



# ZABMUN X

RESOLVING DISPUTES | REACHING MILESTONES



## SPECIAL POLITICAL AND DECOLONIZATION (SPECPOL)

**TOPIC A : PREVENTING AN ARMS RACE IN  
OUTER SPACE**

**TOPIC B : EXPLOSIVE REMNANTS OF WAR**

# LETTER FROM THE PRESIDENT



Honourable participants,

ZABMUN has been the crown jewel of SZABIST since the past ten years, and being the President of ZABMUN X, the honor of meeting the standards falls upon me.

ZABMUN has always been a conference par excellence and within this year's theme: Resolving Disputes | Reaching Milestones, we intend to go further than we ever have.

Our aim is to promote the art of diplomacy and creating dialogue about the important world issues.

This year, ZABMUN not only promises to provide you an exhilarating conference but it even promises you to provide extensive training sessions which would provide you the best quality debate.

It would be an immense pleasure to host your brilliant minds at the 10th conference.

Kind regards,

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Syed Ahmer Hussain Qadri,  
President  
ZABMUN

# LETTER FROM THE SECRETARY GENERAL



Greetings everyone!

My name is Syeda Romaiza Ibad and I am currently in my Junior Year, pursuing BSc in International Relations and Political Science. Being an advocate of debate, diplomacy and discourse, I am honored to welcome the leaders of tomorrow to the 10th Edition of Szabist Model United Nations. ZABMUN is a conference built on proud traditions and a legacy of MUNs at SZABIST. This conference is a timely reminder of the succeeding generations that have dedicated their hard work, blood and sweat in making this conference exceptional.

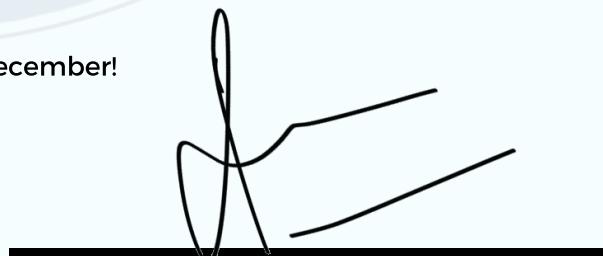
This year, we will be celebrating a Decade of Diplomacy with committees serving as 10 pillars, created with a blend of ambition, comprehensive concepts and internationally diverse topics, affirming high hopes of all. ZABMUN is modelled on open minds and fresh ideas where delegates are challenged and asked to represent national agendas or stands that they may personally disagree with. They will do so fairly and forcefully. This open-mindedness is the essence of successful diplomacy -- the ability to understand and analyse all positions, including those that they oppose.

As the Secretary-General of the conference, I recognize the value of having accomplished Committee Directors on board and how it contributes to making the conference a success and so, I have handpicked for you a mixture of ZABMUN Alumni and renowned Chairpersons from within the debating coterie, who have a profound knowledge and knack for Parliamentary discussions and debates.

I want this acceptance of differing viewpoints to clearly distinguish this conference from the rest. I believe it will prove crucial as delegates assume leadership roles in the twenty-first century. This year, the theme is quite simple: Resolving Disputes & Reaching Milestones. We want to harbour diversity and inculcate in our delegates the art of conflict resolution. I can assure all the delegates that by participating in this simulation and using this platform, these students can surely become better speakers. ZABMUN encourages each individual to trigger their analytical thinking skills, by stepping into the world of daily crisis and policy changes and enable their minds to interpret situations and suggest solutions.

Good luck to all those participating! Can't wait to see you all in December!

Kind regards,



Syeda Romaiza Ibad,  
Secretary General  
ZABMUN

# INTRODUCTION TO COMMITTEE:

The Special Political and Decolonization Committee (Fourth Committee) considers a broad range of issues covering a cluster of five decolonization-related agenda items, the effects of atomic radiation, questions relating to information, a comprehensive review of the question of peacekeeping operations as well as a review of special political missions, the United Nations Relief and Works Agency for Palestinian Refugees in the Near East (UNRWA), the Report of the Special Committee on Israeli Practices and International cooperation in the peaceful uses of outer space. In addition to these annual items, the Committee also considers the items on Assistance in mine action, and University for peace biennially and triennially respectively. In short, SPECPOL covers both the issue of de-colonization, as suggested by its full name, as well as any other political issues not directly dealt with by the mandates of any other UN General Assembly committee. It should also be noted that, as this is a General Assembly committee, all resolutions are nonbinding. What this means is that operative clause language which is more indicative of a Security Council resolution (e.g. 'Demands') should not be used, with non-binding language (e.g. 'Urges', 'Recommends') being used instead. This also means that any peacekeeping operations or punitive measures (such as economic sanctions) cannot directly be authorized by this committee, although it is within the committee's power to suggest or recommend that the Security Council take these actions in a manner stipulated by the committee. It is still acceptable, however, to refer to resolutions passed previously by non-General Assembly committees (including the Security Council) in the perambulatory clauses of a resolution

## TOPIC A: Preventing an Arms Race in Outer Space

What does it mean by 'Preventing an Arms race in Outer Space'?

Militarization of outer space has occurred since the earliest communication satellites were launched. Today, militaries all over the world rely on satellites for command and control, communication, monitoring, early warning, and navigation with the Global Positioning System. Therefore, "peaceful uses" of outer space include military uses, even those that are not at all peaceful—such as using satellites to direct bombing raids or to orchestrate a "prompt global strike" capability, which is "the ability to control any situation or defeat any adversary across the range of military operations."

