

**Thirteenth 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 2011**

**Summary record of the 1st meeting**

Held at the Palais des Nations, Geneva, on Friday, 11 November 2011, at 10 a.m.

*Temporary President:* Mr. Arias Palacio ..... (Bolivarian Republic of Venezuela)

*President:* Mr. Hoffman ..... (Germany)

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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**, speaking on behalf of the President of the Twelfth Annual Conference of the High Contracting Parties to Amended Protocol II, Mr. Mundarain Hernández, declared open the Thirteenth Annual Conference of the High Contracting Parties to the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices as amended on 3 May 1996 annexed 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.

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

2. **The Temporary President** recalled that, at the Fourth Annual Conference, in order to ensure the continuity of the preparatory work, the High Contracting Parties had decided that the future presidents and vice-presidents would be designated at the end of each annual conference. Thus, at the Twelfth Annual Conference, the representative of Germany had been nominated as President of the Thirteenth Annual Conference (see CCW/AP.II/CONF.12/6, para. 30). If there were no objections, he would take it that the Conference wished to confirm the designation of Mr. Hellmut Hoffmann, Ambassador of Germany, as its President.

3. *It was so decided.*

4. *Mr. Hoffmann (Germany) took the Chair.*

5. **The President** said that the opening of the Thirteenth Annual Conference coincided with the anniversary of the 1918 armistice, and he hoped that the Conference would draw inspiration from that event. At the Fourth Annual Conference the High Contracting Parties had decided to increase the number of vice-presidents from two to three. Pursuant to the decision taken at the Twelfth Annual Conference regarding the allocation of the posts of vice-president (CCW/AP.II/CONF.12/6, para. 30), following consultations with the regional groups and China, there seemed to be agreement to designate Mr. Wang Qun of China, Mr. Homero Luis Hernández Sánchez of the Dominican Republic, and Ms. Maria Ciobanu of Romania as Vice-Presidents of the Thirteenth Annual Conference. He took it that the Conference wished to confirm those appointments.

6. *It was so decided.*

**Adoption of the agenda (CCW/AP.II/CONF.13/1)**

7. **The President** said that an agreement had been reached at the Twelfth Annual Conference to propose a provisional agenda for the Thirteenth Annual Conference (CCW/AP.II/CONF.13/1). He took it that the Conference wished to adopt that provisional agenda.

8. *It was so decided.*

**Confirmation of the rules of procedure**

9. **The President** said 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 amended by the Fourth Conference and that an updated version (CCW/AP.II/CONF.6/2) was available on the United Nations official document system (ODS). He took it that the Conference wished to reconfirm the rules of procedure as amended in 2002.

10. *It was so decided.*

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

11. **The President**, referring to article 10 of the rules of procedure, said that in accordance with established practice, Mr. Bantan Nugroho, Head of the Implementation Support Unit of the United Nations Office for Disarmament Affairs, Geneva Branch, had been nominated as Secretary-General of the Conference by the Secretary-General of the United Nations. He took it that the Conference wished to confirm the appointment of Mr. Nugroho to that post.

12. *It was so decided.*

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

13. **The President** said that the cost estimates for the Thirteenth Annual Conference had been discussed at the Twelfth Conference (see CCW/AP.II/CONF.12/6, annex IV). He took it that the Conference wished to adopt those estimated costs.

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 was not suggesting the establishment of any subsidiary body at that stage. He recalled, however, that the Tenth Annual Conference had decided to establish an informal open-ended Group of Experts and that the Twelfth Conference had planned for that group to meet on 4 and 5 April 2011 in order to review the operation and status of the Protocol, matters arising from reports by High Contracting Parties, and the development of technologies to protect civilians against indiscriminate effects of mines, under the overall responsibility of Mr. Laassel (Morocco) as Coordinator, as well as the issue of improvised explosive devices (IEDs), under the overall responsibility of Mr. Wollenmann (Switzerland) as Coordinator. The Group of Experts had again proven its value as a tool to promote cooperation among States parties in implementing the Protocol. States had considerably increased their knowledge of IEDs, and the Group had focused in a more informal manner on the way in which the Protocol was implemented.

16. He suggested that the Conference should first hear from the Coordinators under agenda item 12 and then move on to its customary exchange of views, in which all the substantive issues on the agenda would be addressed. Delegations wishing to address only the substantive issues reflected in the Coordinators' reports would have the opportunity to do so after the general exchange of views. The Conference would then consider agenda items 9, 10 and 11 in plenary before holding informal consultations, if necessary, to be followed by resumption of the plenary, at which the Conference would review the draft final document.

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

17. At the invitation of the President, **Mr. Tokayev** (Director-General of the United Nations Office at Geneva and Secretary-General of the Conference on Disarmament) read out a message from the Secretary-General of the United Nations to the participants of the Thirteenth Annual Conference.

