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**Sixth 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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## **Report on National Reporting**

### **Submitted by the Coordinator<sup>1</sup> on National Reporting**

#### **Introduction**

1. National reporting is crucial for creating transparency and building confidence in the implementation of Protocol V. The Meeting of Experts was an opportunity to assess the progress made by High Contracting Parties in terms of both the rate and quality of reporting.
2. In 2011 the Fifth Conference of High Contracting Parties decided that:
  - (a) All High Contracting Parties and observer States to be encouraged to submit national reports.
  - (b) High Contracting Parties are encouraged to use the Guide to National Reporting, which was adopted by the Fourth Conference.
  - (c) The Meeting of Experts in 2012 to continue its examination of the reporting forms and the Guide to National Reporting with a view to making recommendations to the Sixth Conference.
  - (d) The Coordinator with the support of the CCW Implementation Support Unit to provide an assessment from the national reports submitted on the utility of the Guide to National Reporting and the progress in implementing the provisions of Protocol V for the Meeting of Experts in 2012.

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<sup>1</sup> In accordance with the decision of the Fifth Conference of the High Contracting Parties to Protocol V on Explosive Remnants of War, as contained in paragraph 43(d) of its Final Document (CCW/P.V/CONF/2011/12), the discussions on National Reporting were led by Mr. Amandeep Singh Gill of India as the Coordinator.

## **The rate of national reporting**

3. From 2009 to 2011, the rate of reporting under Protocol V consistently increased. From 2010 to 2011, the reporting rate made it over the 60% mark and was inching closer towards 70%. These results will be published as an addendum to this report. In 2011, the Coordinator on National Reporting had written to all of those High Contracting Parties which had not submitted reports and in 2012 he held a meeting with non-reporting High Contracting Parties in the margins of the Meeting of Experts. The meeting was an opportunity to have a frank discussion with High Contracting Parties on the challenges they faced in fulfilling their reporting obligations. The meeting included the CCW Implementation Support Unit, United Nations Office for Disarmament Affairs and United Nations Mine Action Service.

## **The assessment of the national reports submitted on the utility of the Guide to National Reporting and the progress in implementing the provisions of Protocol V**

4. In accordance with the mandate from the Fifth Conference, the CCW Implementation Support Unit provided an assessment on the utility of the Guide to National Reporting and the progress in implementing the provisions of Protocol V. The assessment was on the information provided by High Contracting Parties in their national annual reports. In carrying out the assessment, the CCW Implementation Support Unit was assisted by colleagues within Permanent Missions and the United Nations to translate the reports.

5. The reports of 52 High Contracting Parties were assessed. The highest response rate was on Form H which addresses compliance and achieved 40 responses. Specifically, Form H requires High Contracting Parties to provide instructions and operating procedures on Protocol V to their armed forces. The second highest response rate was on Form G - Generic Preventive Measures with 38 States responding.

6. From the assessment the following issues arose:

(a) There was considerable difference between the number of States that initially responded to an obligation set out in the national reporting form and then the number of States which provided information on work being carried out to implement the related article. Clearly, more effort was needed on reflecting Protocol V's obligations clearly in reporting on their implementation.

(b) Certain sections of the national reporting form appear to be addressed towards only affected States. Examples of such forms were A, C and D where a number of High Contracting Parties responded that particular obligations were not applicable to them as they were not affected by explosive remnants of war (ERW). In contrast, other non-affected High Contracting Parties provided information on what their policies would be in the case that they were in the situation of an armed conflict. An example was Form A on the clearance, removal or destruction of ERW, where understandably a number of non-affected High Contracting Parties responded as 'non-applicable'. While other High Contracting Parties set out their policies and resources to be deployed if they were to find themselves in a situation where they needed to either lead or assist with a clearance operation. Reporting on a State's policies and preparation for a situation of armed conflict was valuable information and indicated the readiness of High Contracting Parties to implement Protocol V.

(c) Some High Contracting Parties reported on victim assistance support within their own territories. Nine States self-identified as being affected and reported on their

efforts to support victims. Such information was submitted under Forms A, C, E or Form F which concerns international cooperation and assistance. This highlights a need for States, which self-identify themselves as being affected, to have a precise section in the reporting form under which they could submit information on victim assistance.

