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EDITORIAL: CCW STRUGGLES

Ray Acheson | Women's International League for Peace and Freedom

As the high contracting parties to the Convention on Certain Conventional Weapons (CCW) met this week to prepare for the next Review Conference—scheduled for 13–17 December 2021—they continued to struggle with the structural challenges of the Convention. When it comes to substance, the consensus-as-veto approach to making decisions means that the majority of parties are unable to advance work to prevent grave human suffering. When it comes to finances, the Convention's coffers are apparently so depleted that states might not even be able to afford to hold the Review Conference at all. We are up against the wall, and it's time to find a new path.

Militarism vs. humanitarianism

The CCW is said to be important because it “balances” military “necessity” with humanitarian “concerns”. But throughout most of its existence, a handful of its parties have made sure that militarism trumps humanitarianism. When the Convention failed to address the horrific impacts of anti-personnel landmines and cluster munitions in the 1990s and 2000s, concerned parties established stand-alone processes to prohibit these weapons. Today, CCW high contracting parties are failing to adequately deal with the insidious impacts of incendiary weapons and mines other than anti-personnel mines (MOTAPM), and the looming threat of autonomous weapon systems.

At this week's PrepCom, it became clear once again that the majority of CCW states want to review and discuss strengthening the protocol on incendiary weapons, develop a new protocol or other instrument containing prohibitions and restrictions on autonomous weapon systems, and address the human and environmental harms arising from the use of MOTAPM. But in each case, a small number of high contracting parties are preventing progressive action. On incendiary weapons, Russia and a few others say the protocol is good enough as it is, it just needs to be implemented. On autonomous weapons, Russia, the United States, Israel, India, Australia, the Republic of Korea, and a

few others say no new restrictions are necessary because these weapons do not exist and therefore prohibiting or restricting them is premature. On MOTAPM, Russia, Pakistan, and a few others say the only problem is “irresponsible use,” otherwise they are legitimate weapons.

The reality, of course, is much different. Incendiary weapons, which cause excruciating burns that are difficult to treat and lead to long-term physical and psychological injury, are restricted by CCW protocol III. But this protocol has two major loopholes, as Harvard Law School's International Human Rights Clinic and Human Rights Watch [point out](#). First, the protocol prohibits the use of air-delivered incendiary weapons in “concentrations of civilians,” but it has weaker regulations for ground-launched types. Second, many high contracting parties believe the current definition does not cover multipurpose munitions, such as white phosphorus, because the definition is based on the purpose for which they were “primarily designed,” rather than on their effects. Thus, the problem with incendiary weapons is not just implementation of the existing protocol but with the protocol itself. Most states speaking on this issue during the CCW preparatory committee recognised this and requested it be added to the agenda at the RevCon, but a handful of others continued to object.

In this context, Russia expressed alarm at the “increasing attempts” by some countries and civil society groups to use humanitarian concerns as an absolute imperative for restrictive and prohibitive norms against some weapons. This concern is also applicable to the support from the majority of CCW high contracting parties for negotiations to begin next year on a new protocol on autonomous weapon systems. The assertion that this is “premature” is a fallacy. For one thing, the idea behind negotiating a new protocol now is to prevent such weapons from ever being developed or used. It is never “premature” to prevent human suffering. Secondly, the assertion that such weapons do not yet exist, and thus there is not enough knowledge on which to base a prohibition,

is equally absurd. One only needs to look at the technologies being developed by tech companies and weapon manufacturers under contract with the departments of “defence” in multiple countries to understand what we’re up against. Just this week, multiple stories appeared in mainstream media with headlines like, “[Startups Backed By Google, Peter Thiel, Eric Schmidt And James Murdoch Are Building AI And Facial Recognition Surveillance Tools For The Pentagon.](#)”

Deny, delay, defer

The fact that certain heavily militarised countries are building weapons that can surveil, select, and engage targets without human control is not a secret, even if government representatives to the United Nations want to pretend it is. Denial of reality and deference of action is a tried and tested tactic by violent states, and it is clear they are once again trying to delay any action against their perceived “freedom” to develop and use whatever weapons they want, regardless of what it means for humanity or our planet.

This is why the CCW has failed in the past, and why it looks set to fail now on incendiary weapons, autonomous weapons, and other technologies that have grave impacts not just on individual human beings but on the ways in which violence against human beings is carried out.

Overcoming the tyranny of the minority

But this is clearly not in the interests of the majority of the world’s people or governments—

and it is up to the majority to figure out how to overcome the aggressive stalemating of the minority. This could mean moving issues outside of the CCW, either to stand-alone processes such as those that resulted in the Mine Ban Treaty and Convention on Cluster Munitions, or to the UN General Assembly, which resulted in the Arms Trade Treaty and the Treaty on the Prohibition of Nuclear Weapons. Or it could mean forging ahead over the objections of the states who stand in the way of progress within the CCW. Anyone arguing that this is the “most appropriate forum” for these issues needs to figure out how to make that claim credible, whether by changing the rules of procedure or subverting them in creative ways that allow progress to be made.

This is not a small thing. But neither is allowing the most heavily militarised countries in the world to determine our collective norms and laws on weapons. This situation is unacceptable, and it crosses multiple forums. Yet states and other actors have managed to make progress in establishing norms, stigmatising weapons, and achieving concrete disarmament and demilitarisation in many circumstances. What should be clear to most at this point is that we cannot afford to allow the intransigence of the few to hold the rest of us hostage anymore. We cannot afford it literally—our treaty bodies are going broke. And more importantly, we cannot afford it in terms of the human lives and suffering, or in terms of the environmental devastation our planet is undergoing. We have to change what we are doing and how we are doing it, or we are just constructing the means of our own extinction.



GENERAL EXCHANGE OF VIEWS

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On 6 September, CCW high contracting parties engaged in a general exchange of views on all issues on the preparatory committee's agenda. The following is an overview of these remarks and does not necessarily capture every position.

