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**Tenth 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, 12 November 2008

**Summary record of the 1st meeting**

Held at the Palais des Nations, Geneva, on Wednesday, 12 November 2008, at 10 a.m.

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

*President:* Mr. Streuli..... (Switzerland)

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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 10.10 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 Tenth 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. He wished to take the chance to congratulate the High Contracting Parties on the tenth anniversary of the entry into force of amended Protocol II, which was an excellent opportunity to review the status and operation of the Protocol, assess national implementation measures and the functioning of the Protocol's machinery and take practical steps towards further enhancing its implementation regime.

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

2. **The Temporary President** recalled that, on 11 December 2002, at their Fourth Annual Conference, the States parties had amended rule 3 of the rules of procedure (CCW/AP.II/CONF.6/2) to read: "The Conference shall elect from among the States parties participating in the Conference a President and three Vice-Presidents." The States parties had also decided in 2002 that the President and Vice-Presidents would be designated at the end of each annual conference in order to ensure the continuity of the preparatory work undertaken by the presidency. Accordingly, at the Ninth Annual Conference, the Ambassador of Switzerland, Mr. Jürg Streuli, had been nominated as President of the Tenth Annual Conference (CCW/AP.II/CONF.9/2, para. 23). He took it that the Conference wished to confirm the nomination.

3. *It was so decided.*

4. *Mr. Streuli (Switzerland) took the Chair.*

5. **The President** recalled that, at the Fourth Annual Conference, rules 3 and 7 of the rules of procedure had been amended in order to ensure balanced representation of the geographical groups. In particular, the States parties had agreed to designate three Vice-Presidents instead of two. Pursuant to the decision of the Ninth Annual Conference (CCW/AP.II/CONF.9/2, para. 23), the representatives of China, the Russian Federation and South Africa had been nominated to serve as Vice-Presidents. Following consultations with the regional groups and China, there appeared to be agreement to elect the Ambassador of China, Mr. Cheng Jingye, the representative of the Russian Federation, Mr. Valery Semin, and the Ambassador of South Africa, Mr. Johann Kellerman, 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.10/1)**

7. **The President** recalled that it had been agreed at the Ninth Annual Conference to recommend a provisional agenda (CCW/AP.II/CONF.10/1) to the Tenth Annual Conference. He pointed out that agenda items 8 to 11 would constitute the bulk of the work of the Conference. He took it that the Conference wished to adopt the recommended provisional agenda.

8. *It was so decided.*

**Confirmation of the rules of procedure (CCW/AP.II/CONF.6/2)**

9. **The President** recalled that the rules of procedure for annual conferences of the States parties to amended Protocol II had been adopted by the First Annual Conference in December 1999 and amended on 11 December 2002 by the Fourth Annual Conference. An updated version of the rules of procedure, available in all the official languages, had been issued under the symbol CCW/AP.II/CONF.6/2. Delegations could consult it through the Official Document System of the United Nations (ODS) (<http://documents.un.org>). He suggested that the Conference should confirm the rules of procedure as amended on 11 December 2002 at the Fourth Annual Conference.

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 existing practice, the Secretary-General of the United Nations had nominated Mr. Peter Kolarov, Chief of the Humanitarian Conventions Section of the Geneva Branch of the Office for Disarmament Affairs, to serve as Secretary-General of the Conference. It appeared from the consultations he had held that delegations were in agreement regarding the appointment of Mr. Kolarov 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 (CCW/AP.II/CONF.9/2, annex IV)**

13. **The President** noted that the cost estimates for the Tenth Annual Conference had been considered in 2007 by the Ninth Annual Conference and were contained in annex IV of the final document of that Conference (CCW/AP.II/CONF.9/2). The budget for the Tenth Annual Conference was virtually half that of previous conferences, owing to the decision henceforth to post all national annual reports submitted by the High Contracting Parties on the Convention website without issuing them as official documents of the Conference. That decision ensured wider dissemination with fewer financial resources. He took it that the Conference wished to adopt the 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 hesitated to propose the establishment of any subsidiary body. Instead, he wished to invite delegations to address, during the traditional general exchange of views, all relevant substantive issues that fell under agenda items 9, 10 and 11. Delegations were invited, in particular, to address the issue raised in his letter dated 1 October 2008, namely the revitalization of the Protocol. It went without saying that if a delegation wished to make a separate statement under any one of those three agenda items, it could do so when the Conference took up that item. He suggested that, once the list of speakers had been exhausted, delegations should hold informal consultations on the possible outcome of the Conference, then reconvene in plenary meeting, to continue their discussions before considering the draft final document of the Conference. If he heard no objection, he would take it that the Conference wished to proceed in that fashion.

