

**THIRD 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**

FINAL DOCUMENT

Part II

FINAL DECLARATION

Geneva, 7-17 November 2006

CONTENTS

	Page(s)
Part II. FINAL DECLARATION	3-12
Annex I. Declaration on the Occasion of the Entry into Force of the Protocol on Explosive Remnants of War (Protocol V) adopted by the Conference on 13 November 2006	13-14
Annex II. Decision on a Compliance Mechanism Applicable 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	15-17
Annex III. 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 - Appendix	18-22 23-25
Annex IV. Decision on the Establishment of a Sponsorship Programme within the Framework 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	26-27

FINAL DECLARATION

As adopted with oral amendments at the final plenary meeting of the Conference on
17 November 2006

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 7 to 17 November 2006, 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,

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

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 significantly 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 by the amendment of Article 1 of the Convention,

Emphasizing the importance of achieving universal adherence to the Convention and their determination to call upon all States that have not done so to become parties to the Convention and its annexed Protocols as soon as possible,

Welcoming the entry into force of the Amendment to Article 1 of the Convention on 18 May 2004, by which the scope of application of the Convention was extended to also cover conflicts of non-international character,

Emphasizing the importance of compliance with the provisions of the Convention and its annexed Protocols by all High Contracting Parties,

Welcoming the entry into force of the Protocol on Explosive Remnants of War (Protocol V) on 12 November 2006,

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

Affirming their strong determination to protect civilians from the effects of MOTAPM/AVM, according to Article 6, paragraph 3 of Amended Protocol II,

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 reinforce international cooperation and assistance with this respect,

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

Acknowledging the work accomplished by the Group of Governmental Experts (GGE) in discussing ways and means to address the issue of explosive remnants of war,

Recognising 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 non-governmental organisations in mitigating the humanitarian impact of armed conflicts and welcoming the expertise they have brought to the work of the Group of Governmental Experts and to the Review Conference itself,

SOLEMNLY DECLARE:

1. Their commitment to respect and comply, 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 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,
3. 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,
4. Their commitment to the full implementation of, and compliance with, the Convention and its annexed protocols, and in this respect, their satisfaction at the adoption of a compliance mechanism applicable to the Convention and its annexed Protocols,

5. Their satisfaction at the establishment of a Sponsorship Programme within the framework of the Convention, and invite donor States to identify themselves with a view to making the Sponsorship Programme operational, as soon as possible, and, if feasible, in time for the CCW-related activities in 2007,
6. Their satisfaction at the entry into force of the amendment to Article 1 of the Convention extending the application of the Convention and its annexed Protocols to armed conflicts of a non-international character,
7. 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 as soon as possible,
8. 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), and the Protocol on Blinding Laser Weapons (Protocol IV), and that all States respect and ensure respect for the substantive provisions of these Protocols,
9. Their satisfaction at the entry into force of the Protocol on Explosive Remnants of War (Protocol V), as well as their determination to encourage all States to become parties to Protocol V as soon as possible, and encourage all States to respect and ensure respect for the substantive provisions of Protocol V,
10. Their satisfaction at the adoption of the Plan of Action to promote universality of the Convention and its annexed Protocols,
11. Their continuing commitment to address as a matter of urgency the deleterious humanitarian effects of explosive remnants of war, through the effective and efficient implementation of Protocol V and reinforced international cooperation aimed at minimizing the risks and effects of unexploded and abandoned explosive ordnance,
12. That annual meetings of the High Contracting Parties will discuss further feasible precautions that may be taken to protect civilians from the effects of MOTAPM/AVM,
13. That High Contracting Parties will seek to build on the work of the GGE over the past five years in order to achieve consensus on appropriate measures to address the issue of MOTAPM/AVM, including their use,
14. Their commitment, without prejudice to the Protocol on Explosive Remnants of War, to continue to address the humanitarian problems caused by certain specific types of munitions in all their aspects, including cluster munitions, with a view to minimizing the humanitarian impact of these munitions,

15. Their decision to convene, as a matter of urgency, an intersessional meeting of governmental experts according to Decision 1 below,

16. Their continuing commitment to assist, to the extent feasible, humanitarian demining missions, operating with the consent of the host State and/or the relevant States 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,

17. 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. In this context, the Conference notes that the International Committee of the Red Cross has published in 2006 a guide to the legal review of new weapons, means and methods of warfare,

Recognise 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

To convene, as a matter of urgency, an intersessional meeting of governmental experts:

To consider further the application and implementation of existing international humanitarian law to specific munitions that may cause explosive remnants of war, with particular focus on cluster munitions, including the factors affecting their reliability and their technical and design characteristics, with a view to minimizing the humanitarian impact of the use of these munitions.

