

# 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

21 November 2023

English only

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Geneva, 15-17 November 2023

Agenda item 7

General exchange of views

## Working paper

### Submitted by European Union and the following States: Albania, Georgia, Republic of Moldova, Montenegro, North Macedonia and Ukraine

1. The EU recalls that the CCW and its Protocols are an essential and integral part of International Humanitarian Law (IHL) and reiterates the commitment of the European Union and its Member States to respect and comply fully with IHL. The EU calls upon all States that have not yet done so to join these important instruments without further delay. The EU and its Member States will continue fully implementing the EU Guidelines on the promotion of compliance with IHL.
2. The EU underlines that the CCW is a unique international forum gathering diplomatic, legal and military expertise. This makes it an appropriate forum to respond to fast-paced developments in the field of weapons technology, thus contributing to preventing and reducing the suffering of both civilians and combatants.
3. In addition, we need to underline the importance of transparency and confidence building in the implementation of the CCW and its Protocols and encourage High Contracting Parties to implement their legal, reporting and technical obligations, to improve the rate and quality of their national reporting, and engage in further discussion on national implementation. We are also fully committed to mainstreaming a gender perspective into all disarmament, non-proliferation and arms control efforts, including by promoting women's meaningful participation in the CCW and other disarmament fora.
4. The EU welcomes the work over the past years by the Group of Governmental Experts on emerging technologies in the area of lethal autonomous weapons systems (GGE LAWS) and acknowledges the substantial contribution and ongoing efforts to find common understanding of this complex topic and to finding common ground. The EU underlines that the CCW is the relevant international forum in this regard, and that we expect it to deliver results.
5. The EU remains committed to pursue its efforts in the GGE with a view to ensuring that the outcome reflects the necessity of compliance with International Law, in particular International Humanitarian Law, taking into account relevant ethical considerations. Human beings must make the decisions with regard to the use of lethal force, exert control over weapons systems that they use and remain accountable for decisions over the use of force in order to ensure compliance with International Law, in particular International Humanitarian Law. The EU emphasises that it is important that the GGE continues its efforts based on a solid mandate, to allow for progress. The future mandate should contain concepts that enjoy widespread support, including so called "two-tier" approach to weapons systems in the area of LAWS. It needs also to offer options to begin negotiations of a set of elements of an instrument. To allow the GGE to move forward, we support allocating more days for its



meetings next year. In this regard, we welcome the adoption of the Austrian led resolution on LAWS by the 78 UN General Assembly First Committee.

6. The EU remains deeply concerned about the continued severe global impact of Improvised Explosive Devices (IEDs) and their indiscriminate use and effects, in particular in the perpetration of terrorist acts and the use of IEDs by non-state actors.

7. Furthermore, the EU needs to highlight once again the humanitarian impact and the heavy consequences on social and economic development caused by the indiscriminate and disproportionate use of Mines Other Than Anti-Personnel Mines (MOTAPM). While acknowledging that MOTAPM are legitimate weapons, Parties are obliged to ensure that they are used in accordance with IHL, including by taking all feasible precautions, to protect civilians from the effects of these weapons. The EU urges States Parties to further discuss how to ensure compliance with Amended Protocol II, also with respect to MOTAPM. MOTAPM should therefore remain on the CCW agenda in order to ensure that High Contracting Parties can continue to consider the matter in a constructive and transparent manner, and we regret that a few countries, including the Russian Federation decided to block such discussions in previous years.

8. The EU remains concerned about the use of incendiary weapons against civilians or against targets located within a concentration of civilians, their indiscriminate use causing cruel effects and unacceptable suffering. We call on all States not yet party to join Protocol III of the Convention, which prohibits in all circumstances to make the civilian population as such, individual civilians or civilian objects the object of attack by incendiary weapons and we urge all States to fully comply with its provisions. We regret that Protocol III issues were removed from the CCW agenda because of the opposition by one High Contracting Party and we request to have them back next year. Our work is based on the clear understanding, that appropriate time has to be allocated to allow a structured debate on the implementation of the Convention and all of its Protocols.

9. Russia's unjustifiable, unprovoked and illegal war of aggression against Ukraine is an affront to everything we work for here. We condemn in the strongest possible terms Russia's gross violation of Article 2 (4) of the UN Charter, the use of anti-personnel landmines and cluster munitions as well as the use of other explosive weapons, such as rockets and artillery shells or improvised explosive devices (IEDs) directed against civilians in Ukraine. The EU actively supports the work of the International Criminal Court and measures to ensure accountability for the most serious international crimes including war crimes, crimes against humanity and crimes of genocide. There can be no impunity for these crimes. We call on Russia to immediately, completely and unconditionally withdraw all of its military forces and proxies from the entire territory of Ukraine within its internationally recognized borders.

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