Weaponization of outer space is generally understood to refer to the placement in orbit of spacebased devices that have a destructive capacity. Many experts argue that ground-based systems designed or used to attack space-based assets also constitute space weapons, though are not technically part of the "weaponization of outer space" since they are not placed in orbit. Some also argue that weapons that travel through space in order to reach their targets, such as hypersonic technology vehicles, also contribute to the weaponization of space. Many elements of the US ballistic "missile defense" system currently being developed or planned could constitute space weapons as well, as many possess "dual-use" characteristics, allowing them to destroy space assets as well as ballistic missiles.

History of the Topic:

In 1959, the UN General Assembly established the Committee on the Peaceful Uses of Outer Space (COPUOS) in Resolution 1472 (XIV). This committee identified areas for international cooperation in the peaceful uses of outer space, devised programs to be undertaken by the United Nations, encouraged research on matters relating to outer space, and studied legal problems arising from the exploration of outer space.

During the 1960s and 1970s a number of agreements were adopted to prevent the weaponization of outer space. These include the Partial Test Ban Treaty, formally titled the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water (1963), the Outer Space Treaty, formally titled the Treaty on the Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (1967), the Rescue Agreement, formally titled the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space (1968), the Agreement Relating to the International Telecommunications Satellite Organization "Intelsat" (1971), the Liability Convention, formally titled the Convention on International Liability for Damage Caused by Space Objects (1972), the Launch Registration Convention, formally titled the Convention on the Registration of Objects Launched into Outer Space (1975), the Moon Agreement, formally entitled the Agreement Governing the Activities of States on the Moon and Other Celestial Bodies (1979).

Although these treaties ban the placement of weapons of mass destruction in space, they do not prevent states from placing other types of weapons in space. As a result, many states argue that existing treaties are insufficient for safeguarding outer space as "the common heritage of mankind." In order to address this, the final document of the UN General Assembly's Special Session on Disarmament mandated that negotiations should take place in what is now the Conference on Disarmament (CD), "in order to prevent an arms race in outer space" that are "held in accordance with the spirit of the [Outer Space Treaty]."

In 1985 the CD established an ad hoc committee to identify and examine issues relevant to PAROS such as the legal protection of satellites, nuclear power systems in space, and various confidence-building measures. The United States resolutely opposed giving the committee a negotiating mandate, preferring bilateral talks with the Soviet Union. The committee convened each year through 1994. No further committee meeting occurred due to objections made by the United States. In 1990 the United States stated that it "has not identified any practical outer space arms control measures that can be dealt within a multilateral environment." With its large missile defense program and technical advantages in potential space weaponry, the United States has consistently refused to negotiate PAROS in the CD.

#### Developments (last 15 years):

"NB: 2018 has been purposely left out. Delegates are advised to focus on recent developments more in conjunction with past information. Assessment of awards will also include information which is up to date".

##### 2017:

On June 16, the EU Member States issued a statement to the Conference on Disarmament Working Group on the "Way Ahead" that proposed a multilateral non-legally binding instrument on Space Security.

##### 2016:

On 26 January, the Conference on Disarmament adopted an agenda for the 2016 session. On 4 April, the Russian Federation and Venezuela released a joint statement to the Conference on Disarmament declaring that they will not be the first to deploy any type of weapon in outer space. On 3 June Malaysia submitted a working paper on behalf of the Member States of G-21 on the Prevention of an Arms Race in Outer Space. On 16 September, the United States of America submitted the following report to the Conference on Disarmament: "Implementing the Recommendations of the Report (A/68/189\*) of the Group of Governmental Experts on Transparency and Confidence-building Measures in outer space Activities to Enhance Stability in Outer Space."

##### 2015:

On 19 January, the Conference on Disarmament officially began and concluded Part 3 on 18 September. The fourth Panel dealt directly with the Prevention of an arms race in outer space. On 20 January, H.E. Mr. Henk Cor van der Kwast issued a statement on behalf of the Netherlands, encouraging more work on confidence building and transparency in PAROS.

On 19 March, Ms. Gabrielle Irsten issued a statement on behalf of the Women's International League for Peace and Freedom (WILPF) describing the importance of civil society being active in the pursuit of multilateral space security. On 13 August, Indonesia submitted a working paper on behalf of G-21 stressing the importance of space security in a technologically dependent society.

On 27-31 July, the European Union (EU) and the United Nations Office for Disarmament Affairs (UNODA) organized Multilateral Negotiations on an International Code of Conduct for Outer Space Activities. Mr. Jacek Bylica, Principal Adviser and Special Envoy for Non-Proliferation and Disarmament, European External Action Service, delivered an opening statement. Participants discussed principles and implementation of the International Code.

On 7 December the UN General Assembly adopted Resolution 70/27 on the no first placement of weapons in outer space.

#### 2014:

On 27-28 May, EU delegates met in Luxembourg for a third round of open-ended consultations concerning the proposed International Code of Conduct for Outer Space Activities, the fifth draft of which was published on 31 March.

On 10 June, Russia introduced to the Conference on Disarmament an updated draft of its working paper with China, "Treaty on the Prevention of the Placement of Weapons in Outer Space, the Threat or Use of Force Against Outer Space Objects (PPWT)." Relevant changes include the omission of the definition of "outer space," amendments to other definitions and adjustments to Article IV on the right to self-defense.

On 4 December, the UN passed a Russian draft resolution on banning arms race in outer space was adopted during the assembly's 69th session with 126 votes in favor and 4 votes against. Georgia, Israel, Ukraine and the US were the four countries that opposed the draft resolution.

#### 2013:

On 14 January the General Assembly adopted Resolution 67/113 "International Cooperation in the Peaceful Uses of Outer Space." The resolution reaffirmed the importance of international cooperation in developing the rule of law for space, noted the concern regarding a possible arms race, and advised that States with major space capabilities should actively contribute to the goal of preventing an arms race.

On 11 February in the Conference on Disarmament, a working body was established entitled "Prevention of an arms race in outer space" in order to discuss substantively and without limitation all issues related to an arms race in space. The Working Group will be chaired by the Ambassador of Kazakhstan, Mr. Mukhtar Tileuberdi.

