
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 15 December 2011
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**Final Document
of the Fourth Review Conference**

Geneva, 14 – 25 November 2011

Addendum

Part II

Final Declaration

Contents

<i>Chapter</i>		<i>Page</i>
	Final Declaration.....	2
Annexes		
I.	An Accelerated Plan of Action on Universalization of the Convention and its annexed Protocols .	11
II.	CCW Sponsorship Programme	12
III.	Enhancing the implementation of the compliance mechanism for the Convention and its annexed Protocols	13

Final Declaration

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, which met in Geneva from 14 to 25 November 2011, to review the scope and operation of the Convention and the Protocols annexed thereto and to consider any proposal for amendments of the Convention or of the existing Protocols, as well as proposals for additional protocols relating to other categories of conventional weapons not covered by the existing annexed Protocols,

I

Recalling the Declarations adopted by the First Review Conference in 1996, the Second Review Conference in 2001, and the Third Review Conference in 2006,

Reaffirming their conviction that 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 is a major instrument of international humanitarian law, which contributes to both preventing and reducing the suffering of civilians and combatants,

Recognising that most major armed conflicts are non-international in character, and that such conflicts have been brought within the scope of the Convention and its annexed Protocols by the amendment of Article 1 of the Convention,

Emphasizing their determination to promote the universality of the Convention and its annexed Protocols with the goal of achieving global adherence and the importance of all States that have not yet done so to become parties to the Convention and its Protocols without delay,

Emphasizing also the importance of the comprehensive implementation of the Convention and its annexed Protocols including through the dissemination of information to armed forces and the civilian population, the adoption of appropriate technical measures and legislative provisions concerning both the type and use of weapons, and measures, including legal measures where appropriate for the prevention, enforcement, investigation and suppression of breaches of the regime,

Recognizing the important role international cooperation and assistance can play in the implementation of the Convention and its annexed Protocols,

Recalling the obligation of all parties to a conflict to take all feasible precautions in the use of mines other than anti-personnel mines with a view to avoiding incidental loss of civilian life, injury to civilians and damage to civilian objects,

Reaffirming their strong determination to protect civilians from the deleterious humanitarian impact of cluster munitions,

Deeply concerned at the humanitarian and development problems caused by the presence of explosive remnants of war, which constitute a danger to the civilian population as well as an obstacle to reconstruction, restoration of normal social conditions and economic development and in this context reaffirming the need to further develop international cooperation and assistance with this respect,

Acknowledging the foreseeable effects of explosive remnants of war and explosive weapons on civilian populations as a factor to be considered in applying the international humanitarian law rules of precautions, distinction and proportionality,

Recognising also the crucial role of the International Committee of the Red Cross and encouraging it to continue to work to facilitate further ratifications and accessions to the Convention and its annexed Protocols, to disseminate their contents and to lend its expertise to future Conferences and other meetings related to the Convention and its annexed Protocols,

Acknowledging the invaluable humanitarian efforts of international, regional and non-governmental organisations in mitigating the humanitarian impact of armed conflicts,

SOLEMNLy DECLARE:

1. Their commitment to respect and comply fully, in accordance with the norms and principles of international law, with the objectives and provisions of the Convention and its annexed Protocols to which they are party as authoritative international instruments governing the use of certain conventional weapons which may be deemed to be excessively injurious or to have indiscriminate effects,

2. Their acknowledgement that all parties to a conflict have a responsibility to respect international humanitarian law during an armed conflict and to apply, *inter alia*, the prohibitions and restrictions of the Convention and its annexed Protocols,

3. Their desire that all States respect and ensure respect for the revised scope of application of the Convention to the fullest extent possible, and their determination to encourage all States which have not yet done so to ratify, accept, approve or accede to, as appropriate, the amendment to Article 1 without delay,

4. Their determination to encourage all States to become parties, as soon as possible, to the Protocol on Non-Detectable Fragments (Protocol I), the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices as amended on 3 May 1996 (Amended Protocol II), the Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III), the Protocol on Blinding Laser Weapons (Protocol IV), and the Protocol on Explosive Remnants of War (Protocol V), and that all States respect and ensure respect for the substantive provisions of these Protocols,

