

- PROTOCOL V -

**REPORTING FORMS
PURSUANT TO ARTICLE 10, PARAGRAPH 2 (b) OF THE PROTOCOL AND THE
DECISION OF THE FIRST CONFERENCE OF THE HIGH CONTRACTING
PARTIES TO PROTOCOL V**

(As adopted by the First Conference at its second plenary meeting on 5 November 2007)

HIGH CONTRACTING PARTY: GERMANY
.....

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

| |
|--|
| Federal Foreign Office Division OR10 Tel: +49-30-1817 2936 Fax: +49-30-1817 52936 Email: OR10-1@diplo.de |
|--|

DATE OF SUBMISSION: 31/03/2017
.....

(dd/mm/yyyy)

This information can be available to other interested parties and relevant organizations

YES

NO

Partially, only the following forms:

A B C D E F G H I

- PROTOCOL V -

FORM A: Steps taken to implement Article 3 of the Protocol: Clearance, removal or destruction of explosive remnants of war

High Contracting Party: GERMANY

Reporting for time period from: 01/01/2016 to 31/12/2016
[dd/mm/yyyy] [dd/mm/yyyy]

Steps taken to implement the provisions of Article 3:

(i) Upon mandates given, authorized or approved by the Security Council of the United Nations, the German Federal Armed Forces may be empowered by the Federal Parliament to participate in operations in support of Members of the United Nations. Under parameters of the said mandates and empowerments as well as under the rules of engagement applicable in each individual case, the German Federal Armed Forces are never tasked to exercise, or to assume exercising, control of any territory of a third State on behalf of the Federal Republic of Germany. Thus, while in operation under these conditions, the engagement of the German Federal Armed Forces does not inflict any obligations of clearance, removal or destruction of explosive remnants of war under Article 3 of Protocol V on the Federal Republic of Germany as State Party to Protocol V. This also applies to the participation of the German Federal Armed Forces in the mission "Resolute Support" in Afghanistan for the benefit of the Islamic Republic of Afghanistan, irrespective of the fact that the latter is not a State Party to Protocol V.

Any other relevant information:

(ii) On her land territory within the meaning of Article 1 (2) of Protocol V, Germany is affected by existing explosive remnants of war as defined in Article 2 (5) of this Protocol. In dealing with these existing explosive remnants of war, Germany takes necessary, effective and immediate measures of clearance, removal, destruction and precaution. Germany does not avail herself of the discretionary right entailed in Article 7 of Protocol V.

- PROTOCOL V -

FORM B: Steps taken to implement Article 4 of the Protocol: Recording, retaining and transmission of information

High Contracting Party: GERMANY

Reporting for time period from: 01/01/2016 to 31/12/2016
[dd/mm/yyyy] [dd/mm/yyyy]

Steps taken to implement the provisions of Article 4 and the Technical Annex:

- (i) Reference is made to response (i) in Form A.
- (ii) Protocol V does not apply to explosive remnants of war in Afghanistan as Afghanistan is not a State Party to Protocol V.
- (iii) However, in the area of operation of the mission "Resolute Support" information on the use of explosive ordnance are recorded in battle damage reports which are being archived by the respective headquarters.
- These reports contain:
- the coordinates of areas targeted using explosive ordnance
 - the approximative number of explosive ordnance used in these areas
 - the type and nature of explosive ordnance used in these areas
 - the results (success/failure) of the use of explosive ordnance
 - the nature of detection of explosive ordnance used in these areas (e. g. on the ground; full motion video)
 - the general location of unexploded ordnance
- Whenever combat actions occur, they will be recorded at the respective "Train, Advice and Assist Command" (TAAC). The information will be provided to Afghan National Security Forces (ANSF).

Any other relevant information:

- PROTOCOL V -

FORM C: Steps taken to implement Article 5 of the Protocol: Other precautions for the protection of the civilian population, individual civilians and civilian objects from the risks and effects of explosive remnants of war

High Contracting Party: GERMANY

Reporting for time period from: 01/01/2016 to 31/12/2016
[dd/mm/yyyy] [dd/mm/yyyy]

Steps taken to implement the provisions of Article 5 and the Technical Annex:

- (i) Reference is made to response (i) in Form A and to response (ii) in Form B.
- (ii) Precautions aimed at the protection of the civilian population, individual civilians, and civilian objects from the risks and effects of explosive remnants of war are an integral part of every military operation conducted by the German Federal Armed Forces.
- (iii) The civilian population in Afghanistan very often informs our patrols about the discovery of unexploded ordnance. If deemed necessary, explosive ordnance disposal (EOD) personnel intervenes. There is a continuous information exchange between the civilian population, ANSF and "Resolute Support". The protection of the civilian population is a basic principle of the UNSC mandate for "Resolute Support".
- (iv) Whenever explosive ordnance or unexploded ordnance are detected, they are reported to centre and removed immediately by ANSF EOD teams. Where necessary German EOD teams supported the ANSF EOD teams.