Militarism

- The Non-Aligned Movement (NAM) argued the CCW is important to balance military and humanitarian concerns, noting that resources for socioeconomic development are limited while more resources are used for military equipment. It urged all states to devote resources to development and against poverty.
- Cuba highlighted the imbalance between industrialised and developing countries regarding the production and development of weapons. It noted rising military spending and called for reduction in weapons.
- Ireland noted that given the interrelationship between peace, sustainable development, and disarmament, the use of conventional weapons poses obstacles to achieving the 2030 Agenda.
- Russia expressed alarm at the "increasing attempts" by some countries and civil society groups to use humanitarian concerns as an absolute imperative for restrictive and prohibitive norms against some weapons.

Autonomous weapon systems (AWS)

- The European Union (EU), NAM, Algeria, Argentina, Brazil, Costa Rica, Chile, Ecuador, El Salvador, Ireland, Mexico, New Zealand, Pakistan, Palestine, Panama, Peru, Philippines, Sierra Leone, and Uruguay welcomed the work of the Group of Governmental Experts (GGE) on AWS.
- EU and Algeria said they would like the GGE's remaining sessions to focus on consensus recommendations for a normative and operational framework.

- Russia said the GGE should focus on preparing its report to the RevCon.
- Spain looks forward to the GGE's report.
- China supported the continuation of the GGE's work.
- Russia said it would support continuing discussions on AWS but does not see a justification to review the mandate or agenda of the GGE.
- NAM, Argentina, Chile, Colombia, Costa Rica, Cuba, Ecuador, El Salvador, Ireland, Mexico, New Zealand, Palestine, Panama, Peru, Philippines, Sierra Leone, Switzerland, and Uruguay supported a strengthened mandate for the GGE.
- NAM, Argentina, Chile, Costa Rica, Cuba, Ecuador, El Salvador, Iraq, Mexico, Palestine, Panama, Peru, Philippines, Sierra Leone, Uruguay, and the International Committee of the Red Cross (ICRC) supported the development of a legally binding instrument with prohibitions and restrictions on AWS.
- New Zealand supported negotiation on limits and controls to effectively regulate AWS.
- Switzerland supported negotiations of an instrument on AWS.
- China supported a legally binding instrument for fully AWS to prevent machines from killing autonomously.
- Austria said states should draw the line between acceptable and unacceptable weapons and should ensure a minimum of human control over weapon systems.
- Colombia supports a regulatory framework.
- Israel argued there is no need for a legally binding instrument on AWS.
- Republic of Korea (ROK) welcomed the adoption of the 11 guiding principles (GPs) on

AWS and said they can play a guiding role for the GGE's future work.

- Japan said the GPs are of “great value” and the RevCon should build on them.
- Argentina, Costa Rica, Ecuador, El Salvador, Israel, Palestine, Panama, Peru, Philippines, Sierra Leone, and Uruguay also supported the GPs.
- NAM and Argentina noted that codes of conduct, weapon reviews, confidence-building measures, political declarations, and other non-binding arrangements cannot substitute a legally binding instrument.
- Russia said application of existing IHL is sufficient.
- Argentina, Costa Rica, Ecuador, El Salvador, Palestine, Panama, Peru, Philippines, Sierra Leone, and Uruguay said IHL is not sufficient to address rapid technological changes.
- NAM, Austria, and Panama raised concern with implementation and enforcement of international law, including international humanitarian law (IHL) and international human rights law (IHRL) in the context of AWS.
- Panama also highlighted the relevance of international criminal law, principles of humanity, and dictates of public conscience.
- NAM raised concerns about accountability and responsibility in relation to the use of AWS.
- NAM raised concerns about the risk of arms racing and technological gaps in relation to AWS.
- Iraq expressed concern with terrorist acquisition of AWS.
- Japan said the key elements for future discussions are application of IHL, human responsibility, human-machine interaction, and weapon reviews.
- Pakistan expressed concern with the diverging views, slow pace, and gaps between the development of AWS and the progress of work in the GGE. It said work must be driven forward in a results-oriented manner.

Incendiary weapons

- EU and Spain called on HCPs to join protocol III.
- Austria, Chile, Mexico, Panama, Peru, and Switzerland said protocol III should be reviewed and potentially strengthened. During its remarks on preparations for Main Committee II, Austria also requested the appointment of an office holder to seek the views of high contracting parties (HCPs) on protocol III and report back to the CCW.
- Argentina, Costa Rica, Ecuador, Ireland, New Zealand, Philippines, UK, and ICRC supported the CCW holding dedicated discussions on incendiary weapons.
- Argentina, Austria, Chile, Costa Rica, Ecuador, Ireland, Mexico, New Zealand, Panama, Peru, Spain, Switzerland, and UK raised concerns with and/or condemned the use of incendiary weapons. Most highlighted their horrific impacts and/or violation of IHL.
- Russia said calls to review protocol III are “contrived” and is against inclusion of this item on the agenda of the RevCon. It said that states should focus on compliance with existing provisions of the protocol.

Anti-personnel landmines

- Peru urged strengthening synergies between amended protocol II (APII) and the Mine Ban Treaty.
- Japan noted 90 HCPs still aren't party to APII and said that as president-designate, it sent a letter and ratification to those states.
- Russia said APII is important for the “inappropriate use” of landmines but argued these weapons are for many states a legitimate and necessary means to achieve security.

Mines other than anti-personnel mines (MOTAPM)

- NAM said this issue has been on the agenda for a long time and divergences in opinion are well known.