On 19 March the CD discussed outer space security generally, and also discussed the draft Treaty on the Prevention of the Placement of Weapons in Outer Space, the Threat or Use of Force Against Outer Space Objects.

On 1-5 April, the GGE (Group of Governmental Experts) met for the second session in Geneva. Experts from 15 countries contributed to the final output of the Group. The experts agreed on a set of substantive TCBMs for outer space activities and recommended that States consider and implement them. Furthermore, the Group took stock of numerous proposals from governments and changes in the political and technological environment. On 4 June, the Cuban delegation made a statement to the CD stressing that the Cuban delegation was prepared to start negotiating a treaty on the prevention of an arms race in outer space.

From 8-12 July, the GGE held its third and final session in New York. The final report of the Group's work was submitted to the General Assembly at its 68th Session: (A/RES/68/189).

On 3 September, Bangladesh made a statement on behalf of the Member States of the G-21 on PAROS. In the statement, the Group emphasized the need for space technology due to it being indispensable to everyday life. Furthermore, the Group also stressed the growing use of outer space and the need for transparency, confidence building measures, and better information on the part of the international community. Finally, the Group welcomed the joint Russian-Chinese initiative of a draft treaty on the "Prevention of the placement of weapons in outer space, the threat or use of force against outer space objects."

On 22 October, Ambassador Victor Vasiliev presented a statement as Chairman on behalf of the GGE on Transparency and Confidence Building Measures in Outer Space Activities. The Group had a few recommendations and conclusion:

Encouraged States to review and implement the TCBMs through relevant national mechanisms.

Recommended that the General Assembly decides how to further advance TCBMs in Outer Space.

Recommended universal participation in and adherence to the exiting legal framework relating to outer space activities.

Responses to the GGE were provided by a few states. The European Union welcomed the study and report of the GGE and stressed the importance of transparency and confidence building measures, including promoting international cooperation in exploration and use of outer space for peaceful purposes.

Delegations from the Arab Group and NAM highlighted that proliferating weapons in outer space should be prevented.

Two resolutions came out of the General Assembly session. A/C.1/68/L.40 is entitled "Transparency and confidence-building measures in outer space activities." This resolution is to inform states to review and implement the proposed transparency and confidence-building measures. A/C.1/68/L.41 is entitled "Prevention of an arms race in outer space." This resolution is the same resolution as last year.

## 2012:

On 31 January, Russia reminded the CD of the draft Treaty on the Prevention of the Placement of Weapons in Outer Space which Russia and China had proposed in 2008. Russia stressed the importance of transparency and confidence-building measures in this treaty, noting that the Governmental Group of Experts would begin work on this issue later in the year.

From 19-30 March, the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space held its fifty-first session in Vienna. The committee report emphasized that the Outer Space Treaty did not adequately prohibit the placement of conventional weapons in outer space and called for a dialogue between the Legal Subcommittee and the CD to address this.

On 5 June the CD discussed PAROS. Belarus, China, Iran, and Pakistan noted the gaps in the existing legal framework and Russia, China, and Pakistan each stated that PAROS is their delegation's priority at the CD. The EU suggested that the 2008 draft resolution proposed by Russia and China on the Prevention of the Placement of Weapons in Outer Space needed greater specifics in order to be effective. Russia, the Republic of Korea, and India all noted that while transparency and confidence-building measures were important, they were not an adequate replacement for legally binding measures. France, the United States, Russia, and the Republic of Korea all spoke in favor of the EU Code of Conduct for Outer Space.

On 23-27 July the UN Group of Governmental Experts (GGE) on transparency and confidence building measures in outer space activities met at the UN headquarters in New York City. Among the many topics discussed was PAROS. Several states indicated that they viewed transparency and confidence building measures as stepping stones to negotiating PAROS.

On August 29 Russian Federation Council speaker Valentina Matviyenko issued a statement on provisions Russia considers mandatory for future talks on reducing strategic arms saying, "Concerns further process of nuclear disarmament by all nuclear states and their step by step joining the efforts taken by Russia and the United States and prevention of an arms race in outer space."

On 30 August the Syria Arab Republic submitted a working paper on behalf of the Group of 21. The Group reiterated its support of preventing an arms race and stated there concern over the deployment of anti-ballistic missile systems.

## 2011:

In January, three resolutions related to outer space were passed by the UN General Assembly. Resolution 65/97, adopted without a vote, addressed international cooperation in peaceful uses of outer space, encouraging all states to become parties to relevant international treaties. Resolution 65/68 called for greater transparency and confidence-building measures in outer space activities and passed with a vote of 183 in favor, none against, and one abstention (the United States), while Resolution 65/44 encouraged states to continue efforts to assure the prevention of an arms race in outer space and passed with a vote of 178 in favor, none against, and two abstentions (Israel and the United States).

On 4 February the United States released its National Security Space Strategy, which emphasized the need for the responsible use of outer space and greater international cooperation. Other key points included strengthening international norms, using a multilayered deterrence approach and enhancing overall national space capacity.

On 8 February, the CD addressed the prevention of an arms race in outer space, including a presentation of the EU draft Code of Conduct for outer space activities, which would provide guidelines to limit harmful interference, collision, or accidents in outer space. China and Russia highlighted a draft treaty on the prevention of placement of weapons in outer space presented by them in 2008. The CD returned to the discussion on 8 March with states calling for the creation of a legally binding treaty on PAROS and discussed verification issues.

From 28 March to 8 April, the UN Legal Subcommittee on the Peaceful Uses of Outer Space held its 50th session. At the meetings, delegates expressed concerns about “present gaps” within the legal regime on outer space and advocated for a “more comprehensive legal regime to prevent militarization in outer space.”

