Presentation on the Assessment of the Guide to National Reporting and the Progress in implementing the provisions of Protocol V

Mandate

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.

Comparison on the rates of reporting under Protocol V and Amended Protocol II

- Before presenting the assessment of the national reports, I would like to show you a comparison of the reporting rates under Protocol V and Amended Protocol II. Protocol V High Contracting Parties are to be congratulated for making it over the 60% mark and inching towards 70%.
- However, reporting is not only about the number of reports submitted. Equally important is the quality of the information submitted and the overall picture it provides on the progress made by States towards implementing their obligations.

How the assessment was carried out

- I will begin by explaining how I went about carrying out the assessment of the utility of the Guide to National Reporting and the progress on implementation of Protocol V’s provisions. Before doing so, I would like to reiterate Amandeep’s expression of thanks to those that assisted me with interpreting the reports.
- In order to carryout the assessment I took the main headlines from the Guide to National Reporting and entered those into an excel sheet. I did not assess each point listed in the Guide. For example, looking at what the Guide sets out on Form A – I assessed whether States recorded the cause of contamination, but I did not then assess each point under that headline. Therefore, this assessment is not as comprehensive as it could be.

Overall assessment of Protocol V national reports

- As delegations will be aware there are nine individual forms within the national reporting form and each of those corresponds to the obligations of an article of Protocol V. This slide sets out the forms, the articles addressed and the number of States which responded to each form.
- As I present the results on each Form, you will see that there is a considerable difference between the number of States which responded positively to a Form and then the number of States which actually provided information on work being carried out to implement the particular Article being reported on.
- Overall – Form H on compliance, which concerns providing instructions and operating procedures on Protocol V to the armed forces received the highest response with 40 States responding. The second highest response rate was on Form G - Generic Preventive Measures with 38 States responding.
Turning to Form A, where you will see that in accordance with Article 3, 23 High Contracting Parties are either carrying out or willing to carry out ERW clearance. Most of these States reported on what steps they were taking. In terms of the reporting on what is required under the Guide to National Reporting – Bosnia and Herzegovina and Croatia were two good examples.

An issue that arises under Form A and other Forms is that the questions only appear to be addressed towards affected States. Understandably, some High Contracting Parties stated that as they are not in control of an ERW contaminated area Form A is not applicable to them. In comparison, other High Contracting Parties which were also not in control of a contaminated territory reported on their policies and resources for clearance if they should find themselves in the situation of having participated in an armed conflict and then needing to assist with a clearance operation.

For example, France reported that during the deployment of its forces demining teams were included. It also provided information on the standards and equipment it uses for the surveillance of ERW.

The reporting on countries’ policies and preparations if they are to find themselves in a situation of armed conflict is valuable information and indicates the readiness of States to implement Protocol V.

The assessment under Form B revealed that there is a low level of implementation of Article 4. While 30 High Contracting Parties responded favorably on this form, they then went on to provide information which was not required under Article 4 itself or the Guide to National Reporting. For example, some countries 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.

This example highlights the importance of national reporting in that it informs you - the High Contracting Parties, the Coordinators and ourselves as the ISU on which provisions of Protocol V require further explanation and where States may need assistance with implementation.

Three good examples of countries which set out their armed forces’ procedures for recording the use or abandonment of explosive ordnance were Lithuania, Netherlands and the United Arab Emirates.

I am aware that this matter will be addressed during the session on ‘Clearance and Article 4’.

The reporting under Form C which concerns Article 5 on ‘Other precautions for the protection of the civilian population, individual civilians and civilian objects from the risks and effects of explosive remnants of war’ was responded to by 31 High Contracting Parties and from those 27 identified measures taken for the protection of the civilian population and
14 provided details on how the warnings, risk education and other information either were or would be provided.

- On this last matter, two good examples were Belarus and Georgia.

**Form D**

- Form D concerns the obligations set out under Article 6 for the protection of humanitarian missions and organizations.
- There was no reporting on an organization having requested assistance.
- Only 11 States reported on what assistance they provided in the past or would be willing to provide in the future to a humanitarian organization. A good example was Australia which explained that it has provided information on the location of ERW to humanitarian organization irrespective of whether its armed forces were in control of the territory.
- Similar to my comments on Form A, this may be an area where States need to consider in advance of finding themselves in a situation of armed conflict what their response would be to assist humanitarian organizations.

