

**Thirteenth 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**

22 November 2019

English

Original: French

Geneva, 11 November 2019

Summary record of the 2nd meeting*

Held at the Palais des Nations, Geneva, on Monday, 11 November 2019, at 3 p.m.

President: Ms. Hakala (Finland)

Contents

- Preparation for review conferences
- Report(s) of any subsidiary organ(s)
- Adoption of the cost estimates for 2020
- Other matters
- Consideration and adoption of the final document
- Closure of the Conference

* No summary record was prepared for the 1st meeting.

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The meeting was called to order at 3.05 p.m.

Preparation for review conferences

1. **The President** said that, since the next review conference was not scheduled to take place until 2021, there was no decision proposed for adoption under the agenda item in question.

Report(s) of any subsidiary organ(s)

2. **The President** said that, since there had been no meetings of subsidiary organs, she suggested moving on to the next agenda item.

Adoption of the cost estimates for 2020

3. **The President** invited the High Contracting Parties to adopt the cost estimates for the Meeting of Experts of the High Contracting Parties to Protocol V (CCW/P.V/CONF/2019/3) and the cost estimates for the Fourteenth Conference of the High Contracting Parties to Protocol V (CCW/P.V/CONF/2019/4), both to be held in 2020.

4. **Mr. Vorontsov** (Russian Federation) said that since the High Contracting Parties had not yet agreed on the duration of the meetings planned for 2020, it might be premature to approve the estimated costs. The Russian Federation was prepared to adopt the two documents, on the understanding that that position did not in any way prejudice the duration of meetings in 2020, and that that duration would be determined as a second step.

5. **The President** confirmed that, if the Meeting of the High Contracting Parties decided to change the financing arrangements or the duration of meetings under Protocol V, the changes would be duly reflected in all relevant documents, including the cost estimates.

6. *It was so decided.*

Other matters

7. **The President** said that no delegation wished to speak under the agenda item in question.

Consideration and adoption of the final document

8. **The President** drew attention to the draft final document of the Thirteenth Conference of the High Contracting Parties to Protocol V, issued under the symbol CCW/P.V/CONF/2019/CRP.1 (in English only) and distributed in the meeting room.

Section I. Introduction

Paragraphs 1 to 9

9. *Paragraphs 1 to 9 were adopted.*

Section II. Participation in the Thirteenth Conference

Paragraphs 10 to 16

10. **The President** said that Burkina Faso, Cameroon, El Salvador, Guatemala and Saudi Arabia did not appear in the list of High Contracting Parties to Protocol V participating in the Thirteenth Conference, and that the Philippines did not appear in the list of the High Contracting Parties to the Convention participating in the Conference as observers. The secretariat would make the necessary corrections.

11. *Paragraphs 10 to 16, as amended, were adopted.*

*Section III. Work of the Thirteenth Conference**Paragraphs 17 to 24*

12. *Paragraphs 17 to 24 were adopted.*

Paragraph 25

13. *Paragraph 25 was adopted.*

*Section IV. Conclusions and recommendations**Paragraphs 26 to 28*

14. **Mr. Vorontsov** (Russian Federation) said that the last two lines of paragraph 27 (“while keeping appraised of relevant developments in the context of other legal instruments and fora, with a view of ensuring complementarity of efforts”) did not usually appear in the outcome document of the Conference and had not been explained during the Meeting of Experts or considered during the Thirteenth Conference. In particular, he wondered what “other legal instruments and fora” and what “efforts” that portion of the text referred to. He proposed deleting that part of the sentence, as it raised numerous issues and the Conference did not have time to reach a consensus on the matter.

15. *It was so decided.*

16. *Paragraphs 26, 27 as amended, and 28 were adopted.*

Paragraphs 29 and 30

17. **Mr. Vorontsov** (Russian Federation) proposed, for the sake of consistency, bringing the wording of paragraph 30 into line with that of paragraph 32, which had already been approved by the High Contracting Parties at a previous Conference. To that end, it would be appropriate to replace the words “the Meeting of Experts shall ... exchange” with the words “the High Contracting Parties ... are to exchange”.

