ERW: States Conclude a Protocol

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and depths, affecting their election and decision-making. However, there are no adverse conditions that discourage the specialists nor decrease their drive.

The results of this work are the direct result of the functions carried out by the international supervisors and monitors. These teams of professionals, including sailors, marines, and non-commissioned officers, are representatives of diverse countries throughout the Americas. Their principal mission is to supervise demining tasks, ensure that operations follow international demining norms and provide for the safety of the soldiers that execute the tasks. In addition, they participate in the planning of the tasks related to impact surveys and certify that the work is being carried out in compliance with strict security norms. In order to carry out these tasks, they must attend an intense training program in order to be qualified. With time, camaraderie and a common purpose begin to develop within the demining teams; these aspects contribute significantly to strengthening the ties between civilians and the military. Thus, the confidence and affectation of the civilian population toward their soldiers are reinforced.

On a daily basis, the team coordinates with national military authorities that are responsible for clearing their territories. They have the responsibility of suspending work if it is not being executed in accordance with established norms. However, they must also observe the realities of the terrain and particular situations and ensure that they do not become an impediment to the work, all while staying within the perspective of security.

One of the most important aspects of this type of work, where the daily relationship of soldiers from diverse countries is motivated by the sense of serving a country and the international community, is the significant increase in confidence and security the community gains. A situation that demonstrates this took place last year between Peru and Ecuador. These two governments committed to clearing areas in Peru and formed a sense of camaraderie as they worked toward a humanitarian objective. These efforts were significant in helping to overcome historic differences between nations and in calming the mine-related fears of Peruvians.

Although confronted with hard work and transferred to border areas where memories of conflict can easily return, the teams strive toward the objective of camaraderie and a humanitarian end. This is seen in the displayed energy of soldiers as they demonstrate motivation for what they are doing. They can personally verify how recovered terrain is now being utilized for agricultural production in socio-affected regions. Additionally, they directly receive the expressions of fondness from the people when they see their lands cleared and returned.

The unit commanders designated by the host country to direct these missions discover how their capacity to manage can exceed borders. The result of their efforts not only is projected directly to the communities of their own countries, but also remains imprinted in the international community. This is because they have taken part in an effort where various countries participate in humanitarian objectives and goals.

The demining experiences carried out by Armed Forces personnel have achieved great results in respect to fulfilling a job with a high incidence of security. These tasks have cleared terrain contaminated by mines and have offered tranquility and security to the citizens that live in these sectors. Thus, the efforts of international organizations aimed toward peace and security in the hemisphere can be visualized with positive and concrete results.

**Achievements**

**ENVIRONMENT**

During 2002, important efforts toward the elimination of AP mines owned in Central America were accomplished. The number of mines and UXO that have been destroyed as of August 31, 2003, reached a total of 28,793. The area cleared reached 1,280,453 m² in among the countries of Costa Rica, Guatemala, Honduras and Nicaragua.

In April 2002, MARMINGA began to support the humanitarian demining activities of the MINE Action Group in Peru and Ecuador. MARMINGA was designated by the USAID and IPAB to provide technical assistance to the armies, and directed basic courses to the sappers and Demining Operation Planning.

**IMPONARY**

In 1998, Ecuador and Peru initiated the task of eliminating mines from their respective territories. Both countries developed different methods for demining their territories, realizing that their situations were different.

In 1999, the United Nations and the USAID did not provide sufficient support for activities involving the clearing of landmines in this way.

On August 22, 1999, the Demining Center of Ecuador (CENDESM) was created through Executive Decree Number 1297. In March 2001, the agreement between Ecuador and the USAID was signed and put into practice with the help of the USAID, program, Peru, in turn, developed the first phase of demining operations in 1999 with bilateral assistance from the United States and Canada. In May 2001, the OAS and the Peruvian government signed the agreement for the coordination of international support, through the OAS. On May 1, 2003, MARMINGA was cleared with head-quarters in Zamora, Peru.

**Conclusion**

As an observer, I have seen the importance of humanitarian demining in Central and South America. The important and undeniable work carried out by the Armed Forces within the different roles that they execute is inspiring. Through this article, one can only visualize the great success of the OAS and MARD's coordinated efforts between civilian and military organizations. Although not well known, they have achieved a great degree of success in liberating countries from the threat of AP mines, allowing for economic and developmental activities to boom in countries. It is not only to congratulate the efforts of all of the members of the demining barons for their unselfish work, which makes possible the activities of the military today and project their role for the future.

