

COUNCIL DECISION (CFSP) 2021/1694**of 21 September 2021****in support of the universalisation, implementation and strengthening 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)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 28(1) and 31(1) thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) The 2016 Global Strategy for the European Union's Foreign and Security Policy (the 'EU Global Strategy') emphasises that the Union will step up its contribution to collective security.
- (2) The EU Global Strategy notes that the Union strongly supports the universalisation, full implementation and enforcement of multilateral disarmament, non-proliferation and arms control treaties and regimes.
- (3) One such instrument, namely the United Nations 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 (the 'CCW'), regulates the use in armed conflict of certain conventional arms considered to cause excessive suffering to combatants or indiscriminate harm to civilian populations.
- (4) The Union wishes to contribute to the universalisation, implementation and strengthening of the CCW so that it remains a strong and effective part of the multilateral disarmament, non-proliferation and arms control system.
- (5) The Sixth Review Conference of the CCW, scheduled for December 2021, is to determine the CCW's priorities for the next few years, as well as the strategies and the mechanisms to translate such priorities into action.
- (6) The Union wishes to contribute to the efficient implementation of the recommendations and decisions of the Sixth Review Conference of the CCW,

HAS ADOPTED THIS DECISION:

Article 1

The Union shall support the following projects:

- (1) Preparation for and follow-up to the Sixth CCW Review Conference;
- (2) Support for the universalisation of the CCW;
- (3) Facilitation of discussions on under-explored, emerging and cross-cutting issues of relevance to the CCW.

A detailed description of those projects is set out in the Annex to this Decision.

Article 2

1. The High Representative of the Union for Foreign Affairs and Security Policy ('HR') shall be responsible for implementing this Decision.

2. The technical implementation of the projects referred to in Article 1 shall be carried out by the United Nations Office for Disarmament Affairs (UNODA).

UNODA shall perform its task under the responsibility of the HR. For that purpose, the HR shall enter into the necessary arrangements with UNODA.

Article 3

1. The financial reference amount for the implementation of the projects referred to in Article 1 shall be EUR 1 603 517,64.

2. The expenditure financed by the financial reference amount set out in paragraph 1 shall be managed in accordance with the procedures and rules applicable to the Union budget.

3. The Commission shall supervise the proper management of the expenditure referred to in paragraph 2. For that purpose, it shall conclude the necessary agreement with UNODA. That agreement shall stipulate that UNODA is to ensure the visibility of the Union contribution in a manner appropriate to the size of that contribution.

4. The Commission shall endeavour to conclude the agreement referred to in paragraph 3 as soon as possible after the entry into force of this Decision. It shall inform the Council of any difficulties in doing so and of the date of conclusion of that agreement.

Article 4

1. The HR shall report to the Council on the implementation of this Decision on the basis of regular quarterly reports prepared by UNODA. Those reports shall form the basis of an evaluation to be carried out by the Council.

2. The Commission shall report to the Council on the financial aspects of the projects referred to in Article 1.

Article 5

This Decision shall enter into force on the day of its adoption.

It shall expire 24 months after the date of conclusion of the agreement referred to in Article 3(3). However, it shall expire six months after the date of its entry into force if no such agreement has been concluded within that period.

Done at Brussels, 21 September 2021.

For the Council
The President
G. DOVŽAN

ANNEX

PROJECT DOCUMENT

Project in support of the universalization, implementation and strengthening 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) – HR(2021) 124

RATIONALE AND BACKGROUND

More commonly known as the “Convention on Certain Conventional Weapons,” the 1980 Convention on Prohibitions or Restrictions of the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (CCW) entered into force on 2 December 1983. The Secretary-General of the United Nations is the Depositary of the Convention and its annexed Protocols.

The CCW is a key instrument of international humanitarian law, composed of an umbrella convention that sets out the general scope and rules of operation and five annexed protocols, each of which prohibits or regulates a specific type of weapons. Each protocol is also a stand-alone legal instrument with its own membership and, in certain cases, implementation machinery.

