

**GROUP OF GOVERNMENTAL EXPERTS OF
THE STATES PARTIES 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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Explosive Remnants of War**

Working Group on Explosive Remnants of War

THE UNITED NATIONS AND THE IMPLEMENTATION OF PROTOCOL V

Presented by the United Nations Mine Action Service (UNMAS)
on behalf of the IACG-MA¹

Introduction

1. In June 2005 the UN Inter-Agency Coordination Group on Mine Action (IACG-MA) endorsed the document: “Mine Action and Effective Coordination: The United Nations Inter-Agency Policy”, which replaced the UN mine action policy of 1998. This document defines the vision and core commitments of UN mine action, outlines the legal framework within which UN mine action takes place, elaborates the common positions that derive from the vision and core commitments and describes the coordination mechanisms, and individual roles and responsibilities of UN actors in mine action.
2. The UN Inter-Agency Policy recognizes the humanitarian and development impact of landmines and explosive remnants of war as defined in Protocol V, which constitutes a core component of the legal framework for UN mine action.

¹ The IACG-MA comprises the following UN departments and agencies involved in mine action: the Department for Peacekeeping Operations (DPKO), the United Nations Mine Action Service (UNMAS), the Department of Disarmament Affairs (DDA), the United Nations Development Programme (UNDP), the United Nations Children’s Fund (UNICEF), the United Nations Office of Project Services (UNOPS), the Food and Agriculture Organization (FAO), the Office for the Coordination of Humanitarian Affairs (OCHA), the Office of the Special Adviser on Gender Issues (OSAGI), the Office of the High Commissioner for Human Rights (OHCHR), the United Nations High Commissioner for Refugees (UNHCR), the World Food Programme (WFP) and the World Health Organization (WHO). The World Bank is an Observer on the IACG-MA.

“The vision of the United Nations is a world free of the threat of landmines and explosive remnants of war (ERW), where individuals and communities live in a safe environment conducive to development and where the needs of mine and ERW victims are met and they are fully integrated into their societies”

Mine Action and Effective Coordination: The United Nations Inter-Agency Policy

3. In early 2006 the UN released its new five-year Inter-Agency Mine Action Strategy 2006-2010, which establishes the following four strategic objectives around which the UN will prioritize its mine action initiatives:

- (a) Reduce death and injury caused by landmines and ERW by at least 50%;
- (b) Mitigate the risk to community lives and livelihoods and expand freedom of movement for at least 80% of the most seriously affected communities;
- (c) Integrate mine action needs into national development and reconstruction plans and budgets in at least 15 countries;
- (d) Assist the development of national institutions to manage the landmine/ERW threat and prepare residual response capacity in at least 15 countries.

“Strategic Goal

(...) The UN will work with national authorities and in partnership with NGOs, the private sector, international and regional organisations and others to reduce the humanitarian and socio-economic threats posed by landmines and explosive remnants of war, at which point UN mine action assistance will no longer be necessary.”

United Nations Inter-Agency Mine Action Strategy: 2006-2010

4. The UN Mine Action Team is fully committed to the universalization and effective implementation of Protocol V. The present working paper provides the Group of Governmental Experts of States Parties to the Convention on Certain Conventional Weapons (CCW) with an overview of the way in which the UN Mine Action Team is prepared to assist States to implement Protocol V.

Article 3: Clearance, removal or destruction of ERW

5. The UN can play a role in facilitating the provision of technical, financial, material or human resources assistance from the High Contracting Party that has used explosive ordnance to undertake the marking and clearance, removal or destruction of ERW in territory that it no longer exercises control over. The UN can also assist in facilitating these means of cooperation by other High Contracting Parties not parties in a conflict, where appropriate.

6. The support to be provided by the UN could be tailored to suit the requirements of the particular situation, and could range from the provision of technical advice to the establishment of a coordination centre to oversee mine action operations. The UN Mine Action Team has developed considerable experience in coordinating the surveying, prioritising, marking and clearance of areas affected by ERW, as well as in resource mobilization efforts, particularly through the Portfolio of Mine Action Projects.