**Contact Information**

First photo c/o IADB
Second photo c/o AP

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**Introduction**

In November 2003, the States Parties to the Convention on Certain Conventional Weapons (CCW) met in Geneva and agreed to the creation of a fifth protocol on explosive remnants of war (ERW). The new international humanitarian law is designed to minimize the risks and effects of ERW in the post-conflict period.

While the Ottawa Convention has focused attention on the issue of AP landmines, the mine action community has long known that in the post-conflict environment, there are many different explosive hazards that can be found. In 2000, it was the high number of injuries caused by unexploded ordnance (UXO, unexploded abandoned EO and ERW, thereby becoming a legal term in international law). Article Three, which covers clearance, removal or destruction of ERW and Article Four, on the recording, retaining and transmission of information.

The future successful impact of the protocol will depend on how the states implement its contents. There is scope for different interpretations of what is required from signatories. However, if we take a positive view and assume the states enact all measures of the protocol and the technical annex, the main differences for the members of mine action community will be to make their job easier and more efficient in the post-conflict period.

First, the disciplines of mine clearance and mine risk education (MRE) should benefit. The protocol under States Parties responsible, to varying degrees, for the provision of resources (technical, financial, material and personnel) to undertake work in these areas. What is not clear, however, is how many and through which channels resources will be allocated. The protocol allows for the states to undertake work in such areas as clearance, survey, and MRE, either directly or via a third party (which could be the United Nations or other nongovernmental bodies) or other parties involved in post-conflict clearance, such as non-governmental organizations (NGOs).

There may be a concern that military forces, with little understanding of the process of humanitarian mine action, could

**Implications for Mine Action**

The new protocol is a recognition by the states of the serious post-conflict humanitarian problems caused by ERW. The protocol contains 11 articles and a separate (non-binding) annex. These articles specify post-conflict remedial measures of a generic nature to minimize the humanitarian risks and effects of ERW. The main articles in this protocol are Article Two, which provides definitions of explosive ordnance (EO), UXO, abandoned EO and ERW, thereby becoming a legal term in international law. Article Three, which covers clearance, removal or destruction of ERW and Article Four, on the recording, retaining and transmission of information.
Nothing is Perfect

The Fifth Protocol is not perfect. Many believe that the language is too conditional, and that these caveats allow states to do little to prevent or mitigate the legal impact of the protocol. Many would have liked the technical annex to be legally binding. Many of the critics are not just concerned about the point of view the protocol could have been stronger. However, diplomacy such as these negotiations over the last three years is the art of the possible. The coordinator of the discussions on ERW, Ambassador Chris Sanders of the Netherlands, stated in the final session of debate that in his view, the text was the best that could be achieved at the time.9 Ambassador Sanders is the only person who is fully aware of the challenges and complexities required to get to the final text; his judgment that the protocol was the best the process could produce is probably accurate.

For proponents of a stronger protocol there was little to continue the discussion. The alternative, to not agreeing in November 2003 would have been to produce the discussions for at least another year, if not more. There were many States and NGOs who were concerned that further negotiations would result in a further weakening of the text. The issues had, after all, been exhaustively debated and few could see what new grounds for discussion existed.41 Many, many of the states who agreed to the protocol are not part of the Oslo Convention, including India, Pakistan, Russia, China and the United States.42

If the Fifth Protocol contributes anything, it is that the military-mine action community relationship will be the implementer of the Protocol. In many countries, contingency planning for post-conflict work is already done jointly by aid organisations and governments. The problem now needs to be expanded to ensure that military forces also take into account the requirements of the protocol on your own.43

The second positive impact will come from the release of information. The protocol asks the states and parties to an armed conflict to provide as much information as possible as to what the protocol includes.44 Many would have liked the technical annex to be legally binding. Many of the critics are not just concerned about the point of view the protocol could have been stronger. However, diplomacy such as these negotiations over the last three years is the art of the possible. The coordinator of the discussions on ERW, Ambassador Chris Sanders of the Netherlands, stated in the final session of debate that in his view, the text was the best that could be achieved at the time.9 Ambassador Sanders is the only person who is fully aware of the challenges and complexities required to get to the final text; his judgment that the protocol was the best the process could produce is probably accurate.

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