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Agenda item 107

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

Report of the First Committee

Rapporteur: Ms. María del Rosario **Estrada Girón** (Guatemala)

I. Introduction

1. At its 2nd plenary meeting, on 18 September 2020, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its seventy-fifth session the item entitled “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 to allocate it to the First Committee.

2. At its 1st meeting, on 6 October 2020, the First Committee, taking into consideration the physical distancing guidelines and constraints related to the coronavirus disease (COVID-19) pandemic, which prevented the Committee from organizing a full-fledged session, decided, on an exceptional basis and without setting a precedent, to convene in-person and virtual meetings and to conduct its work in two phases: the first phase would be a general debate on all disarmament and international security items allocated to it, namely items 94 to 110, and the second phase would be action on all draft proposals. In the absence of thematic discussions, the Committee also decided to convene three virtual informal meetings of two hours each for interactive dialogues on specific subjects.

3. At its 2nd to 10th meetings, on 9 and 12, from 14 to 16 and on 19 October, the Committee held a general debate, during which draft resolutions and decisions were introduced. On 13, 26 and 30 October, the Committee held virtual meetings for exchanges with the High Representative for Disarmament Affairs, civil society, and independent experts and other high-level officials nominated by the regional groups. The Committee took action on all draft resolutions and decisions at its 11th to 15th meetings, on 3, 4, 6, 9 and 10 November.¹

¹ For an account of the Committee’s discussion of the item, see [A/C.1/75/PV.2](#), [A/C.1/75/PV.3](#), [A/C.1/75/PV.4](#), [A/C.1/75/PV.5](#), [A/C.1/75/PV.6](#), [A/C.1/75/PV.7](#), [A/C.1/75/PV.8](#), [A/C.1/75/PV.9](#), [A/C.1/75/PV.10](#), [A/C.1/75/PV.11](#), [A/C.1/75/PV.12](#), [A/C.1/75/PV.13](#), [A/C.1/75/PV.14](#) and [A/C.1/75/PV.15](#), as well as [A/C.1/75/INF/5](#).



4. No documents were submitted for consideration under this item.

II. Consideration of draft resolution [A/C.1/75/L.61](#)

5. On 14 October, the delegation of Pakistan submitted a draft resolution entitled “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” ([A/C.1/75/L.61](#)).
6. At its 13th meeting, on 6 November, the Committee adopted draft resolution [A/C.1/75/L.61](#) without a vote (see para. 7).

III. Recommendation of the First Committee

7. The First Committee recommends to the General Assembly the adoption of the following draft resolution:

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 General Assembly,

Recalling its resolution [74/76](#) of 12 December 2019,

Recalling with satisfaction the adoption and entry into force of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects¹ and its amended article 1,² the Protocol on Non-Detectable Fragments (Protocol I),³ the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II)⁴ and its amended version,⁵ the Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III),⁶ the Protocol on Blinding Laser Weapons (Protocol IV)⁷ and the Protocol on Explosive Remnants of War (Protocol V),⁸

Recalling the results of the Fifth Review Conference of the High Contracting Parties to the Convention, held in Geneva from 12 to 16 December 2016,

Welcoming the results of the 2019 Meeting of the High Contracting Parties to the Convention, held in Geneva from 13 to 15 November 2019,

Welcoming also the results of the Twenty-first Annual Conference of the High Contracting Parties to Amended Protocol II, held in Geneva on 12 November 2019,

Welcoming further the results of the Thirteenth Conference of the High Contracting Parties to Protocol V, held in Geneva on 11 November 2019,

Noting that the Meeting of the Group of Experts of the High Contracting Parties to Amended Protocol II, the Meeting of Experts of the High Contracting Parties to Protocol V and the two sessions of the Group of Governmental Experts related to emerging technologies in the area of lethal autonomous weapons systems of the High Contracting Parties to the Convention had to be rescheduled owing to the coronavirus disease (COVID-19) pandemic, and noting the efforts made to hold them in 2020 under exceptional circumstances,

Noting also the consultations by the President of the Twenty-first Annual Conference with the High Contracting Parties to Amended Protocol II on possibilities to include discussions, as appropriate, on good practices in the implementation of the Protocol, with respect to mines other than anti-personnel mines, in particular with regard to the protection of civilians, taking into account the divergent views,

¹ United Nations, *Treaty Series*, vol. 1342, No. 22495.

