Parliamentary Assembly
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Resolution 2564 (2024)[1]

Post-conflict time: defusing ticking time bombs for a safe return of displaced populations

Parliamentary Assembly

1. The Parliamentary Assembly is appalled by the Russian Federation's ongoing war of aggression against Ukraine, the latest in a series of dreadful wars which have scarred Europe since the 20th century. This tragedy reminds us of the fragility of peace on our continent and the importance of never ceasing our efforts to protect and consolidate our democratic societies.

2. Deploring the brutal violence and destruction of the war against Ukraine, and recalling Article 51 of the Charter of the United Nations, the Assembly reiterates the legitimate right of its member States to defend their territorial integrity against ongoing or imminent aggression with all their might and all the means at their disposal, and calls on the international community to uphold its efforts to support Ukraine in every way possible.

3. All conflicts have immediate devastating consequences on civilians and on territories, not least through the widespread use of explosive weapons, especially cluster munitions. They also bring the long-term consequences of the explosive remnants of war, particularly landmines and unexploded ordnance. The use of explosive weapons in populated areas often results in the displacement of people within and across borders, and later impedes their voluntary, safe, dignified and sustainable return.

4. Explosive ordnance has long-term effects on civilians, including physical, psychosocial and mental-health damage. Civilians are too often the collateral victims of conflicts and, post conflict, of landmines and explosive remnants of war. Among them are migrants on their migration routes, with women and children being particularly exposed and paying a heavy price.

5. The Assembly refers to the "Memorandum on the human rights consequences of the war in Ukraine" issued by the former Council of Europe Commissioner for Human Rights, Dunja Mijatović, in July 2022, in which she regretted that, despite some areas having been marked off by warning signage, injuries of civilians through explosive remnants of war were said to occur on a daily basis.

6. Beyond the human toll, the use of explosive weapons has devastating effects on civilian infrastructure and services. Their use destroys infrastructure, such as roads, schools, healthcare facilities, housing and other civilian objects, and has devastating effects on the functioning of essential services, such as drinking water, sanitation, food, gas and electricity supply systems.

7. Moreover, the use of explosive weapons has a catastrophic impact on agriculture and the environment as a whole. The components of explosive weapons and their remnants contaminate soils, subsoils and water sources. They spread beyond populated areas, poisoning flora and fauna, and have a significant impact on entire ecosystems, which may take years, if not decades, to remedy.

8. Considering these multiple and cumulative factors, it is clear that landmines and unexploded ordnance have both immediate and long-term effects on the displacement of populations, raising also the crucial issue of a voluntary, safe, dignified and sustainable return to homelands.

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1. *Assembly debate* on 27 June 2024 (22nd sitting) (see Doc. 15995, report of the Committee on Migration, Refugees and Displaced Persons, rapporteur: Mr Domagoj Hajduković). *Text adopted by the Assembly* on 27 June 2024 (22nd sitting).

9. The Assembly welcomes the treaties and customary international humanitarian law dealing with disarmament and the ban on arms and weapons, as well as those dealing with the repatriation of forcibly displaced populations. It also welcomes the domestic laws issued by member States aimed, *inter alia*, at clearing their territories of landmines and unexploded ordnance.

10. Welcoming the start of the border delimitation process between Armenia and Azerbaijan, based on the 1991 Alma-Ata Declaration, the Assembly recalls the absolute necessity to "negotiate a process of delimitation and demarcation of the border and examine the possibility of creating a demilitarised zone" as underlined in Resolution 2391 (2021) "Humanitarian consequences of the conflict between Armenia and Azerbaijan / Nagorno-Karabakh conflict".

11. The Assembly welcomes the establishment of the Register of Damage Caused by the Aggression of the Russian Federation against Ukraine (the Register), which has started receiving claims for damage, loss or injury caused since 24 February 2022.

12. The Assembly notes with satisfaction that victims of landmines and unexploded ordnance will thereby be able to submit claims to the Register, including claims related to violations of personal integrity (such as the death of an immediate family member or serious personal injury) and loss of property, income and livelihood, including claims related to the inability to use agricultural land contaminated by landmines and other explosives. The Assembly also appreciates that "demining and clearance of unexploded ordnance" is an approved category for the submission of claims for compensation by the State of Ukraine (including its regional and local authorities, State-owned or controlled entities) for expenses related to the removal of landmines and unexploded ordnance, as well as other related categories, such as environmental damage and depletion or damage of natural resources.

13. The Assembly hails the good practices put in place by several member States to remove landmines and unexploded ordnance, and the related policies aimed, *inter alia*, at informing populations on how to recognise and react to the presence of landmines and unexploded ordnance. These can serve as examples for other States grappling with the presence of such remnants of war.