18. **Mr. Dorosin** (United States of America) said that it had been agreed at the Twelfth Conference of the High Contracting Parties that the work in 2019 should include the sharing of national best practices and the publication of the compilations of national best practices on the website of the United Nations Office for Disarmament Affairs. As those goals had unfortunately not been achieved in 2019, they should again appear in paragraph 30. Similarly, since no compilation of best practices had been made, it seemed inappropriate to consider “compiling guidelines”. He proposed rewording paragraph 30 to read: “The Conference decided that, under the overall responsibility of the President-designate, High Contracting Parties should, on a voluntary basis and subject to national policies on the protection of sensitive information, continue to share national best practices on the implementation of Article 4 and generic preventive measures following also the guidance provided in the Technical Annex of the Protocol; the Conference requests that these compilations of national best practices be made available on the UNODA website so that they are available to inform future consideration of the implementation of Article 4.”

19. **Mr. Vorontsov** (Russian Federation) said that his delegation supported the proposal by the United States of America.

20. *It was so decided.*

21. *Paragraphs 29 and 30, as amended, were adopted.*

Paragraphs 31 and 32

22. **Mr. Vorontsov** (Russian Federation) proposed, for the sake of consistency with the amendment to paragraph 27, deleting the last part of paragraph 32, from the words “and to keep appraised” onwards.

23. *It was so decided.*

24. *Paragraphs 31 and 32, as amended, were adopted.*

Paragraphs 33 and 34

25. **Mr. Vorontsov** (Russian Federation), supported by **Mr. Dorosin** (United States of America) and **Mr. Nievelstein** (Germany) proposed replacing the word “shall” with the word “should” in paragraph 34 (c). He also proposed deleting paragraph 34 (d), which introduced a new element. The issue of gender had never been raised in a final report or during the Meeting of Experts held in August 2019. The Russian delegation considered that the issue should not be included as one of the priorities for the work of the High Contracting Parties and that the subparagraph constituted interference in the internal affairs of the Parties, which had full discretion to implement the Protocol at the national level as they saw fit, including with regard to the issue of gender. His delegation also proposed deleting subparagraph (e), because the decision contained therein had never been raised previously, either at the August Meeting of Experts or during the intersessional period. The document cited, which dated from 2007, referred only to the possibility of creating the post of coordinator and set forth no terms of reference. Given the financial situation of the Conference, it would not be a good idea to create an additional post without a thorough needs analysis, particularly since the United Nations already had a structure that dealt with such matters.

26. **Mr. Incarnato** (Italy), supported by **Ms. Marchand** (Belgium), **Mr. Walsh** (Ireland), **Ms. Lindegren** (Sweden), **Mr. Elischer** (Australia), **Ms. Vatne** (Norway), **Ms. Serazzi** (Chile), **Mr. Nievelstein** (Germany) and **Mr. Sánchez de Lerin** (Spain), said that his delegation recognized the importance of the gender issue and was against deleting subparagraph (d) – since it stated that the sharing of information would be done on a voluntary basis – or subparagraph (e) – because the appointment of a coordinator would not entail any additional cost.

27. **Mr. Walsh** (Ireland), supported by **Mr. Vogelaar** (Netherlands), said that the gender issue had been raised on several occasions, including by the European Union in its statement in August.

28. **Mr. Dorosin** (United States of America), supported by **Mr. Vogelaar** (Netherlands), said that, while he supported Italy, he recognized the validity of the technical point raised by the Russian Federation, for the gender issue was not on the agenda and had not been discussed sufficiently for inclusion in the final report. His delegation therefore proposed that the content of paragraph 34 (d) should be moved to a new paragraph 38 bis in the “Follow-up” section of the report so that the matter could be discussed the following year.

29. **Mr. Delgado Sánchez** (Cuba) said that he recognized the importance of the gender issue, but also shared the concern of the Russian Federation as to the inclusion of the subject in the report without prior consideration. In addition, with respect to paragraph 34 (e), his delegation was opposed to establishing a link with other legal instruments, to which Cuba might not be a party.

30. **Mr. Incarnato** (Italy) said that his delegation would accept the relocation of the content of paragraphs 34 (d) and (e) to the section on “Follow-up”, though that was not the most satisfactory solution.

31. **The President** said that gender was a topical issue that frequently came up in discussions on disarmament. The sharing of information on the matter was not mandatory but, under the terms of paragraph 34 (d), would be carried out on a voluntary basis. Many States believed that gender was an important issue, especially when it came to victim assistance and vulnerable groups. As to the coordinator mechanism, the creation of such a post, or rather two posts, would have no cost implications, but would help improve the quality of the work.

