

**GROUP OF GOVERNMENTAL EXPERTS 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**

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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

Universalization

**PROPOSAL ON A PLAN OF ACTION TO PROMOTE UNIVERSALITY
OF THE CCW**

Submitted by the President-designate

Introduction

1. The purpose of the Convention and its annexed Protocols is the protection of the civilian population 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 respond in an adequate and responsible manner to the humanitarian challenge posed by certain advancements in weapons technology.

2. 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 CCW Protocols.

Universalizing the Convention

3. In accordance with Article 3, the Convention was open 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 [12 June 2006],

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all the Signatories but six States (Afghanistan, Egypt, Iceland, Nigeria, Sudan and Viet Nam) are Parties to the Convention.

4. 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.

5. 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 Protocol 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, [82] to Protocol IV on Blinding Laser Weapons and [23] to Protocol V on Explosive Remnant of War. Moreover, [46] States parties have ratified the amendment to Article 1 of the Convention. (See Annex)

6. In accordance with Article 5 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. The date of entry into force of protocol V is 12 November 2006.

7. Despite great progress towards universal adherence, almost half of the UN Member States have not yet ratified or otherwise acceded to the Convention and its annexed Protocols. Whereas most of the States of the two European Groups and a majority of the Latin American and Caribbean States have become parties to the Convention, the **rate of adherence remains low in Africa, Asia, in particular South-East Asia, and the Middle East**. However, **half of the States which are not yet parties to the Convention are mine- and ERW-affected States. Several of them are still or have been recently involved in active hostilities** with all their humanitarian consequences.

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

- (i) Only [20] CCW States Parties 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 Convention¹;
- (ii) Of the [100] States Parties to the CCW only [Morocco and Senegal] have not deemed it possible so far to express consent to be bound by Protocol I;
- (iii) [13] States Parties² are still reluctant to accept the higher humanitarian standards contained in Amended Protocol II. Moreover, Protocol II continues to curiously attract new adherence³ 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. Benin has not acceded to either of the two versions of Protocol II;
- (iv) [Seven] countries⁴ 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 [44] 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 solved now and the number of States, which have expressed consent to be bound by it, is increasing speedily.

Plan of Action

9. Given the progress made so far, universalization of the CCW 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 will:

- Action #1: **Review thoroughly their participation in the CCW and its annexed Protocols** with the view to consider acceptance, at their earliest convenience, of those Protocols and of the Amendment of Article 1 of the CCW, which they have not yet ratified or otherwise acceded to.
- Action # 2: **Accord particular importance to encouraging the States signatories** of the Convention, to ratify it as soon as possible. These include: Afghanistan, Egypt, Iceland, Nigeria, Sudan and Viet Nam.

¹ Albania, Bulgaria, Croatia, Czech Republic, Denmark, Finland, Germany, Holy See, India, Liberia, Liechtenstein, Lithuania, Luxembourg, Netherlands, Norway, Sierra Leone, Slovakia, Sweden, Switzerland and Ukraine.

² 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 and Montenegro, Togo, Uganda and Uzbekistan.

³ Lesotho, Serbia and Montenegro and Uzbekistan.

⁴ Israel, Monaco, Morocco, Republic of Korea, Turkey, Turkmenistan and United States of America.

- Action # 3: **Strengthen their efforts in promoting the universality of the Convention and its annexed Protocols**, by actively pursuing this objective, as appropriate, in their contacts with States not parties, and seeking the cooperation of relevant international and regional organisations;
- Action # 4: **Accord priority attention to encouraging adherence to the Convention and its annexed Protocols by States in regions of conflict** which could serve as a significant confidence-building measure thus promoting reestablishment of understanding and trust among Parties to an active conflict.
- Action # 5: **Direct specific efforts towards promoting adherence to the Convention and its annexed Protocols in regions where the level of acceptance of the Convention remains low.**
- Action # 6: Seize every appropriate opportunity **to promote adherence to the Convention** both in their bilateral contacts, and in the relevant multilateral fora.
- Action # 7: Undertake all appropriate steps **to prevent and suppress violations of the Convention** and its annexed Protocols, by persons or on territory under their jurisdiction or control.
- Action # 8: 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), non-governmental organizations, parliamentarians and interested citizens.