18. In his message, the Secretary-General of the United Nations said that mines, booby traps and other explosive devices were aggravating and prolonging the terrible consequences of armed conflict. Since its adoption, the Protocol had helped to organize efforts around the world to eliminate that scourge. The Thirteenth Annual Conference

provided an opportunity to respond to current concerns and exchange information on ways to better protect civilian populations. It was also an opportunity to focus more attention on civilian protection and on the humanitarian consequences of IEDs. In addition, events had shown that it was necessary to strengthen international regulations on mines other than anti-personnel mines.

19. The exchange of information and collaboration among experts on Amended Protocol II and Protocol V demonstrated a desire to promote greater cooperation and create more synergies within the framework of the Convention. He welcomed that development and encouraged States parties to strengthen transparency. The universalization of the Protocol was more important than ever. He once again highlighted the importance of implementing the Plan of Action to Promote the Universality of the Convention and its Protocols. He welcomed the fact that 97 States had expressed their consent to be bound by Amended Protocol II and invited all the countries that had not yet done so to accede to the Protocol as soon as possible, particularly those that had acceded to the original Protocol II. The Secretary-General expressed his hope that the Conference would be a success.

#### **Report(s) of any subsidiary organ(s)**

20. **Mr. Laassel** (Morocco), speaking in his capacity as Coordinator on issues covered by agenda items 9, 10 and 11, introduced the report (CCW/AP.II/CONF.13/2) he had drafted on the basis of consultations held by the High Contracting Parties to Amended Protocol II and the observations they had made during the work of the Group of Governmental Experts. The Group had noted that the reason several countries had not yet acceded to the Convention and its Protocols was the complex structure of the instrument rather than political or legal considerations. He had therefore urged the High Contracting Parties to redouble their efforts to promote the universality of the Convention. In that regard, the Plan of Action was still relevant.

21. Given that the original Protocol II could be terminated only with the consent of all the States parties to that instrument, and that it was still impossible to do so because of the opposition of at least two States parties, the Group had recommended that the Review Conference of the Convention should encourage the States parties to the original Protocol II that had not yet acceded to Amended Protocol II to do so, and had urged States that were not yet parties to the Convention or its Protocols to refrain from acceding to the original Protocol II.

22. The 26 States that had unilaterally expressed their intention to extend the scope of Amended Protocol II to cover mines other than anti-personnel mines had been asked to inform the Conference of the measures taken to fulfil that commitment.

23. The High Contracting Parties and the Implementation Support Unit had been encouraged to step up their efforts to implement the Plan of Action to Promote the Universality of the Convention, including by organizing national and regional seminars. He proposed that the next regional seminar, scheduled for 2012, should be held in Latin America.

24. States parties had been reminded that the date for submitting their annual national reports was 31 March of each year, and States that were experiencing some difficulty in collecting the information they needed to prepare their report had been encouraged to draw on the experience of other High Contracting Parties, the United Nations Mine Action Service and NGOs. It had been noted that a great deal of information had been communicated via form A, on the dissemination of information, attesting to its relevance. The year 2012 would be devoted to analysing form B, on mine clearance and rehabilitation programmes.

25. He presented for consideration by the Conference the recommendations contained in document CCW/AP.II/CONF.13/2, paragraph 23.

26. **Mr. Wollenmann** (Switzerland), speaking in his capacity as Coordinator on improvised explosive devices and introducing the report he had prepared on the work carried out by the Group of Governmental Experts in 2011 (CCW/AP.II/CONF.13/3), said that the Group's discussions on IEDs had enabled it to examine technical points; identify ways of preventing their installation; examine the humanitarian effects of the use of such devices; engage in discussions on victim assistance, looking at the achievements made through the Plan of Action on Victim Assistance under Protocol V; and reflect on the wider phenomenon of explosive weapons and the role of armed non-State actors. The discussions had also made it possible to engage various actors concerned with the Convention, broaden the range of High Contracting Parties actively participating in the meetings; and hold joint sessions on topics also relevant to Protocol V, including mine clearance and victim assistance.

27. Paragraph 14 of his report contained four draft recommendations. The discussions had confirmed a number of trends identified at previous meetings, while the experts' contributions had produced a number of new elements (paragraphs 3–13 of the report). As in previous years, during their discussions the experts had contemplated various approaches to guard against the dangers posed by IEDs throughout their cycle of operation, from the sourcing of the materials needed to produce them right up to an actual attack. He drew attention to paragraphs 10 and 11 of his report: paragraph 10 discussed the International Ammunition Technical Guidelines recently established by the United Nations Office for Disarmament Affairs together with experts, and possible collaboration between those experts and the Group of Experts created under Amended Protocol II. Paragraph 11 referred to the possible compilation of guidelines, best practices and existing recommendations to prevent diversion or illicit use of materials that could be used to produce IEDs, two subjects central to the recommendations contained in paragraph 14 (b) and (c). The recommendations contained in paragraph 14 (a) and (d) were fairly similar to those made in 2010. It was only natural to reaffirm them because they allowed the Group of Experts to continue the exchange of information on IEDs in general and on victim assistance.

