



## States' positions on the use of explosive weapons in populated areas May 2015

This document is intended as a reference tool to track states positions on the use of explosive weapons in populated areas. In particular, it highlights those states that have acknowledged the humanitarian harm resulting from the use of explosive weapons in populated areas (EWIPA), and those states that have called for action to address the harm, which in most instances has been welcoming the recommendations from the UN Secretary-General.

For more information, go to: [www.inew.org/acknowledgements](http://www.inew.org/acknowledgements)

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### States / territories acknowledging the humanitarian problem of the use of EWIPA (41):

Afghanistan, Australia, Austria, Azerbaijan, Belgium, Bangladesh, Benin, Botswana, Canada, Chile, Costa Rica, Finland, Gabon, Germany, Guatemala, Holy See, Indonesia, Ireland, Japan, Jordan, Liechtenstein, Lithuania, Luxembourg, Malaysia, Mexico, Montenegro, Netherlands, New Zealand, Nigeria, Norway, State of Palestine, Qatar, Slovakia, Slovenia, South Korea, Spain, Sweden, Switzerland, Togo, Tunisia, Turkey.

### States that have called for action to address the harm (25):

Australia, Austria, Belgium, Benin, Botswana, Canada, Chile, Costa Rica, Germany, Holy See, Jordan, Liechtenstein, Lithuania, Malaysia, Mexico, Montenegro, Netherlands, Norway, Qatar, Slovakia, South Korea, Spain, Sweden, Switzerland, Tunisia.

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### Selected excerpts of statements:

**Afghanistan:** "Use of high Explosive Weapons systems with wide area effect, such as mortars, rockets and grenades, by terrorists groups in civilian populated areas and use of civilians as human shields have resulted in a dramatic increase in civilian casualties." (October 2014 UN General Assembly First Committee)

**Australia:** "We support the Secretary-General's recommendations on this. We encourage greater collection of data on the issue. We welcome the Council's attention to this threat in Syria, and we encourage the Council to be systematic in its approach in this area." (June 2012 Security Council Debate on Protection of Civilians)

**Austria:** "We welcome the Secretary-General's recommendation to avoid the use of explosive weapons in populated areas, as well as the Secretariat's efforts to develop practical measure and guidance to reduce their humanitarian impact. In this regard we welcome the initiative by the Secretary-General to study national practices and we encourage countries to support him in this regard." (January 2015 Security Council Debate on Protection of Civilians)

**Belgium:** "Belgium strongly supports the concrete recommendations made by the Special Representative regarding the use of explosive weapons with wide-area effect in populated areas, and calls for the universalization of the relevant international instruments, including the Conventions on the prohibition of antipersonnel mines and cluster munitions." (September 2012 Security Council Debate on Children and Armed Conflict)

**Benin:** "The Council should address the question of the use of explosive devices by warring parties in densely populated areas, which have a disproportionate effect on the civilian population. We should also pursue the

efforts under way to criminalize the use of such weapons.” (February 2013 Security Council Debate on Children and Armed Conflict)

**Botswana:** “We also recognize the attention drawn to the concerns expressed by an increasing number of States about the emergence and use of explosive weapons in populated areas. We share the Secretary-General’s view on the need to strengthen the protection of civilians from the use of those weapons and that parties to any conflict should refrain from their use.” (February 2014 Security Council Debate on Protection of Civilians)

**Canada:** “We wish to draw special attention today to the urgent need to address the impact of the indiscriminate use of explosive weapons, and in particular their impact on children. As the report of the Secretary-General highlights, in Syria and in far too many other conflicts, tens of thousands of civilians have been targeted or subjected to indiscriminate attacks, including the widespread use of explosive weapons in densely populated areas. Opportunities to strengthen civilian protection in that regard should include creating stronger political barriers to the use of indiscriminate explosive weapons and building recognition among parties to conflict that the use of such weapons should be avoided, particularly in densely populated areas.” (February 2014 Security Council Debate on Protection of Civilians)

**Chile:** “We also urge parties to a conflict to refrain from using explosive weapons in densely populated areas, given both the number of victims they cause and their indiscriminate nature and because we believe that that is a significant factor in the displacement of persons and the serious consequences that arise from that.” (February 2013 Security Council Debate on Children and Armed Conflict)