This meeting of governmental experts will, *inter alia*, consider the results of the meeting of experts on cluster munitions to be held by the ICRC. The meeting of governmental experts will report to the next meeting of the High Contracting Parties.

The Meetings of Military and Technical Experts of the GGE shall continue their technical work and provide further advice, as required.

Decision 2

To dedicate up to two days to the issue of MOTAPM during the next Meeting of the High Contracting Parties in 2007.

Decision 3

To establish a Compliance mechanism applicable to the Convention, and, in accordance with paragraph 2 of the Decision, as contained in Annex B of the Final Declaration, to request the Secretary-General of the United Nations to convene a Meeting of the High Contracting Parties in 2007.

Decision 4

To recommend that the Secretary-General of the United Nations, as Depositary of the Convention and its annexed Protocols, and the President of the Third Review Conference, on behalf of the High Contracting Parties, exercise their authority to achieve the goal of universality of the Convention and its annexed Protocols. To this effect, the High Contracting Parties recall the request to the President of the Conference to report to the 61st session of the United Nations General Assembly on his endeavours.

Decision 5

To establish a Sponsorship Programme within the framework of the Convention, as contained in Annex D of the Final Declaration.

Decision 6

To organize the 2007 CCW-related activities as follows:

- (i) Preparatory Committee for the first Conference of the High Contracting Parties to Protocol V on Explosive Remnants of War: on 18 June 2007;
- (ii) Group of Governmental Experts, including continuation of the Meetings of Military and Technical Experts: from 19 to 22 June 2007;
- (iii) First Conference of the High Contracting Parties to Protocol V on Explosive Remnants of War: on 5 November 2007;
- (iv) Ninth Annual Conference of the High Contracting Parties to Amended Protocol II: on 6 November 2007; and
- (v) Meeting of the High Contracting Parties to the Convention with up to one day on the issue of Compliance; up to two days on the issue of MOTAPM; and up to two days for a general meeting of the High Contracting Parties, including up to one day on the report of the GGE, under the overall responsibility of the Chairperson-designate of the Meeting of the High Contracting Parties: from 7 to 13 November 2007.

To nominate a representative of the Western European and Others Group as Chairperson-designate of the Meeting of the High Contracting Parties.

To appoint Ambassador Jānis Kārkliņš of Latvia as Chairperson of the GGE.

REVIEW:

Preambular paragraph 3

The Conference 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.

Preambular paragraph 8

The Conference 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.

Preambular paragraph 10

The Conference underlines the need to achieve wider 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

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

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

The Conference notes that 100 States have ratified, accepted, acceded or succeeded to the Convention.

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.

The Conference invites the High Contracting Parties to encourage further accessions to the Convention and its annexed Protocols.

The Conference, in this context, welcomes the adoption of the Plan of Action to Promote Universality of the Convention.

Article 5

The Conference notes the provisions of Article 5.

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. The Conference welcomes the entry into force on 12 November 2006 of the Protocol on Explosive Remnants of War (Protocol V).

Article 6

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.

The Conference, in this context, welcomes the establishment of a Sponsorship Programme within the framework of the Convention, aimed at, *inter alia*, strengthening the implementation of the Convention and its annexed Protocols, promoting the universal observance of the norms and principles enshrined therein, supporting the universalization of the Convention and its annexed Protocols, and enhancing the cooperation, the exchange of information and the consultations among the High Contracting Parties on issues related to the Convention and its annexed Protocols.

The Conference welcomes the establishment of a web page of the Convention and its annexed Protocols on the website of the United Nations and on the website of the Presidency and requests the Secretary-General of the United Nations to continue to make all documents related to the Convention, available on the UN website.

Article 7

The Conference notes the provisions of Article 7.

On Compliance, the Conference notes the work done and the decision taken by the Review Conference.

Article 8

The Conference notes the provisions of Article 8.

