The Permanent Mission of Switzerland to the United Nations Office and to the other international organisations in Geneva presents its compliments to the Secretary General of the United Nations and has the honour to submit Switzerland's 2012 Report according to the decision of the Fourth Review Conference on the establishment of a Compliance mechanism to the 1980 “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”, as contained in the Conference's Final Declaration, Annex III.

The Permanent Mission of Switzerland thanks the Secretary General for circulating this report to all High Contracting Parties.

The Permanent Mission of Switzerland avails itself of this opportunity to renew to the Secretary General of the United Nations the assurances of its highest consideration.

Geneva, 31 March 2013
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 (CCW)

Reporting Formats
pursuant to the Decision of the Third Review Conference on the establishment of a Compliance mechanism applicable to the Convention, as contained in its Final Declaration, Annex II, Paragraph 5 (CCW/CONF.III/11, Part II)

NAME OF THE HIGH CONTRACTING PARTY: SWITZERLAND

PARTY TO:
yes Protocol I (Protocol on Non-Detectable Fragments)
yes Protocol II (Protocol on Mines Booby-Traps and Other Devices)
yes Amended Protocol II (amended Protocol on Mines Booby-Traps and Other Devices)
yes Protocol III (Protocol on Incendiary Weapons)
yes Protocol IV (Protocol on Blinding Laser Weapons)
yes Protocol V (Protocol on Explosive Remnants of War)

ACCEDED TO:
yes amended Article I

DATE OF SUBMISSION: 31 MARCH 2013

NATIONAL POINT(S) OF CONTACT¹ (Organization, telephones, fax, e-mail):

Nathalie Marville  
Federal Department of Foreign Affairs  
Directorate of International Law  
Federal Palace North  
CH-3003 Bern  
Phone: +41 31 322 35 10 / Fax: +41 31 325 07 67  
E-mail: nathalie.marville@eda.admin.ch

François Garraux  
Federal Department of Defence, Civil Protection and Sport (DDPS)  
Armed Forces Staff  
International Relations Defence - Arms Control and Disarmament Policy  
Kasernenstrasse 7, CH-3003 Bern  
Phone: +41 31 324 49 82 / Fax: +41 31 325 30 40  
E-mail: francois.garraux@vbg.admin.ch

¹ Please indicate individually for the CCW and each Protocol (if different)
NOTE: Pursuant to paragraph 5 of the above Decision the High Contracting Parties have agreed “to provide information to the Secretary-General in advance of the Meeting, which will be circulated by the Secretary-General to all the High Contracting Parties, on any of the following matters:

(a) Dissemination of information on the Convention and its annexed Protocols to their armed forces and to the civilian population;
(b) Steps taken to meet the relevant technical requirements of the Convention and its annexed Protocols and any other relevant information pertaining thereto;
(c) Legislation related to the Convention and its annexed Protocols;
(d) Measures taken on technical co-operation and assistance; and
(e) Other relevant matters.”

Each of the items listed above are provided as separate individual forms to be filled out by each High Contracting Party accordingly.
Form A Dissemination of information

Paragraph 5 of the Decision on Compliance:

"The High Contracting Parties will provide information [...] on:

(a) Dissemination of information on the Convention and its annexed Protocols to their armed forces and to the civilian population;"

High Contracting Party: SWITZERLAND

Information to the armed forces

The alleviation of the plight of combatants and civilians by the formulation of rules in armed conflicts has always been a priority for Switzerland. Our country puts therefore every effort in upholding the standards set by international humanitarian law (IHL) with regard to all parties involved.

Swiss military doctrine, along with the respective regulations and manuals, reflect the law of armed conflict and its principles including the norms and regulations of the CCW and its Protocols.

Armed Forces personnel are educated in IHL during basic training (recruit school) and in all military cadre schools; IHL is part of the curriculum of the Swiss Armed Forces Training Centre (all cadre courses, including courses for General Staff Officers), the Swiss Military Academy as well as of schools and courses for legal advisors. Legal advisors attend the Military Course on International Humanitarian Law at the San Remo Institute, and members of the Armed Forces participating in PSO receive an instruction on IHL and on specific Rules of Engagement.

