

**GROUP OF GOVERNMENTAL EXPERTS OF THE STATES  
PARTIES TO THE 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/GGE/VI/2\*  
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Sixth Session  
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Item 11 of the Agenda

**PROCEDURAL REPORT  
OF THE GROUP OF GOVERNMENTAL EXPERTS OF THE STATES PARTIES TO  
THE 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**

1. The Meeting of the States Parties to the 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) held at Geneva from 12 to 13 December 2002 in its Report decided that the Working Group on Explosive Remnants of War would continue its work in the year 2003 with the following mandate:

(a) (i) To negotiate an instrument on post-conflict remedial measures of a generic nature which would reduce the risks of ERW. These measures would be based on a broad definition covering most types of explosive munitions, with the exception of mines. Abandoned munitions would have to be included. In these negotiations, questions need to be considered regarding, inter alia, responsibility for clearance, existing ERW, the provision of information to facilitate clearance and risk education, warnings to civilian populations, assistance & co-operation, and a framework for regular consultations of High Contracting Parties. These negotiations would have to establish the scope of this instrument consistent with Article I of the Convention as amended at its Second Review Conference.

(a) (ii) To explore and determine whether these negotiations could successfully address preventive generic measures for improving the reliability of munitions that fall within the agreed broad definition, through voluntary best practices concerning the management of manufacturing, quality control, handling and storage of munitions. Exchange of information, assistance and co-operation would be important elements of such best practices.

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\*/ Re-issued for technical reasons

(b) Separate from the negotiations under (a): to continue to consider the implementation of existing principles of International Humanitarian Law and to further study, on an open ended basis, possible preventive measures aimed at improving the design of certain specific types of munitions, including sub-munitions, with a view to minimize the humanitarian risk of these munitions becoming ERW. Exchange of information, assistance and co-operation would be part of this work.

(c) In the context of the activities described above, meetings of military experts can be conducted to provide advice in support of these activities.

2. At the same Meeting the States Parties decided that the Working Group on Mines Other Than Anti-Personnel Mines would continue its work in the year 2003 with the following mandate:

(a) To continue to explore the issue of mines other than anti-personnel mines. The group shall consider the most appropriate way to reduce the risks posed by the irresponsible use of mines other than anti-personnel mines, including the possibility to conclude a negotiating mandate for a new instrument and other appropriate measures. The Group of Governmental Experts shall take into account:

- the necessity to strike the right balance between humanitarian concerns and military utility of MOTAPM;
- existing restrictions on such mines in Amended Protocol II to the CCW;
- technical and other measures aimed at minimizing the humanitarian risks posed by such mines as well as the modalities for their effective implementation, such as international cooperation and assistance, transition periods etc.;
- questions involving the use of MOTAPM by non-state actors;
- any question involving other aspects of such mines.

(b) In the context of the activities described above, meetings of military experts can be conducted to provide advice in support of these activities.

3. At the same Meeting the States Parties decided that the Chairman-designate shall undertake consultations during the intersessional period on possible options to promote compliance with the Convention and its annexed Protocols, taking into account proposals put forward, and shall submit a report, adopted by consensus, to the States Parties.

4. At the same Meeting the States Parties decided to commission follow-up work under the oversight of the Chairman-designate of a Meeting of the States Parties to the Convention to be held from 27 to 28 November 2003 at Geneva.

5. At the same Meeting, without prejudice to the generally accepted principle of rotation, the States Parties decided to re-designate Ambassador Rakesh Sood of India as Chairman of the Meeting of the States Parties to be held in the year 2003, and reappointed the two Coordinators of the Group of Governmental Experts: Ambassador Chris Sanders of the Netherlands on Explosive Remnants of War, and Minister Counsellor Peter Kolarov of Bulgaria on Mines Other Than Anti-Personnel Mines.
6. The Meeting of the States Parties to the Convention in 2002 agreed that the intersessional work of the Group of Governmental Experts would be undertaken in three sessions at Geneva during 2003.
7. The Group of Governmental Experts held three sessions during 2003. The deliberations and activities of the Fourth and Fifth Sessions of the Group are reflected in CCW/GGE/IV/2 of 19 March 2003 and CCW/GGE/V/3 of 8 July 2003 respectively.
8. The Sixth Session of the Group of Governmental Experts was held at Geneva from 17 to 24 November 2003.
9. On 17 November 2003, the Session was opened by the Chairman-designate of the Meeting of the States Parties to the Convention to be held from 27 to 28 November 2003, Ambassador Rakesh Sood of India. Subsequently, the meetings of the Working Groups were chaired by the two Coordinators: Ambassador Chris Sanders of the Netherlands on Explosive Remnants of War, and Minister Counsellor Peter Kolarov of Bulgaria on Mines Other Than Anti-Personnel Mines. Mr. Vladimir Bogomolov, Political Affairs Officer, Department for Disarmament Affairs, Geneva Branch, served as Secretary of the Group. He was assisted by Mr. Bantan Nugroho, Political Affairs Officer.
10. At its first plenary meeting, on 17 November 2003, the Group confirmed its agenda (CCW/GGE/IV/1) as adopted at its first plenary meeting of the Fourth Session, on 10 March 2003, and the Rules of Procedure as adopted and used by the Second Review Conference (CCW/CONF.II/PC.1/1 with oral amendments) and adopted its programme of work (CCW/GGE/VI/1).
11. The following States Parties to the Convention participated in the work of the Group: Argentina, Australia, Austria, Belarus, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Cambodia, Canada, Chile, China, Colombia, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Holy See, Hungary, India, Ireland, Israel, Italy, Japan, Kazakhstan, Latvia, Lithuania, Malta, Mexico, Monaco, Mongolia, Morocco, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Senegal, Serbia and Montenegro, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, The Former Yugoslav Republic of Macedonia, Tunisia, Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America.
12. The following Signatory States to the Convention also participated in the work of the Group: Egypt, Iceland, Nigeria and Sudan.