On 7 April, China issued a statement titled “Prevention of an Arms Race in Outer Space,” noting that the weaponization of outer space “is against the interests of all countries.”

From 1 to 11 June, the UN Committee on Peaceful Uses of Outer Space held its 54th session. The meeting focused on several issues, including satellite data usage for natural disasters, space debris, and climate change in relation to space. Also, delegates from Canada (in conjunction with the Space Security Index) issued a presentation discussing current trends in the militarization of space, specifically in terms of reconnaissance, surveillance, navigations, and intelligence operations. The delegation emphasized that despite the military activities, “no space-based Space Weapons have been used to date.”

On 13 September, Nigeria presented working paper CD/1965 entitled “Prevention of an Arms Race in Outer Space” to the CD on behalf of the G-21. The working paper noted that existing legal instruments were inadequate to deter further militarization of space and recommended the draft treaty on the “Prevention of the Placement of Weapons in Outer Space” proposed by Russia and China in 2008 as a starting point for a PAROS treaty.

On 12 October, Sri Lanka presented draft resolution A/C.1/66/L.14 to the UNGA First Committee on the prevention of an arms race in outer space. The draft resolution emphasized the need for verification measures to prevent an arms race and reaffirmed the CD’s role as the primary body for negotiating and drafting a treaty on the prevention of an arms race in outer space. It was adopted on 26 October by a vote of 171 in favor, none against, and two abstentions. On 2 December 2011, the United Nations General Assembly (UNGA) passed Resolution 66/27 on the Prevention of an Arms Race in Outer Space.

## 2010:

From 18 January to 26 March, many delegations made statements that supported the PAROS treaty in the CD. Australia, Belarus, and Kazakhstan welcomed and supported the draft treaty submitted by Russia and China in 2008. The Russian delegation reiterated the need to move toward the implementation for the draft treaty. The delegations of Bangladesh, the European Union, Ireland, Libya, Republic of Korea, Romania, and Switzerland also made positive reference to the PAROS treaty during their statements. The United States delegation’s statements did not reference the PAROS treaty.

On 1 April the United Kingdom launched its new Space Agency, designed to provide a single voice on space issues for the United Kingdom as well as coordinate, develop and promote space activities within the United Kingdom. On 28 June the United States published a new outer space policy, which emphasized states’ right to explore and use space for peaceful purposes including national security activities.

On 6 July the CD discussed PAROS again, where the Group of 21 called for the negotiation of a treaty related to PAROS within the CD and welcomed a draft treaty on the Prevention of the Placement of Weapons in Outer Space tabled by China and Russia in 2008. Discussion of PAROS continued on 13 July with a presentation by the United States of their new outer space policy.

On 26 November the European Union held the Seventh Space Council, which called for the creation of a comprehensive space strategy for the EU and discussed best practices in order to implement the Galileo and Global Monitoring for Environment and Security projects.

## 2009:

On 26 March, Canada introduced a paper to the CD entitled 'The Merits of Certain Draft Transparency and Confidence Building Measures and Treaty Proposals for Space Security.'

On 28 October, the CD adopted draft resolution A/C.1/64/L.25 entitled "Prevention of an Arms Race in Outer Space." The draft resolution was adopted by a vote of 176 in favor, none against, and two abstentions (the United States and Israel). This resolution had previously been blocked by the United States, which had voted against it since 2005. With Israel maintaining its abstention from previous years and the United States switching its vote to an abstention some progress was able to be made. The following day the CD adopted A/C.1/64/L.40, entitled "Transparency and Confidence-Building Measures in Outer Space Activities," without a vote. For the first time in a decade, the CD reached agreement on a program of work. In their program, a working group was established for the "prevention of an arms race in outer space" in order to discuss "all issues related to the prevention of an arms race in outer space." Unfortunately, no progress occurred due to the inability of the CD to implement its program of work for the year.

## 2008:

On 12 February, China and Russia introduced a Draft Treaty on the Prevention of the Placement of Weapons in Outer Space, the Threat or Use of Force against Outer Space Objects (PPWT) to the CD. The United States dismissed this proposal characterizing the offer as "a diplomatic ploy by the two nations to gain a military advantage." On 20 February, the United States shot down a failed spy satellite that was carrying approximately a half-ton of hydrazine rocket fuel, a toxic chemical. Many countries criticized this act because the satellite was shot down using a three stage, Standard Missile-3, whose primary purpose is for use as an interceptor for the U.S. Navy's missile defense system. In April a working group was formed for PAROS in the CD. On 10 July, the European Parliament passed a resolution on Space and Security. On 8 December, the European Union established a Draft Code of Conduct for Outer Space Activities. The European Union introduced this draft code to the CD on 12 February 2009.

## 2007:

On 11 January, the Chinese fired a missile to shoot down one of its own ageing weather satellites. This raised fears in the United States concerning a potential space race. Japan also strongly condemned the test, declaring concern over its national security and the possibility of an arms race in space. Despite condemning the test, the United States continued to pursue several space and missile defense projects, many of which have dual-use capabilities.

On 15 June, the UN Committee on the Peaceful Uses of Outer Space adopted space debris mitigation guidelines. Russia again introduced a resolution for transparency and confidence building measures for activities in outer space. In accordance with previous years all voted in favor of the resolution except for the United States (objection) and Israel (abstaining). Russia and China also produced a working paper (CD/1679). This working paper discusses the definitions of concepts such as Outer Space, Space Weapons, Space Objects and the Peaceful Use of Outer Space.