28. In order to reinforce the recommendation in paragraph 14 (c) of the report, he would make a video presentation of the International Ammunition Technical Guidelines developed under the United Nations SaferGuard Programme. In the video, Ms. Goh of the United Nations Office for Disarmament Affairs briefly introduced the programme run by her Office, explaining that the guidelines focused mainly on securing and managing ammunition stockpiles and were therefore concerned with illicit access to the materials required to produce IEDs. The 12 volumes of the guidelines, drafted by her Office in collaboration with the United Nations Mine Action Service, had been approved by a technical review panel of Member States, the Member States of the United Nations had welcomed the completion of the guidelines in a resolution adopted by the First Committee of the General Assembly. The High Contracting Parties to Amended Protocol II could examine the guidelines, given that they related to their work on IEDs, and could participate in the periodic review of the guidelines, to be undertaken every five years, as well as their implementation. Member States could participate in the activities of the SaferGuard Programme by making financial contributions or supplying national experts who could offer technical assistance upon request or provide guidance on implementation of the guidelines.

29. With regard to the set of recommendations contained in paragraph 14 of the report, he wished to make two amendments, neither of which would in any way change the general thrust of the work of the Group of Experts. The first was to replace the word "relevance" with the word "significance" in subparagraph (a), and the second to replace the phrase

“consider, through the work of interested military and technical experts and in consultation with all High Contracting Parties, the compilation of” with the phrase “compile, for consideration by the High Contracting Parties” in subparagraph (b).

30. More generally, he believed that the plenary meetings of the Group of Experts had proven particularly useful as a forum for discussing the IED issue, raising awareness of the topic, and exchanging views of a general nature. It might be interesting in future to complement plenary meetings with break-out meetings, permitting more interactive, technical and focused work, particularly on the implementation of recommendations (b) and (c).

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

31. **Mr. Nimchynskyi** (Ukraine) said that his country attached great importance to the universality and implementation of Amended Protocol II and encouraged their promotion at the bilateral and multilateral levels alike. Ukraine also took all necessary steps to duly implement Amended Protocol II and its Technical Annex. For example, the country’s Armed Forces had removed all anti-personnel mines from its operational stocks; in August 2011 the Pavlograd chemical plant had put into operation a technological line for the use of PFM-1 mine cassettes; and in September 2011 Ukraine had signed an agreement with the North Atlantic Treaty Organization Maintenance and Supply Agency (NAMSA) on the disposal of small arms and light weapons, conventional ammunition and PFM-1 landmines, which should make it possible to destroy 3 million PFM-1 mines.

32. At the State level, the Ministry of Defence and the Ministry of the Interior both worked to counter the use and consequences of IEDs. The Demining Centre of the Ukrainian Armed Forces, which came under the Ministry of Defence, was primarily responsible for addressing the IED threat in the context of international peacekeeping operations. In order to achieve that aim, it analysed incidents caused by IEDs, developed standard operating procedures, trained experts in IED disposal, and formulated recommendations. The Ukrainian Armed Forces had also introduced a new anti-IED training programme for its peacekeeping personnel responsible for ensuring the safety of the Lithuanian reconstruction team in the Afghan province of Ghor.

33. Ukraine was in favour of entrusting the Group of Experts with continuing its review of the operation and status of the Protocol, matters arising from reports by High Contracting Parties, and the development of technologies to protect civilians against indiscriminate effects of mines. It also supported the Group’s work on increasing understanding of the impact of IEDs, one of the major current challenges in the field of security and defence being to counter the use of IEDs, one of the main weapons of terrorist organizations, extremist movements, and illegal armed and criminal groups.

34. In conclusion, Ukraine was ready to participate in demining operations organized by the relevant international organizations, particularly in Libya. The IED issue was of paramount importance for Ukraine as it prepared for the 2012 European Football Championship to be held in Ukraine and Poland. In an effort to enhance security in the country during that event, specialist explosive ordnance disposal units had been established among the Armed Forces engineers.

35. **Mr. Ercan** (Turkey) said that Amended Protocol II was the appropriate framework in which to address the problems posed by IEDs and to have in-depth discussions on ways of curbing access by terrorists and criminal gangs to military explosives and IED precursor materials. Turkey was therefore in favour of continuing those discussions; it was very important to raise awareness of the IED threat to military, intelligence and police personnel and to the general public. It also supported efforts to prevent illicit stocking, transport, possession and use of explosives, and believed that the exchange of IED information,

incidents caused by such devices and their humanitarian impact, as well as the implementation of the International Ammunition Technical Guidelines, would help States to address the humanitarian concerns raised by landmines, booby traps and other explosive devices. His delegation therefore supported the approach the Coordinator proposed.

36. Even with 97 States parties acceding to Amended Protocol II, its full universality of Protocol II remained a priority. Submission of annual national reports on implementation of the Protocol was also important because it promoted transparency, cooperation and mutual understanding among States.

