

Convention on Certain Conventional Weapons - Amended Protocol II

Non-paper of the President-designate

The purpose of this non-paper is to provide High Contracting Parties to the Amended Protocol II with basic outline of the main - in view of the Presidency - problems and challenges that can and should be addressed during Annual Conference of High Contracting Parties on 12 November 2019. The list of the issues is not an exhaustive one and in no way prejudge the scope of our debate.

UNIVERSALIZATION

There are currently 106 High Contracting Parties (HCP) to the Amended Protocol II among 125 State-Parties to the Convention on Certain Conventional Weapons (CCW). In spite of relatively high ratio of universalization (84 percent), it is not sufficient to fully exploit the potential of APII within the CCW convention.

What else can be done in order to encourage remaining states to join APII? Do we see, for instance, possibility to influence their positions via different regional fora? How to even better present the advantages of being High Contracting Party to the APII?

REPORTING

Reporting is, in fact, sharing with others important information concerning implementation of APII. Moreover, reporting is an obligation stemming from the provisions of the Protocol. The current level of reporting is not satisfactory, since it circulates around 60 percent, which is very low. Having in mind that reporting may constitute also certain administrative burden for some HCP :

What could be the ways to facilitate and foster - firstly, preparation processes of reporting by those states which have never reported so far; - secondly, assuring higher and systematic level of reporting? Do we think that, for example, a voluntary "twinning exercise" would be an useful tool to consider?

ARTICLE 11 – TECHNOLOGICAL COOPERATION AND ASSISTANCE

Technological cooperation and assistance is a right and at the same time obligation for the High Contracting Parties of Amended Protocol II. It is in our common interest to ensure the highest possible standards of mines clearance also by cooperating, sharing information and experience as well as by providing assistance.

Do we recognize any particular problems or obstacles in fulfilling obligations stemming from Article 11? What would be the best, most effective ways to improve the standards of cooperation and aligning level of expertise among the High Contracting Parties?

ARTICLE 14 – COMPLIANCE

The issue of compliance is a key factor for effectiveness and credibility of Amended Protocol II. Full implementation of all provisions of APII by the High Contracting Parties, including Technical Annex, constitutes a basic obligation.

What are the means to assure compliance within Amended Protocol II? To what extent do the measures taken and envisaged by the High Contracting Parties to assure compliance differ among the HCP? Should we develop minimum level of ambition or collect a set of “best practices” with regard to this matter?

MINES OTHER THAN ANTI-PERSONNEL MINES (MOTAPM)

While elaborating on mines other than anti-personnel mines (MOTAPM) it is necessary to state three fundamental factors:

- Amended Protocol II is the only legal international instrument which regulates use of MOTAPM;
- mines other than anti-personnel mines is a legitimate type of weapon;
- despite being designed and produced to destroy vehicles, MOTAPM causes victims among civilian population.

Having the aforementioned in mind and in order to find a proper balance between humanitarian dimension and considerations of national defense:

Can we agree to continue in the future an informal discussion within the Amended Protocol II meetings on different aspects of MOTAPM? What would be the effective means to ensure proper balance between humanitarian dimension and the needs of national defense?