

Seventeenth Annual Conference of the High Contracting Parties to Protocol V on Explosive Remnants of War 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

13 November 2023

English only

Geneva, 13 November 2023

Agenda item 10

Consideration of matters pertaining to national implementation of the Protocol, including national reporting or updating on an annual basis

Protocol V National Annual Reports Analysis

Informal Note prepared by the Implementation Support Unit

I. Introduction

1. According to the decision of the First Conference of the High Contracting Parties to Protocol V on Explosive Remnants of War to the Convention on Certain Conventional Weapons (CCW), the national reports and their annual updating shall cover the following issues, if applicable: (a) Steps taken to implement Article 3 of the Protocol: Clearance, removal or destruction of explosive remnants of war; (b) Steps taken to implement Article 4 of the Protocol: Recording, retaining and transmission of information; (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; (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; (e) Steps taken to implement Article 7 of the Protocol: Assistance with respect to existing explosive remnants of war; (f) Steps taken to implement Article 8 of the Protocol: Co-operation and assistance; (g) Steps taken to implement Article 9 of the Protocol: Generic preventive measures; (h) Steps taken to implement Article 11 of the Protocol: Compliance. To submit Protocol V National Annual Reports (NARs), High Contracting Parties (HCPs) use the reporting forms as adopted by the First Conference of the High Contracting Parties to Protocol V.

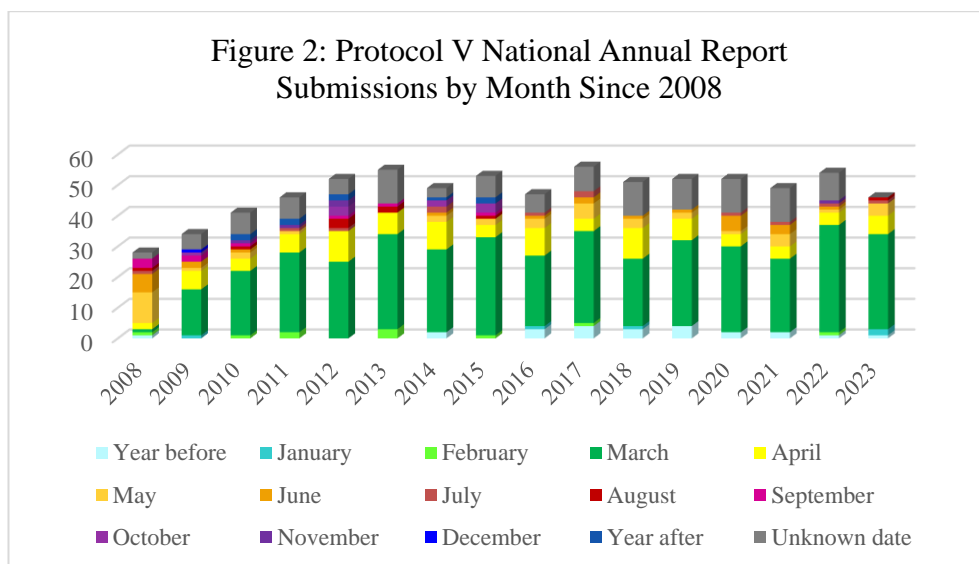
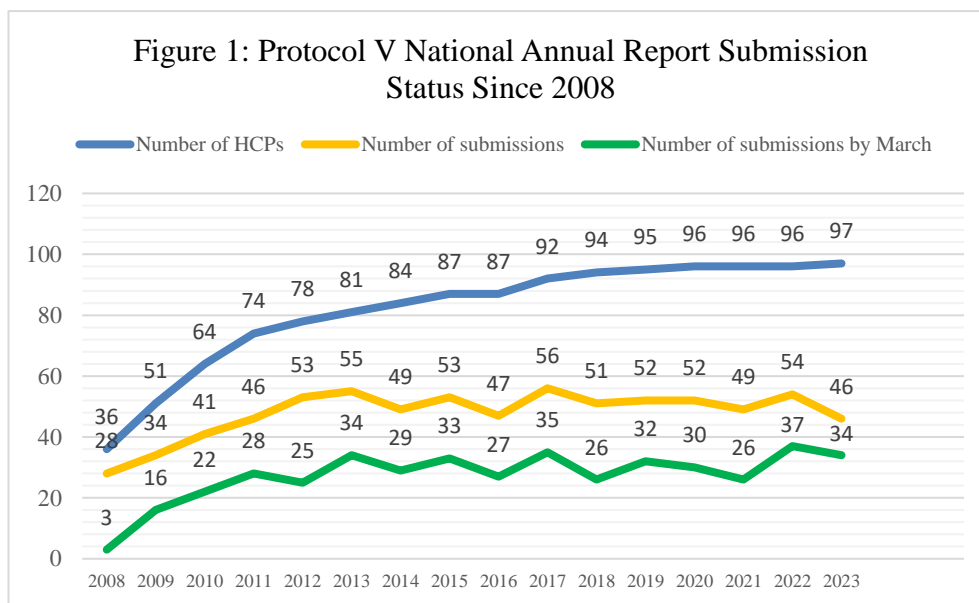
2. This note was prepared by the Implementation Support Unit (ISU) to provide information to HCPs to Protocol V on quantitative and qualitative trends related to the submission of NARs under the protocol. It offers statistics on submissions since January 2008 and a brief analysis of the information provided by HCPs in NARs submitted in 2023 (for the reporting period of 2022). NARs that were submitted until August 2023 have been included in the analysis. Only information from reports that are publicly available has been used.

