



Explosive Weapons¹ and the Protection of Civilians

January 2015

Briefing paper by the International Network on Explosive Weapons ahead of the UN Security Council Open Debate on the Protection of Civilians, 27 January 2015

The use of explosive weapons in populated areas has been a key cause of death, injury and other harms to civilians in conflicts around the world in 2014.² The bombardment of towns and cities in Syria, Gaza, and Ukraine has resulted in a large number of civilian casualties, widespread displacement, and destruction of infrastructure. These are but a few examples of a pressing humanitarian problem that is now recognized as a key challenge to the protection of civilians, with often unique impacts on women's lives and livelihoods. Forty countries have now publicly expressed concern about this humanitarian issue (see www.INEW.org/acknowledgements).

At the upcoming UN Security Council's Open Debate on the Protection of Civilians on 27 January 2015 INEW urges states to:

- Endorse the UN Secretary-General's recommendation that states should avoid the use in populated areas of explosive weapons with wide area effects.³
- Indicate support for the development of an international commitment to stop the use in populated areas of explosive weapons with wide area effects, and work to achieve the incorporation of women's perspectives and participation in policy work on this and other disarmament areas.

Beyond the January debate, states should also:

- Share their national policies and practices related to the use of explosive weapons in populated areas, including through their representatives to the UN in response to the UN Secretary General's *note verbale*, ref. OCHA/NV/188/2014 of 1 October 2014. The *note verbale* asks Member States to make available relevant policy and practice that governs or limits the use of explosive weapons with a wide area effect in populated areas.
- Collect and make available to the UN and other relevant actors information on civilian harm resulting from the use of explosive weapons including gender and age disaggregated data, to better understand the impacts of such use.
- Recognize the rights of victims and survivors and ensure that assistance is gender and age sensitive.

An urgent humanitarian problem

Where explosive weapons were used in populated areas in 2013, 93% of the casualties were civilians, according to Action on Armed Violence (AOAV). AOAV's sampling of English language news media found more than 31,076 civilians were reported as killed or injured by explosive weapons in 2013. Incidents involving the use of explosive weapons were recorded in 58 countries with Iraq, Syria, Pakistan, Afghanistan

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 See Steve Goose and Ole Solvang, *Deadly cargo: explosive weapons in populated areas*, Open Democracy, 30 December 2014: <https://www.opendemocracy.net/open-security/steve-goose-ole-solvang/deadly-cargo-explosive-weapons-in-populated-areas>

³ See <http://www.inew.org/acknowledgements>

and Lebanon seeing the highest numbers of civilian casualties.⁴ Data for 2014 is under development, but there is no indication that the humanitarian problem has yet been reduced.

Explosive weapons and women

There is limited data on the specific impacts of the use of explosive weapons on women, but explosive weapons can affect men and women differently, depending on circumstances.⁵ For instance, the use of explosive weapons can put pregnant women at risk of miscarriage and of experiencing unsafe childbirth. In some contexts, women are more often present than men in certain populated areas such as residential areas, playgrounds and schools, and so are particularly at risk from attacks in such locations. Women who become displaced are at high risk of exploitation. At the same time, women are often excluded from discussions that could help address women's particular experiences, needs, and concerns with regards to the use of explosive weapons.

Current diplomatic context

Over the past few years the civilian harm and widespread destruction caused by the use of explosive weapons in populated areas has attracted increasing concern within the international community.

- In 2011 a group of civil society organisations set up the International Network on Explosive Weapons (INEW) to respond to the impact of the bombing and bombardment of populated areas. So far around 40 countries have publicly expressed concern about this humanitarian issue, mostly in the context of the UN Security Council debates on the protection of civilians in armed conflict.⁶
- This acknowledgement has taken place against the background of grave civilian harm from the bombardment of populated areas in Côte d'Ivoire, Gaza, Iraq, Libya, Somalia, Sudan, Syria, and Ukraine. The use of explosive weapons with wide area effects such as multiple-barrel rocket launchers, heavy artillery, and large aircraft bombs in such populated areas has stood out as particularly harmful in these contexts. In addition, civilians have been killed and injured in towns and cities in Afghanistan, Iraq, and Pakistan, where car bombs and 'suicide' bombs have been detonated amongst crowds of people in public places.
- Over the course of 2013–2014 there has been a growing international discussion on how this humanitarian harm can be prevented. The Co-Chair's Summary of an international conference on the protection of civilians held in Oslo in May 2013 and attended by 90 countries recommended that the use of explosive weapons with wide area effects should be avoided. The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) has co-hosted two expert meetings on this topic: the first with Chatham House in London in September 2013 and the second with Norway in Oslo in June 2014. These meetings have highlighted the need to focus on the wide area effects that certain explosive weapons cause, and to identify practical operational steps that can be taken to move away from using wide-area effect weapons near civilian populations.
- Further discussions are expected this year with a view to compiling existing good practices and developing an international commitment to stop the use in populated areas of explosive weapons with wide area effects. Building on existing international law, such a commitment would serve to articulate a clearer standard of practice. Under international humanitarian law (IHL), certain types of attacks are prohibited (attacks that are "indiscriminate" or that deliberately target civilians, for example), but there is no clear boundary that specifically prevents the use of wide area effect explosive weapons in populated areas. By developing and endorsing an international commitment to this effect, the protection of civilians could be significantly enhanced.

The 27 January 2015 Security Council Open Debate on Protection of Civilians in Armed Conflict presents an opportunity for states to express support for international commitment to stop the use in populated areas of explosive weapons with wide area effects and to provide stronger protection to civilians - men, women and children - in the future.

⁴ <http://aoav.org.uk/wp-content/uploads/2014/05/AOAV-Explosive-Events-2013.pdf>

⁵ See Reaching Critical Will (2014), *Women and Explosive Weapons*, Women's International League for Peace and Freedom, online at: <http://www.reachingcriticalwill.org/images/documents/Publications/WEW.pdf>; M. Hsiao-Rei Hicks et al., 'Violent Deaths of Iraqi Civilians, 2003–2008: Analysis by Perpetrator, Weapon, Time, and Location', vol. 8(2) PLoS Med (15 February 2011), doi:10.1371/journal.pmed.1000415.

⁶ See <http://www.inew.org/acknowledgements>