

Fifteenth 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

13 November 2013

English only

Geneva, 13 November 2013

Item 14 of the agenda

Consideration of the final document**Draft****Final document****I. Introduction**

1. Article 13 of the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices, as amended on 3 May 1996 (Amended Protocol II), 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 (CCW), provides for a conference of the High Contracting Parties to the Protocol to be held annually for the purpose of consultations and cooperation on all issues related to the operation of the Protocol.

2. The Fourteenth Annual Conference held on 14 November 2012 agreed to recommend to the Fifteenth Annual Conference a provisional agenda, as contained in the Final Document of the Conference (CCW/AP.II/CONF.14/6, Annex II). It also adopted the estimated costs of the Fifteenth Annual Conference (CCW/AP.II/CONF.14/4 and Rev.1). The Fourteenth Annual Conference, held on 14 November 2012, decided, as contained in paragraph 30 of its Final Document (CCW/CONF.IV/4/6), that the Fifteenth Annual Conference of the High Contracting Parties to Amended Protocol II be held on 11 November 2013 at Geneva.

3. The 2013 session of the Group of Experts of the High Contracting Parties to Amended Protocol II took place on 8 and 9 April 2013 in Geneva, as decided by the Fourteenth Annual Conference as stipulated in paragraph 30 of its Final Document CCW/AP.II/CONF.14/6.

4. The Fourteenth Annual Conference decided, as stipulated in paragraph 30 of its Final Document, that the Group of Experts should review the operation and status of the Protocol, consider matters arising from reports by High Contracting Parties according to Article 13 (4) of Amended Protocol II, as well as the development of technologies to protect civilians against indiscriminate effects of mines, under the overall responsibility of the President-designate; and the issue of improvised explosive devices, under the overall responsibility of the Coordinator, Ms Namdi Payne of Australia, and Co-coordinator Mr Laurent Masméjean of Switzerland. The work of the Group of Experts shall be considered by the Fifteenth Annual Conference.

II. Organization of the Fifteenth Annual Conference

5. The Fifteenth Annual Conference was opened on 11 November 2013 by Ambassador Maria Ciobanu of Romania, President of the Fourteenth Annual Conference.
6. The Conference held two plenary meetings. At its first plenary meeting on 11 November 2013 the Conference confirmed the nomination of Ambassador Luis Gallegos of Ecuador as President of the Fifteenth Annual Conference. It also confirmed the nominations of Ambassador Mikhail Khvostov of Belarus, Ambassador Wu Haitao of China, and Ambassador Päivi Kairamo of Finland as Vice-Presidents.
7. Also at its first plenary meeting, the Conference appointed Mr. Bantan Nugroho, Head of the CCW Implementation Support Unit, as Secretary-General of the Conference.
8. Participation in the Conference is specified in document CCW/AP.II/CONF.15/... In addition, representatives of relevant United Nations bodies, international organizations, and non-governmental organizations took part in the work of the Conference.

III. Work of the Fifteenth Annual Conference

9. At its first plenary meeting, the Conference adopted its agenda, as contained in CCW/AP.II/CONF.15/1. In confirming its Rules of Procedure as contained in CCW/AP.II/CONF.6/2, the Conference suspended Rule 12 and agreed that only paragraph 5 of Article 13 would apply until an agreement addressing the contradiction between Rule 12 of the Rules of Procedure and paragraph 5 of Article 13 of Amended Protocol II is reached.
10. The Conference noted that there were different views regarding the participation of one NGO in the meetings of Amended Protocol II, which, in the view of some delegations, departed from practice applied at previous meetings. The President will conduct informal consultations in order to find a solution acceptable to all High Contracting Parties on this issue, prior to the next meeting of Amended Protocol II. For that purpose, neither the modalities of this meeting, nor those of any previous one, will be considered a precedent.
11. The participation in the general exchange of views was as follows: Albania, Argentina, Australia, Brazil, China, Colombia, Cuba, Ecuador, France, India, Israel, Morocco, Netherlands, Pakistan, Palestine, Republic of Korea, Russian Federation, South Sudan, Sri Lanka, Switzerland, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Zambia and UNMAS on behalf of the United Nations Inter-Agency Coordination Group on Mine Action and the European Union.
12. Also in accordance with Article 13 (4) of the Protocol, the Conference had before it national annual reports from the following States: Argentina, Australia, Austria, Belarus, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, China, Colombia, Croatia, Cyprus, Czech Republic, Denmark, Ecuador, Estonia, Finland, France, Germany, Greece, Guatemala, Holy See, Hungary, India, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Morocco, Netherlands, New Zealand, Norway, Pakistan, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Serbia, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, and United States of America. The reports contained information on:
 - (a) Dissemination of information on the Protocol to armed forces and to the civilian populations;
 - (b) Mine clearance and rehabilitation programmes;

- (c) Steps taken to meet technical requirements of the Protocol and any other relevant information pertaining thereto;
- (d) Legislation related to the Protocol;
- (e) Measures taken on international technical information exchange, on international cooperation on mine clearance, and on technical cooperation and assistance;
- (f) Other relevant matters; and
- (g) Information provided to the database on mine clearance established within the United Nations System.

