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# Fifth 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

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Geneva, 12–16 December 2016

Agenda item 18

Consideration and adoption of the final documents

## Final Document of the Fifth Review Conference

### Part I

#### I. Introduction

1. The First 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 (CCW) agreed, *inter alia*, that “future review conferences should be held more frequently, with consideration to be given to holding a review conference every five years.” (CCW/CONF.I/16, Part I, Annex III, Final Declaration, Article 8).
2. The Second Review Conference of the High Contracting Parties to the Convention agreed, *inter alia*, that future review conferences should continue to be held on a regular basis. In this connection, the Conference decided, consistent with Article 8.3 (c) of the Convention, “to convene a further Conference five years following the entry into force of the amendments adopted at the Second Review Conference, but in any case not later than 2006, with preparatory meetings starting as early as 2005, if necessary.” (CCW/CONF.II/2, Part II, Final Declaration, Article 8).
3. The Third Review Conference of the High Contracting Parties to the Convention “[...] recalled their agreement reached by the Second Review Conference in 2001 in reviewing Article 8 of the Convention.” (CCW/CONF.III/11, Part II, Article 8).
4. The Fourth Review Conference of the High Contracting Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (CCW) agreed that “review conferences should continue to be held on a regular basis”, as contained in paragraph 3 of the review of Article 8 of the Convention as stipulated in its Final Document (CCW/CONF.IV/4/Add.1)
5. The 2015 Meeting of the High Contracting Parties to the Convention decided, as contained in paragraph 38(f) of its Final Document (CCW/MSP/2015/9), that the Fifth Review Conference would be held from 12 to 16 December 2016 in Geneva, and in paragraph 38(c) that its Preparatory Committee would be held from 31 August to 2

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September 2016 in Geneva under the responsibility of the President-designate of the Fifth Review Conference, Ambassador Tehmina Janjua of Pakistan.

## II. Organization of the Fifth Review Conference

6. The Fifth Review Conference was held in Geneva from 12 to 16 December 2016.
7. On 12 December 2016, the Conference was opened by Ms. Sashika Somarathne, Chargé d'affaires, on behalf of Ambassador Ravinatha Pandukabhaya Aryasinha of Sri Lanka, Chairperson of the 2015 Meeting of the High Contracting Parties to the Convention.
8. At its first plenary meeting, on 12 December 2016, the Conference confirmed the nomination by acclamation of Ambassador Tehmina Janjua of Pakistan as President of the Fifth Review Conference.
9. The Conference adopted its Agenda as recommended by the 2015 Meeting of the High Contracting Parties to the Convention (CCW/CONF.V/1) and endorsed by the Preparatory Committee.
10. The Conference adopted the Rules of Procedure, as recommended by the Preparatory Committee of the Fifth Review Conference (CCW.CONF.V/4). In adopting the Rules of Procedure, Rule 43 was suspended.
11. The Conference confirmed the nomination of Ms. Mary Soliman, Acting Director of the United Nations Office for Disarmament Affairs (UNODA), Geneva Branch, as the Secretary General of the Fifth Review Conference. Serving as the Secretaries of the Conference were Mr. Bantan Nugroho, Head of the Implementation Support, and Ms. Hine-Wai Loose, Political Affairs Officer, Implementation Support Unit.
12. The Conference adopted its Programme of Work (CCW/CONF.V/3) as recommended by the Preparatory Committee and as orally amended. In accordance with Rule 35 of the Rules of Procedure, the Conference decided to distribute its work between the two Main Committees as follows:
  - Main Committee I: Review the scope and operation of the Convention and its annexed Protocols; consideration of any proposal for the Convention and its existing protocols; and preparation and consideration of the final documents;
  - Main Committee II: Consideration of proposals for additional protocols to the Convention.
13. Pursuant to Rule 6 of its Rules of Procedure and as recommended by the Preparatory Committee, the Conference elected ten Vice-Presidents from the following High Contracting Parties: Algeria, Bulgaria, China, Ecuador, Estonia, Italy, Nicaragua, Poland, Switzerland, and United States of America. The Conference also elected the Chairpersons and Vice-Chairpersons of the Credentials Committee, the two Main Committees and the Drafting Committee, as follows:
  - (a) Main Committee I Chairperson and Vice-Chairperson: Ambassador Matthew Rowland of the United Kingdom of Great Britain and Northern Ireland and Ambassador Jānis Kārklīņš of Latvia.
  - (b) Main Committee II Chairperson and Vice-Chairperson: Ambassador Tudor Ulianoschi of the Republic of Moldova and Ambassador Alice Guitton of France.
  - (c) Drafting Committee: Ambassador Tehmina Janjua of Pakistan and Ambassador Julio Herráiz of Spain.

