

Eighteenth 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 7 and 8 April 2016 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 Seventeenth Annual Conference of the High Contracting Parties to Amended Protocol II (CCW/AP.II/CONF.17/6, paragraph 27).

2. Aside from its mandate, the Group also focused on proposing recommendations for the Fifth Review Conference of the High Contracting Parties to the Convention in 2016; strengthening the universalization of the Protocol based on the Accelerated Plan of Action on Universalization of the Convention and its annexed Protocols; continuing 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; analysing the implementation by

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 Seventeenth Annual Conference, as contained in Paragraph 31 of its final document (CCW/AP.II/CONF.17/6).

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the High Contracting Parties of their obligation to submit national annual reports and study their content, focusing on the information submitted in Form F: "Other relevant matters"; and considering the "Guide to reporting" of Form F in light of developments and progress achieved in the field of mine action since the adoption of the Protocol.

National reporting

3. Annual reporting under CCW APII functions as an important mechanism for confidence-building and transparency. 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 require further follow-up or a revision to existing mine-action programmes. Most of the High Contracting Parties to Amended Protocol II have complied at least once with their reporting obligations. However, the rate of reporting needs to be further increased. This is especially important during the year of a Review Conference. The United Nations Mine Action Service (UNMAS) on behalf of the Inter-Agency Coordinating Group on Mine Action (IACG-MA) encouraged compliance with reporting and improving the quality of data. It conveyed its readiness to support States facing challenges in submitting their reports.

Analysis of "Form F" of the National Annual Report

4. This reporting form concerns "Other relevant matters," which means that the High Contracting Parties are permitted to provide whatever information they wish in relation to the implementation of Amended Protocol II, as long as the type of information is outside of what has been prescribed under the other reporting forms. The Coordinator outlined that between 1999 and 2016, the majority of States did not provide information in Form F. Each year only a small number of States have made use of Form F, for example, in 2016 a total of 11 States used Form F out of the 30 that submitted reports. Such additional information provided pertains to the following issues:

- providing training courses for team leaders of other States on an annual basis;
- providing engineers or EOD (explosive ordnance disposal) capabilities to existing mine action projects;
- announcing that the State Party does not manufacture, import nor export mines;
- sharing information on mine risk education and outreach on measures to alert the population through the dissemination of comic books distributed via defence attachés, military operations, NGOs, or local associations;
- announcing the State Party's leadership role as office holders in certain activities of treaty bodies on conventional weapons;
- announcing the completion of the ratification process or eventual accession to certain treaty bodies on conventional weapons;
- announcing the establishment of a mine action training centre in collaboration with the military and the ministry of foreign affairs, including the human resources requirement;
- announcing the amendment of its defence force tactical doctrine to prohibit the use of anti-personnel mines;
- requesting financial assistance for mine action projects;

- providing financial support to organizations in the field for mine action related activities;
- providing extensive support to victim assistance programs;
- indicating a list of experts and expertise in the field of mine action;
- referring to a dedicated website containing a more comprehensive information on its mine action activities;
- announcing progress or completion of its stockpile destruction programs;
- announcing national efforts to reduce ERW contamination;
- co-sponsoring GA resolutions related to mine action;
- announcing its full implementation of its obligations under the Mine Ban Convention;
- explaining its stringent export control regulations.

5. Form F can contain different types of information which the High Contracting Parties consider important to share with the mine action community as well as with the general public. One High Contracting Party started using form F to inform on an emerging humanitarian problem under its jurisdiction and control in relation to anti-terrorism issues, which began in a particular year and continued on for more than five years thereafter. This means that the form could also be used to inform on new situations or a change in government policy in relation to the use of a particular type of conventional weapon or the extent of the humanitarian impact that these weapons inflict on civilians.

Recommendations

6. In light of the above, the Eighteenth 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;

(b) The Conference encourages the High Contracting Parties and the Implementation Support Unit to intensify their efforts at strengthening universalization of the Convention and its Protocols, 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 High Contracting Parties of their obligation to submit national annual reports and shall study their content, focusing on the information submitted in Form G: "Information to the UN-database on mine clearance". The Group shall also consider and amend the "Guide to reporting" to include a reference to Form G, in light of developments and progress achieved in field of mine action since the adoption of the Protocol.

Annex