7. The main results of the assessment are set out below:

(a) Form A: Steps taken to implement Article 3 of the Protocol: Clearance, removal or destruction of ERW: 23 High Contracting Parties responded positively to Form A. From those 23 High Contracting Parties, 17 described the cause of ERW contamination, 14 submitted details on the extent of the contamination, 22 described the steps taken to implement the responsibilities set out in Article 3, and 18 set out the resources they provided for marking and clearance operations.

(b) Form B: Steps taken to implement Article 4 of the Protocol: Recording, retaining and transmission of information: 30 High Contracting Parties responded positively to Form B. From those 30 High Contracting Parties, 10 reported as having established a database for recording munitions usage, 11 provided information on who within their armed forces has responsibility for recording the use and abandonment of explosive ordnance and compiling and transmitting the information, and 12 reported on whether the relevant authorities and military commanders and soldiers in the field were duly informed about the national database or the Article 4 generic template. From the reporting, only a small number of High Contracting Parties appear to be implementing Article 4 and further work was needed to explain the objectives and improve implementation of these particular obligations. A number of High Contracting Parties that responded under Form B provided information which was not in accordance with the obligations of Article 4. For example, some High Contracting Parties reported on the extent of ERW contamination on their own territories. However, Article 4 addresses the use or abandonment of explosive ordnance and not the surveillance of contaminated areas during peacetime.

(c) Form C: Steps taken to implement Article 5 of the Protocol: Other precautions for the protection of the civilian population, individual civilians and civilian objects from the risks and effects of ERW: 31 High Contracting Parties responded positively to Form C. From those 31 High Contracting Parties, 27 identified measures they had in place or had taken for the protection of the civilian population, and 14 provided details on how warnings, risk education and other such information were provided to civilians.

(d) Form D: Steps taken to implement Article 6 of the Protocol: Provisions for the protection of humanitarian missions and organisations from the effects of ERW: 22 High Contracting Parties responded positively to Form D on Article 6. From those 22 High Contracting Parties, 11 reported on what assistance they had provided in the past or would be willing to provide to humanitarian organisations.

(e) Form E: Steps taken to implement Article 7 of the Protocol: Assistance with respect to existing ERW: 29 High Contracting Parties responded positively to Form E on Article 7. From those 29 High Contracting Parties, 16 reported on assistance for existing ERW, and 18 submitted details on the type of assistance provided. Several High Contracting Parties responded positively to Form G, but would go on to refer to Form F where they set out the details of their international cooperation and assistance programmes.

(f) Form F: Regarding steps taken to implement Article 8 of the Protocol: Co-operation and assistance: 32 High Contracting Parties responded positively to Form F on Article 8. From those 32 High Contracting Parties, the following forms of assistance and cooperation were provided: (i) 26 High Contracting Parties assisted with the marking and clearance of ERW; (ii) 23 specified through which organisations they contributed to

assistance on ERW; (iii) 19 provided assistance through participation in joint operations or in cooperation with organisations; (iv) 16 assisted with the care and rehabilitation and social and economic integration of victims of ERW; (v) 12 contributed to United Nations trust funds within the United Nations system; (vi) 19 participated in the exchange of equipment, material and scientific and technical information (other than weapons technology) necessary for the implementation of Protocol V; (vii) 6 affected High Contracting Parties provided assistance to another affected State; and (viii) 2 States had requested assistance.

(g) Form G: Steps taken to implement Article 9 of the Protocol: Generic preventive measures: 38 High Contracting Parties responded positively to Form G on Article 9. From those 38 High Contracting Parties, 30 described their implementation of Part 3 of the Technical Annex to Protocol V, and 25 stated whether their practises were incorporated in national laws or regulations.

(h) Form H: Steps taken to implement Article 11 of the Protocol: Compliance: 40 High Contracting Parties responded positively to Form H on Article 11. From those 40 High Contracting Parties, 34 provided information on instructions and operating procedures issued by the armed forces and relevant agencies or departments and training of their personnel consistent concerning the obligations of Protocol V.

(i) Form I: Additional information and points of contact: 11 High Contracting Parties responded positively to Form I and 10 States provided additional information.

### **Recommendations for the Meeting of Experts in 2013**

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

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

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

(c) The Meeting of Experts in 2013 to 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.

(d) The Coordinator on National Reporting 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.

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