

# Convention on Certain Conventional Weapons (CCW) At a Glance

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Seeking to restrict or outlaw specific types of weapons used in armed conflict, 51 states negotiated the Convention on Certain Conventional Weapons (CCW)<sup>1</sup> in 1980. The convention aims to protect military troops from inhumane injuries and prevent noncombatants from accidentally being wounded or killed by certain types of arms. When it entered into force in December 1983, the treaty applied to incendiary weapons, mines and booby-traps, and weapons designed to injure through very small fragments. Since then, treaty states-parties—now numbering 99 total—have added provisions to ban blinding laser weapons and address lingering dangers posed by unexploded munitions leftover after combat ends.

## The Convention

The operative provisions of the CCW are contained in several protocols annexed to the convention.<sup>2</sup> Currently, there are four protocols in force (see below) and a fifth that has been negotiated and adopted, but has not yet entered into force. All states-parties must agree to the addition of a new protocol. After being adopted by consensus, the new protocol must be ratified by 20 states-parties before it enters into force. Each protocol is only binding on those states-parties that ratify it.

Initially, the scope of the convention covered only international armed conflicts. However, states-parties amended a single protocol in 1996 to apply to intrastate conflicts and in 2001 elected to extend that modification to the entire convention. Still, the change only applies to those states-parties ratifying the amendment, and it does not automatically extend to new protocols. Henceforth, states-parties must specify whether new protocols they ratify cover intrastate conflicts in addition to interstate wars.

The convention lacks verification and enforcement mechanisms and spells out no formal process for resolving compliance concerns.

A state-party can refute its commitment to the convention or any of the protocols, but it will remain legally bound until one year after notifying the treaty depository, the UN Secretary-General, of its intent to be free of its obligations.

## Protocols to the Convention

### *Protocol I: Non-detectable Fragments*

Protocol I prohibits the use of any weapon designed to wound or kill with small fragments that cannot be detected by x-rays. Conventional x-ray imaging cannot locate small pieces of glass, plastic, or wood lodged in human tissue. This makes it prohibitively difficult for doctors to remove the fragments, effectively preventing victims from receiving necessary treatment.

### *Amended Protocol II: Landmines, Booby-Traps, and Other Devices*

Protocol II, which was amended in May 1996, regulates but does not ban the use of landmines and booby-traps. Anti-personnel landmines (APLs) must be kept in clearly marked and protected minefields or be equipped with self-destruct and self-deactivation mechanisms that disarm and render the mine unusable after a certain period of time. Mines dropped from aircraft or delivered by artillery or missiles must be outfitted with self-destruct and self-deactivation mechanisms. All APLs must further be detectable using common mine detection equipment to enable them to be located and safely removed after a conflict ends. The responsibility for clearing any mines is on the government controlling the territory where the mines are located.

Amended Protocol II entered into force in 1998. The 76 countries bound by the protocol include most of the world's major current or past landmine producers—China, India, Israel, Pakistan, Russia, and the United States—which have refused to join the Ottawa Convention banning anti-personnel landmines.

### *Protocol III: Incendiary Weapons*

Protocol III regulates the use of weapons designed to set fire to or burn their target. The protocol proscribes targeting civilians with incendiary weapons and restricts the use of air-delivered incendiary weapons against military targets in close proximity to concentrations of noncombatants. It also prohibits parties from targeting forests or other plant cover unless the vegetation is being used to conceal military forces. The protocol only covers weapons created intentionally to set fire or burn, such as flamethrowers. Weapons that ignite fires or burn as a side effect are not subject to the protocol.

### ***Protocol IV: Blinding Lasers***

Added in 1996, this protocol prohibits the use of lasers specifically designed to cause permanent blindness. It further obliges states-parties to make every effort to avoid causing permanent blindness through the use of other lasers. While prohibiting the use of blinding lasers, the convention does not rule out their development or stockpiling. However, it does outlaw any trade in such arms.

### ***Protocol V: Explosive Remnants of War***

In November 2003, states-parties approved a new protocol to deal with unexploded and abandoned ordnance left over after fighting ends—so-called explosive remnants of war (ERW). The protocol covers munitions, such as artillery shells, grenades, and gravity bombs, that fail to explode as intended, and any unused explosives left behind and uncontrolled by armed forces. Such weapons pose severe threats to civilians because they could explode without cause or accidentally be triggered to detonate. Like the landmines protocol, the government controlling an area with explosive remnants of war is responsible for clearing such munitions. However, that government may ask for technical or financial assistance from others, including any party responsible for putting the munitions in place originally, to complete the task. No state-party is obligated to render assistance.

### **Other Issues**

CCW states-parties are currently debating and exploring negotiations on several other matters, including adding a compliance mechanism to better ensure that states-parties live up to their commitments and a provision to ban small-caliber bullets because they can cause major internal injuries by ricocheting or tumbling around inside a body. The issue receiving the greatest amount of attention at this time is a U.S.-Danish proposal to limit the use of anti-vehicle mines and require that they be equipped with self-destruct and self-deactivation mechanisms. Some countries, such as China, object that the proposal replicates existing obligations in amended protocol II and would be too expensive to implement.

—*Researched by Gabrielle Kohlmeier*

### **NOTES**

1. The agreement is formally known as 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. It is also sometimes referred to as the Inhumane Weapons Convention.
2. States that become CCW members must sign on to at least two of the convention's protocols, but do not have to become party to all of them.