

Review Conference of States Parties to the Convention on Cluster Munitions

23 December 2014

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Geneva, 5 February 2015

Item 5 of the provisional agenda

Presentation on the review of the Vientiane Action Plan

Review of the Vientiane Action Plan IX Transparency and exchange of information measures

Submitted by the President to the Fifth Meeting of States Parties

Key messages

1. Submission of an initial transparency report followed by annual reports are legal obligations and a requirement under Article 7 but also an important means of transparency and a confidence building measure among States Parties to the Convention. Most States Parties have engaged in fulfilling their obligation to provide initial and annual reports. Notwithstanding, since the entry into force, a number of States Parties have yet to submit their initial transparency report and the annual reporting rate has declined.
2. Quality of submitted reports varies greatly and, when poor, it is a detriment to the implementation of the Convention on Cluster Munitions and the prospects of others to appreciate progress made as well as any needs for assistance that may be required to fulfil further obligations and implementation measures under the Convention. Improved quality of information would represent a good source for presenting planned implementation measures in line with compliance requirements and in identifying associated resource needs. As such, the annual transparency reports could be used as a management tool for implementation, especially in supporting cooperation and assistance among States.

Scope

3. The Vientiane Action Plan outlines actions for States in support of Article 7 requirements, suggesting detailed information that can help timely implementation and mobilise cooperation in victim assistance, clearance of cluster munitions remnants and in destroying stockpiled cluster munitions. It further suggests that States should engage in a spirit of cooperation beyond formal requirements, make use of synergies with other relevant treaty regimes and contribute to the development of purposeful reporting formats.

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Progress

4. Among the 88 States Parties¹ with Article 7 initial reporting requirements, 65 have done so to date and four are not yet due leaving a quarter of States² now late in compliance with Article 7 obligations. Since entry into force for each individual State Party, statistics show that merely 49 per cent of States parties have submitted all of their required annual reports. Eighteen per cent have submitted annual reports irregularly whilst 33 per cent have never submitted an annual report. On a positive note, three States not party to the Convention have provided voluntary Article 7 transparency reports, two of them on regular basis.

5. In addition to the information provided by States in initial and annual transparency reports, the intersessional meetings offer a platform for the exchange of information in an informal manner. States Parties have, to a large extent, taken advantage of the flexibility of informal reporting processes and exchanges of views on the practical implementation of the various provisions of the Convention.

6. To support States in the fulfilment of reporting obligations and in addressing the challenges raised above, a number of initiatives have been undertaken including the development and adoption by States Parties at the First Meeting of States Parties of a common reporting format to be used on a voluntary basis and, at the Third Meeting of States Parties, of a “Guide to Reporting” to guide States Parties in using the reporting format and in providing more purposeful information under Article 7 reporting. Furthermore, to raise the overall reporting rate, letters of reminder have been sent annually by the Coordinator, in close cooperation with the interim ISU, to all States Parties with reporting obligations. Further to this, reminder were sent to States Parties with initial, as well as annual transparency reports, still due. In addition, assistance was offered in support of Article 7 requirements and some States Parties seized this opportunity.

7. In order to enhance quality, awareness was raised with regards to the overall rational and importance of reporting. During the intersessional meetings of 2013 and 2014, presentations were provided with specific emphasis on clearance and victim assistance, highlighting the opportunities that strategic and well-articulated reporting can present in the field of cooperation and assistance.

8. At the Fourth Meeting of States Parties, the Coordinator on reporting presented a suggested action plan; “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”³. This plan proposed concrete actions with clear objectives to further enhance Article 7 reporting, both with regards to quantitative and qualitative aspects. A “Guide to

¹ The initial transparency report of four States parties: Belize, Congo, Guinea and Guyana is not yet due.

² Bolivia /Plurinational State of) (initial submission due 30 March 2014), Cameroon (initial submission due 30 June 2013), Cape Verde (initial submission due 28 October 2011), Chad (initial submission due 28 February 2014), Cook Islands (initial submission due 30 July 2012), Comoros (initial submission due 30 June 2011), Dominican Republic (initial submission due 28 November 2012), El Salvador (initial submission due 28 December 2011), Fiji (initial submission due 30 April 2011), Guinea Bissau (initial submission due 28 October 2011), Honduras (initial submission due 28 February 2013), Mali (initial submission due 30 May 2011), Nauru (initial submission due 28 January 2014), Niger (initial submission due 28 January 2011), Panama (initial submission due 28 October 2011), Saint Kitts and Nevis (initial submission due 28 August 2014), Togo (initial submission due 29 May 2013), Trinidad and Tobago (initial submission due 28 August 2012) and Tunisia (initial submission due 28 August 2011).

³ CCM/MSP/2013/WP.4

Reporting” was also proposed at the Third Meeting of States Parties. Adaptable, this guide is a living document and can be tailored to individual needs. In this context, the section on victim assistance is under review and will be presented shortly, taking into consideration the input provided by States.

Challenges highlighted since the First Meeting of States Parties

9. Despite these efforts, two main challenges have been highlighted consistently over the past five years: (a) the varying quality of reports raising questions with regards to the information pertaining to State Party implementation as well as potential needs for support under Article 3, 4 and 5 and subsequent to this, concerns with regards to whether information is provided in a consistent and useful manner; and (b) ensuring that States Parties that are late in submitting initial and/or annual transparency reports under Article 7, do so without further delay.

Recommendations

10. For States Parties to use transparency measures as a tool for (a) implementation, (b) increasing cooperation and assistance, (c) increasing exchange of information and (d) in increasing synergies with other relevant disarmament and/or humanitarian treaties by:

- providing initial transparency reports under Article 7 within the timeframe stated by the Convention;
 - providing annual transparency reports, maximizing its potential as a tool for assistance and cooperation in implementation, particularly in cases where States Parties must take action to destroy stockpiled cluster munitions, clear cluster munitions remnants and in assisting victims or in taking legal and other measures referred to in Article 9;
 - using formal and informal fora to provide updates on the implementation of provisions of the Convention, ensuring that updates are clearly reflected in formal annual transparency reports and in promoting these reports as practical tools for cooperation and assistance;
 - including detailed information on time-bound plans towards treaty compliance, with special emphasis regarding obligations under Articles 3, 4 and 5; and
 - in further developing reporting formats.
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