3. The preparation of this note is based on the mandate of the ISU to serve as a focal point for submission of information by and to the High Contracting Parties related to the Convention and its annexed Protocols and to support the High Contracting Parties, on request, in the implementation of the CCW and its Protocols. It follows from requests by CCW officeholders, in 2022, to provide succinct quantitative and qualitative analyses of Compliance Annual Reports and NARs under Amended Protocol II and Protocol V, to inform High Contracting Parties at the annual meetings during their consideration of the relevant agenda items. The preparation of the note was made possible through voluntary contributions

received in support of the universalization, implementation and strengthening of the CCW,¹ which has enabled UNODA to provide strengthened support to identify and overcome gaps and challenges in the current compliance and implementation mechanisms of CCW.

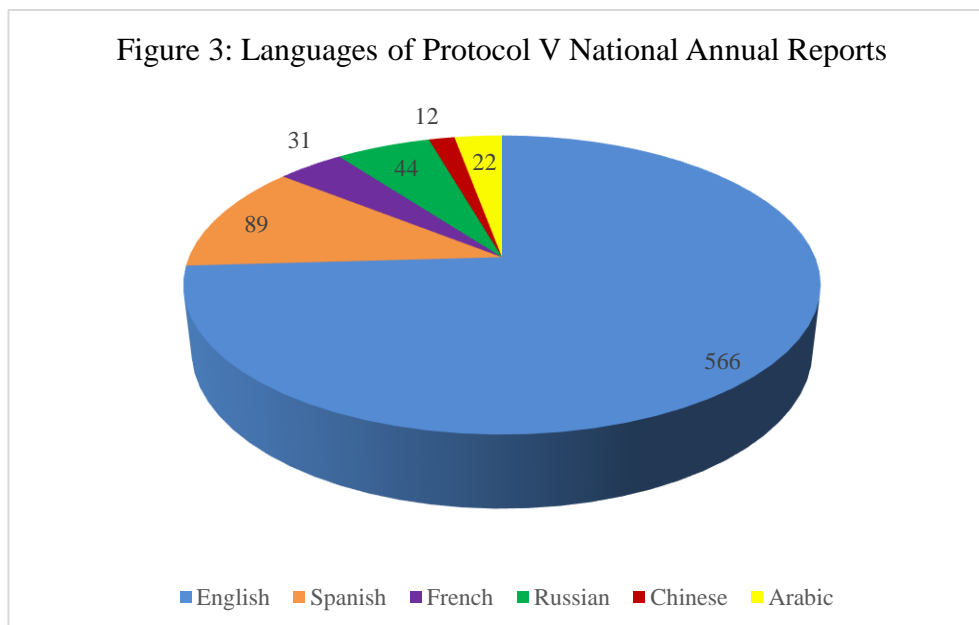
II. Overall submission status since 2008

