Explosive Remnants of War: The Negotiations Continue

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Explosive Remnants of War: The Negotiations Continue

From 16-27 June 2003, States Parties to the Convention on Certain Conventional Weapons (CCW) met in a Group of Governmental Experts (GGE) to discuss a draft proposal for an Instrument on Explosive Remnants of War (ERW). A previous article in the Journal of Mine Action outlined the background to this process, and the June meeting was the second to take place in 2003. This article explains what was discussed in June, what will happen next and some of the broader issues of interest to the mine action community.

by Paul Ellis, GICHD

Background

The aim of the current series of meetings is to discuss possible measures that could alleviate the humanitarian impact of ERW. Based on earlier work, the ambassador from the Netherlands, who is responsible for coordinating work on ERW in the CCW, presented a paper as a possible basis for an instrument or protocol on ERW. At present, there are two arguments as to how this paper should proceed. The majority of States Parties favour the adoption of a legally binding protocol. However, some States Parties continue to oppose this view, favouring a “statement of best practices.” For the clearance community, the encouraging news is that issues are central to their work in the field (such as responsibility for clearing up ERW and measures to protect civilians, e.g., fencing and marking) are being discussed in an international forum. These discussions may result in formal obligations for parties to future conflicts to provide clearance and other mine action activities.

After two weeks of discussions, the Coordinator for ERW will now redraft the proposal and present it again to States Parties in the autumn with the next formal meeting scheduled for November 2003. The key articles of interest to the clearance community are Article 3: Clearance, Removal and Dismantling of ExplosiveRemnants of War; Article 4: Recording and Use of Information; Article 5: Provisions for the Protection of the Civilian Populations from the Effects of Explosive Remnants of War; Article 7: Existing Explosive Remnants of War; and the Technical Annex, which covers recording and provision of information on UO and abandoned ordnance, plus risk education and the provision of information.

The Draft for an Instrument on ERW

From a positive perspective, the draft paper offers the prospect of recognizing the responsibility of parties to a conflict to clean up ERW, which could mean better funding provision, swifter action and better dealing with ERW and improved cooperation between military forces and humanitarian organizations. Also, information would be made available, such as the types of ordnance used, location of battle areas, methods for safe disposal, presence of anti-handling devices, and location and amounts of abandoned ammunition. All this information would be of considerable use for pre-deployment planning and preparation for a post-conflict environment. However, the proposals could see States increasing their own assets (almost certainly the military) to undertake work previously done by the clearance community. This raises issues about the quality and efficacy of the military in this type of work. Furthermore, if States use their own assets to clear ERW or provide risk education, they might have to pay a third party to do what they see as a duplication of work. As a result, there could potentially be a negative impact on funding.

Before there will be any agreement, there are a number of obstacles that we need to overcome. First, among many delegations, there is still a lack of understanding about the reality of work in the field or what is involved in providing risk education. The few “experts” that states bring along are always almost military officers, and now always with experience in explosive ordnance disposal (EOD). Let alone a mine action programme. Several states are openly opposed to providing any information beyond the bare minimum. The usual reason cited for this is national security. The GICHD and others have pointed out that the issue is not one of providing the information but rather of when the information becomes known. A good example would be, should states refuse to provide coordinates for cluster bomb strikes, it just means that the clearance community would have to establish the location using a survey. The information ultimately becomes known—it just takes longer and costs more. There are also grounds for concern about how information would be provided. The draft proposal mentioned international databases, perhaps run by the United Nations, which could be of considerable use for pre-deployment planning and preparation for a post-conflict environment. However, the proposals could see States increasing their own assets (almost certainly the military) to undertake work previously done by the clearance community. This raises issues about the quality and efficacy of the military in this type of work. Furthermore, if States use their own assets to clear ERW or provide risk education, they might have to pay a third party to do what they see as a duplication of work. As a result, there could potentially be a negative impact on funding.

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we will be concentrating on the second half of the year include seeking to underline the importance of providing information that is as broad and detailed as possible, giving examples from the field to explain the reality of clearance and risk education work, and explaining the strengths of the clearance community.

Conclusion

The next meeting of the GGE on ERW is 17–24 November 2003. Shortly after, there will be a meeting of States Parties to the CCW on 27–28 November, to consider the next step on this issue. While it is unclear what the States Parties will decide, there are two probable outcomes: an agreement to create a legally binding protocol or a non-legally binding "statement of best practice" for ERW. Discussions on ERW continue, possibly because the States Parties cannot decide on the legal status of the proposal or due to the demands in any paper being unacceptable to some States Parties. Perhaps the greatest danger is a legally binding document that has been so weakened to achieve agreement that it does little or anything to alleviate the acknowledged humanitarian impact of ERW.

References

1. The full official title of the CCW is The Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to be of a Special Character, Particularly Those Which Have the Effect of Causing不必要的Injuries or to have Indiscriminate Effects.
3. Ellis, op cit.
4. Should a legally binding protocol be adopted it would become the fifth protocol of the CCW. For details of the other four protocols, see Ellis, op cit.
5. Full details of the Draft Proposal and other papers presented to the meeting in June can be found on the UN Department of Disarmament Affairs website on the CCW at http:// disarmament.un.org/ccw/index.html

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Clas1: Explosive Substances and Articles

Cost, safety, and compliance with international regulations are among the most important factors with respect to shipping explosives. The following article gives detailed insight into the transport and storage of explosives necessary for destroying mines and UXO.

by Rolf Oechslin, RUAG Munition and Jørgen Schneider, Dyno Nobel Danmark A/S

Introduction

The humanitarian disaster caused by landmines and UXO littered throughout more than 60 countries has created an active and growing response from the international community that could eventually lead to the elimination of the use of landmines. As mines can be very dangerous or impossible to render safe, they often must be destroyed in situ. Quality demolition products are essential for the safety of the mine clearance experts. Delivering materials for the demining teams can be solved with reasonable economic resources and within a relatively short time; however, problems associated with explosives must be solved first. For example:

- Can explosives suitable for demining be delivered locally?
- Can explosives be transported to the site and stored safely?
- Is it possible to get explosives from neighbouring countries?
- Can explosives be delivered from other countries?
- What type of explosives should be delivered?

Many traditional safety precautions and procedures for destroying mines and UXO are still being used. The following section includes a short discussion of the difficulties of transporting explosives and a proposal for simplifying procedures for destroying or rendering safe mines and UXO that can easily be delivered.

Transport of Explosives

To understand the transport of explosives, a few things must be clear. First, explosives are classified as dangerous goods. The dangerous goods covered by the heading of class 1 are defined on the basis of their properties. The assignment of Clas 1 will depend on the hazardous properties and articles have been assigned to a division and a compatibility group. The division is based on the results of tests described in UN regulations. Listed below are the various divisions and compatibility groups into which Class 1 explosive substances and articles are subdivided.

Compatibility Groups

Compatibility groups inform you about how to store a container and how it can be transported as well. Definitions of compatibility groups of substances and articles for demining are listed in Table 1 to the top right.

When storing a container with explosives, you are allowed to have normal goods in the container as well, but under no circumstances can it contain other dangerous goods. Table 2 shows what is possible to mix when storing a container.

By putting division number and compatibility group together, it is possible to store and transport the explosives by sea or air in accordance with the International Maritime Organization (IMO) regulations, or in accordance with the International Air Transport Association (IATA)) dangerous goods regulations (transporting by air) as in Table 3.

Table 3 is rather theoretically and can be difficult to understand. All explosives will be listed as Class 1. In addition, they will have a division number, a compatibility number, a UN number and a proper shipping name. Typical explosives for demining can be as Table 4 depicts.