

Seventeenth Annual Conference of the High Contracting Parties to Amended Protocol II 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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Items 8 and 9 of the provisional agenda

Review of the operation and status of the Protocol

Consideration of matters arising from reports by

High Contracting Parties according to Article 13 (4)

of the Amended Protocol and of the development of technologies

to protect civilians against indiscriminate effects of mines

Report on the operation and status of the Protocol, matters arising from reports by High Contracting Parties according to paragraph 4 of Article 13 of Amended Protocol II, as well as development of technologies to protect civilians against indiscriminate effects of mines

Submitted by the Coordinator¹

Introduction

1. The Amended Protocol II (APII) Group of Experts met in Geneva on 9 and 10 April 2015 and continued discussions on the operation and status of Amended Protocol II, matters arising from the national reports, and the development of technologies to protect civilians against indiscriminate effects of mines, based on the mandate as contained in the final document of the Sixteenth Annual Conference of the High Contracting Parties to Amended Protocol II (CCW/AP.II/CONF.16/6, paragraph 26).

2. This year the Group focused on the following topics: to review the operation and status of the Protocol and consider matters arising from the national annual reports, as well as the development of technologies to protect civilians against indiscriminate effects of mines; to strengthen the universalization of the Protocol based on the Accelerated Plan of Action on Universalization of the Convention and its annexed Protocols; to continue to engage with the High Contracting Parties to the original Protocol II that have not yet become parties to Amended Protocol II, to encourage them to accede to it; to consider the

¹ Mr. David Pusztai of Hungary, Coordinator on the operation and status of the Protocol, matters arising from reports by High Contracting Parties according to Article 13 (4) of Amended Protocol II, as well as the development of technologies to protect civilians against indiscriminate effects of mines, accordance with the decision of the Sixteenth Annual Conference, as contained in paragraph 31 of its final document (CCW/AP.II/CONF.16/6).



“Guide to reporting” in light of developments and progress achieved in the field of mine action since the adoption of the Protocol; and to analyze the implementation by the High Contracting Parties of their obligation to submit national annual reports and study their content, focusing on the information submitted in Form E: “Measures taken on international technical information exchange, on international cooperation on mine clearance, and on technical cooperation and assistance”.

National reporting

3. Submitting national annual reports under CCW APII is not only an essential mechanism for confidence-building and transparency, but it also serves as a tool to monitor and measure progress in the implementation of States’ obligations. Reporting provides an opportunity to identify challenges, or even gaps that may end up requiring a revision to existing mine-action programmes or plans. A majority of the current 102 High Contracting Parties to Amended Protocol II have complied at least once with their reporting obligations. However, the percentage of compliance needs to be further increased. There are 24 States which have never submitted a National Annual Report since becoming a State Party. Three States parties have only once or twice submitted their annual reports ever since becoming a State Party. As many as 32 States Parties that have in the past been submitting annual reports have not done so in the past 6 years since the 2006 Third Review Conference.

Analysis of “Form E” of the national annual report

4. This reporting form pertains to “Measures taken on international technical information exchange, on international cooperation on mine clearance, and on technical cooperation and assistance.” The form is divided into three sections: (i) “International technical information exchange”; (ii) International cooperation on mine clearance”; and (iii) “International cooperation and assistance”. According to the Guide to Reporting on Form E, it has been the intention of the Protocol to limit specific effects of weapons under use to personnel and civilians for humanitarian reasons. In order to promote this intention, the Guide states that it is necessary to exchange information, to co-operate and to provide assistance within the international community with the aim to: (1) quickly implement the provisions of this Protocol; (2) reduce any period of deferral for which provision is made in the Technical Annex; and (3) to enhance capabilities for mine clearance operations. Furthermore, the Guide also explains that it is important to inform other High Contracting Parties as well as the United Nations System about running humanitarian projects. This may help States to identify necessary activities and to facilitate contacts in a complex technical environment.

