to defer compliance had expired in 2007, and Latvia had since met its obligations under the Protocol.

49. Particular emphasis should be placed on cooperation and assistance in the context of the Protocol, notably the provision of support to States with insufficient resources to implement the instrument. The CCW Sponsorship Programme played an important role in that regard.

50. His delegation supported the revitalization of the Protocol and had participated actively in the meetings of the Group of Experts. It welcomed in particular the initiative to address the issue of IEDs. The Latvian Armed Forces had encountered IEDs on many occasions in Iraq and Afghanistan: those devices were generally placed as part of complex attacks, with little or no regard for civilian casualties. A training course on IEDs devised in 2006 was now provided to the entire National Armed Forces and was regularly updated by contingents returning from deployment. Their experience showed that more emphasis should be placed on prevention in practical training on IEDs.

51. **Mr. MacBride** (Canada) said that Canada's ratification of the Convention and all its Protocols showed the importance attached by Canada to CCW as a forum for addressing the impact of conventional weapons, while taking into account both humanitarian imperatives and military considerations. Nevertheless, too much emphasis was often placed within CCW on military considerations. For that reason, Canada had joined other countries in negotiating a new instrument to address the dreadful humanitarian and development impact of anti-personnel mines. The 156 States parties to the resulting Ottawa Convention on



Landmines would shortly meet at the Second Review Conference to develop an ambitious five-year action plan and to renew their commitment to the instrument. Participation by the minority of States that had not yet acceded to the Ottawa Convention would be very welcome, as would an indication of plans for accession or ratification.

52. **Mr. Vasiliev** (Russian Federation) said that amended Protocol II was important, not only because it restricted the use of landmines and other explosive devices but also because, despite current international developments, it continued to strike an effective balance between humanitarian and military considerations. All States should therefore comply fully with its provisions at the national level. Priority should be given to promoting the universality of the Protocol, particularly in the light of the difficult political circumstances in some of the countries that had not yet acceded. He expressed appreciation for the work carried out by the Group of Experts in April 2009 on implementation of the Protocol's basic provisions, and on its universalization, and hoped that such meetings would be held on a regular basis.

53. The Russian Federation complied fully with the Protocol at the national level and had taken practical steps to reduce the mine threat, including the cessation of production of blast mines — the most dangerous type of anti-personnel mine — more than 10 years previously, and the recent destruction of more than 10 million anti-personnel mines. The Russian Armed Forces had been instructed to comply with the Protocol's marking and fencing requirements relating to anti-personnel mines. Also, recommendations had been developed on laying minefields in accordance with the Protocol and were being taught at military schools and to the Armed Forces.

54. The Russian Federation had adopted a national system of technical standards for mines, including anti-personnel and other mines. New, more effective mine detection and neutralization techniques had also been developed, which was a prerequisite for reducing the mine threat to civilians and military personnel. The marking and fencing of mines and explosive devices in the different sections of the State border was carried out in full compliance with the provisions of the Federal Act on ratification of the Protocol. In 2001, the Ministry of Defence had issued guidelines, based on international humanitarian law, for the use of landmines in accordance with amended Protocol II. An updated version of the guidelines was being tested and was expected to be approved in 2010.

55. The Russian Federation was willing to assist in humanitarian demining activities, including by supplying mine clearance teams and equipment and by training experts. Russian deminers had successfully participated in demining operations in Croatia, Bosnia and Herzegovina, and Afghanistan. Other countries where demining activities were being carried out or were planned included Serbia, Nicaragua, Lebanon, Sri Lanka, Bulgaria and the Libyan Arab Jamahiriya. Assistance in demining was also being given in Abkhazia and South Ossetia. The national report contained more detailed information on post-conflict activities conducted in the Caucasus region, in accordance with the provisions of amended Protocol II.

56. In order to ensure that the path towards a world without mines was a stable one, progress should be realistic and gradual. amended Protocol II played an effective and ever-increasing role to that end and should be further strengthened and improved.

57. **Mr. Pelaez** (Argentina) said that Argentina, as a State party to the Ottawa Convention on Landmines, implemented national policies in the area of anti-personnel mines that went beyond those provided for under amended Protocol II, but was nevertheless committed to full implementation of the Protocol, which remained a relevant instrument, and to its universalization. In that connection, the plan of action to promote the universality of the Convention was an appropriate tool for promoting the Convention and its Protocols in current multilateral and bilateral consultations.