5. Their satisfaction at the adoption of “An Accelerated Plan of Action on Universalization of the Convention and its annexed Protocols” and urge all High Contracting Parties, CCW Implementation Support Unit, United Nations Office of Disarmament Affairs and other United Nations structures and agencies, International Committee of the Red Cross and non-governmental organizations to work towards the implementation of that Plan,

6. Their commitment to implement fully the Convention and its annexed Protocols to which they are party, and to keep the provisions of the Convention and its annexed Protocols under review in order to ensure their provisions remain relevant to modern conflicts,

7. Their determination to consult and cooperate with each other in order to facilitate the full implementation of the obligations contained in the Convention and its annexed Protocols to which they are party, thereby promoting compliance,

8. Their commitment to the full implementation of, and compliance with, the Convention and its annexed Protocols, and in this respect, to fulfil their legal, technical and reporting obligations,

9. Their commitment to continue to contribute to the further development of international humanitarian law and in this context to keep under review both the development of new weapons and uses of weapons, which may have indiscriminate effect or cause unnecessary suffering,

10. Their acknowledgement of the invaluable contribution of the Sponsorship Programme to promote the universalization and implementation of the Convention and its annexed Protocols, the essential administrative support provided by the Geneva International Centre for Humanitarian Demining to the Programme, and to encourage States to contribute financially to the Programme,

11. Their satisfaction at the establishment of the CCW Implementation Support Unit within the United Nations Office of Disarmament Affairs, while noting that the CCW and its Protocols could benefit from a strengthened UNODA, Geneva Branch, in general.

12. That they call on the Implementation Support Unit to work efficiently and effectively to promote the Convention and its annexed Protocols, provide substantive and secretariat support for meetings, facilitate the exchange of information among States and organisations, and assist High Contracting Parties with implementation.

13. Their acknowledgement that there remain ongoing concerns at the humanitarian suffering caused by mines other than anti-personnel mines,

14. Their commitment to consider further the implementation of international humanitarian law with regard to mines other than anti-personnel mines, acknowledging the call of United Nations Secretary-General Ban Ki-moon to this Conference,

15. Their continuing commitment to assist, to the extent feasible, humanitarian demining missions, operating with the consent of the host State and/or the relevant High Contracting Parties to the conflict, in particular by providing all necessary information in their possession covering the location of all known minefields, mined areas, mines, explosive remnants of war, booby-traps and other devices in the area in which the mission is performing its functions,

16. Their determination to urge States which do not already do so to conduct reviews to determine whether any new weapon, means or methods of warfare would be prohibited under international humanitarian law or other rules of international law applicable to them.

II

Recognising that the important principles and provisions contained in this Final Declaration can also serve as a basis for further strengthening the Convention and its annexed Protocols and express their determination to implement them,

AND TAKE THE FOLLOWING DECISIONS:

Decision 1

Decide to convene an open-ended meeting of experts, under the overall responsibility of the Chairperson-designate of the 2012 Meeting of the High Contracting Parties to the Convention, of three days in 2012 to discuss further the implementation of international humanitarian law with regard to mines other than anti-personnel mines, and to submit a report to the 2012 Meeting of the High Contracting Parties to the Convention.

Decision 2

Decide to commit to “An Accelerated Plan of Action on Universalization of the Convention and its annexed Protocols” as contained in Annex I of the Final Declaration.

Decision 3

Decide to continue the Sponsorship Programme and urge it to explore all options to promote the universalization and implementation of the Convention and its annexed Protocols in accordance with the recommendations contained in Annex II of the Final Declaration.

Decision 4

Decide to enhance the implementation of the Compliance Mechanism for the Convention and its annexed Protocols, which was agreed to at the Third Review Conference and the Meeting of the High Contracting Parties to the Convention in 2007 in accordance with the recommendations as contained in Annex III.