13. The following States not parties to the Convention participated as observers: Azerbaijan, Barbados, Burkina Faso, Dominican Republic, Kuwait, Libyan Arab Jamahiriya, Madagascar, Malaysia, Qatar, Saudi Arabia, Thailand, Venezuela and Yemen.
14. The representatives of the United Nations Children's Fund (UNICEF), the United Nations Institute for Disarmament Research (UNIDIR), and the United Nations Mine Action Service (UNMAS) took part in the work of the Group.
15. The representatives of the International Committee of the Red Cross (ICRC), the Geneva International Centre for Humanitarian Demining (GICHD), the Organization of the Islamic Conference, the American Bar Association, Human Rights Watch, the International Campaign to Ban Landmines (ICBL), Landmine Action UK, Mines Action Canada, Handicap International, Pax Christi, and the Quaker United Nations Office (QUNO) also took part in the work of the Group.
16. The Group held two plenary meetings. At its first plenary meeting, the following States participated in the general exchange of views: Australia, Brazil, Canada, China, Cuba, Egypt, Israel, Italy (on behalf of the European Union and acceding and associated States), Japan, Mexico, Morocco, Norway, Pakistan, Russian Federation, Switzerland, United States of America, as well as UNMAS (on behalf of the United Nations Inter-Agency Coordinating Group on Mine Action) and Landmine Action.
17. In accordance with the programme of work the Working Group on Explosive Remnants of War held six meetings and discussed the "Draft Proposal for an Instrument on Explosive Remnants of War" presented by the Coordinator as contained in CCW/GGE/VI/WG.1/WP.1.
18. The Working Group on Mines Other Than Anti-Personnel Mines held two meetings and discussed the "Draft Proposal by the Coordinator" presented by the Coordinator as contained in CCW/GGE/VI/WG.2/ WP.1.
19. The Group held one meeting of military experts during this session to deal with the issue of Mines Other Than Anti-Personnel Mines under the chairmanship of Mr. Paul Ellis of the GICHD.
20. In accordance with the decisions taken at the Meeting of the States Parties to the Convention in 2002 (CCW/MSP/2002/2) one meeting was devoted to the consideration of options to promote compliance with the Convention, under the chairmanship of Ambassador Rakesh Sood.
21. During the course of the session, the Working Group on Explosive Remnants of War considered working papers (CCW/GGE/VI/WG.1/WP.1 to CCW/GGE/VI/WG.1/WP.3) and the Working Group on Mines Other Than Anti-Personnel Mines considered working papers (CCW/GGE/VI/WG.2/WP.1 to CCW/GGE/VI/WG.2/WP.11), as listed in Annex I. These documents are available in all official languages through the United Nations Official Documents System (<http://www.ods.unog.ch>).

22. The Working Group on Mines Other Than Anti-Personnel Mines heard a presentation by the delegation of Germany on “Sensitive Fuses for Anti-Vehicle Mines – Overview of Fuses, Sensors, and Recommendations for Best Practice”. It also heard two presentations by the Russian Federation on “The existing restrictions on mines other than anti-personnel mines in the framework of the Amended Protocol II”, and “Self-destruction and self-deactivating of mines other than anti- personnel mines”. Furthermore, the Working Group also heard a presentation by UNMAS entitled “Field Report on Angola”.

23. At its final plenary meeting, on 24 November 2003, the two Coordinators presented recommendations of their respective Working Groups, which were endorsed by the Group of Governmental Experts and which are attached as Annex II, Annex III and Annex IV.

24. At this meeting, the Group of Governmental Experts of the States Parties to the 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 recommended that the Meeting of the States Parties to the Convention decide to adopt the text of the Protocol on Explosive Remnants of War (ERW) which is annexed to this document as Annex II.