58. Amended Protocol II was a dynamic instrument that required military and humanitarian considerations to be constantly balanced. For that reason, it was important to review periodically the Protocol's implementation, the issues that could arise from national reports and the development of new technologies for the protection of civilians, as had been done at the meetings of the Group of Experts held in April 2009.

59. While it was encouraging that the majority of High Contracting Parties had submitted their national reports, the decrease in the number of reports submitted in recent years indicated a need for regular follow-up in that area. One practical measure for maintaining good levels of compliance would be to synchronize the dates for the submission of reports under the different Protocols, since the proliferation of reporting obligations had resulted in a work overload for military experts.

60. His delegation wished to pursue the discussions on the issue of mines other than anti-personnel mines (MOTAPMs), the relevant forum for which was the Meeting of the High Contracting Parties to the Convention.

61. It was also ready to continue in a more focused manner, the discussions on IEDs, the Group of Experts having identified issues relating to those devices that fell within the scope of amended Protocol II. It joined with others in supporting the recommendations made by the Friend of the President in that regard.

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

63. The Republic of Korea attached great importance to amended Protocol II, which it was faithfully implementing. The Government had intensified its demining efforts and had cleared some 1,500 landmines in 2009 alone, although the clearance work was taking longer than anticipated. Also, an indefinite moratorium on the export of anti-personnel mines was being observed.

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

65. Ensuring the universality of amended Protocol II should be given top priority. The effective implementation of the Protocol would demonstrate the essential role it played in addressing the problems caused by landmines and would lead to increased membership. It was time to consider ways to further enhance the Protocol's relevance, and the discussions on IEDs at the April 2009 meetings of the Group of Experts had been a meaningful step in that direction. Those discussions should continue, taking into account the existing international framework.

66. **Mr. Mathias** (United States of America) said that landmine policy in the United States met or exceeded all requirements of amended Protocol II. In addition to implementing the Protocol at the national level, the United States provided various types of humanitarian mine action assistance to countries around the world, as described in a 2009 report entitled "To Walk the Earth in Safety", which was available in the meeting room. Since 1993 alone, the United States had provided \$1.5 billion to 54 countries to be used for,

inter alia, mine and unexploded ordnance clearance, mine risk education, assistance to mine survivors, research and development in landmine detection and clearance, and other activities relating to the threat posed to civilians by landmines and other explosive remnants of war.

67. He welcomed the discussions on IEDs at the April 2009 meetings of the Group of Experts. While it was clear that action could be taken by States to guard against those devices, there was a need for realism about what could be achieved within the scope of amended Protocol II. Focused discussion on synergies with Protocol V could prove valuable.

68. **Mr. Domingo** (Philippines) stressed the importance of the overall CCW framework, particularly with regard to IEDs, which were the weapons responsible for the most deaths in the Philippines. Greater progress towards universalization and more effective implementation of amended Protocol II could be achieved by promoting synergies with related instruments, such as the Convention's other Protocols, the Ottawa Convention on Landmines, the Convention on Cluster Munitions, and the Geneva Declaration on Armed Violence and Development, and with the various initiatives to counter terrorism and organized crime.

69. Closer engagement with the military and police establishments in the Philippines was a key factor in the promotion of amended Protocol II and the Convention's other Protocols. He therefore looked forward to more outreach activities in his region to raise awareness of the overall CCW framework; assistance with national reporting would also be appreciated. Exchange of information and best practices with the armed forces and police forces in the Philippines would be very valuable. He welcomed the efforts of civil society organizations, academics and individual experts in contributing to the advancement of the Convention and its Protocols.

70. **Mr. Matsuura** (Japan) said that his Government had taken the necessary measures to fully implement the provisions of amended Protocol II and contributed to international assistance work to mitigate the risks and effects of mines, booby traps and other devices prohibited by the Protocol. With regard to anti-personnel landmines, Japan was taking a leading role in ensuring the effective, universal implementation of the Ottawa Convention, first, by conducting bilateral dialogue with States that were not parties and, second, by providing extended assistance to victims and aiding clearance activities in contaminated areas. The goal was to bring about a universal prohibition on anti-personnel landmines.

