

Background:

Article 7 transparency reporting is an obligation of each State Party to the Convention and shall be made initially, **as soon as practically possible and in any event, no later than 180 days after entry into force.**

Thereafter it shall be **updated on annual basis**, covering the last calendar year and reported to the Secretary General of the UN, **no later than 30 April** of each year.

Much of the information to be contained in an “Article 7 report” could be held by a wide variety of ministries, departments and mine action institutions and organisations. The comments and guidance made by the UNDP in this document are meant to facilitate Article 7 reporting and are based on collective mine action experience and knowledge of State Party Article 7 expectations. It is meant as guidance both for national civil servants and their possible UN advisers. It does not represent formal interpretation of Convention obligations or legal advice.

General Remarks:

- This form may be circulated to mine action stakeholders to advise them of the reporting requirements of a State Party and to encourage them to facilitate State Party reporting through supporting the reporting formats and the provision of timely and accurate information.

- Ensure no gaps or overlaps with previous reporting periods. That is, ensure that the report submitted covers the period from the end of the last report submitted until the end of the last calendar year.

Form A, National Implementation Measures, p. 1

What is mainly required is reporting on the legislation adopted by the State Party to prevent and stop violations of the Convention on its territory or on territory under its jurisdiction or control. This legislation should also take into account inter alia (a) the requirement for the State Party to facilitate fact-finding missions which could be authorized in accordance with Article 8 of the Convention, and (c) the need to identify institutions authorized to retain or transfer cluster munitions for permitted reasons in accordance with Article 3.

In addition to reporting on legal measures taken, States Parties should report on administrative and other measures including communications issued to a State Party's armed forces, changes in military doctrine and training manuals, etc.

Note that the type of legislation referred to is different from legislation on the establishment of national mine action authorities, institutions or structures. This, however, would be useful additional information to provide.

Form B: Stockpile and destruction of cluster munitions

Form B (1) refers to cluster munitions held in stockpiles or known caches by a State Party awaiting destruction within a State Party's eight-year deadline. Note that cluster munitions reported *destroyed* in the context of stockpile destruction or clearance programmes, or those retained for permitted purposes should not be reported in this form.

Form C:

If we look ahead to Form C, this is where you would be required to fill in this type of information.

Form D:

Form D requires the State to outline the technical characteristics of each cluster munition type that they produce or owned by that State. Going back to Estelle's very informative presentation, this would of course be where that identification tool would be very useful...

Form E:

As indicated in the title, this section would include any project for the conversion or de-commissioning of anti-personnel mine production facilities.

Form F:

It is important to note here that both areas that are known to be contaminated, as well as Suspected Hazardous Areas (SHA) need to be addressed in the form, as they require slightly different planning and intervention

For areas suspected to contain cluster munition contamination, that is to say information obtained but not necessarily verified, such general surveys, impact, incident data indicating areas where mine accidents have taken place. Please note that one should also include areas where accidents have occurred when it has not been possible to establish the item causing the accident. Granted, the type, quantity and emplacement of cluster munitions can be difficult to obtain but may well be available through military liaison aspects in surveys conducted, etc. indication of type of mines suspected may also be available through injury data at location (community), hospitals, health posts, survivor databases and other relevant information sources.

Of course this section should also include areas known to contain cluster munitions. These would include areas, as of the last day of the period

covered by the report, technically surveyed and verified to contain cluster submunitions, areas partially cleared and areas with ongoing clearance.

Given ongoing clearance efforts and subject to new areas being identified, there should be fewer contaminated areas or less contaminated area than in the State Party's previous report. If the number of areas or amount of area is greater than previously reported, with reference to for example, survey work, newly discovered hazardous areas, newly released information confirming contaminated areas, areas previously left out by mistake, etc. use the "supplementary information" column to explain why.

The type, quantity and spread of cluster submunitions can be difficult to obtain but may well be available in general terms, i.e. military maps, production or procurement of mines from time-period prior to the entry into force of the Convention, etc. Attempt to be as specific as possible in indicating the location of contaminated areas.

Form G

This may with advantage include;

- any and all information on risk education programmes and activities conducted during the reporting period,
- perimeter-marking of hazard areas during survey and clearance activities,
- monitoring programmes of suspected hazard areas
- fencing of hazard areas

Measures conducted under Article 4, i.e. perimeter marking, monitoring and fencing of suspected and known contaminated areas are *interim measures*, until all cluster submunitions contained have been destroyed, and may not be seen or considered as permanent.

Form H

Form H should be used by the States Party to report on any matter related to their compliance with implementation of the Convention, including matters related to the care, rehabilitation and reintegration of cluster munition survivors. Those States Parties which have indicated they have the responsibility for significant numbers of survivors may wish to highlight progress they have made in order to fulfil commitments that have been made under the Vientiane Action Plan.

Form I

As you can see, Form I relates to International Cooperation and Assistance. I would like to pay particular attention to Section 3 of this Form, the identification of needs. We would really like to encourage all Affected States to provide as accurate information as possible in this section.

For an affected State this is perhaps one of the most useful section on the reporting forms, as once they have this information, in as much detail as possible, that State is in a much better position with regards to resource mobilisation. Furthermore, we would encourage all affected States to communicate and reiterate this information during all meetings of the Convention.

Cooperation and assistance is an obligation under Article 6 of the Convention, and as such those States in a position to do so should use this information to assist you in addressing any gaps that may remain, whether they be technical or financial.

Form J

I now finish with Form J, which should be used to cover all other relevant matters that have not been included above. Notably, this would include

matters of compliance, as well as any efforts undertaken to promote the Convention, as set out in Article 21. (Ghana, for example, would get this)

That brings me to the end of my presentation, but before I finish I would like to point out to all States not party to the Convention that we would greatly welcome any voluntary transparency reports. On that note, I would like to congratulate DRC for having submitted a voluntary 2011 Art. 7 report (find DRC), and we'd like to encourage all of you in the room not party to the CCM to follow this shining example.

Thank you for your attention, I hope you are all awake, with that I finish

Please note that UNDP stands ready to help wherever this is needed, and I think I can speak on behalf of CMC and ICRC when I say that they are also more than happy to assist with any reporting issues you may have, so please make use of these if you need to.