14. As recommended by the Preparatory Committee, the Conference elected representatives from the following High Contracting Parties as members of the Credentials Committee: Ms. Maya Yaron of Israel as Chairperson, Ms. Grisselle Rodriguez of Panama as Vice-Chairperson, and Mr. Ioannis Michelogiannakis of Greece, Ms. Jorune Martinaviciute of Lithuania and Mr. Raphael Hermoso of the Philippines.

### **III. Participation at the Conference**

15. The following High Contracting Parties to the Convention participated in the work of the Conference: Albania, Algeria, Argentina, Australia, Austria, Bahrain, Belarus, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Cambodia, Cameroon, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Holy See, Honduras, Hungary, India, Iraq, Ireland, Israel, Italy, Japan, Jordan, Kazakhstan, Kuwait, Lao People's Democratic Republic, Latvia, Lithuania, Luxembourg, Madagascar, Malta, Mexico, Monaco, Mongolia, Montenegro, Morocco, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saudi Arabia, Senegal, Serbia, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, State of Palestine, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Togo, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, and Venezuela (Bolivarian Republic of).

16. The following Signatory States also participated in the work of the Conference: Afghanistan, Egypt, and Viet Nam.

17. The following States not parties to the Convention participated as observers: Ethiopia, Ghana, Indonesia, Lebanon, Mozambique, Myanmar, Singapore, Thailand, Yemen, and Zimbabwe.

18. The representatives of the European Union, Department of Peacekeeping Operations Office of Rule of Law and Security Institutions, United Nations Mine Action Service (UNMAS), United Nations Office for Disarmament Affairs (UNODA), United Nations Institute for Disarmament Research (UNIDIR), International Committee of the Red Cross (ICRC), Geneva International Center for Humanitarian Demining (GICHD), participated in the work of the Conference.

19. The following non-governmental organizations and entities participated in the work of the Committee: Birmingham City University, Campaign to Stop Killer Robots (Article 36, Association for Aid and Relief Japan (AAR-Japan), Facing Finance, Human Rights Watch, International Committee for Robot Arms Control, Mines Action Canada, Nobel Women's Initiative, PAX, Pax Christi International, SEHLAC, and Women's International League for Peace and Freedom (WILPF)), Center for International Stabilization and Recovery (CISR), Geneva Disarmament Platform, ICT for Peace Foundation, Mines Advisory Group (MAG), Norwegian People's Aid, Save the Children International, The Halo Trust, World Council of Churches, Geneva Academy of International Humanitarian Law and Human Rights, Harvard Law School, James Madison University, Stockholm International Peace Research Institute (SIPRI), University of Sussex.

### **IV. Work of the Fifth Review Conference**

20. Under the presidency of Ambassador Tehmina Janjua of Pakistan, the Conference held six plenary meetings.

21. The Conference noted with appreciation the Report of the Preparatory Committee (CCW/CONF.V/PC/4).
22. The Conference received a message from the Secretary-General of the United Nations, Mr. Ban Ki-moon, which was delivered by Mr. Michael Møller, Director-General of the United Nations Office at Geneva.
23. At its first and second plenary meetings, on 12 December 2016, the following delegations participated in the general exchange of views: Algeria, Argentina, Australia, Austria, Belarus, Belgium, Brazil, Bulgaria, Cambodia, Cameroon, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Ecuador, Estonia, Finland, France, Germany, Greece, Holy See, India, Iraq, Ireland, Israel, Italy, Japan, Kuwait, Latvia, Lao People's Democratic Republic, Lithuania, Mexico, Montenegro, Netherlands, New Zealand, Nicaragua, Pakistan, Panama, Peru, Philippines, Republic of Korea, Republic of Moldova, Russian Federation, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela (Bolivarian Republic of) (on behalf of the Non-Aligned Movement), European Union, United Nations Mine Action Service (on behalf of the United Nations Inter-Agency Coordination Group on Mine Action), ICRC, GICHD, AAR-Japan, Human Rights Watch, Mines Action Canada, Nobel Women's Initiative, PAX Christi International, WILPF, and World Council of Churches.
24. Main Committee I held meetings from 13 to 16 December 2016. The Chairperson of the Committee, Ambassador Matthew Rowland of the United Kingdom of Great Britain and Northern Ireland, presented its report to the Conference.
25. Main Committee II held meetings from 13 to 15 December 2016. The Chairperson of the Committee, Ambassador Tudor Ulianovschi of the Republic of Moldova, presented its report to the Conference.
26. The Credentials Committee held meetings on 12, 13 and 14 December 2016. The Chairperson of the Committee, Ms Maya Yaron of Israel, presented its report to the Conference.
27. The Drafting Committee was not convened.