37. **Mr. Benevides** (Brazil) said that, while the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction imposed higher standards in the field of anti-personnel mines, some of the obligations established under Amended Protocol II were still relevant. The Protocol was in fact the only actual instrument that applied to a number of States that were large producers or users of anti-personnel mines and had still not become parties to the Ottawa Convention on Landmines. From that perspective, the positive humanitarian impact of the Protocol could not be entirely ignored. Annual conferences provided an opportunity to review the status and operation of Amended Protocol II and to take stock of measures related to the implementation and universalization of the instrument.

38. Brazil was very much in favour of continued exchange of information on IEDs and on existing guidelines and best practices to prevent the diversion or illicit use of materials that could be used in IED production. At the national level, in November 2000 Brazil had enacted legislation aimed at preventing the diversion of specific controlled materials by establishing norms on their manufacture, use, import, export, customs clearance, transport and trade. Brazil also endorsed the recommendation to continue communication on the termination of the original Protocol II with the High Contracting Parties to that instrument that had not yet become parties to Amended Protocol II, as the issue should be resolved jointly by all the High Contracting Parties.

39. **Mr. Shen Jian** (China) said that the Chinese Government attached great importance to the implementation of Amended Protocol II. In accordance with its obligations, China had submitted its national report and in recent years had allocated significant resources to improve the implementation of the Protocol. Positive results had been achieved: the Chinese Armed Forces had eliminated and destroyed unexploded ordnance and continued to destroy obsolete anti-personnel mines that did not meet the technical specifications contained in Amended Protocol II. Progress had also been made in research on replacement weapons. Awareness-raising and training courses continued to be held for military instructors and key personnel involved in implementing the Protocol and destroying landmines.

40. In parallel with its national efforts, since 1998 China had been carrying out international assistance activities, including projects to provide training in demining techniques. Those activities had helped it provide humanitarian assistance to more than 40 countries in Asia, Africa and Latin America; organize technical courses on humanitarian demining in Sri Lanka, Sudan and South Sudan; train staff and provide victim assistance in Ethiopia and the Lao People's Democratic Republic.

41. Over time, the Protocol had become increasingly effective, particularly in the areas of information exchange, victim assistance and international cooperation. Meeting humanitarian concerns was still a long-term undertaking, and in that regard China wished to collaborate with other States parties in further efforts to improve the implementation of Amended Protocol II, strengthen its universalization and achieve its primary objectives, namely the prompt elimination of the scourge of mines throughout the world.

42. **Mr. Malov** (Russian Federation) said that in its 10 or so years of existence the Protocol had proved an essential instrument for settling landmines problems. Its primary value was its restrictions on the use of different types of landmines and the balance it ensured between humanitarian and national defence interests. In order to overcome the problem of mines, all States should fully comply with the provisions of the Protocol at the national level and should promote the universality of the Protocol as a matter of priority, especially given the difficult political and military situation that had emerged in some of the countries that had not yet acceded to the Protocol.

43. As a party to Amended Protocol II since 2004, the Russian Federation fully respected its national obligations deriving therefrom. It had taken specific steps to reduce the mine threat, including by having long ceased production of blast mines — the most dangerous type of anti-personnel mine — and by destroying more than 10 million anti-personnel landmines, including some PFM mines, which were particularly difficult to eliminate. The Russian Federation regularly submitted information to the Implementation Support Unit on the implementation of the Protocol in the country. The Russian Federation's Armed Forces had been instructed to comply with the provisions of the Protocol relating to the marking of minefields. Similarly, recommendations had been made on the placement of minefields in conformity with the Protocol, and those recommendations were disseminated in military schools and among military units.

44. A national system of technical requirements on anti-personnel and other mines had been accepted for application. New and more effective techniques for mine location and deactivation had also been developed, an essential prerequisite for reducing the threat that mines posed to civilians and military personnel. Minefields had been marked out along the State border in full compliance with the provisions of the Federal Act on Ratification of the Protocol. The Ministry of Defence had published a handbook on international humanitarian law for the Russian Armed Forces, which set out basic requirements for landmines use in accordance with the Protocol.

45. The Russian Federation was ready to participate in humanitarian demining activities, including by providing demining teams and equipment and by training experts. Russian demining experts had participated in demining operations in various regions of the world. On the strength of its technical expertise, the Ministry for Emergency Response played a leading role in those efforts.

46. The Russian authorities felt that, as the main cause of humanitarian losses, IEDs merited consideration under Amended Protocol II, even though their elimination also pertained to the fight against terrorism. In order to advance towards a world without mines, the increasingly effective role of the Protocol must be strengthened.

47. **Mr. Kimpton** (Australia) said that Amended Protocol II, now superseded by the Ottawa Convention on Landmines, had nevertheless marked an advance in addressing humanitarian concerns relating to anti-personnel mines and had reduced their potential for civilian harm. Accession to Amended Protocol II by key States using and producing mines had helped to broaden the scope of the gains.