The Convention has proven to be a flexible mechanism that can address a wide range of emerging challenges in the means and methods of warfare, thus contributing to the codification and progressive development of International Humanitarian Law (IHL). In particular, this flexibility has allowed the Convention to add new protocols – Protocol IV on blinding laser weapons in 1996 and Protocol V on explosive remnants of war in 2003 – to the original three that were adopted in 1980. Furthermore, in 2001, the scope of the Convention and its protocols was broadened to apply to non-international armed conflicts. In addition, various issues not covered by the protocols have been discussed in the format of a Group of Governmental Experts, the most recent of which are emerging technologies in the area of lethal autonomous weapons systems (LAWS).

1. PROJECTS**1.1. Project 1: Preparation for and follow-up to the Sixth Review Conference****1.1.1. Project purpose**

The Sixth CCW Review Conference, scheduled to take place in December 2021, provides the High Contracting Parties with the opportunity to conduct a comprehensive review of the operation and status of the Convention and its protocols, as well as to assess progress made in the implementation of recent decisions. The High Contracting Parties are also expected to determine the Convention’s priorities for the next few years, as well as the strategies and the mechanisms to translate such priorities into action. Many consider 2021 a critical moment to determine the way ahead for the CCW.

The limited number of days allocated to the Preparatory Committee meeting and the Conference itself, the wide range of issues relevant to the Convention and that could be addressed by the Conference, combined with the fact that the COVID-19 pandemic impacted the possibility of pursuing the usual consultative process in preparation for such an important milestone as a Review Conference, all underline the need for support to the substantive preparatory work for the Conference that complements the formal process. Furthermore, the variety of sectors (military, humanitarian, diplomatic, scientific) involved in ensuring compliance with the CCW implementation also render multi-stakeholder dialogues that incorporate expertise at the national and regional level prior to the Conference, not only desirable but necessary to a meaningful Review Conference.

In order to maintain momentum for a substantive preparation for the Sixth Review Conference, this pillar aims, in close coordination with CCW officeholders in Geneva, at taking stock of the work undertaken in recent years, including an assessment of progress achieved and outstanding issues. Activities in this direction would be of support to the High Contracting Parties to: i) gain up-to-date knowledge of developments of relevance to the Convention and each of its protocols, ii) identify gaps and challenges in CCW implementation and ways to address them, iii) define in a timely manner possible topics that could be considered at the Review Conference and iv) develop related national and regional positions, as well as possible proposals for consideration at the Conference. The objective is to maximize the opportunity for more informed and in-depth discussions and, consequently, substantive outcomes at the Sixth Review Conference.

In addition, the Review Conference is also an occasion to assess and further develop existing tools, information sources and mechanisms for the implementation of the CCW, such as the national annual reports on the overall Convention, Amended Protocol II and Protocol V. Recognizing the value of the reports in providing information on country-level policy and action, as well as international co-operation and assistance, the Fifth Review Conference of 2016 tasked the Chairpersons of the annual Meetings of the High Contracting Parties to encourage higher rates of reporting. The rates, however, usually remain below 60 per cent, while a systematic and qualitative analysis of the reports remains outstanding. Another example is the strategy to promote international technical assistance and strengthen national capacities to counter the threats of Improvised Explosive Devices (IED). This comprises the 2015 voluntary Questionnaire, a revised version of which is to be presented in 2021, and the 2016 Declaration on IEDs, with focus on prevention, information exchange, threat mitigation and risk education.

In the aftermath of the Review Conference, discussions to elaborate on strategies and follow-up actions to implement the decisions taken at the Conference will be held in close coordination with the CCW officeholders. Such discussions will seek to support the High Contracting Parties in identifying practical ways to monitor national and regional implementation efforts for the five-year period until the Seventh Review Conference.

1.1.2. Expected results of the project

- a) Multi-stakeholder dialogues to share a wide range of views with regard to compliance with the CCW.
- b) Shared understanding by the High Contracting Parties of the priority areas for the preparation of the Review Conference.
- c) Increased awareness and contributions by national experts of the CCW.
- d) Deeper understanding by CCW delegates of the implementation challenges at the national and regional level and ways to address such difficulties.
- e) Opportunities for High Contracting Parties to develop and clarify proposals to be introduced at the Sixth Review Conference.
- f) Support to officeholders in the substantive preparation of the Sixth Review Conference and in the implementation of the decisions of the Conference.

