

Ratification and Implementation of the Conventional Weapons Convention



ICRC

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Ratification of IHL treaties by Nepal

- Geneva Gas Protocol of 1925, ratified in 1969
- Four Geneva Conventions of 1949, ratified in 1964
- Child Rights Convention of 1989, ratified in 1990
- Chemical Weapons Convention of 1993, ratified in 1997
- Optional Protocol to the CRC of 2000, ratified in 2007



RATIFICATION, ACCESSION, CONSENT, ART. 4

- ▶ Ratification, acceptance or approval of the framework CCW + protocols
- ▶ Accession. The meaning of signature.
- ▶ **Ratification**: for States that have signed a Convention
- ▶ Once a State has signed the Convention, it must formally declare its consent to be bound by it
- ▶ **Accession**: by States that have not signed the Convention and who wish to be bound.



RATIFICATION, ACCESSION, CONSENT, ART. 4

This is done in accordance with national legal procedures (usually requiring assent by Parliament)

Then, a ratification instrument must be signed by the Head of State/Government or Foreign Minister or a person with full powers and the original deposited with the UN SG (UN Treaty Section)

Must be an expression of consent to be bound by the APs (2 or more), part of the CCW

Deposit instruments and notify the Depository (UNSG)

Entry into force: 6 months after deposit

ICRC has a ratification kit.



MODEL INSTRUMENT OF ACCESSION TO THE 1980 CONVENTION ON CERTAIN CONVENTIONAL WEAPONS

WHEREAS 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 (with Protocols I, II and III) was adopted at Geneva on 10 October 1980,

WHEREAS Review Conferences or Meetings of States Parties to the same Convention duly adopted Protocol IV on 13 October 1995, Protocol II as amended on 3 May 1996, the Amendment to Article 1 of the Convention on 21 December 2001, and Protocol V on 28 November 2003,

NOW THEREFORE I, _____ [*name and title of the Head of State, Head of Government or Minister of Foreign affairs*], declare that the Government of _____, having considered the above-mentioned Convention, its Protocols and Amendment, accedes to the Convention and to the Amendment to the Convention, and consents to be bound by [Protocols I, II as amended on 3 May 1996, III, IV, V as well as undertakes faithfully to perform and carry out the stipulations therein contained.

IN WITNESS WHEREOF I have signed this instrument of accession and consent to be bound at _____ on _____.

States must consent to be bound by at least 2 of the Protocols.



Entry into force

- Entry into force makes the Convention legally binding on States Parties
- The Convention enters into force 6 months after deposit of a State's ratification instrument



National Implementation

- States Parties have an obligation to take all appropriate legal, administrative and other measures to implement the Convention



SUCCESS : WHAT IT TAKES?

- ▶ Ratification/accession and implementation. Conditions to be met:
- ▶ 1) **Political will** (gvt + parliament, role of regional organisations)
- ▶ 2) **Expertise** (focal points in ministries, parliaments, universities)
- ▶ 3) **Processes**: role of National Committees; *ad-hoc* or standing
- ▶ 4) **Coopération**: ICRC's role and regional / international dialogue



Role of National Committees

- ▶ Different for each country
- ▶ Composition (inter-ministerial, experts & eventually parliament)
- ▶ Mandate: advise, draft, study, coordinate, promote, represent, questionnaires...
- ▶ Role of ICRC: legal adviser
- ▶ Role of national experts
- ▶ Development, ratification, implementation, promotion of IHL



National IHL Committee in Nepal

- ▶ Government of Nepal created the Committee in 26 February 2007 (decision of the cabinet)
 - 11-member inter-ministerial body under the chairmanship of Minister of Law and Justice
 - Other members of the committee are
 - Secretary or joint-secretary of the ministries (law, foreign, defence, home, education, social welfare, culture, health, office of the PM)
- ▶ Mandate
 - Promoting / disseminating IHL
 - Advise the government on the matters pertaining to IHL (ratification and implementation of IHL treaties)
- ▶ ICRC provides the technical support to the Committee



ICRC's COOPERATION

- ▶ Advisory Services in IHL: expertise, legal advice, promotion;
- ▶ integration within Armed & Security Forces
- ▶ Assist in processes towards ratification, draft legislation, training of experts, organisation of seminars, stimulate processes, documentation,
- ▶ University programmes
- ▶ Data base, monitoring and circulation of achievements
- ▶ Model legislations & IPA CIS model legislations