4. From January 2008 to August 2023, the ISU has received 764 NARs from HCPs to Protocol V. The average annual submission rate is 59% of all HCPs at any given time. The submission number reached its highest peak in 2022 with 54 submissions, amounting to 56% of HCPs. (See figure 1).



5. According to the recommendation of the First Conference of the High Contracting Parties to Protocol V, the deadline for submission of initial national reports by HCPs was set to 31 May 2008 and the deadline for submission of annual updates of the national reports was set to 31 March of every year. As indicated in figure 2, in 2008, most HCPs submitted their reports in May. Later, from 2009 to the present, HCPs have been submitting their reports in March of each year. Nevertheless, the ISU continues to receive the reports all year round.

¹ Under the UNODA project in support of the universalization, implementation and strengthening of 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 (CCW).



6. Of the 764 NARs received, 437 were submitted by 31 March. 566 were submitted in English, 89 in Spanish, 44 in Russian, 31 in French, 22 in Arabic and 12 in Chinese. (See figure 3).

7. HCPs can be categorized into four groups based on NARs submission rates since the year they became parties to Protocol V. The four groups consist of: HCPs with a 0% submission rate; HCPs with less than 50% submission rate; HCPs with a submission rate of 50% and above; and HCPs with a 100% submission rate.

8. Twenty-four out of 97 HCPs have never submitted their Protocol V National Annual Reports. Regional trends² for these HCPs are as follows: 12 HCPs are from Africa, 5 from the Americas, 6 from Asia, and 1 from Europe.

9. There are 15 HCPs with a submission rate of less than 50%. Within this group, the regional trends are as follows: 4 HCPs are from Africa, 5 from the Americas, 4 from Asia, and 2 from Europe. The highest submission rate of an HCP within this group is 37% (6 actual submissions³ out of 16 possible submissions⁴) and the lowest submission rate is 6% (1 actual submission out of 16 possible submissions).

10. There are 40 HCPs with a submission rate of 50% and above. Within this group, there are 10 HCPs from the Americas, 1 HCP from Africa, 6 HCPs from Asia, 21 HCPs from Europe, and 2 HCPs from Oceania. The highest submission rate for this group is 93%, which corresponds to 15 actual submissions out of 16 possible submissions and the lowest submission rate is 50%, which corresponds to 8 actual submissions out of 16 possible submissions.

11. Eighteen HCPs have been submitting their NARs every year since 2008 (16 actual submission out of 16 possible submissions). In this group, there are 3 HCPs from Asia and 15 HCPs from Europe.

12. Since 2008, there have been 6 HCPs that submitted their initial report directly in the year they joined Protocol V. One HCP submitted 14 National Annual Reports while only 13 reports were required.

² For the purpose of this report, the UN geographical regions as per the UN Statistics Division are used.

³ Actual submission means the number of reports submitted.

⁴ Possible submission means the number of reports that could have been submitted starting from 2008.

