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DEVELOPMENT AND INTERNATIONAL ECONOMIC CO-OPERATION: ENVIRONMENT

Problems of remnants of warReport of the Secretary-General

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I. INTRODUCTION

1. The present report has been prepared pursuant to paragraph 5 of General Assembly resolution 36/188 of 17 December 1981, on the problems of remnants of war.

II. CONSULTATIONS CARRIED OUT PURSUANT TO GENERAL ASSEMBLY RESOLUTION 36/188 AND ADDITIONAL VIEWS OF GOVERNMENTS

2. Pursuant to paragraph 5 of resolution 36/188, the views and observations of all States were sought by a letter dated 19 March 1982 from the Executive Director of the United Nations Environment Programme (UNEP) on behalf of the Secretary-General. By 17 August 1982, only 33 States had replied to the letter. In addition, communications from four States were received in response to the consultations held pursuant to resolution 35/71. (They were received too late to be taken into account in the report submitted to the General Assembly at its thirty-sixth session (A/36/531), pursuant to that resolution.) One of the four replies was to the effect that, while the Government concerned was not directly affected by the matter, it nevertheless supported ways and means, including the convening of a conference under United Nations auspices, for solving the problems of remnants of war. Two others supported only the holding of a conference. Of these two replies, one stated that the territory of the Government from which it emanated contained many remnants of war, which had been detrimental to the population of the country. It added that the conference could settle the matter of compensating the victims and also arrange for the restoration to normalcy of the areas that might contain remnants of war. The fourth of the replies stated that the country concerned still suffered from environmental hazards, both on its soil and in the surrounding sea-bed, due to the presence of war material left there as a result of intensive bombing during the Second World War and the fact that certain areas of the sea-bed had been turned into dump sites for bombs. It added that an off-shore island under the jurisdiction of the Government had been used for many years, both before and after that war, as an air weapon and gunnery range. The situation seriously hampered the economic development of the country. The deepening of harbours, in particular, was made considerably more difficult than it normally would be by the presence therein of ordinance and wrecks. Bilateral negotiations with the State of which the country had been a colony prior to attaining independence following the Second World War had been fruitless. The Government therefore viewed the role of the United Nations as desirable and necessary for solving the problems of remnants of war and supported the holding of a conference to deal with the matter.

3. Of the replies received in response to the letter dated 19 March 1982, one merely transmitted a copy of the reply by the Government concerned to the consultations held pursuant to General Assembly resolution 35/71. Two others were notifications that the letter dated 19 March 1982 had been conveyed to the appropriate authorities for preparation of a reply. Another Government stated that, while keenly aware of the problem, it would comment at a later date. Three other replies were to the effect that the Governments from which they emanated had no observations to make, no reasons being given for this position.

4. Eight other Governments also had no comments to make on the matter, but stated reasons for this position. One of those Governments pointed to its having no information on the matter, another based itself on its lack of qualified staff to study it, while yet another observed that it was unable to deal with the problem for the time being since it affected the part of its territory that was subject to the military occupation of another State. The remaining five stated that the problems of remnants of war were of no relevance to them.

5. The contents of the remaining 18 replies are summarized below under the four following headings selected for clarity of presentation, taking into account General Assembly resolutions 35/71 and 36/188:

Information;

Compensation;

Convening of a United Nations conference;

Role and involvement of the United Nations system.

A. Information

6. One Government expressed the view that Protocol II to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons provided for full exchange of information on the location of mines.

7. One Government advocated the preparation of a factual United Nations study on the subject of remnants of war. The study could describe the problems of remnants of war in different parts of the world, indicate the means required for international mine sweeping operations, analyse the legal setting of the problem in the light of the recently adopted conventions on international humanitarian law applicable in armed conflict and contain suggestions for integrating an international ad hoc machinery for mine clearance operations into the United Nations system. The study might eventually enable appropriate United Nations procedures to be instituted with regard to co-operation regarding the problems of remnants of war. Such co-operation might lead to an agreement on ad hoc machinery involving United Nations task forces for clearing remnants of war, including mines.

