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ERW: States Conclude a Protocol

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and depth, affecting their election and decision making. However, these adverse conditions did not discourage the specialists nor decrease their drive.

The successes of this work are the direct result of the functions carried out by the international supervisors and monitors. These teams of professionals, who are non-governmental organizations, 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 cooperation are developed as they begin to work together in the demining teams; these aspects contribute significantly to strengthening the ties between civilians and the military. Thus, the confidence and affection of the civilian population toward their soldiers are reinforced.

On a daily basis, the team communicates with national military authorities that are responsible for deciding 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 community and the international community, is the significant increase in confidence and security of 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 historical 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 were 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 plains. Additionally, they directly receive the expressions of hopefulness 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 results of their efforts are not only projected directly to the communities of their own countries, but also remain inscribed in the international community. This is because they have taken part not only in the regions where various communities 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**

**REDUCTION**

During 2003, 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 sq m among the countries of Costa Rica, Guatemala, Honduras and Nicaragua.

In April 2002, MARMINCA began to support the humanitarian demining activities both in Peru and Ecuador. MARMINCA sent international supervision on assignments supplied technical assistance to the armies, and directed basic courses to the sappers and Demining Operation Planning.

**ERWIN**

In 1998, Ecuador and Peru initiated the task of eliminating mines from their respective territories. Both countries developed different methods for demining their terrains, revealing that their situations were different. Ecuador ratified the Ottawa Convention on April 20, 1999. Later, on September 22, 1999, the Deminishing Center of Ecuador (CENDESMU) was created through Executive Decree Number 1297. In March 2001, the agreement between Ecuador and the OAS was signed and put into practice with the AICMA 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 AICMA. On May 1, 2003, MARMINCA was created with headquarters in Zamorua, Peru.

**Conclusion**

As an observer, I have seen the importance of humanitarian demining in Central and South America. The important and unlabeled 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 successes of the OAS and IADB’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 threats of AP mines, allowing for economic and developmental activities to boom in counties. It only remains to congratulate the efforts of all of the members of the demining barriers for their unlabeled work, which makes possible the activities of the military today and project their role for the future.

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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). This 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 land mines, 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 cluster bombs in Kosovo that led the International Committee of the Red Cross (ICRC) to call for new international law to address ERW. Three years later, the new "Protocol on Explosive Remnants of War" was concluded.

**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 text. 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.

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 enables 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 international body) 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 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.
List of the Articles in the Protocol on Explosive Remnants of War

Preamble
Article 1: General provision and scope of application
Article 5: Clearances, removal or destruction of ERW
Article 6: Provisions for the protection of the civilian population
Article 7: Assistance, clearing and assistance of mine action organisations.

Article 2: Definitions
Article 1: General provision and scope of application
Article 4: Recording, retaining and transmission of information
Article 5: Other precautions for the protection of the civilian population, individual civilians and civilians from the objects of the conflict and effects of ERW
Article 6: Provisions for the prevention of the utilization of humanitarian missions and organisations from the effects of ERW
Article 7: Assistance with respect to existing ERW
Article 7: Cooperation and assistance
Article 8: General provision and scope of application
Article 9: Generic preventive measures
Article 10: Consultations of high contracting parties

Article 11: Compliance
Technical Annex: Contained the suggested best practice for achieving the objectives contained in Articles 4, 5 and 9 of this Protocol. High contracting parties will implement this technical annex on a voluntary basis.

Part A: Recording, storage and release of information for UXO and DNT

Part B: Warnings, MRE, marking, fencing and monitoring

Part III: Generic preventive measures

take a more active role. Recent studies suggest that military unions are not ideally suited to all aspects of military action, though they do have some relevant capabilities. Under the protocol, it could be argued that we will see the military acting in a smaller role, however, it is unlikely that we will see the military entering mine action in larger numbers than in previous eras. The world's militaries, with limited resources and a large number of competing tasks, will probably continue to welcome the assistance of mine action organisations.

Indeed, the protocol repeatedly states that states can use a third party to deal with ERW.

The second positive impact will come from the release of information. The protocol adds the states and parties to an arm’s-length agreement to provide information, as far as practicable, to assist mine action organisations. The protocol lists the types of information that is provided in the technical annex and includes the targets for EO, approximate amounts used, the type and nature of EO, and general locations of known and probable UXO. Further, provisions are specifically made to provide information on UXO, including the location, approximate numbers and types of munitions abandoned. Of particular relevance is the requirement that nations provide information on UXO and Should include methods and methods for the "safe disposal of EO." Again, while the parties agree on what information is passed out of the protocol, the text of the protocol is clear that NGOs are included as possible recipient of information.

The military-mine action relationship will be the implementation and add some guidelines to the measures that can be used to reduce the effects in the post-conflict environment. Much will depend on the way states will implement the protocol. Some of the states have already started to consider the implications of the protocol and have considered what something that can be field-tested, but by engaging with the political and military actions now, NGOs can all provide evidence for their experience in these matters, which states will hopefully recognise as useful for implementing the protocol on ERW.

Nothing is Perfect

The Fifth Protocol is not perfect. Many believe that the language is too conditional, and these criteria allow states to do little more than inspect. The protocol legally prohibits the use of explosive remnants of war. Many would have liked the technical annex to be legally binding. Many of the critics argue that the legal requirement is peremptory is not always clearly stated with regard to the technical annex. The annex sets out detailed requirements, but if there is no agreement on the importance of the technical annex, then no party to the protocol can be held accountable for non-compliance.

The challenge ahead is to ensure that the protocol is implemented in the strongest possible manner. While the text of the protocol carries many caveats, such as "where feasible" and "where possible," it is for states to decide how to incorporate the terms of the protocol into their military doctrine. Indeed, there is no single protocol that is agreed upon, but the legal gap is present. The specific legal information for ordnance used, the obligations concerning abandoned munitions and information on who is to be informed, is offered. However, it is in the annex and therefore is not legally binding. Indeed, the protocol is not legally binding.

The post-Cold War era has shown that the military is a complex organisation, and the post-Cold War era has shown that the military is not a monolithic organisation. The military-mine action relationship will be the implementation and add some guidelines to the measures that can be used to reduce the effects in the post-conflict environment. Much will depend on the way states will implement the protocol. Some of the states have already started to consider the implications of the protocol and have considered what something that can be field-tested, but by engaging with the political and military actions now, NGOs can all provide evidence for their experience in these matters, which states will hopefully recognise as useful for implementing the protocol on ERW.

Conclusion

So where do we go from here?

Although our focus is to eliminate donor funding in the future, we are working with the IC and the BMHAC to generate donor funding for the initial equipment costs. We are confident that IC donors will support this initiative based on the much-improved rate of return for their investment in this future EU member. Over the next few months, the team will be working with the SPF AF BIH Reunification Working Group to integrate this demonising initiative into the future of BIH. Based on guidance from the OHR, the new military structure for BIH to be implemented in January 2004. The Divisional Review Committee is working diligently to resort any legislative or roadblocks for reconstructing success. As we are successful, the team sees this as the beginning of a new era for coalition military operations. BIH is at crossroads in its history where it may be the best suited and most capable country to help coalition countries make this paradigm shift.

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