III. Submissions in 2023

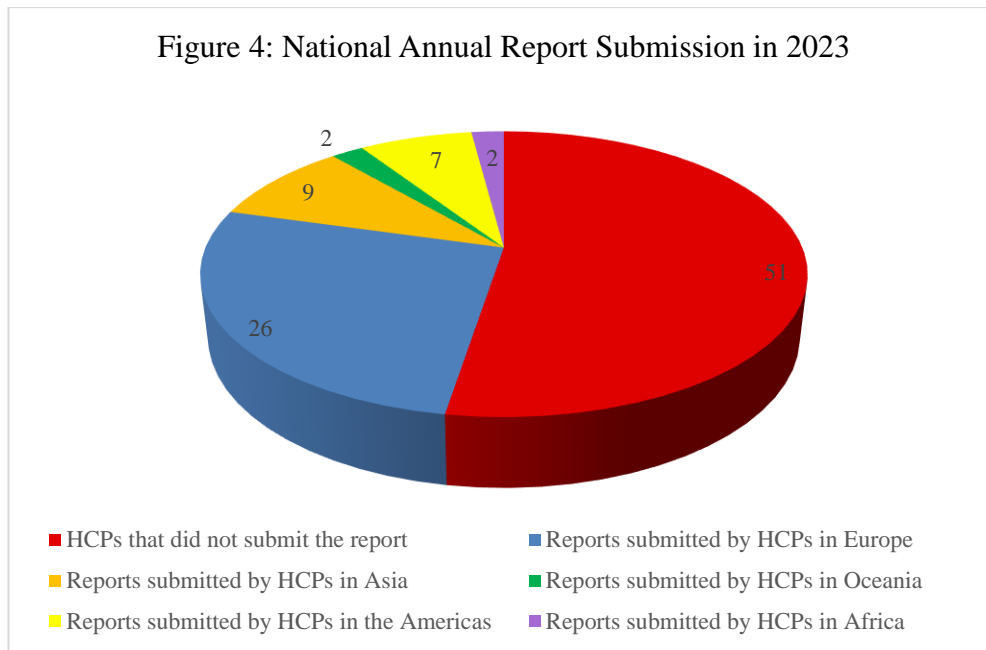
13. As of 31 August 2023, the ISU had received 46 Protocol V National Annual Reports for the year 2022. One HCP submitted its first report this year and 54 HCPs have yet to submit their reports.

14. Out of 46 NARs submitted, the regional trends are as follows: 26 reports are from HCPs in Europe, 9 from HCPs in Asia, 7 from HCPs in the Americas, 2 from HCPs in Africa and 2 from HCPs in Oceania. The number of submissions has decreased by 14% from the previous year. Out of these 46 submissions, 34 were submitted according to the deadline, 3 are not available publicly, as per indication of the HCPs. (See figure 4.)

15. With regard to the languages of submissions, 33 reports were submitted in English, 5 in Spanish, 3 in Russian, 1 in French, 1 in Chinese and 3 in Arabic.

16. Of the 46 HCPs that submitted their reports, 29 designated the Ministry of Foreign Affairs and/or Ministry of Defence as national contact points. Other entities designated as national contact points are, for example, the Ministry of Interior, the Prime Minister's Office, Ministry of Environment, Permanent Missions, or National Demining Centre. Five HCPs did not indicate information on the designated national contact point, and 6 HCPs designated individuals rather than entities as national contact points.

Figure 4: National Annual Report Submission in 2023



IV. Overview of the information in reports submitted in 2023

17. The NARs for Protocol V consist of form A: Steps taken to implement Article 3 of the Protocol: Clearance, removal or destruction of explosive remnants of war; form B: Steps taken to implement Article 4 of the Protocol: Recording, retaining and transmission of information; 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; 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; form E: Steps taken to implement Article 7 of the Protocol: Assistance with respect to existing explosive remnants of war; form F: Steps taken to implement Article 8 of the Protocol: Co-operation and assistance; form G: Steps taken to implement Article 9 of the Protocol: Generic preventive measures; form H: Steps taken to implement Article 11 of the Protocol: Compliance; and form I: Other relevant matters. The paragraphs below summarize information received under each form.