- China said negotiations should proceed cautiously given divergent views.
- Pakistan argued humanitarian concerns arise from the irresponsible use of MOTAPM, especially by non-state actors, and that they are already regulated.
- Russia opposed the renewal of a CCW experts group on MOTAPM, arguing they are lawful and effective means of national defence.
- EU and UK said MOTAPM are legitimate weapons but must be used in accordance with IHL, noting their humanitarian impact.
- ROK expressed concern with human harm arising from indiscriminate use of MOTAPM and called on all states to use them in accordance with IHL.
- New Zealand expressed concern with the harm caused by MOTAPM, including through the denial of humanitarian assistance.
- Ireland expressed concern that the CCW has not addressed the humanitarian impacts of MOTAPM outside of marked areas and at the well-documented consequences of socioeconomic development arising from the use of MOTAPM. It said the CCW should reach agreement to advance work on MOTAPM. Panama supported this proposal.
- EU, Austria, Ireland, Israel, Mexico, Philippines, Switzerland, UK, and ICRC said MOTAPM should remain on the CCW's agenda.
- Japan proposed, as president-designate of APII, to update the declaration on IEDs with the IED coordinators, and to present the updated declaration to the HCPs of APII. Philippines supported the updating of the declaration.
- EU condemned harm caused by mines, booby traps, and IEDs, noting that they produce alarming humanitarian impacts, especially in urban settings.
- UK said it is concerned with use of IEDs and condemns all unlawful use of weapons against civilians, which is a clear violation of IHL.
- ROK expressed concern with use of IEDs.
- Japan noted IED attacks pose a disproportionate threat to civilians, both during and after hostilities, killing and injuring more people annually than any other weapon other than firearms.
- China said it actively carried out studies of standards and risk awareness related to IEDs and is willing to engage in future exchanges with other countries.
- Ireland said it is imperative that the RevCon recognise humanitarian impacts of IEDs, especially in urban areas.
- Colombia said IEDs are one of the gravest threats and require a common response. It hoped HCPs can support the call made by coordinators on this issue for an updated questionnaire to facilitate implementation and strengthen national authorities. Ecuador said it looks forward to the updated questionnaire.

Improvised explosive devices (IEDs)

- Argentina, Chile, Ecuador, Peru, Philippines, and UK thanked the coordinators of the group of experts on IEDs, France and Colombia.
- EU, China, Japan, Panama, ROK, and Russia welcomed the proposal to continue work on IEDs in APII.
- Colombia recognised the efforts to address IEDs under APII.
- Philippines highlighted its work as last year's president of APII to stress the potential to enhance international cooperation in the area of IEDs.

Explosive weapons in populated areas (EWIPA)

- Russia agreed IEDs are a grave threat.
- Ireland expressed concern with the human harm caused by the use of EWIPA and said it is committed to the achievement of a political declaration.
- Peru welcomed the development of a political declaration on the use of EWIPA.
- Spain noted ongoing discussions about the use of EWIPA and said states must not ignore the increasing urbanisation of warfare.

- ICRC said the use of EWIPA causes unacceptably high levels of civilian death and suffering and called on all states and parties to armed conflict to avoid the use of EWIPA. It said it is confident the ongoing diplomatic process will facilitate respect for IHL.
- Argentina said the use of EWIPA causes serious alarm because of the serious humanitarian effects. As a sponsor of the Safe Schools Declaration, this is a priority issue.
- Iraq noted the war against Daesh led to the use of explosive weapons war, leading to displacement of civilians.

Explosive remnants of war (ERW)

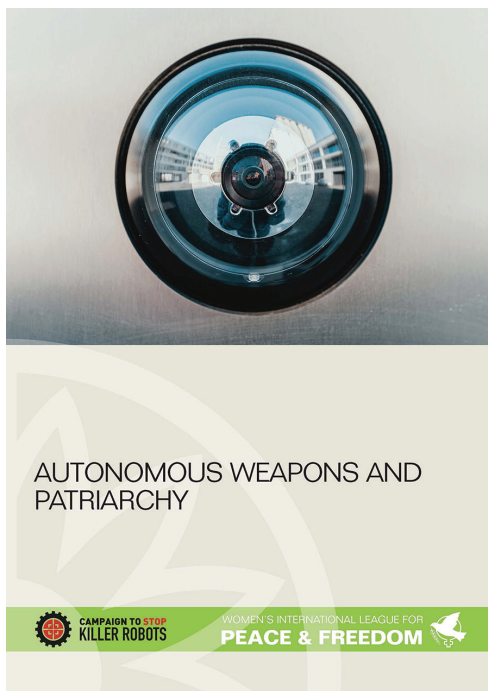
- UK said it has not yet ratified protocol V, but it is “under active review”.
- Philippines said it is about to complete the ratification of protocol V.
- Switzerland and ICRC urged further work on implementation of protocol V.

De-mining

- China and Russia highlighted their contributions to de-mining efforts.
- Iraq warned that its national de-mining programmes and clearance of ERW are facing serious problems because it does not have enough information about mine fields and can’t advance due to terrorist groups and pollution. It noted the war against Daesh led to mine use, leading to displacement of civilians. It thanked other states and civil society groups supporting de-mining, providing assistance to victims, and raising awareness of the risks of ERW.

Science and technology (S&T)

- Chile said rapid technological advances applying to weapon systems require initiatives such as a review of S&T within the CCW.
- Switzerland urged consideration of developments in S&T and noted there are many proposals for follow-up to assess



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technological developments and their impact on the CCW and its protocols.

- ICRC said evaluating in advance the human cost of conventional weapons can help prevent human suffering, which requires effective monitoring and assessments of S&T.

Universalisation

- Most participants noted the importance of achieving universalisation of the CCW and its protocols.
- Chair noted there are currently 125 HCPs to the CCW and that there have not been any new accessions since 2017.
- EU noted only two states (Lebanon and Afghanistan) joined the CCW since the last Review Conference. Several states welcomed these accessions.
- Chile expressed concern with the lack of dynamism in universalisation given the challenges faced in IHL implementation.
- Switzerland suggested the RevCon adopt a plan of action for universalisation.
- Ireland noted that universalisation progress has fallen short of the action plan from the fourth RevCon.
- Austria said the RevCon should discuss concrete proposals to advance universalisation.
- Israel argued that in the Middle East few states have expressed consent to be bound by the CCW and the law of armed conflict is challenged on a daily basis.

Implementation and adaptation

- EU said it hopes structured debate can take place on CCW implementation, including issues of compliance.
- UK said the RevCon should evaluate the strength of the CCW.
- Chile said the RevCon should review implementation and the relevance of the CCW.