## **V. Decisions and Recommendations of the Conference**

28. At its plenary meeting on 15 December 2016 the Conference approved the report of the Credentials Committee and adopted the draft resolution as contained in CCW/CONF.V/CC/1.
29. At its plenary meeting on 15 December 2016 under agenda item 17 on "Other matters", the Conference adopted a decision on the Summary Records as contained in Decision 7 of the Final Declaration.
30. At its final plenary meeting, on 16 December 2016, the Conference approved the reports of Main Committee I and Main Committee II, as contained in CCW/CONF.V/MC.I/3 and CCW/CONF.V/MC.II/3.
31. At its final plenary meeting, on 16 December 2016, the Conference adopted its Final Declaration, as orally amended, as contained in the Final Document, Part II, and the estimated costs of the Meeting of the High Contracting Parties to the Convention in 2017, as contained in CCW/CONF.V/8/Add.1, and the estimated costs of the Group of Governmental Experts on lethal autonomous weapons systems (LAWS), as contained in CCW/CONF.V/9, Annex II.

32. At its final plenary meeting, on 16 December 2016, the Conference decided to elect Ambassador Matthew Rowland of the United Kingdom of Great Britain and Northern Ireland as Chairperson of the Meeting of the High Contracting Parties to the Convention to be held in 2017.

33. At its final plenary meeting, on 16 December 2016, the Conference adopted its Final Document, as contained in CCW/CONF.V/CRP.1, as orally amended, which is being issued as document CCW/CONF.V/10.

## Part II

### Final Declaration

*The High Contracting Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, which met in Geneva from 12 to 16 December 2016, 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, the Second Review Conference in 2001, the Third Review Conference in 2006 and the Fourth Review Conference in 2011,

*Reaffirming* their conviction that the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects is a major instrument of international humanitarian law, which contributes to both preventing and reducing the suffering of civilians and combatants,

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

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

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

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

*Acknowledging* the key role of the Convention in monitoring ongoing and new developments in weapons, means and methods of war that may be deemed to be excessively injurious or to have indiscriminate effects, and in related science and technology, with a view to ensuring the continued relevance, integrity and adequacy of the Convention,

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

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

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

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

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

*Acknowledging* the foreseeable effects of explosive remnants of war and explosive weapons on civilian populations as a factor to be considered in applying the International Humanitarian Law rules of precautions, distinction and proportionality,

*Deeply concerned* at the indiscriminate use and effects of improvised explosive devices (IEDs) and at the increasing global impact of IED attacks worldwide, in particular through the perpetration of terrorist acts, and recalling in this regard the concern expressed in UN General Assembly resolution 71/72 “Countering the threat posed by improvised explosive devices” adopted without a vote.

## I.

### **Solemnly declare:**

1. Their commitment to respect and comply fully, in accordance with the norms and principles of international law, with the objectives and provisions of the Convention and its annexed Protocols to which they are party as authoritative international instruments governing the use of certain conventional weapons which may be deemed to be excessively injurious or to have indiscriminate effects,
2. Their acknowledgement that all parties to a conflict have an obligation to comply with international humanitarian law during an armed conflict and for High Contracting Parties to apply, *inter alia*, the prohibitions and restrictions of the Convention and its annexed Protocols to which they are party,
3. Their desire that all States respect and ensure respect for the revised scope of application of the Convention to the fullest extent possible, and their determination to encourage all States which have not yet done so to ratify, accept, approve or accede to, as appropriate, the amendment to Article 1 without delay,
4. Their determination to encourage all States to become parties, as soon as possible, to the Protocol on Non-Detectable Fragments (Protocol I), the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices as amended on 3 May 1996 (Amended Protocol II), the Protocol on Prohibitions or Restrictions on the Use of

Incendiary Weapons (Protocol III), the Protocol on Blinding Laser Weapons (Protocol IV), and the Protocol on Explosive Remnants of War (Protocol V) and to encourage all States to respect and ensure respect for the substantive provisions of these Protocols,

5. 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,

6. 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,

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

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

9. The Conference welcomes the informal discussions held in the framework of the informal meetings of experts on emerging technologies in the area of lethal autonomous weapons systems (LAWS) in 2014, 2015 and 2016 and takes note of the reports of the Chairpersons submitted under their own responsibility,