25. The Group of Governmental Experts recommended that the Chairman-designate shall undertake consultations during the intersessional period on possible options to promote compliance with the Convention and its annexed Protocols, taking into account proposals put forward, and shall submit a report, adopted by consensus, to the States Parties.

26. The Group of Governmental Experts agreed that the intersessional work of up to five weeks will be undertaken in three sessions during 2004, the dates for which will be decided by the Meeting of the States Parties to be held from 27 to 28 November 2003.

27. At the same plenary meeting, the Group of Governmental Experts recommended that follow up work arising from the Meeting of the States Parties (27 to 28 November 2003) shall be held under the oversight of the Chairman-designate of the Meeting of the States Parties proposed to be held at Geneva in 2004 in conjunction with the Sixth Annual Conference of the States Parties to Amended Protocol II.

28. Also at the same plenary meeting, the Group of Governmental Experts adopted its procedural report of the Sixth Session, as contained in document CCW/GGE/VI/CRP.1, as orally amended, which is being issued as document CCW/GGE/VI/2.

Annex I

**LIST OF DOCUMENTS  
OF THE GROUP OF GOVERNMENTAL EXPERTS  
FOURTH SESSION, 10 - 14 MARCH 2003**

<b>Number</b>	<b>Title</b>	<b>Countries/ Organizations</b>
CCW/GGE/IV/1	Provisional Agenda	Chairman-designate
CCW/GGE/IV/1/Add.1	Provisional Programme of Work	Chairman-designate
CCW/GGE/IV/2	Procedural Report	Secretariat
CCW/GGE/IV/WG.1/WP.1	ERW Framework Paper: Possible Structure for an ERW Instrument	Coordinator on ERW
CCW/GGE/IV/WG.1/WP.2	Explosive Remnants of War: Victim Assistance	South Africa
CCW/GGE/IV/WG.1/WP.3	Explosive Remnants of War: Assistance and Cooperation	Pakistan
CCW/GGE/IV/WG.1/WP.4	Amendments on the Protection of the Civilian Population from the Effects of ERW (Article 6 of the ERW Framework Paper)	International Committee of the Red Cross (ICRC)
CCW/GGE/IV/WG.1/WP.5	ERW Framework Paper: Article 7	Australia
CCW/GGE/IV/WG.1/WP.6	Definition of Explosive Remnants of War	Russian Federation
CCW/GGE/IV/WG.2/WP.1	Core Questions on Mines Other Than Anti-Personnel Mines	Coordinator on MOTAPM
CCW/GGE/IV/WG.2/WP.2	Irresponsible Use of Mines Other Than Anti-Personnel Mines by Non-State Actors	India
CCW/GGE/IV/WG.2/WP.3	Field Report Afghanistan	UNMAS
CCW/GGE/IV/MISC.1	Provisional List of Participants	Secretariat
CCW/GGE/IV/INF.1	List of Participants	Secretariat
CCW/GGE/IV/CRP.1	Draft Procedural Report	Secretariat

**LIST OF DOCUMENTS  
OF THE GROUP OF GOVERNMENTAL EXPERTS  
FIFTH SESSION, 16 - 27 JUNE 2003**

<b>Number</b>	<b>Title</b>	<b>Countries/ Organizations</b>
CCW/GGE/V/1	Provisional Programme of Work	Chairman-designate
CCW/GGE/V/2	Compliance in the CCW Context	Greece on behalf of the European Union
CCW/GGE/V/3	Procedural Report	Secretariat
CCW/GGE/V/WG.1/WP.1/Rev.1	Draft Proposal for an Instrument on Explosive Remnants of War	Coordinator on ERW
CCW/GGE/V/WG.1/WP.2	The United Nations and Explosive Remnants of War	UNMAS
CCW/GGE/V/WG.1/WP.3	The Provision of Warnings and Risk Education for Explosive Remnants of War	GICHD
CCW/GGE/V/WG.1/WP.4	Information Requirements for Explosive Remnants of War	GICHD
CCW/GGE/V/WG.1/WP.5	Ensuring the Reliability of Munitions Through Their Proper Handling	Russian Federation
CCW/GGE/V/WG.1/WP.6	International Humanitarian Law and Explosive Remnants of War	Norway
CCW/GGE/V/WG.2/WP.1	Core questions on Mines Other Than Anti-Personnel Mines	Coordinator on MOTAPM
CCW/GGE/V/WG.2/WP.2	Sensitive Fuses for Anti-Vehicle Mines: Overview of Fuses, Sensors and Recommendations for Best Practice (Synopsis)	Germany
CCW/GGE/V/WG.2/WP.3	'Food for Thought' Paper on International Cooperation and Assistance for Mines Other Than Anti-Personnel Mines	Canada
CCW/GGE/V/WG.2/WP.4	Mines Other Than Anti-Personnel Mines: Canadian Overview of Fuses, Sensors and Recommendations for Best Practice	Canada
CCW/GGE/V/MISC.1	Provisional List of Participants	Secretariat
CCW/GGE/V/INF.1	List of Participants	Secretariat
CCW/GGE/V/INF.1/Corr.1	List of Participants, Corrigendum	Secretariat
CCW/GGE/V/CRP.1	Draft Procedural Report	Secretariat

