

**Third Conference of the High Contracting Parties
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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Item 13 of the provisional agenda

Report(s) of any subsidiary organ(s)

**Report on recording, retaining and transmission
of information**

**Submitted by the Coordinator¹ on national reporting,
pursuant to article 10, paragraph 2 (b) of the Protocol,
and article 4 generic electronic template**

**I. Organization and work of the 2010 Meeting of Experts on the issue of
article 4 generic electronic template**

1. The 2010 Meeting of Experts of the High Contracting Parties to CCW Protocol V (21-23 April 2010) continued the consideration of the implementation of article 4 based on the mandate as contained in the Final Document of the Third Conference of the High Contracting Parties to Protocol V (CCW/P.V/CONF/2009/9) as well as the informal discussion paper no. 3 titled "Recording, Retaining and Transfer of Information". Due to the close interrelation of the topic under consideration with the issue of clearance, removal or destruction of Explosive Remnants of War (ERW) the deliberations on these two issues were merged and co-chaired with the Coordinator on Clearance².

2. The Coordinator emphasized that all High Contracting Parties should, as follows:

(a) Develop, adopt and introduce national procedures to record and retain information on the use of explosive ordnance. Failure to meet these requirements will undermine the State's capability to fulfill its legally-binding obligations under article 4 during and after a conflict, if such a situation arises. Consequently, article 4 applies to all High Contracting Parties, regardless of their ERW status.

¹ In accordance with the relevant decision of the Third Conference of the High Contracting Parties to Protocol V on Explosive Remnants of War, as contained in paragraph 54 (e) of its Final Document (CCW/P.V/CONF/2009/9) the discussions on national reporting, pursuant to article 10, paragraph 2 (b) of the Protocol and on article 4 generic electronic template were coordinated by Mr. Henrik Markuš of Slovakia.

² Ms. Renata Alisauskiene of Lithuania.

(b) Report on the action they have taken to establish national systems, regulations and procedures for recording and retaining of information on the use of explosive ordnance that may become ERW;

(c) Provide views on the relevant United Nations structure to serve as focal point for transferring information pursuant to article 4 (2) of the Protocol.

3. A number of High Contracting Parties to Protocol V have responded positively and have provided comprehensive presentations on their national systems, regulations and procedures for recording and retaining of information on the use of explosive ordnance pursuant to article 4 of the Protocol. These presentations are available at the webpage of the 2010 Meeting of Experts of the CCW Protocol V website at <http://www.unog.ch/CCW/ProtocolV> and represent a useful source of possible approaches of meeting the article 4 obligations.

4. Some High Contracting Parties, however, have not yet provided any information on the way they are implementing their obligations under article 4. The Coordinator would like to encourage these States to advise on this matter at the next Meetings of Experts.

5. The issue of terminology in the context of the overall clarity of the article 4 generic electronic template was raised. In particular, the Coordinator reiterated the following elements:

(a) An extensive discussion on this issue was held during the First Meeting of Experts in July 2008 when the generic electronic template was developed. This discussion has revealed that for various reasons some States Parties are reluctant to see a more precise wording in the template;

(b) The article 4 generic electronic template, as adopted at the First Conference of the High Contracting Parties, represents a common denominator which have made consensus possible;

(c) The article 4 generic electronic template is only a recommended tool and remains open for amendments and adjustments at the national level. Hence the States Parties are free to establish such a national system on recording and retaining of information on the use of explosive ordnance they deem appropriate in their specific cases and circumstances;

(d) This issue represents an important subject for expert consideration and should be further discussed.

6. The Meeting of Experts also dealt with the issue of identification of the relevant United Nations structure to serve as the focal point for collecting and transmitting information pursuant to article 4 (2). The High Contracting Parties agreed to recommend to the Fourth Conference that the CCW Secretariat (Implementation Support Unit [ISU]) take over this function.

II. Recommendations

7. In light of the above, it is recommended that the Fourth Conference of the High Contracting Parties takes the following decisions:

(a) To keep under further review the implementation of article 4 by the High Contracting Parties, including the adequacy and the usefulness of the article 4 generic electronic template as a tool for effective recording and retaining of information pertinent to the implementation of article 4 of the Protocol;

(b) The 2011 Meeting of Experts to continue the consideration of the implementation of article 4, which would include, *inter alia*:

(i) national procedures and experience in the implementation of the High Contracting Parties' obligations under article 4. Discussion paper no. 3 titled "Recording, Retaining and Transfer of Information" may continue to serve as a basis for the discussion on the actions taken in this respect; and

(ii) action taken in making use of the article 4 generic electronic template at the national level by High Contracting Parties that have not established their own national system for recording and retaining information pursuant to article 4 of the Protocol. Discussion paper no. 2 of the 2009 Meeting of Experts titled "Elements for Consideration on article 4 generic electronic template" may continue to serve as a basis for the discussion on actions taken in this respect.

(c) To merge the deliberations on the implementation of article 4 of the Protocol with those on clearance, removal or destruction of ERW, under the overall responsibility of the Coordinator on Clearance;

(d) To designate the CCW Secretariat (CCW Implementation Support Unit) to serve as the focal point for collecting and transmitting information pursuant to article 4 (2).
