
Convention on Cluster Munitions

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Operation and status of the Convention

Transparency measures and the exchange of information in the context of the Convention

State of play and the way ahead for a better exchange of information

Submitted by Belgium

Background

1. In accordance with Article 7 of the Convention, each State has to submit to the UN Secretary-General, an initial report and annual updates of the information provided, on matters covered by Article 7: national implementation measures referred to in Article 9, stockpiled cluster munitions and status of destruction programs of these cluster munitions, location of all contaminated areas under its jurisdiction or control and status of destruction programs of cluster munitions and explosive submunitions contained in these areas, cluster munitions retained or transferred for training purposes, status of programs for the conversion of cluster munitions production facilities, technical characteristics of each type of cluster munitions produced, owned or possessed, and the measures taken to provide warning to the population of all contaminated areas, the status and progress of the implementation of the obligations for victim assistance and the national and international resources allocated for the implementation of the Convention.
2. Reporting in accordance with Article 7 is an **obligation** that is relevant for all States Parties. But it is also a **tool** for achieving the full implementation of the Convention and an **opportunity** for States Parties to mobilize resources needed for achieving their obligations.
3. The Vientiane Action Plan gives a prominent place to the communication of detailed information on the obligations of the Convention, not only through formal means such as the Article 7 obligations, but also through informal means.
4. At the 2 MSP in Beirut and the 3 MSP in Oslo, it was noted that one of the key challenges was how to improve the quality of the submitted reports and how to ensure that information is submitted in a consistent and useful matter, highlighting the utility of the reporting guide in order to achieve this.

State of play

5. After the enthusiasm of the first years of the implementation of the Convention, a decrease in the rate of reporting has already been observed. While at the 2MSP and the 3MSP, the reporting rate was around 80 %, we see that more and more States parties are late with the submission of their initial report. Some of them even for more than one year. This raises concerns since the submission of the initial reports is crucial for the implementation of the Convention: they help us to have a clear picture of the extent of the problems caused by cluster munitions. They are also of big importance for the future actions to be taken to fully implement the Convention.

6. The experience in other Conventions have learned us that this decrease should be dealt with from the beginning if we want to avoid a loss of interest in reporting and certainly, but not only, when it comes to the submission of initial reports. Raising awareness about the importance of transparency measures in an important element in this.

7. The submitted reports have always been of a varying quality, from very exhaustive to hard to exploit. The Beirut Progress Report mentions the improvement of the quality as one of the key challenges in the field of reporting. Actions have already been undertaken but could be better exploited. Reporting should effectively communicate the extent of the remaining challenges which can only be achieved by consistent reporting in the initial reports (benchmark) and in the subsequent annual updates (progress and remaining challenges).

Way ahead

8. Belgium wishes to propose concrete actions with clear objectives to enhance the Article 7 reporting, as well on the quantitative as qualitative level. Enhancing the reporting can, in our opinion, only be achieved by a comprehensive approach, acknowledging the interaction between the different components of the action program and giving an important place to the advocacy of the importance of regular and clear exchange of information. Both in a formal and informal setting, as stated in Action #60 and #61 of the Vientiane Action Plan (VAP).

9. The first Review Conference will be the natural time limit of the objectives as it gives us the opportunity to evaluate the commitments in the field of reporting contained in the Vientiane Action Plan and to propose new actions for the next Action Plan based on the feedback of this paper

Reporting rate

10. The States Parties decided in Vientiane to fulfill their obligations in submitting their initial transparency reports and their annual updates (Action #58 and #59 of the VAP). Facing the decrease in the submissions, as well for initial reports as for annual updates, concrete actions have to be taken. Reasons for this decrease should be identified and there were necessary, assistance should be provided.

11. In this early phase of the implementation, a focus should be put on the initial reports, without jeopardizing the overall efforts for a full implementation of the Article 7 obligations.

Objectives:

12. Submission of all initial reports.
13. Increase the reporting rate for all States Parties with implementation obligations with the ultimate objective to reach the 100 per cent.
14. Creation of an informal Contact Group on Article 7 Reporting.

