

**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**

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Item 9 of the Agenda

**Possible options to promote compliance
with the Convention and its annexed Protocols**

**PROPOSAL OF AMENDMENT
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-designate

Article 7 bis¹

Consultations of High Contracting Parties

1. The High Contracting Parties undertake to consult and co-operate with each other on all issues related to the operation of this Convention and its annexed Protocols.
2. For this purpose, the Secretary General shall convene a Conference of the High Contracting Parties within one year after the entry into force of this Article. Subsequent Conferences shall be held as agreed to by a majority, but not less than eighteen, of the High Contracting Parties.
3. Participation in the Conference of the High Contracting Parties shall be determined by their agreed Rules of Procedure.
4. The work of the Conference shall include:
 - (a) Review of the operation and status of this Convention and its annexed Protocols;
 - (b) Consideration of matters arising from reports by the High Contracting Parties according to paragraph 5 of this Article;
 - (c) Preparation for review conferences;

¹ Of the Convention.

- (d) Consideration of international co-operation and assistance to facilitate the implementation of this Convention and its annexed Protocols; and
- (e) Consideration and undertaking of any additional actions that may be required for the achievement of the objectives of the Convention and its annexed Protocols.

5. The High Contracting Parties shall provide reports to the Secretary General in advance of each Conference, which shall be circulated by the Secretary General to all the High Contracting Parties, on any of the following matters:

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

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

Article 7 ter

Compliance

1. Each High Contracting Party shall take all appropriate steps, including legislative and other measures, to prevent and suppress violations of this Convention and any of its annexed Protocols by which it is bound by persons or on territory under its jurisdiction or control.
2. The measures envisaged in paragraph 1 of this Article include appropriate measures to ensure the imposition of penal sanctions against persons who, in relation to an armed conflict and contrary to the provisions of the Convention and its annexed Protocols, willfully kill or cause serious injury to civilians, and to bring such persons to justice.
3. Each High Contracting Party shall also require that its armed forces issue relevant military instructions and operating procedures and that armed forces personnel receive training commensurate with their duties and responsibilities to comply with the provisions of the Convention and any of its annexed Protocols by which it is bound.

4. With a view of ensuring compliance the High Contracting Parties undertake to consult each other and to co-operate with each other bilaterally, through the Secretary-General of the United Nations, or through other appropriate international procedures, regarding any concerns which relate to the fulfillment of their legal obligations or to resolve any issue that may arise with regard to the interpretation and application of the provisions of this Convention and any of its annexed Protocols by which they are bound.
5. A pool of experts is hereby established. Each High Contracting Party may provide one expert per field of application of the annexed Protocols to the Convention to be included into the pool. Any expert included in the pool shall be of acknowledged impartiality and recognized technical, legal or other appropriate competence.
6. The High Contracting Parties invite the Secretary-General of the United Nations to prepare and update a list containing the names, nationalities and other relevant data of the experts included into the pool and communicate it to the High Contracting Parties.
7. Any High Contracting Party may seek assistance from the pool of experts regarding any concerns which relates to the fulfillment of its own legal obligations or to resolve any problems that it may have with regard to its own interpretation and application of the provisions of this Convention and any of its annexed Protocols by which it is bound.
8. For that purpose, the High Contracting Parties invite the Secretary-General to select, on a case by case basis, an expert or a group of experts from the pool, who will consider any concern mentioned in paragraph 7 of this Article.
9. In the selection of experts the Secretary-General shall give particular consideration to their appropriate competence, as well as to equitable geographical distribution.
10. The expert or experts selected shall fulfill their duties in their personal capacity.
11. If the High Contracting Party concerned exceptionally expresses an objection regarding any expert or experts selected, it may request the Secretary-General to select another expert or experts.
12. The expert or experts selected shall submit to the High Contracting Party concerned and to the Secretary-General the report containing his or their views and possible recommendations on the issue raised by the High Contracting Party concerned. These views and recommendations are not legally binding. Upon request, the Secretary General shall communicate the report to the High Contracting Parties for information only.
13. The costs of the work undertaken and expertise conducted by the expert or experts selected shall, in principle, be born by the High Contracting Party concerned or through voluntary contributions.
14. The provisions contained in Articles 7 bis and 7 ter shall not prejudice any possible future provisions on compliance to be introduced by the forthcoming Protocols to this Convention.

15. In accordance with Article 8 para 1 (b) of the Convention, this Amendment shall enter into force in the same manner as the Convention, i.e. six months after the date of deposit of the twentieth instrument of ratification, acceptance, approval or accession. After its entry into force this Amendment shall enter into force for any State which deposits an instrument of ratification, acceptance, approval or accession six months after the date on which the said State has deposited its instrument.