In the UNGA the Secretary General released a report on the "Transparency and confidence-building measures in outer space." This report discussed the positions of Austria, Bangladesh, Kenya, and Portugal on behalf of the European Union. The European Union proposed the development of a comprehensive code of conduct on objects and activities related to space, and suggested general principles, scope and participation for such a code. On 18 September, this code of conduct was attached to the Secretary General's report on "Transparency and Confidence-Building Measures in Outer Space Activities." (A/62/114/Add.1) In addition, the European Union is planning to submit this code of conduct to the CD. Two resolutions were passed in the UN: A/RES/62/20 on the "Prevention of an Arms Race in Outer Space" and A/RES/62/43 "Transparency and Confidence-Building Measures in Outer Space Activities."

## 2006:

Russia again introduced a resolution on transparency and confidence-building measures in outer space activities, which enjoyed substantial support. The United States maintained its objections and Israel continued to abstain from the vote.

On 22 May, China and Russia tabled another working paper at the CD that related to the verification aspects of PAROS (CD/1778). This working paper suggested different types of confidence-building measures such as exchanges of information, demonstrations, notifications, consultations and thematic workshops. Two documents were adopted by the UN General Assembly: A/RES/61/58 (Prevention of an Arms Race in Outer Space) and A/RES/61/75 (Transparency and Confidence-Building Measures in Outer Space Activities).

2005:

On 16 August an open-ended meeting was hosted by China and Russia on issues relating to PAROS. In addition Russia introduced a resolution on transparency and confidence-building measures regarding outer space activities. This resolution enjoyed support from an overwhelming majority, with only Israel abstaining and the United States objecting. The UN General Assembly adopted two documents: A/C.1/60/L.27 (Prevention of an Arms Race in Outer Space) and A/C.1/60/L.30/Rev.1 (Transparency and Confidence-Building Measures in Outer Space Activities).

2004:

United Nations document A/RES/59/65 "Prevention of an Arms Race in Outer Space" was adopted by the General Assembly and distributed December 17.

2003:

United Nations document A/RES/58/36 "Prevention of an Arms Race in Outer Space" was adopted by the First Committee of the General Assembly.

2002:

In spite of a continued deadlock in the CD, certain states, particularly China and Russia, continued to push for negotiations regarding PAROS. A joint working paper on the "Possible Elements for a Future International Legal Agreement on the Prevention of the Deployment of Weapons in Outer Space, the Threat or Use of Force Against Outer Space Objects" was submitted by China and Russia.

#### Effects on arms control and Nuclear Disarmament:

The weaponization of space would destroy strategic balance and stability, undermine international and national security, and disrupt existing arms control instruments, in particular those related to nuclear weapons and missiles. These effects will inevitably lead to a new arms race. Space weaponization would seriously disrupt the arms control and disarmament process. The US' withdrawal from the Anti-Ballistic Missile Treaty in 2001 and the development of US ground- and seabased "missile defenses" have already increased tensions with Russia and have led to increased missile proliferation. The deployment of these technologies or the development of space-based technologies will likely cause nuclear weapon states to make smaller and smaller reductions of their nuclear arsenals and to reject the development of new treaties to regulate nuclear weapons and their delivery systems. Currently there are no known weapons deployed in space, however, the US has invested in developing potential technologies, and both China (2007) and the US (2008) have demonstrated anti-satellite capabilities. In response to the potential threats of space weaponization, as well as perceived ballistic missile threats, the US is also developing a ballistic missile defense shield. While missile defense is presented as a defense of American and allied territories against a limited missile attack, it is in reality one more step towards full spectrum dominance. Missile defence allows countries to develop offensive technologies under the pretense of defense. Major defense contractors are actively developing their aerospace capabilities, and smaller aerospace corporations are competing to prove their technical innovation in making satellites smaller and launch vehicles less expensive. There are many reasons to be concerned about the development of missile defence and space weapon technology, including the increased conventional military dominance by the US, the vast waste of resources that accompanies any arms build-up, whether it's a race or an asymmetrical surge, and the physical results of fighting in outer space—especially space debris, which can destroy civil and commercial space infrastructure such as satellites.

## International perspective

The overwhelming majority of UN member states are concerned that the weaponization of outer space will lead to an arms race and insist that a multilateral treaty is the only way to prevent such an arms race, emphasizing that this treaty would not limit space access, but would prevent such limitations. Each year in the UN General Assembly a resolution on the prevention of an arms race in outer space (PAROS) is introduced and adopted by an overwhelming majority of UN member states. In fact, every country in the world votes in favor of negotiating a treaty on PAROS—except for the US and Israel, which abstain. The PAROS resolution calls for states, especially those with space capabilities, to refrain from actions contrary to the objective of PAROS and to “contribute actively” to that objective. It argues for consolidation and reinforcement of the outer space legal regime. A PAROS treaty would complement the 1967 Outer Space Treaty, which aims to preserve space for peaceful uses, if it prevented the use of space weapons and the development of space-weapon technology and technology related to so-called “missile defense.” A PAROS treaty would also prevent any nation from gaining a further military advantage in outer space and would hopefully reduce current military uses of outer space. The General Assembly also adopts by consensus a resolution drafted by Russia and China on transparency and confidence-building measures (TCBMs) in outer space. TCBMs are a good step towards enhancing trust and international cooperation among states. They facilitate management of situations, which could otherwise lead to international tension. Most states acknowledge that TCBMs do not replace a legally-binding treaty on PAROS but may function as a start to a step-by-step approach on preventing the weaponization of outer space. In 2010, the General Assembly agreed to launch a Group of Governmental Experts (GGE) to explore TCBMs that could be undertaken to enhance space security. This GGE commenced in July 2012. Although the current international legal instruments concerning outer space do, to some extent, prohibit and restrict the deployment of weapons, use of force as well as military activities in certain parts of space, the related provisions contained in them are seen by some states to be limited in scope and therefore inadequate for preventing weaponization of outer space. The progress of science and technology could make it necessary to strengthen the existing international legal system.