**LIST OF DOCUMENTS  
OF THE GROUP OF GOVERNMENTAL EXPERTS  
SIXTH SESSION, 17 - 24 NOVEMBER 2003**

<b>Number</b>	<b>Title</b>	<b>Countries/ Organizations</b>
CCW/GGE/VI/1	Provisional Programme of Work	Chairman-designate
CCW/GGE/VI/2	Procedural Report	Secretariat
CCW/GGE/VI/WG.1/WP.1	Draft Proposal for an Instrument on Explosive Remnants of War	Coordinator on ERW
CCW/GGE/VI/WG.1/WP.2	Comments of the Inter-Agency Coordination Group on Mine Action on the draft proposed Instrument on Explosive Remnants of War	UNMAS
CCW/GGE/VI/WG.1/WP.3	National interpretation and implementation of International Humanitarian Law with regard to the risk of Explosive Remnants of War	Norway
CCW/GGE/VI/WG.2/WP.1	Mines Other Than Anti-Personnel Mines – Draft Proposal by the Coordinator	Coordinator on MOTAPM
CCW/GGE/VI/WG.2/WP.2	Non-State Actors and the humanitarian dangers of Mines Other Than Anti-Personnel Mines	Mines Action Canada
CCW/GGE/VI/WG.2/WP.3	Sensitive Fuses for Anti-Vehicle Mines – Overview of Fuses, Sensors and Recommendations for Best Practice	Germany
CCW/GGE/VI/WG.2/WP.4	On the Landmines Other Than Anti-Personnel Mines (MOTAPM) Emplaced Outside of Fenced and Marked Areas	Russian Federation
CCW/GGE/VI/WG.2/WP.5	The Detectability of Mines	Russian Federation
CCW/GGE/VI/WG.2/WP.6	On Improvised Explosive Devices	Russian Federation
CCW/GGE/VI/WG.2/WP.7	On the Sensitivity of the Fuses of Anti-Transport Mines	Russian Federation

CCW/GGE/VI/WG.2/WP.8	Some Observations Relating to Demolitions of the means of Transportation of Humanitarian Missions	Russian Federation
CCW/GGE/VI/WG.2/WP.9	Protocol on Prohibitions or Restrictions on the Use and Transfer of Mines Other Than Anti-Personnel Mines	Denmark, United States of America and other States
CCW/GGE/VI/WG.2/WP.9/Corr.1	Restrictions on the Use and Transfer of Mines Other Than Anti-Personnel Mines, Corrigendum	Denmark, United States of America and other States
CCW/GGE/VI/WG.2/WP.10	Proposals by the Russian Federation for further work by the Group of Governmental Experts on the issue of Mines Other Than Anti-Personnel Mines (MOTAPM)	Russian Federation
CCW/GGE/VI/WG.2/WP.11	Field Report on Angola	UNMAS
CCW/GGE/VI/MISC.1	Provisional List of Participants	Secretariat
CCW/GGE/VI/INF.1	Revised List of Participants	Secretariat
CCW/GGE/VI/INF.1/Rev.1	Revised List of Participants	Secretariat
CCW/GGE/VI/CRP.1	Draft Procedural Report	Secretariat

For technical questions on how to obtain the above documents, contact the UN ODS via E-mail at <http://www.ods.unog.ch/ods/>. Access to ODS is free for staff members of the United Nations Secretariat, for a limited number of users in specialized agencies and organizations of the United Nations system, and for up to 20 users in Member States of the United Nations. Requests for access can be submitted to the following person:

Ms. Margaret Wachter

E-mail: [mwachter@unog.ch](mailto:mwachter@unog.ch)

Fax: +41 22 917-0736

Telephone + 41 22 917-3657

Annex II

**Protocol on Explosive Remnants of War**

The High Contracting Parties,

Recognising the serious post-conflict humanitarian problems caused by explosive remnants of war,

Conscious of the need to conclude a Protocol on post-conflict remedial measures of a generic nature in order to minimise the risks and effects of explosive remnants of war,

And willing to address generic preventive measures, through voluntary best practices specified in a Technical Annex for improving the reliability of munitions, and therefore minimising the occurrence of explosive remnants of war,

Have agreed as follows:

**Article 1**

General provision and scope of application

1. In conformity with the Charter of the United Nations and of the rules of the international law of armed conflict applicable to them, High Contracting Parties agree to comply with the obligations specified in this Protocol, both individually and in co-operation with other High Contracting Parties, to minimise the risks and effects of explosive remnants of war in post-conflict situations.
2. This Protocol shall apply to explosive remnants of war on the land territory including internal waters of High Contracting Parties.
3. This Protocol shall apply to situations resulting from conflicts referred to in Article 1, paragraphs 1 to 6, of the Convention, as amended on 21 December 2001.
4. Articles 3, 4, 5 and 8 of this Protocol apply to explosive remnants of war other than existing explosive remnants of war as defined in Article 2, paragraph 5 of this Protocol.

