

**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

**Questions and Issues with regard to Preventive Technical Measures  
for Certain Specific Types of Explosive Ordnance**

submitted by Switzerland

1. The issue of explosive ordnance, including submunitions, becoming explosive remnants of war, has been discussed for several years within the framework of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons of 1980 (CCW). The ERW process resulted in the adoption of Protocol V on Explosive Remnants of War at the meeting of the States Parties in November 2003. Protocol V encourages the States Parties in Article 9 to take generic preventive measures aimed at minimising the occurrence of explosive remnants of war, including but not limited to those referred to in part 3 of the Technical Annex. In order to ensure the best possible reliability of explosive ordnance, States Parties are encouraged to apply best practice norms and operating procedures in the fields of munitions manufacturing management, munitions management, transfer as well as future production.
2. Many delegations have argued that Protocol V does not address all possible relevant measures to prevent the devastating effects of ERW, in particular with regard to preventive technical measures on specific types of munitions and the implementation of principles of international humanitarian law. The States Parties therefore decided among other issues at the said CCW meeting *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 types of munitions, including submunitions, with a view to minimise the humanitarian risk of these munitions becoming explosive remnants of war. Exchange of information, assistance and co-operation would be part of this work.*
3. Some relevant questions and issues with regard to preventive technical measures for certain types of explosive ordnance have already been discussed to a certain extent in particular within the Group of Military Experts during the last two years. In fulfilling this new mandate, the States

Parties will have to identify the topics for discussion which should be deepened within the Group of Governmental Experts in the course of this year. The following general list of possible questions and issues in relation to design improvement is intended to facilitate this process. The enumeration of the questions and issues gives no indication of their relative importance nor does the list claim to be exhaustive.

### **I. Certain specific types of munitions**

- Should the discussion on preventive technical measures aimed at improving the design of certain specific types of munitions consider all types of explosive ordnance, or should it focus on one specific type of explosive ordnance such as submunitions?
- If the in-depth discussion is to focus on one specific type of munition, which category of explosive ordnance presents the biggest humanitarian threat?
- Is there a need for a definition of certain specific types of munitions to which preventive technical measures can be applied?

### **II. Range of preventive technical measures**

- What range of preventive technical measures could be considered for improving the design of certain specific types of new explosive ordnance?
  - Improvement to fuses
  - Back-up systems such as self-destruction, self-deactivation, self-neutralisation systems
  - Redundant fuses
  - Other?
- Is it necessary to improve the detectability of certain specific types of new explosive ordnance?
- If so, what range of preventive measures should be considered to improve the detectability of certain specific types of new explosive ordnance?
- Are there other preventive technical measures to be considered such as improving the recognizability of certain specific types of new explosive ordnance by distinctive colour coding?
- Are there any other preventive technical measures which could be applied to certain specific types of existing explosive ordnance (retro-fitting)?

### **III. Degree of reliability**

- Should a minimum reliability limit be fixed for certain specific types of explosive ordnance, or should there be a more general approach such as "the highest possible reliability"?
- If there is to be a minimal reliability limit for certain specific types of explosive ordnance, what level of reliability should be considered acceptable?

#### **IV. Impact of the possible preventive technical measures**

- What military impact do they have?
- What humanitarian impact do they have?
- What financial implications are there in terms of
  - production costs,
  - military efficiency and
  - socio-economic savingswith regard to new and existing explosive ordnance?

#### **V. Testing**

- Should the reliability of explosive ordnance in question be tested?
- If so, how should it be tested? Is it necessary to define test parameters in order to evaluate the reliability of certain specific types of explosive ordnance?
- Should the results of explosive ordnance testing be made available to other States?

#### **VI. Accompanying measures**

- What would be the modalities of information exchange, international assistance and co-operation with regard to preventive technical measures?
- How much time is needed to implement possible preventive technical measures?

#### **VII. Munitions not meeting the defined criteria**

If technical standards can be agreed, the following issues could be considered for discussion in a second phase:

- What action should be taken concerning certain specific types of new and existing explosive ordnance which do not meet the technical standards?
  - new explosive ordnance: ban on production, storage/stockpiling, transfer and/or trade and use?
  - existing explosive ordnance: ban on transfer and/or trade as well as ban on use and storage/stockpiling after a certain time period?
- Should there be other restrictions on the explosive ordnance in question?
- Should there be a transitional period for one, several or all of these restrictions with regard to certain specific types of existing explosive ordnance? What criteria should be considered to determine the length of these transitional periods (e.g. life cycle of stored explosive ordnance, time for replacing existing stocks with new explosive ordnance)?

AnnexOpen list of relevant working papers:

<b>Reference</b>	<b>Date</b>	<b>Title</b>
CCW/CONF.II/PC.3/WP.10	27.09.2001	Explosive remnants of war: The military and humanitarian objectives of addressing unexploded remnants of war (UXO)
CCW/GGE/I/WP.3	02.05.2002	Explosive Remnants of War: Assistance and Cooperation
CCW/GGE/I/WP.4	08.05.2002	Technical improvements and other measures for relevant types of munitions, including sub-munitions, which could reduce the risk of such munitions becoming ERW
CCW/GGE/I/WP.5	14.05.2002	Technical Improvements to Submunitions
CCW/GGE/I/WP.7	21.05.2002	European Union Position on the Issue of Explosive Remnants of War
CCW/GGE/I/WP.11	23.05.2002	Discussion paper on the issue of the explosive remnants of war
CCW/GGE/II/WP.4	10.07.2002	A Survey of Questions and Issues for the Group of Governmental Experts on Explosive Remnants of War
CCW/GGE/II/WP.6	10.07.2002	The types of munitions which become explosive remnants of war: Factors which contribute to the occurrence of explosive remnants of war
CCW/GGE/II/WP.13	15.07.2002	Explosive Remnants of War - Experience from Field Operations
CCW/GGE/II/WP.15	18.07.2002	Explosive remnants of war
CCW/GGE/II/WP.20	23.07.2002	Technical Improvements of Ammunitions to Prevent and Reduce ERW
CCW/GGE/IV/WG.1/WP.3	11.03.2003	Explosive Remnants of War: Assistance and Cooperation