

# Meeting of the High Contracting Parties to 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

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English only

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Geneva, 15-17 November 2023

Agenda item 7

General exchange of views

## Working paper

### Submitted by the Bolivarian Republic of Venezuela on behalf of the Non-Aligned Movement (NAM) and Other States Parties to the CCW<sup>1</sup>

1. The States Parties of the Non-Aligned Movement (NAM) and other States Parties to the Convention on Certain Conventional Weapons (CCW), re-emphasize the position of the Heads of State or Government of NAM States Parties to the CCW and its Protocols as reflected in the Final Document adopted at the Ministerial Meeting of the Coordinating Bureau of the NAM, which took place on 5-6 July 2023, in Baku, the Republic of Azerbaijan.
2. NAM States Parties to the Convention on Prohibition or Restrictions on the Use of Certain Conventional Weapons Which May be deemed to be Excessively Injurious or to Have Indiscriminate Effects (CCW) and its Protocols encouraged States to become parties to the Convention and its Protocols.
3. NAM States Parties to CCW welcome the accession of Malawi and Namibia to the Convention and its annexed protocols.
4. NAM States Parties and other States Parties to CCW strongly believe that the universal adherence to and further strengthening of the Convention will make a significant contribution to progressive development of the rules of international law applicable in armed conflict and advancing further in the field of disarmament on the basis of universal, multilateral, non-discriminatory and transparent negotiations with the goal of reaching general and complete disarmament under strict international control.
5. The CCW in its preamble recalls the general principle of the protection of the civilian population against the effects of hostilities. It also confirms that, even when not covered under the Convention, the civilian population remains at all times under the protection of international law and that the right of the parties to an armed conflict to choose methods or means of warfare is not unlimited.<sup>2</sup>
6. In this context, the NAM condemns the continuing brutal Israeli military campaign against the defenseless Palestinian people by which the Occupying Power has continued to commit grave human rights violations and reported war crimes, including by use of excessive, indiscriminate force and use of explosive weapons across the Gaza Strip, including on homes and refugee camps and UNRWA schools and facilities, where 690,000 Palestinian civilians, among the over 1.4 million persons displaced, are sheltering, and on hospitals, mosques and churches.<sup>3</sup>
7. The NAM States Parties are alarmed at the reports of use of white phosphorus by Israel in areas of high concentration of civilians. The targeted use of white phosphorus in

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<sup>1</sup> The Delegations of Chile, Costa Rica, El Salvador, Paraguay and Uruguay disassociated from this Working Paper.

<sup>2</sup> The Delegation of Guatemala disassociated from this paragraph.

<sup>3</sup> The Delegations of Ecuador, Guatemala, Panama and Perú disassociated from this paragraph.



such areas with the result and primary design of causing burn injuries to persons makes it an incendiary weapon for the purposes of Protocol III and amounts to prosecutable war crimes.<sup>4</sup>

8. The NAM States Parties condemns also Israel's use of white phosphorus in its attacks on Lebanon, wounding civilians, damaging civilian objects and burning wide land areas, causing huge environmental damages with long term effects, as evidenced by many international governmental and nongovernmental organizations.<sup>5</sup>

9. More than 11,000 Palestinians have been killed in the past month, 73% of them are children, women and the elderly. The UN Secretary General has stated, Gaza has become "a graveyard for children". Humanitarian aid workers, including 101 United Nations Staff, have been killed.<sup>6</sup>

10. NAM further stress in this regard the need to ensure protection for the Palestinian civilian population in accordance with international humanitarian law and the relevant Security Council and General Assembly resolutions.<sup>7</sup>

11. The NAM States Parties echo the UN Secretary General's call for immediate humanitarian ceasefire and call for serious and immediate efforts by the international community for the implementation of the provisions of resolution ES-10/21. The NAM reiterates its grave concern about the lack of accountability for the violations committed by Israel, which entrenches impunity and diminishes the prospects for peace. Israel must comply with its duties and responsibilities under international law, including the Fourth Geneva Convention, international humanitarian and human rights law.<sup>8</sup>

12. NAM remains concerned at the continuous erosion of multilateralism in the field of disarmament, non-proliferation, and arms control. The Movement is determined to continue promoting multilateralism as the core principle of negotiations in these areas and as the only sustainable approach to address these issues, in accordance with the UN Charter.

13. Non-fulfilment of the commitments and obligations assumed under the relevant international legally binding instruments especially on conventional weapons continues to pose threats to global peace and security.

14. NAM notes that an important principle of the Convention is to balance humanitarian concerns with the legitimate military utility and necessity of certain conventional weapons.

15. NAM continues to affirm the sovereign right of States to acquire, manufacture, export, import and retain conventional arms and relevant parts, components, and ammunition for their self-defense and security needs. NAM expresses its concern about unilateral coercive measures in this area, and emphasizes that no undue restriction should be placed on transfer of such arms.

16. While resources for socio-economic development remain limited, more resources are devoted to the development of sophisticated and deadly conventional weapons that are used around the world which undermines international peace and security.

17. Paradoxically, some States that are leaders in the modernization, manufacture, use and commercialization of more advance conventional weapons try to impose international regulations to limit and hinder the acquisition and use, for purposes of self-defense, of certain types of less sophisticated conventional weapons, such as small arms and light weapons. We reject such double standards. The highest priority must be to control and limit the most sophisticated and destructive conventional weapons, which are the ones that cause the most innocent victims in modern wars.

18. The NAM States Parties and other States Parties to the CCW welcome the efforts and work carried out by the High Contracting Parties within the framework of the Group of Governmental Experts on Emerging Technologies in the Area of Lethal Autonomous Weapons Systems (GGE on LAWS) in implementation of its mandate and supports its

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<sup>4</sup> The Delegations of Ecuador, Guatemala, Panama and Perú disassociated from this paragraph.