- Chile and Ireland noted that as conflicts change, the CCW must respond to new challenges.
- Austria noted that due to the pace of technological developments, the CCW requires sharpening.
- Peru said strengthening multilateralism and preserving the credibility of the CCW requires a more dynamic character for the Convention.
- Panama and Philippines likewise said developments of new weapons and changes to engagement of hostilities require adaptative responses.

Financial issues

- NAM said it is necessary to adopt efficiency measures in consultation with all HCPs. It recognises the importance of addressing financial stability but argued that setting up punitive measures may not be effective and might negatively affect universalisation.
- EU said financial robustness will consolidate the international support unit (ISU). Colombia hopes the RevCon can lead to strengthening the ISU.
- EU expressed concern with the CCW's financial situation and welcomed proposals aimed at guaranteeing payment by all HCPs.
- UK is concerned with late- and non-payment of dues by some HCPs and urged all states to settle their payments promptly. It said the RevCon should review implementation of measures to put CCW and ISU on more sustainable footing.
- ROK and Philippines support efforts to improve the financial situation.
- United States welcomed the discussions on financial matters and the relationship between HCPs and UN Office for Disarmament Affairs (UNODA).
- Pakistan supports the working capital fund and efforts to find a sustainable solution to financial issues, as well as the relationship to UNODA.

- Austria said that while it's important to secure more stable financial footing, the administrative elements of the CCW should not overburden the agenda of the RevCon.
- Colombia stressed that multilingualism cannot be affected by budgetary issues. Panama agreed.
- Mexico recognised efforts to alleviate the financial situation but urged the adoption of measures to address the problem in a structured, long-term manner and to provide certainty to the ISU.
- Spain called on all states to pay their contributions and called for a discussion of the financial system.
- Colombia urged discussion of gender dimensions and said more women should participate, as hearing from those historically not represented will help find solutions to issues.
- Panama said states must promote women's participation in decision making and implementation of the CCW and that discussions must include a gender perspective, including the understanding of gendered impacts of weapons.
- Mexico highlighted the importance of a gender-based approach, urging the increasing of women's participation and recognition of gendered impacts of weapons.
- Ecuador said increasing women's participation and incorporating gender perspectives in the work of the CCW is not only the right thing to do, it will improve outcomes.
- Argentina said greater participation of women and study of differentiated gendered impacts of weapons is needed in the CCW.

Gender

- EU said non-proliferation, disarmament, and arms control issues have gender dimensions and perspectives that must be accounted for. It noted that the UN Secretary-General (UNSG)'s agenda for disarmament encourages women's participation, including in leadership positions, and said the CCW should assess how to mainstream gender dimensions in line with UN Security Council resolution 1325.
- Chile said since the last RevCon, gender-sensitive provisions have increased in relation to differential impacts of weapons and mainstreaming gender perspectives. It welcomed efforts to strengthen gender analysis within the CCW.
- Ireland said the CCW should give more attention to gendered impacts of weapons and ensure women's increased participation, in line with the UNSG's disarmament agenda.

Representation

- NAM regrets the lack of NAM representation in UNODA and requested equitable representation.
- Chile noted the important contributions made by civil society, the International Committee of the Red Cross, and academia to the CCW and urged inclusive participation in the Convention's work.
- Colombia welcomed the balanced participation of experts in APII and hopes this can be extended elsewhere.

PREPARATIONS FOR MAIN COMMITTEE II

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The discussion on preparations for Main Committee II at the upcoming CCW Review Conference (RevCon) focused on the work of the **Group of Governmental Experts (GGE) autonomous weapon systems (AWS)**. The Chair of the GGE, Ambassador Marc Pecsteen de Buytswerve of Belgium, briefed the Preparatory Committee on the work of the GGE so far this year, after which high contracting parties (HCPs) and other participants made interventions.

Organisation of work

- The GGE held an informal session online from 28 June–2 July 2021 and a formal session in Geneva from 3–13 August.
- The final two sessions of the GGE for 2021 are scheduled to be held in Geneva from 24 September–1 October and 2–8 December.
- The Chair highlighted the **paper** he circulated at the last GGE session in August 2021, which contained elements that could be included as recommendations in the GGE's report to the upcoming RevCon. GGE participants are invited to provide written contributions to the Chair by 10 September in response to his paper or the **guiding questions** circulated at the August 2021 session. The Chair will circulate a new version of his paper ahead of the September session, which will serve as the basis for discussion there.
- Austria reiterated it will organise an online conference from 15–16 September to focus on legal, ethical, and security dimensions of AWS, in support of the substantive work of the GGE.

GGE report and recommendations

- China took note of the draft elements put forward by the Chair in August but believes the GGE's report to the RevCon should "objectively review and evaluate" the achievements of the GGE and put forward recommendations on a mandate for the next review cycle, which the Chair's paper currently lacks. It suggested the

Chair make a summary per previous years' report structure, using consensus terms or reflecting all divergent views.

- Pakistan said the recommendations to the RevCon have to be agreed in the GGE and must be in line with its mandate to develop aspects of the normative and operational framework (NOF).
- Argentina, Costa Rica, Ecuador, El Salvador, Palestine, Panama, Peru, Philippines, Sierra Leone, and Uruguay said the Chair's paper is a good basis for discussion and minimum starting point for a NOF.
- Ireland said the Chair's draft paper moved the GGE towards completion of its goal to reach agreement on a NOF. While Ireland welcomed the paper's reflection that there is consensus about IHL's applicability to AWS, this acknowledgement is not an end in itself. Factors such as algorithmic bias, unpredictability, complexity, and qualitative human judgement have been highlighted as needing specific policy and regulatory responses and context-specific, value-based judgements by human beings that can't be substituted by autonomous machines. Thus, Ireland argued, the need to retain human control must be reflected in the recommendations. The GGE should also move towards recognising that weapons that cannot comply with the basic tenants of IHL are ethically unacceptable and should not be developed, deployed, or used under any circumstances. Ireland said a dedicated section on ethical considerations would be a necessary addition in the Chair's paper.
- Switzerland said the work of this GGE has made progress toward a NOF that includes negative obligations for weapons that have a risk of non-compliance with IHL and positive obligations for others, to guarantee the necessary degree of human control.
- Brazil, Chile, and Mexico said the Chair's paper on possible recommendations are a

sound basis for upcoming discussions. To this end, they said the recommendations to the RevCon should have the concept of human control at the centre and focus on state and individual responsibility regarding the use of new technologies. Priorities include ethical considerations and the construction of a legal framework to ensure compliance with IHL and international human rights law (IHRL).