Decision 5

1. In accordance with the relevant decisions taken by the Thirteenth Annual Conference of the High Contracting Parties to Amended Protocol II and the Fifth Conference of the High Contracting Parties to Protocol V decide to organize in 2012 the following CCW related activities:

(i) Group of Experts of the High Contracting Parties to Amended Protocol II on 23 and 24 April 2012;

(ii) Meeting of Experts of the High Contracting Parties to Protocol V from 25 to 27 April 2012;

(iii) Sixth Conference of the High Contracting Parties to Protocol V on 12 and 13 November 2012;

(iv) Fourteenth Annual Conference of the High Contracting Parties to Amended Protocol II on 14 November 2012;

(v) An open-ended meeting of experts of three days in 2012 to discuss further the implementation of international humanitarian law with regard to mines other than anti-personnel mines from 2 to 4 April 2012; and

(vi) Meeting of the High Contracting Parties to the Convention on 15 and 16 November 2012.

2. The High Contracting Parties agree that all meetings, formal or informal, and Conferences should work in a focussed and efficient manner to achieve their intended objectives, bearing in mind the common goal of optimal use of resources.

3. The Conference decides that a review of the CCW Implementation Support Unit’s performance, staff employed and functioning should be undertaken by the High Contracting Parties to the Convention at their annual meeting in 2012, and in this regard requests the Implementation Support Unit to provide a comprehensive report in time for consideration by the High Contracting Parties.

III

REVIEW:

The Conference:

1. Reaffirms that the right of the parties to an armed conflict to choose methods or means of warfare is not unlimited, and recalls the obligation to determine, in the study, development, acquisition or adoption of a new weapon, means and method of warfare, whether its employment would, in some or all circumstances, be prohibited under any rule of international law applicable to the High Contracting Parties.

2. Reaffirms the need to continue, as appropriate, the codification and progressive development of the rules of international law applicable to certain conventional weapons which may be excessively injurious or to have indiscriminate effects, and recalls the basic principle that reservations to the Convention or its Protocols must be in accordance with the object and purpose of the Convention or its Protocols, respectively.

3. Underlines the need to achieve universal adherence to the Convention and its annexed Protocols. The Conference welcomes recent ratifications and accessions to the Convention and its annexed Protocols and urges the High Contracting Parties to accord high priority to their diplomatic efforts to encourage further adherence with a view to achieving universal adherence as soon as possible.

Article 1

1. The Conference notes the provisions of Article 1, as amended on 21 December 2001.

2. The Conference calls upon States which have not yet done so to ratify, accept, approve or accede to, as appropriate, the amendment to Article 1.

Article 2

The Conference reaffirms that nothing in the Convention or its annexed Protocols shall be interpreted as detracting from other obligations imposed upon the High Contracting Parties by international humanitarian law.

Article 3

The Conference notes the provisions of Article 3.

Article 4

1. The Conference acknowledges that 114 States have ratified, accepted, acceded or succeeded to the Convention.

2. The Conference calls upon States which are not parties to this Convention to ratify, accept, approve or accede to, as appropriate, the Convention, thus contributing to the achievement of universal adherence to the Convention.

3. The Conference urges High Contracting Parties to actively promote universalization of the Convention and its annexed Protocols.

4. The Conference, in this context, welcomes the adoption of “An Accelerated Plan of Action on Universalization of the Convention and its annexed Protocols”.

Article 5

1. The Conference notes the provisions of Article 5.

2. The Conference recalls in particular the provisions of paragraph 3 of this Article, which stipulates that each of the Protocols annexed to the Convention shall enter into force six months after the date by which twenty States have notified their consent to be bound by it.

Article 6

1. The Conference encourages international cooperation in the field of dissemination of the Convention and its annexed Protocols and recognizes the importance of multilateral collaboration relating to instruction, the exchange of experience at all levels, the exchange of instructors and the organization of joint seminars. The Conference underlines the importance of the High Contracting Parties’ obligation to disseminate this Convention and its annexed Protocols and, in particular, to include the content in their programmes of military instruction at all levels.

2. The Conference welcomes the work of the Sponsorship Programme to promote awareness and understanding of the Convention and its annexed Protocols and in particular the production of the DVD ‘Before the Blast’.

