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Explosive remnants of war

Russian Federation

Explosive remnants of war pose a serious problem in today's world and efforts must be made to find a solution.

Seminars and consultations on the issue of explosive remnants of war held prior to the present meeting have demonstrated how complex and multifaceted this problem is.

At the same time, they have helped identify basic approaches which could help lead to a solution. Thanks to the discussion papers prepared for the May session, the Russian delegation has been able to study the issues and to give careful consideration to all the proposals submitted by colleagues and, on the basis of this material, to set out the main options for tackling the problem of explosive remnants of war.

Two options have been identified as offering a possible solution to the problem.

The first is the so-called preventive approach, based on the technical improvement of munitions. Through this approach we plan to decrease substantially the quantity of unexploded ordnance and to carry out the actual clearing of the areas in a similar manner to that stipulated in the amended Protocol II.

It is our view that this work will require considerable financial resources, which will be beyond the means of some States, as well as the necessary scientific and technological infrastructure.

At the same time, responsibility for clearing areas of unexploded ordnance will be of an optional, rather than mandatory, nature and, in the last analysis, will lie with the States affected by the explosive remnants of war. These States will therefore be faced for many years to come, just as they are faced today, with the task of clearing these areas by themselves.

The second option is based on the principle establishing the responsibility of parties to a conflict to clear the affected areas of unexploded ordnance.

In accordance with this principle, the responsibility for clearing an area of unexploded ordnance, regardless whether or not the area lies within the jurisdiction of one or other party to the conflict, shall be borne by the party which used the munitions that have remained unexploded after their application in combat or have been abandoned on the field of battle.

In this process, the responsibility will only be engaged after a new legal instrument on explosive remnants of war has entered into force and will not apply to conflicts which took place prior to the existence of that instrument.

Following this approach to the problem of explosive remnants of war, a party which uses munitions will endeavour to reduce the quantity of remaining unexploded ordnance to the minimum possible. In turn, this will encourage States to take all the necessary steps both to enhance the technical reliability of their munitions and to ensure that they are properly used by military personnel, irrespective of whether or not they are covered by any standard international rules and regulations on the various types of munitions.

Each State may undertake the technical improvement of munitions on its own initiative, with due regard for the operational reliability of the different types of munitions and within the limits of its own financial and technical capacities.

The responsibility borne by one party to a conflict for clearing the other party's territory may cover a range of measures, including financial, technical, information, humanitarian and other forms of assistance.

The actual form of assistance may be determined by the party affected by the explosive remnants of war and notified to the other party after an assessment has been made of the consequences of the combat operations. Experts from competent international organizations could be invited to help conduct independent assessments, to determine the extent of assistance to be provided.

Undoubtedly both options have advantages and disadvantages.

For its part, the Russian delegation favours the second option.

The second option offers a solution to the main issue in our present discussions - how to clear areas of explosive remnants of war and to ensure the safety of civilian populations in areas contaminated by unexploded ordnance.

If we take this option, there will no longer be any need to classify specific munitions as highly dangerous in terms of their potential to become unexploded ordnance, since any unexploded ordnance poses a potential hazard both to civilians and to military personnel and must be neutralized.

Furthermore, we believe that there is little point in setting aside certain types of munitions for separate consideration. The predominance of any given type of unexploded ordnance on the battlefield will be determined by the type of military operation conducted and by the objectives pursued by the warring factions during the operation. This factor will also play a primary role in determining the predominant kind of unexploded ordnance that the parties will be required to neutralize once the military operations are over.

For example, only air operations were conducted in Kosovo. Accordingly, airborne munitions now predominate in that area, including the cluster components used by aircraft. If, however, an operation is conducted exclusively by land troops, it will be the munitions used in land operations that subsequently predominate as unexploded ordnance.

In addition, the second option has a further advantage in that it would render it counterproductive to use obsolete, time-expired munitions in a conflict, as is often the case at present. As everyone knows, a number of States deliberately use outdated munitions in their military operations in order to save the money that would otherwise have to be spent on their disposal, thus killing two birds - the military task and the disposal task - with one stone. And it is precisely those obsolete munitions that make up the bulk of all unexploded ordnance left behind after combat operations.

The present paper is merely an attempt to outline some general approaches to the problem of explosive remnants of war and to identify the advantages and disadvantages of the different options. Accordingly, it is essential that we start by deciding which option should be taken as our basis.
