Factsheet #6
Legal Framework for Marine Munition Remediation

#6

Responsibilities, regulatory gaps and options for action in European marine waters

Conventional and chemical munitions dumped into the ocean pose significant risks to human safety and sustainable blue economy. Although several international and regional conventions and treaties acknowledge the urgency of addressing these risks, the fragmented legal landscape currently prevents most European countries from taking coordinated remediation action.

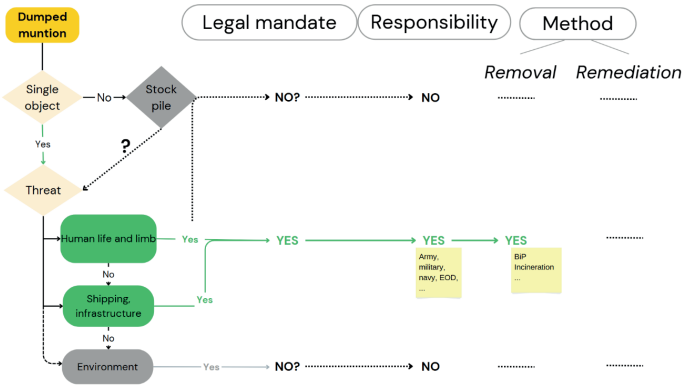
The Baltic States have recently committed to tackling this issue (Our Baltic Conference, Palanga, 2023), including closing legal gaps to assure remediation of marine munitions and their derived environmental impacts.

Activating Removal Mechanisms

In cases of acute security threats – such as risks to human life, maritime traffic, or critical infrastructure – national security units (e.g. armed forces, defence ministries, or specialized security agencies) are authorised to remove sea-dumped munitions. However, environmental risks or long-term threats to economic development do not trigger similar mandates.

Currently, most regulations focus on the removal of individual objects on a case-by-case basis, rather than mandating the large-scale clearance of stockpiled chemical or conventional munitions. There is no direct institutional obligation to remove sea-dumped munitions solely due to the environmental threat they pose, nor are environmental authorities involved in the munition removal process to minimise the environmental impact of these activities.

A common clearance practise is “blow-in-place” (BiP), where munitions are detonated underwater at their current location. While cost-effective, BiP causes severe environmental damage – such as sediment resuspension and injuries to marine life from shockwaves and explosions.



Fragmented Legal Landscape

Key shortcomings include:

- No single comprehensive treaty governs sea-dumped munitions.
- Legal responsibilities are distributed across international environmental law, the law of the sea, disarmament treaties, and regional agreements.
- No mandatory clearance unless there is an immediate threat to humans or infrastructure.
- Key environmental law principles – like precautionary action or the polluter-pays principle – are not applied.
- Coordination between national agencies is weak or unclear.
- Beyond the 12 nautical mile zone (i.e. in the Exclusive Economic Zone, EEZ), environmental oversight is often absent.
- There is no permitting process for environmentally harmful practices like BiP.

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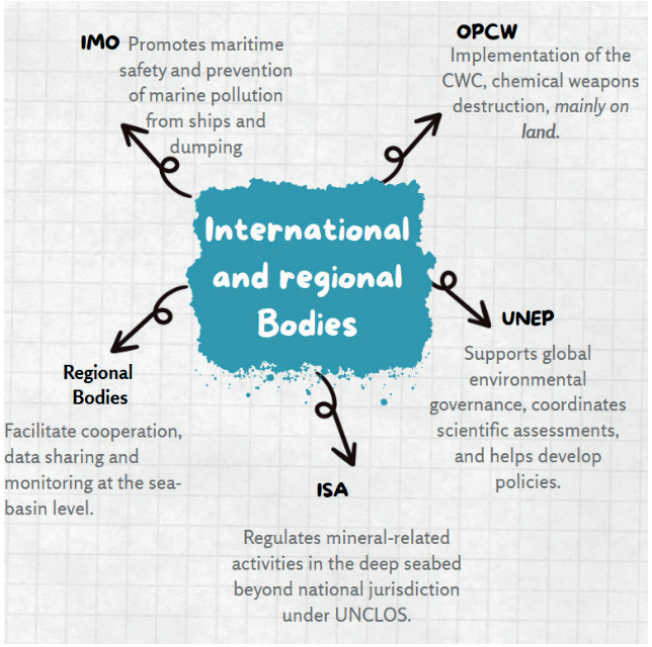

