

IMAS REVIEW ON PROTOCOL V-RELATED MATTERS

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1. BACKGROUND

1. Protocol V to the Convention on Certain Conventional Weapons (CCW) on explosive remnants of war (ERW) was adopted in November 2003 during a meeting of States Parties to the CCW. It entered into force on 12 November 2006. 33 countries have joined Protocol V to date.

2. The United Nations Inter-Agency Policy: Mine Action and Effective Coordination recognizes Protocol V as one of the instruments comprising its legal framework.

3. The IMAS are the standards in force for all UN mine action operations and they also serve as the basis for the development of national standards when the UN is assisting national mine action programmes. They provide guidelines and best practice advice for national governments, mine action centers and demining organizations. IMAS reflect the comprehensive approach to mine action, covering both landmines and ERW.

4. Paragraph 4 in Article 3 of Protocol V states: “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.” The “above activities” are those mentioned in paragraph 3 of the same article (survey, threat assessment, needs assessment, prioritization, marking, clearance, removal, destruction, resource mobilization).

5. In August 2006, the IMAS Review Board amended most IMAS to include the term “ERW” when applicable. Also in August 2006, UNMAS, on behalf of the IACG-MA, presented to the Group of Governmental Experts of States Parties to the CCW a working paper entitled “The United Nations and the Implementation of Protocol V”, where it was mentioned that “(t)he UN Mine Action Team, together with the GICHD, will review existing IMAS to ensure that they are relevant to Protocol V. If areas of additional work are identified new IMAS will be prepared for endorsement.”

6. The UNMAS Liaison Officer in Geneva volunteered to review all IMAS and make recommendations for amendments to ensure that they are compliant with Protocol V. On 13 April 2007 the IMAS Review Board was informed by its Chairman of this offer and thanked the UNMAS Liaison Officer for his commitment and assistance in this regard.

2. METHODOLOGY

7. The IMAS were reviewed one by one with the aim of checking to which extent they incorporate the term “ERW” (including UXO and AXO) and to identify where reference to Protocol V should be included.

8. The review also took into account if IMAS, even when employing terms such as “ERW”, “UXO”, “AXO” or “Protocol V” correctly, are fully addressing the concerns or situations involving ERW. The first part of the review has served as an opportunity to identify areas in which ERW are not being addressed and where new IMAS could be developed.

9. The second part of the review compared Protocol V and the IMAS, in parallel, with the aim of identifying those elements in Protocol V requiring the expansion of existing IMAS or the development

of new ones. This part of the review also identified terms used in Protocol V that might require further clarification.

3. GENERAL COMMENTS

10. The amendments made to most IMAS on August in 2006, included the inclusion of “ERW” and other relevant terms (i.e. “AXO” or “Protocol V”). While these additions have been done in most cases, there are some instances in which additional reference or clarification can be made.

11. On terminology, terms such as “mine action” and “mine risk education” do not require the inclusion of the term “ERW” because they have generally agreed definitions that already cover both mines and ERW.

12. Even though there is no formal definition of terms such as “mine victims” (or survivors), “mine affected communities” (or countries), those terms are generally understood to cover also both ERW and landmines thus not requiring necessarily the addition of the word “ERW”. However, some IMAS have included “ERW” in such cases, especially IMAS relevant to MRE (i.e. 07.11 and 07.31). While this may be desirable it is not considered essential elsewhere.

4. REVIEW OF IMAS

13. This Section offers comments and recommendations, on each of the IMAS reviewed. The following IMAS were reviewed: 01.10, 03.10, 03.20, 03.40, 07.10, 07.11, 07.20, 07.30, 07.31, 07.40, 07.41, 07.42, 08.10, 08.20, 08.40, 08.50, 09.10, 09.20, 09.30, 09.40, 09.41, 09.43, 09.44, 09.50, 10.10, 10.20, 10.30, 10.40, 10.50, 10.60, 11.10, 11.20, 11.30, 12.10, 12.20 and 14.20.