8. One Government was of the view that measures should be taken to enable Governments in possession of technology for dealing with the environmental hazards created by remnants of war to register with the international referral system of UNEP. It also advocated the gathering of further information by UNEP and assistance by it to Governments, upon request, as well as the promotion by UNEP of studies on the matter.

B. Compensation

9. Only two Governments expressly commented on this aspect. In the view of one of them the possibility of achieving practical results would probably be furthered by leaving aside the controversial question of responsibility for having placed mines and the related question of compensation. In the view of the other Government, the full responsibility for the removal of remnants of aggressive and colonial wars and for the cost of that removal should be borne by the imperialist States which had conducted those wars against developing countries. Those States also were, in the opinion of that Government, under an obligation to furnish those countries with information on the location of the material remnants of war and assist in their removal. Five Governments expressed general support for General Assembly resolution 36/188, which, in view of paragraph 3 of that resolution, appears to imply support for the position of States affected by the problems of remnants of war that demand compensation for the losses incurred from the States responsible for those remnants.

C. Convening of a United Nations conference

10. Three Governments explicitly expressed support for the holding of a United Nations conference to deal with the problems of remnants of war. It appears safe to assume that the Governments that, as pointed out in paragraph 9 above, expressed general support for General Assembly resolution 36/188 are in favour of holding such a conference. One of the Governments that expressed general support for resolution 36/188 saw no need, however, for a special conference. The same can be said of a Government that, in its reply, merely expressed support for paragraph 5 of that resolution.

11. One Government expressed the view that the problems of remnants of war, being essentially a political one, should be handled within the framework of the General Assembly. Three others advocated its resolution through bilateral channels.

12. One Government was of the view that, while the convening of a conference was not advisable, an expert group should be convened that would comprise representatives from the competent United Nations agencies and the countries affected by the problems of remnants of war and undertake field surveys in the areas affected by such remnants, particularly mines. The expert group would submit its report to the General Assembly.

13. One Government opposed the holding of a United Nations conference on the ground that the problem of remnants of war affects only a few developing and western countries and should be settled through the mediation of the Executive Director of UNEP. Another Government advocated the resolution of the problem within the framework of UNEP.

D. Role and involvement of the United Nations system

14. Three Governments expressed the view that UNEP should not be involved in the problems of remnants of war.

15. As pointed out in paragraph 8 above, one Government was of the view that Governments in possession of technology for dealing with environmental hazards created by remnants of war should register with UNEP's international referral system and also advocated the gathering of further information by UNEP and assistance by it to Governments, upon request, as well as the promotion by UNEP of studies on the matter.

16. As pointed out in paragraph 11 above, one Government was of the view that the problem of remnants of war should be handled within the framework of the General Assembly, while three others advocated its resolution through bilateral channels.

17. As will have been noted, the replies summarized in paragraphs 7, 12 and 13 above also called for United Nations involvement.

18. One Government stated that, while it was not directly concerned by the problems of remnants of war, it was ready to support any measures that the international community might take for the purpose of settling it, particularly in countries that did not have the technological and economic means for doing so themselves.

III. CONCLUSION

19. Of the 33 replies received, only 18 contain substantive comments. Of these replies, seven were from Governments which had submitted the same or similar comments, that had been included in the report submitted to the General Assembly at its thirty-sixth session (A/36/531).

20. In these circumstances, the conclusions of this report are as follows:

(a) Since the majority of States have not made substantive comments, additional time may be required to obtain a more representative sample of the opinions of Governments;

(b) The main divergences of opinion among the States that have made substantive comments seem to relate to the question of United Nations involvement and to the steps to be taken to bring about a solution to the problem;

(c) In view of this situation, and having in mind the possible relevance of Article 107 of the Charter, the General Assembly may wish to defer consideration of this item pending the receipt of additional reactions from Governments.