- Republic of Korea (ROK) said recommendations from the GGE should emerge from the elaboration and development of the 11 guiding principles (GPs) adopted in 2019, based on discussions about human responsibility, human-machine interaction, and weapon reviews.
- United States (US) believes the GGE should be more ambitious in capturing past conclusions and building on them with new content to elaborate in greater detail the NOF, but said the GGE should focus on recommendations that can achieve consensus.
- Russia said it is premature to draw conclusions about the draft report but said it should emphasise a commitment to the outcomes from 2018 and 2019; include the 11 GPs; have a provisional format of style and organisation; and note that international law, including IHL, is fully applicable and does not need to be modernised or adapted. Russia argued it is premature to discuss rules, norms, or principles related to AWS.
- The Campaign to Stop Killer Robots (CSKR) welcomed the Chair's paper and guiding questions.
- The Chair clarified at the end that his draft paper only covers part of what the full report will contain. The idea was to start by concentrating on the recommendations, as those will be the most difficult to agree.

Future GGE mandate

- The United Kingdom (UK) said a new mandate for the GGE should include consideration of the importance of the human role; accountability; characteristics of autonomy that relate to compliance with international law, including international humanitarian

law (IHL); and establish an independent, multidisciplinary network of experts that would include those who believe IHL is insufficient.

- Sweden said it hopes the RevCon will extend the GGE's mandate to continue to deepen understanding of AWS.
- ROK supports continuing the GGE mandate, with space to elaborate and operationalise the GPs, which will contribute to the application of IHL in the development and use of AWS.
- India supported the renewal of the GGE mandate.
- China said the next GGE mandate should renew the mandate given by the fifth RevCon to continue discussions on technical, military, legal, and humanitarian issues involved and that it should specify time for further discussion on definitions and technical characteristics of AWS. It should have working groups on each that would put forward consensus-based recommendations for a NOF.
- Pakistan said to suggest a roll-over mandate at this stage prejudices the outcome of the GGE, noting that the mandate has evolved over time and there is a natural expectation for the next one to be forward-looking and responsive to the concerns of all delegations.
- Ireland said the GGE's mandate must build on the outcome reached at the end of this GGE session, agreeing that a simple roll-over would not be sufficient or do justice to the work completed.
- Argentina, Costa Rica, Ecuador, El Salvador, Palestine, Panama, Peru, Philippines, Sierra Leone, and Uruguay said the RevCon should adopt a new mandate for the GGE to initiate an open-ended negotiating process for a new legal instrument that includes prohibitions and positive obligations.
- CSKR agreed the mandate should be to negotiate.
- Switzerland said we must await the conclusion of the GGE's work before determining what measures RevCon should take on this matter but noted that after eight

years of work on this topic, there is a pressing need for the next mandate to be sufficiently ambitious so we can move toward negotiating an instrument on these weapons.

- Brazil, Chile, and Mexico said that while it might be early to envisage a new mandate, there is enough critical mass to move from discussions to a results-oriented approach. They suggested the GGE recommend it will continue work in 2022 to continue to explore emerging technologies in the area of AWS and negotiate a NOF conducive to a legally binding instrument in accordance with decision 1 of the fifth RevCon, in which negotiations should focus on establishing prohibitions, regulations, and other appropriate measures. They also suggested the next GGE should organise a joint special session with the UN Special Rapporteur on extrajudicial killings to consider issues and challenges concerning AWS with relation to respective mandates under international human rights law (IHRL). They also suggested the establishment of a GGE on weapon reviews and emerging technologies to identify best practices and specific challenges, and the establishment of a technology advisory board in the field of international security, comprised of technology and policy experts to keep HCPs informed.
- Netherlands said it is premature to formulate an outcome from the GGE and hopes the RevCon has time to consider how to continue the GGE's work.
- US said a new GGE mandate is a necessary and important topic for discussion at the RevCon.
- Russia supported continuing discussion of topics in the format of the existing GGE. It suggested one priority topic for consideration to be characteristics and basic functions of AWS, otherwise any work on regulations would lack legal clarity. Another suggested topic was how existing legal standards could be applied to new technologies. It argued that implementation and compliance with export controls on AWS is not a subject for discussion at the GGE.
- Japan said the GGE should continue discussions on key agreements identified

in past documents, and that this should be integrated into the future mandate of the GGE. It supports giving the GGE a fresh mandate for the next cycle and is open to further strengthening the mandate.

- Italy said that while it's a bit early to think about future work, we can at least confirm the future of the GGE will continue in a constructive manner. It suggested another two-year mandate for the GGE.
- The Chair said he agrees with delegations that are insisting on results-oriented work for the RevCon.

New protocol

- Austria called for an early start to negotiations on a sixth CCW protocol, focusing on emerging technologies.
- Pakistan said the "final goal post" for work on AWS remains a suitable legal instrument to address the challenges comprehensively and it agrees with the growing convergence for a new protocol.
- Argentina, Costa Rica, Ecuador, El Salvador, Palestine, Panama, Peru, Philippines, Sierra Leone, and Uruguay said a new legally binding instrument would strengthen the existing CCW framework and said anything short of this would only be acceptable if it is understood as an intermediary or complementary step.
- Switzerland said the CCW should move toward negotiating an instrument on AWS and said a NOF should have positive and negative obligations.
- Brazil, Chile, and Mexico supported the elaboration of a set of positive and negative obligations.
- CSKR said it is pleased to observe that most HCPs recognise the need for a legally binding instrument with positive obligations and prohibitions.
- US said there is no consensus for a mandate to negotiate a legally binding instrument.
- Russia is against the development of any legally binding instrument on AWS or an

introduction of a moratorium on the use of such systems.

