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

Geneva, 12–13 November 2015

Statement by Germany

Mr President,

Germany wishes to thank you for chairing the 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, and assures you of our full cooperation in your work. We also wish to thank Poland, the outgoing Presidency, for her outstanding work over the past year.

Germany aligns itself with the statement of the European Union.

We strongly support the purpose of the Convention to ban or restrict the use of certain conventional weapons that are considered to cause excessive injury or suffering to combatants or to affect civilians indiscriminately. In line with international humanitarian law, parties to an armed conflict do not have the right to choose methods or means of warfare unlimitedly. Germany complies with all protocols of the CCW.
With regard to the scope of application of the Convention and its annexed Protocols, Germany wishes to call upon all High Contracting Parties to accede to the amended article 1 of the Convention, which extends the Convention’s and its Protocols’ scope of application to today’s most common type of armed conflict being that of an non-international character.

Germany supports the continued efforts towards universalization of the CCW and its annexed protocols and is pleased that Algeria has acceded to it in 2015. We call upon all states that have not yet done so to take all measures to become parties, as soon as possible.

The Convention’s unique structure – a framework agreement that contains general provisions on the CCW operation and specific protocols that contain substantial prohibitions or restriction on the use of certain conventional weapons – enables the High Contracting Parties to contain the use of weapons which may be excessively injurious or to have indiscriminate effects and to continue to contribute to the further development of international humanitarian law. The CCW strives for a balance between military needs and the protection of combatants and civilians from the worst effects of conventional weapons in armed conflicts.

Germany welcomes the continuation of a thorough and systematic international debate on lethal autonomous weapons systems. The Second Informal Meeting of Experts in Geneva in May 2015 showed the wide-spread international interest in this emerging issue. The first substantial report, submitted by the German Chairperson of Informal Meeting of Experts, reflects the state of the debate and should serve as a basis for our future work. On the substance, Germany shares the common understanding of the international community that it is indispensable to maintain human control over the decision to kill another human being. The call for increased transparency, oversight and accountability expressed in the recently published study of UNODA on Armed Unmanned Aerial Vehicles points in the right direction. Germany sees merit
in discussing new confidence building measures like elaborating further on the idea to share information on national regulations, to look for a common understanding and to discuss possible procedures for detecting transgressions in the direction of LAWS at an early stage. As an contribution to such a discussion Germany initiated a study and a workshop on Article 36 of the Additional Protocol I in light of the increasing autonomy in weapon systems. The study will be presented in Geneva on November 12th by the Swedish International Peace Research Institute SIPRI.

After two informal meetings of experts, Germany would have welcomed a more formalized framework for progress in the international debate. However, the mandate of the meeting next year which we will have to decide upon in this conference should give us not only enough scope to deepen our understanding of the issue but to work as well on concrete proposals we could prepare with a view to the deliberations at the 5th Review Conference of the CCW next year. Germany stands ready to take again an active role in the further work on LAWS in the framework of the CCW.

Germany shares the humanitarian objectives of the Convention and its annexed Protocols and provides substantial bilateral assistance for the clearance and disposal of unexploded ordnance, for risk education programmes for the civilian population and for the care and rehabilitation and social and economic reintegration of victims of unexploded ordnance. Last year Germany spent around 13 million EUR for this purpose.

Unexploded ordnance is but one of the reverberating effects of the use of explosive weapons that, due to their wide-area effects, may foreseeably cause significant civilian casualties and/or damage to civilian objects, as well as long-term harm to the civilian population when used against military objectives located in a concentration of civilians. Long-term effects caused on critical civil infrastructure is another. Conduct of hostilities in densely populated areas where military objectives are intermingled with protected persons and objects represents an important challenge both operatio-
nally and legally for armed forces to comply with international humanitarian law. We see a need to move towards a better understanding of States’ positions, policies and practices in this respect.

Mr President, last but not least, we would like to acknowledge the work of the Implementation Support Unit within the Geneva branch of the Office for Disarmament Affairs. We look forward to a productive conference and to next year’s experts meetings in support of the effective implementation of the CCW as well as to the preparatory meeting for the CCW Review Conference. The role of the unique forum of the CCW that gathers political, legal, military and technical expertise cannot be underestimated.

Thank you.