On Mines Other Than Anti-Personnel Mines, the Conference notes the work done and the decision taken by the Review Conference

The Conference decides, consistent with Article 8, paragraph 3 (c), to convene a Meeting of the High Contracting Parties to be held from 7 to 13 November 2007, in conjunction with the Conferences of the High Contracting Parties to Amended Protocol II and to Protocol V.

The States Parties recall their agreement reached by the Second Review Conference in 2001 in reviewing Article 8 of the Convention.

On Explosive Remnants of War, the Conference notes the work done and the decision taken by the Review Conference.

In this regard, the Conference notes that, while not opposing its adoption by the Conference, one delegation did not join the consensus on the decision on Explosive Remnants of War, because the delegation considered that the text did not adequately address humanitarian concerns.

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.

The Conference notes the corrections to the original text of Protocol V on Explosive Remnants of War (French, Russian and Spanish versions) and to the certified true copies effected by the Secretary-General of the United Nations, acting in his capacity as depositary.

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

The Conference acknowledges that the High Contracting Parties strengthened Protocol II in a number of areas at the First Review Conference.

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

The Conference recommends that future Annual Conferences of the High Contracting Parties to Amended Protocol II coincide with any meetings of the High Contracting Parties to the Convention and Conferences of the High Contracting Parties to Protocol V.

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.

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, will expire on 3 December 2007.

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

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

The Conference notes the provisions of this Protocol.

Protocol on Blinding Laser Weapons (Protocol IV)

The Conference notes the provisions of this Protocol.

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

The Conference notes of the provisions of this Protocol and welcomes with satisfaction its entry into force.

The Conference encourages the High Contracting Parties to make all best endeavours to comply with suggested best practices, as specified in the Technical Annex, for achieving the objectives contained in Articles 4, 5 and 9 of the Protocol.

The Conference looks forward to the Conference of the High Contracting Parties that will be convened in 2007 pursuant to Article 10 of the Protocol on Explosive Remnants of War, according to the wish expressed by States which have decided to be bound by the Protocol.

The Conference acknowledges the valuable work of relevant agencies and bodies of the United Nations; of the International Committee of the Red Cross pursuant to its mandate to assist war victims; of the Geneva International Center for Humanitarian Demining; as well as of NGOs in a number of fields, 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.

Annex I

**DECLARATION
ON THE OCCASION OF THE ENTRY INTO FORCE
OF THE PROTOCOL ON EXPLOSIVE REMNANTS OF WAR (PROTOCOL V)
ADOPTED BY THE CONFERENCE ON 13 NOVEMBER 2006**

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,

Recalling the general principle of the protection of the civilian population against the effects of hostilities,

Deeply concerned at the fact that after the end of hostilities, people continue to be killed or injured by unexploded and abandoned explosive ordnance, and that such explosive remnants of war can remain for decades a cause of humanitarian suffering, a daily threat to civilians and military alike, an obstacle to the return of refugees and other displaced persons, a serious impediment to humanitarian assistance, peace-keeping, post-conflict reconstruction and economic development, as well as to the restoration of normal social conditions,

Recalling that the Protocol on Explosive Remnants of War (Protocol V) was negotiated by the Group of Governmental Experts in 2003 and was adopted by consensus on 28 November 2003 at the Meeting of the States Parties to the Convention held in Geneva on 27 and 28 November 2003,

Recognizing that Protocol V provides for post-conflict remedial measures of a generic nature in order to minimize the risks and the effects of explosive remnants of war and for encouraging States Parties to take such post-conflict remedial measures and generic preventive measures aimed at minimizing the occurrence of explosive remnants of war,

Emphasizing the importance that they attach to the universalization of Protocol V, and *expressing* their determination to take all appropriate measures so that Protocol V attains universal adherence,

Welcome the entry into force of Protocol V on 12 November 2006 and the fact that 26 States have notified the Depositary of their consent to be bound by Protocol V by that date,

Reaffirm their conviction that Protocol V aims to significantly reduce the suffering and contribute to the protection of the civilian population and humanitarian personnel from the effects of explosive remnants of war,

Reiterate their determination to address the humanitarian, developmental and environmental impact of explosive remnants of war, including existing explosive remnants of war, and *welcome* the efforts already undertaken in this regard,

Emphasize their determination to reinforce international cooperation and assistance on the issues related to the implementation of Protocol V, and, in particular, in clearance, removal or destruction of explosive remnants of war, transmission of information, protection of humanitarian missions and organizations, risk education, victim assistance, and to dedicate greater efforts and resources, as appropriate, towards that end,

Encourage High Contracting Parties to Protocol V to commence preparations for a Conference, in accordance with Article 10 of the Protocol,

Urge all States that have not yet done so to become parties to the Protocol, as soon as possible.

