
Seventh Conference of the High Contracting Parties 2 September 2013
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

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Report

National reporting

Submitted by the Coordinator on national reporting¹

Introduction

1. National reporting plays an important role in creating greater transparency, building confidence that High Contracting Parties are fulfilling their obligations under Protocol V and encouraging a culture of implementation.

Increasing the rate of national reporting

2. Three of the recommendations agreed to at the Sixth Conference were aimed at improving both the quantity and quality of national reporting. Those recommendations called on High Contracting Parties to submit reports, encouraged High Contracting Parties to use the Guide to National Reporting and for the Coordinator with the assistance of the CCW Implementation Support Unit to “consider how to encourage High Contracting Parties to report on their obligations relating them clearly as required with the national reporting form”.²

3. Overall the number of national reports submitted each year has been gradually increasing (see graph below). The Coordinator congratulated Albania, Chile and Cuba on submitting their first national annual reports in 2013. In order to increase the number of reports being submitted the Coordinator undertook direct consultations with those High Contracting Parties that had not yet done so.

¹ In accordance with the decision of the Sixth Conference of the High Contracting Parties to Protocol V on Explosive Remnants of War, as contained in paragraph 39(d) of its Final document (CCW/P.V/CONF/2012/10), the discussions on national reporting were led by Coordinator, Mr. Lode Dewaegheneire, Major Aviateur, of Belgium.

² Final document (Sixth Conference), CCW/P.V/CONF/2012/10, 30 November 2012, paragraphs 35(a), (b) and (d).

Improving the quality of national reports

4. In terms of improving the quality of reporting, the Coordinator emphasised that States needed to go beyond merely stating that a particular obligation had been implemented and provide information on how implementation had been carried out. Information concerning the challenges or difficulties States needed to overcome to implement a particular obligation was valuable for understanding where States may require assistance or in which areas the CCW Implementation Support Unit should be focusing its efforts. Efforts to assist States to improve the quality of reporting included the Coordinator providing a briefing during the session on clearance on reporting under Article 3 and the CCW Implementation Support Unit presenting a paper entitled “Making the most of national reporting”, which is attached in Annex 1.

Overlap between Forms E and F

5. The Sixth Conference recommended that the Meeting of Experts “continue its examination of the reporting forms and the Guide to National Reporting and in particular to examine the potential overlap between Forms E and F”.³ Form E addresses reporting on the implementation of Article 7 and specifically the issue of existing explosive remnants of war (ERW). Form F enables States to set out the range of cooperation and assistance activities listed in Article 8 that they support. Both forms E and F provided an opportunity for affected States to detail their challenges and needs for assistance.

6. From the 50 national annual reports submitted last year, it was found that:

- In eleven of the reports there was duplication between forms E and F. In other words either part or all of the same information was provided in both forms E and F.
- Four developed High Contracting Parties stated they did not seek assistance for dealing with existing ERW.
- Six High Contracting Parties stated that they were affected by ERW and three of those made it clear that they needed assistance.
- Fourteen High Contracting Parties did not provide any information in form E or simply stated that it was “not applicable”.

7. From the above statistics, an overlap in the reporting under forms E and F was evident. It appeared to be the case that a number of States simply did not discriminate between providing assistance for either existing ERW or assistance provided under Article 8. This point was made by one State which stated in form E that it treated “the provision for assistance for existing ERW in exactly the same manner as it does the provision of assistance under the terms of Article 8.”

8. The Coordinator proposed merging the two forms, which would mean that all requests for assistance and support for cooperation and assistance were provided in only one form. This in turn would make the information submitted easier to collate and assess. It would also cause less confusion for States concerning what information they should provide under forms E and F. There was immediate support for the Coordinator’s proposal. In particular, the United States believed that merging the two forms would allow for more comprehensive reporting on cooperation and assistance efforts. New Zealand emphasised that reporting should not be based on individual articles, but rather on the functional areas of the Protocol V.

³ *Ibid.*, paragraph 35(c).

Recommendations for the Meeting of Experts in 2014

9. Given the work carried out on national reporting during 2012, the Seventh Conference of the High Contracting Parties may wish to take the following decisions:

(a) All High Contracting Parties and observer States are called on to submit national reports.

(b) High Contracting Parties and observer States are encouraged to use the Guide to National Reporting, which was adopted by the Fourth Conference.