## Article 2

### Definitions

For the purpose of this Protocol,

1. *Explosive ordnance* means conventional munitions containing explosives, with the exception of mines, booby traps and other devices as defined in Protocol II of this Convention as amended on 3 May 1996.
2. *Unexploded ordnance* means explosive ordnance that has been primed, fused, armed, or otherwise prepared for use and used in an armed conflict. It may have been fired, dropped, launched or projected and should have exploded but failed to do so.
3. *Abandoned explosive ordnance* means explosive ordnance that has not been used during an armed conflict, that has been left behind or dumped by a party to an armed conflict, and which is no longer under control of the party that left it behind or dumped it. Abandoned explosive ordnance may or may not have been primed, fused, armed or otherwise prepared for use.
4. *Explosive remnants of war* means unexploded ordnance and abandoned explosive ordnance.
5. *Existing explosive remnants of war* means unexploded ordnance and abandoned explosive ordnance that existed prior to the entry into force of this Protocol for the High Contracting Party on whose territory it exists.

## Article 3

### Clearance, removal or destruction of explosive remnants of war

1. Each High Contracting Party and party to an armed conflict shall bear the responsibilities set out in this Article with respect to all explosive remnants of war in territory under its control. In cases where a user of explosive ordnance which has become explosive remnants of war, does not exercise control of the territory, the user shall, after the cessation of active hostilities, provide where feasible, inter alia technical, financial, material or human resources assistance, bilaterally or through a mutually agreed third party, including inter alia through the United Nations system or other relevant organisations, to facilitate the marking and clearance, removal or destruction of such explosive remnants of war.
2. After the cessation of active hostilities and as soon as feasible, each High Contracting Party and party to an armed conflict shall mark and clear, remove or destroy explosive remnants of war in affected territories under its control. Areas affected by explosive remnants of war which are

assessed pursuant to paragraph 3 of this Article as posing a serious humanitarian risk shall be accorded priority status for clearance, removal or destruction.

3. After the cessation of active hostilities and as soon as feasible, each High Contracting Party and party to an armed conflict shall take the following measures in affected territories under its control, to reduce the risks posed by explosive remnants of war:

- (a) survey and assess the threat posed by explosive remnants of war;
- (b) assess and prioritise needs and practicability in terms of marking and clearance, removal or destruction;
- (c) mark and clear, remove or destroy explosive remnants of war;
- (d) take steps to mobilise resources to carry out these activities.

4. In conducting the above activities High Contracting Parties and parties to an armed conflict shall take into account international standards, including the International Mine Action Standards.

5. High Contracting Parties shall co-operate, where appropriate, both among themselves and with other states, relevant regional and international organisations and non-governmental organisations on the provision of inter alia technical, financial, material and human resources assistance including, in appropriate circumstances, the undertaking of joint operations necessary to fulfil the provisions of this Article.

#### **Article 4**

##### Recording, retaining and transmission of information

1. High Contracting Parties and parties to an armed conflict shall to the maximum extent possible and as far as practicable record and retain information on the use of explosive ordnance or abandonment of explosive ordnance, to facilitate the rapid marking and clearance, removal or destruction of explosive remnants of war, risk education and the provision of relevant information to the party in control of the territory and to civilian populations in that territory.

2. High Contracting Parties and parties to an armed conflict which have used or abandoned explosive ordnance which may have become explosive remnants of war shall, without delay after the cessation of active hostilities and as far as practicable, subject to these parties' legitimate security interests, make available such information to the party or parties in control of the affected area, bilaterally or through a mutually agreed third party including inter alia the United Nations or, upon request, to other relevant organisations which the party providing the information is satisfied are or will be undertaking risk education and the marking and clearance, removal or destruction of explosive remnants of war in the affected area.

3. In recording, retaining and transmitting such information, the High Contracting Parties should have regard to Part 1 of the Technical Annex.

