

**Sixth 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**

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**Report  
Clearance, Removal or Destruction of  
Explosive Remnants of War and the Article 4  
Generic Electronic Template**

**Submitted by the Coordinator<sup>1</sup> on Clearance, Removal or Destruction  
of Explosive Remnants of War and the Article 4 Generic Electronic  
Template**

**Introduction**

1. Pursuant to the decisions of the Fifth Conference of the High Contracting Parties to CCW Protocol V on Explosive Remnants of War (CCW/P.V/CONF/2011/12, CCW/P.V/CONF/2011/12/Corr.1 and CCW/P.V/CONF/2011/Corr.2)), the Meeting of Experts was mandated:

- (a) To continue the consideration of clearance, removal or destruction of ERW in the context of the Meetings of Experts and the Conferences of the High Contracting Parties to Protocol V;
- (b) To further explore, building on previous discussions of priority-setting and quality management, appropriate practical methods to enhance efficiency and effectiveness in ERW clearance programmes;
- (c) To encourage High Contracting Parties to include detailed information in Reporting Form B on steps taken to implement the provisions of Article 4 and the Technical Annex, including through using the Article 4 generic electronic template, and to continue the consideration of national practices of recording of information on explosive ordnance; and

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<sup>1</sup> In accordance with the decision of the Fifth Conference of the High Contracting Parties to Protocol V on Explosive Remnants of War, as contained in paragraph 43(a) of its final document (CCW/P.V/CONF/2011/12), the discussions on clearance, removal or destruction of explosive remnants of war and the Article 4 generic electronic template, were led by Mr. Gerfried Elias, Colonel, of Germany as the Coordinator.

(d) Also, to encourage all countries to contribute to sharing information on methods of recording and retaining information on the use or abandonment of explosive ordnance.

2. In preparing for the 2012 Meeting of Experts, all High Contracting Parties and observers were encouraged to contribute to the discussions as follows:

(a) ERW-affected States to provide information on their current ERW situation, actions taken and challenges that remain, including possible needs for assistance;

(b) All High Contracting Parties to contribute to a discussion on how they were ensuring that there was coordination between different actors working on clearance in the field, which was essential to establishing an efficient and effective ERW clearance operation; and

(c) Due to a variety of approaches and responses to Form B, all High Contracting Parties and observers were encouraged to share their understanding of and practises concerning Article 4.

## **Exchange of information on clearance, removal or destruction of ERW**

3. The Meeting of Experts commenced with an exchange of information on clearance and destruction activities. Belarus, Bosnia and Herzegovina, China, Croatia, Russian Federation and Ukraine provided updates on their respective clearance programmes.

## **Practical methods to enhance efficiency and effectiveness in ERW clearance programmes**

4. The session on practical methods to enhance efficiency and effectiveness in ERW clearance programmes got underway with a presentation by Mr. Frank Abel, Lieutenant Colonel, from the Geneva International Centre for Humanitarian Demining (GICHD) on 'Practical methods for project management in ERW Clearance Operations', which addressed the coordination of clearance operations in the field.

5. In the first part of his presentation Mr. Abel spoke about the design and important elements of the management process as a "step by step" approach to ensure quality management. Project management begins with "Tasking". The national authority, or the body acting on its behalf, was responsible for coordination, tasking and quality assurance/quality control (QA/QC), based on a nationally tailored quality management system. The process of delegating tasks should be constantly reviewed, modified or improved to keep the overall work flow process in accordance to the demands. The tasking order will determine which operator has been given the authority to carry out clearance and in which way (for example, timelines, size, contamination and methods). The aim of the "Task Assessment" was to gather as much information as possible for planning purposes to ensure the subsequent smooth deployment and operation.

6. Next part of the process was the "Concept of Operations". It was emphasized that a concept of operations should be developed for each clearance task as part of the implementation plan. Also, the management structure at the site must be clear. If the clearance in the field was carried out by several different organisations it must be determined which actor/organisation is in charge of coordinating all the clearance assets at the site. An important part of this concept of the operations was the need for establishing internal and external QA/QC, which was carried out to evaluate and control the concept.

