

**GROUP OF GOVERNMENTAL EXPERTS OF  
THE STATES PARTIES TO THE CONVENTION  
ON PROHIBITIONS OR RESTRICTIONS ON  
THE USE OF CERTAIN CONVENTIONAL  
WEAPONS WHICH MAY BE DEEMED TO BE  
EXCESSIVELY INJURIOUS OR TO  
HAVE INDISCRIMINATE EFFECTS**

CCW/GGE/XV/L.2  
29 August 2006

Original: ENGLISH

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**Fifteenth Session**

**Geneva, 28 August – 6 September 2006**

Item 10 of the Agenda

**Third Review Conference of the  
States Parties to the Convention on  
Prohibitions or Restrictions on the Use of  
Certain Conventional Weapons Which May  
be Deemed to be Excessively Injurious  
or to Have Indiscriminate Effects**

**DRAFT FINAL DOCUMENT  
OF THE 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**

Presented by the President

**PART I**

**REPORT OF THE THIRD REVIEW CONFERENCE**

- I. Introduction
- II. Organization of the Third Review Conference
- III. Work of the Third Review Conference

[TO BE COMPLETED]

## 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 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

**Preambular paragraph 1.** *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, [CCW/CONF.II/2, *preambular paragraph 1, modified*]

**Preambular paragraph 2.** *Gravely concerned* that the indiscriminate effects or the irresponsible use of certain conventional weapons often fall on civilians, including in non-international armed conflicts, [CCW/CONF.II/2, *preambular paragraph 5*]

**Preambular paragraph 3.** *Recognising* that most major armed conflicts are non-international in character, and that such conflicts are also within the scope of the Convention, [CCW/CONF.II/2, , *preambular paragraph.4, modified*]

**Preambular paragraph 4.** *Recognising* the need to protect civilians from the effect of weapons, the use of which is restricted or prohibited by this Convention and its annexed Protocols, which take into account all circumstances ruling at the time, including humanitarian and military considerations, [CCW/CONF.II/2, *preambular paragraph 6*]

**Preambular paragraph 5.** *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, [CCW/CONF.I/16, *preambular paragraph 3, CCW/CONF.II/2, preambular paragraph 3*]

**Preambular paragraph 6.** *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, [CCW/CONF.I/16, *preambular paragraph 3, CCW/CONF.II/2, preambular paragraph 2, modified*]

**Preambular paragraph 7.** *Reaffirming* their unequivocal condemnation of all acts, methods and practices of terrorism as criminal and unjustifiable, regardless of their motivation, in all their forms and manifestations, wherever and by whomever committed, [CCW/CONF.II/2, *preambular paragraph 7*]

**Preambular paragraph 8.** *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, [*new*]

**Preambular paragraph 9.** *Emphasizing* the importance of compliance with the provisions of the Convention and its annexed Protocols by all State Parties, [*new*]

**Preambular paragraph 10.** *Deeply concerned* at the humanitarian and development problems caused by the presence of explosive remnants of war, which constitute an obstacle to the return of refugees and other displaced persons, to humanitarian aid operations, to reconstruction and economic development, as well as to the restoration of normal social conditions, [CCW/CONF.II/2, *preambular paragraph 8*]

**Preambular paragraph 11.** *Welcoming* the entry into force of Protocol V on Explosive Remnants of War (Protocol V) on 13 November 2006, [*new*]

**Preambular paragraph 12.** [MOTAPM]

**Preambular paragraph 13.** [ERW]

**Preambular paragraph 14.** *Reaffirming also* the need to reinforce international cooperation in the area of mine action and to allocate necessary resources towards that end, [CCW/CONF.II/2, *preambular paragraph 12*]

**Preambular paragraph 15.** *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, [CCW/CONF.I/16, *preambular paragraph 16*, CCW/CONF.II/2, *preambular paragraph 14*]

**Preambular paragraph 16.** *Acknowledging* the invaluable humanitarian efforts of non-governmental organisations in armed conflicts and welcoming the expertise they have brought to the work of the Group of Governmental Experts and to the Review Conference itself, [CCW/CONF.I/16, *preambular paragraph 17*, CCW/CONF.II/2, *preambular paragraph 15, modified*]

SOLEMNLY DECLARE:

**Operative paragraph 1.** Their commitment to respect and comply with 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, [CCW/CONF.I/16, *operative paragraph 1*, CCW/CONF.II/2, *operative paragraph 1*]

**Operative paragraph 2.** Their reaffirmation of the principles of international humanitarian law, as mentioned in the Convention, that “the right of the parties to an armed conflict to choose methods or means of warfare is not unlimited, and on the principle that prohibits the employment

in armed conflicts of weapons, projectiles and material and methods of warfare of a nature to cause superfluous injury or unnecessary suffering” and that “the civilian population and the combatants shall at all times remain under the protection and authority of the principles of international law derived from established custom, from the principles of humanity and from the dictates of public conscience”, [CCW/CONF.II/2, *operative paragraph 3*]

