

**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 (WITH
PROTOCOLS)**

GENEVA, 10 OCTOBER 1980

Following resolution XXIII on human rights in armed conflicts, adopted on 12 May 1968 by the International Conference on Human Rights, and resolution XXVIII of the XXth International Red Cross Conference of 1965, the General Assembly adopted resolution 2444 (XXIII) of 19 December 1968, by which it invited the Secretary-General, in consultation with the International Committee of the Red Cross and other appropriate international organizations, to study, *inter alia*, the need for the prohibition and limitation of the use of certain methods and means of warfare, and requested him to take all other necessary steps to give effect to the provisions of the resolution. The International Committee of the Red Cross convened a conference of governmental experts (Conference of Governmental Experts on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts), which held two sessions, in 1971 and 1972, in order to prepare the additional protocols to the 1949 Geneva Conventions. Pursuant to a recommendation submitted by the experts of 19 governments at the 1972 session, a working group of experts on the problem of the use of certain conventional weapons met twice in 1973, and later that year issued a report, entitled “Weapons that May Cause Unnecessary Suffering or Have Indiscriminate Effects”. Representatives at the 1972 session of the conference also requested that the question of conventional weapons be addressed at a separate meeting.

With a view to adopting additional protocols to the 1949 Geneva Conventions, the Diplomatic Conference on the Reaffirmation and Development of the International Humanitarian Law Applicable in Armed Conflicts met in four sessions in Geneva between 1974 and 1977. The Conference established an *Ad Hoc* Committee of the Whole on Conventional Weapons to consider the question of the prohibition or restriction of the use of conventional weapons likely to cause unnecessary suffering or to produce indiscriminate effects, and, as required by the representatives to the 1972 session of the above-mentioned conference of governmental experts, a Conference of Government Experts on the Use of Certain Conventional Weapons was held under the auspices of the International Committee of the Red Cross, at Lucerne from 24 September to 18 October 1974 and at Lugano from 28 January to 26 February 1976. The Diplomatic Conference however failed to reach agreement on rules specifically banning or curtailing the use of conventional weapons. On 9 June 1977, it adopted a resolution entitled “Follow-up regarding prohibition or restriction of use of certain conventional weapons”, by which it recommended that a Conference of Governments should be convened no later than 1979 with a view to reaching agreements on prohibitions or restrictions on the use of such weapons.

By its resolution 31/64 of 10 December 1976, the General Assembly had decided to include in the provisional agenda of its thirty-second session an item entitled “Incendiary and other specific conventional weapons which may be the subject of prohibitions or restrictions of use for humanitarian reasons”. On 23 September 1977, at the fifth plenary meeting of its thirty-second session, the General Assembly decided to include this item to its final agenda and to allocate it to the First Committee (see Report of the First Committee, A/32/369). On 14 November, Sweden and six other nations submitted a draft

resolution to the First Committee which, as revised (A/C.1/32/L. 29/Rev. 1), called for a United Nations Conference to be convened in 1979 “with a view to reaching agreements on prohibitions or restrictions on the use of specific conventional weapons”, and recommended convening a preparatory conference in order to establish a basis for the main conference. On the recommendation of the First Committee (see A/32/369), the General Assembly adopted resolution 32/152 of 19 December 1977, based on the abovementioned revised draft resolution.

Representatives of 74 States participated in the first session of the Preparatory Conference which was held in Geneva from 28 August to 15 September 1978. At the end of this first session, the Preparatory Conference decided, subject to confirmation by the General Assembly, to hold another session from 19 March to 12 April 1979 during which its work would be completed, and recommended that the United Nations Conference should be convened at Geneva from 10 to 28 September 1979 (see Report of the Preparatory Conference, 3 November 1978 (A/33/44)). At its thirty-third session, following the recommendation of the First Committee (Report of the First Committee, A/33/437), the General Assembly adopted resolution 33/70 of 14 December 1978, endorsing the decision of the Preparatory Conference to hold another session with a view to continuing its preparatory work in respect of both the organizational and the substantive aspects of the United Nations Conference, and further endorsing its recommendation that the Conference should be held at Geneva from 10 to 28 September 1979.