Guiding principles (GPs)

- Sweden said the 11 GPs adopted in 2019 should continue to guide the GGE in its work.
- China said the GGE could continuously adopt new GPs as a compromise.
- Ireland said the adoption of the GPs, along with consensus on the applicability of IHL and discussion on a NOF, are milestones.
- ROK said the adoption of the GPs represent a significant achievement of the GGE and work is needed to translate them into a NOF. It said consensus recommendations from the GGE should be drawn from the GPs.
- US said the GPs are a useful vehicle for clarifying the NOF.

- Japan said it is proud of the GPs and it looks forward to working for new consensus language building on past agreed elements.

Appropriate forum

- ROK said the CCW is the most appropriate forum for addressing AWS.
- Russia agreed and argued that transferring it to other fora is counterproductive.
- Japan said the CCW is the most suitable venue to address AWS but the RevCon must deliver a meaningful outcome to show the CCW framework is capable of addressing this issue adequately.
- CSKR said the RevCon presents a clear opportunity for states to demonstrate that the CCW remains an appropriate forum by achieving a mandate to negotiate.

FINANCIAL ISSUES AND RELATIONS BETWEEN HIGH CONTRACTING PARTIES AND THE UNITED NATIONS

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On 8 September, Radha Day of the United Nations Office for Disarmament Affairs (UNODA) gave a presentation on the current financial issues facing the Convention. She noted that due to COVID-19 and cancellations of many meetings in 2020, cost estimates for 2021 were only adopted by silence procedure in April 2021, leading to delayed issuance of invoices, which in turn has caused delays in collection rate and poses challenges to the cash flow. Beyond the impacts of COVID-19, there is a significant financial deficit. The outstanding amount for all years is currently at 625,000 USD. She noted that the working capital fund currently has 10,500 USD, but this won't be enough to meet financial requirements this year. She warned that based on the current situation, there aren't enough funds for 2021 to hold all remaining meetings, such as the Sixth Review Conference (RevCon).

Day summarised that the CCW faces structural issues in the financing of the Convention, including that some states parties don't pay their contributions, the lack of a mechanism to cover unpaid debts, and a lack of a comprehensive set of rules. In addition, liquidity issues, caused by late payments and the accumulation of unpaid contributions, have led to a situation where meetings had to be cancelled in the past. Day also explained that current CCW rules create unfunded liabilities for the United Nations (UN), which results in the suspension of the closure of projects to avoid the UN having to return funds to those states that have paid in full and are credits due. Day offered a few possible measures to address the above issues, including multi-year approved cost estimates, additional contributions to the working capital fund, and contingency to the annual cost estimates. High contracting parties (HCPs) then

gave their views on the situation, which included the following:

- The vast majority of delegations taking the floor, including Cuba, Germany, Italy, India, Japan, United Kingdom (UK), Russia, and Spain expressed grave concern at the financial situation of the CCW.
- Austria and the Netherlands regretted that so much time was spent on discussing financial matters instead of the content pertaining to the Convention.
- Many delegations, including Cuba, Italy, Mexico, South Africa, and the United States (US) urged high contracting parties (HCPs) to find measures to ease the debt.
- Austria, Italy, Mexico, the Netherlands, the UK, Republic of Korea (ROK), and Russia, amongst others, stressed that the root cause of the problem is the late and non-payment by some HCPs.
- Many calls were made for HCPs to pay their assessed contributions on time and in full.
- There were many expressions of gratitude and thanks to the work of the implementation support unit (ISU), and HCPs apologised for the precarious situation staff face due to the financial situation.
- Italy, China, and others said that work to address this issue should start with the proposal by the 2020 president of the CCW (The Netherlands). That proposal encouraged the next president-designate to undertake consultations to discuss the situation. Various states supported the holding of consultations. South Africa said these must be inclusive.
- India, the UK, and Russia also welcomed the Dutch proposal.
- India welcomed the Dutch proposal regarding the closing of accounts.
- Japan said that the former practice of closing accounts should be restored, and that the UN is required to return excess estimates to those that have paid assessed contributions in full. It argued that without the closing of accounts, many HCPs have difficulties convincing their financial authorities to make fresh payments in the following years.
- Russia urged to close accounts from 2018 and 2019.
- Canada said the RevCon should look at late payments and non-payments, and discuss divergent views on the closing of accounts. Spain also said the issue of account closure should be discussed.
- Italy and Spain called for greater transparency of the financial situation. The US also said transparency is vital for the CCW's work.
- Spain underscored that it is HCPs' duty to their taxpayers to ensure effective management of the Convention.
- The UK stressed that the RevCon should take stock of existing measures to address the financial situation, and to review the development and application of the measures taken.
- Russia said that measures adopted by consensus in 2017, 2018, and 2019 should be fully implemented. Pakistan made similar remarks.
- Russia stressed that implementing the provisions from the 2019 outcome document would fully enable the HCPs to resolve the issue of financial instability. ROK also welcomed the financial measures adopted in 2019.
- Russia doesn't support sanctions against states in debt, and said that any restrictions regarding the full participation will not lead to financial discipline. South Africa also doesn't support punitive measures.
- India proposed introducing a small penal interest on late payments as an incentive for states to pay on time.
- China argued that financial arrangements should follow the Convention's provisions and shouldn't go beyond the Convention's obligations, and financial arrangements should help all HCPs to fulfill their financial obligations instead of forcefully requiring HCPs to make extra contributions. China said

this would be unfair, would be a disguised punishment, and would encourage more late and non-payments.

- Russia argued that states that haven't paid their contributions should explain their reasons for doing so. It also noted that the HCPs should study the possibility of waiving debts over the course of a few years.
- The Netherlands said the proposal for HCPs that payed their assessed contributions to agree that their credits be used for non-payment of others isn't acceptable.
- The UK recommended the RevCon consolidate all financial rules in one document for an holistic overview. Austria, Canada, and the US made similar remarks.
- Germany supported the introduction of financial rules that are tailored more specifically to the CCW. This should include the following principles: all HCPs should honour their assessed contributions; HCPs in arrears for a certain period should be subject to certain measures; contributions shouldn't be used to cover unpaid contributions; and the role of the working capital fund (WCF) should be clarified, amongst others.
- Pakistan would like the RevCon to examine how cash flows can be improved, and for the RevCon to discuss contingency provisions, the sponsorship programme, and the WCF.
- India said the WCF must be funded through assessed contributions, similar to how it's done at the Organisation for the Prohibition of Chemical Weapons (OPCW) and asked why only some countries should carry the burden of supporting the CCW. Mexico described India's ideas as "interesting".
- Mexico said the WCF is an important tool to manage risks and guarantee continuity of the CCW's work. China and Japan made similar remarks. ROK said it considered the possibility of contributing to the WCF.

