

**Convention on Certain Conventional Weapons**

**Meeting of States Parties**

**Geneva 12 – 13 November**

**Statement by Ambassador Patricia O'Brien**

**Permanent Representative of Ireland**

Mr President,

At the outset, allow me to congratulate you on your recent appointment as President of our meeting, and to assure you of our full cooperation and support.

Ireland would like to add some remarks in a national capacity to those already made on our behalf in the statement of the European Union.

In September, the international community signed up to a creative and ambitious sustainable development agenda. Among the targets set by our leaders for 2030 was a significant reduction in death from violence and related deaths everywhere.

To achieve this aim, among other initiatives, we must all work to universalize and strengthen existing conventional arms treaties and instruments. We must also focus on making them fit for purpose, as technologies and warfare evolve in ways unimaginable to those who first drafted those instruments. Equally, we must show leadership and recognition, not only of the gendered impact of the use of

conventional weapons, but also of women's agency, as a powerful force for change.

The mandate of the CCW is at the heart of our debate on how to control and regulate the use of Conventional Weapons. Ireland continues to promote and encourage all States to join the Convention and, where applicable, its additional Protocols, including Amended Protocol 2. We welcome the new adherents to the Convention since last year, and commend the efforts which the ISU and States Parties have been making in that regard. Universalisation of the CCW remains a priority for Ireland and we look forward to the discussion later in our meeting on how this can be further promoted and achieved.

I would like now to address some particular concerns which Ireland has in relation to current challenges in conventional weapons law. These relate to the matters which come within the mandate of the CCW, both at this meeting, and, looking forward, to the Review Conference next year.

Mr President,

Ireland views the question of Mines Other than Anti-Personnel Mines (MOTAPM) as one of increasing humanitarian urgency. We were pleased to co-fund, with the United States, the study on this question which was presented to last year's meeting of States Parties. We welcome the initiative of UN ODA, UNMAS and GICHD to host an informal meeting on this issue last Friday, which we were pleased to attend. During that meeting, we heard further shocking testimony of

the casualties and economic harm which these weapons are causing on a daily basis in countries like; Afghanistan, Cambodia, South Sudan and Libya.

The applicability and adequacy of International Humanitarian Law with respect to MOTAPM was also addressed. The meeting clarified that, while the use of MOTAPM is regulated by the general rules of International Humanitarian Law, amended Protocol II remains the only source of specific regulation on the use of MOTAPM. APII does not adequately address key issues regarding detectability and active life of MOTAPM. We are also mindful that a major future armed conflict between larger, military powers could lead far more widespread use of these weapons and far greater humanitarian damage than we are dealing with at present. It is our view that it is time to remedy this significant lacuna in IHL. Ireland would wish to see the States Parties engage seriously now, and during next year's Review Conference, on how the CCW can take this work forward in an inclusive and cooperative manner, without pre-judging the outcome in any way, in order to address the humanitarian harm arising from MOTAPM use.

Mr President,

The drafters of the 1977 Geneva Convention recognised that constant evolution and technological progress would also require the vigilant exercise of responsibility, to ensure that new weapons, means and methods of warfare are not in violation of relevant international law, including international humanitarian law. Ireland would like to mention in this respect, our consistent view that the use of "Drones"

or unmanned aerial vehicles (UAVs) must be in accordance with international law, including international human rights and humanitarian law. We welcome discussion of this topic, including the relevant principles and norms of international law across both CCW and human rights spheres.

My delegation is concerned at recent reports of the use of incendiary weapons in armed conflict and we would like to reiterate the need for all parties to conflicts to comply strictly with CCW Protocol III. The continued applicability and relevance of Protocol III is an issue appropriate for further consideration at next year's Review Conference.

Ireland would also wish to reiterate concern in relation to the use of Explosive Weapons with a Wide Area Impact in Populated areas as a growing challenge for international humanitarian law. We would like to thank Austria for organising with OCHA the Vienna meeting last September, in which we were pleased to participate.

It is clear to us that the escalating civilian casualty rates arising from the use of Explosive Weapons with a wide area impact in populated areas presents a significant challenge, which the international community must address. We strongly encourage maximum compliance with existing International Humanitarian Law, in particular the relevant provisions of Additional Protocol 1 of 1977 to the Geneva Conventions. In addition, Ireland believes that there would be value in the further exploration of how to minimize civilian harm, in particular by addressing the secondary and tertiary effects of use of these weapons, and by clarifying our understanding of what constitutes

protected civilian objects during an armed conflict. This could also be an issue which the CCW could consider.

Finally, I would like to briefly address the question of Lethal Autonomous Weapons Systems. Ireland shares with civil society the concerns raised in relation to this issue. We welcome the active consideration of the matter at the CCW and the suggestions which are being made on how to take this work further, including through the establishment of a group of Governmental Experts and also at the Review Conference.

We would like to thank the French and German Chairmen of the two expert meetings held in 2014 and 2015, for their excellent conduct of these meetings. The expert meetings successfully identified many of the technical aspects raised by LAWS, but also highlighted the fundamental legal, ethical and societal concerns which development of such weapons systems would present. I would like to acknowledge here also the tireless work of civil society which, in this as in many other fields, has been so influential in highlighting and bringing this issue to the attention of the international community.

Ireland's starting position in relation to Lethal Autonomous Weapons Systems is that weapons should remain under effective Human Control. We agree that it is important for clarity and to move discussion forward to give consideration to the technical and defining characteristics and principles of these weapons systems. Nonetheless, we feel that the debate should be centred in International Humanitarian Law and also in International Human Rights Law. The technical aspects of our debate, and any development of these technologies, should take place against that framework. We

were happy to be able to contribute to UNIDIR's excellent research project on this question earlier this year.

The debate on Lethal Autonomous Weapons Systems reaches far beyond technical and legal complexities, raising fundamental questions about the role of humans in taking lethal decisions in armed combat. The decisive question may well be whether such weapons are acceptable at all under the principles of humanity, and if so, under what conditions. Ireland also has concerns regarding eventual use of these technologies outside of traditional combat situations, for example in law enforcement. This is one reason why we see value in discussing these questions in other relevant fora such as, for example, the Human Rights Council, as the issue of autonomy in weapons systems is also relevant for International Human Rights Law.

Mr President,

Ireland would like to conclude by noting the various suggestions made as to how we might develop a framework for taking forward the future debate on LAWS. In view of the many serious questions raised by LAWS, Ireland would support the proposal that the Review Conference should take up this question, which we see as a major emerging theme for weapons development in the 21<sup>st</sup> Century.

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