10. For achieving the above actions the States Parties will undertake all appropriate measures which will include, *inter alia*:

- (i) seizing the opportunity of bilateral contacts and making use of all diplomatic channels available to promote adherence to the Convention and its annexed Protocols;
- (ii) enhancing the knowledge of the Convention and its annexed Protocols through the organization of workshops and regional and sub-regional seminars and workshops, measures to increase awareness of the Convention and its Protocols, including publications in UN official languages, as well as measures to reach the appropriate audience in States not parties, and in cooperation with all relevant actors, be it governmental, intergovernmental or non-governmental;
- (iii) establishing contacts with regional and sub-regional organizations with a view to designate “points of contact” in all regions and sub-regions relevant for the effective promotion of universality, to promote the implementation of this Plan of Action and for the purposes of effective coordination;
- (iv) designating “regional coordinators” by the States Parties, on a voluntary and informal basis, in all regions and sub-regions relevant, including those where

adherence remains low (Asia, Africa and the Middle East), to assist regularly in the implementation of this Plan of Action and for the purposes of effective coordination;

(v) keeping this issue under constant review during CCW States parties meetings.

11. The Secretariat shall report on the implementation of this Plan of Action, and keep the States parties regularly informed, so that they may review progress and monitor its implementation effectively;

12. The implementation of this Plan of Action will be reviewed by the Fourth Review Conference which will take any decisions deemed necessary.

Annex

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) and its annexed Protocols¹

States Parties	CCW (100)	Amended Article 1 ² (46)	Protocol I ³ (98)	Protocol II ⁴ (87)	Amended Protocol II ⁵ (86)	Protocol III ⁶ (93)	Protocol IV ⁷ (82)	Protocol V ⁸ (23)
1. Albania	×	×	×	×	×	×	×	×
2. Argentina	×	×	×	×	×	×	×	
3. Australia	×	×	×	×	×	×	×	
4. Austria	×	×	×	×	×	×	×	
5. Bangladesh	×		×	×	×	×	×	
6. Belarus	×		×	×	×	×	×	
7. Belgium	×	×	×	×	×	×	×	
8. Benin	×		×			×		
9. Bolivia	×		×	×	×	×	×	
10. Bosnia and Herzegovina	×		×	×	×	×	×	
11. Brazil	×		×	×	×	×	×	
12. Bulgaria	×	×	×	×	×	×	×	×
13. Burkina Faso	×	×	×	×	×	×	×	
14. Cambodia	×		×	×	×	×	×	
15. Canada	×	×	×	×	×	×	×	
16. Cape Verde	×		×	×	×	×	×	
17. Chile	×		×		×	×	×	
18. China	×	×	×	×	×	×	×	
19. Colombia	×		×	×	×	×	×	
20. Costa Rica	×		×	×	×	×	×	
21. Croatia	×	×	×	×	×	×	×	×
22. Cuba	×		×	×		×		
23. Cyprus	×		×	×	×	×	×	
24. Czech Republic	×	×	×	×	×	×	×	×
25. Denmark	×	×	×	×	×	×	×	×
26. Djibouti	×		×	×		×		
27. Ecuador	×		×	×	×	×	×	
28. El Salvador	×		×	×	×	×	×	×
29. Estonia	×	×	×		×	×	×	

¹ As of 16 June 2006.² Expanding the scope of application of the Convention to apply to all armed conflicts, including non-international armed conflicts.³ Protocol on Non-Detectable Fragments.⁴ Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices.⁵ Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices as amended on 3 May 1996.⁶ Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons.⁷ Protocol on Blinding Laser Weapons.⁸ Protocol on Explosive Remnants of War.