**Costa Rica:** “Also, Costa Rica is concerned by the use of explosive weapons in densely populated areas and its pervasive impact on civilians and infrastructure. We absolutely must act to prevent this prevalence and its impact. Therefore, Costa Rica supports calls for an international commitment to curb the use in populated areas of explosive weapons with wide area effects.” (October 2014 UN General Assembly First Committee)

**Germany:** “Finally, as witnessed in Syria and beyond, indiscriminate attacks against civilians using explosive weapons with wide impact in densely populated areas remain an appalling aspect of conflicts to which the international community has to react. We share the concerns expressed by the Secretary-General in that context and welcome the Secretariat’s continued engagement with Member States and others to raise awareness of the issue and to provide further guidance on the matter.” (February 2014 Security Council Debate on Protection of Civilians)

**Holy See:** “In conclusion, one can affirm with sufficient confidence that it is impossible to use explosive weapons in populated areas and maintain a position of respect for the principles of international humanitarian law that would result in protection of civilians. Sadly, law alone cannot eradicate war, armed conflicts and armed violence from human history. These conflicts are evidence of the failure of humanity in its collective effort to build peaceful civilizations. It is essential to adopt an approach that goes beyond formal legality to reach the goal of a minimal, if not a zero, acceptability and tolerance of the suffering imposed on innocent people.” (November 2012 Convention on Conventional Weapons)

**Japan:** “...the use of explosive weapons in densely populated areas is a grave concern, as it results in numerous civilian casualties. It also leads to the creation of scores of Internally Displaced Persons (IDPs) and refugees, which affects not only the epicentre of violence, but also neighbouring countries and regions.” (June 2012 Security Council Debate on Protection of Civilians)

**Jordan:** “Our debate today is particularly important. Despite of the progress made since the adoption of resolutions 1265 (1999) and 1894 (2009) — pertaining to the commitment to international norms and instruments on this subject, the world is still witnessing grave violations with regard to protection that are difficult for the human conscience to accept. The targeting of civilians by parties to a conflict, the perpetration of crimes against them and the indiscriminate use of explosive devices in populated areas are some examples that demonstrate the failure to protect, which need to be tackled by the international community in an effective and resolute manner. Otherwise, the debates on this topic will remain theoretical and will not contribute to strengthening the concept of the protection of civilians.” (February 2014 Security Council Debate on the Protection of Civilians)

**Liechtenstein:** “All parties to a conflict, including State and non-State actors, must ensure that their forces respect international humanitarian law and are trained to do so. They must strictly respect the principles of

distinction and proportionality, and in particular avoid the use of explosive force in densely populated areas.” (August 2013 Security Council Debate on Protection of Civilians)

**Lithuania:** “We also call for stronger action in response to the growing use of explosive weapons in high-density population areas, in defiance of the international humanitarian law principles of distinction and proportionality.” (February 2013 Security Council Open Debate on the Protection of Civilians)

**Malaysia:** “My delegation also calls on other parties to the conflict to restrict themselves from employing heavy weapons and explosive munitions that have been known to inflict untold misery, deaths and injuries to civilians.” (August 2013 Security Council Debate on the Protection of Civilians)

**Mexico:** “We are especially concerned with two specific aspects, given their impact on civilian populations — first, the denial of humanitarian assistance, and second, the use of explosives in densely populated zones. Regarding the use of explosives, the fact that there is no specific ban on the use of certain weapons does not mean that those weapons are permitted. We must condemn the use of explosives in areas where civilian populations are concentrated because of their indiscriminate effects and the attendant risks.” (November 2010 Security Council Debate on the Protection of Civilians)

**Montenegro:** “We also call on the parties to conflicts to honour their obligations in refraining from the use of explosive weapons in densely populated areas.” (February 2013 Security Council Debate on the Protection of Civilians)

**Netherlands:** “The emerging international discussion on the use of large caliber explosive weapons in populated areas is welcomed by the Netherlands. We think this discussion is important and should continue. In our view this discussion should focus on concrete and practical measures in order to limit casualties and damage. Much will depend on the exact circumstances and context in which weapons will be used.” (October 2014, UN General Assembly First Committee)

**Norway:** “Today’s armed conflicts usually take place in densely populated areas, with extensive civilian losses and damage to civilian buildings and infrastructure as a result. In our view, international humanitarian law also includes the Anti-Personnel Mine Ban Convention and the Convention on Cluster Munitions. Norway supports the Secretary-General’s call for more work by the international community to better understand the impact of explosive weapons in populated areas and to develop mechanisms for improving civilian protection in that regard.” (May 2011 Security Council Debate on Protection of Civilians)