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

18. Five HCPs reported that they are not affected by Explosive Remnants of War (ERW). However, they undertake clearance, removal, and destruction of ERW through their participation in international peace support missions. Other HCPs provided details on contaminated areas, types of ERW found, and the number of ERW pieces destroyed. Numerous ERW clearance projects took place in cooperation with countries and international organizations. During clearance, removal, and destruction of ERW, National and International Mine Action Standards as well as the Standard Operating Procedures and other internal directives of the armed forces are applied.

19. Some HCPs also reported on their national policy and guidance aiming to mitigate the threat posed by Unexploded Ordnance (UXO) and ERW, their national clearance priority areas which were identified by the local population and regional governments as well as their demining capacity, including the number of personnel/units, and resources of demining organizations active in their respective countries. One HCP stated that using mechanical mine clearance helped to accelerate the clearance pace and put the country in the leading position in this area.

20. Some HCPs reported that the ERW objects found on their territories were the result of the First and Second World Wars. One HCP reported that explosive devices were also used in different urban and rural areas of the country during the internal conflicts in the 60s. After these events, all weapons and the remains of explosives were recovered, archived, controlled, and secured. Another HCP described that ERW objects found on its territory existed before the entry into force of the Protocol. Therefore, all steps taken for clearance, removal, or destruction of ERW should be regarded as voluntary measures, which do not result from any obligation under the Protocol.

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

21. Most HCPs reported procedures in place for the recording, retaining, and transmission of information. Some described the use of electronic databases to manage information on UXO and explosive ordnance disposal, maps of contaminated areas as well as cleared territories. One HCP described that records include ERW incidents and other relevant details, for example, steps taken by the authority on the incident as well as necessary follow-up action dealing with the ERW objects.

22. Some HCPs reported that some explosive ordnances were used for military exercise and training. In these cases, the information on the use of explosive ordnance or abandonment of explosive ordnance must be kept according to national law or Defence operational requirements. These exercises take place under strictly controlled circumstances in marked and secure areas.

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

23. Twenty-four HCPs did not provide any new information since the last report in this form. Others provided a list of legislation, such as a law on humanitarian mine action, law on civil defense, or law on the protection of the population from natural and man-made emergencies. One HCP reported that all military personnel are trained and obliged to take feasible precautions provided by Standard Operating Procedures (SOPs). The SOPs cover the detection, marking, fencing, monitoring, and active dissemination of information on any ERW. The HCP indicated that ignoring these SOPs can result in criminal prosecution. Another HCP referred to a Decree on Explosive Ordnance Risk Education and UXO Clearance, which assigns relevant authority to raise awareness, conduct risk education

programs, and disseminate information on UXO through school curriculum for children, television and radio programs for local people who live in affected areas. The order also prohibits the trade of scrap metal pieces from UXO, controls detonator equipment and obliges any development projects to conduct UXO survey and clearance before proceeding to the projects.

24. Some HCPs also described in this form the procedure when ERW objects are found. One HCP explained that once ammunition remnants of war are found, the latter will be flagged, and the Defence Service will intervene. The objects will be removed and transported at night, adopting preventive measures, following a route isolated from urban areas in the direction of the nearest field designated for wrecking. The HCP further indicated that if the transport is not possible or too dangerous, the objects will be destroyed on the spot while adhering to the necessary precautions to avoid any human or material losses.

25. In general, risk education campaigns, marking, fencing, and monitoring are common precautions measures adopted by HCPs to protect the civilian population and properties from the risks and effects of explosive remnants of war. Despite all precautionary measures, one HCP reported that one mine accident in 2022 in which one civilian lost his life.