² *Ibid.*, vol. 2260, No. 22495.

³ *Ibid.*, vol. 1342, No. 22495.

⁴ *Ibid.*, vol. 1342, No. 22495.

⁵ *Ibid.*, vol. 2048, No. 22495.

⁶ *Ibid.*, vol. 1342, No. 22495.

⁷ *Ibid.*, vol. 2024, No. 22495.

⁸ *Ibid.*, vol. 2399, No. 22495.

Recalling the role played by the International Committee of the Red Cross in the elaboration of the Convention and the Protocols thereto, and welcoming the particular efforts of various international, non-governmental and other organizations in raising awareness of the humanitarian consequences of various categories of conventional weapons which may be deemed to be excessively injurious or to have indiscriminate effects,

Emphasizing the importance of the perspectives of women, men, boys and girls in considering the issues addressed by the Convention and its Protocols,

1. *Calls upon* all States that have not yet done so to take all measures to become parties, as soon as possible, 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 the Protocols thereto, as amended, with a view to achieving the widest possible adherence to these instruments at an early date and so as to ultimately achieve their universality;

2. *Calls upon* all High Contracting Parties to the Convention that have not yet done so to express their consent to be bound by the Protocols to the Convention and the amendment extending the scope of the Convention and the Protocols thereto to include armed conflicts of a non-international character;

3. *Emphasizes* the importance of the universalization of the Protocol on Explosive Remnants of War (Protocol V);

4. *Welcomes* additional ratifications and acceptances of or accessions to the Convention, as well as consents to be bound by the Protocols thereto;

5. *Acknowledges* the continued efforts of the Secretary-General, as depositary of the Convention and the Protocols thereto, and of the respective office holders of the conferences of the High Contracting Parties to the Convention, Protocol V and Amended Protocol II, on behalf of the High Contracting Parties, to achieve the goal of universality;

6. *Recalls* the following decisions by the Fifth Review Conference of the High Contracting Parties to the Convention:

(a) To establish an open-ended Group of Governmental Experts related to emerging technologies in the area of lethal autonomous weapons systems in the context of the objectives and purposes of the Convention, adhering to the agreed recommendations contained in document [CCW/CONF.V/2](#), and to submit a report to the 2017 Meeting of the High Contracting Parties to the Convention consistent with those recommendations;

(b) To add to the agenda of the next Meeting of the High Contracting Parties in 2017 the item “Protocol III”;

(c) To add to the agenda of the next Meeting of the High Contracting Parties in 2017 the item “Mines other than anti-personnel mines”;⁹

(d) To add to the agenda of the next Meeting of the High Contracting Parties in 2017 the item for informal discussion “Consideration of how developments in the field of science and technology relevant to the Convention may be addressed under the Convention”;

(e) To invite the Chair-elect to conduct consultations with a view to including on the agenda of the 2017 annual Meeting of the High Contracting Parties the item “Strengthening the respect for international humanitarian law and addressing, in the

⁹ Noting the update included in paragraph 34 of the final report of the 2018 Meeting of the High Contracting Parties to the Convention ([CCW/MSP/2018/11](#)).

context and objectives of the Convention and its annexed Protocols, the challenges presented by the use of conventional weapons in armed conflicts and their impact on civilians, particularly in areas where there are concentrations of civilians”;