71. The discussion on IEDs held at the recent Group of Experts meetings should be continued and extended to include issues such as the use of those devices by non-State actors and improved stockpile management of munitions. It would be counterproductive to denounce or terminate the original Protocol II, which was still valid, since some States had acceded only to that instrument and were not yet in a position to become parties to amended Protocol II. A better approach would be to examine what obstacles prevented those States from so doing.

72. **Mr. Khokher** (Pakistan) said that Pakistan was committed to implementing all provisions of amended Protocol II, which had the capacity — if fully implemented — to minimize human suffering caused by mines, booby traps and other such devices. The Protocol maintained a delicate balance between humanitarian concerns relating to the use of conventional weapons and security imperatives. Pakistan disseminated information on amended Protocol II on a regular basis to its armed forces and to the civilian population, as required under article 13. Information on legislation related to the Protocol and steps taken to meet its technical requirements had been provided in Pakistan's national annual report. Pakistan had already met the deadline to comply with the technical specifications on mine detectability. Also, warning signs and markings had been changed, in line with the

Protocol's requirements. Pakistan's contribution in the area of mine clearance was well known. Its armed forces were contributing to international demining operations in the Sudan, within the framework of United Nations demining and explosive ordnance disposal activities, and had provided similar assistance to other countries in the past.

73. He appreciated the work done by the Group of Experts in April 2009. While professional armies did not use IEDs, their use by non-State actors was growing worldwide. Those devices were inherently indiscriminate and killed innocent civilians. Discussion on how to eliminate the transfer and development of IEDs was useful, particularly in order to prevent their use by terrorists. During the ongoing law enforcement operations in Pakistan, terrorists had on several occasions used mines and IEDs against army personnel and civilians. Those devices had foreign imprints, confirming the link between terrorists and actors beyond the borders of Pakistan.

74. The Group of Experts had also discussed how to give impetus to the development of technology to protect civilians from the indiscriminate effects of mines. States that had developed new techniques in that field were required to share that knowledge with other States. The transfer of technology must be enhanced within the framework of the Protocol and must benefit the non-governmental organizations that had been involved in mine clearance, rehabilitation of victims, reconstruction and development.

75. **Mr. Itzhaki** (Israel) said that amended Protocol II was an important instrument, in that it addressed both humanitarian and military considerations in a balanced manner. The universality of the Protocol remained a priority for the High Contracting Parties, particularly in regions where armed conflicts took place, including the Middle East. Universal implementation of article 8 of the Protocol, which prohibited transfers of mines to non-State actors, would enhance regional security.

76. He welcomed the discussions on the increasing problem of the use of IEDs, notably by non-States actors. Such discussions would help to identify materials of potential interest to terrorists, an issue that fell within the purview of the Protocol. Mechanisms for enhancing State controls over materials and precursors used as IEDs could be developed within the CCW framework. As a State affected by IEDs used by terrorists, Israel could contribute to the discussions. Over the years, it had devised strategies to prevent military and other types of materials from falling into terrorist hands. It therefore supported the recommendations made by the Friend of the President on improvised explosive devices in his report.

77. Israel was committed to reducing the human suffering caused by the irresponsible and indiscriminate use of certain conventional weapons and maintained that the CCW framework was the most appropriate forum for addressing such problems. The Convention itself continued to strike the necessary balance between military and humanitarian considerations and, since its inception, had included among its parties major users and producers of conventional weapons.

78. **Mr. Avila** (Guatemala) said that his country had ratified the Convention and all its Protocols and in 2005 had been declared a mine-free State. New legislation introduced in April 2009 criminalized the import, export, stockpiling, transfer or trafficking of mines and booby traps, in accordance with amended Protocol II. Since 2007, Guatemalan legislation had prohibited the use of and trade in anti-personnel mines. Experts from the Guatemalan Armed Forces had assisted in mine clearance operations in Nicaragua. The Conference could count on Guatemala's full support.

79. **Mr. Boudenrenko** (Ukraine) said that his Government considered the Convention and its Protocols to be the most important instruments in the field of disarmament and arms control and an effective mechanism for upholding international humanitarian law. It was taking steps to disseminate information on amended Protocol II, including through

appropriate training in military academies and the Ukrainian Armed Forces. Relevant legislation was being updated and public awareness-raising campaigns on mine safety had been launched. An anti-mine programme for the period 2009–2014 had been adopted, under which civilian areas and former military sites would be cleared of landmines and explosive remnants of war.