(c) To merge Forms E and F of the National Reporting Form as set out in Annex II of this report and for the Coordinator with the support of the CCW Implementation Support Unit to encourage High Contracting Parties to utilise the new Form on cooperation and assistance.

(d) The Coordinator with the support of the CCW Implementation Support Unit to ensure that the Guide to National Reporting reflects the recent changes made to the National Reporting Form and to examine the reporting under Article 3 of the Protocol.

Annex I

Protocol V on Explosive Remnants War – Making the most of national reporting

Introduction

1. The following paper has been prepared by the CCW Implementation Support Unit to assist High Contracting Parties with completing their national annual reports. Reporting presents an opportunity for High Contracting Parties to not only demonstrate their compliance with an international legal instrument, but also to highlight the laws, policies and preparations they have put in place to enhance their implementation of a particular treaty. There are nine individual forms within the Protocol V national reporting template. Not all of the nine forms are addressed below, only those where it has been identified that some further guidance could be provided to High Contracting Parties. Guidance on completing the national annual reporting template is already available in the forms of the Guide to National Reporting (CCW/P.V/CONF/2009/4/Add.1) and by looking at the national reports already submitted by other High Contracting Parties in the Protocol V national annual reporting database (see www.unoog.ch/ccw).

Form A on article 3 - preparedness for implementing Protocol V's obligations

2. An important aspect of Protocol V is that it establishes a framework for preventing humanitarian harm from ERW that is created in the future. This is most apparent in Article 3 on clearance, removal or destruction of ERW, which sets out who is responsible for surveillance and clearance operations and how these should be coordinated, carried out and resourced. Affected States have provided excellent reporting on their efforts to carryout surveillance, clearance and destruction of ERW on their territories.

3. In terms of demonstrating preparedness to implement the obligations of Article 3, it is useful under Form A for potential users of explosive ordnance to provide information on what they would do if they were to find themselves in a situation of armed conflict. For example, which part of a State's operation or administration would be responsible for deploying and resources for a clearance operation? What resources would be available? And would clearance teams be included in the deployment of the armed forces?

Form B on article 4 - recording, retaining and transmission of information

4. Article 4 of Protocol V requires that High Contracting Parties record the use or abandonment of explosive ordnance during an armed conflict and for that information to be stored. After the cessation of active hostilities the information recorded is to be made available to the party or parties in control of the affected areas either bilaterally or through a third party such as the United Nations.

5. A common error under Form B is for States to report on the extent of contamination on their territories. Again, Article 4 addresses recording the use or abandonment of explosive ordnance during an armed conflict and not the surveillance of contaminated areas

during peacetime. Form B requires armed forces to set out their procedures for fulfilling the obligations of Article 4.

Form G addresses article 9 – generic preventive measures

6. Generally, Form G has received a favourable response from High Contracting Parties. However, with the number of unplanned explosions at munitions sites in both developed and developing States increasing each year, it is important that High Contracting Parties take action in this area. A basic requirement for putting in place generic preventive measures in order to prevent accidents and unnecessary explosions is to establish laws, regulations or guidelines on the safe handling, transportation and storage of ammunition.

Form H on article 11 - compliance

7. Article 11 requires that High Contracting Parties ensure their “armed forces and relevant agencies or departments issue appropriate instructions and operating procedures and that its personnel receive training consistent with the relevant provisions of this Protocol”. An issue under Form H is that some States only provide information concerning training courses they are conducting on the clearance and destruction of ERW. However, Article 11 requires that training and instruction be provided on the relevant provisions of Protocol V. For example, if your armed forces are potential users of explosive ordnance then they will need instructions and training on Articles 3, 4, 5, 6 and 9.

Annex II

Form E
Steps taken to implement article 7 and article 8 of the Protocol:
Assistance with respect to existing explosive remnants of war and
cooperation and assistance

High Contracting Party: _____

Reporting for time period from: _____ to _____
[dd/mm/yyyy] [dd/mm/yyyy]

Steps taken to implement the provisions of Article 7 and Article 8:

Any other relevant information:

Form E(a)
Steps taken by States which have ERW victims to implement the relevant provisions of Article 8(2): Victim Assistance

High Contracting Party: _____

Reporting for time period from: _____ to _____
[dd/mm/yyyy] [dd/mm/yyyy]

Steps taken to implement the relevant provisions of Article 8(2):

Other relevant information, guided by the Plan of Action on Victim Assistance:
