

DISCUSSION PAPER 2

Presented by Mr. Henrik Markuš of Slovakia,
Coordinator on National reporting, pursuant to Article 10 (2) (b) of the Protocol and the Article 4
Generic Electronic Template

ELEMENTS FOR CONSIDERATION ON ARTICLE 4 GENERIC ELECTRONIC TEMPLATE

Non-Paper

MANDATE

(31.) The Second Conference of the High Contracting Parties to Protocol V approved the Article 4 Generic Electronic Template, as contained in Annex III of its Final Document; and

(32.) The Second Conference decided, *inter alia*, in the context of the Meetings of Experts and the Conferences of the High Contracting Parties to Protocol V, **to keep under review the adequacy and the usefulness of the Article 4 generic electronic template as a tool for effective recording and retaining of information** pertinent to the implementation of Article 4.

ELEMENTS FOR CONSIDERATION

High Contracting Parties are invited to provide their views, comments, suggestions, etc. on their use of the Article 4 generic electronic template, based on, but not limited to the following points:

- What action they have taken in respect to the Article 4 generic electronic template:
 - Have the relevant authorities and military commanders and soldiers in the field been duly informed about the template?
 - Has the Article 4 generic electronic template been codified into military regulations, instructions, etc.?
 - What adaptations for the use on the national level have been carried out in the template?
 - Have there been any programs, courses, etc. to explain to the military commanders and soldiers its purpose/benefits and to educate how to use the template in practice?
 - Are the responsible authorities aware of the fact that recording, retaining and possible transmission of information outlined in the Part I of the Technical Annex is a legally-binding obligation under Protocol V's Article 4 paragraph 1?
 - Do they distinguish between this obligation and the fact that the obligation to make available without delay the information recorded after the cessation of active hostilities to the party or parties in control of the affected area without delay is subject to these parties' legitimate security interests (Article 4 paragraph 2)?

Notes:

- *This fact is embodied in distinction between the Part A and its Part B of the Article 4 generic electronic template.*
 - *It is crucial to be aware that if the information on the ERW is not recorded in a usable format (such as the generic electronic template) then it is extremely difficult to provide that information at a later date, if so decided by the respective party to an armed conflict.*
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- The Second Conference of the High Contracting Parties decided to keep under review the adequacy and the usefulness of the Article 4 generic electronic template. Do the High Contracting Parties in this respect consider the current format of the generic electronic template practical in all its aspects?
 - Have they got any feedback from the afore-said subjects on:
 - Whether they find the Article 4 generic electronic template user-friendly?
 - Whether the use of the national grid system is an adequate measure to have the template easy to use in practice?
 - What additional improvements and suggestions would they propose in respect to its use in practice?
 - Has the Article 4 generic electronic template been already used in situations for which it has been designed and where such an obligation exists under the Protocol V Article 4 paragraph 1?
 - If not, what has prevented the military commanders (and soldiers) to use it?
 - What measures are envisaged to address this problem (these obstacles)?
 - Has the feedback from the users of the Article 4 generic electronic template been based on practical experience or is rather of theoretical nature?

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