Annex II

**DECISION
ON A COMPLIANCE MECHANISM
APPLICABLE 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**

I

1. With a view to ensuring compliance, the High Contracting Parties undertake to consult each other and to co-operate with each other bilaterally, through the Secretary-General of the United Nations, or through other voluntary international procedures, regarding any concerns which relate to the fulfilment of their legal obligations or to resolve any issue that may arise with regard to the interpretation and application of the provisions of this Convention and any of its annexed Protocols by which they are bound.
2. For this purpose, the Secretary-General is requested to convene a separate Meeting of the High Contracting Parties within one year, in the context of other meetings of the High Contracting Parties to the Convention or its annexed Protocols. Subsequent meetings could be held as agreed by the High Contracting Parties.
3. Participation in the Meeting will be determined following the Rules of Procedure of the Third Review Conference, applied *mutatis mutandis*.
4. The work of the Meeting will include:
 - (a) Review of the operation and status of the Convention and its annexed Protocols;
 - (b) Consideration of matters arising from the information provided by the High Contracting Parties according to paragraph 5 of this Decision;
 - (c) Preparation for the next Review Conference;
 - (d) Consideration of international co-operation and assistance to facilitate the implementation of the Convention and its annexed Protocols; and
 - (e) Consideration and undertaking of any additional actions that may be required for the achievement of the objectives of the Convention and its annexed Protocols.
5. The High Contracting Parties will provide information to the Secretary-General in advance of the Meeting, which will be circulated by the Secretary-General to all the High Contracting Parties, on any of the following matters:

- (a) Dissemination of information on the Convention and its annexed Protocols to their armed forces and to the civilian population;
- (b) Steps taken to meet the relevant technical requirements of the Convention and its annexed Protocols and any other relevant information pertaining thereto;
- (c) Legislation related to the Convention and its annexed Protocols;
- (d) Measures taken on technical co-operation and assistance; and
- (e) Other relevant matters.

6. The cost of the Meeting of the High Contracting Parties is to be borne by the High Contracting Parties and States not parties participating in the work of the Meeting, in accordance with the United Nations scale of assessment adjusted appropriately.

II

7. Each High Contracting Party will take all appropriate steps, including legislative and other measures, as required, to prevent and suppress violations of the Convention and any of its annexed Protocols by which it is bound by persons or on territory under its jurisdiction or control.

8. The measures envisaged in paragraph 7 of this Decision include, where necessary, appropriate measures to ensure the imposition of penal sanctions against persons who, in relation to an armed conflict and in contravention of the prohibitions imposed by the Convention and its annexed Protocols, willfully kill or cause serious injury to civilians, and to bring such persons to justice.

9. Each High Contracting Party will also require that its armed forces issue relevant military instructions and operating procedures and that armed forces personnel receive training commensurate with their duties and responsibilities to comply with the provisions of the Convention and any of its annexed Protocols by which it is bound.

10. A pool of experts is hereby established. Each High Contracting Party may provide one expert per each of the annexed Protocols to the Convention, to be included in the pool. Any expert included in the pool shall be of acknowledged impartiality and recognized technical, legal or other appropriate competence.

11. The High Contracting Parties invite the Secretary-General of the United Nations to prepare and update a list containing the names, nationalities and other relevant data of the experts included in the pool and communicate it to the High Contracting Parties.