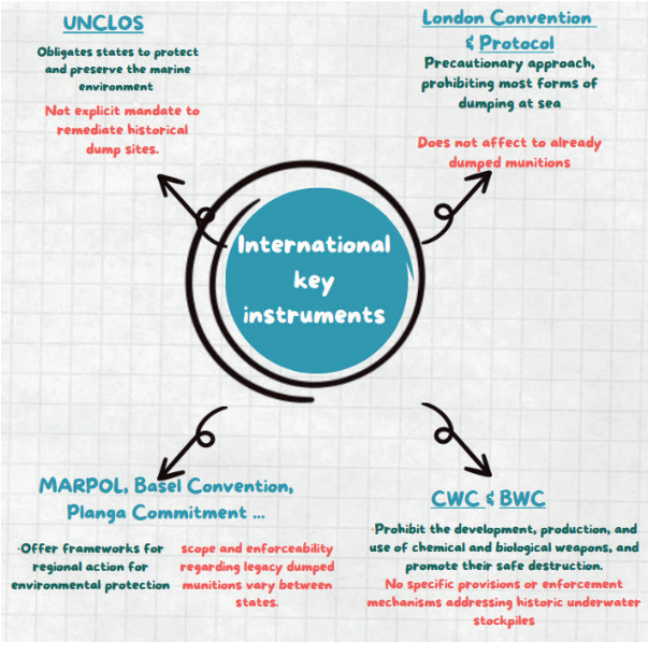

- Lack of coordination between authorities of the same country and unclear mandates slow the national response.
- Transport restrictions further complicate the safe recovery and disposal of munitions.

Political and Economic Barriers

Legal complexity is not the only challenge. The remediation of marine munitions is a historically sensitive topic – linked to wartime legacies and unresolved liability questions. Additionally, actions have high costs: for instance, constructing and operating a mobile offshore disposal platform can cost over €100M annually.

Even though technologies are available, there is still no consensus on who should finance large-scale remediation or how to prioritise sites for clearance.

Options for a Future Legal Framework

1. Enhancing existing laws

- Amending waste legislation to classify munitions as hazardous waste is one possible route, but comes with legal and practical challenges.

2. Tailored legal solutions

- National laws can be more quickly adopted and adapted to context, but have limited effect in cross-border marine areas.
- A new international treaty could harmonise current regulations, clarify accountability, and define funding structures. However, negotiation and ratification would take years.
- An EU-wide regulation offers the advantage of stronger enforcement and coordinated action – though limited to member states and potentially contentious in terms of national sovereignty.

3. A phased, hybrid approach:

- Short-term: Strengthen national and regional legislation, improve inter-agency coordination, and implement existing EU strategies.
- Long-term: Develop a binding international framework, informed by consultations, feasibility studies and funding mechanisms.

EU-Funded Projects Working Towards Holistic Strategies

Several EU-cofounded projects – including MMinE-SwEEP-ER, MUNIMAP, and MUNI-RISK – are collaborating to improve the legal framework and to develop a coordinated strategy for the remediation of chemical and conventional dumped munitions in European waters. Their joint legal work focuses on three core steps:

1. Mapping existing legal, methodological, and responsibility frameworks of the European countries.
2. Identifying legal or practical barriers that prevent national action on remediation.
3. Facilitating dialogue between relevant sectors and countries via workshops and consultations.

These projects aim to spark industrial innovation and attract both public and private investment in marine remediation – ultimately contributing to the restoration of ocean health.

Take a survey!

To support the work of these projects, we invite you to participate in the following surveys:

Challenges to legal framework

Concerns on remediating marine munitions