

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

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MAIN COMMITTEE I
Draft 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 VIENNA FROM 25 SEPTEMBER TO 13 OCTOBER 1995, THEN IN GENEVA FROM 15 TO 19 JANUARY 1996 FOR THE FIRST RESUMED SESSION AND IN GENEVA FROM 22 APRIL TO 3 MAY 1996 FOR THE SECOND RESUMED SESSION, 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

Deeply concerned that the indiscriminate effects of the irresponsible use of landmines, particularly anti-personnel landmines, are estimated to kill or maim hundreds of people each week, mostly unarmed civilians, obstruct economic development and reconstruction and have other severe consequences, which include inhibiting the repatriation of refugees and the return of internally displaced persons,

Gravely concerned with the suffering and casualties caused to civilians by the irresponsible use, as well as the proliferation of landmines, booby-traps and other devices, in particular the acute problem of anti-personnel landmines,

Reaffirming the need to reinforce international cooperation in the area of prohibitions or restrictions on the use of certain conventional weapons which may be deemed to be excessively injurious or to have indiscriminate effects,

Reaffirming their conviction that a general and verifiable agreement on prohibitions or restrictions on the use of certain conventional weapons which may be deemed to be excessively injurious or to have indiscriminate effects would significantly reduce the suffering of civilians and combatants,

Noting that remotely delivered anti-personnel mines can pose a grave danger to civilian life and livelihood, especially due

to the nature of the delivery and the consequent difficulty in marking and fencing them,

Reaffirming also the need to reinforce international cooperation in the area of mine clearance and to devote greater resources towards that end,

Recognizing the important role that the international community, particularly States involved in the deployment of mines, can play in assisting in mine clearance in affected countries through the provision of necessary maps and information and appropriate technical and material assistance to remove or otherwise render ineffective existing minefields, mines and booby-traps,

Expressing their appreciation of the financial contributions provided by States and regional organizations to the United Nations Voluntary Trust Fund for Assistance in Mine Clearance and for the contributions in kind provided to the demining stand-by capacity of the United Nations,

Noting the national moratoria and other unilateral measures on halting the production, export, transfer or sale, on reducing stockpiles and on adopting legislation aimed at the total elimination of anti-personnel landmines,

Noting also that a number of States have further abstained from the acquisition, production, transfer and stockpiling of anti-personnel landmines,

Noting the fact that a growing number of States, international, regional and non-governmental organizations do their utmost to achieve urgently the total elimination of anti-personnel landmines,

Conscious of the urgent need to counter the silent and invisible threat to human sight posed by the threat of blinding laser weapons,

Welcoming the adoption of Protocol IV on Blinding Laser Weapons as a codification and progressive development of the rules of international law,

Noting that a number of issues could be considered in the future, for example at a review conference, taking into account scientific and technological developments, including the questions of prohibition on the use, production, stockpiling and transfer of blinding laser weapons and the question of compliance with regard to such weapons, as well as other pertinent issues, such as the definition of "permanent blindness", including the concept of field of vision,

Recognizing the specific role of the International Committee of the Red Cross and encouraging it to continue to work to facilitate further ratification and accession to the Convention,

to disseminate its contents and to lend its expertise to future review conferences,

Acknowledging the invaluable humanitarian efforts of non-governmental organizations in armed conflicts and welcoming the expertise they have brought to the Review Conference itself,

SOLEMNLY DECLARE:

- Their commitment to respect the objectives and provisions of the Convention and its annexed Protocols as an authoritative international instrument governing the use of certain conventional weapons, which may be deemed to be excessively injurious or to have indiscriminate effects,
- Their determination to call upon all States that have not yet done so to take all measures to become parties, as soon as possible, to the Convention and its annexed Protocols and upon successor States to take appropriate measures so that ultimately this instrument will be universal,
- Their conviction that States should strive towards the goal of the eventual elimination of anti-personnel landmines, consistent with the terms of the United Nations General Assembly Resolution 50/70(0),
- Their commitment to continue to strive for a complete ban on transfer of all anti-personnel landmines in the context of their eventual elimination consistent with the terms of the United Nations General Assembly Resolution 50/70(0),
- Their satisfaction at the adoption of an amended Protocol II on mines, booby-traps and other devices,
- That the prohibitions and restrictions on the use and transfer of anti-personnel mines in Protocol II shall facilitate and advance the achievement of the ultimate goal of the eventual elimination of anti-personnel mines, consistent with the terms of the United Nations General Assembly Resolution 50/70(0),
- The importance they attach to the earliest possible entry into force of the amended Protocol, and their desire that all States, pending its entry into force, respect and ensure respect for the substantive provisions of the amended Protocol to the fullest extent possible,
- Their commitment to keep the provisions of Protocol II under review in order to ensure that the concerns regarding the weapons it covers are addressed,