## Article 5

### Other precautions for the protection of the civilian population, individual civilians and civilian objects from the risks and effects of explosive remnants of war

1. High Contracting Parties and parties to an armed conflict shall take all feasible precautions in the territory under their control affected by explosive remnants of war to protect the civilian population, individual civilians and civilian objects from the risks and effects of explosive remnants of war. Feasible precautions are those precautions which are practicable or practicably possible, taking into account all circumstances ruling at the time, including humanitarian and military considerations. These precautions may include warnings, risk education to the civilian population, marking, fencing and monitoring of territory affected by explosive remnants of war, as set out in Part 2 of the Technical Annex.

## Article 6

### Provisions for the protection of humanitarian missions and organisations from the effects of explosive remnants of war

1. Each High Contracting Party and party to an armed conflict shall:
  - (a) Protect, as far as feasible, from the effects of explosive remnants of war, humanitarian missions and organisations that are or will be operating in the area under the control of the High Contracting Party or party to an armed conflict and with that party's consent.
  - (b) Upon request by such a humanitarian mission or organisation, provide, as far as feasible, information on the location of all explosive remnants of war that it is aware of in territory where the requesting humanitarian mission or organisation will operate or is operating.
2. The provisions of this Article are without prejudice to existing International Humanitarian Law or other international instruments as applicable or decisions by the Security Council of the United Nations which provide for a higher level of protection.

## **Article 7**

### Assistance with respect to existing explosive remnants of war

1. Each High Contracting Party has the right to seek and receive assistance, where appropriate, from other High Contracting Parties, from states non-party and relevant international organisations and institutions in dealing with the problems posed by existing explosive remnants of war.
2. Each High Contracting Party in a position to do so shall provide assistance in dealing with the problems posed by existing explosive remnants of war, as necessary and feasible. In so doing, High Contracting Parties shall also take into account the humanitarian objectives of this Protocol, as well as international standards including the International Mine Action Standards.

## **Article 8**

### Co-operation and assistance

1. Each High Contracting Party in a position to do so shall provide assistance for the marking and clearance, removal or destruction of explosive remnants of war, and for risk education to civilian populations and related activities inter alia through the United Nations system, other relevant international, regional or national organisations or institutions, the International Committee of the Red Cross, national Red Cross and Red Crescent societies and their International Federation, non-governmental organisations, or on a bilateral basis.
2. Each High Contracting Party in a position to do so shall provide assistance for the care and rehabilitation and social and economic reintegration of victims of explosive remnants of war. Such assistance may be provided inter alia through the United Nations system, relevant international, regional or national organisations or institutions, the International Committee of the Red Cross, national Red Cross and Red Crescent societies and their International Federation, non-governmental organisations, or on a bilateral basis.
3. Each High Contracting Party in a position to do so shall contribute to trust funds within the United Nations system, as well as other relevant trust funds, to facilitate the provision of assistance under this Protocol.
4. Each High Contracting Party shall have the right to participate in the fullest possible exchange of equipment, material and scientific and technological information other than weapons related technology, necessary for the implementation of this Protocol. High Contracting Parties undertake to facilitate such exchanges in accordance with national legislation and shall not impose undue restrictions on the provision of clearance equipment and related technological information for humanitarian purposes.

5. Each High Contracting Party undertakes to provide information to the relevant databases on mine action established within the United Nations system, especially information concerning various means and technologies of clearance of explosive remnants of war, lists of experts, expert agencies or national points of contact on clearance of explosive remnants of war and, on a voluntary basis, technical information on relevant types of explosive ordnance.
6. High Contracting Parties may submit requests for assistance substantiated by relevant information to the United Nations, to other appropriate bodies or to other states. These requests may be submitted to the Secretary-General of the United Nations, who shall transmit them to all High Contracting Parties and to relevant international organisations and non-governmental organisations.
7. In the case of requests to the United Nations, the Secretary-General of the United Nations, within the resources available to the Secretary-General of the United Nations, may take appropriate steps to assess the situation and in co-operation with the requesting High Contracting Party and other High Contracting Parties with responsibility as set out in Article 3 above, recommend the appropriate provision of assistance. The Secretary-General may also report to High Contracting Parties on any such assessment as well as on the type and scope of assistance required, including possible contributions from the trust funds established within the United Nations system.

## **Article 9**

### Generic preventive measures

1. Bearing in mind the different situations and capacities, each High Contracting Party is encouraged to take generic preventive measures aimed at minimising the occurrence of explosive remnants of war, including, but not limited to, those referred to in part 3 of the Technical Annex.
2. Each High Contracting Party may, on a voluntary basis, exchange information related to efforts to promote and establish best practices in respect of paragraph 1 of this Article.

## **Article 10**

### Consultations of High Contracting Parties

1. The High Contracting Parties undertake to consult and co-operate with each other on all issues related to the operation of this Protocol. For this purpose, a Conference of High Contracting Parties shall be held as agreed to by a majority, but no less than eighteen High Contracting Parties.

