UK Statement under Agenda Item 5: Emerging Issues of relevance to the Convention, at the Meeting of the High Contracting Parties to the Convention on Prohibition or Restrictions on the use of Certain Conventional Weapons (CCW), which may be deemed to be excessively injurious or to have indiscriminate effects.

November 2018

Mr Chair,

1. The UK aligns with the statement made by the EU on behalf of its member states and has some additional comments to make in a national capacity – specifically in relation to Explosive Weapons with Wide Area Effects in Populated Areas, or EWIPA.

2. The United Kingdom reiterates that the use of lethal force in populated areas, as elsewhere, is governed by International Humanitarian Law (IHL). The UK continues to fully uphold our obligations under International law and will continue to operate in accordance with the fundamental principles of distinction, proportionality, necessity and precautions in attack – encouraging all combatants in all conflicts to do so too.

3. We welcome the work carried out by Germany in conjunction with the ICRC to advance international discussions on EWIPA this year. The German working paper on EWIPA contains much that we recognise and we particularly welcome the acknowledgment that many states do have robust and carefully considered targeting policies and practices intended to fulfil our obligations under relevant International laws.

4. The UK actively seeks to minimise the adverse effects of armed conflict on civilians, and to limit damage to infrastructure in any areas in which lethal force is employed. We will continue to investigate any suspected or reported incidents of civilian casualties or unanticipated damage to sensitive or critical infrastructure, and we remain committed to maintaining full accountability in the event of credible incidents attributable to UK military activity. However, it should be noted that it is not possible to remove risk entirely – particularly when combatting armed groups who actively seek to exploit proximity to civilians and critical civilian infrastructure to further their ends.

Mr Chair,

5. We consider that the implementation of existing IHL through appropriate targeting methodology and Rules of Engagement provides the best protection for civilians in all situations in armed conflict. Whilst we therefore support the underpinning intent of reducing the risks to civilians, we have concerns that current discussions use broad and largely undefined terms which do not adequately reflect the principles and practices of existing IHL. Nor do discussions recognise the demands and realities of military operations in today’s complex and congested environments. The German working paper acknowledges that there are several such key themes that need further exploration and elaboration and the UK is ready to contribute to such discussions, drawing on a significant body of operational experience.

6. The legitimate use of lethal force in any environment must continue to be bounded by robust Rules of Engagement and targeting processes which fully align with states’ obligations under IHL. The UK therefore sees value in the CCW continuing to discuss emerging issues of relevance to the Convention, including EWIPA. We remain committed to sharing examples of good practice and will be looking to participate fully and frankly in continued informal discussions on EWIPA next year.

Thank you.