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**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**

16 December 2010

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Geneva, 22–23 November 2010

**Summary record of the 3rd meeting**

Held at the Palais des Nations, Geneva, on Tuesday, 23 November 2010, at 10 a.m.

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

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\* Items which the Conference has decided to consider together.

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*The meeting was called to order at 10.30 a.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 generic preventive measures (CCW/P.V/CONF/2010/6 and Add.1)*

1. **Mr. Steinmyller** (France), Coordinator on generic preventive measures, introduced the related report, which was contained in document CCW/P.V/CONF/2010/6. He recalled that the Third Conference of the High Contracting Parties to Protocol V had set three objectives for the Coordinator. The first was to complete the drafting of the guide for the implementation of part 3 of the technical annex, with a view to its adoption by the Fourth Conference as a best practice. The guide (CCW/P.V/CONF/2010/6/Add.1) put forward a methodology reflecting a common understanding of the most advisable way to apply generic preventive measures and a list of recommendations, in the form of a questionnaire, serving as a guideline for implementing the methodology and describing the measures that might be applied at every stage of the life cycle of munitions. The questionnaire was intended to offer a practical and optimal solution that would ensure the effective implementation of article 9. The work on the subject had begun some five years previously in the meeting of experts. In the course of the discussions held in April 2010, a consensus had been reached among the experts, which had allowed the drafting of the guide to be completed.

2. Pursuant to the second objective set by the Third Conference, the meeting of experts had continued the practice of addressing one specific technical issue directly related to the implementation of article 9 of the Protocol and part 3 of the technical annex. The issue of munitions management had been selected for the current year. Experts from Bulgaria, France and Slovakia had given presentations on serious accidents at storage facilities and on the management of munitions by armed forces deployed in combat zones. The presentations had provided a basis for discussion of national technical approaches and experience in applying generic preventive measures, in fulfilment of the third objective set.

3. He recommended that the Fourth Conference should agree to adopt the guide for the implementation of part 3 of the technical annex and to recommend its application in the national systems of the High Contracting Parties as a best practice; to continue the practice of addressing one specific technical issue directly related to the implementation of article 9 of the Protocol and part 3 of the technical annex; and to invite all High Contracting Parties to share, at the 2011 meeting of experts, their national technical approaches and experience in that regard.

4. **The President** said that, if he heard no objection, he would take it that the Conference wished to approve the recommendations contained in the Coordinator's report.

5. *It was so decided.*

*Thematic discussion on victim assistance (CCW/P.V/CONF/2010/7)*

6. **Ms. Karner** (Austria), Coordinator on victim assistance, introduced the report on the topic, which was contained in document CCW/P.V/CONF/2010/7. The April 2010 meeting of experts had focused on the social and economic inclusion of victims. Presentations had been made by several experts. Participants had highlighted the need to consult closely with victims as well as to involve affected families and communities in victim assistance efforts. The need for a rights-based approach had been stressed, as had the importance of generating synergy between efforts under Protocol V and those under related instruments, such as the Convention on the Rights of Persons with Disabilities. In that connection, many speakers had emphasized the potential benefits to be reaped from closer cooperation and coordination between the High Contracting Parties to amended Protocol II and Protocol V, since both instruments dealt with explosive ordnance and its effects. To further such cooperation she had co-chaired a joint session on victim assistance with the Coordinator on improvised explosive devices under amended Protocol II.

7. Before turning to the recommendations contained in her report, she wished to invite High Contracting Parties to inform the Conference about progress they had made in the area of victim assistance since April 2010.

8. **Ms. Puleston** (Australia) said that, over the past five years, Australia had allocated more than \$25 million to victim assistance, helping thousands of people to recover from the trauma of injuries caused by landmines and cluster munitions. Under its new mine action strategy launched in November 2009, it would allocate \$100 million in mine action funding over the next five years.

9. Improving the quality of life of victims of landmines, cluster munitions and other explosive remnants of war was a major focus of the new strategy. Australia endorsed the expanded definition of victims contained in the Convention on Cluster Munitions, which included survivors and their affected families and communities. It believed that victims should have access to appropriate medical care, physical and sensory rehabilitation, psychosocial support, education, skills training and income-earning opportunities.

10. Australia strongly supported integrated mine action, victim assistance and development that included and benefited persons with disabilities. It advocated the strengthening of such linkages under relevant humanitarian disarmament treaties and the Convention on the Rights of Persons with Disabilities. It also supported the inclusion of victim assistance and disability in national strategies.

11. Australia believed that States should not discriminate against or among victims. Differences in treatment should be based solely on need, taking into account age and gender factors. As far as possible, Australia would support States in developing national plans that incorporated victim assistance in frameworks and mechanisms relating to health, disability, development and human rights.

