

LEGAL ISSUES RELATED TO THE CONVENTION

- ISSUE:**
- a) Amendment of the Convention
 - b) Entry Into Force
 - c) Changes to Entry Into Force
 - d) Review Period
 - e) Denunciation

A) AMENDMENT OF THE CONVENTION:

BACKGROUND:

The 1980 Convention on Certain Conventional Weapons is a framework convention with three protocols. It contains the rules of procedure and specifies the areas to which the protocols apply (Convention Article 1). Protocol II therefore contains no provisions regarding its area of application, but focuses on practical matters relating to landmines, booby traps and other devices.

The Convention, as currently worded, is restricted in its application to situations of international armed conflict. It does this by referring to common Article 2 of the Geneva Conventions (armed conflict between two or more State parties to the Conventions) and Article 1(4) of Additional Protocol I of the Geneva Conventions (armed conflict in the exercise of the right of self-determination).

To expand the scope of Protocol II to include non-international armed conflict, either Convention Article 1 (Conv Art.1) or Protocol II Article 1 (Prot II Art.1) could be amended, or both. If Conv Art.1 only is to be amended, it could be with respect to all of the protocols or just Protocol II. However, all of the limitations which are now included in the Rolling Text as part of Prot II Art.1 (to meet States' concerns about sovereignty and non-interference in internal matters) would have to be included in the text of the Convention.

At the Expert's Meetings, most of the discussion focused on expanding the scope provision of Protocol II. How this is to be done remains the subject of discussion and negotiation (see related brief on PII Art.1).

As Conv Art.1 is the limiting provision of the document (restricting applicability to international armed conflicts), for the purpose of consistency, if the Protocol II scope provision is to be expanded, Conv Art.1 should probably be amended to reflect this change. This would also permit future changes to the scope provisions of the other protocols.

The Danes have proposed an additional paragraph to Convention