48. Since 2008, Australia had supported efforts to revitalize the work under Amended Protocol II. It welcomed the fact that the meeting of the Group of Experts in April 2011 had provided an opportunity to tackle problems associated with IEDs, which had been used not only in the recent terrorist attacks in northern Nigeria, but also in Bali, Jakarta, and Afghanistan. Figures provided by the North Atlantic Treaty Organization (NATO) showed that, since 2009, a large majority of the 300 civilian casualties recorded each month resulted from insurgent attacks using IEDs.

49. In Australia, the military and police forces were endeavouring to defeat the IED threat. Better armoured vehicles and improved detection equipment did not suffice; controls



were needed in order to limit access by non-State actors to military munitions and explosive remnants of war — which States could achieve by simply enhancing their stockpile security — but also to precursor explosive materials, for which the methods of control were yet to be determined. It was accepted doctrine that all elements of the IED network needed to be attacked. While scientists must certainly work on perfecting detection and protection, it rested with all the High Contracting Parties to explore options in other instruments and forums, including countering organized crime and tracking the movement of illicit funds. Australia fully supported the Coordinator's recommendations on future activities to be carried out in the IED field.

50. **Ms. Mehta** (India) said that his country supported the approach enshrined in Amended Protocol II of aiming to strike a balance between humanitarian concerns and legitimate defence requirements, particularly those of States with long borders. The availability of effective alternative technologies that could perform the same function as anti-personnel mines at a lower cost would certainly facilitate achievement of that goal. India had fulfilled its obligations under Amended Protocol II with regard to non-detectable mines, the export and transfer of landmines, dissemination of its obligations among the armed forces, the marking of places where the army had used mines in defensive military operations, and victim assistance. India had ratified the Convention on the Rights of Persons with Disabilities and assisted with international demining and rehabilitation efforts in Cambodia, Angola and Afghanistan, as well as the activities of two relevant NGO groups in Sri Lanka.

51. India supported the recommendation made by the Coordinator on improvised explosive devices to continue consideration of that important issue within the framework of the Convention, and proposed that, when compiling guidelines and best practices as the Coordinator had recommended, efforts should be made to identify key elements in the supply chain of licit material that should be more effectively regulated by States parties. While India would welcome a more in-depth consideration of IED issues and other agreed measures, it would not wish to dilute the focus of States parties' efforts through attempts to bring in politically charged agendas.

52. India supported the recommendations made by the Coordinator on the operation and status of the Protocol relating to the Plan of Action to Promote the Universality of the Convention and its Protocols. In addition, it proposed that the High Contracting Parties to the Convention might consider adopting a decision affirming that in the future only Amended Protocol II would be available for ratification. Lastly, while the Group of Experts could of course continue to assist in increasing understanding of issues or problems and in sharing experiences, it was the responsibility of the States parties to Amended Protocol II to assess the discharge of their obligations under that instrument, which was unique in view of its scope and membership.

53. **Ms. Rahamimoff Honig** (Israel) said that, as a State party to the Convention and Amended Protocol II, Israel had taken concrete measures to reduce the potential adverse consequences associated with the use of anti-personnel mines. In March 2011 the Israeli parliament had adopted the law on the Minefield Clearance Act on minefields, not essential to national security. The Act had established the Israeli National Mine Action Authority, which was tasked with formulating and implementing multi-year and annual minefield clearance plans and determining national demining specifications, taking into consideration, inter alia, the International Mine Action Standards.

54. In the light of the regional situation, Israel unfortunately needed to protect its borders, including through the use of anti-personnel mines, which remained an essential and effective tool in deterring and preventing violations of its territorial integrity and any threat to its security. Nonetheless, Israel took seriously its obligations under Amended Protocol II and aimed to strike a balance between military and humanitarian considerations.

It had contributed to the discussions on IEDs through the presentation made in April 2011 by Mr. Joseph Almog, a renowned expert on the issue. The framework of the Convention offered ample opportunities to better understand and address future challenges, particularly by compiling best practices and establishing guidelines. The Israeli delegation supported the Coordinator's proposal to hold discussions in break-out meetings to examine technical issues in parallel with the discussions in plenary meetings, and it agreed with the Indian delegation on the importance of avoiding any contentious political issues so as to focus on the work of the States parties.

55. **Mr. Spector** (United States of America) said that the United States was committed to continuing its global leadership in eliminating the humanitarian risks posed by landmines. Since 1993, the country had provided more than \$1.9 billion for humanitarian mine action and the removal of explosive remnants of war in 81 countries. In addition to non-detectable anti-personnel landmines, which were covered by Amended Protocol II, the United States had also stopped using all non-detectable anti-vehicle landmines, and since 2011 it no longer used anti-personnel and anti-vehicle persistent mines.

56. His Government considered it important to call attention to the responsibilities of the High Contracting Parties with respect to IEDs, and was therefore prepared to support the Coordinator's ideas for future discussion. Lastly, until all parties to the original Protocol II had become parties to Amended Protocol II, the United States would not be in a position to support the termination of the original Protocol II.