10. Their determination to minimise humanitarian harm and to ensure full compliance with international humanitarian law when using mines other than anti-personnel mines, to take appropriate measures before, during and after active hostilities to enhance protection of civilians, and to take appropriate measures to facilitate post-conflict clearance operations,

11. Their determination to strengthen the respect for international humanitarian law and to address, in the context and objectives of the Convention and its annexed Protocols, the challenges presented by the use of conventional weapons during armed conflict and their impact on civilians, particularly in areas where there are concentrations of civilians,

12. Their determination to urge and support 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,

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

14. Their acknowledgement of the invaluable contributions that High Contracting Parties to Protocols of the Convention make to providing care and rehabilitation and social and economic reintegration of victims of explosive remnants of war and their encouragement of such High Contracting Parties to continue such assistance to the extent possible and their acknowledgement of the complementarity of these efforts with efforts in the area of victim assistance under other mine-action related conventions,

15. Their acknowledgement of the important work done by the High Contracting Parties to Protocols of the Convention, especially through the voluntary exchange of information, which contributed to raising awareness of the magnitude of the threat posed by the

indiscriminate use of IEDs, and their commitment to continue to address the problem of IEDs in the context of Amended Protocol II, stressing the need for coordination with various existing initiatives and approaches relating to IEDs, including through open informal consultations, as provided for by United Nations General Assembly resolution 71/72,

16. Their acknowledgement of the invaluable contribution of the Sponsorship Programme to promote the universalization and implementation of the Convention and its annexed Protocols, and express their appreciation for the administrative support provided by the Geneva International Centre for Humanitarian Demining to the Programme.

## II.

### **With the aim of continuing to advance the Convention and its Protocols over the next review cycle, the Conference agrees the following actions:**

#### **Universalization**

17. The officeholders of the CCW, Protocol V and Amended Protocol II are to *promote* universalization of the Convention and its Protocols, and specifically to *address* States not party, coordinate their activities giving consideration, *inter alia*, to the elaboration of an action plan and, under the Standing Agenda Item on Universalization of the annual Meeting of High Contracting Parties, to *report* on their efforts and the progress made in this area.

18. High Contracting Parties under the Standing Agenda Item on Universalization are encouraged to *report* on their initiatives to promote universalization of the Convention and its Protocols and to *consider* adhering to the Protocols to which they are not yet a party and report on the steps taken to do so.

19. High Contracting Parties which have not yet done so are to *consider* adhering to the 2001 amendments to Article 1, which extends Protocols I, II, III and IV to non-international armed conflicts.

20. The Implementation Support Unit is to *provide* the necessary administrative and substantive support to the officeholders and High Contracting Parties in their efforts to promote universalization, gather information on States not yet party and work towards the objective of universal adherence to the Convention and its Protocols.

#### **Strengthening national implementation and compliance**

21. High Contracting Parties *reaffirm* their commitment to the compliance mechanism for the Convention and its annexed Protocols as agreed at the Third Review Conference and the Meeting of High Contracting Parties to the Convention in 2007.

22. High Contracting Parties are *called on* to submit compliance reports. The Chairperson of the annual Meetings of the High Contracting Parties to the Convention is *tasked* with encouraging higher rates of compliance reporting and is required to *report* on his or her efforts in fulfilment of this task under the Standing Agenda Item on Compliance of the annual Meeting of High Contracting Parties.

23. High Contracting Parties are to *reinforce* their efforts to disseminate information on the Convention and its Protocols to their armed forces and civilian population.

24. High Contracting Parties are to *consider* and *share* their experiences on providing assistance and cooperation for the implementation of the Protocols.

#### **Sponsorship Programme**



25. High Contracting Parties in a position to do so are encouraged to *contribute* to the Sponsorship Programme. The Steering Committee of the Sponsorship Programme is to continue to *report* on its activities and finances each year to the Meeting of the High Contracting Parties.

#### **Implementation Support Unit**

26. The Implementation Support Unit is to *work* effectively and efficiently and in its annual report to the Meeting of the High Contracting Parties to continue to report on the estimated costs versus the actual costs of the meetings and conferences of the preceding year.

27. In order to further promote financial transparency and accountability and taking into account the practice of multilateral and other organizations, *requests* the Implementation Support Unit to provide regular updates on the status of States' financial contributions to the CCW and its Protocols and to submit a financial report on these matters to the annual Meeting of the High Contracting Parties to be circulated as an official document.

28. The Chairperson of the Meeting of the High Contracting Parties is to report each year on the implementation of the above actions.

