

**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**

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Item 8 of the Agenda

**Plan of Action to promote the universality of the
Convention, including the implementation of the
CCW Sponsorship Programme**

**PROMOTING THE UNIVERSALITY OF THE CONVENTION AND ITS
ANNEXED PROTOCOLS**

Submitted by the Secretariat

Introduction

1. The Third Review Conference adopted the “Plan of Action to Promote Universality of The Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects”, as contained in the Final Document of the Conference (CCW/CONF.III/11, Part II, Annex III).

2. The Conference agreed, in particular, that given the progress achieved so far, efforts to promote the universality of the Convention and its annexed Protocols would remain a priority objective of cooperation among States Parties in the period from 2006 to 2011. The Plan of Action, therefore, sets forth seven actions to be undertaken by the States Parties as appropriate and according to international law.

3. This document is presented pursuant to paragraph 11 of the Plan of Action, which stipulates the following:

“11. The Secretariat shall report on the implementation of this Plan of Action, and keep the States Parties regularly informed, so that they may review progress and monitor its implementation effectively;”

Efforts to Promote Universality

4. Since the Plan of Action was adopted by the Third Review Conference, a variety of actions have been undertaken to promote efforts needed for achieving universal adherence to the Convention and its annexed Protocols, including encouraging States that are not yet parties to the Convention to consider becoming a party. In this regard, the President of the Third Review

Conference made a statement on efforts to promote universality of the Convention and its annexed Protocols on the occasion of the First Committee in New York on 23 October 2007 (Annex I), and subsequently circulated a report to delegates participating in the First Committee titled "Report on Efforts to Promote the Universality of the Convention and its annexed Protocols by the President of the Third Review Conference" (Annex II).

5. The following action has been taken in accordance with the mandate and in line with the established practice under the Convention:

- (i) A letter by the Secretary-General of the United Nations addressed to all the Heads of States or Governments of the Member States of the United Nations that are not yet parties to the Convention (ODA/38-2007/CCW-MSP dated 19 July 2007) has been circulated, inviting them to consider becoming a party. Subsequently, the Secretariat has received responses from the following countries: Kuwait, Mauritius and Singapore.
- (ii) A letter co-signed by the President of the Third Review Conference, Ambassador François Rivasseau of France, and the Chairperson-designate of the 2007 Meeting of the High Contracting Parties to the Convention, Ambassador Franciscos Verros of Greece addressed to the Ministers for Foreign Affairs of all the States Parties to the Convention has been circulated. The letter underscored the importance of achieving universal adherence and strict implementation of the Convention and its annexed Protocols. Subsequently, the Secretariat has received responses from the following countries: Australia, Belarus, Brazil, China, the European Union, Mexico, Romania, Russian Federation, Senegal, Slovakia, Spain, and The former Yugoslav Republic of Macedonia.
- (iii) A letter co-signed by the President of the Third Review Conference, Ambassador François Rivasseau of France, and the President of the Eighth Annual Conference of the High Contracting Parties to Amended Protocol II (Geneva, 6 November 2006), Ambassador Tomáš Husák of the Czech Republic addressed to the Ministers for Foreign Affairs of all the Member States of the United Nations that are not yet parties to the Convention has been circulated, inviting them to consider becoming a party. Subsequently, the Secretariat has received responses from the following countries: Bahamas and Singapore.
- (iv) In the context of the sixty-second session of the United Nations General Assembly, and during the course of the meetings of the First Committee (Disarmament and International Security Committee), at UN Headquarters (New York, 23 October 2007), Ambassador François Rivasseau of France in his capacity as the President of the Third Review Conference, presented a report to the Committee reporting on the adoption of the Plan of Action, on the efforts that have been undertaken and the developments that have been achieved by the States parties to the Convention pursuant to the Plan of Action. He invited States to consider taking appropriate actions that would serve the achievement of universal adherence to this important international legal instrument. He also welcomed the initiative undertaken by the European Union (EU) to support the implementation

of the Plan of Action by encouraging accessions, especially by developing and least developed States that are suffering from the effects of mines and explosive remnants of war.