57. **Mr. Ali Khan** (Pakistan) said Pakistan was convinced that the strength of Amended Protocol II lay in the balance it established between humanitarian concerns and States' legitimate security imperatives, and was of the view that all efforts should be made to expand the membership of the Protocol. For its part, Pakistan fully complied with its obligations under the Protocol and, in a spirit of cooperation and assistance, its Armed Forces undertook demining operations in various parts of the world.

58. Given that it had been the victim of a score of terrorist attacks with such devices, with fatal consequences not just for its Armed Forces but also for the civil administration and the civilian population, Pakistan considered it important to identify ways to control the use of such devices and to prevent terrorists from gaining access to them. Noting with interest the development of new technologies with the potential to protect civilians against the indiscriminate effects of mines, he urged the States in possession of such technologies to share them within the framework of the Protocol, thereby helping to achieve common objectives.

59. **Ms. Lendenmann** (Switzerland) said that, although Switzerland had acceded to the Ottawa Convention on Landmines, which was a more ambitious instrument, it remained convinced of the value of a permanent exchange on the issue of landmines, booby traps and other devices within the framework of the Convention on Certain Conventional Weapons. On the basis of the fruitful exchanges that had taken place at the April 2011 meeting of the Group of Experts of the High Contracting Parties to Amended Protocol II, the Swiss delegation supported the measures to encourage States to accede to Amended Protocol II rather than the original Protocol II.

60. Welcoming the synchronization of submission dates for annual reports under Amended Protocol II and Protocol V, her Government wished to emphasize the importance of meaningful national reports and relevant databases in the implementation of the Protocol, and it encouraged States to actively contribute such information. Given its three years of experience coordinating work on the IED issue, the Swiss delegation recognized the importance of analysing and taking into account cross-cutting aspects such as victim assistance. It was of the view that future work should be more technical and more directly focused on tangible results. It agreed with the Australian delegation's position on limiting

access by non-State actors to materials that could be used to produce IEDs, and it supported the related recommendations. Lastly, her delegation considered that the important exchange of information among experts should continue to take place within the most appropriate framework, while still taking account of the forthcoming decisions of the Review Conference about the future work of the Convention in general.

61. **Mr. Peláez** (Argentina) said that the national policies on anti-personnel mines implemented by Argentina, which was a party to the Ottawa Convention on Landmines, were wider in scope than those called for under Amended Protocol II. There were anti-personnel mines on the Argentine territory of the Malvinas Islands, which Argentina could not access owing to the occupation of the territory by the United Kingdom of Great Britain and Northern Ireland.\*

62. Argentina supported the recommendation contained in the report of the Coordinator on the status and operation of Amended Protocol II to the effect that States parties should intensify their efforts to promote the universality of the Convention and its Protocols. It was important that the implementation of Amended Protocol II — a dynamic instrument that required constant consideration of both humanitarian and military concerns — should be examined regularly, as should matters arising from national reports. The Argentine delegation, which was ready to continue the discussions on IEDs, confirmed that there was a correlation between the ease with which such devices could be made and the possibility that they would be used, and it supported the debates aimed at strengthening measures to prevent the diversion of materials that could be used to make such devices, as well as the recommendations contained in the report of the Coordinator on improvised explosive devices. Speaking more generally, his delegation was ready to continue work on that issue to the extent that such work was strictly confined within the specific framework of Amended Protocol II, namely the use of such devices in situations of armed conflict, while seeking synergies with Protocol V, particularly in the field of victim protection.

63. **Mr. Laurie** (United Nations Mine Action Service) encouraged the High Contracting Parties to renew their efforts to fully comply with their obligation to submit annual reports. Echoing the Secretary-General's message, he said that the United Nations Mine Action Service was of the view that more attention should be paid to protection for civilians and the humanitarian impact of IEDs and mines other than anti-personnel mines. The existing rules of international humanitarian law applicable to such mines should be strengthened, and the legal standards applicable to anti-vehicle mines, as contained in Amended Protocol II, should be revisited and, if appropriate, revised.

64. Commending the two Coordinators on their work during the intersessional period, the United Nations Mine Action Service encouraged the High Contracting Parties to support the recommendations put forward by the Coordinators, particularly with respect to further analysis of States' implementation of their national reporting obligations, the continued exchange of information on IEDs, and follow-up on the work relating to the International Ammunition Technical Guidelines.