32. **Mr. Vorontsov** (Russian Federation) said that the Russian Federation understood that a group of delegations wished to consider the matter addressed in paragraph 34 (d), but no decision had been taken in that regard in previous meetings related to Protocol V. As a contracting Party that fulfilled its obligations under the Protocol, the Russian Federation would like to contribute to the implementation of such a measure, even if it was only voluntary, but could not make any commitment as yet. With reference to paragraph 34 (e), account should be taken of the complex financial situation of the Conference and the lack

of time. Although some contended that the creation of a coordinator's post would have no financial implications for the contracting Parties, States would have to send experts to take part in the activities that were organized, owing to the technical nature of the matters to be discussed. The Russian Federation could not commit itself without having looked into the matter with the relevant experts and ministries, in particular the Ministry of Finance. It did not currently have the means to take part in such activities or to fulfil the obligations related to the implementation of paragraphs 34 (d) and (e).

33. **The President** said that there was some confusion surrounding the notion of coordinator; speakers were referring to a post when in reality it was a mechanism, and it had already been mentioned in the 2007 outcome document. She suggested adding to the text of subparagraph (e) a sentence to indicate that there would be no financial implications. Moreover, the United States had proposed moving subparagraph (d) to paragraph 38 bis, which would make it possible to address the matter and to keep it on the Conference agenda.

34. **Mr. Vorontsov** (Russian Federation), referring to paragraph 34 (e), said that stating that the appointment of a coordinator would have no financial implications would be a step in the right direction. However, the problem was not so much the funding of the coordinator mechanism itself as the financial burden such a function would place on delegations, which needed resources to send experts representing their various ministries and departments. The budget of the Russian Federation for 2020 had already been decided and it would be necessary to obtain the approval of the Ministry of Finance and the other ministries and departments that would be involved in the work.

35. **The President** said that the appointment of a coordinator would not entail any additional activities or meetings. She asked whether the Russian Federation could consider moving paragraph 34 (d) to section F, where it would become paragraph 38 bis.

36. **Mr. Vorontsov** (Russian Federation) said that moving paragraph 34 (d) in its current form would not solve the problem. As to paragraph 34 (e), the Russian Federation did not see the need to appoint a coordinator if they carried out no activities and organized no meetings. The issue of victim assistance had thus far been discussed very effectively without a coordinator and the delegation of the Russian Federation failed to understand what would be the added value of the appointment of such a coordinator.

37. **Mr. Delgado Sánchez** (Cuba) recalled that, in 2007, Cuba had not been a contracting Party to the Protocol. He said that, under the terms of paragraph 38 of the final document of 2007, the Conference had decided "to establish a mechanism for consultation and cooperation consisting of informal meetings of experts, chaired by Coordinators, on issues such as ...", followed by a list of issues. It was that kind of coordinator that was now under discussion. The coordinator would be required to organize meetings of experts and it was hard to see how that would have no financial implications. The delegation of Cuba had received no instructions on the matter. Moreover, it would not accept the establishment of a link between Protocol V and other instruments, for the coordinator might propose a joint meeting with another protocol or treaty to which Cuba was not a party. Cuba would not participate in any such meeting, even an unofficial one. As the terms of reference and objectives of the coordinator had not been specified, Cuba was not in a position to accept the proposal.

38. **Ms. Marchand** (Belgium) said that she was very surprised at the statements by the Russian Federation and Cuba on the financial implications of the creation of the post of coordinator. It was perhaps the use of the term "appoint" in paragraph 34 that was causing the confusion; it might be better to say "nominate". The position of coordinator had been in existence for years in the framework of the Anti-Personnel Mine Ban Treaty and the Convention on Cluster Munitions. It was a voluntary position, taken on by a State with an interest in the matter. It could liaise with the other States in order to take note of the work done on victim assistance, analyse the national reports submitted and present findings or recommendations to the annual Conference. It could also organize events, but that was not essential and required the authorization of the States.

39. **Mr. Lai** (China) said that, since the 2007 text provided for the holding of informal meetings of experts, it could not be claimed that the nomination of a coordinator would not have financial implications.

40. **Mr. Vorontsov** (Russian Federation) said that his delegation associated itself with the statement by China. The agreement of States' financial authorities would be required for participation in such informal meetings of experts, because of their financial implications.

41. **The President** suggested suspending the meeting in order to dispel certain misunderstandings.

The meeting was suspended at 4.30 p.m. and resumed at 5.10 p.m.