16. *It was so decided.*

**General exchange of views**

17. **Mr. Danon** (France), speaking on behalf of the European Union, said that the candidate countries Croatia, the former Yugoslav Republic of Macedonia and Turkey, the stabilization and association process and potential candidate countries Albania, Bosnia and Herzegovina, Montenegro and Serbia, and, in addition, Armenia, the Republic of Moldova and Ukraine, also associated themselves with his statement.

18. He underscored the need to seize the opportunity provided by the tenth anniversary of the entry into force of amended Protocol II to review the status of implementation of the Protocol, with the aim of enhancing its scope and reinforcing its effectiveness. In that connection, he thanked the President for having invited all States parties to consider ways of revitalizing the implementation of the instrument and for having put forward a number of specific proposals, including the establishment of a group of experts. A group of experts could consider the possibility of dealing with such topics as improvised explosive devices under the Protocol, the resumption of negotiations on mines other than anti-personnel mines, the difficulties posed by anti-vehicle mines equipped with sensitive fuses or the implementation of the Protocol at the national level.

19. The European Union attached great importance to the full implementation of the Protocol, which was a major instrument of international humanitarian law. Compliance with its prohibitions and restrictions helped to improve the security of military personnel in the field as well as to limit the devastating effects on civilian populations of mines, booby traps and other devices. In particular, the requirements set forth in the Protocol concerning the recording of data relating to minefields, decontamination and the protection of civilians against the consequences of minefields — together with the provisions relating to international cooperation — were essential in order to facilitate humanitarian assistance and post-conflict reconstruction and to ensure the security of peacekeeping operations. The Protocol thus enabled countries affected by conflict to receive significant socio-economic assistance.

20. The universality of amended Protocol II remained a vital objective for the European Union. It welcomed the accession of Guinea-Bissau, Iceland, Jamaica and Madagascar since the November 2007 Conference, which had brought the number of States parties to the instrument to 92. It called on those States that had not yet done so to accede to the Protocol.

21. The European Union attached great importance to confidence-building measures and was of the view that the timely submission of national annual reports contributed to strengthening the transparency and cooperation sought by the Protocol. The European Union called on all States not yet party to the Protocol to consider submitting a national report on a voluntary basis. Lastly, it invited States parties that had requested a grace period for compliance with articles 4 and 5 — a period which had expired on 3 December 2007 — and that had thus deferred their obligations to kindly indicate at their earliest convenience where they stood in terms of compliance with their obligations under those articles. It was essential to show that the Protocol was producing tangible results.

22. **Mr. de Macedo** (Brazil) said that, on the occasion of the tenth anniversary of the entry into force of amended Protocol II, he wished to reiterate his country's commitment to the full implementation of the instrument, which Brazil had ratified in 1999, as well as to its revitalization. He pointed out that Brazil was also a party to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (Ottawa Convention), that there were no mined areas in Brazilian territory and that, since 1989, Brazil had not produced, imported or exported anti-personnel mines. The Brazilian army and navy had for many years received training on the obligations and restrictions set out in amended Protocol II, notably in article 14. The

Brazilian Armed Forces also maintained specialized personnel trained in techniques for the destruction, recovery and neutralization of explosives and unexploded ordnance. Those teams provided instruction courses for demining missions.

23. With regard to the cooperation and assistance activities prescribed by article 11, he stressed that the Brazilian Armed Forces participated actively in humanitarian demining missions. Eight military officers were currently serving in the Assistance Mission for Mine Clearance in Central America (MARMINCA), six in the Assistance Mission for Mine Clearance in South America (MARMINAS) and three others in the inter-American monitoring group working with the programme Comprehensive Action against Anti-Personnel Mines (PAICMA). Brazil also provided cooperation in the area of training. In October 2008, two Brazilian military officers had been dispatched to the Humanitarian Demining Training Centre (CPADD) in Ouidah, Benin. The purpose of the mission had been to identify possibilities for cooperation between the two countries, with a view to the organization by the Centre, in 2010, of training courses in Portuguese-speaking countries of Africa, some of which had been contaminated with mines. The Centre currently offered training only in French and English.

24. **Mr. Hirano** (Japan) said that his Government attached great importance to the realization of a universal and effective ban on anti-personnel landmines and to the strengthening of mine clearance and victim assistance operations. As part of that comprehensive approach, Japan was actively responding to the humanitarian problems caused by anti-personnel landmines. It also promoted universal accession to the Ottawa Convention by encouraging those States that had not done so to become parties to it, and it participated in international efforts related to amended Protocol II, which was broader in scope. On the occasion of the tenth anniversary of the entry into force of that instrument, States parties must reconfirm the value of the Protocol and maintain compliance with it in order to effectively address the humanitarian problems caused by landmines.

