

**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

Note by the Coordinator

1. The States Parties to the CCW had adopted, in their November 2003 meeting, the following mandate for the Working Group on ERW for the year 2004:

“To continue to consider the implementation of existing principles of International Humanitarian Law and to further study, on an open-ended basis, and initially with particular emphasis on meetings of military and technical experts, possible preventive measures aimed at improving the design of certain specific type of munitions, including sub-munitions, with a view to minimize the humanitarian risk of these munitions becoming explosive remnants of war. Exchange of information, assistance and cooperation would be part of this work.”

2. The mandate is thus to:

- 1) consider the implementation of existing principles of International Humanitarian Law;
- 2) further study possible preventive measures aimed at improving the design of certain specific type of munitions, including sub-munitions, with a view to minimize the humanitarian risk of these munitions becoming ERW on an open-ended basis, initially with particular emphasis on meetings of military and technical experts; and
- 3) exchange of information, assistance and cooperation would be part of this work.

A. Implementation of existing principles of International Humanitarian Law

3. The ERW Group requires, firstly, to deliberate and agree upon which of existing principles of international humanitarian law could be considered as applicable to ERW.

4. The Group may then wish to consider and review the present status of implementation of these principles by the States Parties to the CCW, taking into account the obligations of the States Parties under the Conventions/Protocols from which they are derived. This may enable the

Group to identify steps that may be considered necessary to promote implementation of these principles by the States Parties.

5. In addition, the Group may need to consider the adequacy of the mechanisms provided for in these Conventions/Protocols for promoting implementation of these principles and whether any further measures are required in this regard.

B. Preventive measures aimed at improving the design of certain specific munitions

6. The Group has been mandated to further study possible preventive measures aimed at improving the design of certain specific type of munitions, including sub-munitions, with a view to minimize the humanitarian risk of these munitions becoming ERW. The study is to be conducted on an open ended basis, and initially, with particular emphasis on meetings of military and technical experts

7. As the Group is mandated to study preventive measures aimed at improving the design of certain specific munitions, the first task before the Group, therefore, is to specify which type of munitions, including sub-munitions, need to be considered for improving the design through possible preventive measures.

8. The Group may consider possible preventive measures aimed at improving the design of specified munitions, including sub-munitions. In this regard, the Group needs to consider and determine whether these preventive measures are essential, whether they would be effective in substantially enhancing reliability of munitions, including sub-munitions, so as to provide assurance that they would function as intended and would not become ERW and whether they are technologically and economically feasible.

9. The Group may also wish to consider whether the States Parties to the CCW are under any obligation under existing principles of international humanitarian law to implement preventive measures for improvements in design of munitions, including sub-munitions, to ensure that they do not become ERW.

10. Given the disparity in military, technological and economic capabilities among the States Parties to the CCW, the Group needs to take into account the financial and technological implications for the States Parties, particularly for the developing countries, of producing or stockpiling the new munitions with improved design and for decommissioning/retro-fitting or destruction of the existing stockpiles.

11. In this regard it would also be appropriate for the Group to deliberate on the kind of assistance and cooperation that could be envisaged by the States Parties to the CCW, including access to and transfer of appropriate technology and financial assistance, for promoting implementation of the technical measures that the Group may agree in order to improve the design of munitions including sub-munitions.
