Netherlands Opening Statement

at the General Debate, 5th Review Conference of the CCW

Geneva, 12-16 December 2016

by His Excellency Ambassador Henk Cor van der Kwast
Permanent Representative of the Kingdom of the Netherlands
to the Conference on Disarmament

Madam President,

Please allow me first to congratulate you on your election as President of the Conference. We are very pleased to cooperate with you and you can count on the full support of my delegation.
In addition to the statement by the European Union the Netherlands would like to make the following remarks focusing on 1) LAWS, 2) MOTAPM, 3) EWIPA and 4) the financial situation of the Convention.

Madam President,

Firstly on LAWS: since the informal expert meetings in 2013, there have been some positive results, but the discussions are still in their initial stage. There are many legal, ethical and policy questions regarding LAWS for which we are only beginning to find answers.
To achieve substantial progress, the discussions need to be intensified. The Netherlands therefore fully supports the establishment of a Group of Governmental Experts as recommended by the 2016 informal Meeting of Experts. This GGE should convene in 2017 and should address some of the challenges that we identified. This GGE should focus on (1) finding appropriate definitions for LAWS and the concept of meaningful human control and (2) the formulation of an interpretative guide that
clarifies, reaffirms and spells out relevant international law as it applies to autonomous weapons. Such a document could also list best practices on issues such as the role of meaningful human control in the Article 36 procedure and in relation to the deployment of future autonomous weapons. As we believe the concept of meaningful human control plays a key role and more research is needed, we support a PhD project on this very issue.

Madam President,

Secondly, on Mines Other Than Anti-Personnel Mines (or MOTAPM): the Netherlands is in favour of continuing our discussions on this issue. Research has demonstrated the humanitarian impact and the consequences on social and economic development resulting from indiscriminate and disproportionate use of these weapons. At the same time, a balance needs to be sought between humanitarian concerns and military considerations. MOTAPM can be used legitimately if used in accordance with international humanitarian law and if appropriate safeguards for protection of civilians are in place. We fully support the proposal by Ireland regarding MOTAPM and look forward to further discussions on this issue.

Thirdly, on explosive weapons in populated areas (or EWIPA): the Netherlands welcomes international discussions on these weapons focusing on concrete and practical measures to limit casualties and damage. Much will depend on the exact circumstances and context in which weapons are used. Therefore, we believe it important that international humanitarian law is respected. We are open to share best practices on the application of existing law.

Fourthly, on the financial situation of the Convention: over the past months, we saw multiple UN Conventions, including this one, facing financial difficulties. First of all, the Netherlands believes it important that all States that have an obligation to pay, pay their contribution in time: well in advance of the meetings. We would also welcome an official agenda item on financial issues in order to increase transparency, which in turn should encourage State Parties to pay their dues in time. Also, we would like to encourage the UN, together with the ISU, to ensure the billing practices are transparent, simple and on time. The Netherlands will submit a text proposal in this regard.

Let me conclude by reminding that in the spirit of the CCW, we have aimed to prevent excessive injuries and indiscriminate effects. Moreover, we sought to lower the number of civilian casualties, for example by addressing the threat of IEDs and certain types of mines. Let us continue this important work and let me say again that the Netherlands’ delegation looks forward to contributing its part.

Thank you.