# TOPIC B: Explosive Remnants of War

## WHAT ARE EXPLOSIVE REMNANTS OF WAR?

The term 'explosive remnants of war' (ERW) describes the wide range of explosive munitions (unexploded or abandoned) that remain in an area after an armed conflict has ended. They include artillery shells, grenades, mortar shells, rockets, missiles and other forms of explosive ordnance. The main threat is unexploded ordnance (UXO), a term used by clearance organizations to describe munitions that have been fired, launched, dropped, or otherwise used but have not exploded as intended. Civilians often believe that such weapons are harmless, when in fact they are often unstable and lethal, capable of detonating if touched or disturbed. Abandoned ordnance (AXO) also pose a significant threat. These are explosive weapons that have not been used but have been left behind or dumped by a party to an armed conflict. In some recent conflicts, large stockpiles of weapons have been left unsecured and removed by civilians for scrap metal. Abandoned weapons have also been grabbed for use afterwards, in fighting.

## A LONG-STANDING AND WIDESPREAD PROBLEM

Explosive remnants of war (ERW) have been a problem for many decades. At present, dozens of countries are confronting the long-term effects of these weapons. Afghanistan, Angola, Belarus, Cambodia, Iraq, Laos, Libya, and VietNam are among the countries that are seriously affected. It can take years, even decades, to find and clear ERW. Many European countries are still removing weapons used in the Second World War. For example, in 2012 alone, the explosive ordnance disposal unit of the Hungarian Defence Force destroyed more than 45,000 pieces of ERW left over from that conflict. Belarus, Poland and Russia also continue to clear large amounts of World War II ordnance. The wars of the 1950s, 1960s and 1970s have made South-East Asia one of the regions most heavily affected by ERW. It is believed that there are tens of millions of pieces of unexploded and abandoned ordnance in Laos alone. Nearly 80,000 pieces of ordnance were destroyed by clearance operations in 2012. The bombs stopped falling in Laos almost four decades ago; since then, more than 50,000 people have been killed or injured by ERW, making Laos one of the most severely affected countries in the world. Even brief conflicts can give rise to major ERW crises. For instance, at the end of the 2011 international armed conflict, Libya found itself contaminated by a large amount of unexploded and abandoned ordnance. The country was already enduring the effects of unexploded landmines laid during the desert battles of World War II, and of contamination resulting from armed conflicts with its neighbors in the 1970s and 1980s. In 2012, clearance organizations destroyed more than 240,000 pieces of ERW in Libya. ERW are a foreseeable consequence of modern armed conflict; however, their devastating human cost can be greatly reduced if the international measures agreed by governments in the Protocol on ERW are implemented.

## BACKGROUND

The Review Conference of the 1980 UN Convention on Conventional Weapons (CCW) in December 2001 established a Group of Governmental Experts on Explosive Remnants of War to examine the issues relating to ERW. At the Meeting of States Parties in December 2002, it was agreed that the Group would continue its work in 2003 to "negotiate an instrument on post-conflict remedial measures of a generic nature which would reduce the risks of ERW... [Q]uestions need to be considered regarding ... the provision of information to facilitate clearance and risk education, [and] warnings to civilian populations." The CICHD has undertaken this report, supported by the Coordinator on ERW, on warnings and risk education. The aim of the report is to provide States Parties with an understanding of the main issues and challenges concerning warnings and risk education programmes in general. Within this framework, the report also covers the particular issues of ERW and the practicalities of a mine and UXO risk education response. The report concludes with key lessons learned from experience in the field on how to provide effective warnings and risk education.

The CCW Group of Governmental Experts on ERW has yet to agree on a precise definition of ERW. The Framework Paper submitted to the Group by the Coordinator for ERW suggested the following as a starting point for discussion: "Explosive Remnants of War – means unexploded ordnance and abandoned explosive ordnance with the exception of anti-personnel mines, booby-traps, other devices and mines other than anti-personnel mines as defined in Protocol II as amended on 3 May 1996". This working definition is used for the purposes of the present report.<sup>5</sup> Warnings have also not been defined under international law, although the term has been used in CCW Protocol II and Amended Protocol II. A warning is ordinarily defined, inter alia, as "an indication of danger" and "advice to beware of something as being dangerous". It is therefore not time-specific and therefore a warning may be given before or after the use of explosive ordnance (EO). Mine risk education is also not defined under international law, but is defined under the International Mine Action Standards (IMAS) as "a process that promotes the adoption of safer behaviours by at-risk groups, and which provides the links between affected communities, other mine action components and other sectors. It comprises two related and mutually reinforcing components: a) community liaison; and b) public education."

## THE IMPACT OF ERW

Although the precise definition of ERW has still to be clarified, it is generally understood that the problems ERW cause are both widespread and long-term. Information collection established as part of mine/UXO risk education and other mine action programmes has highlighted the significance of casualties caused by ERW, in particular by UXO such as hand grenades, mortars shells, fuzes and cluster bombs. In Afghanistan and Cambodia, for example, more than half of the victims have been killed or injured by UXO. Data collection in Bosnia and Herzegovina, showed that around 30 per cent of the victims are UXO casualties. In Laos, nearly all of the casualties are caused by UXO. The physical and psychological impacts of ERW on a community are significant considering the number of deaths and the nature of injuries caused, which can overload often already stretched medical infrastructures. ERW also have a wider socio-economic impact on affected communities in terms of land use (a decrease of agricultural productivity) and blockages to reconstruction and development activities.

