

CCW: 2018 MEETING OF HIGH CONTRACTING PARTIES

NEW ZEALAND STATEMENT ON EXPLOSIVE WEAPONS IN POPULATED AREAS

Thank you Mr Chair.

My delegation remains seriously concerned about the humanitarian harm caused by the use of explosive weapons in populated areas and welcomes the opportunity to discuss this important issue within the CCW, which is one of a number of appropriate fora in which to consider EWIPA. The immediate and long-term harm caused by the use of explosive weapons in populated areas is of growing concern to an ever-increasing number of States, 50 of whom supported a joint statement on the issue during this year's First Committee led by Ireland.

For some time now New Zealand has supported efforts to address the harm caused by the use of explosive weapons in populated, in particular by advocating for the elaboration of a political declaration on the issue as part of the Austrian-led Core Group on EWIPA. We have also encouraged consideration of this issue within the CCW and have participated in the EWIPA Talks organised by Germany this year. We see a clear need to act on the momentum that is building around EWIPA and to strive for outcomes that will make a real difference to the protection of civilians caught in conflict.

Against this backdrop New Zealand appreciates the working paper that Germany has submitted to this meeting. We fully ascribe to much in the paper – including its emphasis that the driver for action is to enhance compliance with existing International Humanitarian Law and not to establish new legal norms. Indeed, compliance with IHL would greatly improve the protection of civilians in conflict – a primary motivation of this Convention and of its High Contracting Parties including New Zealand.

The paper usefully summarises the IHL rules most relevant to our consideration of EWIPA – in particular, the prohibitions on indiscriminate and disproportionate attacks, and the obligation to take feasible precautions in attack. We welcome the paper's clear reaffirmation that, regardless of the conditions taken into account in determining the feasibility of precautions to be taken in an attack, no such conditions can justify using a means or method

of warfare that would lead to an indiscriminate or disproportionate attack. This is existing IHL which applies to the use of EWIPA as it does to any other category of weapon. Accordingly, given the evidence of the immediate and long-term harm caused by EWIPA, and consistent with our unwavering commitment to upholding IHL, New Zealand echoes the call for States to avoid, or any event minimise, the use of explosive weapons in populated areas.

Mr Chair,

New Zealand welcomes the concrete areas of work highlighted in Germany's paper on how good practices in the military domain can reduce the harm caused by EWIPA. These include a new emphasis on issues relating to EWIPA in military doctrine and a heightened awareness at all levels of military command and control of the serious direct and reverberating effects of explosive weapons in built-up areas on the civilian population, vital infrastructure and services, and the environment. Reflecting the content of the EWIPA Talks, the paper also highlights positive steps that can be taken with respect to tactical guidelines, rules of engagement, targeting processes, collateral damage estimates, battle damage assessments and the provision of warnings to civilian populations.

These are all important areas of work that should be pursued alongside other activities focused on increasing our understanding of the humanitarian impact of EWIPA – including both the short and long-term effects of such weapons as well as their gendered impacts.

With this in mind New Zealand sees the merits of the proposal put forward by Germany for the establishment of an open-ended informal working group related to the challenges presented by the use of explosive weapons during armed conflicts and their impact on civilians. We note the proposed mandate for the group to consult on possible policy options and responses to the above mentioned challenges and to present the outcome of their discussions and recommendations under a dedicated item at next year's Meeting of High Contracting Parties. New Zealand can support this mandate, noting of course that the CCW is not the only forum in which possible policy options and responses are under consideration. Therefore, while hoping that an informal working group can indeed be established under the auspices of the CCW,

New Zealand will also continue to support efforts under way for some time outside this body, in particular to elaborate a political declaration on EWIPA. These efforts are not mutually exclusive and should serve to highlight the broad interest of the international community in working together to make real progress on this issue.

Thank you Mr Chair.

NZ disarmament statements online, www.converge.org.nz/pma/nzdist.htm