14. The Assembly draws the attention of member States to the Council of Europe's expertise on issues of the human rights of displaced populations and migrants, and particularly the reports, country visits and recommendations of the Commissioner for Human Rights and of the Special Representative of the Secretary General on Migration and Refugees.

15. Conscious of the existing barriers for ensuring a voluntary, safe, dignified and sustainable return of populations, the Assembly calls on member States to enact appropriate legislation and develop clear guidelines aimed at ensuring that both rural and urban territories are cleared of explosive remnants of war, and more specifically to:

15.1. consider ratifying anti-personnel landmines and anti-cluster munitions conventions of the United Nations, if they have not yet done so, *inter alia*:

15.1.1. 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, and all its additional protocols (I to V) (Geneva Convention, 1980);

15.1.2. the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (Oslo Convention, 1997);

15.1.3. the Convention on Cluster Munitions (Dublin Convention, 2008);

15.2. adopt and fully implement legislation prohibiting investments in the cluster munitions and anti-personnel landmines industries;

15.3. adopt and effectively implement legislation that prohibits under any circumstances the use, development, production, stockpiling or transfer of anti-personnel mines and of cluster munitions, and that obliges the safe and verified destruction of existing stocks of such ordnance.

16. In the same spirit, the Assembly calls on member States to develop or improve actions aimed at clearing territories of landmines and unexploded ordnance, and more specifically to:

16.1. develop further humanitarian demining operations, including international co-operation in demining coalitions, and further assist States in need, in particular, today, Ukraine;

16.2. develop awareness-raising campaigns aimed at informing civilians, including displaced persons prior to return, about the dangers of landmines and unexploded ordnance, with a particular focus on women, children and workers especially exposed to such ordnance;

16.3. develop guidelines on how civilians can recognise and react to explosive remnants of war, such as landmines and unexploded ordnance;

16.4. train the authorities and in particular law-enforcement officials on how to react and protect civilians in the presence of explosive remnants of war.

17. The Assembly calls on member States to support civilians who are victims of landmines and unexploded ordnance, through the development – and provision to States in need, such as Ukraine – of specialised emergency medical care, rehabilitation, psychological and psychosocial support.

18. The Assembly calls on member States to facilitate the voluntary, safe, dignified and sustainable return, and reintegration of forcibly displaced persons by:

18.1. providing sufficient assistance aimed at covering the basic needs of these persons, such as housing, food, water, sanitation and medical care;

18.2. reconstructing civilian infrastructure, including the rehabilitation of schools, as well as the provision of construction tools, household items and agricultural tools, seeds and fertilisers; and

18.3. boosting job markets through incentives, especially through the recognition of qualifications acquired abroad, and through educational and skills training programmes.

19. The Assembly underlines that ensuring the voluntary, safe, dignified and sustainable return of forcibly displaced populations requires the consultation and involvement of the displaced persons themselves on the conditions of their repatriation, for example by facilitating visits to the area prior to a definitive return in order to reassure them about the safety and material conditions in place.

20. To foster voluntary returns, the Assembly suggests the establishment of agreements involving – depending on each situation – governments of the countries of refuge and of origin, representatives from the displaced population, civil society and international organisations such as the United Nations High Commissioner for Refugees under its international durable solutions mandate for refugees and other displaced persons.

21. In order to avoid such forced displacements in the first place, the Assembly calls on member States to ensure that their armed forces, and those of their allies, never deploy explosive weapons in populated areas, unless sufficient mitigation measures can be taken to reduce the consequences of such use on civilian lives and infrastructure, in line with the recommendations of the International Committee of the Red Cross.

22. The Assembly further encourages member States to raise awareness through the endorsement, dissemination and implementation of the Political Declaration on Strengthening the Protection of Civilians from the Humanitarian Consequences Arising from the Use of Explosive Weapons in Populated Areas (Dublin, 2022).

23. The Assembly observes with great concern the increasing use of unmanned aerial vehicles, also known as combat drones, for indiscriminate attacks against civilian populations. It calls on member States to consider implementing rules on the responsible use of combat drones, in particular when they are loaded with munitions with wide-area effects.

24. Recalling the Reykjavik Declaration adopted during the 4th Summit of Heads of State and Government of the Council of Europe held on 16 and 17 May 2023, the Assembly underlines the need to ensure human rights linked to the protection of the environment. The Assembly therefore calls on member States to mainstream a constant consideration of the environmental dimension in their mine and weapons policy development, and, in particular, to:

24.1. join and fully implement the 1976 United Nations Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques;

24.2. develop environmentally oriented demining policies covering land and sea territories, and comprising both military and humanitarian demining operations, if necessary in co-operation with international institutions or consortiums, such as United Nations agencies or private structures, and with a particular focus, today, on the recovery and rebuilding of Ukraine.