12. Any High Contracting Party may seek assistance from the pool of experts regarding any concerns which relate to the fulfilment of its own legal obligations under the provisions of the Convention and any of its annexed Protocols by which it is bound.
13. For that purpose, the Secretary-General is invited to select, upon such a request and in consultation with the requesting High Contracting Party concerned and on a case by case basis, an expert or a group of experts from the pool, who will consider any concern mentioned in paragraph 12 of this Decision. In the selection of experts, the Secretary-General shall give particular consideration to their appropriate competence, as well as to equitable geographical distribution.
14. The expert or experts selected shall fulfill their duties in their personal capacity.
15. The expert or experts selected shall submit to the High Contracting Party concerned and to the Secretary-General the report containing his or their views and possible recommendations on the issue raised by the High Contracting Party concerned. Upon request by a High Contracting Party, the Secretary-General, after previously informing the High Contracting Party concerned by the report, shall communicate this report to the High Contracting Party requesting such communication.
16. The costs of the work undertaken and expertise conducted by the expert or experts selected are to be borne by the High Contracting Party concerned or through voluntary contributions.
17. The provisions contained in this Decision are without prejudice to any possible future provisions on compliance to be decided upon by the High Contracting Parties.
18. Upon its adoption, this decision will apply to all High Contracting Parties to the Convention and its annexed Protocols. States not parties to the Convention shall be informed by the Secretary-General of the United Nations of this decision and its operation for the benefit of all High Contracting Parties. This decision is intended to complement, but not to substitute, the existing relevant provisions on compliance contained in Protocols annexed to the Convention.

Annex III

**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**

I. Introduction

1. 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 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 Protocols annexed to the Convention.

II. Universalizing the Convention

3. 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.

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.

III. Universalizing the Protocols

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 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)

IV. Entry into Force

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. Protocol V entered into force on 12 November 2006.

V. Focus on Affected States

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 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 Convention¹;

¹ 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.

- (ii) Of the 100 States Parties to the Convention only two States Parties² have not deemed it possible so far to express consent to be bound by Protocol I;
- (iii) 13 States Parties³ have not acceded to Amended Protocol II. Moreover, Protocol II continues to attract new adherents⁴ 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 Party⁵ has not acceded to either of the two versions of Protocol II;
- (iv) Seven States⁶ 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.

PLAN OF ACTION

9. 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:

- Action #1: Review thoroughly their participation in the Convention and its annexed Protocols with the view to consider acceptance, at their earliest convenience, of those Protocols and of the Amendment to Article 1 of the Convention, 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.
- 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

² Morocco and Senegal.

³ 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.

⁴ Lesotho, Serbia and Uzbekistan.

⁵ Benin.

⁶ Israel, Monaco, Morocco, Republic of Korea, Turkey, Turkmenistan and United States of America.

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: 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 # 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.

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

- (i) seizing the opportunity of bilateral contacts and making use of 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) coordinating regional actions in accordance with the characteristics of each region, mostly in those where acceptance of the Convention remains low. UN regional centres for peace and disarmament, as well as regional organizations as appropriate, may play an important role in this regard;
- (iv) review this issue during the meetings of the States Parties.

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.

Appendix

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 and its annexed Protocols¹

States Parties	CCW (100)	Amended Article 1 ² (48)	Protocol I ³ (98)	Protocol II ⁴ (87)	Amended Protocol II ⁵ (86)	Protocol III ⁶ (93)	Protocol IV ⁷ (83)	Protocol V ⁸ (27)
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	✓	✓	✓	✓	✓	✓	✓	✓

¹ As of 15 November 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 (48)	Protocol I ³ (98)	Protocol II ⁴ (87)	Amended Protocol II ⁵ (86)	Protocol III ⁶ (93)	Protocol IV ⁷ (83)	Protocol V ⁸ (27)
25. Denmark	✓	✓	✓	✓	✓	✓	✓	✓
26. Djibouti	✓		✓	✓		✓		
27. Ecuador	✓		✓	✓	✓	✓	✓	
28. El Salvador	✓		✓	✓	✓	✓	✓	✓
29. Estonia	✓	✓	✓		✓	✓	✓	
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. Moldova	✓	✓	✓	✓	✓	✓	✓	
58. Monaco	✓		✓		✓			
59. Mongolia	✓		✓	✓		✓	✓	
60. Morocco	✓			✓	✓		✓	
61. Nauru	✓		✓	✓	✓	✓	✓	
62. Netherlands	✓	✓	✓	✓	✓	✓	✓	✓
63. New Zealand	✓		✓	✓	✓	✓	✓	
64. Nicaragua	✓		✓		✓	✓	✓	✓
65. Niger	✓		✓	✓		✓		
66. Norway	✓	✓	✓	✓	✓	✓	✓	✓