- Their commitment to ban all remotely delivered mines without effective self-deactivating features and either self-destruct or self-neutralizing mechanisms and their recognition of the need to strive for a ban on all remotely delivered anti-personnel mines as viable alternatives are developed that significantly reduce the risk to the civilian population,
- Their recognition of the importance for the purposes of facilitating and accelerating mine-clearance of the application of the prohibition of the use of non-detectable anti-personnel mines,
- Their commitment to reinforce international cooperation for mine clearance, the development and dissemination of more effective technologies for mine clearance and the transfer of technology to facilitate the implementation of the prohibitions and restrictions set out in Protocol II and to seek to devote the resources necessary for this purpose,
- Their commitment to assist, to the extent feasible, impartial 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, booby-traps and other devices in the area in which the mission is performing its functions,
- Their recognition that the growing number of national moratoria and other unilateral measures restricting or halting the production, use, export, transfer, sale or stockpiling of anti-personnel mines, aimed at their eventual elimination are encouraging steps,
- That they will encourage efforts of the United Nations and other organizations to address all the problems of landmines,
- Their satisfaction at the adoption of the Protocol on Blinding Laser Weapons (Protocol IV) to the Convention,
- Their conviction of the importance of the earliest possible entry into force of Protocol IV,
- Their desire that all States, pending the entry into force, respect and ensure respect of the substantive provisions of Protocol IV to the fullest extent possible,
- Their recognition of the need for achieving the total prohibition of blinding laser weapons, the use and transfer of which are prohibited in Protocol IV,

- Their wish to keep the issue of the blinding effects related to the use of laser systems under consideration,
- Their commitment to follow up the review process begun at the First Review Conference and, for that purpose, establish a regular review mechanism for the Convention and its annexed Protocols.

The High Contracting Parties recognize that the important principles and provisions contained in this Final Declaration can also serve as a basis for further strengthening the Convention and its Protocols and express their determination to implement them.

Review of the Preamble

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 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 by the year 2000.

Review of the Articles

Article 1

The Conference acknowledges and confirms that the High Contracting Parties broadened the scope of Protocol II.

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 57 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, as appropriate, to the Convention, thus contributing to the achievement of universal adherence to the Convention.

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

Article 5

The Conference notes the provisions of Article 5.

Article 6

The Conference underlines the importance of 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 takes note of an invitation by a High Contracting Party to a seminar concerning dissemination.

Article 7

The Conference notes the provisions of Article 7.

Article 8

The Conference agrees that future Review Conferences should be held more frequently, with consideration to be given to holding a Review Conference every five years. The Conference decides, consistent with Article 8.3 (c) to convene a further Conference five years following the entry into force of the amendments adopted at the First Review Conference, but in any case not later than 2001, with preparatory expert meetings starting as early as 2000, if necessary.

The Conference welcomes the adoption of the text of an amended Protocol II in accordance with subparagraph 3 (a) of this Article.

The Conference recalls the provisions of subparagraph 3 (b) of this Article which stipulates that consideration may be given to any proposal for additional protocols relating to other categories of conventional weapons not covered by the existing annexed Protocols. The Conference welcomes the adoption on 13 October 1995 of the text of an additional Protocol on Blinding Laser Weapons (Protocol IV).

The Conference proposes that the next Review Conference may consider the question of preparing a possible additional Protocol on small-calibre weapons and ammunition.

The Conference proposes that the next Review Conference consider the question of eventual further measures in relation to naval mines and other conventional weapons, which may be deemed to cause unnecessary suffering or to have indiscriminate effects.

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 request by the delegation of China to correct the original Chinese text of the Convention and its annexed Protocols.

Review of the Protocols

Protocol on Non-Detectable Fragments (Protocol I)

The Conference takes note of 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 has comprehensively reviewed the scope and operation of the original Protocol. The Conference is deeply concerned that despite the existence of the Protocol, hundreds of people, mostly unarmed civilians, are estimated to be killed or maimed each week by the indiscriminate effect of the irresponsible use of landmines, in particular anti-personnel

mines; and also that unarmed civilians continue to be victims of indiscriminate effects of irresponsible use of booby-traps and other devices. These actions also obstruct agriculture and economic development and reconstruction, and inhibit the repatriation of refugees and the return of internally displaced persons and cause intolerable situations in many parts of the world,

The Conference concluded that the original Protocol should be strengthened in a number of areas. The Conference therefore adopts the amended Protocol which brings about important improvements in such areas as the scope of its application, general restrictions from the humanitarian point of view, substantive prohibitions and restrictions on mine use, transfers, compliance provisions, mine clearance obligations and in the field of technological cooperation, and anticipates that these and other related issues could be further addressed at future review conferences with due regard to continuing humanitarian concerns,

The Conference encourages the High Contracting Parties which defer the application of the technical requirements as specified in the Technical Annex to make all best endeavours to comply with such requirements in accordance with paragraphs 2 and 3 of the Technical Annex during the deferral periods,

The Conference looks forward to the first annual meeting of States Parties which will be convened pursuant to new Article 13 after entry into force of the amended Protocol,

The Conference proposes that the Depositary convene, at an early date, following entry into force of the Protocol, a preparatory meeting for the first Annual Conference of the Parties under Article 13 of the amended Protocol. Such a preparatory meeting should elaborate and propose for the Annual Conference the draft Rules of Procedure of the Conference and Agenda items which may include review of the operation and status of 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 and of NGOs in a number of fields, in particular surgical 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 takes note of the provisions of this Protocol.