Any other relevant information:

- PROTOCOL V -

FORM D: Steps taken to implement Article 6 of the Protocol: Provisions for the protection of humanitarian missions and organizations from the effects of explosive remnants of war

High Contracting Party: GERMANY

Reporting for time period from: 01/01/2016 to 31/12/2016
[dd/mm/yyyy] [dd/mm/yyyy]

Steps taken to implement the provisions of Article 6:

- (i) Reference is made to response (i) in Form A, to response (ii) in Form B and to response (ii) in Form C.
- (ii) In the reporting period, humanitarian missions or organisations and Afghan authorities/agencies have not requested information on the location of explosive remnants of war from the German Federal Armed Forces operating in Afghanistan.

Any other relevant information:

- PROTOCOL V -

FORM E: Steps taken to implement Article 7 and Article 8 of the Protocol:
Assistance with respect to existing explosive remnants of war and cooperation and assistance

High Contracting Party: GERMANY

Reporting for time period from: 01/01/2016 to 31/12/2016
[dd/mm/yyyy] [dd/mm/yyyy]

Steps taken to implement the provisions of Article 7 and Article 8:

- (i) Germany as a High Contracting Party to Protocol V has provided assistance in clearance of explosive remnants of war, in risk education and victim assistance.
- (ii) In its mine action programmes Germany does not distinguish between explosive remnants of war and existing explosive remnants of war.
- (iii) Reference is also made to response (ii) in Form A.
- (iv) Germany has provided support for the training of Afghan National Army (ANA) EOD teams in the ANA Engineer School in Mazar-e-Sharif.
- (v) In the reporting period, the following projects were conducted by Germany:

| | |
|---|---------------------|
| --- AFGHANISTAN --- (total) | 5,500,000.00 EUR |
| The HALO Trust (mine clearance and ammunition disposal) | (2,300,000.00 EUR) |
| International Committee of the Red Cross (ICRC) (victim assistance) | (3,200,000.00 EUR) |
| --- BOSNIA AND HERZEGOVINA --- (total) | 1,709,075.03 EUR |
| International Trust Fund (ITF) (mine clearance and victim assistance) | (1,209,185.03 EUR) |
| Norwegian People's Aid (mine clearance) | (499,890.00 EUR) |
| --- CAMBODIA --- (total) | 1,193,723.00 EUR |
| The HALO Trust (mine clearance) | |
| --- COLOMBIA --- (total) | 1,510,000.00 EUR |
| ICRC (victim assistance) | (300,000.00 EUR) |
| Deutscher Caritasverband (mine risk education, victim assistance) | (210,000.00 EUR) |
| The HALO Trust (mine clearance) | (500,000.00 EUR) |
| UNMAS (capacity development) | (500,000.00 EUR) |
| --- DEM. REP. CONGO --- (total) | 952,454.00 EUR |
| Handicap International (mine clearance and capacity development) | |
| --- IRAQ --- (total) | 16,660,000.00 EUR |
| ICRC (victim assistance) | (700,000.00 EUR) |
| Janus (IED clearance) | (10,000,000.00 EUR) |
| Mines Advisory Group (mine clearance) | (960,000.00 EUR) |
| UNMAS (support, capacity development) | (5,000,000.00 EUR) |

- PROTOCOL V -

| | |
|---|--------------------------|
| --- LIBYA --- (total) | 99,164.77 EUR |
| DanChurch Aid (mine risk education) | |
| --- MYANMAR --- (total) | 1,124,002.28 EUR |
| DanChurchAid (victim assistance) | (344,735.09 EUR) |
| Johanniter-Unfall-Hilfe e. V. (victim assistance) | (279,267.19 EUR) |
| ICRC (victim assistance) | (500,000.00 EUR) |
| --- SOMALIA --- (total) | 1,750,000.00 EUR |
| The HALO Trust (mine clearance) | |
| --- SYRIA --- (total) | 89,690.62 EUR |
| DanChurch Aid (mine risk education) | |
| --- UKRAINE --- (total) | 972,234.00 EUR |
| UNICEF (mine risk education) | (500,000.00 EUR) |
| The HALO Trust (mine clearance and survey) | (472,234.00 EUR) |
| --- WESTERN SAHARA --- (total) | 1,002,812.00 EUR |
| UNMAS (mine clearance and capacity development) | |
| TOTAL | 32,563,155.70 EUR |

Any other relevant information:

| | |
|--|-------------------------|
| German Federal Foreign Office QA in mine action programme | 79,368.49 EUR |
| German Federal Foreign Office Storage of demining equipment in Laos | 2,393.79 EUR |
| Geneva International Centre for Humanitarian Demining (GICHD) (combined project on mine action outreach and liaison, national capacities, residual contamination, operational and database analysis as well as quality management for humanitarian mine action) | 678,963.00 EUR |
| International Coalition to Ban Landmines/Cluster Munition Coalition (assistance to the Landmine Monitor and Cluster Munition Monitor 2016 and campaign support) | 400,000.00 EUR |
| Implementation Support Unit (ISU) of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction | 40,000.00 EUR |
| TOTAL | 1,200,725.28 EUR |

FORM E(a): Steps taken by States which have ERW victims to implement the relevant provisions of Article 8(2): Victim Assistance