Relations between the HCPs and the UN

- The president-designate explained that in terms of relations between HCPs the UN, UNODA decided in 2018 to end contracts of

certain ISU staff without prior information to HCPs in application of accounting rules. He stressed the need to consider how to stabilise governance within the governance body.

- Many states parties expressed their gratitude for the work of the ISU and UNODA.
- The UK noted that there is a gap in governance in the CCW, and that the RevCon should look at this and clarify the roles of all relevant actors. Canada made similar remarks, adding that it would be useful to study the managerial governance mechanisms of the Cluster Munitions Convention, the Mine Ban Treaty, and the Arms Trade Treaty (ATT).
- Many states stressed the need to ensure stability of the ISU.
- Russia argued that only HCPs are authorised to take decisions on expenses of resources, not the ISU nor UNODA.
- Russia doesn't see any problems with the functioning of the ISU, and said that complications arising in 2017 and 2018 were linked to the finances of the CCW, not to the general functioning of the ISU.
- Russia also requested more information about the status of a draft memorandum, circulated by the president-designate, between HCPs and UNODA. The president-designate clarified that this was an informal document with no official status at this point, distributed amongst a few delegations only.
- Austria, India, and the Netherlands, amongst others, supported efforts by the president-designate to formalise relations with the UN. Germany said it was open to discussing stabilising the governance of the CCW.
- The president-designate announced that he'll organise open-ended consultations as soon as possible on finance and relations between HCPs and the UN.

Any other business

- The Secretariat presented past decisions regarding the usefulness of summary records. At the 2016 RevCon, the decision was taken to retain the practice of keeping summary

records only for the final session of future RevCons, meetings of HCPs, and meetings of protocol II and protocol V. No state opposed the continuing of this practice.

Nomination of offices

- The president-designate announced that for the Philippines will chair main committee II, the drafting committee will be chaired by France, the president-designate himself, the credentials committee will be headed by Switzerland, and the Secretary for the RevCon will be the interim chief of UNODA in Geneva. The president-designate announced that the

Eastern group has not yet confirmed their nomination for main committee I. He further informed that consultation for the nomination of vice-chairs will continue intersessionally, and they will be nominated by silence procedure.

Other matters

- Russia and the Philippines expressed discontent at the new internet portal of the CCW which they said isn't user-friendly and doesn't contain all past CCW-related documents, amongst other criticisms.

REPORT OF THE PREPARATORY COMMITTEE

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On 8 September high contracting parties (HCPs) reviewed and discussed the **draft report** of the Preparatory Committee (PrepCom). Participants offered reactions and, at times, new language proposals for certain paragraphs. This is summarised below. The report was adopted as a whole with the inclusion of the oral revisions agreed to during the final PrepCom session.

Sections I (Introduction) and II (Organisation of the Preparatory Committee)

Sections I and II were adopted without any substantial changes. There were a couple of technical additions to add the names of states that had either registered for the PrepCom, or had taken the floor during the meeting, but whose names were omitted or misrepresented. This included statements delivered by Costa Rica and State of Palestine on behalf of the "Group of 10" and Venezuela on behalf of the Non-Aligned Movement.

Section III (Work of the Preparatory Committee)

Paragraph 14: Under agenda item "Financial issues and relations between the High Contracting Parties and the UN," the Committee heard a presentation by Ms. Radha Day, Chief of Service a.i. of the United

Nations Office for Disarmament Affairs, Geneva Branch. The Committee encouraged High Contracting Parties and observer States to pay their assessed contributions without delay and stressed the importance of ensuring the effective implementation of the Convention and the operational continuity of the Implementation Support Unit. As mandated by the Technical Decisions of the High Contracting Parties to the CCW of April 2021, the President-designate of the Sixth Review Conference will undertake consultations during the intersessional period on possible measures to address all aspects of the financial situation of the Convention.

- Russia requested to add "annual" and then "in full" after "without delay".
- Russia proposed to change the second sentence so that after "delay" it would read: "and stressed that the Implementation Support Unit is the main element for the effective implementation of the CCW and its operational continuity," in line with agreed language from paragraph 37 of the 2019 CCW report.
- The Netherlands recalled that paragraph 37 was agreed to in a very late night meeting as a compromise and was formulated in such a way that the preceding sentences give it

balance—thus importing part of paragraph 37 alone omits this context and balance. This point was also noted by Pakistan.

- The Netherlands suggested to replace “stressed” with “recalled” in the second sentence. Pakistan supported this.
- Pakistan proposed to split Russia’s proposal into two sentences to capture the essence of both: that the implementation support unit (ISU) is the central element, and that there is a need to ensure continuity.
- The president-designate proposed the following language: “The Committee encouraged HCPs to pay annual assess contributions without delay and in full. The Committee also recalled that the Implementation Support Unit is the essential element for the the effective implementation of the CCW and its operational continuity.” This language was adopted.

Paragraph 15: Under the agenda item on “Any other business,” the Committee agreed that regarding summary records, relevant decisions of the Fifth Review Conference will continue to be implemented. The issue of online accessibility of CCW official documents, including from previous years, was also discussed.

- Russia said the language in the sentence referring to the online accessibility of CCW documents should be stronger. It suggested to include “Noted the need” or “expressed interest” in “further discussion” or “consideration” of “issues pertaining to the Internet portal of the CCW”. It argued that the issue is broader than access to official documents, but affecting the CCW site overall. The intention of Russia’s proposal would be to allocate time during the RevCon for discussion about the website.
- Austria warned that Russia’s proposal would take up too much time during the RevCon, and suggested having an informal discussion on this subject instead, as was done recently in the context of the Biological Weapons Convention (BWC), which is experiencing a similar problem. Austria noted that since the website serves multiple organs, it might be useful to have a discussion about it between

the president-designates of all relevant processes.

