

PROVIDING AN EFFECTIVE RESPONSE TO THE HUMANITARIAN HARM RESULTING FROM THE USE OF EXPLOSIVE WEAPONS IN POPULATED AREAS



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The International Network on Explosive Weapons (INEW) is an NGO partnership calling for immediate action to prevent human suffering from the use of explosive weapons in populated areas. INEW was established in March 2011 by Action on Armed Violence, Handicap International, Human Rights Watch, PAX, Medact, Norwegian People's Aid, Oxfam and Save the Children. See www.inew.org

This paper presents various aspects of the harm and suffering that civilians experience resulting from the use of explosive weapons in populated areas, and considers how an international political declaration on explosive weapons could be a powerful tool to respond to this harm.

An effective political declaration would focus attention on responding to the specific humanitarian issues associated with the use of explosive weapons in populated areas, through including commitments that require action by endorsing states. These commitments should be designed to drive activities that prevent and reduce harm to civilians and afford greater protection to those living through armed conflict.

The commitments in a declaration should include the development of national-level policies and practice, in particular a commitment to stop the use of explosive weapons with wide area effects in populated areas, as well as actions to assist affected individuals and communities in the immediate and longer-term.

Through describing the harm caused by the use of explosive weapons in populated areas, and committing states to monitor harm from the use of explosive weapons in populated areas through data gathering, a declaration would also provide a framework for increased understanding of this humanitarian problem.

With broad endorsement by states, including those that have used explosive weapons in populated areas and those affected by armed conflict, a well-constructed declaration that responds directly to humanitarian realities would make an effective contribution to setting new international standards to respond to the harm caused by the use of explosive weapons in populated areas. It would assist in building a community of practice, and provide a forum to review progress made in reducing and responding to harm from the use of explosive weapons in populated areas. Some of these humanitarian realities, and how a declaration could respond to them, are set out below.

HUMANITARIAN REALITY

Civilians are disproportionately affected from the use of explosive weapons in populated areas.

Data shows that when explosive weapons are used in populated areas, such as cities, towns and villages where there is a concentration of civilians, the overwhelming proportion of casualties are civilian. Action on Armed Violence (AOAV) records direct deaths and injuries from the use of explosive weapons that are reported in English language media sources. Over the five years from 2011 to 2015, AOAV found that when explosive weapons were used in populated areas, 91% of casualties were civilians¹.

DECLARATION RESPONSE

An international declaration should highlight the humanitarian harm caused by the use of explosive weapons in populated areas, and include strong action-oriented commitments to protect civilians.

An international political declaration that recognises that the use of explosive weapons in populated areas has a disproportionate impact on civilians, and creates widespread and long-term humanitarian impacts, would have an important communicative value, providing acknowledgement from states of this pattern of harm.

By including commitments that are clear, ambitious, and action-oriented, the declaration can provide a tool to prevent harm from the use of explosive weapons in populated areas and afford greater protection to civilians. The core commitment to include in this regard would be to restrict, in a variety of ways, the use of explosive weapons in populated areas.

Gaza: A tank shell tore through this apartment building, leaving a huge hole overlooking the devastation of this Gaza City neighbourhood

© INEW



Tens of thousands of civilians are killed and injured each year from the use of explosive weapons in cities, towns and villages across the world.

Explosive weapons include aircraft bombs, artillery, rockets, mortars, grenades, and improvised explosive devices, and function by projecting blast and fragmentation around the point of detonation. They are particularly harmful when used in the vicinity of civilians. Civilian harm from the use of explosive weapons in populated areas has been highlighted as a top humanitarian priority² by UN Secretary-Generals, the ICRC, and many others as conflict has become increasingly common in urban areas.

Data shows that high numbers of civilians are killed and injured across the world when explosive weapons are used in populated areas such as towns and cities. Between 2011 and 2015, AOA recorded 130,737 civilian casualties resulting from the use of explosive weapons in populated areas, an average of more than 26,000 deaths and injuries a year.³

Casualties from explosive weapons often result from the shrapnel from explosive weapons when they fragment, which can pierce and impair vital organs, shred limbs causing amputation and disability, and damage eyesight. Explosive weapons which cause significant blast can also collapse organs.⁴

Each year the use of explosive weapons in populated areas causes civilian casualties in around 60-70 countries.⁵

A declaration should require states to stop the use of explosive weapons with wide area effects in populated areas, as the most direct and effective way to reduce civilian casualties of war.

Most types of explosive weapons are designed for use in open warfare and not for use in towns and cities where there are high proportions of civilians. Explosive weapons with wide area effects are of particular concern and are inappropriate for use in populated areas. Wide area effects result from the scattering of explosives over a wide area (such as multiple launch rocket systems), warheads with a high explosive content that project blast and fragmentation over a wide area (such as large aircraft bombs), or those that are inaccurate and the area that will be hit is unpredictable within a wide area (such as indirect fire mortars).