7. Mr. Abel explained that the four phases of the process – (i) Situation ascertainment and control, (ii) Decision making, (iii) Planning, and (iv) Task allocation – were carried out in an ongoing cycle and were dependant on each other. Due to this interconnected system and network of ERW clearance programmes, Mr. Abel recommended that the responsible national authority should lead and supervise this process. The national authority should review and approve the operators' implementation plans, make necessary changes and finally accept the plan. In case of identified or requested deviations from the ongoing implementation plans, the national authority should act without delay to review and decide how to re-establish efficiency and effectiveness in ERW clearance programmes.

8. Lao People's Democratic Republic as a new High Contracting Party spoke about the enormous contamination of unexploded ordnance (UXO) in 14 of its 17 provinces. The national quality management concept in Lao People's Democratic Republic was built upon two mutually supporting components. The first one was an internal quality management by UXO operators and the second one was an external quality management carried out by the national regulatory authority (NRA). Further important aspects for achieving efficiency and effectiveness were planning and a post clearance impact survey. The NRA was also the core organization to ensure effective coordination within the UXO sector, including the coordination between different actors working on clearance in the field. The UXO sector working group meetings were organized twice a year for presenting progress reports, sharing information about UXO issues and for coordination in all relevant areas within the sector.

9. The Mines Advisory Group (MAG) noted that improvements in efficiency and effectiveness of operations increased the impact of national initiatives and international assistance and should be encouraged wherever possible. At the core of work to ensure efficiency, effectiveness and the impact in mine and ERW clearance operations was the principle that physical clearance of land should be undertaken only on areas that were actually contaminated. Undertaking default physical clearance of all suspected hazardous areas was an inefficient use of resources. The involvement of ERW-affected communities in operational planning, particularly in instances where there was little or no documented information on contaminated locations, could significantly enhance efficiency and effectiveness. A coordinated approach between actors in the field was central to achieving the best results in ERW clearance operations.

#### **Article 4 – Recording, retaining and transmission of information on the use or abandonment of explosive ordnance and information sharing**

10. The Coordinator invited Mr. Peter Kolarov, United Nations Office of Disarmament Affairs, to provide a briefing on the background to Article 4 of Protocol V. Mr. Kolarov began by explaining that Article 4 required High Contracting Parties and parties to an armed conflict to record and retain information on the use or abandonment of explosive ordnance "to the maximum extent possible and as far as practicable". Subsequently, High Contracting Parties are required to share this information without delay after the cessation of active hostilities and as far as practicable with other parties, the United Nations or organizations involved in risk education or the marking and clearance of contaminated areas.

11. In terms of its requirements, Mr. Kolarov explained that Article 4 is not about surveying ERW contamination on a State's own territory in a time of peace. Article 3 covers the surveillance of ERW. Rather Article 4 was targeted at the use and abandonment of explosive ordnance by a State's armed forces during an armed conflict. Also, Article 4

has to be read in combination with Article 11, which requires High Contracting Parties to issue instructions and operating procedures and provide training to its armed forces, all of which must be consistent with Protocol V. In other words States are required to not only implement procedures to ensure that in a situation of armed conflict they can record the use and abandonment of explosive ordnance, but they need to ensure that their armed forces have received training on such procedures and appropriate instructions.

12. Ms. Hine-Wai Loose, CCW Implementation Support Unit, presented an assessment of the progress made by High Contracting Parties in implementing Article 4. From the assessment of national annual reports, it was found that: 19 High Contracting Parties appeared to be implementing Article 4; 7 had reported on ERW contamination in their own territories which was not required by Article 4; 2 reported on recording explosive ordnance use in training exercises only; for 20 High Contracting Parties there was insufficient information; and for 25 High Contracting Parties there was no information and for two High Contracting Parties it was clear that they did not use explosive ordnance.

13. Ireland updated the Meeting of Experts on the progress to implement its recording system to fulfill the requirements of Article 4.<sup>2</sup> Ireland elaborated on when the recording would actually take place and the type and quantity of information to be entered into the template. From the experience of developing its own recording system, the main lessons for Ireland were:

(a) The options for recording information on the template should not be unduly restrictive. Although drop down menus containing many options were useful in that they prompted the user and assisted him or her in uploading the correct information, there must be scope to allow the user to insert data that differed from existing weapon and ammunition types. The spreadsheet must be future proofed by allowing the user to bypass a list of options and insert new information.