65. **Mr. Maresca** (International Committee of the Red Cross) said that the national annual reporting mechanism, originally designed to ensure transparency in the implementation of the technical requirements of the Protocol and its measures to limit the impact of mines, booby traps and other devices on civilian populations, had not lost any of its importance with the adoption of the Ottawa Convention on Landmines, because the reports required by Amended Protocol II also covered anti-vehicle mines and other devices

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\* A dispute exists between the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland.

and were the main source of information on steps taken by States that were not parties to the Ottawa Convention. It was therefore unfortunate that the submission of reports pursuant to Amended Protocol II had always been weak, as on average only half the States parties submitted reports annually, and some 30 States, several of them were parties to the Ottawa Convention, had never submitted a report. The International Committee of the Red Cross hoped that the decision taken at the Twelfth Annual Conference to synchronize the deadline for the submission of annual national reports under article 13, paragraph 4, of Amended Protocol II with the deadline for the submission of national reports under Protocol V would have the long-term effect of strengthening fulfilment of the relevant obligations set out in Amended Protocol II. His organization hoped that the Thirteenth Conference would make an appeal along those lines in its final document.

66. The joint session on victim assistance convened by the Coordinators of Amended Protocol II and Protocol V had highlighted the relevance of such work within the framework of Amended Protocol II, and that experience should be repeated.

67. Lastly, the International Committee of the Red Cross once again drew the attention of the High Contracting Parties to the fact that the nine-year deferral period counting from the date the Protocol had entered into force, during which a State party could defer implementation of the provisions of the technical annex to the Protocol on the detectability of mines and their self-destruction and self-deactivation, had expired in December 2007, and that, of the six States parties that had invoked the deferral period, three had become parties to the Ottawa Convention on Landmines, which rendered the deferral irrelevant. The International Committee of the Red Cross encouraged all States that had invoked the deferral to confirm that they no longer used any non-detectable anti-personnel mines or any remotely delivered anti-personnel mines that did not contain a self-destruct mechanism.

68. **Mr. Goose** (International Campaign to Ban Landmines) said he believed that, with regard to anti-personnel mines, Amended Protocol II had largely been replaced by the Ottawa Convention on Landmines, which established much more thorough prohibitions on such mines. The Protocol was really relevant only to the 11 States that had not yet become parties to the Ottawa Convention, and even so most of those 11 States complied with that Convention in practice, which showed that it would soon become the new international standard on landmines. The International Campaign to Ban Landmines urged the High Contracting Parties to the Convention on Certain Conventional Weapons that had not yet ratified or acceded to the Ottawa Convention on Landmines to do so as soon as possible. It should be noted that Finland had made a commitment to do so in the coming months, while the United States of America was still considering the possibility of acceding. The International Campaign to Ban Landmines also issued a word of caution to those States parties to the Convention on Certain Conventional Weapons that were in favour of concluding a protocol on cluster munitions. By all accounts, such an instrument would be of interest to a few countries only, since most of the international community already favoured the Convention on Cluster Munitions, which had entered into force in 2010.

69. According to information published in the August issue of the Israel Defense Forces magazine, members of the Defense Forces had laid anti-personnel mines in the Golan Heights along the border between Israel and the Syrian Arab Republic. That action had allegedly been taken after hundreds of civilians had entered Israeli territory in May 2011 on the occasion of the annual commemoration of events affecting Palestinians. Would it not be appropriate for Israel to inform the other States parties to Amended Protocol II about that deployment of anti-personnel mines and the measures taken pursuant to article 5, paragraph 2, of the Protocol? Such a lack of transparency, which was, moreover, typical of the implementation of Amended Protocol II, did not bode well for the effectiveness of a possible new protocol on cluster munitions.

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

*Report of the Coordinator on issues covered by agenda items 9, 10 and 11 (CCW/AP.II/CONF.13/2)*

70. **The President** invited any delegation that wished to do so to comment more specifically on the report of the Coordinator on issues covered by agenda items 9, 10 and 11, particularly on the recommendations contained therein (para. 23).

71. **Mr. Singh Gill** (India) said he was of the view that paragraph 8 of the informal text on the Protocol, distributed to the participants in the meeting room and subject to the approval of the Fourth Review Conference of the Convention, should be reviewed in the light of paragraphs 18 and 19 of the report at hand, on analysing the different forms used in the submission of annual national reports.

72. **The President**, taking note of that proposal, said it was his understanding that the Conference wished to adopt the recommendations contained in document CCW/AP.II/CONF.13/2, paragraph 23.

73. *It was so decided.*

*Report of the Coordinator on improvised explosive devices (CCW/AP.II/CONF.13/3, version dated 11 November 2011)*

74. **The President** invited any delegation that wished to do so to comment more specifically on the report of the Coordinator on improvised explosive devices, particularly the recommendations contained in paragraph 14, as orally amended by the Coordinator.

75. **Mr. Singh Gill** (India) said he was of the view that footnote 4 pertaining to paragraph 13 of the report should be deleted, as it referred to an event held on the side, and not actually during the meetings of the Group of Experts held in April 2011.

76. **Ms. Rahamimoff Honig** (Israel) said that she supported the proposal made by the representative of India for the reasons he had cited.

77. **The President** suggested that the Conference should revisit that point after holding informal consultations, and should move on to the adoption of the recommendations contained in the report under consideration.

