

Explosive Weapons in Populated Areas: Australian Statement

18 November 2019

Australia recognises the challenges posed by use of explosive weapons in armed conflict in populated areas by State and non-State actors, and welcomes efforts by the international community, and Ireland's leadership in drawing attention to this issue. We also acknowledge efforts by Austria to host the Vienna conference and papers by the UK/France/Germany and also the US, as well as useful contributions from others today.

Australia considers robust targeting processes, which strictly adhere to existing international humanitarian law to be the appropriate way of addressing the use of explosive weapons in populated areas.

In accordance with international law, we actively seek to minimise the adverse effects of armed conflict on civilians and to limit damage to civilian infrastructure in accordance with the requirements of distinction, precautions in attack and proportionality.

Australia considers that strengthening compliance with existing international humanitarian law will go a long way to more effectively regulate use of explosive weapons and reduce the incidence of civilian harm.

In our view, a political declaration on EWIPA should:

- Condemn the targeting or indiscriminate killing of civilians with explosive weapons in violation of international humanitarian law.
- Avoid the implication that **any** use of explosive weapons in populated areas is contrary to international humanitarian law, but instead distinguish between lawful use of explosive weapons in specific circumstances and use in breach of international humanitarian law.
- Reinforce the importance of universal respect for existing principles of international humanitarian law.
- Recall that international humanitarian law applies to non-state actors who are parties to armed conflict.
- Underline that beyond any political declaration effective implementation of international humanitarian law requires appropriate attention in military doctrine, strategic directives, tactical instructions, rules of engagement, education, training and exercises of armed forces in the case of state actors, as well as the testing of new weapons and means and methods of warfare generally, before use in armed conflict.
- Recognise that, in certain circumstances, a failure to apply force, consistent with international law, in pursuit of military objectives can itself have serious humanitarian consequences such as prolongation of conflict, including by actors who do not comply with norms regulating armed conflict.
- Encourage the sharing of good practices and operational policies relevant to reducing the risk of civilian harm in armed conflict in populated areas.

Some delegations referred to Australia's paper on this issue, which we have shared with some, but very happy to share more broadly on request. We look forward to continued engagement.