1.1.3. Project description

Up to four thematic meetings will be held prior to, and following, the Sixth Review Conference on:

- i) issues discussed since the last Review Conference in 2016 that require further analysis;
- ii) recent developments of relevance to key articles and the five protocols of the CCW;
- iii) options to assist office holders in the implementation of decisions reached during the Sixth Review Conference.

Prior consultations with CCW office holders and the High Contracting Parties will be held to determine the focus of each meeting. The meetings will aim to facilitate dialogue among High Contracting Parties. The meetings will include expert presentations and provide an opportunity for representatives of diverse sectors, including Government, civil society and academia to exchange views. In particular, meetings on the second set of topics will help High Contracting Parties prepare for the review of each article and protocol of the Convention to be held at the Review Conference. More concretely, High Contracting Parties will be provided with the elements to determine whether any article of the Convention or its protocols would benefit from a closer review, follow-up action or amendment, in light of current trends and challenges. A summary of the discussions will be drafted after each meeting.

If time permits prior to the Review Conference, regional or sub-regional workshops will be organized to allow for national practitioners to engage in follow-up discussions on the takeaways from the thematic meetings in a smaller-group setting. The target audience will be diplomats, representatives of the defence sector and national mine action agencies of the High Contracting Parties. Regional organizations and signatory States will also be invited. Particular outreach to High Contracting Parties that have not participated in recent CCW processes will also be considered, to maximize the inclusion of different positions and obtain a better understanding of the challenges faced by those States. The workshops seek to foster common understandings on key issues and share information on national and regional efforts for CCW implementation, which may contribute to the conceptualization of proposals for consideration at the Review Conference. ⁽¹⁾

Furthermore, the workshops could assist the High Contracting Parties in assessing the efficiency of the existing tools or guides for CCW implementation and determining the need for new ones to further support national efforts in this regard, including a more active exchange of information among States. For example, sessions can be devoted to exploring the commonalities and trends among the national annual reports on CCW compliance, Amended Protocol II and Protocol V, as well as ways to contribute to a matching between States in need of technical assistance and those willing to provide it. In addition, the sessions could review the effectiveness and possible gaps in the counter-IED strategy in the framework of the CCW, based on the identification of challenges in national and regional regulation, preparedness and capacity to address the threat of IED. In this regard, this project will strive to improve systematization and digitalization of standardized information provided in national reports, which can increase accessibility of information and transparency, as well as data-based analysis and decision-making.

1.2. Project 2: Support for universalization

1.2.1. Project purpose

The CCW has 125 High Contracting Parties, and four States (Egypt, Nigeria, Sudan and Viet Nam) which have signed but not ratified the Convention. Despite its adaptability and relevance to a broad set of pressing global issues, the universalization rate of the CCW is below 50 per cent in certain regions, limiting the geographical reach of adherence to its norms and impacting the inclusiveness and diversity of perspectives in key discussions.

The Plan of action to promote the universality of the CCW adopted by the Third Review Conference was successfully supported by the EU Joint Action 2007/528/CFSP of 23 July 2007, which resulted in the increase in the number of High Contracting Parties to the CCW from 100 in 2006 to 110 in 2009. ⁽²⁾ At the Fifth Review Conference in 2016, the CCW High Contracting Parties recognized that universalization is critical to the success of the Convention and mandated the officeholders to consider developing a new action plan (CCW/CONF.V/10). This project aims to support States that are not party in gaining a more in depth understanding of the purpose and functioning of the Convention, as well as of the benefits of joining and to encourage them to become more involved in CCW meetings and relevant activities. It seeks to analyse the challenges to the promotion of universality of the Convention and assist officeholders and States in conducting outreach in a coordinated, sustained and innovative manner. Furthermore, the project expects to broaden and sustain the network of experts and practitioners at the national level who will continue to engage with the CCW community beyond the project

⁽¹⁾ If conditions do not allow for the organization of regional or sub-regional workshops prior to the Review Conference, they will be considered as post-Conference activities to follow up on the implementation of the decisions of the Conference. The conclusions of and suggestions from the regional discussions will be shared with Geneva-based delegates, to contribute to their development of a plan to that end.

