

**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**

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**Geneva, 7-17 November 2006**  
Item 10 of the provisional agenda  
**Submission of the report of the  
Group of Governmental Experts**

**PROCEDURAL REPORT**

**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**

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

Addendum

**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**

**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**

**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**

*Recalling* the precedent Declarations adopted by the First Review Conference in 1996 and the Second Review Conference in 2001, in particular preambular paragraphs 3, 5, 6, 7, 8, 12 and 14, as well as operative paragraphs 2, 3, 8, 12, 14 and 16 of the Final Declaration of the Second Review Conference.

**Preambular paragraph 2**

*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 3**

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

### **Preambular paragraph 4**

*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 5**

*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 6**

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

### **Preambular paragraph 7**

*Welcoming* the entry into force of Protocol V on Explosive Remnants of War (Protocol V) on 12 November 2006, [*new*]

### **Preambular paragraph 8**

**[MOTAPM]**

### **Preambular paragraph 9**

**[ERW]**

### **Preambular paragraph 10**

*Acknowledging* the invaluable humanitarian efforts of non-governmental organisations in mitigating the humanitarian impact of 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 to which they are party 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 commitment to the full implementation of, and compliance with, 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, [CCW/CONF.II/2, *operative paragraph 6*]

### **Operative paragraph 3**

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, [CCW/CONF.II/2, *operative paragraph 7, modified*]

### **Operative paragraph 4**

**[COMPLIANCE]**

### **Operative paragraph 5**

**[SPONSORSHIP PROGRAMME]**

### **Operative paragraph 6**

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 7**

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 8**

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 9**

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 10**

Their continuing commitment to address as a matter of urgency the deleterious humanitarian effects of explosive remnants of war, through the effective and efficient implementation of 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 11**

**[MOTAPM]**

### **Operative paragraph 12**

**[ERW]**

### **Operative paragraph 13**

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 D of the Final Document.

Decision 5

*Decide*

**[ON SPONSORSHIP]**

Decision 6

*Decide*

**[ON FURTHER WORK]**

[TO BE COMPLETED]

**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, 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. [*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 Meeting of the States Parties to be held on [...] in conjunction with the next Annual Conference of the States Parties to Amended Protocol II.

The States Parties recall their agreement reached by the Second Review Conference in 2001 in reviewing Article 8 of the Convention.

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

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 next Review Conference which will take any decisions deemed necessary.

**E. [SPONSORSHIP]**

[TO BE COMPLETED]

## 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  
[TO BE COMPLETED]
  - H. [TO BE COMPLETED]
  - I. List of Documents  
[TO BE COMPLETED]
-