#### **Financial issues related to the Convention and its annexed Protocols**

29. High Contracting Parties and States not parties participating in the meetings of the Convention and its annexed Protocols declare their determination to ensure full compliance with all financial obligations under the Convention and its annexed Protocols as well as to explore measures that could reduce costs and improve the efficiency and financial stability of such meetings without prejudice to the Rules of Procedure and to their quality, and their commitment to address issues arising from outstanding contributions in a timely manner.

30. High Contracting Parties and States not parties participating in the meetings of the Convention and its annexed Protocols acknowledge that the United Nations will endeavour to streamline the process of issuing invoices and that funds must be available 90 days before any proposed meeting due to recently implemented United Nations financial accounting practices and, in this regard, stress their resolve to proceed with the payment of their share of the estimated costs as soon as the assessment invoices have been received from the United Nations.

### **III.**

#### **The Conference takes the following decisions:**

##### **Decision 1**

To establish an open-ended Group of Governmental Experts (GGE) related to emerging technologies in the area of lethal autonomous weapons systems (LAWS) in the context of the objectives and purposes of the Convention, which shall meet for a period of ten days in 2017, 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.

The GGE will hold its first session from 24 to 28 April 2017<sup>1</sup> or from 21 to 25 August 2017,<sup>2</sup> and its second session from 13 to 17 November 2017 in Geneva.

<sup>1</sup> Provided that all of the financial and budgetary conditions are met by 1 March 2017.

The GGE will be chaired by Ambassador Amandeep Singh Gill of India.

**Decision 2**

To add to the agenda of the next Meeting of the High Contracting Parties in 2017 the item “Protocol III”.

**Decision 3**

To add to the agenda of the next Meeting of the High Contracting Parties in 2017 the item “Mines Other than Anti-Personnel Mines”.

**Decision 4**

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”.

**Decision 5**

To invite the Chairperson 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 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”.

**Decision 6**

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 Chairperson elect in consultation with High Contracting Parties, the Implementation Support Unit and United Nations Financial Resources Management Service on working within the Enterprise Resource Planning System (UMOJA), and to invite the Implementation Support Unit to present to each such meeting a biennial budget for consideration by High Contracting Parties.

**Decision 7**

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.

**Decision 8**

To continue the Sponsorship Programme.

**Decision 9**

To organize in 2017, in accordance with the relevant decisions taken by the Eighteenth Annual Conference of the High Contracting Parties to Amended Protocol II and the Tenth Conference of the High Contracting Parties to Protocol V, and subject to available resources, the following CCW related activities:

- (i) Group of Experts of the High Contracting Parties to Amended Protocol II from 19 to 20 April 2017, or from 28 to 29 August 2017;

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<sup>2</sup> In case the meeting scheduled for 24-28 April 2017 could not be convened.

- (ii) Meeting of Experts of the High Contracting Parties to Protocol V from 20 and 21 April 2017, or from 29 to 30 August 2017;
- (iii) Group of Governmental Experts of the High Contracting Parties related to emerging technologies in the area of lethal autonomous weapons systems (LAWS) First Session from 24 to 28 April 2017 or from 21 to 25 August 2017 and Second Session from 13 to 17 November 2017 and adopted its estimated costs (Annex II of CCW/CONF.V/9);
- (iv) Eleventh Conference of the High Contracting Parties to Protocol V on 20 November 2017;
- (v) Nineteenth Annual Conference of the High Contracting Parties to Amended Protocol II on 21 November 2017;
- (vi) Meeting of the High Contracting Parties to the Convention from 22 to 24 November 2017 and adopted its estimated costs (CCW/CONF.V/8/Add.1).

## IV.

### Review:

#### *The Conference*

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

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

33. *Underlines* the need to achieve universal adherence to the Convention and its annexed Protocols.

34. *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

35. *Notes* the provisions of Article 1, as amended on 21 December 2001.

36. *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**

37. *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**

38. *Notes* the provisions of Article 3.

**Article 4**

39. *Acknowledges* that 123 High Contracting Parties have ratified, accepted, acceded or succeeded to the Convention.

40. *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.

**Article 5**

41. *Notes* the provisions of Article 5.

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

**Article 6**

43. *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.

44. *Welcomes* the work of the Sponsorship Programme to promote awareness and understanding of the Convention and its annexed Protocols.

45. *Also welcomes* the ongoing work of the Implementation Support Unit to produce promotional materials on the CCW and its Protocols and to maintain and update the CCW website.

**Article 7**

46. *Notes* the provisions of Article 7.

47. On compliance, the Conference *welcomes* the agreement on actions to reinforce implementation of the compliance mechanism of the Convention and its annexed Protocols.