- Russia stressed it was highly probable this issue will be raised during the RevCon, and welcomed the holding of informal consultations on this topic in advance of the RevCon, so as to not “start from scratch”.
- The Philippines said it was flexible regarding the exact wording in the PrepCom report but said it had a strong preference to retain the term “accessibility” rather than just “operation”.
- The president-designate proposed the following wording to replace the last sentence: “HCPs expressed interest in further consultations with the UN on operations and accessibility of the website of the CCW.”
- Russia requested the deletion of “with the UN” in the president-designate’s proposal, arguing the question should be discussed between HCPs.
- The Netherlands warned against HCPs micromanaging the website. It suggested that the PrepCom report call on UNODA to improve operation and access of the site.
- The president-designate then suggested the following wording: “The HCPs may call upon UNODA to improve the operation and accessibility of the CCW website and expressed interest in further consultations on the issue.”
- Russia did not support this, arguing that HCPs don’t have the mandate to give UNODA instructions but that the ISU can be called upon to do this.
- The president-designate suggested replacing “UNODA” with “ISU”.
- The United Kingdom (UK) preferred “called upon” instead of “may call upon”.

Section IV (Organisation of the Sixth Review Conference)

Paragraphs 16 and 17: The Preparatory Committee endorsed the Provisional Agenda of the Sixth Review Conference, to be issued as CCW/CONF.VI/1.

The Preparatory Committee agreed to recommend the Provisional Programme of Work of the Sixth Review Conference as contained in Annex I and to be issued as CCW/CONF.VI/2.

- Russia proposed adding the provisional agenda as annex I, and the provisional programme of work as annex II, and reflect this as such in paragraphs 16 and 17.

Paragraph 20: The Committee decided to mandate the President-designate to conduct informal consultations in the intersessional period on the nomination of remaining officeholders for the Sixth Review Conference.

- Russia proposed to add, after “consultations,” “including with the regional groups”.
- The UK suggested to specify at the end of the paragraph “who would be confirmed by a written procedure”. The UK explained that it felt it was important a procedure be identified in the report, for transparency in the process.
- Japan and Russia wondered how the nominations by silence procedure can be confirmed. Russia added that nominations can only be confirmed at the PrepCom. It suggested to consider the candidacies at the RevCon. The Netherlands and the UK argued that it's not new for recommendations to be confirmed via silence procedure and offered recent examples. As an alternative, the UK suggested to extend the mandate of the president-designate to consult with regional groups, and for the president-designate to transmit the results of consultations via a letter, which could be used as basis for confirmation at the RevCon.
- The president-designate clarified that this procedure is necessary as the Eastern European group hasn't yet made its nomination and is the only remaining group to do so. He stressed that it would be bad for HCPs to not have confirmed recommendations for office holders on the first day of the RevCon, including so these individuals can undertake work in that capacity in the lead up to the RevCon.
- Russia suggested to replace “decided” with “agreed”.

- After lengthy discussion, the president-designate proposed new language: “The Preparatory Committee agreed to request the president-designate to continue informal consultations with regional groups in the intersessional period on the recommendation for the nomination of remaining office holders for the Sixth Review Conference. The president-designate will keep HCPs informed of the outcomes of his consultations, in due course.”
- The paragraph was adopted as orally amended.

Paragraph 21: The Preparatory Committee agreed to recommend Ms. Radha Day as the provisional Secretary General of the Sixth Review Conference.

- Russia suggested to add Day's official title. The UK said that her title was already mentioned earlier, and wondered if that wasn't sufficient.

Section V (Documentation)

Paragraph 22: All documents of the Preparatory Committee are available on the UNODA Meetings Place webpage at <https://meetings.unoda.org/meeting/ccw-prepcom-2021/> and through the United Nations Official Document System (ODS), at <http://documents.un.org>.

- Russia expressed concern at the reference to UNODA Meetings Place website, and would like to see this changed to the “CCW website”. There was protracted discussion between the president-designate, the Secretariat and Russia how to address the fact that CCW documents are hosted on the UNODA site.
- The Secretariat was invited to explain the status of the “CCW website”. It outlined that the UN Office for Disarmament Affairs (UNODA) in New York maintains generic information about the CCW as part of its website. The UN Office in Geneva (UNOG) used to host and maintain a website about the CCW that included conference documents and statements. Those types of meeting-related documents are now located on the UNODA Meetings Place site, which is hosted by UNODA but separate from its main site.

- Russia expressed concern that decisions about relocating the CCW website, or relevant documents, had been made without consultation with CCW high contracting parties (HCPs). It reiterated that in its view, the CCW website continues to exist. It does not care about who hosts the site but that decisions about it should be agreed to by HCPs.
- The Netherlands also suggested that the PrepCom report could include an annex listing relevant documents for the RevCon with the UN code numbers, which would help for searching them in UN Official Document System (ODS). Other delegations noted that this would be helpful.
- Ireland said it was distressing that more time is spent on this paragraph than the work of the entire committees, and that the paragraph should make a simple reference to the CCW having a webpage.
- The president-designate proposed to use the same language agreed to during a recent meeting of the BWC: “The list of official documents of this preparatory meeting is contained in annex 3 of this report. All documents on this list are available on the CCW website [link], as well as through United Nations Official Documents System [link]”. This was adopted.



CCW REPORT

Reaching Critical Will (RCW) is the disarmament programme of the Women's International League for Peace and Freedom (WILPF), the oldest feminist peace organisation in the world. RCW works for disarmament and the prohibition of many different weapon systems; confronting militarism and military spending; and exposing gendered aspects of the impact of weapons and disarmament processes with a feminist lens. RCW also monitors and analyses international disarmament processes, providing primary resources, reporting, and civil society coordination at various UN-related forums.



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