

**THIRD REVIEW CONFERENCE 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/CONF.III/6/Amend.1
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Item 13 of the provisional agenda
**Consideration of any proposal for
the Convention and its existing Protocols**

**PLAN OF ACTION TO PROMOTE UNIVERSALITY OF 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 EFFECTS¹**

Presented by the President-designate

Amendment

1. Amend the title to read:

PLAN OF ACTION TO PROMOTE UNIVERSALITY OF 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

2. Insert in paragraph 1 the full title of the Convention to read:

The purpose of 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 its annexed Protocols is the protection of the civilian population, and
in certain circumstances combatants, against the effects of hostilities. As emphasised in the title
of the Convention, the path towards fulfilling this humanitarian aim is undertaken through the
imposition of specific prohibitions or restrictions on the use of certain conventional weapons.
The Convention is a dynamic legal instrument that has proven its credibility and capacity to

¹ Amendments to the previous version of this proposal (as contained in CCW/CONF.III/6) appear underlined.

respond in an adequate and responsible manner to the humanitarian challenge posed by certain advancements in weapons technology.

3. Insert at the end of paragraph 2 to read:

The Convention is one of the principal instruments of International Humanitarian Law (IHL). In particular, the Convention builds upon the very basic customary rules on the conduct of hostilities, namely the principle of distinction between civilians and combatants and the one of superfluous injury or unnecessary suffering. Moreover, several IHL rules are laid down in the Protocols annexed to the Convention.

4. Amend paragraph 3 to read:

In accordance with Article 3, the Convention was opened for signature by all States at United Nations Headquarters in New York for a period of twelve months from 10 April 1981. Until 10 April 1982, 50 States signed the Convention, thereby indicating their agreement with the Convention's object and purpose and an intention to ratify the Convention. As of 15 November 2006, all the Signatories but six States (Afghanistan, Egypt, Iceland, Nigeria, Sudan and Viet Nam) are Parties to the Convention.

5. Amend paragraph 4 to read:

In accordance with Article 4, the Convention is subject to ratification, acceptance or approval of the Signatories. It is also open for accession by any State that did not sign the Convention. This Article also states that the instruments of ratification, acceptance, approval or accession shall be deposited with the Depositary – which Article 10 notes is the Secretary-General of the United Nations. A total of 100 States had deposited instruments of ratification, acceptance, approval or accession with the Secretary-General.

6. In paragraph 5, delete all the square brackets and update the numbers therein. Paragraph 5 should read:

In accordance with the same Article 4, each State may express its consent to be bound by any of the Protocols annexed to this Convention, provided that at the time of the deposit of its instrument of ratification, acceptance or approval of this Convention or of accession thereto, that State notifies the Depositary of its consent to be bound by any two or more of these Protocols. At any time after the deposit of its instrument of ratification, acceptance or approval of this Convention or of accession thereto, a State may notify the Depositary of its consent to be bound by any annexed Protocol by which it is not already bound. Any Protocol by which a High Contracting Party is bound forms for that Party an integral part of this Convention. At the Third Review Conference there were 98 States parties to Protocol I on Non-Detectable Fragments, 87 to Protocol II on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices, 86 to Amended Protocol II, 93 to Protocol III on Prohibitions or Restrictions on the Use of Incendiary Weapons, 83 to Protocol IV on Blinding Laser Weapons and 27 to Protocol V on Explosive Remnant of War. Moreover, 48 States parties have ratified the amendment to Article 1 of the Convention. (See Annex)

7. Amend paragraph 6 to read:

In accordance with Article 5₂ the Convention shall enter into force six months after the date of deposit of the twentieth instrument of ratification, acceptance, approval or accession. Each of the Protocols annexed thereto shall enter into force six months after the date by which twenty States have notified their consent to be bound by it. The Convention, together with Protocols I, II and III entered into force on 2 December 1983. Amended Protocol II entered into force on 3 December 1998, and Protocol IV - on 30 July 1998. Protocol V entered into force on 12 November 2006.

8. Paragraph 8, delete all the square brackets and amend to read:

The flexible structure of the Convention and its Protocols has also led to a diversity of legal regimes among the States Parties, as follows:

- (i) Only 24 States Parties to the Convention have so far ratified or otherwise acceded to the whole “CCW package”: Protocol I, Amended Protocol II, Protocols III, IV and V, as well as the Amendment to Article 1 of the Convention²;
- (ii) Of the 100 States Parties to the Convention only two States Parties³ have not deemed it possible so far to express consent to be bound by Protocol I;
- (iii) 13 States Parties⁴ have not acceded to Amended Protocol II. Moreover, Protocol II continues to attract new adherents⁵ despite the approval and the early entry into force of its amended version, containing enhanced prohibitions and restrictions on the use of mines, booby-traps and other devices. One State Party⁶ has not acceded to either of the two versions of Protocol II;
- (iv) Seven States⁷ have not acceded to Protocol III. Three of them were among the 50 signatory States;
- (v) Despite the unanimous support for the amendment to Article 1, only 48 States have so far deposited with the UN Secretary-General their instruments of ratification, acceptance, approval or accession;
- (vi) Some technical problems have impeded the entry into force of Protocol V. These problems have been resolved now and the number of States that have expressed consent to be bound by it is increasing speedily.

² Albania, Bulgaria, Croatia, Czech Republic, Denmark, Finland, France, Germany, Holy See, Hungary, India, Ireland, Liberia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Sierra Leone, Slovakia, Sweden, Switzerland and Ukraine.

³ Morocco and Senegal.

⁴ States Parties which have not yet expressed consent to be bound by Amended Protocol II but are parties to the original version of the Protocol are Cuba, Djibouti, Georgia, Lao People's Democratic Republic, Lesotho, Mauritius, Mexico, Mongolia, Niger, Serbia, Togo, Uganda and Uzbekistan.

⁵ Lesotho, Serbia and Uzbekistan.

⁶ Benin.

⁷ Israel, Monaco, Morocco, Republic of Korea, Turkey, Turkmenistan, and United States of America.

9. Amend paragraph 9 (chapeau) to read:

Given the progress made so far, universalization of the Convention and all its annexed Protocols will remain a priority objective of cooperation among States Parties in the period from 2006 to 2011. To this end all States Parties should, as appropriate and according to international law:

10. Amend paragraph 9, Action # 3 to read:

Action # 3: Strengthen their efforts in promoting the universality of the Convention and its annexed Protocols, by actively pursuing this objective, in their contacts with States not parties, and seeking the cooperation of relevant international and regional organisations;

11. Amend paragraph 9, Action # 7 to read:

Action # 7: Encourage and support involvement and active cooperation in these universalization efforts by all relevant partners, including the United Nations, other international institutions and regional organizations, the International Committee of the Red Cross (ICRC), as well as, in their respective fields of action, parliamentarians and non-governmental organizations.

12. Amend paragraph 10 (chapeau) to read:

For achieving the above actions, and according to international law, the States Parties should undertake all appropriate measures which should include, *inter alia*:

13. Amend paragraph 10, sub-paragraph (iv) to read:

(iv) review this issue during the meetings of the States Parties.