- (v) In the sidelines of the sixty-second session of the United Nations General Assembly, First Committee, (New York, 19 October 2007), during a panel discussion organized by the Council of the European Union and the UN Office for Disarmament Affairs (UNODA), the EU – UNODA common initiative to promote the Universality of the CCW and its annexed Protocols was officially launched by the UN High Representative for Disarmament Affairs, Mr Sergio Duarte. The far-reaching and generously funded programme constitutes a major contribution to the implementation of the Plan of Action to Promote the Universality of the Convention. In particular, the EU Joint Action endeavours to support the Plan of Action by promoting new accessions to the Convention and its annexed Protocols by the States that have not yet done so and to enhance the implementation of the Convention and broader regional participation in the CCW related events by the States Parties and the Observer States. To achieve those broad objectives, the EU has sponsored the opening workshop in New York as mentioned above, and up to seven regional workshops and a closing meeting, aiming at increasing the membership of the CCW, including publications in all UN official languages and any other languages, if required. Furthermore, the EU has contributed generously to the CCW Sponsorship Programme.

6. In implementing the Plan of Action, several States have undertaken demarches to promote the universality of the Convention and its Protocols and the strict implementation of their provisions. Submissions by States in response to the letters circulated, as described in paragraph 4 (i) (ii) and (iii), and other information received by the Secretariat on measures undertaken by States are compiled in document CCW/MSP/2007/MISC.2.

New Ratifications

7. At the Third Review Conference there were 100 States Parties to the Convention; 98 States parties to Protocol I on Non-Detectable Fragments; 87 to Protocol II on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices; 86 to Amended Protocol II; 93 to Protocol III on Prohibitions or Restrictions on the Use of Incendiary Weapons; 83 to Protocol IV on Blinding Laser Weapons; and 27 to Protocol V on Explosive Remnant of War. Moreover, 48 States parties have ratified the amendment to Article 1 of the Convention.

8. Since the Third Review Conference, the Convention and its annexed Protocols have steadily gained in universality. Instruments of ratification were deposited to the Secretary-General of the United Nations as depositary of the Convention by the following countries on the dates as mentioned below as follows:

The framework Convention (CCW)

- (i) Cameroon, 7 December 2006
- (ii) Gabon, 1 October 2007

- (iii) Montenegro, 23 October 2006

States parties: 103

States signatories: 6

Protocol on Non-Detectable Fragments (Protocol I)

- (i) Cameroon, 7 December 2006
- (ii) Montenegro, 23 October 2006
- (iii) Gabon, 1 October 2007

States parties: 101

Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices (Protocol II)

- (i) Cameroon, 7 December 2006
- (ii) Montenegro, 23 October 2006

States parties: 89

Amended Protocol II

- (i) Cameroon, 7 December 2006
- (ii) Niger, 18 September 2007

States parties: 88

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

- (i) Cameroon, 7 December 2006
- (ii) Montenegro, 23 October 2006
- (iii) Gabon, 1 October 2007

States parties: 96

Protocol on Blinding Laser Weapons (Protocol IV)

- (i) Cameroon, 7 December 2006
- (ii) Montenegro, 23 October 2006
- (iii) Niger, 18 September 2007

States parties: 87

Protocol on Explosive Remnants of War (Protocol V)

- (i) Australia, 4 January 2007

- (ii) Austria, 1 October 2007
- (iii) Spain, 9 February 2007
- (iv) Estonia, 18 December 2006
- (v) The former Yugoslav Republic of Macedonia, 18 March 2007
- (vi) Hungary, 13 November 2006
- (vii) Slovenia, 22 February 2007
- (viii) Uruguay, 7 August 2007

States parties: 35

Amendment to Article 1 of the Convention

- (i) Cuba, 17 October 2007
- (ii) Chile, 29 September 2007
- (iii) El Salvador, 13 September 2007
- (iv) The former Yugoslav Republic of Macedonia, 11 July 2007
- (v) Nicaragua, 6 September 2007
- (vi) Niger, 18 September 2007
- (vii) Russian Federation, 24 January 2007

States parties: 56

The above statistics confirm that a total of 31 ratification processes have successfully been carried out since the Third Review Conference.

9. The Convention has entered into force for 102 of these States. The Convention, Protocol I and Protocol III will simultaneously enter into force for Gabon on 1 April 2008. Amended Protocol II, Protocol IV and the amendment to Article I of the Convention will simultaneously enter into force for Niger on 18 March 2008. Protocol V enters into force for Austria on 1 April 2008. The amendment to Article 1 of the Convention enters into force for Cuba on 17 April 2008, Chile on 29 March 2008, El Salvador on 13 March 2008, The former Yugoslav Republic of Macedonia on 11 January 2008, and Nicaragua on 6 March 2008.

