



## Explosive Weapons<sup>1</sup> and the Protection of Civilians

*Briefing paper by the International Network on Explosive Weapons ahead of the UN Security Council Open Debate on the Protection of Civilians, 19 August 2013*

Whether from a bomb in a market in Pakistan or Iraq or shelling and bombing in Syria, the use of explosive weapons in populated areas is a major cause of death, injury and destroyed livelihoods.

At the upcoming UN Protection of Civilians Debate on 19 August 2013, the International Network on Explosive Weapons (INEW) urges states to:

- Acknowledge that the use of explosive weapons in populated areas frequently causes unacceptably high levels of harm to civilians and communities, and furthers suffering by damaging vital infrastructure;
- Undertake further work on this issue - including supporting focused discussions to develop responses that will improve civilian protection and responding to [the letter sent to all states](#) by INEW asking a set of questions on national consideration of explosive weapons use;
- Recognise the need to end the use of explosive weapons with wide area effects in populated areas.

### **An urgent humanitarian problem**

INEW member Action on Armed Violence (AOAV) has estimated that 34,758 people were killed and injured from explosive weapons in 2012<sup>2</sup>. Of those affected, 78% were civilians. When explosive weapons were used in populated areas, 91% of victims were civilians.<sup>3</sup> This is but a fraction of civilian harm caused by explosive weapons such as rockets, air-dropped bombs, and improvised explosive devices (IEDs).

The worsening humanitarian situation in **Syria**, including the bombardment of Homs, Aleppo<sup>4</sup> and other populated areas, led the President of the UN Security Council to call on the Syrian government to “*end the use of heavy weapons in population centres.*”<sup>5</sup> A particular cause for concern has been the use in densely populated neighbourhoods of explosive weapons with wide area effects, such as multiple launch rockets, ballistic missiles, makeshift air-dropped bombs, high explosive artillery and mortar shells, and powerful improvised explosive devices (IEDs). Cluster munitions, which are prohibited outright under the 2008 Convention on Cluster Munitions, have also caused significant casualties.<sup>6</sup>

Last year, 58 countries were affected by the use of explosive weapons. The most severely affected countries were Syria, Iraq, Pakistan, Afghanistan, and Nigeria.<sup>7</sup>

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<sup>1</sup> Explosive weapons include improvised explosive devices (IEDs) as well as explosive ordnance such as mortars, rockets, artillery shells and aircraft bombs. These weapons use blast and fragmentation, and kill and injure people in the area around the

<sup>2</sup> Action on Armed Violence, “An Explosive Situation: Monitoring Explosive Violence in 2012”, April 2013, <http://aoav.files.wordpress.com/2013/06/an-explosive-situation-explosive-violence-in-2012.pdf>

<sup>3</sup> Action on Armed Violence, “An Explosive Situation: Monitoring Explosive Violence in 2012”, April 2013, <http://aoav.files.wordpress.com/2013/06/an-explosive-situation-explosive-violence-in-2012.pdf>

<sup>4</sup> Article 36, “The bombing of Aleppo: Heavy weapons and Civilian Protection”, 10 August 2012, <http://www.article36.org/cat1-explosive-weapons/bombardment-of-aleppo-heavy-weapons-and-civilian-protection/>

<sup>5</sup> Statement by the President of the Security Council, 21 March 2012, S/PRST/2012/6

<sup>6</sup> Action on Armed Violence (AOAV), December 2012, “Wide of the Mark: Syria and the use of explosive weapons with wide area effects [http://www.aoav.org.uk/uploads/changing\\_policy/The\\_Impact\\_of\\_Explosive\\_Weapons/Reports/2012\\_12\\_Wide\\_of\\_the\\_Mark.pdf](http://www.aoav.org.uk/uploads/changing_policy/The_Impact_of_Explosive_Weapons/Reports/2012_12_Wide_of_the_Mark.pdf)

<sup>7</sup> Action on Armed Violence, “An Explosive Situation: Monitoring Explosive Violence in 2012”, April 2013, <http://aoav.files.wordpress.com/2013/06/an-explosive-situation-explosive-violence-in-2012.pdf>

## Stronger standards

An increasing number of actors are calling for greater restraint in the use of explosive weapons in populated areas:

- At a recent **international conference attended by 94 states** on “Reclaiming the Protection of Civilians Under International Humanitarian Law” the Co-Chairs’ summary stated that “*the use of explosive force in military operations in densely populated areas has devastating humanitarian consequences for civilians. In particular, the use of explosive weapons with a wide area effect should be avoided*”.<sup>8</sup> Reflecting on this conference, the official Concept Note prepared by Argentina for the debate makes reference to the use of explosive weapons in populated areas.<sup>9</sup>
- Building on progressively stronger language in previous reports, the 2012 **UN Secretary-General’s** Report on the Protection of Civilians in Armed Conflict urged parties “*to refrain from using explosive weapons with a wide-area impact in densely populated areas*”.<sup>10</sup>
- The **UN Special Representative for Children and Armed Conflict** has noted the devastating impact the use of explosive weapons in populated areas has on civilians, and especially children, and called on states to refrain from using explosive weapons in populated areas in 2012 reports to the Human Rights Council and the General Assembly<sup>11</sup> and most recently in a press statement following a visit to Syria.<sup>12</sup>
- In 2011, the **International Committee of the Red Cross** stated that, “*due to the significant likelihood of indiscriminate effects and despite the absence of an express legal prohibition for specific types of weapons, the ICRC considers that explosive weapons with a wide impact area should be avoided in densely populated areas*”.<sup>13</sup>
- Across a variety of other fora, around **30 countries have expressed concern** about the impact of explosive weapons including: Australia, Austria, Azerbaijan, Bangladesh, Belgium, Benin, Chile, Finland, Gabon, Guatemala, Germany, Holy See, Japan, Liechtenstein, Lithuania, Luxembourg, Malaysia, Mexico, New Zealand, Nigeria, Norway, Qatar, Slovenia, Sweden, Switzerland, Togo, Tunisia, and the United States, as well as the Arab Group, the EU, the Nordic Countries, and the Human Security Network. See: [www.inew.org/acknowledgements](http://www.inew.org/acknowledgements).

In September, invited experts from states, international organisations and civil society will meet for the first time to discuss the humanitarian impact of explosive weapons and how to address it. The meeting, announced by the UN Office for the Coordination of Humanitarian Affairs (OCHA), will be convened by OCHA and Chatham House, and hosted at Chatham House in London in September 2013.

The August 2013 Security Council Open Debate on Protection of Civilians in Armed Conflict presents an opportunity for states to express support for concrete steps that will curb the use of explosive weapons in populated areas and to provide stronger protection to civilians in the future.

## About INEW

INEW is a network of NGOs founded by Action on Armed Violence, Handicap International, Human Rights Watch, IKV Pax Christi, Medact, Norwegian People’s Aid, Oxfam International and Save the Children UK, that calls for immediate action to prevent human suffering from explosive weapons in populated areas. For more information see: [www.inew.org](http://www.inew.org)

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<sup>8</sup> Co-Chairs Summary from the “Reclaiming the Protection of Civilians under International Humanitarian Law” conference, Oslo, Norway, 23-24 May 2013: [http://www.regjeringen.no/upload/UD/Vedlegg/Hum/reclaime\\_recommendations.pdf](http://www.regjeringen.no/upload/UD/Vedlegg/Hum/reclaime_recommendations.pdf)

<sup>9</sup> ‘Concept Note’ prepared by Argentina for the Security Council Open Debate on the Protection of Civilians in Armed Conflict.

<sup>10</sup> United Nations Secretary-General Ban Ki-moon, “Report of the Secretary-General on the protection of civilians in armed conflict,” UN Security Council, S/2012/376, 22 May 2012, [http://reliefweb.int/sites/reliefweb.int/files/resources/Full\\_Report\\_4150.pdf](http://reliefweb.int/sites/reliefweb.int/files/resources/Full_Report_4150.pdf)

<sup>11</sup> See UN Special Representative for Children and Armed Conflict Radhika Coomaraswamy, “Annual Report of the Special Representative of the Secretary-General for Children and Armed Conflict,” Human Rights Council, 28 June 2012, [http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session21/A-HRC-21-38\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session21/A-HRC-21-38_en.pdf) and UN Special Representative for Children and Armed Conflict Leila Zerrougui, Report of the Special Representative of the Secretary-General for Children and Armed Conflict, UN General Assembly A/67/256, [http://www.un.org/ga/search/view\\_doc.asp?symbol=A/67/256](http://www.un.org/ga/search/view_doc.asp?symbol=A/67/256)

<sup>12</sup> <http://www.inew.org/news/stop-the-use-of-explosive-weapons-says-un-special-representative-on-children-and-armed-conflict>

<sup>13</sup> International Committee of the Red Cross (ICRC), International Humanitarian Law and the challenges of contemporary armed conflicts, October 2011, 3IIC/11/5.1.2