

**ELEVENTH 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, 11 November 2009**  
Item 12 of the provisional agenda  
**Report(s) of any subsidiary organ(s)**

**OPERATION AND STATUS OF THE PROTOCOL; MATTERS ARISING  
FROM REPORTS BY HIGH CONTRACTING PARTIES ACCORDING TO  
PARAGRAPH 4 OF ARTICLE 13 OF AMENDED PROTOCOL II; AND  
DEVELOPMENT OF TECHNOLOGIES TO PROTECT CIVILIANS  
AGAINST INDISCRIMINATE EFFECTS OF MINES**

Submitted by the Friend of the President<sup>1</sup>

**I. Introduction**

1. The Tenth Annual Conference of the High Contracting Parties to the CCW Amended Protocol II (AP.II) decided to establish an informal open-ended Group of Experts. Under the overall responsibility of the President-designate of the Eleventh Annual Conference of High Contracting Parties to Amended Protocol II, the Group was mandated, *inter alia*, to review the operation and status of the Protocol, consider matters arising from the national annual reports according to paragraph 4 of Article 13 of AP.II, as well as development of technologies to protect civilians against indiscriminate effects of mines.

2. The meeting of the open-ended Group of Expert was held on 20 and 21 April 2009 at the Palais des Nations, Geneva. In order to better structure the debate, the Friend of the president has prepared and circulated in advance of the session of the group Discussion paper #2. The State Parties were invited, in particular, to provide their comments and views on ways and means to give impetus to AP.II and promote its universality, on national reporting, on development of technologies to protect civilians against indiscriminate effects, as well as on any other relevant matter that could be considered by the Group of Experts.

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<sup>1</sup> Mr. Abderrazzak Laassel of Morocco was appointed by Ambassador Jānis Mažeiks of Latvia, President-designate of the Eleventh Annual Conference of High Contracting Parties to CCW Amended Protocol II (APII), as Friend of the President on the operation and status of the Protocol; on matters arising from reports by High Contracting Parties according to paragraph 4 of Article 13 of Amended Protocol II; as well as on development of technologies to protect civilians against indiscriminate effects of mines.

## **II. Universalization of AP.II**

3. The universalization of AP.II was discussed by the Group of Experts. It was noted that the number of States Parties to AP.II has doubled since 1999 and has reached 92 at the Tenth Annual Conference. The States Parties appealed to those States that have not yet done so to consider expressing their consent as soon as possible to be bound by Amended Protocol II.

4. The States Parties were called upon to intensify their efforts to promote the universality of the Protocol. It was also noted that some States do not join the CCW and its Protocols because they are confused by the structure of the Convention rather than for any political or legal reason. In this respect it was suggested that the CCW States Parties should consider the denunciation or the termination of the original Protocol II which was not effective and did not prevent the severe humanitarian crisis associated with the use of landmines.

## **III. Implementation of Amended Protocol II**

5. Several States Parties provided information on the steps taken at national level to implement the provisions of Amended Protocol II.

6. It was recalled, in particular, that at the Third Review Conference of the High Contracting Parties to the Convention over 26 States made declarations on unilateral measures they intended to undertake at national level with regards to Mines Other Than Anti-Personnel Mines. These States were invited to advise the Group or the Annual Conference of the steps taken to implement this declaration.

7. Views were also expressed that the Group should consider the issue of the anti-vehicle mines with sensitive fuzes.

## **IV. Matters Arising from the Annual National Reports**

8. It was noted that most of the High Contracting Parties to AP.II have met their reporting obligations although there is a certain decrease in the percentage of compliance in these last few years. In this regard the Friend of the President appealed to all States that have not yet submitted their reports this year to do so as early as possible. A letter of reminder of the reporting obligations and the deadline of submission of the national annual reports was circulated on 16 September 2009 by the Friend of the President.

9. A view was expressed that those State Parties to AP.II that have difficulties at the national level in collecting the necessary data and information, preparing, and submitting the national annual reports should be able to benefit from the knowledge and experience of other State Parties, the members of the UN Mine Action Team, or NGOs in this field through the establishment of an international cooperation mechanism.

10. In considering this matter, a view was expressed to revisit and update the AP.II Guide on National Reporting. A view was also expressed that States should consider the possibility of mainstreaming the reporting process through the adoption of unified national reports on all relevant treaties, such as the CCW, the Mine-Ban Convention and the Convention on Cluster Munitions. In this respect the Experts Group agreed that the formats of the national annual reports as well as the Guide are still relevant. The adoption of a unified national report is not workable due to the different membership of the relevant conventions and their fora.

11. No discussion was conducted on the development of technologies to protect civilians against indiscriminate effects.

## **V. Recommendations**

12. The Eleventh Annual Conference of the High Contracting Parties to CCW Amended Protocol II may wish to take the following decisions:

- (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 development of technologies to protect civilians against indiscriminate effects of mines.
- (b) The Plan of Action to Promote the Universality of CCW and its annexed Protocols is the relevant mechanism to enhance the State non Parties' interest to the Convention and its protocols. Against this background the Conference shall encourage the States Parties and the CCW Secretariat to intensify their efforts to implement the Plan of Action to promote the universalization of CCW and its protocols, in particular through the organization of more national and regional seminars aiming at promoting and explaining CCW and its Protocols.
- (c) The Group of Experts shall analyze the implementation of the reporting obligations by the States parties and the content of their national annual reports. The Group shall consider, in particular, the proposal and make a recommendation on the possible synchronization of the submission of the national annual reports under paragraph 4 of Article 13 of AP.II with national reports submitted under other legal regimes, such as the CCW Protocol V.

13. The States Parties may also wish to consider the legal possibility and the feasibility of denouncing the original CCW Protocol II.

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