
Group of Governmental Experts of the High Contracting 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

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Fourth Review Conference of the High Contracting 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

Food-for-Thought Paper

Fourth 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

Presented by the Chairperson-designate of the 2010 Meeting of the High Contracting Parties

I. INTRODUCTION

1. Pursuant to paragraph 38 of the Final Document of the 2009 Meeting of the High Contracting Parties to the CCW (document CCW/MSP/2009/5, dated 20 November 2009):

“The Meeting of the States Parties decided that the Fourth Review Conference of the High Contracting Parties to the Convention will take place in 2011. The Meeting also decided that the Chairperson-designate of the 2010 Meeting of the High Contracting Parties shall undertake consultations during the intersessional period on the preparation of the Fourth Review Conference and shall report to the next Meeting of the States Parties.”

2. This Food-for-Thought paper is intended to facilitate these consultations as well as the establishment of the preparatory process for the Fourth Review Conference. It is submitted under the personal responsibility of the Chairperson-designate of the 2010 Meeting of the High Contracting Parties.

II ORGANIZATIONAL ISSUES

3. Since all substantive issues, like the review of the scope and operation of CCW, as well as most procedural issues should normally be dealt with by the forum assigned to undertake the preparatory work of the Conference, the purpose of the present consultations should be to focus the attention and seek the preliminary views of the CCW States Parties on several organizational points, as follows:

- (a) Timing of the Review Conference: Traditionally the CCW conferences are held in the fall of each year, usually in November. This allows sufficient time for preparation. The final decision for the timing of the

Conference has to be taken in November by the 2010 Meeting of the High Contracting Parties to the CCW.

- (b) Venue of the Review Conference: In the absence of other suggestions the Review Conference will take place in Geneva - a city closely associated with the CCW process for many years now.
- (c) Structure, commencement, timing and duration of the preparatory process: Based on the views expressed so far informally, there are no strong preferences on what could be the best way to structure the preparatory process. Therefore, the States parties may consider the possibility of making use in 2011 of the established mechanism, i.e. the Group of Governmental Experts (GGE), instead of creating a separate preparatory process (like a Preparatory Committee). If such an approach is agreed upon by the CCW States Parties in November 2010, then the CCW MSP will have to mandate the GGE to prepare the Review Conference, in parallel to any other work the GGE may be tasked in 2011. The number and duration of the GGE sessions will depend on the estimated time needed for fulfilling the above tasks and the adequate preparation of the Review Conference, as well. It will have to be decided by the 2010 Meeting of the High Contracting Parties to the CCW.
- (d) Presidency of the Review Conference: the President-designate of the Review Conference should normally also preside over the preparatory process. He/she may be a different person from the Chair of the GGE, in case the Group is also tasked with other substantive mandates, like continuing negotiations. The President-designate shall be nominated by the 2010 Meeting of the High Contracting Parties to the CCW.
- (e) Structure of the Review Conference. The structure of the Conference will depend on the expectations and the substantive questions put forward for consideration and decision. Based on the past practice, besides the “procedural” subsidiary bodies (like the credentials committee or the drafting committee) the establishment of at least one or two Main Committees could be envisaged to deal with the Review of the scope and operation of the Convention and its annexed Protocols, to consider any proposals relating to the Convention or to Protocols annexed to the Convention, to prepare and consider the final documents; and to consider proposals for additional Protocols to the Convention, if any. The structure of the Review Conference may be decided in 2011 during the preparatory process.
- (f) Procedural papers. Organizationally, the Review Conference will need provisional agenda, programme of work, and rules of procedure. They may be developed and approved already by the 2010 Meeting of the High Contracting Parties to the CCW, or by the preparatory process in 2011. The only organizational paper that must be decided by the 2010 Meeting of the High Contracting Parties to the CCW is the estimated costs of the Review Conference and the GGE.

III. SUBSTANTIVE ISSUES

4. All substantive issues that will be addressed by the Review Conference will be identified during the preparatory process. Still, some substantive topics may already be recognized, such as:

- (a) Review of the operation and status of the CCW and its Protocols. Pursuant to Article 8 (3) of the Convention, the role of a Review Conference is defined as “[...] to review the scope and operation of this Convention and the Protocols annexed thereto and to consider any proposal for amendments of this Convention or of the existing Protocols. [...]” Moreover, pursuant to the relevant decisions on Compliance by the Third Review Conference and the 2007 Meeting of the High Contracting Parties, the issue of the operation and the status of the CCW is a standing agenda item in the annual meetings of the CCW States parties.

- (b) Universalization of the CCW and its Protocols: Pursuant to the relevant decision of the Third Review Conference in 2006, the Fourth Conference has to review the Plan of Action to promote the universality of the CCW and its annexed protocols.
 - (c) Sponsorship Programme. Pursuant to the relevant decision of the Third Review Conference in 2006, the Fourth Conference has to review and assess the Programme and its *modus operandi*.
 - (d) Other substantive issues.
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