**Article 8**

48. *Notes* the provisions of Article 8.
49. *Agrees* to establish an open-ended Group of Governmental Experts related to emerging technologies in the area of lethal autonomous weapons systems (LAWS), which shall meet for a period of ten days in 2017, 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.
50. *Recalls* their agreement reached at all four previous Review Conferences that such conferences should continue to be held on a regular basis.

**Article 9**

51. *Notes* with satisfaction that the provisions of this Article have not been invoked.

**Article 10**

52. *Notes* the provisions of Article 10.

**Article 11**

53. *Notes* the provisions of Article 11.

**Protocol on Non-Detectable Fragments (Protocol I)**

54. *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**

55. *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**

56. *Notes* the provisions of this Protocol.
57. *Reaffirms* the commitment of the High Contracting Parties to take the necessary measures under this Protocol and to ensure the full and effective national implementation of the obligations under this Protocol.
58. *Welcomes* the efforts of the High Contracting Parties to Amended Protocol II to reduce the indiscriminate effects of the use of mines, booby-traps and other devices and to ensure that any such weapons designed or of a nature to cause superfluous injuries or unnecessary suffering is never used.
59. *Welcomes* the decision by the Tenth Annual Conference of the High Contracting Parties to Amended Protocol II in 2008, in the framework of revitalizing the work under

Amended Protocol II and to further enhance its implementation, to establish an informal open-ended Group of Experts.

60. *Notes* with satisfaction that annual meetings of the Group of Experts of the High Contracting Parties to Amended Protocol II have been held since 2009 to review the operation and status of the Protocol, consider matters arising from reports by High Contracting Parties according to Article 13, paragraph 4 of Amended Protocol II and the development of technologies to protect civilians against indiscriminate effects of mines, as well as the issue of Improvised Explosive Devices (IEDs).

61. *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.

62. *Notes* with satisfaction the continued substantive discussions on IEDs which provided the Group of Experts of the High Contracting Parties to Amended Protocol II the opportunity to engage actively in a topic relevant to the provisions of Amended Protocol II and their implementation. It has been the focus of the High Contracting Parties since 2009 to share experience on the scale of the humanitarian harm caused by IEDs and to consider efforts at the national, regional and international levels to defeat and prevent the unlawful use of IEDs and to reduce their indiscriminate effects through:

(a) Maintaining a compilation of existing technical guidelines, best practices, and other recommendations aiming at addressing the diversion or illicit use of materials which can be used for IEDs;

(b) Exchanging information on technical developments relevant to mitigating the threat posed by IEDs and the impact on civilians; and on risk awareness/public education campaigns;

(c) Exchanging information on IED incidents, and exploring solutions for automated information exchange, such as databases, portals or platforms;

(d) Keeping all High Contracting Parties apprised of all IED-relevant developments in other *fora*, so as to enable unity of actions;

(e) Agreeing on a one-time, voluntary questionnaire with a view to enhancing international cooperation and assistance and strengthening national capacities of the High Contracting Parties in mitigating the problem of IED, including through the establishment of a network of national points of contact.

63. *Notes* the Declaration on Improvised Explosive Devices adopted by the Eighteenth Annual Conference of the High Contracting Parties to Amended Protocol II and included as Annex V of the final report of that Conference issued as CCW/AP.II/CONF.18/6.

64. *Notes* the decision by the High Contracting Parties to Amended Protocol II to analyse the different reporting forms each year to improve the quality of reporting and of the information contained in the forms submitted.

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

66. *Notes* with satisfaction that, in accordance with Article 13 of Amended Protocol II, eighteen Annual Conferences of the High Contracting Parties have been held for the purpose of consultations and cooperation on all issues related to Amended Protocol II.

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

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

69. *Recommends* that future Annual Conferences of the High Contracting Parties to Amended Protocol II be held back-to-back with Meetings of the High Contracting Parties to the Convention and the Conferences of the High Contracting Parties to Protocol V.

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

70. *Notes* the provisions of this Protocol and calls for their full implementation by all High Contracting Parties to the Protocol.

71. *Notes* the concerns raised by a number of High Contracting Parties over the recent growing number of reports of use of incendiary weapons against civilians and condemns any use of incendiary weapons against civilians or civilian objects, and any other use incompatible with relevant rules of International Humanitarian Law, including provisions of Protocol III where applicable.

72. *Calls* on all parties to armed conflicts to respect relevant rules of International Humanitarian Law, including provisions of Protocol III where applicable.

