

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

18 November 2024

English only

Geneva, 13-15 November 2024

Agenda item 7

General exchange of views

Revised Working Paper*

Submitted by European Union and its Member States, and the following States: Albania, Iceland, Montenegro, North Macedonia, Republic of Moldova and Ukraine

1. The working paper is submitted on behalf the European Union (EU) and its Member States, as well as Albania, Iceland, Montenegro, North Macedonia, Republic of Moldova and Ukraine.
2. The CCW and its Protocols are an essential and integral part of International Humanitarian Law. The EU reiterates its commitment 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.
3. 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.
4. The CCW is a unique international forum gathering diplomatic, legal and military expertise. In light of the particular challenges of weapons deemed to be excessively injurious or to have indiscriminate effects, this expertise has previously led to the adoption of prohibitions or restrictions on the use of specific weapons, such as incendiary weapons, as codified in Protocol III, as well as to prohibitions on the use of specific weapons such as reflected in Protocol IV on blinding laser weapons. 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.
5. 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, national 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.
6. 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 it has made to our 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 we expect it to deliver results. The EU is fully committed to deliver and fulfil the mandate of the GGE LAWS as soon as possible, preferably

* The present document is being issued without formal editing.

before the end of 2025. We welcome the progress made by the Group this year to narrow down the differences within the topics that were discussed. The EU supports the “two-tier” approach to weapons systems in the area of LAWS and emphasises that appropriate levels of human control must be retained over lethal autonomous weapons systems and that human beings remain accountable for decisions over the use of force in order to ensure compliance with International Law, in particular IHL. We will spare no effort in working towards fulfilment of the mandate of the GGE LAWS and assure the Chair of GGE LAWS of our full support in this endeavour. In this regard the EU also takes note of the UNSG report on lethal autonomous weapons pursuant to Res. 78/241 and its relevance to help the GGE to fulfil its mandate.

7. 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.

8. Furthermore, 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.

9. The EU remains concerned about and condemns 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 regret that Protocol III issues were removed from the CCW agenda because of the opposition by Russia and we request to have them back next year, since a structured debate on the implementation of the Convention should be allowed on all of its protocols. We also 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.

10. Russia's unjustifiable, unprovoked and illegal war of aggression against Ukraine is an affront to the Convention on Certain Conventional Weapons goals and principles. It is not only a blatant violation of international law, including the UN Charter and International Humanitarian Law (IHL) and Russia's obligations under the CCW and several of its protocols, but also a humanitarian catastrophe for Ukraine and its people. We condemn in the strongest possible terms Russia's use of anti-personnel mines and cluster munitions as well as the use of other explosive weapons, such as rockets, artillery shells and improvised explosive devices directed against civilians in Ukraine. We remain committed to seeing Russia and its leadership held fully accountable for waging a war of aggression against Ukraine and for other most serious crimes under international law, as well as for the massive damage caused by its war.

11. As regards the situation in the Middle East, following the tragic anniversary of Hamas' brutal terrorist attacks on Israel on 7 October 2023, the EU condemns once again in the strongest possible terms such unjustified acts of deliberate violence. We reiterate Israel's right to defend itself in line with its obligations under international law, including international humanitarian and human rights law, in all circumstances, and the European Union's commitment to Israel's security and to regional stability. International Humanitarian Law must be respected by all parties. The EU calls for an immediate ceasefire in Gaza, the unconditional release of all hostages, the urgent improvement of access and sustained distribution of humanitarian assistance at scale throughout Gaza, and an enduring end to hostilities, in line with UN Security Council Resolution 2735. The EU deplores the unacceptable number of civilian casualties, especially women and children, in Gaza and the West Bank, as well as the catastrophic levels of hunger and imminent risk of famine caused by the insufficient entry of aid into Gaza. It also recalls the need to fully implement the International Court of Justice orders. The EU remains firmly committed to a lasting and

sustainable peace based on the two-state solution. The European Union expresses its utmost concern regarding the military escalation in Lebanon, and deplores the unacceptable number of civilian casualties, the forced displacement caused by the escalating violence and the persistent use of military force. It recalls the need to ensure that civilians are protected at all times, that civilian infrastructure is not targeted and that international law is respected. Rocket attacks by Hezbollah must stop. The European Union condemns attacks against peacekeepers. Such attacks constitute a grave violation of international law, are totally unacceptable and must stop immediately.
