

**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**

CCW/CONF.III/8  
30 October 2006

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**Geneva, 7-17 November 2006**  
Item 13 of the provisional agenda  
**Consideration of any proposal for  
the Convention and its existing Protocols**

**DRAFT DECISION ON COMPLIANCE<sup>1</sup>**

Presented by the President-designate

**DECISION ON A COMPLIANCE MECHANISM APPLICABLE 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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<sup>1</sup> Amendments to the previous version of this proposal (as contained in CCW/GGE/XV/2/Rev.2) appear underlined.

## **PART I**

1. 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 fulfilment 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.
2. For this purpose, the Secretary General is requested to convene a separate Meeting of the High Contracting Parties within one year, in the context of other meetings of the High Contracting Parties to the Convention or its annexed Protocols. Subsequent meetings could be held as agreed by the High Contracting Parties.
3. Participation in the Meeting shall be determined following the Rules of Procedure of the Third Review Conference, applied *mutatis mutandis*.
4. The work of the Meeting will include:
  - (a) Review of the operation and status of the Convention and its annexed Protocols;
  - (b) Consideration of matters arising from the information provided by the High Contracting Parties according to paragraph 5 of Part I of this Decision;
  - (c) Preparation for the next review conference;
  - (d) Consideration of international co-operation and assistance to facilitate the implementation of the 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 will provide information to the Secretary General in advance of the Meeting, which will be circulated by the Secretary General to all the High Contracting Parties, on any of the following matters:
  - (a) Dissemination of information on the Convention and its annexed Protocols to their armed forces and to the civilian population;
  - (b) Steps taken to meet the relevant technical requirements of the Convention and its annexed Protocols and any other relevant information pertaining thereto;
  - (c) Legislation related to the Convention and annexed Protocols;
  - (d) Measures taken on technical co-operation and assistance; and
  - (e) Other relevant matters.

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

## **PART II**

7. Each High Contracting Party will take all appropriate steps, including legislative and other measures, to prevent and suppress violations of the Convention and any of its annexed Protocols by which it is bound by persons or on territory under its jurisdiction or control.

8. The measures envisaged in paragraph 7 of Part II of this Decision include, where necessary, appropriate measures to ensure the imposition of penal sanctions against persons who, in relation to an armed conflict and in contravention of the prohibitions imposed by the Convention and its annexed Protocols, willfully kill or cause serious injury to civilians, and to bring such persons to justice.

9. 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.

10. 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.

11. 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.

12. Any High Contracting Party may seek assistance from the pool of experts regarding any concerns which relates to the fulfilment of its own legal obligations **under** the provisions of the Convention and any of its annexed Protocols by which it is bound.

13. For that purpose, the High Contracting Parties invite the Secretary-General to select, in consultation with the High Contracting Party concerned and on a case by case basis, an expert or a group of experts from the pool, who will consider any concern mentioned in paragraph 12 of Part II of this Decision. In the selection of experts the Secretary-General shall give particular consideration to their appropriate competence, as well as to equitable geographical distribution.

14. The expert or experts selected shall fulfill their duties in their personal capacity **according to the terms of reference of their mission.**

15. 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. Upon request by a High Contracting Party, the Secretary General shall communicate the report to this High Contracting Party.

16. The costs of the work undertaken and expertise conducted by the expert or experts selected shall be borne by the High Contracting Party concerned or through voluntary contributions.

17. The provisions contained in this Decision shall not prejudice any possible future provisions on compliance to be decided upon by the High Contracting Parties.

18. Upon its adoption, this decision will apply to all High Contracting Parties to the Convention and its annexed Protocols. States not parties to the Convention shall be informed by the Secretary-General of the United Nations of this decision and its operation for the benefit of all High Contracting Parties. This decision is intended to complement, but not to substitute the existing relevant provisions on compliance contained in Protocols annexed to the Convention.

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