DISCUSSION PAPER #3
(CCW/P.V/MX/2010/3)

Presented by Mr. Henrik Markuš of Slovakia
Coordinator on Recording, Retaining and Transmission of Information

RECORDING, RETAINING AND TRANSFER OF INFORMATION

I. BACKGROUND / MANDATE

“E. Recording, Retaining and Transmission of Information


43. The Conference of the High Contracting Parties to Protocol V decided that the Meeting of Experts should continue the consideration of the implementation of Article 4, which would include, inter alia:

(a) Action taken by the High Contracting Parties to Protocol V that have not yet established relevant national systems, regulations and procedures for recording and retaining information pursuant to Article 4 of the Protocol; Discussion Paper 2 may continue to serve as a basis for informing on the actions taken in respect to Article 4 Generic Electronic Template as well as for providing their views, comments, suggestions, etc. on this issue.

(b) Exchange of information on the national procedures and experience in the implementation by the High Contracting Parties to Protocol V of their obligations under Article 4;

(c) Identification of the relevant UN structure that could serve as the focal point for collecting and transmitting information pursuant to Article 4 (2).

44. The Conference of the High Contracting Parties to Protocol V decided to keep under review 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.”

II. RECAPITULATION (WHERE THE ISSUE OF ARTICLE 4 STANDS)

1. The 2009 informal Meeting of Experts, in accordance with the mandate by the Second Conference of the High Contracting Parties to Protocol V, kept under review the adequacy and the usefulness of the Article 4 Generic Electronic Template.

2. The discussion led to the following preliminary findings:

---

1 Note: This is not an official UN document and the symbol is used for reference purposes only!
a. Some High Contracting Parties to Protocol V shared information on their national systems, regulations and procedures for recording and retaining information pursuant to Article 4 of the Protocol. **In other words, some States Parties have such a system in place and it constitutes a part of their practice.**

b. Other High Contracting Parties to Protocol V advised of having introduced the Article 4 Generic Electronic Template as one of the possible tools into their national practice and of having reported this in their national reports. This means that they have **considered the Article 4 Generic Electronic Template as a useful tool for recording and retaining information pursuant to Article 4 of the Protocol and decided to introduce it into their national practice.**

(These two categories of States Parties have already developed a level of culture of recording and retaining information.)

c. A group of High Contracting Parties to Protocol V remained silent on the way they are implementing their obligations under Article 4. **One can presume that,** back in April 2009, **these HCP were in the preparatory phase for implementing their obligations under Article 4.**

3. The **difference between the mandates** for 2009 and 2010 informal Meetings of Experts is in focus: while the former was related primarily to the Article 4 Generic Electronic Template, the scope of the latter is related on the **Article 4 in its entirety.**

4. As far as the point (c) of the mandate is concerned [i.e. identification of the relevant UN structure to serve as the focal point for collecting and transmitting information pursuant to Article 4 (2)] it is the fact that one observer delegation transmitted on voluntary basis through the **CCW Secretariat** information pertaining to ERW under Article 4 of the Protocol.

### III. ELEMENTS FOR CONSIDERATION

5. The Coordinator, in his **letter of February 9, 2010:**
   
a. referred to:
      - the mandate on the Article 4 on recording, retaining and transmission of information given to the 2010 informal Meeting of Experts;
      - Discussion Paper 2 which was presented at the informal Meeting of Experts of the High Contracting Parties to Protocol V in April 2009;

   b. emphasized that **it is of critical importance for the overall implementation of the Protocol V, including the success of the 2010 informal Meeting of Experts that** the High Contracting Parties to Protocol V share information on:
      - national procedures and experience in implementing their Article 4 obligations
ii. and, as the case may be, on action taken in introducing the Article 4 Generic Electronic Template in their national practice.

6. As far as the point (c) of the mandate is concerned the relevant UN structure to serve as the focal point for collecting and transmitting information pursuant to Article 4 (2) should be identified at the April Meeting of Experts. Having taking into account the above-mentioned precedent and other circumstances, the Coordinator intends to propose the CCW Secretariat to serve as the above-mentioned focal point.

IV. ACTION TO BE TAKEN

7. Consequently, the Coordinator would like to invite all HCP and observer states:

a. To take an active part in sharing experiences in:
   • implementing Article 4, and/or
   • the Generic Electronic Template, as the case may be.

so as to facilitate a productive discussion during the 2010 informal Meeting of Experts.

b. Comment on the proposal to recommend to the 4th CSP to Protocol V to identify the CCW Secretariat as the relevant UN structure to serve as the focal point for collecting and transmitting information pursuant to Article 4 (2).

V. OUTCOMES TO BE ACHIEVED

8. Sharing experiences in implementing Article 4, and/or the Generic Electronic Template should:
   • provide a picture where the High Contracting Parties to Protocol V stand on establishing their national systems, regulations and procedures for recording and retaining information so as to be ready to meet their legally-binding obligations under Article 4;
   • illustrate what lessons they have drawn from establishing their national systems, regulations and procedures for recording and retaining information;
   • help other High Contracting Parties to Protocol V and observer states to understand each other’s approaches, learn from them and possibly to take advantage of the experiences for establishing or improving their national systems, regulations and procedures for recording and retaining information.

9. The result of the 2010 informal Meeting of Experts should enable the Coordinator to recommend to the 4th Conference of the High Contracting Parties to Protocol V to:

a. continue to share experiences in implementing Article 4, and/or the Generic Electronic Template. As there is a close interrelation and interdependence with the issue of “Clearance, removal or destruction of ERW”, these two core issues should be merged under one mandate and coordinator.

b. appoint a focal point for collecting and transmitting information pursuant to
Article 4 (2).