Statement on Article 4

Thank you very much Gerfried for your work on this important matter. Around the world there continues to be ERW contamination from past conflicts and one of the greatest challenges faced by countries is that they simply do not know the extent of the contamination on their own territories. In promoting Protocol V, we as the CCW Implementation Support Unit emphasise that this instrument has taken onboard lessons learnt from past conflicts. For that message to be a credible one, it is crucial that High Contracting Parties are implementing their obligations.

This year I have changed the approach of my Article 4 presentation and instead will focus on those that appear to be implementing Article 4. In other words, I am taking the “naming and naming” approach. Also, I am going to address some of the common errors in reporting under Article 4.

We realise that reporting under Article 4 continues to be an issue that causes confusion for a number of States. We are considering how to assist States on this matter.

There have been some improvements in the reporting under Article 4 and useful information has been provided. For example, Belgium reported that it has implemented new procedures for the implementation of Article 4. Joining the group of States that appear to be implementing Article 4 are Finland, Hungary and Poland. Another country that has made steps in the right direction is Austria. We would like to thank these four States for the clarification that they have provided in their reporting.

Some of the States in this group are still working on procedures for recording the use or abandonment of explosive ordnance. However, the important points are that their armed forces know that this is an issue which must be addressed and work is underway. For example, Sweden will be testing new procedures this year.

If you are looking for good examples of reporting on Article 4, we would recommend the national annual reports of States such as Australia, Canada, Ireland, Lithuania, Netherlands, New Zealand, Romania and the United States.

A number of States continue to report on ERW contamination in their own territories in peace time. Again, Article 4 concerns the obligation on military to record the use or abandonment of explosive ordnance during an armed conflict and not surveillance activities in peace time.

Several States in their reporting under Article 4 refer to Engineering Information Systems. Such systems concentrate on recording ERW contamination when it is discovered. However, these systems may not be designed to record the use of explosive ordnance during an armed conflict.

There are States that have reported that they are not engaged in an armed conflict and therefore, they do not need to implement Article 4. A point that has been emphasized over the past couple of years and especially in the presentations of Ireland on the development of its recording procedures is that Article 4 procedures must first be established, training needs to be provided and the
procedures have to be tested if they are to be effective. If your State finds itself in an armed conflict then it will most likely be too late to establish and implement Article 4 procedures.

Other States have reported that they have in place recording procedures during their training exercises or that they only use explosive ordnance in controlled and specified areas. For these States it is uncertain if they have prepared and instructed their militaries on the obligations of Article 4. All potential users of explosive ordnance should have in place Article 4 procedures. Training and using explosive ordnance in specified areas is carried out for the possibility of one day being involved in an armed conflict. This leads to another point and that is an armed conflict will not necessarily be an aggressive war and States should be prepared to implement Article 4 in defensive conflicts and peacekeeping missions.

Again if ever you are uncertain about reporting under Article 4, please do contact us in the CCW Implementation Support Unit. While we may not be able to directly advise you, we may be able to put you in contact with another State or organization that can assist on this matter.