25. His delegation understood the necessity of revitalizing amended Protocol II and endorsed the President's proposals. At the same time, it was of the view that the issue of anti-vehicle mines equipped with sensitive fuses should be discussed on the basis of the outcome reached on mines other than anti-personnel mines by the participants in the Third Review Conference in 2006. Furthermore, overlap should be avoided between the deliberations of the meetings of the High Contracting Parties to the Convention and meetings devoted to amended Protocol II. While the idea of re-establishing the group of experts was helpful, close attention should be paid to financial constraints and to the importance of efficient utilization of resources.

26. **Mr. Antonov** (Russian Federation) said that, despite the evolving world situation, amended Protocol II remained a relatively effective mechanism for reconciling humanitarian and defence interests. Given the importance of the Protocol, its universalization was one of the priority tasks facing the High Contracting Parties. The fact that a number of conflict-stricken countries and countries facing complex military and political situations had not yet acceded to amended Protocol II could not but be a cause for concern. The Russian Federation had become a party to amended Protocol II in 2004 and fully implemented its provisions at the national level. It was taking practical measures to reduce the dangers posed by mines. Information on the implementation of the Protocol by the Russian Federation had been submitted in a question-and-answer format to the Conference secretariat.

27. Ten years had passed since the Russian Federation had completely abandoned the production of blast mines, which constituted the most dangerous type of anti-personnel mines. In recent years, some 10 million anti-personnel mines had been destroyed as part of the implementation of a special federal programme. Troops had been trained in implementing the requirements for marking and fencing minefields. Recommendations on

minefield placement had been developed and were being implemented, in accordance with the relevant provisions of the Protocol. Those recommendations were being taught at military academies, in active service units and on special courses.

28. In early 2008, the Russian Armed Forces had completed the implementation of a series of measures to secure compliance with the country's obligations under the Protocol. The Ministry of Defence had issued guidelines for the Armed Forces in the area of international humanitarian law, which defined the main rules concerning the use of anti-personnel mines as set forth in amended Protocol II. The Russian Federation was prepared to assist in humanitarian demining, in particular by supplying mine clearance teams and the necessary equipment and by training specialists. The Ministry of Emergency Situations had at its disposal the necessary equipment and several practically tested methods. The Ministry's "mine pickers" had been successfully involved in demining operations in Croatia, Bosnia and Herzegovina, Kosovo and Afghanistan. The Ministry stood ready to carry out demining operations using various methods. The use of the Ministry's "mine pickers" in humanitarian demining could be particularly efficient in areas where Soviet-made munitions had been utilized.

29. Progress towards a world without mines should be realistic and consistent. Only then could the process of achieving that goal be stable and progressive. Amended Protocol II was playing an effective and ever-increasing role in that regard, and the Russian Federation would continue to support efforts to strengthen and improve it.

30. **Mr. Cheng Jingye** (China) pointed out that, over the past 10 years, the universality of the Protocol and international cooperation and exchanges had been continuously strengthened, which demonstrated that, only through broad and egalitarian consultation within the framework of the Convention, could arms control issues be properly resolved and military needs and humanitarian concerns reconciled.

31. His Government had always attached great importance to the humanitarian concerns related to landmines and, with a view to fully meeting its obligations, invested considerable human and material resources in its efforts to implement amended Protocol II. In 2008, the Chinese Armed Forces had incorporated relevant provisions of the Protocol in the latest version of their training and assessment manual and had organized a workshop at the National Defence University aimed at raising awareness among high- and middle-ranking officers from various branches of the Armed Forces of China's obligations under amended Protocol II. In addition, all army recruits were required to study the Protocol.

32. At the national level, China had carried out demining operations along its border with Viet Nam and, in recent years, had cleared an area of 2,240,000 square metres. The Chinese Armed Forces had continued to destroy obsolete anti-personnel mines that did not meet the technical requirements of the Protocol and had taken steps to improve their destruction techniques, develop decontamination equipment and train technical specialists. The Armed Forces had continued research and development activities in order to find weapons that could provide an alternative to anti-personnel mines. Currently, several weapons were undergoing testing and evaluation.

33. At the international level, China had actively participated in exchanges and cooperation in the area of demining. The Chinese Armed Forces had translated into Chinese the International Mine Action Standards (IMAS), which China's demining specialists were studying with the aim of improving their practices. From October to December 2007, the Government had held humanitarian demining training courses in Angola, Chad, Burundi, Guinea-Bissau and Mozambique and had donated demining equipment to those countries. From April to May 2008, it had organized similar courses in north and south Sudan, and it would donate demining equipment to both sides. China had also provided mine action

funds to Peru, Ecuador and Ethiopia and would donate demining equipment to Egypt by the end of 2009.