IMAS 01.10. Guide for the application of IMAS. - The inclusion of “ERW” has only taken place in Annexes A (Terms, definitions and abbreviations) and B (Guide to risk management and IMAS). However, it would be advisable to include a definition on Abandoned Explosive Ordnance (AXO) in Annex A, as it is the case for ERW and UXO. Both the Introduction and the Guide for the application of IMAS require the inclusion of “ERW” in their respective texts. Paragraph 5.5. (International treaties) should mention Protocol V on ERW in addition to the APMBC and APII.

IMAS 03.10 Guide to the procurement of mine action equipment. – This IMAS is consistent with Protocol V. However, I would suggest including “ERW” between “mine” and “fields” in row 6, column C in Annex C (unless this box does not make reference at all to ERW-affected fields).

IMAS 03.20 The procurement process. - No changes are needed.

IMAS 03.30 Guide to the research of mine action technology. - No changes are needed.

IMAS 03.40 Test and evaluation of mine action equipment. - No changes are needed.

IMAS 07.10 Guide for the management of demining operations. – Unless deliberately intended to exclude ERW, I recommend amending the first sentence under paragraph 4.3.3.2 (Mechanical demining) in order to add “UXO” to the detonation, destruction and isolation of mines.

IMAS 07.11 Guide for the management of mine risk education. – This IMAS makes reference to “landmine/ERW survivors”, to “mine and ERW accidents”, to “mine and/or ERW problem”, to “mine or ERW contamination”, to “mine and ERW clearance” and to “mine and ERW risks”. The chart in Annex C (The MRE Cycle) makes only reference to UXO where ERW is referred to in the rest of these standards. Annex C should be amended for conformity.

IMAS 07.20 Guide for the development and management of mine action contracts. – No changes are needed.

IMAS 07.30 Accreditation of demining organizations and operations. – No changes are needed.

IMAS 07.31 Accreditation of mine risk education organizations and operations. – Annex B refers to “mine/ERW affected communities”, “mine and ERW hazards”, “mine and ERW clearance” and “mine and ERW situation”. No changes are needed.

IMAS 07.40 Monitoring of demining organizations. – No changes are needed.

IMAS 07.41 Monitoring of mine risk education programmes and projects. – In principal, no changes are required. However, the term B.11 (mine risk reduction) in Annex B should be amended to add the removal of AXO as another means to achieve risk reduction.

IMAS 07.42 Monitoring of stockpile destruction programme. – This IMAS refers only to the stockpile destruction of antipersonnel mines. AXO should also be destroyed, or at least removed, according to Protocol V. New IMAS could be developed to provide guidance on the destruction of AXO (and perhaps Anti-vehicle mines), at least with regard to some kind of explosive ordnance.

IMAS 08.10 General mine action assessment. – Notwithstanding the fact that the word “ERW” has been added in most relevant places, this IMAS seems to ignore the relevance of Protocol V in two places:

- a) Under the information to be collected by the GMAA (6.2 Collection), where a subparagraph “g” could be added to include information on AXO;
- b) Under treaty surveys. The IMAS mention the APMBC’s Article 7 reports, but not the reports emanated from Protocol V obligations (Article 10).

Also, the term “technical survey” (B.4 in Annex B) should comprise suspected ERW areas as well as mine suspected ones (or at least UXO contaminated areas as refer to in IMAS 08.20).

IMAS 08.20 Technical Survey. - This IMAS is not entirely compliant with Protocol V (second edition is dated 01 January 2003). First, Protocol V is missing in chapter 9 (International treaties). Second, the term “ERW” is not used in the text. However, the word “UXO” (one of the two components of ERW) is always used together with “mine” (i.e. “mine and UXO threat”, “mine and UXO clearance”, “mine and UXO hazards” or “mine and UXO operations”). This means that while UXO are covered by the Technical Survey, AXO are not. Unless deliberately wanted to exclude them from the Technical Survey, AXO should also be included in this IMAS. Including AXO within the Technical Survey makes sense from a hazard or risk approach. On the other hand, AXO are normally disposed of by other means than clearance (probably more similar to stockpile destruction). Paragraph 2 of Article 3 in Protocol V obliges states to mark and clear, remove or destroy ERW. Probably removal would apply more clearly to AXO than clearance.