2. The work of the conferences of High Contracting Parties shall include:
  - (a) review of the status and operation of this Protocol;
  - (b) consideration of matters pertaining to national implementation of this Protocol, including national reporting or updating on an annual basis.
  - (c) preparation for review conferences.
3. The costs of the Conference of High Contracting Parties shall be borne by the High Contracting Parties and States not parties participating in the Conference, in accordance with the United Nations scale of assessment adjusted appropriately.

## **Article 11**

### **Compliance**

1. Each High Contracting Party shall require that its armed forces and relevant agencies or departments issue appropriate instructions and operating procedures and that its personnel receive training consistent with the relevant provisions of this Protocol.
2. The High Contracting Parties undertake to consult each other and to co-operate with each other bilaterally, through the Secretary-General of the United Nations or through other appropriate international procedures, to resolve any problems that may arise with regard to the interpretation and application of the provisions of this Protocol.

### Technical Annex

This Technical Annex contains suggested best practice for achieving the objectives contained in Articles 4, 5 and 9 of this Protocol. This Technical Annex will be implemented by High Contracting Parties on a voluntary basis.

#### **1. Recording, storage and release of information for Unexploded Ordnance (UXO) and Abandoned Explosive Ordnance (AXO)**

(a) Recording of information: Regarding explosive ordnance which may have become UXO a State should endeavour to record the following information as accurately as possible:

- (i) the location of areas targeted using explosive ordnance;
- (ii) the approximate number of explosive ordnance used in the areas under (i);
- (iii) the type and nature of explosive ordnance used in areas under (i);
- (iv) the general location of known and probable UXO;

Where a State has been obliged to abandon explosive ordnance in the course of operations, it should endeavour to leave AXO in a safe and secure manner and record information on this ordnance as follows:

- (v) the location of AXO;
- (vi) the approximate amount of AXO at each specific site;
- (vii) the types of AXO at each specific site.

(b) Storage of information: Where a State has recorded information in accordance with paragraph (a), it should be stored in such a manner as to allow for its retrieval and subsequent release in accordance with paragraph (c).

(c) Release of information: Information recorded and stored by a State in accordance with paragraphs (a) and (b) should, taking into account the security interests and other obligations of the State providing the information, be released in accordance with the following provisions:

(i) Content:

On UXO the released information should contain details on:

- (1) the general location of known and probable UXO;
- (2) the types and approximate number of explosive ordnance used in the targeted areas;
- (3) the method of identifying the explosive ordnance including colour, size and shape and other relevant markings;
- (4) the method for safe disposal of the explosive ordnance.

On AXO the released information should contain details on:

- (5) the location of the AXO;
  - (6) the approximate number of AXO at each specific site;
  - (7) the types of AXO at each specific site;
  - (8) the method of identifying the AXO, including colour, size and shape;
  - (9) information on type and methods of packing for AXO;
  - (10) state of readiness;
  - (11) the location and nature of any booby traps known to be present in the area of AXO.
- ii) **Recipient:** The information should be released to the party or parties in control of the affected territory and to those persons or institutions that the releasing State is satisfied are, or will be, involved in UXO or AXO clearance in the affected area, in the education of the civilian population on the risks of UXO or AXO.
  - iii) **Mechanism:** A State should, where feasible, make use of those mechanisms established internationally or locally for the release of information, such as through UNMAS, IMSMA, and other expert agencies, as considered appropriate by the releasing State.
  - iv) **Timing:** The information should be released as soon as possible, taking into account such matters as any ongoing military and humanitarian operations in the affected areas, the availability and reliability of information and relevant security issues.

## **2. Warnings, risk education, marking, fencing and monitoring**

### Key terms

- (a) Warnings are the punctual provision of cautionary information to the civilian population, intended to minimise risks caused by explosive remnants of war in affected territories.
- (b) Risk education to the civilian population should consist of risk education programmes to facilitate information exchange between affected communities, government authorities and humanitarian organisations so that affected communities are informed about the threat from explosive remnants of war. Risk education programmes are usually a long term activity.

### Best practice elements of warnings and risk education

- (c) All programmes of warnings and risk education should, where possible, take into account prevailing national and international standards, including the International Mine Action Standards.
- (d) Warnings and risk education should be provided to the affected civilian population which comprises civilians living in or around areas containing explosive remnants of war and civilians who transit such areas.

- (e) Warnings should be given, as soon as possible, depending on the context and the information available. A risk education programme should replace a warnings programme as soon as possible. Warnings and risk education always should be provided to the affected communities at the earliest possible time.
- (f) Parties to a conflict should employ third parties such as international organisations and non-governmental organisations when they do not have the resources and skills to deliver efficient risk education.
- (g) Parties to a conflict should, if possible, provide additional resources for warnings and risk education. Such items might include: provision of logistical support, production of risk education materials, financial support and general cartographic information.