**Qatar:** “Despite the progress that has been made in strengthening the protection of civilians in cases of armed conflict, the issue continues to pose a challenge to international law and humanitarian law and requires us to do more to compel parties to conflict to refrain from using explosive weapons in densely populated areas.” (February 2013 Security Council Debate on Protection of Civilians – on behalf of the Arab Group)

**Slovakia:** “...more effective mechanisms to monitor the use of explosive weapons in heavily populated areas must be created.” (February 2014 Security Council Debate on the Protection of Civilians)

**South Korea:** “Explosive weapons with a wide area impact should be avoided in densely populated areas. My delegation is deeply concerned about the appalling civilian suffering that explosive weapons cause. It is disturbing that, according to NGO research, more than 34,000 people were killed or injured from explosive weapons in 2012, and 78% of those affected were civilians. The study found that 58 countries were affected by the use of explosive weapons, and the most severely affected countries include Syria, Iraq and Afghanistan. My delegation believes that the international community needs to intensify its consideration of this issue through more focused discussions. The starting point should be gathering and analyzing data on the use and impact of explosive weapons in populated areas.” (August 2013 Security Council Debate on Protection of Civilians)

**Spain:** “I would like to express particular concern about three facts that represent serious obstacles to the application of the modern concept of the protection of civilians. First is the use of bombs and explosives in urban areas to kill or maim civilians, destroy basic infrastructures such as hospitals, schools and water-storage facilities, and displace huge numbers of civilians. Spain deplores this grave violation of international humanitarian law, especially when it is used deliberately as a way of waging psychological warfare on the civilian population, and believes that the Council must continue to focus on this practice and to explore and

exploit all possible means to put an end to it.” (February 2013 Security Council Debate on Protection of Civilians)

**Sweden:** “The use of explosive weapons in densely populated areas puts the civilian population at grave risk of death and injury and increases the destruction of vital infrastructure. The indiscriminate and disproportionate use of explosive weapons that we witness in many situations today must never be accepted. The need to ensure appropriate restrictions on warfare in such areas remains one of the central challenges of contemporary armed conflict. At the same time, experience from Afghanistan and Somalia demonstrates how armed forces may, if the will is there, in fact restrain the use of explosive weapons in populated areas without impeding military effectiveness. We support the Secretary-General’s call for States to share information on policy and practice regarding that matter. We stand ready to contribute in developing practical measures and guidance on the basis of lessons learned.” (February 2014 Security Council Debate on Protection of Civilians – on behalf of the Nordic countries Denmark, Finland, Iceland, Norway and Sweden)

**Switzerland:** “We think it appropriate to continue to follow the issue of explosive weapons, especially with a view to better implementing international humanitarian law. The use of certain explosive weapons in densely populated areas is clearly a major source of suffering for civilians in situations of armed conflict. A more in-depth study could, for example, reveal the extent to which greater protection could limit these impacts.” (November 2010 Security Council Debate on Protection of Civilians)

**Tunisia:** “The indiscriminate use of weapons and explosives in densely populated areas and the illegal arms trade have adverse effects on civilian populations in neighbouring countries, and must be banned.” (November 2011 Security Council Debate on Protection of Civilians)

**European Union:** “...we furthermore continue to be very preoccupied by the humanitarian impact of the use of weapons in densely populated areas. We take note of the view expressed by the ICRC that the use of explosive weapons with a wide area impact should be avoided in densely populated areas. This issue should be addressed in a more systematic and proactive way.” (June 2012 Security Council Open Debate on the Protection of Civilians in Armed Conflict)

**Human Security Network:** “The Network reiterates its call on all parties to an armed conflict to refrain from using explosive weapons with a wide impact area in populated areas. It stresses the importance of establishing mechanisms to track civilian casualties so as to understand the impact of military operations on civilian populations and adjust such action.” (February 2014 Security Council Debate on the Protection of Civilians – Slovenia on behalf of the Human Security Network: Austria, Chile, Costa Rica, Greece, Ireland, Jordan, Mali, Norway, Panama, Switzerland, Thailand, Slovenia and South Africa as an observer)