The second session of the Preparatory Conference convened in Geneva on 19 March 1979. At the nineteenth plenary meeting of the Preparatory Conference, a Working Group of the Preparatory Conference on Prohibitions or Restrictions of Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects was established (see the report of the Preparatory Conference, 25 May 1979 (A/CONF.95/3)), which held ten meetings between 21 March and 11 April and produced two proposed draft treaties: one on nondetectable fragments and one on land mines and other devices (A/CONF.95/3, Annex II). These two drafts were approved by the plenary of the second Preparatory Conference on 10 April 1979. The Preparatory Conference did not reach agreement on the structure of the future convention, but finalized both a provisional agenda and provisional rules of procedure for the upcoming conference.

At its first plenary session, on 10 September 1979, the United Nations Conference on Prohibitions or Restrictions of Use of Certain Conventional Weapons Which May Be Deemed to be Excessively Injurious or to have Indiscriminate Effects adopted the provisional agenda and rules of procedures prepared by the Preparatory Conference. By doing so, it established a Credentials Committee, a General Committee, a Drafting Committee and a Committee of the Whole. It then created three working groups, including a Working Group on a General Treaty, as permitted by Rule 35 (Provisional Rules of Procedure, A/CONF.95/2), which it entrusted with the task of finding agreement on a text of a convention to which optional protocols or clauses embodying prohibitions or restrictions of use of certain conventional weapons deemed to be excessively injurious or to have indiscriminate effects would be attached. The Working Group held nine formal meetings from 13 to 27 September 1979 (Report of the Working Group, A/CONF.95/WG/1). The first session of the Conference adjourned on 28 September 1979. In its report to the General Assembly (A/CONF.95/8, 8 October 1979), the Conference recommended that the General Assembly convene another session of the Conference to meet in Geneva for up to four weeks, starting September 1980. It also decided that the issues on which agreement had already been achieved would not be reopened at the forthcoming session.

At its thirty-fourth session, under the item entitled “United Nations Conference on Prohibitions or Restrictions of Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects: report of the Conference”, the General Assembly, following the recommendation of the First Committee (see Report of the First Committee, A/34/751), adopted resolution 34/82 of 11 December 1979, by which it endorsed the recommendation of the Conference to hold another session in Geneva in 1980 in order to complete negotiations.

The second session of the Conference opened in plenary meeting in Geneva on 15 September 1980 and continued its work until 10 October 1980. At its final meeting, the Conference adopted its Final Act (A/CONF.95/15, Annex I), by which it adopted the Convention on Prohibitions and Restrictions on the Specific Use of Conventional Weapons, together with the Protocol on Non-Detectable Fragments (Protocol I), the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II), and the Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III).

At its thirty-fifth session, the General Assembly, following the recommendation of the First Committee (see Report of the First Committee, A/35/695), adopted resolution 35/153 of 12 December 1980 by which it welcomed the successful conclusion of the Conference and commended the Convention and its three annexed Protocols to all Member States with a view to achieving the widest possible adherence to these instruments. The Convention was opened for signature by all States at the United Nations Headquarters in New York for a period of twelve months from 10 April 1981. It entered into force on 2 December 1983.

Under article 8 of the Convention, conferences may be convened to consider amendments to the Convention or any of the annexed Protocols, to consider additional protocols relating to other categories of conventional weapons not covered by the existing Protocols, or to review the scope and operation of the Convention and the Protocols annexed thereto. At the forty-eighth session of the General Assembly, on the recommendation of its First Committee (A/48/680), the Assembly adopted resolution 48/79 of 16 December 1993 by which it welcomed a request to the Secretary-General from States parties to convene, if possible in 1994, a conference to review the Convention, and encouraged the States parties to request the Secretary-General to establish as soon as possible a group of governmental experts to prepare the review conference and facilitate its work. States parties to the Convention submitted a letter to the Secretary-General to this effect on 22 December 1993, and the Group of Governmental Experts therefore established held four sessions in Geneva between March 1994 and January 1995 (see CCW/CONF.1/8/Rev.1). The first phase of the Review Conference of States Parties to the Convention on Conventional Weapons was held in Vienna from 25 September to 13 October 1995. At its eighth plenary meeting, on 13 October 1995, the Conference adopted the text of the Protocol on Blinding Laser Weapons (Protocol IV) (CCW/CONF.I/7), which entered into force on 30 July 1998. At its fourteenth plenary meeting, on 3 May 1996, the Conference adopted amendments to Protocol II on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices, which provided more specific definitions of the devices covered under the Protocol, including anti-personnel mines, extended the scope of application of the Protocol to include non-international armed conflicts, and, more generally, reinforced its prohibitions. The amended Protocol entered into force on 3 December 1998. At the same meeting, the Conference adopted its Final Declaration, in which it decided to convene another Review Conference no later than the year 2001, with preparatory expert meetings starting as early as 2000, if necessary (see Final Report of the Review Conference, CCW/CONF.I/16 (Part I)).

