

Annex 2: Assuring Compliance with the CCW Convention: Proposed First Phase Process

The following verification process describes the sequence of events that would be triggered by an allegation of a grave breach of Protocol II of the CCW Convention in the context of *international armed conflict*. It identifies eight steps in the verification process.

- Step 1 *Possibility of a Grave Breach Arises* The possibility arises that a grave breach of Protocol II might have occurred.
- Step 2 *Complaint is Filed* A party with standing under the Convention lodges a complaint with the Chairman of the Verification Commission.
- Step 3 *The Verification Commission is Convened* The Chairman convenes the full Verification Commission. The Commission decides, not later than 48 hours after it has been convened, whether to pursue an inquiry.
- Step 4 *Basic Inquiry is Conducted* The Commission hears the evidence, calls witnesses, etc. and either renders a finding or decides that an *in loco* investigation is necessary. At this point, a consultative process might be initiated providing an opportunity for national inputs from States Parties as well as alleged violators. If an *in loco* investigation is not required, Steps 5&6 are bypassed.
- Step 5 *In Loco Investigation is Conducted* If the Commission decides it is necessary, an on-the-spot investigation takes place. The suspected violator may decline to invite a fact-finding mission onto its territory, but it may be obliged to receive such a mission if a certain number of Parties support such a decision.
- Step 6 *Report to the Commission* After having completed its fact-finding mission, the team of experts submits a report to the Commission not later than one week after leaving the territory of the State party in question. The report summarises the factual findings of the mission related to the alleged non-compliance with the Protocol.