5. High Contracting Parties intending to provide assistance with respect to information exchange, co-operation on mine clearance and technical co-operation should place appropriate information under this Form. High Contracting Parties seeking assistance from other High Contracting Parties, organizations or institutions should give necessary information in the National Annual Report. The Guide specifically underscores that for the sake of clarification it is recommended to use Form E in this respect.

6. High Contracting Parties in a position to do so shall provide information on the following points: (1) Organizations, institutions, contact address active in the field; (2) concrete activities of technical co-operation with States, institutions or organizations (for example: Committees of experts under the Ottawa-Convention); This may include: objectives; main activities; technologies used; programme responsibility; standard operating procedures; time planning; field experience; partners; contractors; and scientific support. Furthermore, High Contracting Parties in a position to do so shall provide

information on: experience with equipment and technologies; technical information on mines; training programmes; list of experts and expert agencies; possibilities and terms to get access to such co-operations for other High Contracting Parties or interested States (for example: multilateral test and evaluation programs); and similar activities which may serve the humanitarian goal.

7. By providing a general overview of the assistance provided and received by the High Contracting Parties, the Group was informed that seven High Contracting Parties are the main contributors for mine action; 20 High Contracting Parties informed that they received or are receiving assistance; of the 20 States, two High Contracting Parties are also providing assistance; six High Contracting Parties reported that they have never provided any kind of assistance.

8. On Information exchange on mine action, the High Contracting Parties informed on their participation in annual conferences and seminars conducted at international and regional level in order to share information, standardize mine action, and coordinate donor cooperation.

9. Some High Contracting Parties provided examples of organizations working on the cooperation and coordination between donor States at the international level; regional level; and national level. On Bilateral co-operations, some High Contracting Parties provided assistance and/or exchanged experiences with other HCP through bilateral co-operations.

10. On the issue of databases, nine High Contracting Parties reported that they are using and/or participating in the development of the Information Management System for Mine Action (IMSMA). The armed forces of one High Contracting Party owned a specific database, which contained a mine database and procedures to deactivate mines, whereby three High Contracting Parties reported that they were taking part in it or have applied to have access to it. Three High Contracting Parties have received or are receiving support to create their own database.

11. One issue on how to better improve the information sharing among the High Contracting Parties on the assistance or cooperation provided is that High Contracting Parties in need of assistance should express more clearly the needs for further assistance and Provide more details on the assistance required in order to get the attention of potential donor States in a position to render assistance. For instance, a number of High Contracting Parties informed that they have not received technical training but they do not precisely define the kind of training that is needed (e.g. either in demining, destruction of stockpiles, use of technologies, etc.).

Recommendations

12. In light of the above, the Seventeenth Annual Conference of the High Contracting Parties to Amended Protocol II may wish to take the following decisions:

(a) The Group of Experts shall review the operation and status of the Protocol and consider matters arising from the national annual reports, as well as the development of technologies to protect civilians against indiscriminate effects of mines and propose recommendations for the 2016 Fifth Review Conference of the Convention.

(b) The Plan of action to promote the universality of the Convention and its Protocols is the relevant mechanism to enhance the interest of States that are not party to those instruments. The Conference encourages the States parties and the Implementation Support Unit to intensify their efforts at implementing the Plan of action, in particular through organizing national and regional seminars aimed at promoting and explaining the Convention and its Protocols.

(c) The High Contracting Parties to the Convention shall continue their contacts with the High Contracting Parties to the original Protocol II that have not yet become parties to Amended Protocol II, to encourage them to accede to it and thus to facilitate the termination of the original Protocol II. Any action with respect to the termination of the original Protocol II should be taken with the consent of the High Contracting Parties to this Protocol.

(d) The Group of Experts shall analyze the implementation by the States parties of their obligation to submit national annual reports and shall study their content, focusing on the information submitted in Form F: "Other relevant matters". The Group shall also consider the "Guide to reporting" of Form F in light of developments and progress achieved in field of mine action since the adoption of the Protocol.