13. During the course of the meeting the Conference considered documents CCW/AP.II/CONF.15/1 to CCW/AP.II/CONF.15/5, as listed in Annex V. The official documents of the Conference are available in all official languages through the Official Document System of the United Nations at <http://documents.un.org>, and the official website of the CCW Amended Protocol II as part of the website of the United Nations Office at Geneva at <http://www.unog.ch/ccw>.

IV. Conclusions and recommendations

A. Universalization

14. At its second plenary meeting, the Conference decided to issue an appeal to call upon all States that have not yet done so to take all measures to accede to Amended Protocol II as soon as possible. The appeal is contained in annex I.

15. The Conference recommended that the Secretary-General of the United Nations and the President of the Conference, on behalf of the High Contracting Parties, exercise their authority to achieve the goal of universality of Amended Protocol II. To this effect, the Conference requested the President to consider reporting to the sixty-eighth session of the United Nations General Assembly on his endeavours. The Conference also called on the High Contracting Parties to promote wider adherence to Amended Protocol II in their respective regions, pursuant to the Accelerated Plan of Action on Universalization of the Convention and its annexed Protocols adopted by the Fourth Review Conference of the High Contracting Parties to the Convention.

B. Operation and status of the Protocol

16. The Conference took note of the report by the President on the operation and status of the Protocol; on matters arising from reports by High Contracting Parties according to Article 13 (4) of Amended Protocol II; as well as on development of technologies to protect civilians against indiscriminate effects of mines, as contained in CCW/AP.II/CONF.15/2.

17. The Conference decided that:

- (a) The Group of Experts shall continue to review the operation and status of the Protocol and consider matters arising from the national annual reports, as well as the development of technologies to protect civilians against indiscriminate effects of mines;

- (b) The Plan of action to promote the universality of the Convention and its Protocols is the relevant mechanism to enhance the interest of States that are not party to those instruments. The Conference encourages the States parties and the Implementation Support Unit to intensify their efforts at implementing the Plan of action, in particular

through organizing national and regional seminars aimed at promoting and explaining the Convention and its Protocols;

(c) The High Contracting Parties to the Convention shall continue their contacts with the High Contracting Parties to the original Protocol II that have not yet become parties to Amended Protocol II, to encourage them to accede to it and thus to facilitate the termination of the original Protocol II. Any action with respect to the termination of the original Protocol II should be taken with the consent of the High Contracting Parties to this Protocol;

(d) The Group of Experts shall analyze the implementation by the States parties of their obligation to submit national annual reports and shall study their content, focusing on the information submitted in Form D: "Legislation related to the Protocol". The Group shall also consider the "Guide to reporting" of Form D in light of developments and progress achieved in field of mine action since the adoption of the Protocol.

C. Improvised Explosive Devices (IEDs)

18. The Conference took note of the report by Ms. Namdi Payne of Australia, Coordinator on Improvised Explosive Devices (IEDs) and Mr. Laurent Masmejean of Switzerland as Co-Coordinator as contained in CCW/AP.II/CONF.15/3.

19. The Conference decided that:

(a) The High Contracting Parties note the compilation of existing guidelines, best practices and other recommendations aiming at addressing the diversion or illicit use of materials which can be used for IEDs posted on the CCW website and updated by the Implementation Support Unit, in consultation with the Coordinator and the High Contracting Parties, as new relevant guidelines, best practices, recommendations and other comments are published;

(b) The Group of Experts continue information exchange on IEDs, IED incidents, their prevention, including public awareness and/or risk education campaigns, and their humanitarian effects, in light of the significance of the CCW framework, its norms and implementation with respect to the IED threat;

(c) The Group of Experts continue, consistent with the scope of Amended Protocol II, developing best practices aimed at helping to address the threat of IEDs, including by;

(i) exploring the possibility of an information exchange database, portal or platform as a tool for improving information sharing on the diversion and illicit use of material that can be used for IEDs and other means of reducing the threat of IEDs;

(ii) examining ways to reduce the risk of military munitions stocks, explosive remnants of war, or commercial explosive stocks being used for IEDs;

(iii) promoting international cooperation and assistance to help strengthen national capacities of High Contracting Parties, when requested, to address the IED threat;

while bearing in mind commercial confidentiality, national security requirements, the legitimate interests in trade of such materials; and taking into account existing and related work of international and regional organisations, including those referred to in the compilation; and

(d) The Group of Experts continue discussions on assistance to victims of IEDs so that those providing assistance bear in mind the 2008 Plan of Action on Victim

Assistance of Protocol V and the principles of age- and gender-sensitive medical care, rehabilitation, psychological support, and adequate assistance for social and economic inclusion in a non-discriminatory manner. The Group of Experts to continue to discuss promoting the provision of assistance to victims of IEDs, taking into consideration the 2008 Plan of Action on Victim Assistance of Protocol V;

(e) The Group of Experts continue, consistent with the scope of Amended Protocol II, developing best practices aimed at helping to address the threat of IEDs, including by;

D. Follow-up

20. The Conference decided that the Sixteenth Annual Conference will be convened in 2014 on dates to be decided by the Meeting of the High Contracting Parties to the Convention to be held on 14 and 15 November 2013. The Conference agreed to recommend to the Sixteenth Annual Conference a provisional agenda, as contained in Annex II. It also adopted the estimated costs of the Sixteenth Annual Conference, as contained in CCW/AP.II/CONF.15/...