⁽²⁾ Four States from Africa, two from the Middle East and the Mediterranean, one from Central Asia, one from Latin America and the Caribbean and two from Europe.

cycle. This would allow them to raise awareness and understanding of the CCW in the regional and domestic fora, including to capitalize on opportunities for non-High Contracting Parties to adhere to the Convention. In turn, such network will expand the pool of speakers to draw from for CCW expert meetings.

Considering that the requirement for States to consent to being bound by at least two of the Protocols when joining the Convention makes the membership of each Protocol different, this project will also support the universalization of the Convention's protocols. ⁽³⁾

1.2.2. Expected results of the project

- a) Contribution to the establishment of a coordinated, strategic approach among officeholders and the High Contracting Parties to universalization.
- b) Deeper understanding of the CCW among relevant national authorities and experts.
- c) Creation of a network of experts and practitioners for continued engagement in the framework of CCW universalization and implementation efforts at the country or regional level.
- d) Increased number of non-High Contracting Parties committed to joining the CCW and engaging in CCW activities.
- e) More geographically balanced adherence to the CCW and its protocols.
- f) Development of elements for consideration by officeholders for a possible elaboration of an updated Action Plan on universalization.

1.2.3. Project description

Up to six sub-regional universalization workshops will be held. In accordance with the latest Plan of Action on universalization, ⁽⁴⁾ States not party that are affected by mines and explosive remnants of war and regions with low levels of adherence will be priority, as suggested below:

Region	Targeted Subregions
Africa	All
Asia and the Pacific	Southeast Asia The Pacific
Eastern Europe	The Caucasus
Latin America and the Caribbean	The Caribbean

The duration and the content of the workshops will be tailored to the sub-regional contexts, priorities and capacities, including the impact of different types of weapons under the purview of the CCW. The project will be implemented in close coordination with UNODA's three regional centers in Africa, Asia and the Pacific and Latin America and the Caribbean.

Given the relevance of military expertise and humanitarian action to the implementation of the Convention, representatives from the defence sector and national demining and anti-explosive agencies will also be invited, in addition to diplomatic policy experts. The workshops will also seek the participation of CCW High Contracting Parties from the respective region to allow for a "peer-to-peer" exchange, as well as representatives from regional organizations. Where possible, CCW officeholders and Geneva-based delegates of the corresponding States not party will be invited.

⁽³⁾ rotocol I on Non-detectable Fragments (118 High Contracting Parties), Amended Protocol II on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices, as amended on 3 May 1996 (106 High Contracting Parties), Protocol III on Prohibitions or Restrictions on the Use of Incendiary Weapons (115 High Contracting Parties), Protocol IV on Blinding Laser Weapons (109 High Contracting Parties) and Protocol V on Explosive Remnants of War (96 High Contracting Parties). The original Protocol II adopted in 1980 is also still in force with 95 High Contracting Parties, whereof a few have not joined its amended version.

⁽⁴⁾ "Accelerated Plan of Action on Universalization of the Convention and its annexed Protocols" (CCW/CONF.IV/4/Add.1)

For non-High Contracting Parties who demonstrate interest in joining the CCW during the sub-regional workshops, a country-specific dialogue can be organized, with a larger group of stakeholders. In addition, all participants of the workshops will be contacted again towards the end of the project to seek feedback and review progress.

In addition, small-group discussions between High Contracting Parties to a given protocol and those that are parties to the Convention but have not joined the protocol will be organized, so that the former can respond to the latter's concerns and questions on national implementation and compliance. This is to promote the universality of not only the CCW as a whole but also the protocols.

Various educational and outreach materials on the CCW will be compiled or developed and be made available on the project page of the UNODA website. This project will build on the success and lessons learned from universalization activities conducted in the framework the 2007 Joint Action of the Council of the European Union in support of the CCW (2007/528/CFSP), as well as similar efforts by other Geneva-based disarmament conventions.