34. This delegation supported the President's proposal to hold an annual meeting of the group of experts in order to discuss ways of strengthening the implementation of the Protocol. The group should focus on resolving problems faced by High Contracting Parties in applying the Protocol and on promoting exchanges of experience, rather than digressing by discussing issues that fell outside the scope of the Protocol.

35. Addressing the humanitarian concerns raised by landmines was a long-term task and required concerted efforts on the part of the international community. China was willing to work with all parties in order to promote the implementation and universality of the Protocol and to do its utmost to eliminate as soon as possible the harm inflicted on civilians by landmines.

36. **Mr. Borisovas** (Lithuania) said that Lithuania fully aligned itself with the statement made by the representative of France on behalf of the European Union. It shared the President's resolve to revitalize amended Protocol II and to ensure consistency among the various related instruments. He expressed support for the President's proposal to re-establish an informal group of experts, notably to address the issue of ammunition and explosives, with specific reference to improvised explosive devices and anti-vehicle mines equipped with oversensitive fuses.

37. **Mr. Hemmingway** (Australia) said that amended Protocol II, which had entered into force 10 years previously, had marked a significant advance in addressing humanitarian concerns relating to anti-personnel mines. Its provisions concerning, in particular, the prohibition of booby traps, restrictions on the use of anti-personnel landmines and the marking and fencing of minefields offered humanitarian gains that were all the more significant in that the main mine-using and mine-producing States had acceded to the Protocol. Australia looked forward with great interest to the statements of those States parties, especially those that had availed themselves of the deferral period under amended Protocol II.

38. For its part, Australia had continued to implement its obligations under amended Protocol II and the Ottawa Convention, as indicated in its national report for the period 2007–2008 (available on the website of the Convention on Certain Conventional Weapons). As a major mine action donor, Australia had decided to contribute \$75 million over five years to clearance activities, victim assistance and stockpile destruction, primarily in its region. The Government and the private sector remained active in mine action research and the development of demining technologies.

39. Australia supported the President's aim of revitalizing the work carried out under amended Protocol II. In particular, it welcomed his proposal to organize meetings of experts in order to assess the extent of the thorny problem posed by anti-vehicle mines equipped with sensitive fuses and by improvised explosive devices, as well as to find solutions. Improvised explosive devices were, by definition, manufactured from whatever explosives, explosive precursors or components were available. The latter were often sold in commercial electronic stores or by other suppliers. Addressing the issue strictly within the framework of amended Protocol II was therefore likely to be a difficult task, particularly since it cut across a range of other international issues, forums and instruments, such as the Convention on the Marking of Plastic Explosives for the Purpose of Detection, the fight against organized crime and the tracking of the movement of illicit funds. Since much of the material used in improvised explosive devices came from abandoned and surplus stocks, a number of issues, such as the control of explosive remnants of war and the reduction of stockpiles, might be worth considering within the framework of the

Convention on Certain Conventional Weapons. It would be interesting to hear the views of others on that question.

40. **Mr. Ponomarev** (Belarus) said that his country's legislation had been brought into full conformity with the provisions of amended Protocol II. Belarus, which was a party to the Ottawa Convention, applied stricter standards than those contained in amended Protocol II. In particular, it was actively involved in efforts to destroy, as soon as possible, its entire stockpile of anti-personnel mines.

41. The Republic of Belarus submitted its national annual reports within the deadlines prescribed in article 13, paragraph 4, of the Protocol.

42. In accordance with paragraph 21 of the final document of the Ninth Annual Conference of the High Contracting Parties to Amended Protocol II (CCW/AP.II/CONF.9/2), on 14 December 2007 Belarus had circulated a memorandum through the secretariat to the High Contracting Parties, informing them of its full acceptance of the provision contained in paragraph 3 (b) of the technical annex of amended Protocol II, following the expiration of the nine-year period allowed for achieving compliance with that provision. Anti-personnel mines the use of which was restricted under amended Protocol II and which did not satisfy the requirements set out in the technical annex no longer formed part of Belarus's arsenal. Moreover, plans had been made to destroy that type of mine, in keeping with the Ottawa Convention.

43. **Mr. Park** Chung-seok (Republic of Korea) said that he wished to reconfirm the unwavering commitment of his country to the spirit of amended Protocol II, which balanced humanitarian concerns and the needs of States in terms of security and military weaponry. The number of States parties to the Protocol, which had increased steadily since its adoption in 1996, demonstrated the importance attached by the international community to the Protocol. With the expiration of the authorized deferral period in December 2007, the Republic of Korea believed that the time had come for all States parties to consider ways to further enhance the implementation of the instrument.

