



Explosive weapons¹ 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, 12 February 2014

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 scheduled for 12 February 2014, the International Network on Explosive Weapons (INEW) urges states to:

- Acknowledge that the use of explosive weapons in populated areas frequently causes unacceptable levels of harm to civilians, and furthers suffering by damaging vital infrastructure;
- Welcome the [recommendation by the UN Secretary General](#) for states and armed groups to avoid the use in populated areas of explosive weapons with wide area effects;
- Commit to further work on this issue - including participating in focused discussions to better understand the humanitarian problems of explosive weapon use and to develop policies and practices that prevent harm to civilians from explosive weapons;
- Support concrete steps aimed at providing stronger protection to civilians from the effects of explosive weapons, including reviews of policies and operational practices on the use of explosive weapons;
- Support the development of better guidance to users of explosive weapons, and consideration of a political commitment by states to curb the use of explosive weapons 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 2012.² Of those affected, 78% were civilians. When explosive weapons were used in populated areas, 91% of victims were civilians.³

The worsening humanitarian situation in Syria, has led the President of the UN Security Council to call on the Syrian government to “end the use of heavy weapons in population centres”.⁴ States have also been outspoken on the devastating impact of explosive weapon use in populated areas. The ‘Friends of Syria’ group including the UK, Egypt, France, Germany, Jordan, Italy, Qatar, Saudi Arabia, Turkey, the United Arab Emirates and the United States, issued a [communiqué](#) on 22 October 2013 highlighting “the use of ... SCUD missiles, air and artillery strikes” in indiscriminate attacks. The communiqué also called on the Syrian regime to “end the siege of urban areas and the indiscriminate attacks against civilians, in particular through air bombardment and the use of ballistic missiles, cluster bombs and explosive barrels”.

A particular cause for concern in Syria has been the use in densely populated neighbourhoods of explosive weapons with wide area effects, such as multiple launch rockets, makeshift air-dropped bombs (barrel bombs), high explosive artillery and mortar shells, and powerful improvised explosive devices (IEDs), as well as cluster munitions (which are prohibited outright under the 2008 Convention on Cluster Munitions).⁵

In 2012 there were 58 countries affected by the use of explosive weapons. The most severely affected countries globally were Syria, Iraq, Pakistan, Afghanistan, and Nigeria.⁶

Growing recognition

Recognition of the humanitarian problems caused by explosive weapons in populated areas should strengthen international responses to armed violence in the future. Resolving situations such as Syria is a

¹ 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 point of detonation. When these weapons have been used in public places such as markets and residential areas, people that should be protected have often been severely affected, both directly, from the blast and fragment projection, and through damage to vital infrastructure such as to hospitals, housing and water and sanitation systems.

² 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>

³ 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>

⁴ Statement by the President of the Security Council, 21 March 2012, S/PRST/2012/6

⁵ 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

⁶ 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>

complex question, but such recognition should at least reinforce the unacceptability of such practices and make them less likely.

A growing number of actors are urging greater restraint in the use of explosive weapons in populated areas:

- The **2013 UN Secretary-General's Report on the Protection of Civilians in Armed Conflict** urged that "parties to conflict should refrain from the use in populated areas of explosive weapons with wide-area effect and the Security Council, whenever relevant, should call upon parties to conflict to refrain from such use".⁷
- At a **conference attended by 94 states** in May 2013 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".⁸
- The **UN Special Representative for Children and Armed Conflict** 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 Assembly⁹ and in a statement following her 2013 visit to Syria.¹⁰
- 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".¹¹
- Across a variety of other forums, around **30 countries have expressed concern** about the impact of explosive weapons including: Australia, Austria, Azerbaijan, Bangladesh, Belgium, Benin, Chile, Costa Rica, 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.

Stronger standards

Civilian protection can be strengthened by creating stronger political barriers to the use of explosive weapons in populated areas (in particular those with wide area effects), and by building recognition amongst armed actors that use of such weapons can be avoided without jeopardizing operational capability.

At a meeting of governmental and other experts on reducing the humanitarian impact of the use of explosive weapons in populated areas, hosted by OCHA and Chatham House, possible next steps included:

- developing operational guidance based on positive experiences in Afghanistan and Somalia of reducing civilian harm from explosive weapon use;
- developing a political commitment through which states could acknowledge the problem and express determination to address it.

These were strengthened as recommendations through the latest UN Secretary General's Report on the Protection of Civilians in Armed Conflict.¹² The ICRC indicated it would host an expert meeting in late 2014 / early 2015 on the use of explosive weapons in populated areas.

The **12 February 2014 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.

NOTE: 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.

⁷ United Nations Secretary-General Ban Ki-moon, "Report of the Secretary-General on the protection of civilians in armed conflict," UN Security Council, S/2013/689, 22 November 2013, <http://reliefweb.int/sites/reliefweb.int/files/resources/Report%20of%20the%20SG%20on%20the%20protection%20of%20civilians%20S2013-689.pdf>

⁸ 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

⁹ 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 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

¹⁰ <http://www.inew.org/news/stop-the-use-of-explosive-weapons-says-un-special-representative-on-children-and-armed-conflict>

¹¹ International Committee of the Red Cross (ICRC), International Humanitarian Law and the challenges of contemporary armed conflicts, October 2011, 31IC/11/5.1.2

¹² United Nations Secretary-General Ban Ki-moon, "Report of the Secretary-General on the protection of civilians in armed conflict," UN Security Council, S/2013/689, 22 November 2013