21. Also in light of the decision taken at the Fourth Annual Conference in 2002 to designate the President and Vice-Presidents at the end of the Conference in order to assure the continuity of the preparatory work by the presidency, the Conference decided to nominate Ambassador Päivi Kairamo of Finland as President-designate of the Sixteenth Annual Conference of the High Contracting Parties to be held in 2014 and the representatives of Belarus, China, and Guatemala as Vice-Presidents designate.

22. The Conference also decided that the 2014 session of the Group of Experts shall take place on 1 and 2 April 2014 in Geneva and adopted the estimated costs of the Group of Experts, as contained in CCW/AP.II/CONF.15/4.

23. The Conference decided that the Group of Experts shall review the operation and status of the Protocol, consider matters arising from reports by High Contracting Parties according to Article 13 (4) of Amended Protocol II, as well as the development of technologies to protect civilians against indiscriminate effects of mines, under the overall responsibility of the President-designate of the Fifteenth Annual Conference; and the issue of improvised explosive devices, under the overall responsibility of the Coordinator, Ms. Namdi Payne of Australia, to be assisted by Mr. Laurent Masmejean of Switzerland as Co-Coordinator. The work of the Group of Experts shall be considered by the Sixteenth Annual Conference.

24. At the recommendation of the General Committee, the Conference decided to delete rule 12 of the rules of procedure, to renumber the rules and reissue them. Only paragraph 5 of article 13 of Amended Protocol II would apply to determining cost sharing at all future conferences.

25. The Conference noted that the President will take action in relation to paragraph 10 of the Final Document.

26. The Conference noted that some States questioned the usefulness of the summary records with regard to their cost. The President will conduct informal consultations prior to the Sixteenth Annual Conference of the High Contracting Parties to Amended Protocol II in order to find a solution acceptable to all High Contracting Parties.

27. At its second plenary meeting, the Fifteenth Annual Conference adopted its final document as contained in document CCW/AP.II/CONF.15, as orally amended, which is being issued as document CCW/AP.II/CONF.15/...

Annex I

An Appeal by the Fifteenth Annual Conference of the High Contracting Parties to Amended Protocol II(as adopted at the second plenary meeting on 13 November 2013)

We, the States which have notified the Depositary of our consent to be bound by Amended Protocol II to the CCW, meeting in Geneva on 13 November 2013 for our Fifteenth Annual Conference:

Bearing in mind the important contribution of Amended Protocol II to international efforts to alleviate the suffering caused by certain conventional weapons which may be deemed to be excessively injurious or to have indiscriminate effects;

· Noting that Amended Protocol II is the only international legal instrument which covers all types of mines, booby-traps and other devices;

Having reviewed the operation and status of Amended Protocol II, in accordance with paragraph 3 (a) of Article 13;

Having considered the national annual reports presented by States which have notified the Depositary of their consent to be bound by Amended Protocol II;

Welcome the fact that 100 States have notified the Depositary of their consent to be bound by Amended Protocol II;

Welcome the adoption by the Fourth Review Conference of the High Contracting Parties to the Convention of an

Accelerated Plan of Action on Universalization of the Convention and its annexed Protocols;

Emphasize the importance of achieving the widest possible adherence to Amended Protocol II;

Urge all States that have not yet done so to take all measures to accede to Amended Protocol II as soon as possible.

Annex II

Provisional Agenda of the Sixteenth Annual Conference (as recommended by the Fifteenth Annual Conference at its second plenary meeting on 13 November 2013)

1. Opening of the Conference
2. Confirmation of the nomination of the President and other officers
3. Adoption of the agenda
4. Confirmation of the rules of procedure
5. Appointment of the Secretary-General of the Conference
6. Organization of work including that of any subsidiary bodies of the Conference
7. General exchange of views
8. Review of the operation and status of the Protocol
9. Consideration of matters arising from reports by High Contracting Parties according to Article 13 (4) of the Amended Protocol and of the development of technologies to protect civilians against indiscriminate effects of mines
11. Improvised Explosive Devices
12. Report(s) of any subsidiary organ(s)
13. Adoption of the estimated costs for 2015
14. Other matters
15. Consideration and adoption of the final document

Annex III

Synopsis of National Annual Reports for the Fifteenth Annual Conference (as at 13 November 2013)

[To be completed by the Secretariat]

Annex IV

List of States which have notified the Depositary of their consent to be bound by Amended Protocol II (as at 13 November 2013)

[To be completed by the Secretariat]

Annex V

List of documents

[To be completed by the Secretariat]
