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Reference: C.N.1347.2004.TREATIES-12 (Depositary Notification)

PROTOCOL ON EXPLOSIVE REMNANTS OF WAR 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
(PROTOCOL V)

GENEVA, 28 NOVEMBER 2003

GERMANY: OBJECTION TO THE PROPOSED CORRECTIONS TO THE AUTHENTIC FRENCH
TEXT OF THE PROTOCOL

The Secretary-General of the United Nations, acting in his capacity as depositary,
communicates the following:

On 30 December 2004, the Secretary-General received a communication from the Government
of Germany objecting to the proposed corrections to the authentic French text of the Protocol circulated
by depositary notification C.N.1076.2004.TREATIES-11 of 4 October 2004.

..... The Annex to this notification contains the text of the said objection.

18 February 2005



Attention: Treaty Services of Ministries of Foreign Affairs and of international organizations
concerned. Depositary notifications are made available to the Permanent Missions to the United
Nations at the following e-mail address: missions@un.int. Such notifications are also available in the
United Nations Treaty Collection on the Internet at <http://untreaty.un.org>.

(a) Article 3(1)

- (i) The proposed correction divides the French text of paragraph 1 into three sentences, where the English text of paragraph 1 only consists of two, and thus aggravates uniform reference. In accordance with the consolidated proposal under (iv) *infra*, Germany therefore proposes to replace the period after “ou la destruction de ces restes explosifs de guerre” by a semicolon.
- (ii) In the second sentence, Germany considers the proposed wording “Lorsqu’une partie ne contrôle plus ...” to be substantially divergent from the English wording “In cases where a user * * * does not exercise control ...”. In accordance with the consolidated proposal under (iv) *infra*, Germany therefore proposes to replace the word “plus” by the word “pas”.
- (iii) Further in the second sentence, Germany considers the proposed wording “après la cessation des hostilités” to be substantially divergent from the English wording “after the cessation of active hostilities”. In accordance with the consolidated proposal under (iv) *infra*, Germany therefore proposes to insert, after the word “hostilités”, the word “actives”.
- (iv) Having due regard to the objections under (i) through (iii) *supra*, Germany proposes the following consolidated wording of paragraph 1 (corrections are highlighted in bold):

Chaque Haute Partie contractante, de même que chaque partie à un conflit armé, assume les responsabilités énoncées dans le présent article en ce qui concerne tous les restes explosifs de guerre se trouvant sur un territoire qu’elle contrôle. Lorsqu’une partie ne contrôle **pas** le territoire sur lequel elle a employé des munitions explosives devenues des restes explosifs de guerre, elle fournit, après la cessation des hostilités **actives** et si faire se peut, entre autres, une assistance technique, financière, matérielle ou en personnel, afin de faciliter le marquage et l’enlèvement, le retrait ou la destruction de ces restes explosifs de **guerre**; **cette assistance** peut être fournie par la voie bilatérale ou par le truchement de tiers dont conviennent les parties et qui peuvent être, entre autres, des organismes des Nations Unies ou d’autres organisations compétentes.

(b) Article 8(4)

The second correction proposes to place a period after the wording “liées à l’armement”, thus deleting the subordinate clause “qui sont nécessaires à l’application du présent Protocole”. Germany considers this correction to be inconsistent with the English text of paragraph 4 and therefore proposes (i) to replace the period after the wording “liées à l’armement” by a comma and (ii) to re-insert, after this comma, the deleted subordinate clause “qui sont nécessaires à l’application du présent Protocole”.

(c) Part 2(d) of the Technical Annex

Germany objects to the proposed correction as she finds the phrasing “Les avertissements et les activités de sensibilisation aux risques devraient être transmis à ...” to be incomprehensible. Germany is rather of the opinion that “les activités de sensibilisation” and the verb “transmettre”, as conjugated, are substantially not compatible. She favors, in the first place, to retain the wording “devraient viser”, but would also consider the wording “devraient s’adresser à” to be consistent with the English text of this section.

(d) Part 2(e) of the Technical Annex

The proposed correction contains a typing error and should therefore read “actions de sensibilisation” instead of “actions de sensibilisations”.