44. Since ratifying the Protocol in 2001, the Republic of Korea had faithfully implemented its provisions. As indicated in its annual report, it continued to pursue its mine clearance efforts: mine clearance work was currently under way in seven minefields and was expected to be completed by 2009. In 2008, the Republic of Korea had destroyed more than 2,000 landmines and, since 1997, it had faithfully enforced an indefinite moratorium on the export of those devices. Convinced of the need for international assistance and cooperation in order to mitigate the human suffering caused by landmines, the Republic of Korea continued to participate in mine clearance and victim assistance projects, namely in Tajikistan (through a project sponsored by the Organization for Security and Co-operation in Europe (OSCE)) and in Jordan, and contributed to various funds, including the United Nations thematic trust funds, the International Trust Fund for Demining and Mine Victims Assistance and the International Reconstruction Fund Facility for Iraq. The Republic of Korea was also committed to sharing its experience and the techniques it had developed with mine-affected countries. Since the visit of the Vice-President of Colombia in September 2007, it had explored ways to cooperate on establishing safe demining activities in Colombia.

45. The Republic of Korea recognized the importance of the work carried out by international organizations and NGOs in addressing the humanitarian problems associated with landmines.

46. **Mr. Mathias** (United States of America) said that he wished to provide an overview of the activities carried out by the United States in 2008 to tackle the problem of anti-personnel mines. In June 2008, the Department of State had published the seventh edition of a report intended for the public on landmines and other conventional weapons, entitled



“To Walk the Earth in Safety”. That document, which was available on the website of the Department of State, described in detail the steps taken by the United States to address the humanitarian problems posed by landmines.

47. The United States had submitted its annual report in conformity with the Protocol. The report stated that, for fiscal year 2008, the United States had provided humanitarian mine assistance, including clearance of all types of unexploded ordnance, totalling about \$109 million (of which \$13.8 million were from the Leahy War Victims Fund, managed by the United States Agency for International Development (USAID)). Some 30 mine-affected countries on 4 continents had benefited from that funding, and the corresponding allocations for fiscal year 2009 were expected to be at a similar level.

48. The United States remained the leading donor to mine action around the world, as evidenced by the contributions it had made since 1993, which totalled \$1.4 billion. Those funds had provided assistance in 54 countries. Currently, the United States encouraged private-sector support for certain aspects of the operations carried out by the U.S. Humanitarian Mine Action Program (demining, mine-risk education and survivor assistance) through the development of a network of public-private partnerships, which currently numbered over 60.

49. Lastly, the United States was committed to the objective of revitalizing the Protocol, as proposed by the President.

50. **Ms. Haller** (Switzerland) said that, 10 years after its entry into force, amended Protocol II remained a major instrument of international humanitarian law. Even though the number of States parties was constantly increasing, there was still much progress to be made in order to achieve the Protocol’s universality. Switzerland was therefore gratified that many States had adopted the necessary measures — whether legislative, technical or those related to cooperation and assistance — to implement the provisions of amended Protocol II.

51. In 2008, the Government had contributed approximately US\$ 14 million to projects involving mine clearance, stockpile destruction and victim assistance, as well as to mine-risk education campaigns. Switzerland had provided experts and equipment to demining missions in a large number of countries contaminated by mines.

52. It would be important not only to preserve the achievements of the past 10 years of the Protocol’s implementation but also to develop them further by exploring new ways to ensure that amended Protocol II remained a vibrant and dynamic instrument, and in so doing, allow the civilian population to enjoy the safeguards afforded by the Protocol.

53. **Mr. Khokher** (Pakistan) said that his country, which was fully committed to the Protocol, submitted its annual reports on a regular basis and had been active in mine clearance operations in various parts of the world. Since the expiration of the deferral period for compliance with subparagraphs 2 (b) and 3 (a) and (b) of the technical annex in December 2007, Pakistan had fulfilled its obligations, and all mines produced in Pakistan met the criteria set forth in the Protocol. The Ministry of Foreign Affairs had begun the process of formally withdrawing Pakistan’s declaration relating to those provisions.

54. Pakistan was convinced that better implementation of the Protocol would motivate States that were not parties to ratify it. It welcomed the President’s initiative to revitalize amended Protocol II and proposed that the next President should analyse the effectiveness of the Sponsorship Programme in terms of the universalization of the Protocol. His delegation was open to the suggestion of re-establishing the group of governmental experts to discuss the subject of national implementation. The group could also discuss measures aimed at eliminating the transfer and development of improvised explosive devices and at preventing their use by terrorists. However, Pakistan would prefer to avoid a debate on the

issue of anti-vehicle mines equipped with sensitive fuses if that debate remained inconclusive as a result of divergent views on technology-based solutions.