“What is the Portfolio?”

The Portfolio of Mine Action Projects is a resource and reference document for donors, policy-makers, advocates, national and international mine action implementers. The country-specific proposals in the Portfolio reflect the strategic response developed in the field to the specific problem of landmines and explosive remnants of war (ERW). This country-based approach aims to present as comprehensive a picture as possible of the full range of mine action needs in a particular country or thematic issue related to mine action. Each submission is also reflective of a national strategic plan and is endorsed by national authorities, where relevant. (...)”

Portfolio of Mine Action Projects 2006

7. Article 3 acknowledges the value of international standards applicable to survey, risk assessment, marking, clearance, removal and destruction of ERW, including the International Mine Action Standards (IMAS). The IMAS provide guidelines and “best practice” advice for national governments, mine action centres and demining organisations and are used as the basis for developing appropriate national standards.

8. An IMAS Review Board was established to oversee the continuous review process for the standards. The IMAS project is managed on behalf of the UN by the GICHD. The UN Mine Action Team, together with the GICHD, will review existing IMAS to ensure they are relevant to Protocol V. If areas of additional work are identified new IMAS will be prepared for endorsement.

9. Taking into account the increased international support given to the IMAS and their implementation, even beyond the context of UN-assisted programmes, the UN Mine Action Team is aware of the need to translate IMAS into non-English versions and encourages efforts in that direction.

“Standards

(...) The United Nations endorses the IMAS as the standards in force for all United Nations mine action operations, and will only engage contractors that comply with IMAS (or the locally adapted version of IMAS). The United Nations keeps IMAS under continuous review. When supporting national programmes, the United Nations assists governments to develop national standards based on IMAS.”

Mine Action and Effective Coordination: The United Nations Inter-Agency Policy

Article 4: Recording, retaining and transmission of information

10. The UN Mine Action Team regards provisions on recording, retaining and transmission of information as some of the most important contributions to mine action from Protocol V. The early transmission of information on types of ammunition, their location and their fusing mechanisms by those who have used or abandoned explosive ordnance, could facilitate in a very significant manner the work of mine action operators, thereby reducing the threat to civilian populations soon after the cessation of hostilities. The UN encourages High Contracting Parties to make the fullest possible use of best practices contained in Part 1 of the Technical Annex to Protocol V on recording, retaining and transmitting their information on ammunition used or abandoned during conflicts to the UN or another third party.

11. Programmes managed and supported by the UN, among an increased number of other national programmes, utilize the Information Management System for Mine Action (IMSMA), a new version of which is being developed by the GICHD. The UN strongly believes that formats for the provision of the information on ERW should allow simple entry into IMSMA, and is prepared to work closely with the High Contracting Parties and the GICHD on such matters.

Article 5: Other precautions

12. The UN Mine Action Team, most notably UNICEF, has extensive experience with the provision of mine risk education and will continue to play this role in support of the measures required by Article 5. UNICEF played a prominent role in the development of the international mine action standards (IMAS) for mine risk education, and now monitors/supports the implementation of these standards in the field. Together with the GICHD, UNICEF has developed best practice guidebooks for Mine Risk Education IMAS. They also guide States on how to fulfil commitments under Protocol V to provide warnings to affected populations.

“Although the discipline is called *mine* risk education, it seeks to prevent harm to civilians from all types of victim-activated explosive devices. MRE therefore covers the dangers not only of landmines (whether anti-personnel or anti-vehicle) but also of explosive remnants of war (ERW).”

IMAS Mine Risk Education – Best Practice Guidebook 1: An Introduction to Mine Risk Education

Article 6: Protection of humanitarian missions and organizations

13. This Article obliges each High Contracting Party and party to an armed conflict to take measures to protect humanitarian missions and organizations from the effects of ERW. In support of this objective the UN Mine Action Team (most notably UNMAS and UNICEF), have produced the “Landmine and Explosive Remnants of War Safety Handbook”. The handbook is used to raise awareness and provide basic safety information concerning the threat of landmines and ERW to organizations and individuals working in war-torn or post-conflict areas.