#### Marking, fencing, and monitoring of an explosive remnants of war affected area

- (h) When possible, at any time during the course of a conflict and thereafter, where explosive remnants of war exist the parties to a conflict should, at the earliest possible time and to the maximum extent possible, ensure that areas containing explosive remnants of war are marked, fenced and monitored so as to ensure the effective exclusion of civilians, in accordance with the following provisions.
- (i) Warning signs based on methods of marking recognised by the affected community should be utilised in the marking of suspected hazardous areas. Signs and other hazardous area boundary markers should as far as possible be visible, legible, durable and resistant to environmental effects and should clearly identify which side of the marked boundary is considered to be within the explosive remnants of war affected area and which side is considered to be safe.
- (j) An appropriate structure should be put in place with responsibility for the monitoring and maintenance of permanent and temporary marking systems, integrated with national and local risk education programmes.

### **3. Generic preventive measures**

States producing or procuring explosive ordnance should to the extent possible and as appropriate endeavour to ensure that the following measures are implemented and respected during the life-cycle of explosive ordnance.

- (a) Munitions manufacturing management
  - (i) Production processes should be designed to achieve the greatest reliability of munitions.
  - (ii) Production processes should be subject to certified quality control measures.

- (iii) During the production of explosive ordnance, certified quality assurance standards that are internationally recognised should be applied.
- (iv) Acceptance testing should be conducted through live-fire testing over a range of conditions or through other validated procedures.
- (v) High reliability standards should be required in the course of explosive ordnance transactions and transfers.

(b) Munitions management

In order to ensure the best possible long-term reliability of explosive ordnance, States are encouraged to apply best practice norms and operating procedures with respect to its storage, transport, field storage, and handling in accordance with the following guidance.

- (i) Explosive ordnance, where necessary, should be stored in secure facilities or appropriate containers that protect the explosive ordnance and its components in a controlled atmosphere, if necessary.
- (ii) A State should transport explosive ordnance to and from production facilities, storage facilities and the field in a manner that minimises damage to the explosive ordnance.
- (iii) Appropriate containers and controlled environments, where necessary, should be used by a State when stockpiling and transporting explosive ordnance.
- (iv) The risk of explosions in stockpiles should be minimised by the use of appropriate stockpile arrangements.
- (v) States should apply appropriate explosive ordnance logging, tracking and testing procedures, which should include information on the date of manufacture of each number, lot or batch of explosive ordnance, and information on where the explosive ordnance has been, under what conditions it has been stored, and to what environmental factors it has been exposed.
- (vi) Periodically, stockpiled explosive ordnance should undergo, where appropriate, live-firing testing to ensure that munitions function as desired.
- (vii) Sub-assemblies of stockpiled explosive ordnance should, where appropriate, undergo laboratory testing to ensure that munitions function as desired.
- (viii) Where necessary, appropriate action, including adjustment to the expected shelf-life of ordnance, should be taken as a result of information acquired by logging, tracking and testing procedures, in order to maintain the reliability of stockpiled explosive ordnance.

(c) Training

The proper training of all personnel involved in the handling, transporting and use of explosive ordnance is an important factor in seeking to ensure its reliable operation as intended. States should therefore adopt and maintain suitable training programmes to ensure that personnel are properly trained with regard to the munitions with which they will be required to deal.

(d) Transfer

A State planning to transfer explosive ordnance to another State that did not previously possess that type of explosive ordnance should endeavour to ensure that the receiving State has the capability to store, maintain and use that explosive ordnance correctly.

(e) Future production

A State should examine ways and means of improving the reliability of explosive ordnance that it intends to produce or procure, with a view to achieving the highest possible reliability.

Annex III

**RECOMMENDATION OF THE WORKING GROUP ON  
EXPLOSIVE REMNANTS OF WAR**

[The Working Group on Explosive Remnants of War recommends to the States Parties that it would continue its work in the year 2004 with the following mandate:

To continue to consider the implementation of existing principles of International Humanitarian Law and to further study, on an open-ended basis, and initially with particular emphasis on meetings of military and technical experts, possible preventive measures aimed at improving the design of certain specific types of munitions, including sub-munitions, with a view to minimise the humanitarian risk of these munitions becoming explosive remnants of war. Exchange of information, assistance and co-operation would be part of this work.]

Annex IV

**RECOMMENDATION OF THE WORKING GROUP ON  
MINES OTHER THAN ANTI-PERSONNEL MINES**

The Working Group on Mines Other Than Anti-Personnel Mines recommends to the States Parties that it would continue its work in the year 2004 with the following mandate:

1. To consider all proposals on Mines Other Than Anti-Personnel Mines put forward since the establishment of the Group of Governmental Experts with the aim of elaborating appropriate recommendations on Mines Other Than Anti-Personnel Mines for submission to the next Meeting of the States Parties to the Convention.
  2. Meetings of military experts shall also be conducted to provide advice on these activities.
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