3. The Conference also welcomes the CCW website and urges the Implementation Support Unit within the Geneva Branch of the United Nations Office for Disarmament Affairs to continue this work with a view to ensuring the website is up to date and user friendly.

Article 7

1. The Conference notes the provisions of Article 7.

2. On compliance, the Conference welcomes the decision taken to enhance the implementation of the compliance mechanism of the Convention and its annexed Protocols.

Article 8

1. The Conference notes the provisions of Article 8.

2. The High Contracting Parties agree to convene an open-ended meeting of experts, under the overall responsibility of the Chairperson-designate of the 2012 Meeting of High Contracting Parties to the Convention, of three days in 2012 to discuss further the implementation of international humanitarian law with regard to mines other than anti-personnel mines.

3. The High Contracting Parties recall their agreement reached at the First and Second Review Conferences and also recalled at the Third Review Conference that Review Conferences should continue to be held on a regular basis.

Article 9

The Conference notes with satisfaction that the provisions of this Article have not been invoked.

Article 10

The Conference notes the provisions of Article 10.

Article 11

The Conference notes the provisions of Article 11.

Protocol on Non-Detectable Fragments (Protocol I)

The Conference notes the provisions of this Protocol.

Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices (Protocol II) and Technical Annex to the Protocol

The Conference notes the provisions of this Protocol.

Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices as amended on 3 May 1996 (Amended Protocol II) and Technical Annex to the Protocol

1. The Conference notes the provisions of this Protocol.
2. The Conference reaffirms the commitment of the High Contracting Parties to take the necessary measures under this Protocol and to ensure the full and effective national implementation of the obligations under this Protocol.
3. The Conference welcomes the efforts of the High Contracting Parties to Amended Protocol II to reduce the indiscriminate effects of the use of mines, booby-traps and other devices and to ensure that any such weapons designed or of a nature to cause superfluous injuries or unnecessary suffering is never used.
4. The Conference welcomes the decision by the Tenth Annual Conference of the High Contracting Parties to Amended Protocol II in 2008, in the framework of revitalizing the work under Amended Protocol II and to further enhance its implementation, to establish an informal open-ended Group of Experts.
5. The Conference notes with satisfaction that annual meetings of the Group of Experts of the High Contracting Parties to Amended Protocol II have been held since 2009 to review the operation and status of the Protocol, consider matters arising from reports by High Contracting Parties according to Article 13, paragraph 4 of Amended Protocol II and the development of technologies to protect civilians against indiscriminate effects of mines, as well as the issue of Improvised Explosive Devices (IEDs).

6. The Conference takes note of the reporting obligations of the High Contracting Parties under Amended Protocol II, and calls on the High Contracting Parties to fulfil these obligations in a timely, consistent and complete manner.

7. The Conference notes with satisfaction the continued substantive discussions on IEDs which provided the Group of Experts of the High Contracting Parties to Amended Protocol II the opportunity to engage actively in a topic relevant to the provisions of Amended Protocol II and their implementation. Experts engaged on various technical aspects including ways to prevent IEDs from being made or emplaced and exchanged views on the humanitarian and other aspects of the IED phenomenon.

8. The Conference notes with satisfaction the decision by the High Contracting Parties to Amended Protocol II to analyze the different reporting forms each year to improve the quality of reporting and of the information contained in the forms submitted.

9. The Conference also takes note of the decision by the Twelfth Annual Conference of the High Contracting Parties to Amended Protocol II in 2010 to synchronize the submission of the national annual reports with the submission of national reports under Protocol V to the Convention. The submission date for both reports was set at 31st March of every year to allow for their consideration by the Group of Experts.

10. The Conference notes with satisfaction that, in accordance with Article 13 of Amended Protocol II, thirteen Annual Conferences of the High Contracting Parties have been held for the purpose of consultations and cooperation on all issues related to Amended Protocol II.

11. The Conference recalls that the deferral period provided for in paragraphs 2 (c) and 3 (c) of the Technical Annex, which allows High Contracting Parties to defer compliance with the requirements of Article 4 on detectability of anti-personnel mines and of Article 5 on self-destruction and self-deactivation of anti-personnel mines, has expired on 3 December 2007.