55. Lastly, his delegation wished to reiterate that the Protocol was a comprehensive and effective instrument that struck a balance between humanitarian concerns and security requirements. It was also a credible instrument, since all nine major mine-producing and mine-using countries were parties to it.

56. **Ms. Bezhanishvili** (Observer for Georgia) said that the text of amended Protocol II had recently been submitted to the Georgian parliament for ratification and was expected to be adopted within the next two months. It was therefore conceivable that Georgia could become a party to amended Protocol II before the end of 2008.

57. **Mr. Turcotte** (Canada) said that, like the Russian Federation, he was strongly in favour of achieving the long-term goal of a world free from mines. That goal was apparently shared by the 156 States parties to the Ottawa Convention, many of which were parties to amended Protocol II. As time went on, there appeared to be less and less distance between countries that had acceded to the Protocol and those that had ratified the Ottawa Convention. Canada looked forward to the day when all States that had not yet done so ratified the Ottawa Convention, so that it would finally be possible for all to “walk the earth in safety”.

58. **Mr. Kumar** (India), after noting that, since 1 January 1997, India had not produced any non-detectable mines, said that he wished to provide some details concerning India’s national implementation of amended Protocol II.

59. Action taken to impart information to the Armed Forces took a variety of forms, including: dissemination of the provisions of the Convention and those of Protocol II; publication of a booklet on India’s obligations under those instruments; and regular exchanges of information and ideas among representatives of the Ministry of Defence, the Ministry of Foreign Affairs and the Services Headquarters concerning the implementation of the Protocol. Measures were also taken to impart information to the civilian population. The army had disseminated data on mines laid along border areas, and mine awareness programmes had been conducted at the village level in the relevant locations. Media representatives had been briefed by the army to disseminate information on the preventive measures that were required in order to prevent civilian casualties as a result of military exercises or operations.

60. The Indian Armed Forces did not use mines for maintaining law and order or combating terrorism. The army corps of engineers continued to assist civil authorities to defuse and clear such devices. Mines used for defensive military operations were laid within fenced perimeters and marked, in accordance with the Protocol’s provisions. After such operations, the mines were cleared and the arable land handed back to its owners at the earliest opportunity. In the event of accidents resulting from landmines, victims received assistance (compensation, employment, prosthetics).

61. In terms of international cooperation and assistance, India was one of the largest contributors to United Nations peacekeeping operations. In particular, it had participated in demining operations in Cambodia, Angola and Afghanistan. In March 2007, an Indian army team had provided training to units of the Cambodian army, which had requested that such training should be provided on an annual basis. Moreover, since December 2005, India had been conducting a demining operation as part of the Government’s programme for the construction of a road in the south-western region of Afghanistan.

62. India welcomed the possibility of engaging in a fuller discussion of the proposals for revitalizing amended Protocol II so as to enhance its efficiency and had no objection to

organizing a meeting of experts in 2009 if a consensus was reached on the issues to be addressed by it.

63. **Mr. O'Shea** (Ireland) said that his country supported the President's proposal to re-establish the group of experts, which could focus on the particular problems related to mines other than anti-personnel mines.

64. Given the multifaceted nature of the problem of improvised explosive devices (whether or not they were made of conventional munitions), which were used in conflict zones and thus fell within the scope of amended Protocol II, but which could also be used in organized crime settings, in which case they fell outside its scope, the group should consider inviting experts from other relevant fields to contribute to its deliberations, using as a model the approach taken in meetings relating to the Biological Weapons Convention. His delegation believed that such discussions could provide added value, pending the resumption of more comprehensive work on mines other than anti-personnel mines within the framework of the Convention on Certain Conventional Weapons.

65. **Mr. Laurie** (United Nations Mine Action Team) said that he fully supported the President's intention to re-establish the group of experts. The meetings of that body would provide a forum for an in-depth discussion on anti-vehicle mines, which posed humanitarian and socio-economic problems in a number of post-conflict countries. Existing legal standards applicable to anti-vehicle mines should be re-examined and revised, as appropriate.

66. The United Nations Mine Action Team welcomed the new ratifications of the Protocol and the announcement made by the Georgian delegation. It hoped that the process to reinvigorate amended Protocol II would encourage the High Contracting Parties to submit their national reports under article 13 on a regular basis and to strengthen the quality of the information conveyed in them.

67. **Mr. Dotsenko** (Ukraine) said that his delegation fully endorsed the statement of the European Union and the President's proposal concerning the Protocol implementation mechanism and the re-establishment of the group of experts. Ukraine had already destroyed 150,000 anti-personnel mines and had elaborated new standards in order to bring its legislation fully into conformity with the Protocol.