At its fifty-fifth session, the General Assembly, on the recommendation of the First Committee (see A/55/563), adopted resolution 55/37 of 20 November 2001 in which it recalled the abovementioned decision of the States parties to the Convention and recommended that the review conference be held at Geneva in December 2001. The General Assembly also noted that, in conformity with article 8 of the Convention, the review conference could consider any proposal for amendments to the Convention or the Protocols thereto as well as any proposals relating to other categories of conventional weapons not covered by the existing Protocols. The Preparatory Committee for the Second Review Conference held three sessions in Geneva between 14 December 2000 and 28 September 2001. In addition, on 6 April 2001, the Preparatory Committee decided to convene informal open-ended consultations of the States parties to the Convention and other interested States from 27 to 31 August 2001 in Geneva. The Second Review Conference of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons was held in Geneva from 11 to 21 December 2001 (see Report of the Second Review Conference, CCW/CONF.II/2 (Part I)). At its fourth plenary meeting, on 21 December 2001, the Review Conference adopted its Final Declaration in which it decided to extend the scope of the Convention and the Protocols thereto to include armed conflicts of a non-international character, to establish an open-ended Group of Governmental Experts on explosive remnants of war and mines other than anti-personnel mines, and to commission follow-up work on decisions arising from the Conference, under the oversight of the Chairman-designate of a meeting of the States parties to the Convention to be held on 12-13 December 2002 at Geneva. It further decided to convene another review conference no later than the year 2006, with preparatory meetings starting as early as 2005 (see Final Declaration of the Review Conference, CCW/CONF.II/2 (Part II)).

The Group of Governmental Experts established by the Second Review Conference held three sessions during 2002 (see CCW/GGE/I/2, CCW/GGE/II/1 and CCW/GGE/III/1). The Meeting of the States Parties to the Convention, which was held at Geneva from 12 to 13 December 2002, decided that the Group of Governmental Experts would continue its work in the year 2003 and decided to commission follow-up work under the oversight of the Chairman-designate of a meeting of the States parties to the Convention to be held on 27-28 November 2003 in Geneva (see Report of the Meeting of the States Parties to the Convention (CCW/MSP/2002/2, 20 December 2002)). Following the recommendations of the Group of Governmental Experts, the Meeting of the States Parties, which was held at Geneva on 27 and 28 November 2003, decided to adopt the Protocol on Explosive Remnants of War (Protocol V) (see Report of the Meeting of the States Parties to the Convention, 2003 session, Geneva, 27-28 November 2003 (CCW/MSP/2003/3)). This Protocol entered into force on 12 November 2006.

At its sixtieth session, the General Assembly, on the recommendation of the First Committee (see A/60/467), adopted resolution 60/93 of 8 December 2005, in which it recalled the decision of the Second Review Conference to convene a further conference not later than 2006, requested that the conference be held in November 2006 in Geneva and be preceded by as many preparatory meetings as deemed necessary by the States parties, and requested the Meeting of the States Parties on 24 and 25 November 2005 to take a final decision on these matters. The Meeting of the States Parties accordingly decided to convene the Third Review Conference of the States Parties to the Convention from 7 to 17 November 2006 at Geneva in conjunction with the Eighth Annual Conference of the States Parties to the Amended Protocol II, and decided that all the necessary preparations of the Conference be undertaken within the framework of the existing Group of Governmental Experts (see Report of the Meeting of the States Parties, CCW/MSP/2005/2). The Third

Review Conference, which was held at Geneva from 7 to 17 November 2006, decided to establish a Compliance Mechanism applicable to the Convention (see Final Declaration of the Conference, CCW/CONF.III/11 (Part II), annex II) and a Sponsorship Programme within the framework of the Convention (see Final Declaration of the Conference, CCW/CONF.III/11 (Part II), annex IV), and adopted a Plan of Action to Promote Universality of the Convention (see Final Declaration of the Conference, CCW/CONF.III/11 (Part II), annex III).