80. Ukraine was complying fully with its obligations under the technical annexes to the Protocol: all munitions prohibited by the instrument had been withdrawn from use by the Ukrainian Armed Forces. Considerable efforts were being made to update relevant technical specifications and standards for different types of munitions.

81. An essential part of resolving the mine problem was combating the use of IEDs. The Demining Unit of the Ukrainian Armed Forces was largely responsible for collecting and analysing information on those devices and other munitions. Over the past five years, the Unit had trained some 3,000 experts, who had provided assistance in mine clearance activities in the Islamic Republic of Iran, Lebanon and the former Federal Republic of Yugoslavia.

82. **Ms. Sancar** (Turkey) said that Turkey attached great importance to the CCW regime and amended Protocol II. Detailed information on measures adopted to implement the Protocol was contained in its national annual report. However, since Turkey was a party to the Ottawa Convention, its stockpiling, destruction and mine clearance activities were governed by that instrument. At the international level, experts from the Turkish Armed Forces had participated in various mine clearance operations in Afghanistan, Kosovo and Lebanon.

83. She expressed support for efforts to enhance the relevance of the Protocol and for consideration of the challenges posed by IEDs under the instrument. She endorsed the recommendations contained in the report of the Friend of the President on improvised explosive devices. Lastly, she shared the concerns voiced regarding the use of such devices by terrorists and criminals and the view that the matter should continue to be discussed by the Group of Experts.

84. **Mr. Clark** (United Nations Mine Action Service), speaking on behalf of the United Nations Mine Action Team, said that the Mine Action Team had supported the decision to strengthen and revitalize amended Protocol II. It applauded the appointment of Friends of the President to address the specific issues of the operation and status of the Protocol, and IEDs.

85. With regard to the former, the Mine Action Team supported the effective implementation of the Protocol, including the provisions on national reporting. Apart from being a legal requirement of the Protocol, the submission of national reports served as a useful confidence-building measure. It was regrettable that only about 50 per cent of High Contracting Parties complied with their reporting obligations; all Parties were encouraged to do so as soon as possible. Members of the Mine Action Team were available to provide assistance in that connection.

86. IEDs continued to have a significant impact on civilians, humanitarian workers and peacekeepers in an increasing number of countries. Amended Protocol II provided the international community with an appropriate forum for addressing the issue and identifying possible solutions.

87. In his recent report on assistance in mine action, the Secretary-General of the United Nations had recommended that Member States should remain coordinated and committed to the goal of ending the suffering caused by mines and explosive remnants of war, including cluster munitions remnants, abandoned ammunition and IEDs, through the consistent provision of necessary resources, in particular to support the building,

development and strengthening of national capacities in mine action. The Secretary-General had also recommended preventing harm to civilians, particularly children, by providing effective warning, risk education and other preventive measures to protect them from the effects of those weapons, which included IEDs. It was to be hoped that the High Contracting Parties would decide to continue to use the existing consultation mechanisms to address those important issues.

88. He appealed to the High Contracting Parties to make further progress with eliminating the grave humanitarian and development threat of anti-vehicle mines. Current legal standards in that area should be revisited and, if appropriate, revised. He welcomed the recent ratification of amended Protocol II by Georgia, which had raised the number of States that had consented to be bound by the instrument to 93.

89. **Mr. Herby** (International Committee of the Red Cross (ICRC)) said that the indiscriminate effects of IEDs were generally due to the way in which the weapons were used, not to their design. Their deployment against civilians constituted a war crime and was prohibited by amended Protocol II and international humanitarian law. The most appropriate means of minimizing the effects of IEDs was to ensure observance of article 3 of the Protocol by all parties to international and non-international conflicts. The credibility of the Convention could be undermined if it appeared that States were developing non-proliferation or arms control regimes directed at only one side in an armed conflict. ICRC supported the policy objective of limiting access to conventional weapons, munitions and explosive devices for all those who committed serious violations of international humanitarian law. However, limiting access to weapons that were not inherently indiscriminate and did not cause unnecessary suffering could be viewed by States not parties as discriminatory.

90. Encouraging Parties to the original Protocol II to accede to the amended version would be an important step in consolidating amended Protocol II as the minimum international standard for the use of mines, booby traps and other devices. His understanding of paragraph 13 of the report of the Friend of the President on the operation and status of the Protocol (CCW/AP.II/CONF.11/3) was that it would no longer be possible to accede to the original Protocol once all Parties had acceded to the amended instrument. However, the current formulation of paragraph 13 was misleading, as the word “denouncing” might be understood to mean that States should withdraw from the treaty. He therefore suggested that the words “termination” or “closure of ratifications” might be more appropriate. He further suggested that the United Nations Treaty Section might be able to provide some guidance on the matter for consideration at a future conference.

