

**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**

CCW/GGE/XII/WG.1/WP.3
21 October 2005

ENGLISH
Original: RUSSIAN

**Twelfth session
Geneva, 14-22 November 2005
Agenda item 7
Explosive remnants of war
Working Group on Explosive Remnants of War**

**RESPONSES TO DOCUMENT CCW/GGE/X/WG.1/WP.2,
ENTITLED IHL AND ERW, DATED 8 MARCH 2005**

Response from the Russian Federation

Part 1. Applicability of relevant IHL principles

1. The military training of personnel in the armed forces of the Russian Federation, and the selection of methods and means of warfare, including the use of cluster munitions, are carried out in the light of the relevant provisions of IHL: lawfulness, discrimination between military and civilian objects, proportionality, humane treatment and military necessity.
2. These principles stem from specific articles of international treaties to which the Russian Federation is a party:
 - (i) Convention respecting the Laws and Customs of War on Land (The Hague, 18 October 1907), and the annexed Regulations concerning the Laws and Customs of War on Land, arts. 22 and 23;
 - (ii) Geneva Conventions for the protection of the victims of war (12 August 1949), art. 1;

- (iii) Protocol additional to the Geneva Conventions of 12 August 1949 for the protection of the victims of war, and relating to the protection of victims of international armed conflicts (Protocol I), of 8 June 1977, arts. 1, 35, 43, 48, 51, 54, 57, 62 and 75;
- (iv) Convention for the Protection of Cultural Property in the Event of Armed Conflict (The Hague, 14 May 1954), arts. 4 and 14.

Part 2. Implementation of relevant IHL principles

3. In the armed forces of the Russian Federation the various munitions, including cluster munitions, are used in strict compliance with existing IHL principles and rules.
4. When taking decisions on the organization of military actions, commanding officers and general staff take into account the need to comply with IHL rules.
5. A deputy commanding officer for legal matters must always participate in the organization of military actions. In periods of armed conflict, this officer serves as a legal adviser and draws up proposals relating to compliance with IHL rules in draft military and other documents.
6. In assessing areas of future activities, the location of personnel and facilities under the protection of IHL is taken into account, as well as the likely environmental consequences of military activities and the likelihood and extent of use by the opponent of facilities under the protection of IHL. When determining methods of attacking the opponent, the commanding officer applies IHL principles in selecting the method of fire and type of munition whose use will present the lowest risk for the civilian population.
7. After the end of military activities, as soon as circumstances permit, the commanding officer together with the local administration organizes efforts to protect the civilian population from explosive objects. In addition, the commanding officer has an obligation to clear the area of ERW after stationing observers and notifying the civilian population.
8. The Russian Federation shares the humanitarian concern at the impact of various munitions on the civilian population. Many wars have taken place on Russian territory, and their

consequences are still felt, including those arising from the presence of ERW. For this very reason, aside from humanitarian concerns linked to the generation of ERW, in selecting means of conducting military activities which are not prohibited by international law, account is taken of legitimate interests connected with ensuring the territorial integrity and independence of the State.

- (i) The legal foundation for the Russian Federation's military doctrine is composed of the Constitution, federal legislation and other laws and regulations, as well as international obligations assumed by the Russian Federation.

IHL issues have been reflected in military regulations and manuals for the armed forces, in programmes for the training of personnel in the forces and in military academies, and in instructions and recommendations for other ranks, and are put into effect during course work, training and other studies.

- (ii) In 2001 a manual relating to international law was introduced for the armed forces of the Russian Federation. The manual includes the principles and basic provisions of the rules of IHL, recommendations for application in preparations for and the conduct of military activities, and a code of conduct for military personnel participating in military activities.
- (iii) (a) When selecting weapons during planning of fire, the decision is taken on the basis of the current situation taking into account the principle of proportionality. There is as yet no effective alternative to the use of submunitions to strike area and group targets (with the exception of weapons of mass destruction).
- (iii) (b) When taking decisions on the use of munitions, including cluster munitions, account is taken inter alia of the need to preserve infrastructure for sustaining the population (buildings and other facilities are destroyed to a lesser extent than with the use of powerful unitary munitions, and can be used by the civilian population after the active phase of military activities).

- (iii) (c) Lectures and seminars on international humanitarian law are organized for officers and students in higher military academies run by the Ministry of Defence.

Courses to increase the awareness of officers in the field of the law of armed conflict were initiated in the year 2000 in the study centre of the Combined Forces Academy, and are now operating successfully. Their purpose is to train specialist instructors in international humanitarian law. All categories of military personnel are invited to follow the courses - from members of central organs of military administration to unit commanders.

Special courses for representatives of corps of engineers have been held since 2001.

Training of military personnel on courses is provided by the teaching staff of the Combined Forces Academy, as well as by representatives of other military academies run by the Ministry of Defence, and by experts from the International Committee of the Red Cross.

The teaching process encompasses not only theoretical issues, but also practical training during the conduct of tactical exercises with the use of military hardware in conditions close to real ones.

During the course over 1,000 specialist instructors have been trained in the law of armed conflict for the Ministry of Defence and other departments.

In future there are plans to increase the number of students by inviting participants from countries in the CIS and further afield.

- (iv) The Russian Federation attaches great importance to efforts to create a mechanism to ensure that evolving arms systems comply with IHL. In order that the features of new types of weapon are in keeping with international treaties, it is planned to set up a special commission whose tasks will include that of evaluating currently used weapons systems and those being developed from the viewpoint of humanitarian law.
