Mr. President,

It is an honour for me to present this report in my capacity as the President of the 2009 Eleventh Annual Conference of the High Contracting Parties to Amended Protocol II to the Convention on Prohibitions and Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to be Excessively Injurious or to Have Indiscriminate Effects or CCW.

Since its adoption in 1980 the CCW has evolved through the efforts of its States Parties in becoming a key international humanitarian law treaty, an indispensable element of contemporary humanitarian, disarmament and arms control machinery, as well as a valuable forum to consider how best to protect both civilians and military personnel from the effects of hostilities.

CCW Amended Protocol II regulates the use, production, and transfer of mines, booby-traps and other devices. The Protocol, which entered into force on 3rd December 1998, marked a significant advancement in addressing humanitarian concerns relating to anti-personnel landmines. The adherence of key mine-using and producing military States significantly broaden the scope of those merits.

Thus far a total of [95] States are party to Amended Protocol II, an increase of two States since last year with the Dominican Republic joining on 21st June and Gabon on 22 September 2010. I would like to express my hope that other UN member States will follow their commendable example and will bring closer the objective of universal membership of CCW and its Protocols.

Latvia is one of the [47] States that have acceded to all of the Protocols and amendments to the Convention. Latvia is fully committed to the provisions of the Amended Protocol.

Mr. President,

Like in the case of the framework convention, the implementation of Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices as amended on 3rd May 1996, has also evolved. In particular, its Group of experts is now meeting annually and considers matters relating to the status and implementation of the protocol, including its transparency reporting mechanism.

Two questions addressed by the Group of Experts and reported to the annual conference of the High Contracting Parties are of particular interest.

On the one hand, this is the issue of improvised explosive devices. Under the very able leadership of the Coordinator, Mr. Reto Wollenmann of Switzerland, the States parties and many experts from different States and organizations are considering the different legal, military, technological,
security and humanitarian aspects of the use of IEDs and national experience in countering this very specific type of self-made weapon. This is a real exploratory work aimed at better understanding a problem which is the real scourge of war in many parts of the world.

On the other hand, the fate of the original Protocol II is also centering our attention. As you are all aware, today it is widely recognized that the original – unamended – Protocol II has serious shortcomings. To briefly recall, this Protocol had failed to prevent the disastrous humanitarian crisis of the early 1990s which was provoked by the worldwide use of landmines. Based on the assessment that much firmer measures are needed in order to find an effective way of improving the situation, urgent negotiations took place in 1995-1996 and culminated in the adoption of the Amended Protocol II and the Anti-Personnel Mine Ban Treaty, also known as the Ottawa Convention.

For the above reasons, the original Protocol II has little, if any, humanitarian, legal, military, or political logic and is superseded by the higher international standards contained in Amended Protocol II and the Mine Ban Treaty. However, the Protocol is still in force and in various cases creates confusion, in particular, among the States not parties to the Convention which are often perplexed by the complicated structure of the CCW with its amended Article 1, and five annexed protocols, one of which was also amended.

Against this background, the States parties to Amended Protocol II have initiated, under the guidance of the Coordinator, Mr. Abderrazzak Laassel of Morocco, a focused discussion on the legal possibility and the feasibility of terminating the original CCW Protocol II. Those countries that are parties to the original Protocol II but have not yet acceded to Amended Protocol II have been invited to consider becoming party to it as soon as possible in order to facilitate the termination of the original Protocol II. In the course of past year I have maintained dialogue with the countries concerned in my capacity as the President of the Eleventh Annual Conference of the High Contracting Parties to Amended Protocol II; several of them have informed me that they are currently reviewing possibilities for acceding to Amended Protocol II. It is perceived that such a transition towards a higher set of standards would be desirable from the point of view of international humanitarian law; at the same time one must be ready to take into account the political sensitivities that this legal action could entail at the national level. Termination of the original Protocol II would streamline the Convention and help simplify its complicated structure.

In view of the above and in my capacity as President of the Eleventh Annual Conference of the High Contracting Parties to Amended Protocol II, I would like to reiterate my call to those States that are parties to the original Protocol II but have not yet acceded to Amended Protocol II to consider acceding to it as soon as possible.

In concluding, Mr. President, such action would also serve well the achievement of universal adherence to Amended Protocol II and would indeed represent a substantial contribution to the strengthening of international humanitarian law.

I thank you, Mr. President.