**Form E**

- Under Form E which addresses Article 7 and ‘Assistance with respect to existing explosive remnants of war’, there is confusion with some States reporting on what they are doing to clear existing ERW on their territory and then others reporting on the assistance they are providing to clear existing ERW.
- Article 7 sets out the right of High Contracting Parties to seek and receive assistance to deal with existing ERW and that each High Contracting Party in a position to do so shall provide assistance.
- The Republic of Moldova was one country which provided information on the resources it needs in order to deal with existing ERW. I am uncertain as to whether this information has been discussed in the sessions on ‘Cooperation and Assistance, and Requests for Assistance’.
- 16 High Contracting Parties provided information on their assistance for existing ERW and 18 reported on the types of assistance being provided.
- Several States responded positively to Form G, but then would go on to refer to Form F where they set out the details of their international cooperation and assistance programmes.
- The duplication in responses to Forms E and F is a matter that High Contracting Parties may wish to address.

**Form F**

- On cooperation and assistance, the activity with the highest level of support was marking and clearance of ERW.
- Some States simply refer to an overall figure that they are contributing on mine action.
- It is useful to have a range of activities listed in the Guide to National Reporting for Article 8. Firstly, this is in accordance with Article 8, which itself proposes a wide range of actions on cooperation and assistance. Secondly, it enables affected and developing countries to
report on activities they have undertaken such as sending an expert on clearance or lending equipment to another affected country.

- Spain and the United States of America were good examples of countries which provided detailed information on their cooperation and assistance efforts.

Victim Assistance

- An issue for discussion during this Friday morning’s session on Victim Assistance is the reporting on this matter.
- Sixteen countries provided information on the international cooperation and assistance they are providing for victim assistance. There was no reporting on the Protocol V Plan of Action on Victim Assistance. However, due to the considerable amount of work being carried out by six of these 16 countries on victim assistance, I have identified them as possibly working towards the implementation of the Plan of Action.
- This leads to an issue concerning the placement of the Plan of Action under the reporting on cooperation and assistance. The Plan of Action predominantly addresses the actions High Contracting Parties should take to support and ensure the rights of victims under their jurisdiction or on their territory. Therefore, States may wish to consider if the Plan of Action is really best placed under reporting on cooperation and assistance.
- There is an even bigger issue which is that currently there is not a specific place in the national reporting form for affected States to report on their numbers of casualties and injuries due to ERW incidents or the work that States are doing to support victims under their jurisdiction. For example, nine affected States reported on exactly these matters, including the work that they are doing to support and ensure the social reintegration of victims. The information was provided in Forms A, C, E or F, which underscores the need to clearly provide one place in the national reporting form where information on these matters can be set out.

Form G

- Moving on to Article 9 which addresses ‘Generic Preventive Measures’, 38 High Contracting Parties responded positively. 30 States described their work in this area and 25 States reported on whether their practices were incorporated into national laws or regulations. It is interesting to note that generally, the quality of reporting under this section was of a higher standard than for other sections. The stand out example of reporting on Generic Preventive Measures was the Russian Federation.

Form H

- Form H on compliance achieved the highest level of responses from High Contracting Parties.
- An issue under Form H is that some States only provide information concerning training courses they are conducting on the clearance and destruction of ERW. However, Article 11 requires that training and instructions be provided on the relevant provisions of Protocol V. For example, this would include recording the use or abandonment of explosive ordnance in accordance with Article 4. India and New Zealand were two examples of States which
worked to ensure that the Protocol V provisions were disseminated to their armed forces’ chain of command and incorporated into training courses.

- As you will see, the consultative mechanism under Protocol V has not been utilised.

Form I

- Finally for Form I, there was no information provided on national focal points for Protocol V.
- Ten States took the opportunity to provide additional information. For example, China reported on a publication it has produced on the CCW and its Protocols.

Concluding comments

It has been useful to assess the information submitted under all of the reporting forms and to have an overall picture on the progress being made by High Contracting Parties towards the implementation of Protocol V. This exercise has highlighted where further work is required and the issues on which States may need assistance.