

**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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Fifteenth Session
Geneva, 28 August – 6 September 2006
Item 9 of the Agenda
Possible options to promote compliance
with the Convention and its annexed Protocols

REVISED DRAFT PROPOSAL ON COMPLIANCE

Presented by the President-designate

*[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]*¹

or

**[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]**²

¹ Pending a decision by the States Parties on the nature of the document, alternative language for an amendment to the Convention is given in *italic*.

² Pending a decision by the States Parties on the nature of the document, alternative language for a decision on Compliance is given in **bold**.

[Article 7 bis³]

[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, DECIDE as follows:

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 [*after the entry into force of this Article*], 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 this Convention and its annexed Protocols;
 - (b) Consideration of matters arising from the information provided by the High Contracting Parties according to [*paragraph 5 of this Article*][**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 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 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:

³ Of the Convention.

- (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 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.

[*Article 7 ter*]

[PART II]

1. Each High Contracting Party will 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*][**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, wilfully 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. 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.
5. 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.

6. 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 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.

7. 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 7 of *[this Article]***[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.

8. The expert or experts selected shall fulfil their duties in their personal capacity.

9. 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 by a High Contracting Party, the Secretary General shall communicate the report to this High Contracting Party.

10. 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.

11. The provisions contained in *[Articles 7 bis and 7 ter]***[this Decision]** shall not prejudice any possible future provisions on compliance to be decided upon by the High Contracting Parties.

12. *[In accordance with Article 8 paragraph 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.]*

[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.]