IMAS 08.40 Post-clearance documentation. - Similar to IMAS 08.20, this IMAS seems not to be fully compliant with ERW (it is also dated 01 January 2003). It makes reference to UXO, ignoring AXO. The Review Board should consider if AXO should or should not be taken into account during survey marking and hazard marking. Protocol V provides for marking of ERW, which comprises both UXO and AXO.

IMAS 08.50 Data collection and needs assessment for mine risk education. – As other IMAS on MRE this IMAS refers to “mine/ERW problems”, “mine/ERW survivors”, mine/ERW contaminated areas”, “mine/ERW hazards”, “mine and/or ERW clearance” and so on. Annex B incorporates terms and definitions such as ERW and UXO and refers to ERW impact as part of Landmine Impact Surveys.

IMAS 09.10 Clearance requirements. – This IMAS makes reference to clearance as including removal and/or destruction of ERW hazards together with mine hazards. Language, including Annex B on terms, definitions and abbreviations, refers to ERW in many relevant places, using expressions such as “mine and ERW hazards”. While referring in general to ERW, these IMAS seem to be applicable mainly to UXO, but it is not very clear how they could be applicable to AXO.

IMAS 09.20 The inspection of cleared land: guidelines for the use of sampling procedures. – No changes are needed. The term “ERW” has been added to “mines” on relevant places. Therefore, this IMAS refers both to mines and ERW clearance.

IMAS 09.30 Explosive ordnance disposal. – This IMAS is about ERW. They refer both to UXO and AXO. The 2006 revision of this IMAS has been successful in incorporating UXO and AXO as defined in Protocol V.

IMAS 09.40 Guide for the use of mine detection dogs (draft edition 2). – No changes are needed.

IMAS 09.41 Operational procedures for Mine Detection Dogs (draft edition 2). – No changes are needed.

IMAS 09.43 Remote Explosive Scent Tracing (REST) (draft edition 2). – Differently to the two previous IMAS and the following dog-related IMAS, this IMAS makes reference to “mines and UXO” (the other ones use “mine and ERW”). This is not necessarily a mistake, if REST only applies to UXO and not to AXO; but there maybe a need for further consistency among dogs-related IMAS in relation to ERW.

IMAS 09.44 Guide to occupational health and general dog care. - No changes are needed.

IMAS 09.50 Mechanical demining. – This IMAS clearly refers both to mines and ERW. No changes are required in the main text. The definitions of “hazardous area” and “residual risk”, however, should be amended to make reference to ERW instead of just to UXO.

IMAS 10.10 Safety & occupational health - General requirements. – No changes are needed.

IMAS 10.20 Safety & occupational health – Demining worksite safety. – The 2006 revision to include “ERW” was successful. Not only “ERW” was added in appropriate places, but clear distinction between the applicability of certain standards to mines or to ERW was made in some cases. For example, the first paragraph in Annex C (Risk assessment for the determination of demining safety distances) clearly indicates that the Annex does not cover UXO or AXO. No changes are required.

IMAS 10.30 Safety & occupational health – Personal protective equipment. – Similar to comments on IMAS 10.20. This IMAS takes into account the specificities of ERW in terms of personal protection equipment. No changes are needed.

IMAS 10.40 Safety & occupational health – Medical support to demining operations. – No changes are needed.