(f) To include on the agenda of the annual Meetings of the High Contracting Parties the item “Financial issues related to the Convention and its annexed Protocols” and to consider at the next such meeting efficiency and cost-saving measures and a report to be prepared by the Chair-elect;

(g) To retain the practice of keeping summary records only for the final sessions of the future Review Conferences, the meetings of the High Contracting Parties to the Convention, and the Conferences of the High Contracting Parties to Amended Protocol II and Protocol V;

(h) To continue the Sponsorship Programme;

7. *Also recalls* the following decisions by the Meeting of the High Contracting Parties to the Convention in 2019:

(a) To call for a total of 10 days of meetings, to be held in Geneva in 2020, of the Group of Governmental Experts related to emerging technologies in the area of lethal autonomous weapons systems in the context of the objectives and purposes of the Convention;

(b) To call for the universalization and full implementation of Protocol III on Prohibitions or Restrictions on the Use of Incendiary Weapons, given the Protocol’s importance;

(c) To place on the agenda of its next meeting the item “Emerging issues in the context of the objectives and purposes of the Convention” and to invite the High Contracting Parties to submit working papers on issues that they intend to raise;

(d) To establish a voluntary working capital fund, to be contributed to only by the High Contracting Parties to the Convention, to provide liquidity during the financial year with a view to ensuring the stability of Implementation Support Unit support to the Convention, to review the functioning of the working capital fund at the Sixth Review Conference of the High Contracting Parties to the Convention and to request the Secretariat of the United Nations to submit a report on the status of the fund to the 2020 Meeting of the High Contracting Parties to the Convention;

(e) To keep under annual review the implementation of the agreed-upon financial measures and to continue to monitor the financial situation of the Convention;

(f) To request the Chair-elect to consult the High Contracting Parties and the Secretariat of the United Nations to address the question of prioritization of funding for the implementation of the Convention;

8. *Calls upon* all High Contracting Parties to ensure full and prompt compliance with their financial obligations under the Convention and its annexed Protocols;

9. *Welcomes* the adoption by the 2019 Meeting of the High Contracting Parties to the Convention of the financial measures to strengthen the financial situation of the Convention, including the establishment of a voluntary working capital fund to provide liquidity during the financial year, with a view to ensuring the stability of Implementation Support Unit support to the Convention;

10. *Also welcomes* the decisions of the 2019 Meeting of the High Contracting Parties to the Convention pertaining to the Group of Governmental Experts related to

emerging technologies in the area of lethal autonomous weapons systems, and takes note of the report of the 2019 session of the Group of Governmental Experts;

11. *Further welcomes* the commitment by the High Contracting Parties 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 effects or cause unnecessary suffering;

12. *Welcomes* the commitment of the High Contracting Parties to Protocol V to the effective and efficient implementation of the Protocol and the implementation of the decisions of the First and Second Conferences of the High Contracting Parties to the Protocol establishing a comprehensive framework for the exchange of information and cooperation;

13. *Notes* that, in conformity with article 8 of the Convention, conferences may be convened to examine amendments to the Convention or to any of the Protocols thereto, to examine additional protocols concerning other categories of conventional weapons not covered by existing Protocols or to review the scope and application of the Convention and the Protocols thereto and to examine any proposed amendments or additional protocols;

14. *Underlines* the vital role of the full and equal participation of women in decision-making and implementation of the Convention;

15. *Requests* the Secretary-General to render the assistance necessary and to provide such services as may be required for the annual conferences and expert meetings of the High Contracting Parties to the Convention and of the High Contracting Parties to Amended Protocol II and Protocol V, as well as for any continuation of the work after the meetings;

16. *Also requests* the Secretary-General, in his capacity as depositary of the Convention and the Protocols thereto, to continue to inform the General Assembly periodically, by electronic means, of ratifications and acceptances of and accessions to the Convention, its amended article 1 and the Protocols;

17. *Decides* to include in the provisional agenda of its seventy-sixth session the item entitled “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”.