### **Protocol on Blinding Laser Weapons (Protocol IV)**

73. *Notes* the provisions of this Protocol and welcomes that there has been no confirmed use of blinding laser weapons. It also *reminds* High Contracting Parties of the need to take all feasible precautions, in the use of laser systems, to avoid incidence of permanent blindness to unenhanced vision, as required by Article 2.

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

74. *Notes* the provisions of this Protocol and *welcomes* the efforts of the High Contracting Parties to Protocol V to address the deleterious humanitarian effects of explosive remnants of war.

75. *Appreciates* the fact that since the Fourth Review Conference 15 new High Contracting Parties joined the Protocol which brings the total number to 91 and reiterates the need for further vigorous efforts from High Contracting Parties, United Nations, international and regional organizations, International Committee of the Red Cross and non-governmental organizations to promote universalization of the Protocol.

76. *Notes* with appreciation achievements within Protocol V, especially the progress on the promotion and implementation of Articles 3 and 4, efforts to raise awareness of the needs of affected States in the area of cooperation and assistance; promotion of Article 8(2)

and the Plan of Action on Victim Assistance along with the adoption of a reporting template on Victim Assistance; the discussion on the safe storage of munitions and the management of munitions sites; and that 66 High Contracting Parties have submitted a national report.

77. *Encourages* the High Contracting Parties to Protocol V to continue with their efforts to encourage a higher rate of national reporting, including through the consideration of an appropriate mechanism; to convene an Article 4 workshop; to consider in-depth the clearance of explosive remnants of war and generic preventive measures; and to prioritize the work on cooperation and assistance and victim assistance.

78. *Acknowledges* the cooperative approach of High Contracting Parties to Protocol V and that this has been facilitated through the decision of the First Conference of the High Contracting Parties to Protocol V in 2007 to establish a mechanism for consultation and cooperation consisting of informal meetings of experts chaired by coordinators of which there have been nine meetings. Each year the High Contracting Parties shall determine the focus of the meetings of experts to be chaired by coordinators.

79. *Further acknowledges* that, in accordance with Article 10 of Protocol V, ten Conferences of the High Contracting Parties have been held for the purpose of consultations and cooperation on all issues related to the operation of Protocol V.

80. *Acknowledges* the valuable contributions and work of relevant agencies and bodies of the United Nations; relevant international and regional organizations; International Committee of the Red Cross, Geneva International Centre for Humanitarian Demining, as well as of non-governmental organizations in a number of fields relevant to Protocol V, in particular the care and rehabilitation of victims of explosive remnants of war, risk education, and clearance, removal or destruction of unexploded ordnance and abandoned explosive ordnance.

81. *Recommends* that future Conferences of the High Contracting Parties to Protocol V be held back-to-back with meetings of the High Contracting Parties to the Convention and the Annual Conferences of the High Contracting Parties to Amended Protocol II.



## **Annex I**

### **Agenda of the Fifth Review Conference**

(As adopted at the first plenary meeting on 12 December 2016)

1. Opening of the Conference
2. Confirmation of the nomination of the President-designate
3. Adoption of the agenda
4. Adoption of the rules of procedure
5. Confirmation of the nomination of the Secretary-General of the Conference
6. Organization of work including that of the subsidiary bodies of the Conference
7. Election of the Vice-Presidents of the Review Conference, Chairpersons and Vice-Chairpersons of the main Committees, the Drafting Committee, and the Credentials Committee
8. Appointment of the Credentials Committee
9. Submission of the report of the Preparatory Committee
10. General exchange of views
11. Review of the scope and operation of the Convention and its annexed protocols
12. Consideration of any proposal for the Convention and its existing protocols
13. Consideration of proposals for additional protocols to the Convention and other proposals
14. Report of the Credentials Committee
15. Reports of the Main Committees
16. Report of the Drafting Committee
17. Other matters
18. Consideration and adoption of the final documents
19. Closing of the Conference

## **Annex II**

### **Provisional Agenda of the 2017 Meeting of the High Contracting Parties to the Convention**

(As recommended by the 2016 Fifth Review Conference of the High Contracting Parties at its final plenary meeting on 16 December 2016)

1. Opening of the Meeting
2. Confirmation of the election of the Chairperson of the Meeting
3. Adoption of the agenda
4. Confirmation of the rules of procedure
5. Confirmation of the nomination of the Secretary-General of the Meeting
6. Organization of work, including that of any subsidiary body of the Meeting
7. General exchange of views
8. Consideration of the report of the Group of Governmental Experts on emerging technologies in the area of lethal autonomous weapons systems (LAWS)
9. Protocol III
10. Mines other than anti-personnel mines (MOTAPM)
11. Consideration of how developments in the field of science and technology relevant to the Convention may be addressed under the Convention
12. Universalization of the Convention and its annexed Protocols
13. Consideration of the report of the CCW Sponsorship Programme
14. Status of implementation of and compliance with the Convention and its Protocols
15. Consideration of the report of the Implementation Support Unit
16. Financial issues related to the Convention and its annexed Protocols
17. Consideration and adoption of the final report
18. Other matters
19. Closing of the Meeting

