
**Fourth Conference of the High Contracting Parties
to Protocol V on Explosive Remnants of War to
the Convention on Prohibitions or Restrictions
on the Use of Certain Conventional Weapons
Which May Be Deemed to Be Excessively
Injurious or to Have Indiscriminate Effects**

12 January 2011
English
Original: French

Geneva, 22–23 November 2010

Summary record of the 2nd meeting

Held at the Palais des Nations, Geneva, on Monday, 22 November 2010, at 3 p.m.

President: Mr. Woolcott.....(Australia)

Contents

General exchange of views (*continued*)*

Review of the status and operation of the Protocol (*continued*)*

Consideration of matters pertaining to national implementation of the Protocol, including national reporting or updating on an annual basis (*continued*)*

Preparation for review conferences (*continued*)*

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

Other matters

* Items which the Conference has decided to consider together.

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Editing Unit, room E.4108, Palais des Nations, Geneva.

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 3.15 p.m.

General exchange of views (*continued*)

Review of the status and operation of the Protocol (*continued*)

Consideration of matters pertaining to national implementation of the Protocol, including national reporting or updating on an annual basis (*continued*)

Preparation for review conferences (*continued*)

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

Thematic discussion on the web-based information system for Protocol V (*continued*)

1. **The President** said he took it that the Conference wished to approve the recommendation submitted by the Coordinator and distributed informally to participants. The recommendation read:

“The Conference took note of the current version of the web-based information system for Protocol V (WISP.V) and decided to commence the testing phase, assisted by interested States. The Coordinator in cooperation with the Implementation Support Unit for the Convention and the United Nations Office at Geneva will fine-tune the WISP.V based on the results of the testing phase. Subsequently, upon its completion, the WISP.V will be ready for use by all States parties to Protocol V as an additional tool in the existing framework for cooperation and assistance.”

2. *It was so decided.*

Thematic discussion on clearance (CCW/P.V/CONF/2010/2)

3. **Ms. Ališauskienė** (Lithuania), Coordinator on clearance, removal or destruction of explosive remnants of war under Protocol V, introduced the report on the topic, which was contained in document CCW/P.V/CONF/2010/2. At the April 2010 meeting of experts, a quite diverse range of questions directly or indirectly related to the cross-cutting issue of clearance, removal or destruction of explosive remnants of war, which was touched on in almost all articles of Protocol V, had been covered: exchange of information on cooperation and assistance in that area (paragraphs 4 (a) and 6 (a) of the report), and updates by several delegations on their clearance activities and the challenges encountered; responsibilities of the user of explosive ordnance (paras. 4 (b), 12 and 13); responsibilities of the State party in control of territory contaminated with explosive remnants of war (paras. 4 (c), 9 and 10); and environmental impact of such objects (paras. 4 (d) and 14). The Coordinator invited the Conference to approve the recommendations contained in paragraph 15 of her report.

4. **Ms. Bernadišutė** (Lithuania), reporting on the progress made under the national programme for the clearance and prevention of explosive remnants of war for the period 2007–2018, said that all the preparatory work for clearance activities had been completed. Between summer 2008 and November 2010, engineers had inspected more than 50 hectares of contaminated territory and had found over 8,000 different explosive remnants. In conducting clearance, Lithuanian soldiers strove to reduce as far as possible the harm to the environment and to proceed in accordance with the International Mine Action Standards concerning environmental protection. The threat nevertheless remained very real, including in neighbouring countries, and Lithuania therefore endeavoured to support other States in implementing explosive remnants of war projects: since 2009, together with Estonia and the Czech Republic and under the management of the North Atlantic Treaty Organization (NATO) Maintenance and Supply Agency, it had led initiatives in Georgia for the clearance and destruction of explosive remnants of war and had assisted that country with medical

rehabilitation; it had also given financial support to a project of the United Nations Mine Action Service in Afghanistan. Her Government hoped, through its actions, to encourage other countries to embark on the process of implementing Protocol V at the national level.

5. **Mr. Maresca** (International Committee of the Red Cross (ICRC)) said that he endorsed the recommendations set out in the report under review, including the recommendation in paragraph 15 (b) for the merging of the two topics of effective clearance of explosive remnants of war and obligations under article 4 on recording and retaining of information. It must, however, be borne in mind in future work that obligations in respect of recording were not limited solely to explosive remnants of war clearance but also encompassed measures that must be taken prior to clearance, and policies and procedures in place well before hostilities began.