Annex I

**Statement by Ambassador François Rivasseau of France,
President of the CCW Third Review Conference
on the occasion of the First Committee
New York, 23 October 2007¹
(Check against delivery)**

1. At the outset, Mr. Chairman, please allow me to first of all thank you and the Secretariat for the very efficient manner you are conducting this meeting. Secondly, permit me to greet all the delegates around the room with whom I have had the privilege and pleasure of working together, including in this very chamber, for a number of years, before taking up my current assignment in Washington D.C. The First Committee fulfills to-day an essential role for improving the security of our planet and in the tense present international context, where multilateral mechanisms are demonstrating their crucial relevance, this role cannot but increase.

2. I'm taking the floor today, in my capacity as the President of the Third Review Conference of the High Contracting Parties to the 1980 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, or normally known as the CCW. I have indeed been tasked by the CCW States parties to report about the universalization of this Convention, its Protocols and associated decisions to the General Assembly of the United Nations pursuant to the decision on Universality contained in the Final Declaration of the Third Review Conference of the CCW which took place from 7 to 17 November 2006.

3. Let me now turn to the Plan of Action to Promote Universality of the Convention and its annexed Protocols adopted during the third Review Conference, and on which it is my duty to report to the United Nations General Assembly, through this Committee. From the very outset, it was my conviction that achieving universal adherence to and strict implementation of the Convention and its Protocols should be a top priority of the presidency of the Third Review Conference. Under the Plan of Action, the States parties undertook to implement a series of positive actions, and to begin with, to consider joining all the Protocols and the amendment to Article 1 of the Convention, to which they were not yet party; then to encourage the States signatories of the Convention to ratify it as soon as possible; to foster interest in the Convention and its annexed Protocols by all States especially by States belonging to zones of conflict or regions where the level of adherence to the Convention remains low; to prevent and suppress violations of the Convention by persons or on territory under their jurisdiction or control; and to encourage involvement and active cooperation in these universalization efforts by all relevant partners.

4. In order to achieve these seven actions, the States parties agreed to undertake all appropriate measures, including seizing the opportunity of bilateral contacts and diplomatic channels; enhancing the knowledge of the Convention and its annexed Protocols through the appropriate means and in cooperation with all relevant actors; and coordinating regional actions

¹ The statement, reproduced here as received by the Secretariat, will be issued as part of the verbatim records of the First Committee of the General Assembly under symbol A/C.1/62/PV.15 dated 23 October 2007.

in accordance with the characteristics of each region. This issue will be monitored and reviewed on a regular basis by the States parties to the CCW. For this purpose, the CCW Secretariat within the UN Office for Disarmament Affairs, Geneva branch, will keep the States Parties regularly informed on the implementation of this Plan of Action.

5. Since the First Committee session last year where I introduced this problematic, the CCW, its Protocols and relevant decisions have gained in universality as follows:

- CCW Convention: Cameroon: 7th December 2006, Gabon: 1st October 2007, Republic of Montenegro: 23rd October 2006;
- Protocol I: Cameroon: 7th December 2006, Republic of Montenegro: 23rd October 2006;
- Protocol II: Cameroon: 7th December 2006, Republic of Montenegro: 23rd October 2006;
- Amended Protocol II: Cameroon: 7th December 2006, Niger: 18th September 2007;
- Protocol III: Cameroon: 7th December 2006, Republic of Montenegro: 23rd October 2006;
- Protocol IV: Cameroon: 7th December 2006, Republic of Montenegro: 23rd October 2006; Niger: 18th September 2007; Former Yugoslav Republic of Macedonia: 19th March 2007;
- Protocol V: Australia: 4th January 2007, Austria: 1st October 2007, Spain: 9th February 2007, Estonia: 18th December 2006, Former Yugoslav Republic of Macedonia: 19th March 2007, France: 31st October 2006, Hungary: 13th November 2006, Ireland: 8th November 2006, Slovenia: 22nd February 2007, Uruguay: 7th August 2007, New Zealand: 2nd October 2007;
- Amendment to Article I of 21st December 2001: Cuba: 17th October 2007, Chile: 29th September 2007, El Salvador: 13th September 2007, Former Yugoslav Republic of Macedonia: 11th July 2007, Ireland: 8th November 2006, Republic of Montenegro: 23rd October 2006, Nicaragua: 6th September 2007; Niger: 18th September 2007, Russian federation: 24th January 2007.