IMAS 10.50 Safety & occupational health – Storage, transportation and handling of explosives. - These IMAS include appropriate references to ERW and does not need to be revised. However, it is interesting to note that while this IMAS is not directly applicable to explosive ordnance but to explosive and explosive materials, some parts of the IMAS are of relevance to storage, transportation and handling of explosive ordnance (or ammunition), notably Annexes D, E and G (including its Appendix 1 on Ammunition hazard divisions and its Appendix 2 on Ammunition compatibility

groups). These Annexes could be applicable to munitions management (see Part 3 (b) in Protocol V's Technical Annex) by analogy or as general guidance. IMAS 09.30 already provides for the application of general principles given in IMAS 10.50 for transportation, handling and storage of ERW. However, the development of new IMAS directly applicable to munitions management in order to support an effective implementation of Protocol V should also be considered.

IMAS 10.60 Safety & occupational health – Reporting and investigation of demining incidents. – The August 2006 amendment included ERW into this IMAS. It also takes into account differences between UXO and AXO when appropriate. No amendments are needed.

IMAS 11.10 Guide for the destruction of stockpiled anti-personnel mines. – Standards on movement and storage of APMs could be applicable for explosive ordnance (munitions management) by analogy. Also, to some extent, standards on certain technical considerations and destruction could be applicable to AXO disposal, especially when the explosive ordnance involved have not been primed, fused, armed or otherwise prepared for use. These standards also say that “in terms of stockpile destruction, APMs are no different to other types of ammunition” and “the technical factors are the same for the destruction of all types of ammunition, therefore, where appropriate, consideration should be given for the destruction of these different types in parallel to APM (...)” Clause 6.14 says that “consideration should be give to the destruction of other ammunition types in parallel to the APM”. This IMAS should be expanded to cover more clearly the destruction at least of some AXO or maybe a new IMAS should be developed to cover requirements for destruction of ERW accordingly to Protocol V.

IMAS 11.20 Principles and procedures for open burning and open detonation operations. – The Introduction to this IMAS only refers to APM, but from the text it is clear that these standards could also be used for other types of ammunition. Also at the beginning it is said that this IMAS should be read in conjunction with other IMAS, some of which are relevant to ERW. Therefore, this IMAS could be applicable to some ERW.

IMAS 11.30 National planning guidelines for stockpile destruction. – Same comments as for IMAS 11.20: this standard could be used by analogy to plan the destruction of other ammunition, including ERW.

IMAS 12.10 Planning for mine risk education programmes and projects. – ERW is fully integrated into this IMAS, which does not require any change.

IMAS 12.20 Implementation of mine risk education programmes and projects. – Same as for the previous IMAS, this standard fully integrates ERW and does not need any amendment.

IMAS 14.20 Evaluation of mine risk education programmes and projects. – Same as for the two previous IMAS. No changes are needed.

5. PARALLEL EXAMINATION OF PROTOCOL V AND THE IMAS

14. Some of the existing IMAS apply either directly or by analogy, or even as a general guidance, to various activities included in Protocol V. This includes, notably, activities related to survey, marking, clearance, removal and destruction of ERW, MRE and some generic preventive measures, such as a munitions management.

15. Protocol V also provides for some activities for which there are no IMAS. The reasons could vary from lack of real need to develop IMAS in certain areas (for example: victim assistance or warnings to civilians) to lack of demand (for example: recording, retaining and transmission of

information) or because they are more relevant to other disciplines than to mine action (for example: munitions manufacturing management).

5.1. ERW clearance and destruction activities

16. Protocol V provides for the marking and clearance, removal or destruction of ERW (Article 3). IMAS on marking, clearance, disposal and stockpile destruction, such as IMAS 08.20 (for marking), 08.40, 09.10 and 09.30, but also to certain extent 11.10, 11.20 and 11.30 are of particular relevance to these obligations.

17. It is important to bear in mind that while UXO always refer to explosive ordnance that has been used, AXO could include both explosive ordnance prepared for use (primed, fused, armed, etc.) or not. This means that AXO could be found by the form of hidden stockpiles, which need to be removed or destroyed (in which case IMAS on EOD or on stockpile destruction could be of relevance).

