

PROTOCOL ON EXPLOSIVE REMNANTS OF WAR

Argentina is High Contracting Party to the Convention on Certain Conventional Weapons which establishes, in its Protocol V, the obligation to take all necessary actions in order to instruct the Armed Forces of a country with the purpose of guaranteeing strict compliance with the explicit and implicit obligations stated.

By **Carlos Nielsen Enemark**

BACKGROUND

Within the framework of the Convention on Certain Conventional Weapons held in Geneva between November 27 and 28, 2003, the Protocol V on Explosive Remnants of War was signed. This was the first multilateral agreement on this issue.

During this Meeting, obligations and best practices for clearance of explosive remnants of war were established. These remnants are: ordnance that has failed to explode, abandoned explosive ordnance, different mines, booby traps and other devices that threaten the lives of people and Peace Forces, of which civil and military personnel are part, after the cessation of hostile activities.

PURPOSE

The Protocol recognizes the serious post- conflict humanitarian problems caused by explosive remnants of war and establishes, as stated in Article 9 and Part 3 of the Technical Annex, generic preventive measures to minimize the occurrence of cases, effects and risks of explosive remnants of war.

KEY PROVISIONS

The Contracting Parties to Protocol V that become actors in an armed conflict shall bear the responsibilities with respect to all explosive remnants of war in territory under their control.

After the cessation of hostile activities and where fea-

sible, the Contracting Party and party to an armed conflict shall facilitate the marking and clearance, removal or destruction of explosive remnants in affected territories under its control.

Contracting Parties shall to the maximum extent possible record and retain information on the use of explosive ordnance and provide relevant information to the party in control of the affected territories.

Contracting parties shall take all feasible precautions to protect the civilian population from the risks of explosive remnants of war.

Each Contracting Party shall provide assistance to other states and organizations for the clearance, removal and destruction of explosive remnants of war.

EFFECTIVE DATE

According to Article 5, paragraph 3 of the Convention, Protocol V became effective on November 12, 2006.

Pursuant to Law No. 26625 dated August, 2010, the Argentine Republic has ratified Protocol V on Explosive Remnants of War, which is in force since April 7, 2012.

IMPLEMENTATION FOR ARMED FORCES

It is worth mentioning the importance that Article 11 of Protocol V, "Compliance", has for the Armed Forces as in 1) it states the following obligation:

Each High Contracting Party shall require that its armed forces and relevant agencies or departments issue



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appropriate instructions and operating procedures and that its personnel receive training consistent with the relevant provisions of this Protocol.

This responsibility, which seems to be simple in its explicit aspects, is huge and complex in its implicit scope. This is the reason why it is possible to see an intense activity in the initial stage for its implementation.

The high professional level and sense of responsibility of our personnel will allow to comply the new obligations stated in an efficient, deep and precise way showing that experience acquired in the international context has been duly consolidated.

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