

Introductory remarks

- Allow me to start by thanking you and your delegation for all the work that has gone into the revised version of the political declaration.
- The timing of these consultations on the subject of strengthening the protecting civilians in urban warfare is a timely one. The world is watching in horror as the Russian aggression against Ukraine is a clear violation of international law. The direct targeting of civilians and civilian objects combined with the use of heavy and inaccurate explosive weapons in urban areas has catastrophic humanitarian effects.
- These clear and deliberate violations of International Humanitarian Law show the need strict adherence to IHL by all parties involved in an armed conflict.
- My delegation has studied the amendments carefully and we appear to be moving into the right direction. Nonetheless, throughout the text there are some points that need further improvement for my delegation to be able to subscribe to this declaration. Allow me to ensure you that my delegation will work constructively with you to find an outcome that achieves broad support.

Purpose for the political declaration

- It is key that we have a shared goal and purpose for this political declaration. As you Mr. Chair have reminded us on several occasions, the goal of this political declaration is not to ban explosive weapons or set new rules. Rather, it seeks to identify and commit States to a number of practical measures or concrete actions to reaffirm the importance of IHL, strengthen its implementation and to strengthen the protection civilians.

- For the Netherlands, this means that IHL is the basis from which we take action. IHL sets restrictions on the conduct of hostilities and sets rules to protect those who need protection. The measures we agree upon here must thus be practical tools that seek to improve the implementation those existing rules and regulations. Thereby improving the protection of civilians in urban conflict.

Explosive weapons

- Throughout the process, the Netherlands has continuously raised concerns over the fact that the term explosive weapons cover a broad range of different type of weapon systems, which have a different impact due to their differing yields, accuracy and the number of munitions.
- The recent report by the ICRC from January of this year has provided some useful insights in the different impact of the various types of explosive weapons, and should inform our work in this process.
- In the view of the Netherlands, the political declaration must recognize these differing impacts, including their reverberating effects. Such a recognition in section 1 of the text is of key importance to my delegation and closely linked to the practical measures to be agreed in section 3.

Section 1

- Further defining and clarifying the political declaration on the type of explosive weapons and effects of these weapons is necessary. We should put more emphasis on where the actual problem lies, which is explosive weapons with wide area effects used in populated areas and

with little concern shown for the civilian population. In view of our delegation, a clearer focus would significantly strengthen the declaration. References to 'explosive weapons' in general makes the declaration unnecessarily broad.

- The Netherlands supports some of the proposals made on this issue by the ICRC. My delegation suggests to add a 1.4 bis paragraph under 1.4., which would read: *The use of explosive weapons in populated areas entails a high risk for civilians and civilian objects in particular when the effects of such weapons are expected to extend beyond the military objective due to the weapons' explosive power or lack of accuracy or the number of munitions.*

NL Comments on section 3 and 4.

Section 3

- As noted by many other delegations section 3 is probably the key of this political declaration. As pointed out during our remarks on section 1, the scoping of the political declaration as is done in section 1 is closely linked to this the policy commitments to be agreed for this section.
- From the Netherlands perspective, it must be clear that the undertaking in section 3.3 is a policy commitment aimed at enhancing the protection of civilians, which is based on our commitment to the strict implementation and adherence to IHL. Thus, IHL should be the basis on which such a policy decision is based and this should be clear in the paragraph.
- Second, as noted in our comments on section 1, explosive weapons cover a broad range of different type of weapon systems, which have a different impact due to their differing yields, accuracy and the number of munitions. It is important to specify this in paragraph 3.3, which type of explosive weapons should be avoided when operating in populated areas.

- Allow me to underline here, that for the Netherlands a political commitment to restrain or refrain explosive weapons, should be aimed at those explosive weapons that due to their explosive power or lack of accuracy or the number of munitions, can have effects that may be expected to extend beyond the military objective.
- Therefore, the Netherlands suggests to rephrase paragraph 3.3 as follows:
- ***In accordance with IHL, ensure that our armed forces adopt and implement a range of policies and practices to avoid civilian harm, including by restricting or refraining from the use of explosive weapons in populated areas, when the effects may be expected to extend beyond a military objective **due to the weapons' explosive power or lack of accuracy or the number of munitions.*****
- We will send our comments in writing.
- If I may briefly circle back to 3.2, we echo the ICRC's comments that this paragraph should reflect that to train armed forces in IHL is a clear existing IHL obligation, whereas the second part of the sentence is more of a policy decision