12. Australia favoured greater cooperation by the international community to avoid duplication of effort and reporting, and to ensure consistency across overlapping victim assistance obligations under the Convention on Certain Conventional Weapons, the Ottawa Convention on Landmines, the Convention on Cluster Munitions and the Convention on the Rights of Persons with Disabilities. It called on the United Nations system and States to give consideration to the implementation of those instruments in the light of the provisions of the Convention on the Rights of Persons with Disabilities.

13. **Ms. Lendenmann** (Switzerland) said that, since the entry into force of the Protocol, the High Contracting Parties had made much progress in the area of victim assistance, notably through the adoption of the plan of action on victim assistance under Protocol V and the discussions held at the most recent meeting of experts in April 2010. Her delegation

particularly welcomed the Coordinator's initiative to foster the development of synergy between efforts under Protocol V and those under related instruments, such as amended Protocol II.

14. Switzerland maintained a consistent approach to victim assistance that was inclusive and non-discriminatory. Its policy of non-discrimination between victims of explosive remnants of war and persons with disabilities of another origin was rooted in its belief that assistance should focus solely on needs, and not on the cause of the disability. The approach adopted also avoided duplication of expenditure.

15. One of the main objectives of Switzerland's cooperation in the area of victim assistance was to strengthen the capacities of national actors in developing strategies, plans of action and databases. Another was to seek the active participation of victims in the planning and implementation of such mechanisms. Her delegation noted with satisfaction that a coherent approach to victim assistance, based on effective coordination of efforts under existing international instruments, was taking shape at the international level. Switzerland was in favour of creating synergy in the area of victim assistance within the framework of the Convention on Certain Conventional Weapons and the two relevant Protocols as a means of promoting universal adherence to that principle.

16. **Ms. Žunec Brandt** (Croatia), Friend of the Coordinator, said that replies to the voluntary questionnaire on victim assistance had been received from 26 out of 69 High Contracting Parties, which was a relatively high rate of response. She wished to thank all respondents and to encourage the eight new Parties and the States that would soon become parties to the Protocol to reply to the questionnaire too. The collection of reliable data by means of the questionnaire would greatly assist efforts to ensure effective international cooperation and assistance, and would strengthen the web-based information system for Protocol V.

17. She noted that the Parties had generally agreed on the desirability of making the replies to the questionnaire publicly available. She requested any delegation that did not share that view to so indicate, to her or to the Coordinator.

18. **Ms. Karner** (Austria), Coordinator on victim assistance, read out the recommendations contained in paragraph 9 of her report (CCW/P.V/CONF/2010/7). Informal consultations with High Contracting Parties had pointed to the need for further discussion on the possible additions to the reporting template. She therefore proposed that paragraph 9 (c) should be amended to read: "To request that the Meeting of Experts further discuss the issue of reporting under article 8, paragraph 2, keeping in mind also the plan of action, and request the Coordinator to make suggestions to the Fifth Conference of the High Contracting Parties based on this discussion. The Meeting of Experts should bear in mind the benefits of streamlining reporting and the need to minimize undue reporting burdens."

19. **Ms. Khanna** (United States of America) said that her delegation could support the Coordinator's recommendations, notably for the Coordinator to report annually to the Conference of the High Contracting Parties on the state of implementation of article 8, paragraph 2, and the plan of action (para. 9 (6)), and for the reporting template and website to be amended (paras. 9 (d) and 9 (e)). However, it wished to sound a note of caution with regard to the recommendation for the meeting of experts to consider the benefits that the plan of action might have for "the wider CCW community" (para. 9 (e)). The Conference should ensure that it did not appear to create new legal obligations for States under other Protocols to the Convention. Moreover, it should maintain the current focus on improving assistance to those who had been affected by explosive remnants of war. Her delegation would bear those concerns in mind as it engaged in future expert discussions.

20. **The President** said he took it that the Conference wished to approve the recommendations contained in the Coordinator's report with the amendment read out by the Coordinator.

21. *It was so decided.*

22. **The President** said that he would now touch individually on the items that the Conference had considered together under the general exchange of views. With regard to item 10 (Review of the status and operation of the Protocol), he reiterated the need for further efforts to achieve the Protocol's universality. A recommendation on universalization would be included in the Conference's final document. Turning to item 11 (Consideration of matters pertaining to national implementation of the Protocol, including national reporting or updating on an annual basis), he emphasized that national reporting was an important confidence-building and transparency measure. It was also of paramount importance for creating a specific Protocol V culture and keeping the instrument high on national agendas. The Protocol V website showed that most High Contracting Parties had met their reporting obligations, some even ahead of time. Those States that had not yet done so should submit their national reports as soon as possible. Consideration of item 12 (Preparation for review conferences) would be premature. Regarding item 13 (Report(s) of any subsidiary organ(s)), no additional subsidiary body had been established, and the reports on the work of the 2010 meeting of experts had already been considered at length.

*The meeting rose at 11.10 a.m.*