78. **Mr. Singh Gill** (India) argued that the deletion of footnote 4 would not constitute a substantive change. He therefore saw no reason why the Conference should not decide on the issue straight away, particularly given that no delegation had opposed such an amendment.

79. **Mr. Wollenmann** (Switzerland), speaking in his capacity as Coordinator on improvised explosive devices and author of the document under consideration, said that in his report, and in paragraph 13 in particular, he had sought to give a balanced and very factual account of the work on the issue at hand. It was true that the side event held in conjunction with the meetings of April 2011 as mentioned in footnote 4 did not constitute part of the work of those meetings. Nevertheless, it had served as a useful complement to that work. That said, he was prepared to delete footnote 4 if the delegations deemed it irrelevant to mention the side event.

80. **Mr. Kimpton** (Australia) said he believed that the report did indeed offer a completely factual account of the work accomplished. While he did not oppose the proposal of the Indian delegation, regardless of whether or not it would constitute a substantive change, he felt that delegations should not modify the text of coordinators' reports not authored by them but submitted to them in order to advance the work on a particular point.

81. **Ms. Rahamimoff Honig** (Israel) said that, in order to stay truly close to the facts, more extensive reference should certainly be made of the role played in the discussions by the various experts who, during the meetings of April 2011, had introduced delegations to the work relating to IEDs carried out within their area of specialization.

82. **Mr. Singh Gill** (India) said that he agreed with the viewpoint expressed by the representative of Israel, and argued that the coordinators' reports on the issues addressed under Protocol V had indeed been amended by the delegations.

83. **Mr. Ercan** (Turkey) said that it might be worthwhile to examine the issue further through informal consultations with the Coordinator.

84. **The President**, summarizing the situation, said that the report under consideration did indeed present a factual account of the work done, but that a number of delegations wished to make a minor change to the text, which the author of the document was prepared to accept. He wished to emphasize, however, that such reports remained under the authority of their authors and that delegations should bear that in mind before proposing changes, even if there was an established practice in that regard.

85. *Footnote 4 of the report of the Coordinator on improvised explosive devices (CCW/AP.II/CONF.13/3, para. 13) was deleted.*

86. **The President** said he took it that the Conference wished to adopt the recommendations contained in paragraph 14 of the report under consideration, as amended by the author and drafted in the version dated 11 November.

87. *It was so decided.*

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

88. **The President** welcomed the two States — Saint Vincent and the Grenadines and Serbia — that had become parties to Amended Protocol II after the Twelfth Annual Conference, bringing to 97 the number of States that had notified the depositary of their consent to be bound by the Protocol as of 11 November 2011. That figure was still relatively low given the importance of the international instrument. He therefore urged States parties to explore ways of promoting universalization of the Protocol and strengthening the implementation of the Plan of Action to Promote the Universality of the Convention and its Protocols. In view of the aforementioned Plan of Action and the recommendations made at the Twelfth Annual Conference, letters had been sent to the ministers of foreign affairs of the States that were not parties to the Convention, inviting them to consider their country's accession to the Convention and its Protocols, including Amended Protocol II.

89. The Coordinator on the operation and status of Amended Protocol II had examined the situation regarding the original Protocol II in his report (CCW/AP.II/CONF.13/2, paras. 6 to 9). It had already been suggested at the Twelfth Conference that the structure of the Convention should be simplified by terminating the original Protocol II, which was deemed inadequate to meet current humanitarian needs. The problem remained that some States were still parties to the initial Protocol, and that two of those States, for various reasons, did not intend to consent to be bound by Amended Protocol II, which posed an obstacle to simply terminating the initial instrument. He drew attention to the relevant decision taken by the High Contracting Parties at the Twelfth Conference, namely to continue their contacts with the High Contracting Parties to the original Protocol II that had not yet become parties to Amended Protocol II, encouraging them to accede to the latter and thus facilitate the termination of the original Protocol II, on the understanding that any action with respect to the termination of the original Protocol II should be taken with the consent of the High Contracting Parties to that Protocol (CCW/AP.II/CONF.12/6, para. 25 (c)).

90. He noted that no delegation wished to speak under that agenda item.

**Consideration of matters arising from reports by High Contracting Parties according to article 13 (4) of the Amended Protocol II**

91. **The President** said that, of the 97 States that had notified the depositary of their consent to be bound by the Protocol, only 50 had submitted their national report for 2011, pursuant to article 13. It should be noted that some 20 States had never submitted an annual national report, and that one third of the High Contracting Parties had not updated their initial report for five years. Amended Protocol II required States parties to prepare national reports. The secretariat of the Convention had prepared an overview table of the annual national reports submitted for the Thirteenth Annual Conference. The table would be annexed to the final document of the Conference with any appropriate changes; in particular, the report of China would need to be added. He noted that no delegation wished to speak under that agenda item.

**Consideration of the development of technologies to protect civilians against indiscriminate effects of mines**

92. **The President** noted that no delegation wished to speak under that agenda item.

*The meeting rose at 12.55 p.m.*