CCW Protocol V Meeting of Experts

Session on Recording, retaining and transmission of information - Article 4
11:30am, Thursday 11th April 2013

Remarks of the Friend of the Coordinator,
Colonel Gerfried Elias

Excellencies, Ladies and Gentlemen,

I would like to welcome all delegations to this morning’s session which will deal with the agenda item “Clearance, removal or destruction of Explosive Remnants of War, pursuant to Article 3, and Article 4”.

Articles 3 and 4 are central to both preventing and remedying the humanitarian impact of explosive remnants of war.

As you will recall at last year’s Sixth Conference and as set out in the letter of the Coordinator dated 12th February 2013, we agreed to the following four decisions:

1. To continue the consideration of clearance, removal or destruction of ERW in the context of meetings of experts and the conferences of the High Contracting Parties to Protocol V;
2. To address capacity building in the areas of surveillance, clearance, removal and destruction of ERW at the national and community levels;
3. To encourage High Contracting Parties to include information in reporting Forms B and H on steps taken by them to implement the provisions of Article 4 concerning the recording, retaining and transmission of information, and the steps taken to issue appropriate instructions and operating procedures and to provide training to its personnel pursuant to the provisions of Article 11; and
4. 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.

As Friend of the Coordinator on Article 4, I will address decisions (3) and (4). Article 4 requires States to record and retain information on the use and abandonment of explosive ordnance. Following active hostilities such information will be transferred to the parties in control of the affected territory either bilaterally or through a third party. Information on the location and type of explosive ordnance

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is invaluable to assisting clearance organisations and saving time and often limited resources available for surveillance and clearance operations. My session will be divided into two parts – one before and one after the lunch break.

**Part 1** will deal with the implementation of the provisions of Article 4 concerning the recording of the use and abandonment of explosive ordnance, retaining and transmission of such information. Article 4 must be read in conjunction with Article 11. Article 11 requires HCPs to issue appropriate instructions and operating procedures and to provide training to their military personnel.

At the beginning I would like to invite Raymond Smith, who is a Military Technical Advisor in the Arms Unit of the ICRC. Mr. Smith will inform us about the ICRC’s Meeting of Experts on “Operationalizing the recording requirements of Protocol V” held from 8 to 9 November 2012 in Geneva, and to present its recommendations for implementing Article 4 of Protocol V by the HCP.

The presentation will be followed by a Q/A period.

[>>> ICRC PRESENTATION <<<]

I thank the representative of the ICRC, Mr. Smith, for his brief statement and the important recommendations contained therein.

Are there any questions or comments on his statement?

[QUESTIONS OR COMMENTS, IF ANY]

I would like to again thank Mr. Smith on behalf of the meeting for his contribution and hope that he will be able to stay with us for the rest of our session.

I would like to open the topic on the implementation of the provisions of Article 4 to all delegations and participants in the Conference Room. In particular, I would like to discuss the practise of providing information on Article 4 as required under reporting Form B of the national reporting form. Also the obligations on HCPs to issue appropriate instructions and operating procedures and to provide training to their military personnel pursuant to the provisions of Article 11 as set out in Form H.

Both parts are important and of vital interest – preparation and organization of training and information gathering and sharing.

Delegations are welcome to make general remarks on this topic, to provide details with reference to their national reporting, given instructions and operating
procedures on Article 4. Also, delegations may wish to speak on their training programmes and compliance mechanisms for the effective implementation of Article 4.

To commence this discussion, Hine-Wai Loose of the CCW Implementation Support Unit will provide an update on the progress of States towards implementing Article 4.

[HINE-WAI LOOSE TO SPEAK]

Are there any questions for Hine-Wai? Or is there any delegation that wishes to take the floor at this stage?

[INTERVENTIONS, IF ANY]

I thank the delegation of .... for these remarks.

This concludes our exchange of information on the implementation of the provisions of Article 4. I thank all delegations for their contributions.

[I wish a good lunchtime break to everyone and we will continue at 15:00hrs in this room. This meeting stands adjourned].

>>>>>> CONTINUATION / FORTSETZUNG

I would now like to open the second part of our session on the implementation of the provisions of Article 4 concerning the recording, retaining and transmission of information. This part will focus on what HCPs must do to give effect to the obligations of Article 4 when participating in coalitions or alliances.

Previous discussions during the Meetings of Experts and especially last year’s presentation of Human Rights Watch (HRW) highlighted the need for further examination of this special aspect. I would like to quote HRW the presentation it made last year: “There appears to be a lack of clarity between NATO member states that are States Parties to Protocol V and the NATO alliance which provides command and control for its operations as to who should provide strike data on the use of explosive ordnance. It is imperative that this be addressed so that detailed information is provided in a timely manner to the clearance community”.

My intention is to approach this issue from two different directions:

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(1) I have asked some NATO Member States in my letter dated 08 March 2013, that took part in the multinational military operation "Unified Protector" in Libya in the year 2011 to share their procedures and experiences for fulfilling the obligations of Article 4.
I would like to quote from this letter:

- 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?

(2) I have invited a representative from NATO in Brussels and a representative from the Supreme Headquarters Allied Powers Europe (SHAPE) in Mons to participate in this session and to share - if possible - their views from an alliance level concerning possible instructions, regulations and experiences.

On the basis of this two-pronged-approach I hope to gain greater clarity on how States are fulfilling their obligations when operating within an alliance or coalition.

I would now like to invite delegations from NATO Member States to share their views and hopefully present practical experiences from the military operation "Unified Protector" in Libya.

[INTERVENTIONS, IF ANY]

I thank the delegation of ..... for these remarks.

I would like to ask the representative of NATO / SHAPE to share its views from an alliance level concerning the interaction between the command level and participating nations on possible instructions, regulations and experiences.

Firstly, I would like to introduce to you Lieutenant colonel Frank Cremer from The Supreme Headquarters Allied Powers Europe (SHAPE). SHAPE is the strategic HQ for Allied Command Operations (ACO).

Plans is the directorate responsible for the development of strategic policy to support ACOs operations and functions.

J5 Division is responsible for the development, review and maintenance of strategic planning, advanced planning and crisis planning products for ACO; the development of strategic policy and concepts for ACO.

Arms Control Cell is a one man shop within the PLP Branch.

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The Arms Control Senior Officer (AC SO) duties are (excerpt):
- responsible for Arms Control matters,
- focal point for all arms control advice in planning and execution of operations,
- providing direction, co-ordination and advice to ACO on arms control issues,
- monitoring of arms control matters and reporting to ACO,
- monitoring and reporting of arms control processes, issues, and verification
- responsible for Annex M (Arms Control) in OPLANS,
- monitoring of arms control processes in international bodies (incl. OSCE),

Colonel Cremer you have the floor.

[QUESTIONS OR COMMENTS, IF ANY]

I would like to thank Colonel Cremer on behalf of the meeting for his important remarks and the useful clarification about “responsibility” in fulfilling the obligations of Article 4.

I would now like to invite delegations to share their views and hopefully present practical experiences from operating within alliances or coalitions. Also other delegations are welcome to make comments or observations on this matter.

[INTERVENTIONS, IF ANY]

I thank the delegation of ..... for these remarks.

I thank all delegations for their constructive and fruitful cooperation and dialogue with regard to my obligations as Friend of the Coordinator for Clearance, removal or destruction of ERW and the Article 4 and our common responsibility to fulfill the obligations of Protocol V and to support all HCPs towards full compliance.

Now the Coordinator himself, Mr. Ivan Grinevich from Belarus, will continue with the second main section devoted to Article 3 and the decisions (1) and (2) of the Sixth Conference.

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