Officer candidates are also regularly instructed in the central officer's school on arms control issues, the norms and regulations of IHL, as well as on the CCW and its Protocols. Dissemination of the law of armed conflict to a wider public is promoted by interactive CD-ROMs and an internet web-site.

Every soldier performing active service (i.e. national defence service, public order service, training of the armed forces, support of civil affairs, and peace support tasks) has to respect the law (including the norms of international humanitarian law (IHL)). Illegal orders, especially when their execution is resulting in a violation of IHL or international human rights law (HR), must not be carried out. Commanders are obliged to respect and ensure respect of IHL and HR within their sphere of responsibility.

The principles of distinction, necessity, legality and proportionality are implemented in the Rules of Engagement (ROE). The ROE further prohibit the use of irregular weapons and munitions by members of the Swiss Armed Forces. According to Swiss law, it is strictly prohibited for members of the Swiss Armed Forces to participate in combat actions for peace-enforcement purposes. Mission oriented ROE are trained
during the training sequence preceding a mission. Pocket Cards on the mission and its specific ROE are handed out to every member of the deployed units.

The Swiss Armed Forces International Command SWISSINT gives instructions to soldiers and officers preparing a mission abroad. These instructions (e.g. Mine Risk Education) raise awareness and assure the correct behaviour regarding mines, unexploded remnants of war and booby traps. The Swiss EOD Center (Competence center for explosive ordnance disposal, military and humanitarian demining) instructs its international deployed supervisors on the CCW and its Protocols as part of the internal humanitarian demining course.

Information to the civilian population

The civilian population has been informed on several occasions on the results of the Conferences of the High Contracting Parties to the Convention and its Protocols by public statements of Government representatives. At the occasion of the ratification process of amended Protocol II, amended article 1 and Protocol V as well in the course of the implementation of the Federal Act on War Material, the Swiss Parliament and the civilian population have been informed comprehensively on the new obligations arising from these legal instruments.

The respective federal legislation is available under http://www.admin.ch/ch/f/rsa/514_51/index.html

Any other relevant information

Further information is included in the annual exchange of the OSCE Code of Conduct and on the webpage of the Swiss Armed Forces, Law of the Armed Conflict: www.loac.ch (in German and French)
Form B       Technical requirements and relevant information

Paragraph 5 of the Decision on Compliance:

"The High Contracting Parties will provide information [...] on:

(b) Steps taken to meet the relevant technical requirements of the Convention and its annexed Protocols and any other relevant information pertaining thereto;"

High Contracting Party: SWITZERLAND

Steps taken to meet the relevant technical requirements of the Convention and its annexed Protocols

The Swiss Armed Forces conventional weapons and ammunition fulfil the technical requirements set out in the CCW Convention and its Protocols. Weapons not meeting the relevant technical requirements due under the Convention and its Protocols have been decommissioned accordingly (i.e. flamethrowers in 1993, anti-personnel mines in 1999).

Any other relevant information
Form C  Legislation

Paragraph 5 of the Decision on Compliance:

"The High Contracting Parties will provide information […] on:

   (c) Legislation related to the Convention and its annexed Protocols;"

High Contracting Party: SWITZERLAND

Legislation

Switzerland is a High Contracting Party to the Convention and all its Protocols. These international legal instruments build an integral part of the Swiss legislation.

In addition, Switzerland is a State Party to the Convention on Anti-Personnel Mines (APMBC). The comprehensive ban in this regard is reflected in article 8 of the Federal Act on War Material (see http://www.admin.ch/ch/f/rs/514_51/index.html).

In the context of explosive remnants of war, including explosive remnants of cluster munitions, Switzerland has also signed and ratified the Convention on Cluster Munitions. The instruments of ratification were deposited on 17 July 2012; the Convention entered into force for Switzerland on 1 January 2013.

