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 (CCW)

Protocol V on Explosive Remnants of War (ERW)

Clearance, removal or destruction of ERW, pursuant to Article 3,
and Article 4 Generic Electronic Template

Geneva, 08 March 2013

Excellancy,

I am writing to you in my capacity as Friend of the Coordinator for Clearance, removal or destruction of Explosive Remnants of War (ERW), pursuant to Article 3 of CCW Protocol V on ERW, and Recording, retaining and transmission of information pursuant to Article 4.

This letter is an addition to the Coordinators letter dated 12 February 2013.

As you will be aware the Protocol V Meeting of Experts will take place from 10 to 12 April 2013 in Geneva. I am writing to you concerning the discussions on Article 4 scheduled for 11 April.

Article 4 is an important provision of Protocol V that requires militaries to record the use and abandonment of explosive ordnance – to the maximum extent possible and as far as possible - during an armed conflict. Then the information recorded must be transferred either to the party in control of the contaminated territory or to a third party in order to assist the clearance operation.

During this year’s discussions on Article 4 a key recommendation which must be addressed is:

*To further encourage High Contracting Parties to share their practices and experiences on how they give effect to their obligation to record, retain and transmit information on the use or abandonment of explosive ordnance, including such practices and experiences when participating in coalitions or alliances.*

It is important that those operating in coalitions are able to demonstrate that they have fulfilled the requirements of Article 4. Last year Human Rights Watch was critical of NATO’s efforts to comply with Article 4, especially during and following the campaign in Libya.

As a fellow NATO Member, I urge your country to share its procedures and experiences for fulfilling the obligations of Article 4. In particular, how is/was coordination carried out between your military and NATO on Article 4 in the multinational military operation “UNIFIED PROTECTOR” in Libya? When participating in a coalition, do your military’s procedures on Article 4 differ compared to when acting independently only with your national forces? Does acting in coalitions or alliances make a difference with regard to your national obligations to recording, retaining and transmission of information?

The Permanent Representatives of the
High Contracting Parties to CCW Protocol V
on Explosive Remnants of War
Geneva
Your delegation’s responses on these matters during the Meeting of Experts would be highly appreciated and form a valuable contribution to advancing the implementation of Protocol V. If you have any further questions please do not hesitate to contact either myself or the CCW Implementation Support Unit.

Yours sincerely,

Gerfried Elias
Colonel (GS)

CCW Protocol V Friend of the Coordinator on Clearance, removal or destruction of ERW,
And the Article 4 Generic Electronic Template