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<sup>7</sup> The Delegations of Guatemala and Panama disassociated from this paragraph.

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continuation, in the context of the objectives and purposes of the Convention, based on an agreed mandate.

19. The NAM States Parties and other States Parties to the CCW take note of the Report for the 2023 Session of the CCW GGE on LAWS contained in the document CCW/GGE.1/2023/2. The Group of NAM believes that this 2022 Meeting provides an important opportunity to the High Contracting Parties to agree by consensus on the future mandate of the GGE on LAWS. The Coordinator of the Group of NAM would like to reiterate the readiness of the Group to engage constructively with the Chair of the 2023 Meeting and the other States Parties on the continuation of the process.

20. The NAM States Parties and other States Parties to the CCW look forward that during this 2023 Meeting of High Contracting Parties, States Parties to the CCW can make progress towards the development of concrete policy recommendations, including elements for new legally-binding provisions for addressing the humanitarian and international security challenges posed by emerging technologies in the area of LAWS. NAM expects this to be reflected in a strengthened mandate for the future work of GGE on LAWS.

21. The Group of NAM take this opportunity to reiterate its position and recalls that Lethal Autonomous Weapon Systems (LAWS) raise several ethical, legal, moral and technical, as well as international peace and security-related questions which are being deliberated and examined in the context of conformity to international law including international humanitarian law and international human rights law.

22. The Group of NAM also recalls that the ethical and moral concerns about lethal autonomous weapons systems, the problems of autonomy, lethality and critical functions of these weapons and shared understandings, definitions and other concepts including of semiautonomous weapons, are being examined in the substantive discussions of this matter.

23. Conscious of the rapid development and possible deployment and use of LAWS in armed conflict is alarming and worrying and requires urgent action by the CCW on a precautionary approach.

24. The NAM States Parties and other States Parties to the CCW are of the view that given the substantive discussions in the GGE on LAWS, there is an urgent need to pursue a legally binding instrument under the Convention that will contain prohibitions and regulations for addressing the humanitarian and international security challenges posed by emerging technologies in the area of LAWS. The recommendations in relation to the normative and operational framework must lead to such an instrument.

25. The NAM States Parties and other States Parties to the CCW request the strengthening of the mandate of the GGE. The new mandate must focus on a legally binding instrument, on emerging technologies in the area of lethal autonomous weapons systems, taking in to account the following elements:

(a) The implementation and enforcement of International Law, including international humanitarian law and international human rights law, in the context of lethal autonomous weapons systems. A strengthened and reinforced multilateral approach, with new legally binding provisions for addressing the humanitarian and international security challenges posed by emerging technologies in the area of LAWS, is vital. There is an urgent need to pursue a legally-binding instrument on LAWS;

(b) The responsibility of States for internationally unlawful acts caused by lethal autonomous weapons systems;

(c) Human responsibility, as well as accountability, for developing, deploying and using any emerging weapons system in the framework of the CCW, in accordance with applicable international law;

(d) Ethical and moral concerns about lethal autonomous weapons systems in particular with the use of force. The discussion on the autonomy, lethality, and critical functions of these weapons, must lead to regulations that will ensure meaningful human control over weapons systems;

(e) Common understandings, definitions, and other concepts, including of semi-autonomous weapons, and the characterization of and differentiation among such weapon systems;

(f) Military technology and risk of an arms race of fully autonomous weapons, and the technology gap amongst States;

(g) The impact on international and regional peace and security.

26. Regarding different proposals on a political declaration, code of conduct and other voluntary measures, including national weapons review process, Confidence Building Measures (CBMs) as well as the establishment of a Committee of Experts, NAM States Parties and Other States Parties to the CCW believes that these measures cannot be a substitute for the objective of concluding a legally-binding instrument stipulating prohibitions and regulations.

27. NAM recognizes the significant imbalance in the production, possession and trade in conventional weapons between the industrialized and Non-Aligned Countries, and calls for a significant reduction in the production, possession and trade of conventional weapons by the industrialized states with a view to enhancing international and regional peace and security.

28. The Group of NAM and Other States Parties to the CCW expresses concern at the increasing global military expenditure, which could otherwise be spent on development needs. The Group of NAM further stresses the importance of the reduction of military expenditures, in accordance with the principle of undiminished security at the lowest level of armaments, and urges all States to devote resources made available from there to economic and social development, in particular in the fight against poverty.

29. Regarding Mines other than antipersonnel mines (MOTAPM), NAM considers that this issue has already been widely discussed and the divergences in positions are well known.

30. Concerning cross-cutting issues, the Group of NAM and Other States Parties to the CCW emphasizes the importance of the perspectives of women, men, boys and girls in considering the issues addressed by the Convention and its Protocols and underlines the vital role of the full and equal participation of women in decision-making and implementation of the Convention.

31. Regarding the financial issues related to the Convention and its annexed Protocols, the Group of NAM is of the view that it will be necessary to adopt efficiency and cost saving measures in consultations with all High Contracting Parties in order to address the current financial situation of the Convention.

32. NAM recognizes the importance of increasing the financial sustainability of the Convention. However, setting up punitive measures might not be effective and may have unintended adverse effects on participation and membership.

33. The financial challenges must be dealt with, but they are transitory. The measures taken to address them should not undermine the Convention in the long run. The Group of NAM is concerned with the possible impacts of the financial measures on participation of member States and, ultimately, on the perspectives of universalizing the Convention.

34. The Group of NAM express its deep concern on the continued lack of adequate representation from NAM countries in United Nations Office for Disarmament Affairs (UNODA), the movement requests the Secretary General and High Representative to undertake steps to ensure balanced and equitable representation in that office.