“When in areas of unexploded and abandoned ordnance, ‘not approaching’ and ‘never touching’ are basic safety principles that should keep you safe. If you see unexploded ordnance (UXO) or you approach an area littered with ordnance, this does not necessarily mean that you are in a minefield. Specialists will usually refer to such an area as a battlefield. The best policy is to avoid these areas but report your observations to ensure the Mine Action Centre (MAC) or other appropriate authorities are aware of the specific threat”.

Landmine and Explosive Remnants of War Safety Handbook

Article 7: Assistance with respect to existing ERW

14. The United Nations has long been assisting States to address the impact of ERW and will continue to provide coordination and assistance in accordance with its mandate and available resources, including in situations where the ERW problem is considered to be an “existing” problem within the meaning of article 7.

Article 8: Co-operation and Assistance

15. The UN will continue to serve a coordinating and administrative role for the provision of assistance by High Contracting Parties to ERW-affected countries and territories. Voluntary trust funds for this purpose are managed by UNMAS, UNDP and UNICEF.

16. UNMAS presented a working paper to the Group of Governmental Experts in 2003 entitled “The United Nations and Explosive Remnants of War” (CCW/GGE/V/WG.1/WP.2). This paper’s explanation of the UN’s role in assisting landmine and ERW-affected countries remains accurate but is now bolstered by the inter-agency mine action policy and strategy referred to above.

17. The UN is prepared to facilitate the exchange of information and equipment between High Contracting Parties. The UN will need to ensure that appropriate mechanisms are in place to receive information on the means and technologies of clearing explosive remnants of war, lists of experts, expert agencies or national points of contact, and technical information on relevant types of EO. The electronic mine information network (E-mine) replaced the database on mine clearance established by the Department of Humanitarian Affairs in 1995. It is likely that E-mine will need to be improved to be able to meet the requirements of Protocol V and the expectations of High Contracting Parties. Therefore, the IACG-MA will review and eventually revise E-mine with the aim of facilitating the provision of information more in accordance with paragraph 5 of Article 8.

18. The inter-agency mine action policy describes how requests for assistance from landmine/ERW-affected States should be transmitted to and addressed by the UN mine action team. Requests for assistance should be communicated to UNMAS for the consideration of the Inter-Agency Coordination Group for Mine Action through the Senior UN Official in the country or through the affected country’s Permanent Mission to the United Nations. The response might include an inter-agency assessment mission process or, if circumstances warrant, a rapid response might be undertaken within the “Framework for Mine Action Planning and Rapid Response”. The Senior United Nations Official and the United Nations Country Team ensure overall coordination of any UN mine action response in conjunction with national authorities.

19. The UN recognizes that the primary responsibility for mine action lies with the government of the landmine/ ERW-affected country.

“Assistance to mine-affected states and national ownership

(...) To ensure the most effective and appropriate response to the landmine threat, United Nations mine action activities promote national ownership, institution-building and capacity development, and are contingent on adherence to the core requirements of the IMAS. The primary responsibility for mine action lies with the government of the mine-affected state. This responsibility should be vested in a national mine action authority that is charged with the regulation, management and coordination of a national mine action programme within its national borders, including the development of national mine action standards, standing operation procedures and instructions.”

The United Nations Inter-Agency Policy

20. UN emergency response to mine action operations is articulated in its Framework for Mine Action Planning and Rapid Response. The framework has been used recently to plan the supplementation of capacities in Guinea Bissau and Lebanon, following recent conflicts in these countries. Members of the UN mine Action Team contribute to the development of plans under this framework, reflecting their respective areas of comparative advantage. This includes both the development of survey, prioritisation, marking and clearance activities, but also mine risk education and victim assistance activities.

Article 9: Generic Preventive Measures

21. The UN Mine Action Team would study carefully the generic preventive measures contained in Part 3 of the Technical Annex to Protocol V with the aim of considering possible developments of IMAS in areas such as munitions management.