6. **Ms. Shalkivska** (Ukraine) outlined the measures taken by Ukraine with regard to mine action, and clearance and destruction of explosive remnants of war: the adoption in 2008 of a policy document in that area; the launching in 2009 of a special State social programme for the period 2009–2014; and the establishment in 2010 of the National Authority on Mine Action. The four Ukrainian institutions responsible for explosive remnants of war clearance were the Ministry of Defence and the Ministry of Emergencies, responsible for firing ranges covering 79,000 and 67,000 hectares, respectively; the Ministry of Transport and Communications; and the Border Guard Service. Explosive remnants of war clearance efforts focused mainly on ammunition storage areas, former Soviet army firing ranges and Second World War battlefields, which, between 1996 and 2010, had accounted for 274 civilian casualties (117 dead and 157 injured). The operations undertaken were beset by a lack of funding and appropriate equipment, inadequate coordination at the national level, and the absence of national standards on control and quality of clearance that were in keeping with international standards in that area. Ukraine having submitted a request for assistance to the United Nations in April 2009, in September 2010 the Mine Action Service had visited two firing ranges (Ihnatpil and Kompaniivka) and two ammunition storage sites (Fursu and Lozova), as well as a demining centre in Podilskiy. Following those visits, the Service had recommended that Ukraine should establish a national mine action authority, develop quality control and quality assurance procedures, establish a search methodology and recording techniques, and modernize its equipment.

7. **Ms. Ališauskienė** (Lithuania), Coordinator on clearance, removal or destruction of explosive remnants of war under Protocol V, said she wished to assure the representative of ICRC that the issue of the High Contracting Parties' obligations under article 4 would be given due consideration, under her personal responsibility as Coordinator.

8. **The President** said he took it that the Conference wished to approve the recommendations set out in the Coordinator's report.

9. *It was so decided.*

Thematic discussion on national reporting (CCW/P.V/CONF/2010/4)

10. **Mr. Markuš** (Slovakia), Coordinator on national reporting and the article 4 generic electronic template, introduced the report on the former topic, which was contained in document CCW/P.V/CONF/2010/4. He recalled that, in accordance with the relevant decisions of the Third Conference of the High Contracting Parties to Protocol V (CCW/P.V/CONF/2009/9, para. 48), the 2010 meeting of experts had continued to evaluate the reporting mechanism, including the guide to national reporting under Protocol V, in the light of the experience gained from the reports to be submitted by 31 March 2010 and had made recommendations on the issue for consideration by the Fourth Conference.

11. A total of 43 initial national reports had been received by the secretariat in 2008, 2009 and 2010, pursuant to paragraph 26 of the final document of the First Conference of the High Contracting Parties, including 1 submitted on a voluntary basis, 22 were still due

and some 30 annual updates of national reports and/or summary cover pages had been submitted in 2010, meaning that 86 per cent of the 69 High Contracting Parties had submitted the updated information requested of them by the time of the current Conference. Those figures represented a considerable improvement in the fulfilment of the obligation to make submissions annually, but, overall, only 65 per cent of High Contracting Parties had submitted a report, which was not satisfactory.

12. For, in his view, respect for reporting obligations was a key indicator of States' commitment to the principles and rules set forth in Protocol V. It also contributed to the promotion of a culture of compliance and to the strengthening of the framework established for international cooperation and assistance. The submission of reports under Protocol V should therefore not be perceived as an obligation that created an additional burden for national administrations but rather as a very useful exercise for States, in particular the internal structures responsible for the implementation of the Protocol's provisions. The guide to national reporting had been designed and elaborated for that purpose, and the Protocol V database, available at the Convention website ([www.unog.ch/protocol V](http://www.unog.ch/protocol%20V)), provided an excellent opportunity to compare and study the approaches adopted by different High Contracting Parties.

13. In that connection, it was recommended that the Fourth Conference should adopt the guide to national reporting under Protocol V, as contained in documents CCW/P.V/CONF/2009/4/Add.1 and Corr.1, to help High Contracting Parties complete the national reporting forms and thereby provide the information referred to in paragraphs 24 to 28 of the final document of the First Conference of the High Contracting Parties (paragraph 5 (a) of the report under consideration); reiterate the recommendation to the High Contracting Parties to Protocol V to use the guide to provide that information (para. 5 (b)); continue to evaluate the reporting mechanism and request the 2011 meeting of experts to make recommendations on the aforementioned issues for consideration by the Fifth Conference (para. 5 (c)); and encourage the High Contracting Parties to comply with the requirement to submit their initial reports and the annual updates thereof, and invite the observer States to provide national reports on a voluntary basis (para. 5 (d)).