91. Universalization of amended Protocol II was an important step towards the elimination of anti-personnel mines, an objective supported by nearly all States in a series of General Assembly resolutions. He urged Parties to amended Protocol II who had not yet acceded to the Ottawa Convention on landmines to do so before or immediately after the forthcoming Second Review Conference of the States parties to that instrument.

92. The nine-year deferral period for compliance with the provisions of the technical annex on detectability and the self-destruction and self-deactivation of anti-personnel mines following the entry into force of the Protocol had expired. Yet it was not clear how Parties that had invoked the deferral were now complying with those requirements. Several general statements affirming full compliance had been made by the delegations concerned, but with scant detail of how that had been achieved. Some States seemed to consider the cessation of production of anti-personnel mines not in conformity with the Protocol as constituting full compliance, whereas ICRC understood that to mean the prohibition of the use of non-detectable anti-personnel mines anywhere and of long-lived mines outside fenced, marked and monitored minefields after the expiry of the nine-year deferral period. The matter therefore required some clarification.

93. **The President** said that, if he heard no objection, he would take it that the Conference wished to approve the recommendations contained in paragraphs 12 and 13 of the report of the Friend of the President on the operation and status of the Protocol (CCW/AP.II/CONF.11/3).

94. *It was so decided.*

95. **The President** said that, if he heard no objection, he would take it that the Conference wished to approve the recommendations contained in paragraph 15 of the report of the Friend of the President on improvised explosive devices (CCW/AP.II/CONF.11/3) as orally amended.

96. *It was so decided.*

#### **Review of the operation and status of the Protocol**

97. **The President** said that article 13, paragraph 3, of the Protocol stipulated that the work of the Conference should include a review of the operation and status of amended Protocol II. A commitment to review the provisions of the Protocol had been made by the High Contracting Parties at the First Review Conference of the Convention on Certain Conventional Weapons and reconfirmed at the Second Review Conference. To date, 93 States had consented to be bound by the Protocol, a relatively modest figure for an important international instrument. Before inviting the High Contracting Parties to consider how they could promote universal accession to the instrument and implement the plan of action to promote the universality of the Convention and its Protocols, he wished to draw their attention to two points.

98. First, pursuant to the decision of the Tenth Annual Conference of the High Contracting Parties to Amended Protocol II and the plan of action to promote the universality of the Convention, letters had been addressed to States not parties to the Convention inviting them to consider acceding to the instrument and its Protocols. Similar letters had been addressed to the High Contracting Parties inviting them to review their participation in the Convention.

99. Second, there was the question of the legal feasibility of denouncing or terminating the original Protocol II, which was still in force, a few States having not yet consented to be bound by the amended instrument. An extra effort was needed by the States in question to accede to amended Protocol II as soon as possible. Once that goal was achieved, the question of how to terminate the original Protocol II could be considered; that would simplify the structure of the Convention, which sometimes caused confusion, in particular among States not familiar with the instrument.

#### **Consideration of matters arising from reports by High Contracting Parties according to paragraph 4 of article 13 of amended Protocol II**

100. **The President** said that of the 93 States that had notified the Depositary of their consent to be bound by the Protocol, only 37 countries had so far submitted annual reports, as required by article 13, paragraph 4. The list of those countries and a synopsis of most of the reports received would be annexed to the final document of the Conference. In accordance with the relevant decision of the Ninth Annual Conference, national annual reports had not been issued as official documents of the Conference but were available on the national annual reports database. National reporting was an obligation under amended Protocol II and States that had failed to meet the obligation were not in compliance with article 13. It should be noted that more than 20 High Contracting Parties had never submitted an annual report, while one third of the Parties had not submitted updated reports for the past four years.

101. At the Fifth Annual Conference, it had been decided to simplify the submission of national annual reports. High Contracting Parties need only indicate on a summary sheet that the information contained in the reports had not changed since the previous year; the reporting forms themselves need not be submitted. The option of submitting a summary sheet had proved successful: almost three quarters of the information received in 2009 had been submitted using the summary sheet.

*The meeting rose at 1 p.m.*