18. The particular situation of AXO, as different from UXO but integral to ERW, has not been fully addressed by some IMAS. For example, IMAS 08.10 on General mine action assessment and 08.20 on technical survey could be amended to make direct references to AXO..

19. Protocol V provides for ERW survey and threat assessment (Article 3, paragraph (a)). It does not indicate details of what kind of survey and assessment is required. Survey in Protocol V seems to refer to what IMAS 08.20 defines as “Technical Survey” (however this standard only refers to UXO and not to AXO). Assessment of threat in Protocol V seems to refer to what IMAS 08.10 defines as “General Mine Action Assessment”. These two concepts need to be clarified within the context of IMAS.

20. Protocol V also provides for needs assessment and prioritization in terms of marking, clearance, removal and destruction (Article 3, paragraph (b)). IMAS 07.10, 08.20 and 09.10 seems to refer to these activities when referring to “clearance requirement”, but it is advisable to clarify this point.

21. Protocol V provides for resource mobilization to carry out marking and clearance, removal and destruction of ERW (Article 3, paragraph (d)). This is an issue that has also been raised in various IMAS and may not require any particular adjustment.

5.2. Min risk education (MRE)

22. Article 5 of Protocol V provides for MRE (called only “risk education” in the text). All MRE-related IMAS have integrated ERW and currently apply both to landmines and ERW (07.11, 07.31, 07.41, 08.50, 12.10, 12.20 and 14.20).

5.3. Munitions management

23. The Technical Annex to Protocol V addresses generic preventive measures through voluntary best practices. Therefore, they are not legally binding despite being an integral part of the treaty. However, those best practices are elementary and very simple. Even though IMAS 10.50, on storage, transportation and handling explosives, does not address explosive ordnance (which may be ERW) in a direct manner, it provides good guidance for munitions management.

6. CONCLUSIONS

24. The following are some conclusions of this review of the existing IMAS:

- (a) Some IMAS require an amendment, in addition to the one conducted in August 2006, to include ERW.
- (b) Even though most IMAS have been amended in 2006 to include ERW, they do not necessarily fully integrate or address the concept and problems of AXO.
- (c) IMAS relevant to MRE are probably the ones that have more comprehensively integrated ERW.
- (d) It is uncertain to which extent some IMAS, mainly applicable to mines, could also apply to ERW.
- (e) Some IMAS could apply to munitions management required as best practice by Part 2 of Protocol V's Technical Annex.
- (f) Protocol V does not provide necessarily for the destruction of ERW (as the APMBC does for APM stockpiles). Article 3 refers to clearance, removal or destruction of ERW, meaning that, for example AXO found does not necessarily have to be destroyed, but at least it has to be removed.
- (g) There are elements in Protocol V that require clarification in terms of how current IMAS could address them and whether they need further development of IMAS or not (see paragraph 24 (d) in the next section.

7. RECOMMENDATIONS

25. The following are recommendations for the IMAS Review Board:

- (a) To take into account the comments and recommendations made in Sections 4 and 5 of this report, and make the relevant amendments, which include:
 - Minor additions in IMAS 03.10, 07.10, 07.11, 09.43 and 09.50;
 - Some new language in IMAS 01.10, 07.41, 08.10 and 11.20
 - Some substantive work to revise IMAS 08.20 and 08.40
- (b) Development of new IMAS on munitions management similar to IMAS 10.50;
- (c) Considering the possible development of new IMAS for disposal of AXO, or at least of particular kinds of problematic explosive ordnance found as AXO, (with references to existing IMAS, such as IMAS 11.10, 11.20 and 11.30)
- (d) Identify which terms used in IMAS would match certain terms used in Protocol V, such as survey, threat assessment or needs assessment, and consider possible inclusion of clarification language in the IMAS..