**Operative paragraph 3.** Their determination to promote universal adherence to the Convention and its annexed Protocols, and 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 to its annexed Protocols. In this regard, they express their satisfaction with the adoption of the Plan of Action to Promote Universality of the Convention and its annexed Protocols and encourage all States to cooperate to promote universal adherence, [CCW/CONF.II/2, *operative paragraph 2, modified*]

**Operative paragraph 4.** Their commitment to the full implementation of, and compliance with, the Convention and its annexed Protocols, 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, [CCW/CONF.II/2, *operative paragraph 6*]

**Operative paragraph 5.** 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, thereby promoting compliance, [CCW/CONF.II/2, *operative paragraph 7, modified*]

**Operative paragraph 6.** [COMPLIANCE]

**Operative paragraph 7.** Their commitment to reinforce cooperation and assistance, including the transfer of technology as appropriate, with a view to facilitating the implementation of the Convention and its annexed Protocols, [CCW/CONF.II/2, *operative paragraph 8*]

**Operative paragraph 8.** 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, [CCW/CONF.II/2, *operative paragraph 4, modified*]

**Operative paragraph 9.** 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, as appropriate, to the amendment to Article 1 as soon as possible, [CCW/CONF.II/2, *operative paragraph 5, modified*]

**Operative paragraph 10.** 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, [new]

**Operative paragraph 11.** Their conviction that all States should strive towards the goal of the eventual elimination of anti-personnel mines globally, and, in this regard, noting that a significant number of States Parties have formally committed themselves to a prohibition of the use, stockpiling, production and transfer of anti-personnel mines and on their destruction, [CCW/CONF.II/2, *operative paragraph 12*]

**Operative paragraph 12.** Their reaffirmation of the recognition by the First and the Second Review Conference of the need for the total prohibition of blinding laser weapons, the use and transfer of which are prohibited in Protocol IV, [CCW/CONF.I/16, *operative paragraph 19*, CCW/CONF.II/2 *operative paragraph 14, updated*]

**Operative paragraph 13.** Their recognition of the importance of keeping the blinding effects related to the use of laser systems under consideration, taking into account scientific and technological developments, [CCW/CONF.II/2, *operative paragraph 16, modified*]

**Operative paragraph 14.** 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 that all States respect and ensure respect for the substantive provisions of Protocol V [*new*]

**Operative paragraph 15.** Their continuing commitment to address as a matter of urgency the deleterious humanitarian effects of explosive remnants of war, through the establishment of an effective and efficient implementation mechanism under Protocol V and reinforced international cooperation aimed at minimizing the risks and effects of unexploded and abandoned explosive ordnance. [CCW/CONF.II/2, *operative paragraph 9, modified*]

**Operative paragraph 16.** [MOTAPM]

**Operative paragraph 17.** [ERW]

**Operative paragraph 18.** Their continuing 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, explosive remnants of war, booby-traps and other devices in the area in which the mission is performing its functions, [CCW/CONF.II/2, *operative paragraph 13, modified*]

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

DECIDE [ON ERW]

Decision 2

DECIDE **[ON MOTAPM]**

Decision 3

DECIDE **[ON COMPLIANCE]**

Decision 4

DECIDE to adopt a Plan of Action to Promote Universality of the Convention, as contained in Part III C of the Final Document.

Decision 5

DECIDE **[ON SPONSORSHIP]**

Decision 6

DECIDE **[ON FURTHER WORK]**

[TO BE COMPLETED]

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**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. [*CCW/CONF.I/16, CCW/CONF.II/2, review of preambular paragraph 3*]

**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. [*CCW/CONF.I/16, CCW/CONF.II/2, review of preambular paragraph 8*]

**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. [*CCW/CONF.I/16, CCW/CONF.II/2, review of preambular paragraph 10*]

#### **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, as appropriate, to the amendment to Article 1. [*new*]

#### **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. [*CCW/CONF.I/16, CCW/CONF.II/2, review of Art.2*]

#### **Article 3**

The Conference notes the provisions of Article 3. [*CCW/CONF.I/16, CCW/CONF.II/2, review of Art.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, as appropriate, to 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. [*CCW/CONF.I/16, CCW/CONF.II/2, review of Art.4, modified and updated*]

#### **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 13 November 2006 of the Protocol on Explosive Remnants of War (Protocol V). [*CCW/CONF.I/16, CCW/CONF.II/2, review of Art.5, modified*]

## **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.

### **[SPONSORSHIP]**

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 United Nations Secretary-General to continue to make all documents relating to the Convention, available on the UN website. [*CCW/CONF.I/16, CCW/CONF.II/2, review of Art.6, modified*]

## **Article 7**

The Conference notes the provisions of Article 7.

