

**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**

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Working Group on Explosive Remnants of War

Explosive Remnants of War: Assistance and Cooperation

Working Paper by Pakistan

The problem

1. Conflicts around the world have established beyond doubt that explosive remnants of war (ERW) continue to cause severe human suffering long after the end of active hostilities. The international community, therefore, needs to address this issue urgently. 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) provides the most appropriate framework to deal with this humanitarian issue in an effective and balanced manner, i.e., without affecting the legitimate security requirements of States.
2. There are two dimensions to the problem. One is to handle the existing/ future ERW and the other is to put in place tenable measures aimed at preventing explosive ordnance from becoming ERW. The mandate on ERW adopted by the Meeting of the CCW States Parties held in December 2002 outlines the most practical way forward.
3. The proposed legal instrument on ERW would, however, not be of much utility if it cannot be implemented by an overwhelming majority of States. Presently, it is mainly in the developing countries where the problem of ERW exists, killing and maiming thousands of innocent civilians every year. Unfortunately, the developing countries, pressed for financial resources and technology, remain generally unable to cope with the problem on their own. If an instrument on ERW fails to take into account this dimension adequately, i.e., to ensure institutionalised assistance and cooperation, it will not be able to accomplish the desired results. There might not be much point in concluding a Protocol that does not effectively address this issue.

What should be done

- 4.i. Provisions relating to **post-conflict remedial measures** should be legally binding. Simply replicating the relevant provisions of Amended Protocol II would not suffice.

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4.ii. The clearance, removal and destruction of existing ERW should be accorded the foremost priority.

4.iii. A **Trust Fund for Assistance in ERW** should be established within the framework of the United Nations System with a mandate, and necessary resources, to carry out this task on a long-term basis. The clearance work should begin with intensive operations in the States concerned, which should submit to the Fund all the relevant information on ERW in areas under their control.

4.iv. The mandate of the Trust should also include **risk education to civilian populations, victim assistance and rehabilitation programmes.**

4.v. Besides mandatory financial contributions by the “users” each High Contracting Party should make available its expertise and technology for clearance operations of the Fund.

4.vi. The Fund would not preclude cooperation and assistance through other international bodies, intergovernmental or non-governmental organizations, national agencies, or on a bilateral basis.

4.vii. Each High Contracting Party will undertake not to impose restrictions on the provision of clearance equipment and technologies for humanitarian purposes to the High Contracting Party concerned.

4.viii. A credible mechanism should be institutionalised within the framework of the United Nations to address the instances of **transfer denials.**

Generic preventive measures

5. Expecting anything on this beyond voluntary best practices would be unrealistic, since majority of States would find legally binding provisions almost impossible to comply. Nevertheless with active assistance and cooperation at all levels, and where feasible, **reliability of munitions** could be enhanced with a view to reducing the occurrence of ERW. For instance, munitions management, including storage systems and handling and transport, is one area where assistance can be extended bilaterally and/or through relevant international and/or regional organisations.

6. Additionally, the possibility of organising periodic regional workshops on preventive measures could also be explored.

Conclusion

7. Human suffering being caused by ERW is a serious matter, warranting practical and credible solutions quickly. The High Contracting Parties should not lose this opportunity. Putting in place mandatory post-conflict remedial measures, including effective provisions for assistance and cooperation, would go a long way in meeting the ERW challenge.