68. He thanked Canada and Greece for the assistance they had provided in destroying more than 400,000 anti-personnel mines. Ukraine hoped to complete the destruction of 6 million mines that fell within the scope of the Ottawa Convention and to be able to rely on the contributions of donor countries in order to do so.

69. **Mr. Hiznay** (Human Rights Watch) said that the last four States to have acceded to amended Protocol II were also parties to the Ottawa Convention. Only 10 (China, Finland, India, Israel, Morocco, Pakistan, the Republic of Korea, the Russian Federation, Sri Lanka and the United States of America) of the 92 States parties to the Protocol had not acceded to the Ottawa Convention, which meant that, as far as anti-personnel mines were concerned, the Protocol was relevant only for those 10 countries. He noted that a certain number of States had not acceded either to the Protocol or to the framework Convention (Armenia, Azerbaijan, the Democratic People's Republic of Korea, the Islamic Republic of Iran, Kazakhstan, Kyrgyzstan, the Libyan Arab Jamahiriya, Myanmar, Nepal, Oman, Singapore and the Syrian Arab Republic) and continued to stockpile anti-personnel mines while retaining the right to use them, and that two States (Egypt and Viet Nam), which had acceded to the framework Convention, nevertheless stockpiled anti-personnel mines. In fact, the last State to accede to the Protocol that was not a party to the Ottawa Convention and that had stockpiles of anti-personnel mines had been the Russian Federation three years previously.

70. In addition, he pointed out that the nine-year period granted to States that had chosen to defer compliance with the requirements of the technical annex of the Protocol had expired on 3 December 2007. He noted with concern that such States had conveyed very little information on their compliance with their obligations and that the other States parties had made no enquiries on that subject. He called on all States parties to show greater transparency through timely and more detailed reporting. It should not be sufficient for any State party merely to claim that it was respecting its obligations.

71. Lastly, he urged States parties to take a greater interest in the extent to which those countries that continued to use, produce and stockpile anti-personnel mines did so in compliance with their obligations under the Protocol and to question them on that subject.

72. **Ms. Walker** (International Campaign to Ban Landmines) said that the International Campaign to Ban Landmines (ICBL) wished to associate itself with the statements made by the representatives of Human Rights Watch and Canada, respectively. ICBL was convinced that the only effective way to address the humanitarian and socio-economic consequences of anti-personnel mines was a total ban. It welcomed the various steps taken by countries that were not parties to the Ottawa Convention but wished, at the same time, to stress the urgency of the situation, given that mines created thousands of new victims each year, not to mention the 500,000 survivors who required a lifetime of care, the devastating effects on their families and communities and the massive socio-economic consequences for countries already devastated by years of armed conflict. She urged all countries to become parties to the Ottawa Convention, pointing out that that was an achievable and desirable goal.

73. **Mr. Semin** (Russian Federation) said that his country had been cited in the statement made by the representative of Human Rights Watch, notably in connection with the use of anti-personnel mines in Chechnya and Georgia. It was difficult to respond to those allegations, however, without having specific data from that organization.

74. **Mr. Ekanayhe** (Sri Lanka), responding to the comment made by the representative of Human Rights Watch concerning his country, pointed out that his Government had consistently maintained that its security forces had not used anti-personnel mines since the signing of the ceasefire agreement in 2002. He asked the representative of Human Rights Watch to provide evidence to substantiate his allegations.

75. **Mr. Venkatesh** (India), responding to comments made by the representative of Human Rights Watch concerning his country, said that India shared the general opinion concerning the need for transparency. It complied with the provisions of amended Protocol II, in particular with regard to production, and controlled the ordnance used by its armed forces; its practices were fully compliant with that instrument. In addition, it shared the general objective of stringent stockpile management.

76. **Mr. Aliyev** (Observer for Azerbaijan), responding to comments made by the representative of Human Rights Watch, said that his country had not acceded to the Convention or to amended Protocol II owing to the conflict pitting it against Armenia, which had resulted in the occupation of one fifth of the country's territory by Armenian forces.

77. **Mr. Khokher** (Pakistan) said that he wished to confirm that Pakistan's production was in accordance with the parameters laid down in the provisions of amended Protocol II.

78. **Mr. Herby** (International Committee of the Red Cross) said that it was necessary to clarify what was meant by "use" of landmines, both in general and in respect of the transition period.

79. **The President** concluded the general exchange of views and invited Mr. Caughley to deliver the message addressed by the Secretary-General of the United Nations to the Conference participants.