States Parties	CCW (100)	Amended Article 1 ² (46)	Protocol I ³ (98)	Protocol II ⁴ (87)	Amended Protocol II ⁵ (86)	Protocol III ⁶ (93)	Protocol IV ⁷ (82)	Protocol V ⁸ (23)
30. Finland	×	×	×	×	×	×	×	×
31. France	×	×	×	×	×	×	×	
32. Georgia	×		×	×		×		
33. Germany	×	×	×	×	×	×	×	×
34. Greece	×	×	×	×	×	×	×	
35. Guatemala	×		×	×	×	×	×	
36. Holy See	×	×	×	×	×	×	×	×
37. Honduras	×		×	×	×	×	×	
38. Hungary	×	×	×	×	×	×	×	
39. India	×	×	×	×	×	×	×	×
40. Ireland	×		×	×	×	×	×	
41. Israel	×		×	×	×		×	
42. Italy	×	×	×	×	×	×	×	
43. Japan	×	×	×	×	×	×	×	
44. Jordan	×		×		×	×		
45. Lao People's Democratic Republic	×		×	×		×		
46. Latvia	×	×	×	×	×	×	×	
47. Lesotho	×		×	×		×		
48. Liberia	×	×	×	×	×	×	×	×
49. Liechtenstein	×	×	×	×	×	×	×	×
50. Lithuania	×	×	×		×	×	×	×
51. Luxembourg	×	×	×	×	×	×	×	×
52. Maldives	×		×		×	×	×	
53. Mali	×		×	×	×	×	×	
54. Malta	×	×	×	×	×	×	×	
55. Mauritius	×		×	×		×	×	
56. Mexico	×	×	×	×		×	×	
57. Monaco	×		×		×			
58. Mongolia	×		×	×		×	×	
59. Morocco	×			×	×		×	
60. Nauru	×		×	×	×	×	×	
61. Netherlands	×	×	×	×	×	×	×	×
62. New Zealand	×		×	×	×	×	×	
63. Nicaragua	×		×		×	×	×	×
64. Niger	×		×	×		×		
65. Norway	×	×	×	×	×	×	×	×
66. Pakistan	×		×	×	×	×	×	
67. Panama	×	×	×	×	×	×	×	
68. Paraguay	×		×	×	×	×		
69. Peru	×	×	×		×	×	×	
70. Philippines	×		×	×	×	×	×	
71. Poland	×		×	×	×	×	×	
72. Portugal	×		×	×	×	×	×	

States Parties	CCW (100)	Amended Article 1 ² (46)	Protocol I ³ (98)	Protocol II ⁴ (87)	Amended Protocol II ⁵ (86)	Protocol III ⁶ (93)	Protocol IV ⁷ (82)	Protocol V ⁸ (23)
73. Republic of Korea	×	×	×		×			
74. Republic of Moldova	×	×	×	×	×	×	×	
75. Romania	×	×	×	×	×	×	×	
76. Russian Federation	×		×	×	×	×	×	
77. Senegal	×				×	×		
78. Serbia and Montenegro	×	×	×	×		×	×	
79. Seychelles	×		×	×	×	×	×	
80. Sierra Leone	×	×	×		×	×	×	×
81. Slovakia	×	×	×	×	×	×	×	×
82. Slovenia	×		×	×	×	×	×	
83. South Africa	×		×	×	×	×	×	
84. Spain	×	×	×	×	×	×	×	
85. Sri Lanka	×	×	×	×	×	×	×	
86. Sweden	×	×	×	×	×	×	×	×
87. Switzerland	×	×	×	×	×	×	×	×
88. Tajikistan	×		×	×	×	×	×	×
89. The former Yugoslav Republic of Macedonia	×		×	×	×	×		
90. Togo	×		×	×		×		
91. Tunisia	×		×	×	×	×	×	
92. Turkey	×	×	×		×		×	
93. Turkmenistan	×		×	×	×			
94. Uganda	×		×	×		×		
95. Ukraine	×	×	×	×	×	×	×	×
96. United Kingdom of Great Britain and Northern Ireland	×	×	×	×	×	×	×	
97. United States of America	×		×	×	×			
98. Uruguay	×		×	×	×	×	×	
99. Uzbekistan	×		×	×		×	×	
100. Venezuela	×		×	×	×	×		

States Signatories to the CCW: Afghanistan, Egypt, Iceland, Nigeria, Sudan, and Viet Nam.