## EXTRACTS FROM SPECIAL REPORTS:

In Cambodia, in 1998-1999, 29 per cent of the reported casualties were injured or killed by UXO. In 2000 and 2001, this figure increased to 47 per cent and 49 per cent, respectively.\* During the wars in Indochina in 1964-1973, more than two million tons of ordnance were dropped over Laos, with up to 30 per cent failing to detonate on impact. Bombing records and results from a socio-economic impact survey indicate that over 87,000 square kilometres of land (from a total landmass of 236,800 square kilometres) are considered to be at risk of containing UXO. The net result for people living in contaminated provinces has been the denial of valuable fertile land for food production, and the ever-present physical fear of UXO accidents. Those most vulnerable are the children living in the affected areas as well as subsistence farmers.\*\* In the country, 39 people were reported killed and 63 injured by UXO in 2000 and 122 new mine/UXO casualties were reported in 2001. Precise details of the breakdown between UXO and mines, though most if not all were caused by UXO.\*\*\* In Afghanistan, between 1998 and 2000, while most mine victims were men injured during fighting or travelling, the bigger threat to the livelihood of civilians, especially children, was from UXO. All in all, UXO casualties amounted to about half of the recorded accidents.\*\*\* In 2001, 54 per cent of the reported casualties were injured by UXO, including fuzes, booby-traps and cluster munitions. In southern Iraq, there is a significant threat posed by ERW from the 1991 Gulf War. Although information is limited, an assessment conducted by the ICRC in southern Iraq identified cluster bombs and other UXO as the main threat to civilian population, including nomads. Submunitions in Kosovo have killed more people in the post-conflict period than mines and are the primary UXO problem in the province.

\*UNICEF, A Collection of Practices from UNICEF's Mine Action Experience in Cambodia, June 2002. \*\* UN E-MINE website, [www.mineaction.org](http://www.mineaction.org) \*\*\* International Campaign to Ban Landmines, Landmine Monitor Report 2002: Toward a Mine-Free World, Human Rights Watch, Washington DC, August 2002.

Warnings and MRE programmes have to advise on the location of possible ERW. Generally, MRE programmes include messages about dangerous areas such as places where fighting took place, and warning signs like animal carcasses or skeletons. Those types of messages also sometimes include messages about abandoned armoured fighting vehicles. For example, in Afghanistan, one MRE message refers to the

"damaged or blown-up vehicle", which could indicate the presence of UXO.\* In Kosovo, a message was disseminated about the dangers of destroyed tanks ("Do not approach damaged or blown-up tanks!"), as there was concern about a possible threat from depleted uranium.

\* ICRC, ERW Training Curriculum for Iraq Operations, ICRC Middle East Delegations, ERW Awareness Team, February 2003.

## CONTENDING WITH EXPLOSIVE REMNANTS OF WAR

During the U.S.-led military invasion to remove then-Iraqi President Saddam Hussein from power, Iraqi forces abandoned enormous quantities of unguarded arms and ammunition. As one expert observer noted, "Piles of ammunition, mines, small arms and weapons [are] littering the country. They can...be found in playgrounds, schools, construction sites and garbage heaps along the road. They constitute a permanent threat to the population, especially children, who are unaware of the danger: they continuously come into contact with them, play with them and risk getting maimed or killed."

Nor do all the dangers come from Iraqi materiel. Iraqi civilians face dangerous debris from coalition forces as well: the use of cluster munitions during the Iraq campaign yielded at least 90,000 stray duds.

Sadly, Iraq is but the latest example in a global humanitarian problem: long after battles have ended, wars continue to inflict tens of thousands of casualties per year because of abandoned ammunition and unexploded ordnance—known as explosive remnants of war (ERW).

In Bosnia and Herzegovina, for example, an estimated 30 percent of post-conflict casualties are ERW-related. In Afghanistan and Cambodia, more than half of post-conflict casualties stem from ERW. And in Laos, nearly all post-war casualties are now caused by ERW.

Indeed, the toll of crippling injuries and deaths is akin to that produced by anti-personnel landmines (APLs). Moreover, like landmines, the cost of such unexploded ordnance and abandoned ammunition includes more than physical suffering. The presence of ERW prevents the free movement of people and farm animals through affected areas, creating enormous if unquantifiable socio-economic problems.

In some ways, however, the problems caused by ERW are worse than those stemming from landmines, a problem that has received considerably more publicity, public attention, and government action:

- ERW might contain explosive charges or elements of fragmentation that can cause havoc at a far greater distance from the explosion.
- ERW are generally more powerful and more lethal than APLs and cause more casualties.
- Safely clearing unexploded ordnance (UXO) is complicated by the fact that we do not know why these weapons have not exploded. By contrast, inactivated mines are not a mystery, making them easier to remove. Until recently the international community had taken far more decisive action to regulate APLs than ERW: Since 1999, the Ottawa Convention, which bans APLs, has provided a successful multilateral framework for limiting and clearing landmines as well as reducing the dangers they pose.

But the international community lacked a corresponding legal instrument for explosive remnants of war. That shortcoming was remedied over a three-year period of negotiations that began in 2001 and was concluded last fall (see sidebar on page 18). A pact governing ERW was concluded as a fifth protocol to the Convention on Certain Conventional Weapons (CCW), a multilateral accord that regulates and prohibits the use of weapons that kill indiscriminately or lead to inhumane wounds.]

The protocol commits states to clear future ERW and to work together to clear existing unexploded ordnance or abandoned ammunition, which can already be found in more than 80 countries. While it remains to be seen how many countries will ratify and thus agree to be legally bound by the agreement, all major powers, including the United States, Russia, China, India, and Pakistan, have endorsed the pact.

### The Result:

#### Clearance

Protocol V assigns responsibility for clearing ERW and related measures to the government that is in control of the affected territory, following the precedent set by the Amended Protocol II to the CCW.

That outcome came despite a push by the International Committee of the Red Cross (ICRC), other non-governmental organizations, and many affected countries to assign responsibility to the country which initially employed the ordnance or ammunition.

