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OUTCOME OF PROCEEDINGS

From:	General Secretariat of the Council
To:	Delegations
Subject:	Council Conclusions on the 6th Review Conference of the Convention on Prohibitions or Restrictions on the use of Certain Conventional Weapons (CCW)

Delegations will find in the annex the Council Conclusions on the 6th Review Conference of the Convention on Prohibitions or Restrictions on the use of Certain Conventional Weapons (CCW), as approved by the Council at its 3826th meeting held on 15 November 2021.

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COUNCIL CONCLUSIONS ON THE SIXTH REVIEW CONFERENCE OF 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)

(**GENEVA**, 13-17 **DECEMBER 2021**)

- The European Union welcomes the upcoming Sixth Review Conference of 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) to take place in Geneva from 13-17 December 2021
- 2. The Sixth Review Conference represents an opportunity to strengthen its implementation. It is of particular importance to keep the Convention responsive to new developments. The EU recalls that we must make every effort to preserve the operational continuity and future of the Convention as it is a key instrument of International Humanitarian Law (IHL).
- 3. The EU underlines that the CCW is a unique international forum gathering diplomatic, legal and military expertise. In light of the particular challenges of weapons deemed to be excessively injurious or to have indiscriminate effects, this expertise has previously led to the adoption of restrictions on the use of specific weapons, such as on incendiary weapons, as codified in Protocol III, as well as to prohibitions on the use of specific weapons, such as reflected in Protocol IV on blinding laser weapons. The Convention offers, inter alia, a flexible way to respond to new developments in weapons technologies and to support the implementation of an essential part of IHL, which contributes to preventing and reducing the suffering of both civilians and combatants.

- 4. The EU recalls that the CCW and its Protocols are an essential and integral part of IHL and reiterates the commitment of the European Union and its Member States to respect and comply fully with IHL, as well as the continuation of implementing fully the EU Guidelines on the promotion of compliance with IHL.
- 5. The EU emphasizes the importance of the universalisation of the Convention and its Protocols, which remains a top priority for the EU. The EU supports all efforts to promote the universality of the Convention and its Protocols, and we strongly encourage all countries that have not yet done so to join them as soon as possible. The EU underlines the importance of transparency and building confidence in the implementation of the CCW and its Protocols and encourages the High Contracting Parties to complete detailed reports on a regular basis.
- 6. The EU welcomes the work of over the past years by the Group of Governmental Experts (GGE) on Emerging Technologies in the Area of Lethal Autonomous Weapons Systems (LAWS) and acknowledges the substantial contribution it has made to our understanding of this complex topic and to finding common ground. The EU emphasises that it is important that the GGE continues its efforts, including in the lead up to the Sixth CCW Review Conference, based on a solid mandate, to allow for progress. The EU underlines that the CCW is the relevant international forum in this regard and that we expect it to deliver results. The EU remains committed to pursue its efforts in the GGE with a view to ensuring that the outcome reflects the necessity of compliance with International Law, in particular International Humanitarian Law, taking into account relevant ethical considerations. The EU emphasises that human beings must make the decisions with regard to the use of lethal force, exert control over lethal weapons system that they use and remain accountable for decisions over the use of force in order to ensure compliance with International Law, in particular International Humanitarian Law.

- 7. The EU remains fully committed to reducing the suffering and the harm caused by mines, booby-traps and other devices. Amended Protocol II represents an important instrument of International Humanitarian Law (IHL) and we invite all States who have not yet done so to join this Protocol.
- 8. The EU is deeply concerned about the continued severe impact globally of Improvised Explosive Devices (IED) attacks and their indiscriminate use and effects, in particular in the perpetration of terrorist acts. The use of improvised explosive devices against civilian populations and infrastructure, including health-care systems, produces alarming humanitarian harm, especially in urban settings, and requires an urgent response. Efforts to enhance prevention, preparedness and response are needed to tackle the global threat. Systematic information exchange on incidents involving IEDs is needed to develop appropriate defensive measures. Access to precursor material should be restricted through timely disposal of explosive remnants of war, in accordance with the obligation under Protocol V, and through safe management of ammunition stockpiles. Trafficking routes for explosive precursor material should be identified and countered. Decontamination needs to be done in conjunction with the efforts in other disarmament conventions, such as the Anti-Personnel Mine Ban Convention, which contains an obligation for States Parties to clear all types of anti-personnel mines, including anti-personnel mines of an improvised nature.

- 9. The EU strongly condemns all use of anti-personnel mines, including of an improvised nature, which violate the norm against anti-personnel mines. The use of anti-personnel mines anywhere, anytime, and by any actor is unacceptable to the European Union. We appeal to all actors to refrain from the production, acquisition, stockpiling, trade, retention or transfer of anti-personnel mines and to halt to the use of anti-personnel mines, whether industrially manufactured, or improvised, worldwide. The burden placed by anti-personnel mines and explosive remnants of war on individuals, families, communities, regions and States remains excessively high. As a top provider of cooperation and assistance for mine action, the EU is supporting mine affected States Parties in their efforts to realise their commitments under the Convention. Since 2018, the EU contributed EUR 280 million to mine action activities. Also, EU Member States are among the top donors for mine action worldwide. There is a clear need for a strengthened cooperation, assistance and mobilization of resources towards a mine free world. The lack of financial resources is an important challenge and the EU calls upon all actors, public or private, to collectively explore options for new and alternative sources of funding.
- 10. On Mines Other Than Anti-Personnel Mines (MOTAPM), the EU highlights the humanitarian impact and the heavy consequences on social and economic development caused by the indiscriminate and disproportionate use of those. While acknowledging that MOTAPM are legitimate weapons, Parties are obliged to ensure that they are used in accordance with International Humanitarian Law (IHL), including by taking all feasible precautions, to protect civilians from the effects of these weapons. The EU believes it would be appropriate for States Parties to further discuss how to ensure compliance with Amended Protocol II, also with respect to MOTAPM. The issue of MOTAPM should therefore remain on the CCW agenda for further discussions in order to ensure that High Contracting Parties can continue to consider the matter in a constructive and transparent manner.

- 11. The Sixth Review Conference also represents an opportunity to ensure the financial and organisational robustness of the Convention, allowing for a solid and permanent implementation effort. In particular, the EU recognizes that the payment of annual contributions by the High Contracting Parties, in full and on time, remains essential to ensure the effective functioning of the Convention and its Protocols, as well as the work of the Implementation Support Unit. The EU calls upon all High contracting parties to meet their financial obligations in a timely manner and calls on all State Parties to pay their mandatory contributions on time and in full.
- 12. The EU expresses its support to the administration and implementation of the CCW and its Protocols, and in particular the Implementation Support Unit, and encourages the UN to ensure an efficient and effective implementation of the Convention. In this respect, the EU is pleased to announce EU financial support of 1.6 mio Euro over 2 years (Council Decision (CFSP) 2021/1694 of 21 September 2021) for the strengthening of the CCW. This decision constitutes a clear political signal by the EU as to the prominence that the Union attributes to multilateralism and a rules based world order, as well as to the importance the Union attaches to a solid implementation and universalisation of the CCW.