12. The Conference acknowledges the valuable work of relevant agencies and bodies of the United Nations; the International Committee of the Red Cross pursuant to its mandate to assist war victims; the Geneva International Centre for Humanitarian Demining; as well as of non-governmental organizations in a number of fields relevant to Amended Protocol II, in particular the care and rehabilitation of mine victims, the implementation of mine-awareness programmes and mine clearance.

13. The Conference recommends that future Annual Conferences of the High Contracting Parties to Amended Protocol II be held back-to-back with Meetings of the High Contracting Parties to the Convention and the Conferences of the High Contracting Parties to Protocol V.

Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III)

1. The Conference notes the provisions of this Protocol.

2. The Conference notes the concerns raised during the discussions on Protocol III by some High Contracting Parties about the offensive use of white phosphorous against civilians, including suggestions for further discussion on this matter. The Conference further notes that there was no agreement on various aspects of this matter.

Protocol on Blinding Laser Weapons (Protocol IV)

The Conference notes the provisions of this Protocol and welcomes that there has been no confirmed use of blinding laser weapons.

Protocol on Explosive Remnants of War (Protocol V) and Technical Annex to the Protocol

1. The Conference notes the provisions of this Protocol.
2. The Conference welcomes the efforts of the High Contracting Parties to Protocol V to address the deleterious humanitarian effects of explosive remnants of war.
3. The Conference appreciates the fact that since the Third Review Conference 49 new High Contracting Parties joined the Protocol which brings the total number to 76 and reiterates the need for further vigorous efforts from High Contracting Parties, United Nations, international and regional organizations, International Committee of the Red Cross and non-governmental organizations to promote universalization of the Protocol.
4. The Conference notes with appreciation achievements within Protocol V, especially the Article 4 generic electronic template, Plan of Action on Victim Assistance, Guide to National Reporting, Guide on Generic Preventive Measures and Web-based Information System for Protocol V (WISP.V).
5. The Conference encourages the High Contracting Parties to Protocol V to continue their much needed work on implementation in the areas of the clearance of explosive remnants of war, including existing explosive remnants of war as referred to in Article 7, recording and transferring information on explosive ordnance and abandoned explosive ordnance under Article 4, generic preventive measures, victim assistance, cooperation and assistance, national reporting, as well as the maintenance of the Web-based Information System for Protocol V (WISP.V).
6. The Conference acknowledges the cooperative approach of High Contracting Parties to Protocol V and that this has been facilitated through the decision of the First Conference of the High Contracting Parties to Protocol V in 2007 to establish a mechanism for consultation and cooperation consisting of informal meetings of experts chaired by coordinators of which there have been four meetings.
7. The Conference further acknowledges that, in accordance with Article 10 of Protocol V, five Conferences of the High Contracting Parties have been held for the purpose of consultations and cooperation on all issues related to the operation of Protocol V.
8. The Conference acknowledges the valuable contributions and work of relevant agencies and bodies of the United Nations; International Committee of the Red Cross, Geneva International Centre for Humanitarian Demining, as well as of non-governmental organizations in a number of fields relevant to Protocol V, in particular the care and rehabilitation of victims of explosive remnants of war, risk education, and clearance, removal or destruction of unexploded ordnance and abandoned explosive ordnance.
9. The Conference recommends that future Conferences of the High Contracting Parties to Protocol V be held back-to-back with meetings of the High Contracting Parties to the Convention and the Annual Conferences of the High Contracting Parties to Amended Protocol II.

