



ICRC

ADVISORY SERVICE

ON INTERNATIONAL HUMANITARIAN LAW

1980 Convention on Certain Conventional Weapons and its Protocols -Ratification kit-

Adherence to the 1980 Convention on Certain Conventional Weapons (CCW) and its Protocols

This paper is intended to assist States considering adherence to the CCW and its Protocols. It takes into account the protocols and amendments adopted since the Convention's adoption in 1980, in particular

- Protocol II on Mines, Booby Traps and Other Devices (as amended on 3 May 1996);
- Protocol IV on Blinding Laser Weapons (1995);
- Protocol V on Explosive Remnants of War (2003);
- Amendment to Article 1, extending the application of Protocols I, III and IV to non-international armed conflict (2001).

Protocol II as amended, Protocol IV, and the Amendment to Article 1 have entered into force. Protocol V on Explosive Remnants of War will enter into force six months after the date of deposit of the 20th instrument of ratification, acceptance, approval or accession.

The paper describes how States can adhere to the Convention, its Protocols, and the Amendment to Article 1.

1. Adherence to the 1980 Convention

To become a party to the CCW, a State must formally declare its consent to be bound by the Convention in accordance with its national procedures for adherence to international agreements. This generally requires domestic action by the country's parliament.

Once the formal decision to be bound has been taken in accordance with national procedures, the State must deposit an instrument of ratification (acceptance, approval or accession) with the UN Secretary-General, the treaty's depositary (contact: Treaty Section, Office of Legal Affairs, United Nations, New York, NY 10017).

Moreover, in order to become a party to the CCW a State must declare its consent to be bound by at least two of the Convention's five Protocols. A State formally becomes party to the CCW and the selected Protocols six months after depositing its instrument of ratification (acceptance, approval or accession).

The ICRC encourages States to become a party to the Convention, the Amendment to Article 1 and to all of the CCW's Protocols.

2. The relationship between CCW Protocols and other international instruments on landmines and similar weapons.

A number of protocols, amendments and international agreements have been concluded in recent years on landmines and similar devices. As a result, several international instruments apply to these weapons. The following explanation is intended to clarify the relationship between the various treaties.

Protocol II as amended on Mines, Booby Traps and Other Devices

Protocol II as amended develops international humanitarian law by strengthening the regulations on the use of all landmines, booby-traps and other devices. It is an improvement of the original version of the Protocol (adopted in 1980). Amended Protocol II contains clearer restrictions on the use of both anti-personnel and anti-vehicle mines, booby traps and other devices. It requires parties to a conflict to clear these weapons and take additional measures to protect civilians from the dangers they pose. The Protocol also requires that anti-personnel mines outside of marked, fenced and guarded minefields have self-destruct features. States that are a party to Protocol II in its original form need to explicitly declare their consent to be bound by Protocol II as amended. States not a party to the original Protocol can accede directly to the amended version.

Protocol V on Explosive Remnants of War

Protocol V is intended to address the humanitarian problems caused by unexploded and abandoned ordnance. According to its provisions, however, the Protocol does not apply to mines, booby traps and other devices covered by Protocol II as amended. Protocol V and amended Protocol II are complementary and contain similar requirements in the areas of clearance, warnings and other measures to reduce the risks to civilian populations.

Protocol II as amended, Protocol V and the Convention on the Prohibition of Anti-personnel Mines

There are no contradictory obligations between Protocol II as amended, Protocol V and the Convention on the Prohibition of Anti-personnel Mines. Although Protocol II as amended permits the use of anti-personnel mines, it does not oblige a State to engage in any activity prohibited by the Convention on the Prohibition of Anti-personnel Mines. In addition, this Convention and Protocol II as amended complement one another as the Protocol covers several weapons that are not addressed by the Convention, namely anti-vehicle mines, booby traps and other devices. Similarly, the requirements of Protocol V are compatible with the

Convention on the Prohibition of Anti-personnel Mines because, as mentioned above, anti-personnel mines are not covered by this Protocol.

3. Model instruments of adherence

Model instruments of adherence are provided below. These may be used by States in accordance with their current status:

- Model A - For States Parties to the Convention that wish to adhere to Protocols (I-V) to which they are not a party or to the Amendment to Article 1 of the Convention.
- Model B - For States not party to the Convention that wish to adhere to the Convention, two or more Protocols and to the Amendment to Article 1 of the Convention.

The Legal Division of the ICRC is available to provide further information or clarification as required.

Model A

For States Parties to the 1980 Convention

Model declaration of consent to be bound by the Amendment to Article 1 of the 1980 Convention on Certain Conventional Weapons and/or Protocols to which a State is not yet party

WHEREAS 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 (with Protocols I, II and III) was adopted at Geneva on 10 October 1980,

WHEREAS the State of _____ deposited its instrument of [ratification of, acceptance of, approval of, or accession to] the same Convention and expressed its consent to be bound by Protocols I, II and III annexed thereto on _____,

WHEREAS Review Conferences or Meetings of States Parties to the same Convention duly adopted Protocol IV on 13 October 1995, Protocol II as amended on 3 May 1996, the Amendment to Article 1 of the Convention on 21 December 2001, and Protocol V on 28 November 2003,

NOW THEREFORE I, [name and title of the Head of State, Head of Government or Minister of Foreign affairs], declare that the Government of _____, having considered the above-mentioned instruments consents to be bound by [Protocol I, Protocol II as amended on 3 May 1996, Protocol III, Protocol IV, Protocol V]¹ and [ratifies, accepts, approves or accedes] to the Amendment to the Convention as well as undertakes faithfully to perform and carry out the stipulations therein contained.

IN WITNESS WHEREOF I have signed this instrument of consent to be bound and [ratification, acceptance, approval or accession] at _____ on _____.

[Signature] + [seal]

¹ States Parties to the Convention, which have already consented to be bound to at least 2 of the Protocols, will need to modify the instrument accordingly.

Model B

For non-party States

Model instrument of accession to the 1980 Convention on Certain Conventional Weapons

WHEREAS 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 (with Protocols I, II and III) was adopted at Geneva on 10 October 1980,

WHEREAS Review Conferences or Meetings of States Parties to the same Convention duly adopted Protocol IV on 13 October 1995, Protocol II as amended on 3 May 1996, the Amendment to Article 1 of the Convention on 21 December 2001, and Protocol V on 28 November 2003,

NOW THEREFORE I, [name and title of the Head of State, Head of Government or Minister of Foreign affairs], declare that the Government of _____, having considered the above-mentioned Convention, its Protocols and Amendment, accedes to the Convention and to the Amendment to the Convention, and consents to be bound by [Protocols I, II as amended on 3 May 1996, III, IV, V]² as well as undertakes faithfully to perform and carry out the stipulations therein contained.

IN WITNESS WHEREOF I have signed this instrument of accession and consent to be bound at _____ on _____.

[Signature + seal]

² States must consent to be bound by at least 2 of the Protocols.