

DISCUSSION PAPER 3

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Protocol

ELEMENTS FOR DISCUSSION ON CLEARANCE, REMOVAL OR DESTRUCTION OF ERW, PURSUANT TO ARTICLE 3 OF CCW PROTOCOL V

I. Clearance, removal or destruction of ERW

The main purpose of this session is to serve as a forum for cooperation and assistance in the clearance, removal or destruction of ERW. Against this background and as it was also the case during the 2008 Meeting of Experts last year, it provides an opportunity for updates by the ERW-affected States. In particular, those ERW-affected States that have not yet done so, may wish to present a comprehensive background presentation, covering, *inter alia*, the origin and scope of the ERW contamination, their current ERW situation, actions taken at the national level, including legal and institutional set-up and status of on-going clearance programmes, main challenges, need of assistance, if any. The session is also an opportunity for updates by States and others in a position to assist those which have to deal with ERW-contamination.

II. Responsibilities of the user of explosive ordinance: recording of information on the use of explosive ordinance; submission of information to the party in control of the territory

As it was also emphasized during the discussions at the 2008 Meeting of Experts on Clearance last year, a major provision of CCW Protocol V is the requirement contained in Article 4, under which High Contracting Parties and parties to armed conflict shall record and retain information on the use of explosive ordinances or abandoned explosive ordinance during an armed conflict thus making marking, clearance, removal or destruction of ERW as fast and effective as possible. As indicated by deminers from the field, the main challenge in clearing the ERW contaminated areas is not technical in nature but relates to the shortage of information on where and what kind of ERW might be found. The timely provision of such data will have a decisive impact on the duration, cost and efficiency of the ERW clearance. Therefore, the inclusion of such a requirement in the relevant military instructions and manuals and the establishment of a culture of recording and retaining of information and the submission of relevant information to the State in control of the contaminated area or a third party are of primary importance for the successful implementation of the Protocol.

All States parties and observers are invited to an informal and open exchange of views on national experience and practices in recording and retaining of information on the use and

abandonment of explosive ordinance, as well as on making such information available to the party or parties in control of the affected area.

The following questions may be relevant for this discussion:

- How is the formal requirement of recording of used explosive ordinance implemented during an armed conflict?
- What formats are being used to record the data on explosive ordinance?
- Who takes the decision on the priorities of recording the information?
- How is this information stored?
- How is the recorded information used after the conflict? How long is it kept?
- What type of decision is needed in order to transfer the data collected to the party in control of the territory or to a third party/international organization?
- How has the entry into force of CCW Protocol V affected your national practice on recording and passing on the recorded information?

III. Responsibilities of the High Contracting Party and party to an armed conflict in control of ERW-affected territory: prioritization and needs assessment for clearance

As it is stated in Article 3 on Clearance, removal or destruction of explosive remnants of war under Protocol V, “areas affected by explosive remnants of war which are assessed pursuant to paragraph 3 of this Article as posing a serious humanitarian risk shall be accorded priority status for clearance, removal or destruction.” Prioritization of the contaminated areas is a direct responsibility of the party affected by ERW. Moreover, it correlates directly with the humanitarian impact of ERW. The main purpose of this session is to emphasize this important aspect of clearance by providing some expertise on Risk management model, a tool to help determine and assess the risk of areas, contaminated by ERW, and prioritize the areas accordingly.

All States parties and observers are invited to share their national needs assessment practices and the challenges they have faced in making the prioritization.

IV. Environmental impact of ERW

This session will focus both on the immediate and the long-term impact of ERW, including ERW clearance and destruction and how it impacts on the environment. States parties and observers are invited to share available information on the environmental impact of ERW.

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