



Kingdom of the Netherlands

Statement of the Netherlands

delivered by

**H.E. Robbert Gabriëlse, Permanent Representative to the
Conference on Disarmament**

at

Geneva Consultation on Protecting Civilians in Urban Warfare

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Mr. Chair,

The Netherlands is concerned about the humanitarian consequences resulting from the urbanization of armed conflicts. In particular, the growing threat of non-state actors and state actors who do not respect, or even willingly violate, International Law, including International Humanitarian Law (IHL) and International Human Rights Law (IHRL) cannot be ignored.

The fact that some actors willingly exploit the urban environment for their military advantage in violation of International Law, leaving the international community with no other choice than to intervene to uphold the rules based international order, is a reality that must be taken into account. In addition, the ever-increasing use of Improvised Explosive Devices (IEDs), which cause over 50% of all civilian casualties, must also be addressed to achieve our shared aim of enhancing the protection of civilians in urban warfare.

Mr. Chair,

The starting point for any action to improve the protection of civilians in urban warfare – including the development of a possible political declaration – must be the recognition that existing international law, especially IHL, provides the framework to protect civilians in any environment. Full and universal respect for IHL including its key principles - distinction, proportionality, necessity and precautions in attack – by all actors will address many, if not all, of the concerns raised.

The Netherlands stresses that IHL imposes obligations on all actors that are party to an armed conflict and that IHL must be fully implemented in a holistic manner. Selectively listing specific rules of IHL risks putting the focus on a specific elements of IHL as opposed to IHL as a whole, elevating the status of some rules with the risk of delegitimizing others.

Addressing the current implementation deficit and improving respect for and compliance with existing IHL obligations is a shared responsibility of the international community. There are numerous practical measures to be taken by all actors in this context. In that regard, we commend the United States for their *Practical Measures to Strengthen the Protection of Civilians in Military Operations* paper. Here, we wish to highlight section II of this paper, which provides a solid overview of actions that strengthen the implementation of existing legal requirements and improve civilian protection in military operations.

Mr. Chair,

Existing IHL provides clear guidance and restrictions on the means and methods of warfare that may be employed. We are of the opinion that commanders should be provided with the broadest possible toolbox and thus enable them to make a case-by-case assessment on the means and methods required to protect civilians while achieving their military objectives. We note that the focus of some delegations on a wide range of weapons that greatly differ in their accuracy, effects, radius, and intended use under the catch-all term EWIPA, runs the risk of undercutting the existing IHL obligations and fails to lose sight of the real objective, namely the protection of civilians in urban warfare.

In closing, if a political declaration is indeed the appropriate method to improve respect for and compliance with existing IHL obligations, we would like to highlight a number of key points. Such a declaration should:

1. Underline that the requirements set by existing IHL are binding on all actors in armed conflict;
2. Recognize that existing IHL provides the primary framework to protect civilians in urban warfare;
3. Underline the need to ensure full and universal respect for existing IHL;
4. Any political declaration should not lead to additional norms or the reinterpretation of existing IHL, or highlight selective elements of IHL;
5. Should encourage States to share information and good practices how explosive weapons can be used in an IHL-compliant manner;
6. Should encourage States that have not yet done so to develop operational policies and procedures that will minimize the civilian harm in operations;
7. Enhance transparency on the underlying causes of the civilian harm caused by operations in urban areas by supporting efforts on data collection.

These points converge with many of the points raised by France, Germany and the United Kingdom in their joint paper on key principles for a political declaration, which we fully support. We will circulate this statement to you as request and to be shared with other delegations. Thank you, Mr. Chair.