1.3. Project 3: Facilitation of discussions on under-explored, emerging & cross-cutting issues of relevance to the CCW

1.3.1 Project purpose

This project aims to identify and discuss, in close coordination with CCW officeholders, under-explored, emerging and cross-cutting issues of relevance to the Convention to complement the formal process. Activities will provide the High Contracting Parties to the CCW with an informal forum, based in Geneva, to explore these issues through a multi-stakeholder exchange to lead to a better understanding of the linkages between different issues and ensure complementarity of efforts within and across sectors.

1.3.2. Expected results of the project:

- a. Comprehensive and cross-regional multi-stakeholder dialogues to follow-up on issues that are under-explored during CCW meetings and other fora.
- b. Development of results and outcome documents setting out matters raised and discussed and, as applicable, including objectives and recommendations for further action to provide substantive input to the CCW meetings, in particular the expert meetings.
- c. Creation of a network of experts, practitioners, international and regional organizations, academia, civil society, industry, and youth to engage in CCW discussions.
- d. Dissemination of initiatives, events and analytical findings related to, and of relevance to the CCW within the network and to a wider audience.
- e. promotion of greater gender diversity among experts participating in CCW meetings and related discussions.

1.3.3. Project description

A number of activities can already be identified while others will emerge as a result of the decisions of the Sixth Review Conference once the project is underway. Proceeding from this, the project will identify issues that are currently still underexplored, but merit further analysis and discussion. On the basis of this process, a series of academia and industry led hybrid round tables and seminars/webinars for expert and practitioner discussions will be held to highlight and examine these issues further. Topic suggestions include, *inter alia*, the evolution of the Convention, innovative approaches to fulfil the purpose and objectives of the Convention and its protocols, as well as women's meaningful participation in disarmament, policy and programming decisions. In addition, and as possible, side events will be organised on these topics in Geneva in the margin of the CCW meetings.

Furthermore, key actors in Governments, international and regional organizations, academia, civil society, youth groups and industry, as well as their existing and planned initiatives that may enrich deliberations on the CCW will be mapped to assist in future implementation efforts. Drawing on this, information on upcoming events and initiatives organized by key actors, as well as of findings and conclusions of studies and research of relevance to the CCW will be collected and disseminated.

The results and outcomes of all activities under this project will be compiled, where possible and deemed useful translated, and made available to the public, *inter alia*, to engage new stakeholders in a geographically and linguistically inclusive manner. Furthermore, if possible and appropriate, follow-up activities will be designed, in the process of which key stakeholders such as current and previous CCW officeholders will be consulted.

2. METHODOLOGY

The activities of this project will be conducted mainly online, and materials will be developed and distributed digitally. Notable exceptions are activities for which physical presence is possible and not replaceable by remote modalities, or for which an in-person format would be more cost effective than virtual ones. Additionally, summaries of thematic meetings and expert discussions will be compiled and made available to the CCW High Contracting Parties and other interested actors on the project website.

3. REPORTING AND ASSESSMENT

UNODA will submit to the High Representative and to the Commission a final financial and narrative report containing, *inter alia*, lessons learnt, as well as a brief report every six months on progress made.

4. DURATION

The suggested duration of the implementation of the project is 24 months.

5. EU VISIBILITY

All appropriate measures will be taken to publicise the fact that the activities conducted have been funded by the Union. Such measures will be carried out in accordance with the Commission Communication and Visibility Manual for EU External Actions laid down and published by the European Commission. Visibility of the Union contribution will be ensured with appropriate branding and publicity, highlighting the role of the Union, ensuring the transparency of its actions, and raising awareness of the reasons for this Decision as well as awareness of Union support for this Decision and the results of that support. Material produced by the projects will prominently display the Union flag in accordance with Union guidelines for the accurate use and reproduction of the flag.

6. IMPLEMENTING AGENCY

UNODA will be entrusted with the implementation of this project, in accordance with the contribution agreement to be concluded between the European Commission and the UNODA.

The project will be implemented in close cooperation and coordination with UNODA's three regional centres in Africa, Asia and the Pacific and Latin America and the Caribbean.. Opportunities for joint or follow-up activities with partners (such as UNIDIR, ICRC and UNMAS) and other organizations as relevant will be actively sought in order to avoid duplication, multiply the impact of each effort and maximize the dissemination of outcomes.