### **[COMPLIANCE]**

## **Article 8**

### **[MOTAPM]**

### **[FURTHER WORK]**

The Conference decides, consistent with Article 8.3 (c) to convene a further Conference not later than 2011.

The Conference proposes that the next Review Conference review the implementation of the Plan of Action to Promote Universality of the Convention.

The Conference furthermore proposes that the next Review Conference consider information provided by States about existing national procedures to review the legality of new weapons under international law, as provided for in Article 36 of Protocol I additional to the 1949 Geneva Conventions, to determine whether any new weapon, means or methods of warfare would be prohibited by international humanitarian law or other rules of international law applicable to them.

The Conference furthermore proposes that the next Review Conference consider the implementation at national level of the Convention and its annexed Protocols.

The Conference furthermore proposes that the next Review Conference keep the blinding effects related to the use of laser systems under consideration taking into account scientific and technological developments. *[CCW/CONF.I/16, CCW/CONF.II/2, review of Art.8, updated and modified]*

[TO BE COMPLETED]

#### **Article 9**

The Conference notes with satisfaction that the provisions of this Article have not been invoked. *[CCW/CONF.I/16, CCW/CONF.II/2, review of Art.9]*

#### **Article 10**

The Conference notes the provisions of Article 10. *[CCW/CONF.I/16, CCW/CONF.II/2, review of Art.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. *[CCW/CONF.I/16, CCW/CONF.II/2, review of Art.11, modified]*

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

The Conference takes note of the provisions of this Protocol. *[CCW/CONF.I/16, CCW/CONF.II/2, review of Protocol I]*

#### **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 takes note of the provisions of this Protocol. *[CCW/CONF.II/2, review of Protocol II]*

#### **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 were held for the purpose of consultations and cooperation on all issues related to Amended Protocol II.

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

The Conference takes note of the reporting obligations of High Contracting Parties under Amended Protocol II, and calls on High Contracting Parties to fulfil these obligations in a timely, consistent and complete manner.

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. [*CCW/CONF.II/2, review of Amended Protocol II, updated and modified*]

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

The Conference takes note of the provisions of this Protocol. [*CCW/CONF.I/16, CCW/CONF.II/2, review of Protocol III*]

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

The Conference takes note of the provisions of this Protocol. [*CCW/CONF.II/2, review of Protocol IV*]

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

The Conference takes note 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 first Conference of High Contracting Parties which will be convened pursuant to Article 10 of the Protocol on [TO BE COMPLETED]

The Conference proposes that the Secretary-General of the United Nations convene, at an early date, a preparatory meeting for the First Conference of the High Contracting Parties under Article 10 of Protocol V. Such a preparatory meeting should elaborate and propose for the First Conference the draft Rules of Procedure of the Conference and Agenda which may include, *inter alia*, review of the status and operation of the Protocol, and matters pertaining to national implementation, including national reporting or updating on an annual basis.

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 care and rehabilitation of explosive remnants of war victims, risk education, and clearance, removal or destruction of unexploded ordnance and abandoned explosive ordnance. [*new*]

### **PART III**

**A. [MOTAPM]**

[TO BE COMPLETED]

**B. [ERW]**

[TO BE COMPLETED]

**C. [COMPLIANCE]**

[TO BE COMPLETED]

**D. PLAN OF ACTION TO PROMOTE UNIVERSALITY OF THE CONVENTION**

1. The High Contracting Parties should:

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 of 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, as appropriate, in their contacts with States not parties, and seeking the cooperation of relevant international and regional organisations.

Action # 4: Accord priority attention to encouraging adherence to the Convention and its annexed Protocols by States in regions of conflict which could serve as a significant confidence-building measure thus promoting reestablishment of understanding and trust among Parties to an active conflict.

Action # 5: Direct specific efforts towards promoting adherence to the Convention and its annexed Protocols in regions where the level of acceptance of the Convention remains low.

Action # 6: 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, non-governmental organizations, parliamentarians and interested citizens.

2. For achieving the above actions the High Contracting 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 meetings of the High Contracting Parties of the Convention.

3. The Secretariat shall report on the implementation of this Plan of Action, and keep the High Contracting Parties regularly informed, so that they may review progress and monitor its implementation effectively.

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

**E. [SPONSORSHIP]**

[TO BE COMPLETED]

**PART IV**  
**DOCUMENTS**

A. Agenda

[TO BE COMPLETED]

B. Programme of Work

[TO BE COMPLETED]

C. Agenda of Main Committee I

[TO BE COMPLETED]

D. Report of Main Committee I

[TO BE COMPLETED]

E. Agenda of Main Committee II

[TO BE COMPLETED]

F. Report of Main Committee II

[TO BE COMPLETED]

G. Report of the Credentials Committee II

[TO BE COMPLETED]

H. [TO BE COMPLETED]

**Annex I**

**List of Documents**

[TO BE COMPLETED]

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