## Annex III

### List of Documents

<i>Symbol</i>	<i>Title</i>
CCW/CONF.V/1	Provisional agenda of the Fifth Review Conference
CCW/CONF.V/2	Report of the 2016 Informal Meeting of Experts on lethal autonomous weapons systems (LAWS). Submitted by the Chairperson of the Informal Meeting of Experts
CCW/CONF.V/3	Provisional programme of work for the Fifth Review Conference. Submitted by the President-designate of the Fifth Review Conference
CCW/CONF.V/4	Draft Rules of Procedure of the Fifth 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. Submitted on recommendation by the Preparatory Committee of the Fifth Review Conference of the High Contracting Parties to the Convention
CCW/CONF.V/5 and Add.1	Report of the Sponsorship Programme. Submitted by the Steering Committee of the Sponsorship Programme
CCW/CONF.V/6	Promoting Universality of the Convention and its Protocols. Submitted by the Implementation Support Unit
CCW/CONF.V/7	Report of the Implementation Support Unit. Submitted by the Implementation Support Unit
CCW/CONF.V/8 and Add.1	Estimated Costs. 2017 Meeting 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. Note by the Secretariat
CCW/CONF.V/9	Estimated Costs. 2017 Meeting of experts on lethal autonomous weapons systems (LAWS). Note by the Secretariat
CCW/CONF.V/CC/1	Report of the Credentials Committee. Submitted by the Chair of the Credentials Committee
CCW/CONF.V/CC/CRP.1	Draft report of the Credentials Committee
CCW/CONF.V/MC.I/1	Provisional agenda. Main Committee I of the Fifth Review Conference. Submitted by the President-

<i>Symbol</i>	<i>Title</i>
	Designate of the Fifth Review Conference
CCW/CONF.V/MC.I/2	Provisional programme of work. Main Committee I of the Fifth Review Conference. Submitted by the President-Designate of the Fifth Review Conference
CCW/CONF.V/MC.I/3	Report of Main Committee I. Submitted by the Chairperson of Main Committee I
CCW/CONF.V/MC.I/L.1	Draft final declaration. Submitted by the Chairperson-designate of Main Committee I
CCW/CONF.V/MC.II/1	Provisional agenda. Main Committee II of the Fifth Review Conference. Submitted by the President-designate of the Fifth Review Conference
CCW/CONF.V/MC.II/2	Provisional programme of work. Main Committee II of the Fifth Review Conference
CCW/CONF.V/MC.II/3	Report of Main Committee II. Submitted by the Chairperson of Main Committee II
CCW/CONF.V/MISC.1	Provisional list of participants
CCW/CONF.V/WP.1	Annotated programme of work for the informal meeting of experts on lethal autonomous weapons systems (LAWS), Geneva, 11-15 April 2016. Submitted by the Chairperson of the informal meeting of experts
CCW/CONF.V/WP.2	Food-for-thought. Submitted by the Chairperson of the informal meeting of experts
CCW/CONF.V/WP.3	Views and Recommendations for the Fifth Review Conference of the Convention on Certain Conventional Weapons. Working Paper submitted by the International Committee of the Red Cross
CCW/CONF.V/WP.4	S&T and the CCW - Consideration of developments in science and technology that may be relevant to the work of the Convention on Certain Conventional Weapons (CCW). Submitted by Switzerland
CCW/CONF.V/WP.5	Report of the informal meeting on mines other than anti-personnel mines (MOTAPM or anti-vehicle mines). Submitted by United Nations Office for Disarmament Affairs (UNODA), the United Nations Mine Action Service (UNMAS) and the Geneva International Centre for Humanitarian Demining (GICHD)
CCW/CONF.V/WP.6	Improvised explosive devices (IEDs). Submitted by Cuba
CCW/CONF.V/WP.7	Autonomous weapons. Submitted by Cuba

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<i>Symbol</i>	<i>Title</i>
CCW/CONF.V/INF.1/Rev.1	Information for States parties, observer States, intergovernmental organizations and non-governmental organizations. Note by the Implementation Support Unit
CCW/CONF.V/INF.2/Rev.1	List of Participants

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