In calling for “user responsibility,” these groups drew an analogy with environmental measures where the polluter pays. But the “users” won the day with the argument that they cannot be expected to bear responsibility for clearing territory that they do not control. The user is obliged under the protocol only to render assistance to the affected party “where feasible,” a provision that was considered by many as too weak.

#### Existing ERW:

In dealing with ERW already in place prior to its entry into force, Protocol V adopts a similar approach as the Ottawa Convention. That is, countries with unexploded ordnance and abandoned ammunition are given “the right to seek and receive assistance” for their problems. Countries in a position to provide such help are encouraged to do so, but are not required to provide assistance.

This position represented a compromise between countries worried about possible “historical” claims and those countries like China and Egypt looking for assistance in cleaning up unexploded ordnance that dates as far back as World War II.

#### Preventive Measures:

Voluntary preventive measures of a generic nature to improve the quality of munitions are included in the protocol. These provisions could not be of a legally binding nature given the enormous implications this would have on national prerogatives for producing, procuring, handling, storing, and using munitions. Nevertheless, the annex to Protocol V contains many useful “best practices” on these aspects, which would reduce the amount of unexploded ordnance by ensuring that the weapons work in the first place.

Some parties raised concerns about such “Generic Preventive Measures,” arguing that the accord should either be fully legally binding or merely a political statement, but not a mixture of both types of instruments.

This argument did not take into account that, for example, the Amended Mine Protocol II and the Ottawa Convention represented clear precedents of “mixed instruments.”

Perhaps as important as these policy statements, the protocol and its technical annexes include a number of detailed practical provisions on how to organize clearance, warning, provision of information, marking, fencing, risk education, assistance and cooperation, and many other best practices.

Many states-parties would have wished to see a stronger Protocol V. In their view there are too many caveats and qualifiers in the text, undermining the strength of the obligations undertaken. Protocol V clearly reflects many compromises, necessary to achieve consensus. Although it is, ipso facto, a legally binding text, its many qualifiers leave ample room for ducking obligations.

Nevertheless, recognizing the need to achieve consensus, these countries preferred to have this protocol rather than none at all.

Non-governmental organizations, who were allowed to participate fully in all negotiating sessions, also voiced similar criticisms. Nevertheless, in the end they said they were “cautiously positive” depending on how the agreement was implemented.

Certainly, the central obligation of signatories to “mark and clear, remove or destroy explosive remnants of war in affected territories under its control,” is a real and firm commitment. Moreover, the practice of the Ottawa Convention shows that, although qualifiers in the text make it formally possible for member states to shirk responsibilities, they are willing and able to live up to expectations—in particular in the humanitarian field. The Ottawa Convention helped lead to the clearing of tens of millions of landmines and the provision of hundreds of millions of dollars in donor assistance.

Still, as non-governmental organizations point out, the success of Protocol V will be determined by the success or failure of its implementation. But in view of their intensive involvement and that of the relevant international agencies in the negotiating process, there is good reason for at least “cautious optimism” about the future effects of Protocol V.

Protocol V will enter into force six months after 20 states have ratified it. It is realistic to expect that the required ratifications could be accomplished soon, which would mean that Protocol V would enter into force early in 2005. CCW states-parties are not obliged to ratify Protocol V and those that do not do so will not be bound by its provisions.

The Dutch government, in order to encourage states to ratify Protocol V, circulated a working paper in March asking CCW states-parties to provide, on a voluntary basis, information related to the status of their ratification process, the extent of the ERW problem for affected countries, and relevant assistance rendered by donor countries.

#### Remaining Issues:

Even as the treaty moves toward entry into force, the CCW Group of Experts is still discussing two elements of the discussion mandate that did not make it into Protocol V: the adequacy of existing international humanitarian law (IHL) and potential design improvements to particular specific types of munitions. These two discussions have focused on the topic of submunitions, particularly cluster munitions.

Modern cluster munitions are bombs, delivered by air or ground forces, that disperse tens, hundreds, or even thousands of submunitions (often called “grenades” in surface-delivered weapons and “bomblets” in air-delivered weapons) over a large area, thereby increasing the number of targets that might be hit in an attack. They are widely used by militaries, but many older types of cluster munitions have high failure rates, sometimes more than 20 percent, creating a large amount of ERW.

This fact has added to pressure from non-governmental organizations calling for a ban or moratorium on the use of such munitions. These groups are concerned not only about unexploded ordnance, but also about the direct impact on civilian populations of the cluster bombs that do explode as they can lead to significant civilian casualties.

Still, there is little support among CCW states-parties for negotiating a protocol on this issue. Many CCW states-parties maintain that existing international humanitarian law is adequate for coping with the ERW problem, including unexploded cluster munitions. Most developing countries feel that this does not affect them, as they do not produce or procure these munitions anyway. Other states-parties are concerned about possible cost implications. Therefore, the prospects for possible further agreement in this area are uncertain. Even without a formal agreement, however, the discussions on design improvement of certain types of munitions will almost certainly put pressure on countries that produce or procure cluster munitions. Design improvement would imply that munitions would be fitted with self-destructing, self-neutralizing or self-deactivating devices, ensuring that they will not pose any danger to human beings after a conflict. Switzerland has presented a model protocol containing provisions for equipping submunitions with such devices.

In addition, a few countries, including the United States, the Netherlands and Germany, have unilaterally adopted a policy not to produce or procure cluster munitions with reliability lower than 99 percent. This approach, including the possible “peer pressure” of such policies on other industrialized countries, seems to be a more effective way in the short term to remedy the post conflict effects of cluster munitions.

Even without an agreement on cluster munitions, Protocol V represents a major advance for international humanitarian law and for the safety of civilians in post-conflict situations. It is time for the countries of the world to ratify it and bring it into force. Wars are terrible enough. Let us hope the countries of the world have the wisdom to make their aftermath a little less dangerous.