14. **Ms. Puleston** (Australia) emphasized how important it was for the High Contracting Parties to submit regularly national reports that were as comprehensive as possible, so as to provide a clear picture of developments with respect to the implementation of the Convention, bolster mutual confidence and mobilize resources for promoting international cooperation and assistance. However, to avoid making the task more burdensome and multiplying the number of reports, it would be helpful to create synergies and streamline procedures, so that States could enhance still further their fulfilment of their reporting obligations under various related instruments, such as the Convention on Cluster Munitions, the Convention on Certain Conventional Weapons, the Anti-Personnel Mine Ban Convention and the Convention on the Rights of Persons with Disabilities. In the light of the figures just presented, her delegation called on all States to submit their annual reports as soon as possible.

15. **Mr. Markuš** (Slovakia), Coordinator on national reporting and the article 4 generic electronic template, said that the purpose of the guide to national reporting was to help High Contracting Parties to transmit information relevant to the Protocol without, however, requiring them to provide a response to each point raised. Furthermore, the various Conferences of the High Contracting Parties to Protocol V held since 2007 had always encouraged the establishment of synergies between the Convention on Certain Conventional Weapons and related instruments.

16. **Mr. Batlak** (Croatia) said he was very disappointed to note that, to date, only 65 per cent of High Contracting Parties had submitted their national reports, reporting being a simple matter of transparency. As to the recommendation contained in paragraph 5 (d) of the report, he wondered whether a more vigorous course of action could be envisaged than merely encouraging compliance with the requirement to submit reports.

17. **Mr. Markuš** (Slovakia), Coordinator on national reporting and the article 4 generic electronic template, agreed that the results under discussion were disappointing, although the experts had done their best to encourage States to submit their reports by providing them with a guide to facilitate the process. The suggestion by the representative of Croatia should be considered further. However, he would prefer, for the moment, to retain the recommendation in paragraph 5 (d) as it stood.

18. **Mr. Batlak** (Croatia) said he did not wish to open a debate on the issue at the current stage.

19. **The President** said he took it that the Conference was ready to approve the recommendations contained in the Coordinator's report.

20. *It was so decided.*

Thematic discussion on the article 4 generic electronic template (CCW/P.V/CONF/2010/5)

21. **Mr. Markuš** (Slovakia), Coordinator on national reporting and the article 4 generic electronic template, introduced the report on recording, retaining and transmission of information (CCW/P.V/CONF/2010/5). He recalled that the mandate for the continued consideration by the 2010 meeting of experts of the application of article 4 was contained in paragraphs 42 to 44 of the final document of the Third Conference of the High Contracting Parties to Protocol V (CCW/P.V/CONF/2009/9), and that he had invited the High Contracting Parties, in a letter dated 9 February 2010, to participate actively in implementing that mandate, notably by taking the measures he had advocated (CCW/P.V/CONF/2010/5, para. 2).

22. While a number of High Contracting Parties had responded positively and had made detailed presentations on their national systems, regulations and procedures for recording and retaining information on the use of explosive ordnance in accordance with article 4, certain Parties had not yet provided any information on the way in which they were implementing their obligations under the article. He wished to encourage those States to advise on the matter at the next meeting of experts.

23. After recalling the main elements underlying the question of the terminology to be used in order to ensure the overall clarity of the generic electronic template (paragraph 5 of the report) and that of the structure within the United Nations that could serve as a focal point for transmitting information pursuant to article 4, paragraph (2), of the Protocol (para. 6), he drew attention to paragraph 7 of the report under consideration, where it was recommended that the Conference should keep under further review the application of article 4 of the Protocol by the High Contracting Parties, including the issue of the adequacy and usefulness of the article 4 generic electronic template as a tool for recording and retaining information pertinent to the application of the article; authorize the 2011 meeting of experts to continue to consider the application of article 4, including national procedures and experience in implementing the obligations under article 4 and action taken to make use of the generic electronic template at the national level by High Contracting Parties that had not established their own national systems for recording and retaining information in accordance with the article; merge the deliberations on the application of article 4 with those on clearance, removal or destruction of explosive remnants of war, under the responsibility of the Coordinator on clearance; and designate the Convention secretariat (Implementation Support Unit) as the focal point for collecting and transmitting information pursuant to article 4, paragraph (2).