States Parties	CCW (100)	Amended Article 1 ² (48)	Protocol I ³ (98)	Protocol II ⁴ (87)	Amended Protocol II ⁵ (86)	Protocol III ⁶ (93)	Protocol IV ⁷ (83)	Protocol V ⁸ (27)
67. Pakistan	✓		✓	✓	✓	✓	✓	
68. Panama	✓	✓	✓	✓	✓	✓	✓	
69. Paraguay	✓		✓	✓	✓	✓		
70. Peru	✓	✓	✓		✓	✓	✓	
71. Philippines	✓		✓	✓	✓	✓	✓	
72. Poland	✓	✓	✓	✓	✓	✓	✓	
73. Portugal	✓		✓	✓	✓	✓	✓	
74. Republic of Korea	✓	✓	✓		✓			
75. Romania	✓	✓	✓	✓	✓	✓	✓	
76. Russian Federation	✓		✓	✓	✓	✓	✓	
77. Senegal	✓				✓	✓		
78. Serbia	✓	✓	✓	✓		✓	✓	
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 Convention: Afghanistan, Egypt, Iceland, Nigeria, Sudan, and Viet Nam.

Annex IV

DECISION
ON THE ESTABLISHMENT OF A SPONSORSHIP PROGRAMME
WITHIN THE FRAMEWORK 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

The 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:

1. *Decides* to establish a Sponsorship Programme within the framework of the Convention;
2. *Agrees* on the following **general principles**:
 - (i) contributions to the Programme will be made on a voluntary basis;
 - (ii) this Programme will be conducted in an informal and flexible way with full respect for the specific ad hoc nature of the Convention-related meetings;
3. *Sets* the following **basic goals** for the Sponsorship Programme:
 - (i) to strengthen the implementation of the Convention and its annexed Protocols;
 - (ii) to promote universal observance of the norms and principles enshrined in the Convention and its annexed Protocols;
 - (iii) to support the universalization of the Convention and its annexed Protocols;
 - (iv) to enhance the cooperation, the exchange of information and the consultations among the States Parties on issues related to the Convention and its annexed Protocols;
4. *Sets* the following **basic operational purposes** for the Sponsorship Programme:
 - (i) to support the participation of the representatives of States Parties, especially from ERW- and mine-affected States that have limited resources, to participate in activities related to the Convention. Priority should be given to States Parties which, according to the United Nations, are the least developed countries;
 - (ii) to provide Signatory States and States not yet parties to the Convention and its Protocols with an opportunity to participate in activities related to the Convention and to become acquainted with the work related to the Convention. Preference should be given to States which, according to the United Nations, are the least developed countries, States which are on the path towards accession to the Convention and its annexed Protocols, and

States which are engaged in activities related to their own implementation of the Convention and its Protocols;

- (iii) to support the attendance of appropriate qualified experts with field experience or of scholars, particularly from the States referred to in paragraph 4(i), to prepare studies and/or presentations on certain topics of interest at relevant meetings or seminars;
- (iv) to provide other related forms of assistance that might be deemed appropriate by the States Parties;

5. *Decides* that the Sponsorship Programme will operate according to the following **basic operational modalities**:

- (i) States Parties entrust the technical management of the Programme to the Geneva International Center for Humanitarian Demining;
 - (ii) An informal Steering Committee (hereinafter “the Committee”) will set operational modalities which have not been specified in this decision and ensure the guidance of the day-to-day implementation of the Sponsorship Programme; it will be constituted by representatives of donor States to this Programme and the UNDDA;
 - (iii) The Committee will operate in a transparent way: for this purpose, representatives of the three Regional Groups and China; the President-designate of the Meeting of the States Parties; and representatives of UNMAS will be invited to participate in its meetings as observers and advisors. It is understood that every State Party may ask to be heard by the Committee.
 - (iv) The Committee will take all decisions related to the operation of the Sponsorship Programme, including the granting of travel and daily subsistence allowances for participation in the activities related to the Convention or to other expenditures, in accordance with the basic goals and the operational purposes of the Programme as spelled out above;
 - (v) The Committee will report annually on its activities, including on the beneficiaries of the Programme, to the States Parties. The Programme, and its *modus operandi*, will be reviewed and assessed by States Parties at the next Review Conference;
 - (vi) The funds allocated to the Sponsorship Programme will be subject to an audit by an external auditor and audit reports will be sent to all members of the Committee, and made available upon request to any State Party by the United Nations.
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