42. **The President** introduced a new wording for paragraph 34, on the basis of proposals by the United States and the Russian Federation. Paragraph 34 (c) had been recast in the conditional, "shall" being replaced with "should", while subparagraph (e) became subparagraph (d).

43. **Mr. Vorontsov** (Russian Federation) requested clarification of the wording of new subparagraph (d). He noted that, as it stood, the subparagraph did not specify when the coordinator should be nominated by the President-designate.

44. **The President** suggested adding the words "as soon as possible" in order to make it clearer. Subparagraph (d) would therefore read: "(d) Pursuant to the implementation mechanism established at the first Conference of the High Contracting Parties to Protocol V (CCW/P.V/CONF/2007/1) and established practice, the Conference decided to nominate a Coordinator on victim assistance, to be identified by the President-designate of the Fourteenth Annual Conference as soon as possible, to prepare and chair relevant work of the 2020 Meeting of Experts and to report back to the Fourteenth Annual Conference. This nomination will not incur any additional financial costs to the High Contracting Parties."

45. *It was so decided.*

46. *Paragraphs 33 and 34, as amended, were adopted.*

Paragraphs 35 and 36

47. **The President** suggested, in paragraph 36 (a), adding the words "as soon as possible", and using similar wording to that agreed for paragraph 34, i.e., "(a) Pursuant to the implementation mechanism established at the first Conference of the High Contracting Parties to Protocol V (CCW/P.V/CONF/2007/1) and established practice, the Conference decided to nominate a Coordinator on clearance and technical assistance, to be identified by the President-designate of the Fourteenth Annual Conference as soon as possible, to prepare and chair relevant work of the 2020 Meeting of Experts and to report back to the Fourteenth Annual Conference. This nomination will not incur any additional financial costs to the High Contracting Parties."

48. **Mr. Vorontsov** (Russian Federation) proposed that subparagraph (b) should be amended in line with paragraph 34 (c), replacing "shall" with "should", and that subparagraph (c) should be deleted in the absence of a substantive discussion on gender mainstreaming in clearance activities.

49. *It was so decided.*

50. *Paragraphs 35 and 36, as amended, were adopted.*

Paragraphs 37 and 38

51. **Mr. Vorontsov** (Russian Federation) proposed, in paragraph 37, using a similar wording to that used in the final document of the previous year regarding the duration of the Meeting of Experts. Thus the words "a duration of one-and-a-half days" would be replaced with the words "a duration of up to one-and-a-half days".

52. **Mr. Dorosin** (United States of America) said that paragraph 38 gave the Conference discretion to establish in detail the modalities of work for the coming year, which was acceptable in principle but might encroach on the discretionary powers of the President-designate and the future President. It would be a good idea to include in that paragraph language giving the incumbents some flexibility in setting the priorities for the work of the

coming year. He therefore proposed amending paragraph 38 by inserting the words “at the discretion of the President-designate” after the words “the following issues”.

53. *It was so decided.*

54. **Mr. Pisarevich** (Belarus) recalled that his country had asked to assume the presidency of the Conference in 2020. He said that he had no objection to the wording of paragraph 38, provided that the coordination of the work was effectively entrusted to the President-designate.

55. *Paragraphs 37 and 38, as amended, were adopted.*

Paragraphs 39 and 40

56. *Paragraphs 39 and 40 were adopted.*

Paragraph 41

57. **Mr. Vorontsov** (Russian Federation) proposed considering annex 1, to which paragraph 41 referred. No meeting of any subsidiary bodies had been scheduled for 2020 in the framework of Protocol V and consequently no report by any such bodies would need to be considered. He therefore wondered if agenda item 12, Report(s) of any subsidiary organ(s), was needed and proposed that it should be deleted, on the understanding that it could be reintroduced if necessary in following years.

58. **The President** said that the agenda and the various agenda items had been agreed in a “standard” format and that item 12 should therefore be retained in the agenda.

59. *Paragraph 41 was adopted.*

Paragraph 42

60. *Paragraph 42 was adopted.*

Annexes I to III

61. *Annexes I to III were adopted.*

62. *The draft final document of the Thirteenth Conference of the High Contracting Parties to Protocol V, as a whole, as amended, was adopted.*

63. **The President** pointed out that many delegations wished to discuss gender issues, which were important in the context of disarmament and of Protocol V.

Closure of the Conference

64. **The President** declared the Thirteenth Conference of the High Contracting Parties to Protocol V closed.

The meeting rose at 5.50 p.m.