High Contracting Party: GERMANY

- PROTOCOL V -

Reporting for time period from: 01/01/2016 to 31/12/2016
[dd/mm/yyyy] [dd/mm/yyyy]

Steps taken to implement the relevant provisions of Article 8(2):

| |
|-----|
| N/A |
|-----|

Other relevant information, guided by the Plan of Action on Victim Assistance:

| |
|-----|
| N/A |
|-----|

- PROTOCOL V -

FORM F: Steps taken to implement Article 9 of the Protocol: Generic preventive measures

High Contracting Party: GERMANY

Reporting for time period from: 01/01/2016 to 31/12/2016
[dd/mm/yyyy] [dd/mm/yyyy]

Steps taken to implement the provisions of Article 9 and the Technical Annex:

- (i) In the acquisition and procurement of explosive ordnance, Germany, by virtue of Article 36 of the 1977 Additional Protocol I to the 1949 Geneva Conventions, is continuously determining whether its employment would be in conformity with this Protocol or with any other rule of international law applicable to her. This determination is made by the Steering Group 'Review of New Weapons and Methods of Warfare', a standing committee within the German Federal Ministry of Defense. The Steering group is under the responsibility of the International and Operational Law Branch in the Directorate-General for Legal Affairs. In this context, generic preventive measures under Article 9 of Protocol V in conjunction with Part 3 of the Technical Annex to Protocol V are given full consideration.
- (ii) Consequently, the German Federal Armed Forces are instructed
- to take all generic preventive measures aimed at minimizing the occurrence of explosive remnants of war with regard to the use of and the production or procurement of explosive ordnance in order to achieve the highest possible reliability, and
 - to procure only explosive ordnance with the highest possible standard of reliability, serviceability and safety design requirements.
- (iii) Every step in the procurement process is registered, controlled and documented.
- (iv) New explosive ordnance types are introduced in the German Federal Armed Forces after the successful completion of a series of national tests. Each explosive ordnance must be type-qualified before use and comply with the guidelines for insensitive munition. Depending on the type of the explosive ordnance, testing is carried out at regular intervals.
- (v) Handling and storage of explosive ordnance is regulated by national policies and procedures based on NATO regulations.

Any other relevant information:

- PROTOCOL V -

FORM G: Steps taken to implement Article 11 of the Protocol: Compliance

High Contracting Party: GERMANY

Reporting for time period from: 01/01/2016 to 31/12/2016
[dd/mm/yyyy] [dd/mm/yyyy]

Steps taken to implement the provisions of Article 11:

- (i) The Federal Ministry of Defense, in cooperation with the Federal Foreign Office and the German Red Cross, publishes and distributes the bilingual (English and German) omnibus publication “Documents on International Humanitarian Law | Dokumente zum humanitären Völkerrecht” (3rd edition 2016; ISBN 978-3-89665-710-7). This publication includes, inter alia, the text of Protocol V in German and English language.
- (ii) Via Joint Service Regulation A-2141/1 (formerly ZDv 15/2) “International Humanitarian Law in Armed Conflicts – Manual” Version 2 of 18/02/2016, the contents and provisions of Protocol V are disseminated and implemented, in accordance with Article 11. This Manual summarizes the provisions on international humanitarian law and on the law of explosive remnants of war and presents them as a regulation to be observed by all military personnel. It also serves as a foundation for initial and extension training of military personnel in the field of international law. Joint Service Regulation A-2141/1 covers the latest developments in the law of armed conflict.
- (iii) All soldiers of the German Federal Armed Forces receive instructions in international humanitarian law. This training is conducted within the military units by superiors and legal advisers and at the German Federal Armed Forces Schools and Academies by law scholars.
- (iv) Measures dealing with the clearance, removal or destruction of explosive remnants of war, as well as the recording, retaining and transmission of any information are part of the individual military training.

Any other relevant information:

- PROTOCOL V -

FORM H: Other relevant matters

High Contracting Party: GERMANY

Reporting for time period from: 01/01/2016 to 31/12/2016
[dd/mm/yyyy] [dd/mm/yyyy]

Any other relevant information:

Germany is a High Contracting Party to

- the 1996 Amended Protocol II on Prohibitions and Restrictions on the Use of Mines, Booby-Traps and Other Devices.

Germany was the Chair of the Informal Working Group of the High Contracting Parties to the CCW on Lethal Autonomous Weapons Systems (LAWS) in 2016.

Germany is a State Party to

- the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction;
- the 2008 Convention on Cluster Munitions;
- the 2013 Arms Trade Treaty.

Germany is a member of the Technical Review Board (TRB) of the International Ammunition Technical Guidelines (IATG) within the UN SaferGuard Programme. Expert input was contributed during the review of the IATG in 2015 and during the annual meeting of the TRB in November 2015 in Geneva. Furthermore ammunition experts of the Bundeswehr Verification Centre promoted the IATG in various events related to "Physical Security and Stockpile Management" issues.

Germany took over the presidency of the Convention on Cluster Muniton in September 2016.

Germany participated in the "International Consultative Meeting on the Safe and Secure Management of Conventional Ammunition" under the leadership of Switzerland in Geneva in Dezember 2016.