Actions

15. The coordinator, in close cooperation with all interested stakeholders, will take specific actions to obtain the full implementation of the submissions of initial reports from those States Parties that are still in the obligation to do so. Assistance for this submission will be proposed and provided.

16. The efforts made in the past for increasing the reporting rate will be maintained and fine-tuned there where necessary: reminder letters will be sent to all States Parties, bilateral contacts with States Parties encountering difficulties will be organized and assistance will be provided. A special focus will be put on States Parties that still have obligations within the Convention.

17. The coordinator will consult on the opportunity to create an informal Contact Group on Article 7 Reporting. This informal group, open for all interested stakeholders, could analyze the obstacles that some States Parties encounter in submitting their reports and reflect on possible actions to assist those States Parties. This Contact Group could meet at the intersessional meetings and at the Meetings of States Parties. A report will be made in plenary at these meetings.

Enhancing the precision and the quality of the submitted information

18. Having a high reporting rate without precise and accurate information is of less use. States Parties should be encouraged to give the clearest picture of the progress of the implementation of the Convention's obligations. They should be aware that the information contained in the initial and annual reports are essential for the full implementation of the Convention and that it can also support resource mobilization efforts.

19. We observed that States parties take often full advantage of the informal means for sharing information and for updating the progress of implementation. We'll continue to encourage this, but at the same time it is important to show the importance of having this detailed information also in a formal way, i.e. to the extent possible in the yearly reporting.

20. Therefore, the actions to enhance the quality of the submitted reports should be focused on raising awareness amongst the States Parties on the importance of reporting and on creating practical tools to help them in accomplishing his task in an efficient way. Finally, States Parties should be shown that their submitted information is analyzed and used for the implementation process.

21. These three approaches are interconnected influencing the benefit from one to another. The reporting format can only deliver accurate information when doubled by efficient guidance under the form of a detailed reporting guide. And States Parties will be encouraged to submit detailed reports if they are aware of the usefulness of the delivered information.

Objectives

22. For the next meetings of the Standing Committees, consult with the other co-chairs on the organization of a reporting presentation in their respective session and have at least one presentation realized during these meetings.
23. For the 4 MSP, having the reporting guide, presented at the 3MSP, consolidated.

Actions

24. Belgium will engage consultations with the other co-chairs to explore the possibility or having a reporting presentation in their respective thematic sessions and on how these presentations can be the most efficient. A first experience took place during the technical workshops of the 2013 Intersessional meetings. This experience should be fine-tuned. A more detailed presentation limited to one thematic issue would be more efficient. We will explore this idea and identify which thematic issue could take the most benefit of this approach.
25. At the 3MSP, Belgium proposed a draft reporting guide. This guide is intended to assist the States Parties in submitting accurate and detailed information. This guide has been consolidated with the inputs of all interested stakeholders. It is available on the Convention's website and will be updated when necessary.
26. When appropriate, specific and more detailed guides could be drafted for some thematic issues. These issues will be identified after analyzes of the quality of the submitted reports.

Conclusions

27. The importance of reporting for the full implementation of the Convention has been recognized by all States Parties. Therefore, it is our duty to take full profit of all instruments and tools provided for the exchange of information.
28. Article 7 is very clear about that: reporting is a legal obligation. It is not always an easy obligation and some States Parties encounter difficulties in submitting their national reports. That is why we should provide assistance and deliver tools to help them with fulfilling this important obligation.
29. This paper has the intention to propose clear objectives and actions in order to have better and efficient exchange of information on the implementation. Raising awareness on the importance and the opportunity of reporting completes the toolbox we want to offer.
30. The objectives and actions of this paper will be evaluated at the First Review Conference and new actions will be proposed for the next Action Plan.
31. We invite all stakeholders to participate in this process by providing their valuable inputs and we invite all States Parties to fulfill, without delay, their Article 7 obligations.