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

26. Thirty-one HCPs did not provide any new information since the last report in this form. Others reported that the information on ERW, hazardous areas, mine suspected areas, clearance priorities, and that any other relevant information is shared with international organizations and humanitarian missions by the national mine action agencies or Defence Services which are normally in charge of maintaining their national databases, conducting surveys and marking and prioritizing national mine action tasks. One HCP described that their UXO/mine action activities are carried out following the National 10-year Strategic Plan and National SDG 18. In addition to providing relevant information on UXO/mine action activities under the strategic plan, the HCP reported that technical working group meetings and consultations among UXO/mine action operators, donors, and relevant authorities are organized regularly to discuss the work of UXO clearance and victim assistance in the country.

27. Four HCPs explained that their national Defence Services are responsible for ERW clearance. Therefore, no humanitarian missions or organizations are operating in their territories.

Form E: Steps taken to implement Article 7 of the Protocol: Assistance with respect to existing explosive remnants of war

28. Some HCPs described their activities in other countries, such as participating in international humanitarian missions for ERW clearance, providing training, funding demining, risk education, and advocacy as well as victim assistance activities. Some HCPs highlighted projects supported by international organizations and donor countries. In this regard, donor countries reiterated their national mine action policies and expressed readiness to provide additional assistance. Furthermore, ERW non-affected countries, despite a lack of expertise in this area, expressed their willingness to support international cooperation related to training on the handling of explosive devices and ERW. One HCP reported that IED attacks by terrorists have been reported as ERW. Therefore, the existence of ERW needs to be distinguished from sporadic IED incidents undertaken by terrorists. The HCP indicated further that during the period under report, terrorists carried out 399 IED attacks.

Form F: Steps taken to implement Article 8 of the Protocol: Co-operation and assistance

29. Some HCPs and demining organizations contribute to demining efforts in countries affected by ERW. This included providing qualified technical experts, and financial support to mine action agencies and other institutions and collaborating with other countries or international organizations to decrease the danger posed by ERW. These programs covered activities such as ERW clearance and destruction, mine risk education, and victim assistance.

30. In terms of victim assistance, some HCPs indicated the provision of prostheses and other medical assistive devices, reintegration activities, and microcredit programs to improve the economic conditions of victims. Some HCPs have developed legal frameworks in this area. Deminers and their families are also supported through careful assessment of their needs and assistance with reintegration into the community. One HPC reported that in 2022, there were 16 UXO accidents resulting in 20 casualties (3 women, 9 men, and 8 children).

Form G: Steps taken to implement Article 9 of the Protocol: Generic preventive measures

31. Some HCPs provided a list of national legislation and regulations and described the procedure regarding munitions manufacturing or procuring management, munitions management, training, and munitions transfer. In general, necessary preventive, precautionary, technical, and safety measures are in place to limit the occurrence of ERW. Some HCPs reported that the management, storage, transport, control, use, and training of explosive ordnance were carried out following national regulations and procedures. Regarding future procurement, one HCP stated that there will be more emphasis on the purchase of "less sensitive" ammunition with more attention to the purchase of so-called "green ammunition."

Form H: Steps taken to implement Article 11 of the Protocol: Compliance

32. Some HCPs reported that all personnel in Defence Services received information on CCW as well as on international humanitarian law principles through armed forces academies, study, and training institutions. Workshops, seminars, and conferences among private and government institutions are being organized, covering CCW and related topics.

33. In addition, some HCPs stated that references to international humanitarian law and CCW, including Protocol V, are included in operational manual, and measures dealing with the clearance, removal, or destruction of ERW are part of military training. Furthermore, all personnel deployed to the peacekeeping and stabilization missions take part in periodic training in international humanitarian law of armed conflict including the principles set by the CCW and its annexed Protocols.

Form I: Other relevant matters

34. Some HCPs included various types of information in this form. For instance, they provided details about their work plan for 2023, which outlines the steps they will take to improve the quality of mine clearance. Some also reported the amount of funding provided to international organizations supporting mine action programs for ERW and mine removal. Additionally, some HCPs mentioned other international instruments to which they are Parties and provide details on multinational naval mine clearance and ordnance disposal operations.