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

80. **Mr. Caughley** (Deputy Secretary-General of the Conference on Disarmament and Director of the Geneva Branch of the Office for Disarmament Affairs) read out a message from the Secretary-General of the United Nations.

In his message, the Secretary-General sent greetings to the Tenth Annual Conference of the High Contracting Parties to Amended Protocol II to the Convention on Certain Conventional Weapons and conveyed his congratulations on the tenth anniversary of the entry into force of that important legal instrument.

Over the past decade, amended Protocol II had gained ground as an essential element of global efforts aimed at liberating the earth from the scourge of landmines, booby traps and other explosive devices. Together with the Convention's Protocol V, the Ottawa Convention and the Convention on the Rights of Persons with Disabilities, amended Protocol II was an integral part of the international legal framework for mine action.

However, more action was needed. There had been undeniable success in alleviating the horrendous impact of landmines and other explosive devices. Yet, those weapons, silent and well hidden, continued to kill and maim.

The Secretary-General urged the High Contracting Parties to strengthen their efforts. They must consider in particular how to make amended Protocol II even more effective and how to enhance its implementation mechanism.

The universalization of the Protocol was also of vital importance. He congratulated the 92 States that had consented to be bound by amended Protocol II. More efforts were needed to increase the number of parties, especially among the developing countries and States affected by landmines or States in conflict.

He urged those States that had not yet done so to consider expressing their consent as soon as possible to be bound by amended Protocol II.

He also took the opportunity to call on all States that had not yet done so to ratify the other international treaties that formed the legal framework for mine action and that were in force, namely the Convention's Protocol V, the Ottawa Convention and the Convention on the Rights of Persons with Disabilities.

He thanked the High Contracting Parties once more for the important contribution that the Tenth Annual Conference would make to the maintenance of international peace and security. In that spirit, he wished them every success in their deliberations.

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

81. **The President** said that, as at 12 November 2008, 10 years after the entry into force of the Protocol, 92 States had notified the Depositary of their consent to be bound by the instrument. Despite the progress made, that figure remained relatively modest for such an important international instrument. It was necessary to give further consideration to the ways in which the High Contracting Parties could promote the universalization of the Protocol and implement the plan of action to promote the universality of the Convention and its Protocols.

82. Pursuant to the relevant decision of the Ninth Annual Conference, and in accordance with the plan of action, letters had been addressed to the Ministers for Foreign Affairs of States not parties to the Convention, inviting them to consider the accession of their respective countries to the Convention and its Protocols, including amended Protocol II.

Separate letters had been sent to the Ministers for Foreign Affairs of States that were parties to the Convention but that had not yet acceded to the Protocol.

83. He reiterated that the authorized deferral period for implementing the requirements concerning the detectability of anti-personnel mines and the limitation of the active life of all remotely delivered anti-personnel mines had expired on 3 December 2007.

84. With regard to the operation of the Protocol, he invited those delegations that had not yet expressed an opinion, to react to the proposal that possible ways of enhancing the efficiency of the annual conferences should be considered. He recalled that the discussions at the first few annual conferences had been much more substantive. Sessions had lasted for three days and most of the work had been carried out by a subsidiary body, the group of experts. However, in 2001 and thereafter, the length of the sessions had been limited to one day, and the mandate of the group of experts had been terminated. Since then, the Conference had had less time and fewer opportunities to consider in depth the operation and implementation of the Protocol and the protection of civilians against the indiscriminate effects of mines, booby traps and other devices. Accordingly, he suggested that delegations should reflect on what would be the best way to revitalize the work under the Protocol and to further enhance the implementation of the instrument. States parties could, through the group of experts, consider certain issues of common interest falling under agenda items 9, 10 and 11. Given the recent positive experience, in particular in relation to the implementation of Protocol V, the re-establishment of the open-ended group of experts under amended Protocol II could be envisaged. That body could be assigned to deal with different issues related to the above-mentioned agenda items.

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

85. **The President** said that, of the 92 States that had notified the Depositary of their consent to be bound by the Protocol, only 38 had submitted their national annual report in conformity with article 13.

86. In accordance with the relevant decision of the Ninth Annual Conference, national reports had not been issued as official documents of the Conference, as had been the practice in the past, but had been made available on the Convention website in the National Annual Reports database.

87. He reminded participants that national reporting was an obligation under amended Protocol II. He drew attention to the fact that more than 20 States parties had failed to submit a national report since their accession. Moreover, one third of the High Contracting Parties had failed to submit updated reports for the past three years.

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

88. **The President**, noting that no delegation had requested the floor under agenda item 11, decided to adjourn the meeting in order to hold informal consultations.

*The meeting rose at 12.10 p.m.*