(b) The format for latitude and longitude must be flexible to reflect the different formats that could be used within different missions.

(c) Training on the Protocol V recording requirements needed to encompass both dry and live training scenarios. Ireland believed it was important that commanders completed the template whenever they fired live ammunition. The disadvantage was that such scenarios involved the input of limited information into the template as live fire training occurred in only a small number of locations in which the commanders and users could become familiar with the recording system. Live fire training represented the upper end of military training and therefore, what a commander did under these demanding conditions were the drills which he or she was most likely to implement in a real world engagement.

(d) It was clear from Ireland's initial year of using this reporting mechanism that class room briefings alone were not sufficient to train personnel. Practical, hands on tutorials were essential if soldiers and officers were to be capable of using the template. This training should be directed at a broad range of personnel including those at the lowest appropriate level of command.

14. The representative of UNMAS called upon all High Contracting Parties and their armed forces to follow Ireland's example.

15. The Russian Federation emphasised the importance it placed on Article 4. All structures within the armed forces needed to interact and to take a unified approach to

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<sup>2</sup> During the Meeting of Experts in 2011, Ireland had outlined the objectives of its system and template for recording the use and abandonment of explosive ordnance.

collecting, registering, storing and transferring information on the use of explosive ordnance. It was particularly important that armed forces were well trained on these matters. Also, armed forces needed to ensure that information of a confidential manner was not released. The Russian Federation was doing further work on its legal regulations to ensure the full implementation of Article 4.

16. The International Committee of the Red Cross (ICRC) has been concerned for sometime about the lack of implementation of Article 4. Article 4 was central to the success of Protocol V. If Article 4 was not implemented then the Protocol's other objectives would be more difficult to achieve. If Article 4 only addressed the surveillance of ERW, then the article would be superfluous. The added value of Article 4 was that it required States to record the use of explosive ordnance at the actual time of use in order to be able to predict the location of the ERW. This was supported by the requirements of Part I of the Technical Annex on Article 4.

17. Mr. Mark Hiznay<sup>3</sup>, Human Rights Watch (HRW), made a presentation on HRW's research in Libya following the combat operations there in 2011. He noted that Libya is not party to Protocol V. This example highlighted one of the greatest weaknesses of Protocol V and its lack of acceptance among States affected by ERW. Since Protocol V's entry into force in 2006, there had been no situations wherein the "user" States and the "affected" State were both party to the Protocol. Mr. Hiznay noted that NATO had taken some steps to provide strike data from the 2011 combat operation in Libya and hoped that this data would be useful for actors engaging in surveillance, clearance and risk education. HRW was not satisfied with the information NATO member States, which used explosive ordnance during combat operations in Libya, had provided in their annual national reports. There appeared to be a lack of clarity between NATO member States that are States Parties to Protocol V and the NATO alliance which provides command and control for its operations as to who should provide strike data on the use of explosive ordnance.

## Recommendations

18. In light of the above, it is recommended that the Sixth Conference of the High Contracting Parties decide as follows:

- (a) To continue the consideration of clearance, removal or destruction of ERW in the context of meetings of experts and the conferences of the High Contracting Parties to Protocol V;
- (b) To address capacity building in the areas of surveillance, clearance, removal and destruction of ERW at the national and community levels;
- (c) To encourage High Contracting Parties to include information in reporting forms B and H on steps taken by them to implement the provisions of Article 4<sup>4</sup> concerning the recording, retaining and transmission of information, and the steps taken to issue appropriate instructions and operating procedures and to provide training to its personnel pursuant to the provisions of Article 11; and

<sup>3</sup> Mr. Mark Hiznay, Human Rights Watch, delivered his statement already on 25 April 2012 after the opening of the meeting by the President designate, Mr. Zamir Akram, Ambassador of Pakistan.

<sup>4</sup> High Contracting Parties may wish to refer to the Article 4 generic electronic template as set out in the "Report on the Article 4 generic electronic template" CCW/P.V/CONF/2008/5, 6 November 2008.

(d) To further explore the means by which coalitions or alliances can assist participating High Contracting Parties to give effect to their individual obligations to record, retain and transmit information on the use or abandonment of explosive ordnance.

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