DISCUSSION PAPER 2

Presented by Mr. Abderrazzak LAASSEL of Morocco,
Friend of the President on the operation and status of Amended Protocol II; on matters arising from reports by High Contracting parties according to paragraph 4 of article 13 of Amended Protocol II; and on development of technologies to protect civilians against indiscriminate effects of mines.

OPERATION AND STATUS OF AMENDED PROTOCOL II

Food-for-Thought Paper

Background

As you remember, the High contracting parties to Amended Protocol II decided to establish an informal open ended Group of Experts. Under the over all responsibility of the President-designate of the eleventh annual Conference, the Group of Experts shall review the operation and status of the protocol, consider matters arising from reports by High Contracting parties according to paragraph 4 of article 13 of amended protocol II, as well as development of technologies to protect civilians against indiscriminate effects of mines. The Group shall also address issue of improvised explosive devices.

Paragraph 4 of article 13 stipulates:

" The High Contracting Parties shall provide annual reports (eight weeks prior to the annual conference) to the Depository, who shall circulate them to all High Contracting Parties in advance of the Conference, on any of the following matters:
(a) Dissemination of information on this Protocol to their armed forces and to the civilian population;
(b) Mine clearance and rehabilitation programmes;
(c) Steps taken to meet technical requirements of this Protocol and any other relevant information pertaining thereto;
(d) Legislation related to this Protocol;
(e) Measures taken on international technical information exchange, on international cooperation on mine clearance, and on technical cooperation and assistance; and
(f) Other relevant matters".

The proposed approach shall be following the same order in the agenda for the tenth annual conference and its adaptation to the mandate:

- Operation and status
- Consideration of matters arising from national reports
- Development of technologies to protect civilians against indiscriminate effects of mines
- Any other matters

I- Operation and Status: give impetus to Amended APIII and promote its universality:

1. Universalization of Amended Protocol II
The Tenth annual conference of the High Contracting parties to amended protocol II has launched an appeal on the occasion of the tenth anniversary of the entry into force of the protocol where it welcomed the fact that 92 States have notified the depositary of their consent to be bound by Amended protocol II and welcomed the adoption by the third review conference of the High Contacting parties to the CCW of the Plan of action to promote the Universality of the CCW and its annexed protocols. The States Parties are encouraged to inform on the steps taken to implement the above decisions. The Observing States may wish to inform on steps undertaken towards their accession to the Protocol.

2. Implementation of Amended protocol II

The consideration of this item will be an opportunity to examine actions taken by the High Contracting Parties toward the implementation of APII, in particular:
  • Inclusion of APII provisions in the Military curricula
  • Raising civilian population awareness
  • National capacity building
  • Exchange of information and dissemination of knowledge
  • Organization of seminars for Non-State Parties
  • Conduct of bilateral missions to raise awareness on humanitarian impact and the adherence incentives: demining and clearance assistance, victim assistance.

In order to launch the discussion, presentations will be made by an international expert and representatives of a State Party having specific legislation on landmines and of a State party having included the provision in its common law.

The presentations will be followed by a general exchange of views. The States Parties are encouraged to express their views on the status and operation of Amended Protocol II.

II- Matters arising from annual National Reports:

A chart on reporting history as well as the Guide on National Annual Reports will be presented for review and discussion. The States Parties are encouraged to express their views on the reporting process, including on the use of the information contained in the national reports and the Member States’ reporting practice.

The States Parties are also encouraged to consider the need of amending the Guide.

III- Development of technologies to protect civilians against indiscriminate effects:

State Parties may consider sharing experiences on the use of technologies to protect civilians against indiscriminate effects of mines and other explosive devices regulated by APII.

IV- Any other relevant matters that could be considered by the open-ended Group of Experts.