24. **Ms. Khanna** (United States of America) said that her delegation fully supported the recommendations set out in paragraphs 7 (a), (b) and (c) of the report under review but had reservations about the recommendation in paragraph 7 (d). It believed that the latter recommendation was too restrictive, given the possibilities made available to High Contracting Parties in article 4, paragraph (2), of the Protocol for transmitting the information required by its provisions: generally, the parties to a conflict would not

consider communicating that information through a third party unless bilateral cooperation proved impossible and, even then, they should remain free to agree between themselves on the third party that would serve as the liaison for that purpose. Her delegation would nevertheless be prepared to accept the designation of the Implementation Support Unit in the Convention secretariat as the default third party. She proposed that the recommendation in question should read:

“(d) To designate the Convention secretariat (Implementation Support Unit) to serve as the default third party in the event a third party is needed for collecting and transmitting information pursuant to article 4, paragraph (2), recognizing that States remain free to reach agreement on use of a different third party where one is needed.”

25. **Ms. Puleston** (Australia) said that, while she commended the Coordinator’s efforts to propose to the High Contracting Parties flexible and effective solutions for transmitting the requisite information, she too questioned the validity of the recommendation in paragraph 7 (d). Article 4 of the Protocol did not call for the designation of a focal point for the collection and transmission of information, and the Implementation Support Unit could not be the only mechanism available to High Contracting Parties for transmitting information, even if the Unit could provide valuable assistance in that regard, in some cases.

26. **Mr. Markuš** (Slovakia), Coordinator on national reporting and the article 4 generic electronic template, explained that the recommendation in question simply responded to a wish to clarify, for the purpose of the application of article 4, what was meant by “the United Nations”. With that in mind, the experts had agreed at their 2010 meeting that consideration should be given to designating, from among the various United Nations structures, the Implementation Support Unit to serve as the focal point for transmitting information. The recommendation did not seek in any way to call into question the prerogatives of the High Contracting Parties with respect to the various means of transmitting the required information. The phrase “pursuant to article 4, paragraph (2)”, in paragraph 7 (d), probably did not express that idea sufficiently clearly. The proposal made by the United States delegation had the merit of greater clarity, and he would be prepared to support it. He wondered, however, whether delegations would be in a position to accept the proposal at the current stage.

27. **Mr. Vipul** (India) asked whether it would not be better simply to state that the High Contracting Parties could use the Convention secretariat for collecting and transmitting information pursuant to article 4, paragraph (2). That would avoid both the designation of a focal point and the use of the words “default third party”, which his delegation considered rather forceful.

28. **Mr. McBride** (Canada) said that, in his view, the recommendation as formulated by the United States delegation had the advantage of expressing considerably more clearly the idea put forward in paragraph 7 (d) and allowed the High Contracting Parties the flexibility necessary for them to fulfil their obligations under the Protocol.

29. **The President** invited interested delegations to conduct consultations on the most accurate and succinct formulation for the recommendation in paragraph 7 (d); he would suspend the meeting to allow those consultations to take place.

The meeting was suspended at 3.35 p.m. and resumed at 4.45 p.m.

30. **The President** said that the delegations participating in the consultations appeared to have reached agreement on the recommendation in paragraph 7 (d) of the report.

31. **Mr. Markuš** (Slovakia), Coordinator on national reporting and the article 4 generic electronic template, read out the text on which those delegations had agreed; the text had the benefit of being sufficiently explicit without being too prescriptive:

“(d) To encourage the High Contracting Parties to consider using the Convention secretariat (Implementation Support Unit) as the third party in the event a third party is needed for collecting and transmitting information pursuant to article 4, paragraph (2).”

32. **The President** said he took it that the Conference accepted that formulation and wished to approve the recommendations contained in paragraph 7 of document CCW/P.V/CONF/2010/5, along with the text of paragraph 7 (d) as read out by the Coordinator.

33. *It was so decided.*

Other matters

34. **Mr. Zadrožny** (Observer for Poland) said he wished to inform the Conference that the inter-ministerial consultation procedure on the ratification of Protocol V had been completed at the beginning of November 2010 and that it only remained for his Government to officially request the parliament to give its consent for Poland to be bound by the Protocol. The Council of Ministers should be in a position to take action on such consent at the beginning of December. It was therefore very likely that Poland would have become a party to Protocol V by the time of the Fifth Conference.

The meeting rose at 4.55 p.m.