The ratification is reflected in the necessary amendments of the Federal Act on War Material (articles 8a, 8b and 8c as well as articles 35a and 35b) (online link as above).

Any other relevant information
Form D  Technical co-operation and assistance

Paragraph 5 of the Decision on Compliance:

"The High Contracting Parties will provide information [...] on:

(d) Measures taken on technical co-operation and assistance;"

High Contracting Party: SWITZERLAND

International technical co-operation and assistance

The Swiss policy on Mine Action addresses the negative impact of anti-personnel mines, cluster munitions and other explosive remnants of war (ERW). The Mine Action Strategy of the Swiss Confederation for the period 2012-2015 outlines the relevant aspects of Switzerland's contribution to mine action and the disposal of explosive remnants of war and cluster munitions.

On this basis, Switzerland provides assistance to mine / cluster munitions / ERW affected countries in terms of funds, material and personnel.

In 2012, the Swiss Government spent about CHF 17 millions on projects related to mine action in general (see also annual reports on CCW Protocol V).

- The Federal Department of Foreign Affairs (FDFA) supports clearing-projects, projects integrating mine action into development, risk warning campaigns and victim assistance projects mainly with financial contributions in priority countries such as: Bosnia-Herzegovina, Kosovo, Laos, Libya, Sudan or Somaliland for about CHF 5.9 millions.

- In addition, the Federal Department of Defence, Civil Protection and Sport (DDPS) is providing experts for Mine Action Programmes by the UN on a voluntary basis. Switzerland supports UN-Mine Action programmes with specialists in the fields of logistics, finance, administration and information management as well as with EOD specialists. During the reporting period January 2012 to December 2012, Swiss Mine Action specialists were deployed to programs in, the Democratic Republic of Congo (DRC), Laos, Somaliland/Puntland, South Sudan, UNOPS and UNMAS HQ in New York and Western Sahara. During the reporting period, CHF 2.3 millions have been spent for the assignment of personnel. The DDPS further developed and updated its specific training courses for future experts to be sent to international Mine Action Programs.
• Furthermore, the Swiss Government offered EOD systems. This offer includes not only the material but also training and support (follow-up deliveries may take place upon request). During the reporting period January to December 2012, the EOD System was delivered to the Republic of Congo in order to support the UN with the disposal of ERW after the explosion of ammunition depot in Brazzaville in March 2012. Among the material provided by the DDPS to international Mine Action Programs, SM EOD-Systems are the most prominent items.

• Finally, the FDFA provides a substantial annual funding to the Geneva International Centre for Humanitarian Demining (GICHD); in the reporting period, the FDFA contributed about CHF 8.9 millions. The Centre acts as a facilitator, research body and think tank in the field of Mine Action, and which has also been mandated by the State Parties to the Mine Ban Treaty to assist in the implementation of the said convention via a Implementation Support Unit created in 2002.

Since 2000 Switzerland has been offering international training courses on the Information Management System for Mine Action (IMSMA) via the channels of the Partnership for Peace Program (PfP). With the revision of the courses in 2009 Switzerland offers annually a series of courses in different fields of mine action. In the reporting period, three courses were offered by the Federal Department of Defence, Civil Protection and Sport (DDPS) at the Geneva International Centre for Humanitarian Demining (GICHD) with the following titles: Humanitarian Mine Action and the Role of the Military; Information Management in Military and Humanitarian Operations; Quality Management in Mine Action Programmes. The courses took place in October 2012 in Geneva.

Any other relevant information

Further information is included in the annual exchange of the OSCE Questionnaire on Anti-Personnel Mines.
Form E Other relevant matters

Paragraph 5 of the Decision on Compliance:

"The High Contracting Parties will provide information [...] on:

(e) Other relevant matters."

High Contracting Party: SWITZERLAND

Other relevant matters

- 9 -