Annex I

An Accelerated Plan of Action on Universalization of the Convention and its annexed Protocols

The High Contracting Parties to the Convention on Prohibitions or Restriction on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects agree to the following actions to accelerate universalization of the Convention and its Protocols:

1. Recognizing that universalization is critical to the success of the Convention and its Protocols as major international humanitarian law treaties and positive progress has been achieved since the Third Review Conference. With the total number of High Contracting Parties to the Convention standing at 114, universalization must continue to be a priority issue;
2. Reaffirming their commitment to the Plan of Action agreed to at the Third Review Conference;
3. Prioritizing universalization efforts on Signatory States, States not party from conflict zones, mine and explosive remnants of war affected States not party and regions with low levels of adherence to the Convention;
4. For all High Contracting Parties to seize all relevant opportunities to promote the Convention and its Protocols, especially through their bilateral contacts;
5. For all High Contracting Parties and the CCW Implementation Support Unit, United Nations Office of Disarmament Affairs, and other United Nations structures and agencies to work with international organizations, regional organizations, International Committee of the Red Cross, parliamentarians, civil society and other stakeholders to promote universality;
6. Urging the CCW Sponsorship Programme to explore all avenues and opportunities to advance universalization of the Convention and its Protocols;
7. Calling on the United Nations Secretary-General to use all available channels to promote the universalization of the Convention and its Protocols, including through the UN Regional Centres for Peace and Disarmament in Lima, Lomé and Kathmandu;
8. Requesting the CCW Implementation Support Unit to assist High Contracting Parties efforts to promote universalization, gather information on States not party and work towards the objective of universal adherence to the Convention and its Protocols;
9. Further requesting the CCW Implementation Support Unit to continue to report annually to the Meeting of the High Contracting Parties on the efforts undertaken towards and progress made on universalization; and
10. Establishing 'Universalization of the Convention and its Protocols' as a standing agenda item of the annual Meetings of the High Contracting Parties under which the Chairperson-designate, High Contracting Parties, United Nations, International Committee of the Red Cross, regional organizations and other organizations would exchange information and report on their respective efforts to promote universalization.

Annex II

CCW Sponsorship Programme

1. The High Contracting Parties welcome the efforts of the Steering Committee of the Sponsorship Programme in implementing the Programme's basic operational modalities, sponsoring the attendance of 145 beneficiaries from 50 countries and educational tools, thus contributing to the universalization, implementation and respect of the Convention and its Protocols.
2. The High Contracting Parties express appreciation that the Sponsorship Programme has ensured widespread representation and increased technical expertise at CCW meetings and made an important contribution to raising awareness of the Convention and its Protocols.
3. The High Contracting Parties recognize that the ongoing work of the Sponsorship Programme depends on voluntary contributions. Therefore, all High Contracting Parties are invited to support the Programme financially.
4. The High Contracting Parties thank the Geneva International Centre for Humanitarian Demining for administering the Sponsorship Programme.
5. It is recommended that the Fourth Review Conference takes the following decisions:
 - (a) To call on the Sponsorship Programme to continue to adhere to the general principles, basic goals, basic operational purposes and basic operational modalities established in Decision 5 of the Third Review Conference;
 - (b) To urge the Sponsorship Programme to explore all opportunities to advance awareness raising, universalization and implementation of the Convention and its Protocols;
 - (c) To encourage the Steering Committee of the Sponsorship Programme to be efficient and pro-active in its work;
 - (d) To ask the GICHD to continue to administer the Sponsorship Programme, based on an agreement between the United Nations Office for Disarmament Affairs (UNODA) and the GICHD, specifying the modalities of co-operation; and
 - (e) To task UNODA to assess alternative ways of administering the Sponsorship Programme, including by the CCW Implementation Support Unit (ISU), and to submit a report to the CCW Meeting of the High Contracting Parties in 2012, with recommendations for the administration of the Sponsorship Programme.

Annex III

Enhancing the implementation of the compliance mechanism for the Convention and its annexed Protocols

In recognition of the fundamental importance of compliance, the High Contracting Parties to the Convention on Prohibitions or Restriction on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects agree to the following actions to enhance implementation of the compliance mechanism for the Convention and its annexed Protocols:

1. Reaffirm their commitment to the compliance mechanism for the Convention and its annexed Protocols as agreed at the Third Review Conference and the Meeting of High Contracting Parties to the Convention in 2007;
 2. All High Contracting Parties are called on to submit compliance reports;
 3. The deadline for the submission of compliance reports is set at 31 March of each year; and
 4. The Chairperson of the annual Meetings of High Contracting Parties to the Convention is tasked with encouraging higher rates of compliance reporting.
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