This makes a grand total of 35 different ratification processes successfully carried out.

6. For the sake of being complete, I have to mention that I have co-signed a letter with Ambassador Franciscos Verros of Greece, in his capacity as the Chairperson of the 2007 Meeting of the High Contracting Parties, addressed to all CCW States parties. I have co-signed a second letter with Ambassador Tomáš Husák of the Czech Republic, in his capacity as the President of the Eighth Annual Conference of the High Contracting Parties to Amended Protocol II. In both letters, we have expressed our common conviction that each country's active participation in this universalization effort would indeed represent a substantial contribution to the strengthening of international law in the field of disarmament and humanitarian action. We have also invited States to consider taking appropriate actions that would serve the achievement of universal adherence to this important international legal instrument.

7. I would also like to welcome the valuable initiative undertaken by the European Union in order to support the implementation of the Plan of Action by encouraging accession, especially by developing and least developed States that are suffering from the effects of mines and explosive remnants of war. I would like to welcome in particular the bilateral demarches undertaken by the German presidency of the EU in several States not parties to the Convention during the first half of 2007. Moreover, the adoption and official launching last Friday of the EU “Joint Action to Promote the Universality of the Convention on Certain Conventional Weapons” deserves a special mention.

8. Last, but not least, as part of the efforts at universalizing the Convention, the States parties have established a Sponsorship Programme to assist the least developed States, as well as ERW- and mine-affected countries to participate in activities related to the CCW and to facilitate their implementation of the Convention. This Programme, generously supported by a number of States - in particular by the EU as part of its “Joint Action” - is now being put in practice under the able co-ordinatorship of Ambassador Edvardas Borisovas of Lithuania. The first group of States that are eligible for sponsorship will participate in the up-coming three back-to-back CCW meetings to be held in the first week of November in Geneva. This Sponsorship Programme is intended to enhance efforts at gaining more accessions to the Convention, as well as to assist States parties in getting them better acquainted with the working of the Convention and the challenges facing the implementation of the Convention in the future. I am confident that it will greatly improve regional representation in the CCW thus multiplying its noble humanitarian effect.

9. Before ending, I would like to make a suggestion directed at those of you who represent States parties to the CCW which would to recommend to the next States parties meeting of the CCW which will take place next month to report in front of this committee in 2008 on the same subject. For multilateral diplomacy is not to score goals against some of us but to dig tirelessly the furrow where to seed the hopes of a world which would be more just and fair, therefore more peaceful and more secure.

Annex II

Report on Efforts to Promote the Universality of the Convention and its Protocols by the President of the Third Review Conference

1. 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 (Geneva, 7 to 17 November 2006) emphasized the importance of achieving universal adherence to the Convention and its annexed Protocols. In particular, the High Contracting Parties expressed 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. The High Contracting Parties also expressed 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 of the Convention as soon as possible, and their desire that all States respect and ensure respect for the revised scope of application of the Convention to the fullest extent possible.
2. Against this background, the Third Review Conference of the High Contracting Parties to the CCW decided to adopt a Plan of Action to promote universality of the Convention and its annexed Protocols (CCW/CONF.III/11 (Part II), Annex III).
3. Furthermore, the Third Review Conference of the High Contracting Parties to the CCW decided to establish a Sponsorship Programme within the framework of the Convention (CCW/CONF.III/11 (Part II), Annex IV).
4. The Third Review Conference of the High Contracting Parties to the CCW also decided to recommend that the Secretary-General of the United Nations, as Depositary of the Convention and its annexed Protocols, and the President of the Third Review Conference, on behalf of the High Contracting Parties, exercise their authority to achieve the goal of universality of the Convention and its annexed Protocols. To this effect, the High Contracting Parties requested the President of the Conference to report to the United Nations General Assembly on his endeavours. Pursuant to that request the President submits herewith information on the universalization of the Convention and its annexed Protocols.
5. Following and initiative by the United Nations, the issue of the universalization of the CCW and its annexed Protocols was considered in the process of the preparation for the Third Review Conference and was hailed as one of the priorities of the French presidency of the Conference. Two particular aspects were identified at that time:

First: The specificity and complexity of the CCW which consist of (i) the main treaty – the Convention – which only covers some basic legal, organizational and procedural aspects of the CCW regime; (ii) the protocols each of which prohibits and/or regulates in a substantive manner a specific type of weapons,

or explosive remnants of war, and (iii) the amendment to the Article 1 of the Convention in 2001 by which its scope of application was enlarged to also cover conflicts of a non international character. To become a party to the Convention a State has to adhere to at least two of the Protocols. A number of the States parties to the Convention have notified their consent to be bound by some, but not all of the Protocols. Hence the necessity to encourage them to review their participation in the CCW with a view to also adhere to the Protocols to which they are not yet parties, as well as to the amendment to Article 1.

Second: Despite the importance of the CCW as a disarmament and international humanitarian law treaty, adherence - especially among mine- and ERW-affected countries in Africa and Asia - remains low. Hence the urgent need to take action with a view to improving regional participation in the CCW process.

6. Having evaluated the progress made so far in the process of the universalization of the Convention and its annexed Protocols and having expressed their determination to focus on affected States to bring their experience and expertise into the CCW process, the High Contracting Parties decided to prioritize the issue of the universal adherence to the CCW and to adopt the following Plan of Action (CCW/CONF.III/11 (Part II), Annex III):

- “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 to 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, 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 (ICRC), as well as, in their respective fields of action, parliamentarians and non-governmental organizations.

7. For achieving the above actions, and according to international law, the States Parties agreed to 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, [...]; (iii) coordinating regional actions in accordance with the characteristics of each region, mostly in those where acceptance of the Convention remains low. [...]"

8. As a concrete means to improve knowledge of and participation in the CCW fora, the High Contracting Parties adopted a Sponsorship Programme (CCW/CONF.III/11 (Part II), Annex IV) with the following **basic goals**:

- (i) to strengthen the implementation of the Convention and its annexed Protocols;
- (ii) to promote universal observance of the norms and principles enshrined in the Convention and its annexed Protocols;
- (iii) to support the universalization of the Convention and its annexed Protocols;
- (iv) to enhance the cooperation, the exchange of information and the consultations among the States Parties on issues related to the Convention and its annexed Protocols;

9. The Sponsorship Programme is aimed at:

- (i) supporting the participation in CCW activities of the representatives of States Parties, especially from ERW- and mine-affected States that have limited resources, priority being given to the least developed countries;
- (ii) providing Signatory States and States not yet parties to the Convention and its Protocols with an opportunity to participate in activities related to the Convention and to become acquainted with the work related to the Convention. The least developed countries, States which are on the path towards accession to the Convention and its annexed Protocols, and States which are engaged in activities related to their own implementation of the Convention and its Protocols will be given preference;
- (iii) supporting the attendance of appropriate qualified experts with field experience or of scholars to prepare studies and/or presentations on topics of interest;
- (iv) providing other related forms of assistance that might be deemed appropriate by the States Parties.

10. Since the Third Review Conference several States Parties and institutions have engaged actively in the implementation of these decisions, in particular: the Secretary-General of the United Nations addressed the Heads of the States not parties inviting them to consider the adherence of their countries to the Convention; similar demarches were made by the President of the CCW Third Review Conference together with the Chairperson of the 2007 Meeting of the High Contracting Parties to the Convention, who have also addressed letters to the Foreign Ministers of the States parties inviting them to review the participation of their countries in the CCW; a series of diplomatic demarches were undertaken by the Presidency of the European Union, and a joint action to promote the universality of the CCW will be officially launched within the margins of First Committee in October 2007; the ICRC is continuing its efforts to universalize and promote the implementation of the Convention and its annexed Protocols; the CCW Sponsorship programme has been launched and its first beneficiaries will participate in the series of CCW meetings in November 2007.

11. On behalf of the High Contracting Parties to the CCW and in view of the importance to achieve universal adherence to this international legal instrument, the French Presidency of the Third CCW Review Conference takes this opportunity to invite all the States that have not yet done so to consider adhering to the Convention, including its amended Article 1, and its annexed Protocols. Such action would represent a substantial contribution by a member of the international community to the strengthening of international law limiting and restricting the use of indiscriminate and inhumane weapons.