A commitment to stop the use of explosive weapons with wide area effects in populated areas would greatly reduce civilian casualties. Without such a commitment, any international political declaration would risk having little, if any, impact in reducing civilian casualties.

A commitment to stop use, or to avoid use, of wide-area effect explosive weapons in populated areas as the UN Secretary-General and the International Committee of the Red Cross have recommended,⁶ could be operationalised by militaries at the national level in a number of ways: through the development and review of national policies and procedures concerning the selection of explosive weapons and their use in populated areas; building on existing procedures of weapon selection, target matching and collateral damage estimation cycles; and the development of specific guidelines in particular operational settings.



Baghdad, Iraq (2005): An injured Iraqi schoolgirl is evacuated from the Aqida girls' school near the scene of a suicide car bombing in Tahrir square © Scott Nelson

Civilians experience life threatening situations during and following the use of explosive weapons in populated areas, and face further loss of life, injury, and suffering as fighting continues and after fighting stops.

Basic safety is a continuing concern for communities living through the use of explosive weapons in populated areas but also its aftermath, due to the presence of unexploded ordnance. Beyond the immediate threat of death and injury, civilians face the risk of a range of further harms and suffering.

Experiencing the death of loved ones, and in some cases undergoing the loss of many family members, causes significant grief and psychological trauma. Combined with the trauma of continuing to live in an area that is still being bombed is often too much for people to bear. Children living through such situations for example often display concerning behavioural changes, including stopping talking, severe depression, sleeplessness and bedwetting.⁷

The bombing and bombardment of towns and cities destroys homes, resulting in homelessness in desperate situations, where it is particularly unsafe to be without shelter. The destruction of commercial buildings can impede access to and availability of vital provisions including food.⁸

Humanitarian access can be hampered, or stopped entirely, as humanitarian and relief organisations struggle to access particularly violent areas.⁹

Hospital buildings can be destroyed, and those that are not struggle to continue to operate due to the damage to buildings and rising number of patients, hampering the provision of lifesaving, emergency medical care that the civilian population is in desperate need of. The access to medical care and decrease in quality of care causes further loss of lives, and impedes the provision of treatment, making it difficult to manage treatable injuries and diseases.¹⁰

Damage to sanitation systems creates additional problems with maintaining basic levels of hygiene, which can cause further onset of illness and diseases. In Yemen, the conflict has resulted in a severe cholera epidemic. Vulnerable people including the elderly, babies and infants, and pregnant women are particularly at risk.¹¹

Damage to electricity, energy, power, and transport systems further compound such problems, and in some instances prevent the civilian population from fleeing the area.¹²

Aleppo, Syria (2013): The Tal Dar hospital is in a civilian neighbourhood of Aleppo. Over several months the hospital was shelled in four separate attacks and finally damaged so badly that it could no longer function. In the final attack around 25 people died. © Hannah Lucinda Smith

A declaration should recognise and respond to the short and long-term harm to the civilian population, recognise the rights of victims of armed violence, and require immediate action to address harm and provide victim assistance.

A commitment to stop the use of explosive weapons with wide area effects in populated areas is the best way to protect civilians and prevent the resulting humanitarian harm. But additional efforts must also be undertaken to address the needs of affected communities, past and present.

A declaration should describe both the immediate and long-term harm that civilians experience and the suffering that is caused as a result of the use of explosive weapons in populated areas. Only by fully understanding and explicitly recognising the harm caused can it be effectively addressed.

The declaration should build on internationally recognised victim assistance standards, and reinforce the principle of non-discrimination, where survivors of explosive weapons, the families of those killed and injured, and affected communities from all impacted areas have the right to receive assistance.

Commitments in a declaration should be drafted to ensure that the basic needs of survivors are met in a timely manner, including with regards to safety, protection, shelter, food, water, hygiene, and sanitation.¹³

The declaration should also support practical protection measures, promote unimpeded access to inclusive humanitarian aid and support risk education and clearance of areas contaminated by explosive and toxic remnants of war.



Affected communities experience long-term harm and suffering, long-term needs of victims remain unmet, and future generations suffer.

Communities that have experienced the use of explosive weapons in their towns and cities can be affected long after the violence has stopped.

The damage to buildings and homes that result from the bombing and bombardment of towns and cities is costly to repair, which impedes a community's ability to get back on its feet. Areas of land can remain contaminated from unexploded ordnance, impeding access to some locations, or causing the civilian population to undertake risky activities as they seek to live and work in areas full of potentially life-threatening hazards.¹⁴

The destruction of schools and other educational facilities means that many children and students are prevented from getting an education during conflict, impeding their future employment options and future financial stability. Even after a short period of armed conflict it is often difficult to restart teaching. Education sometimes never resumes or the break in education is so long that the repercussions are severe.¹⁵

The provision of other facilities and services can also take a long time to resume at reasonable functioning levels after a conflict due to the widespread costs.

Often survivors of armed violence cannot access support and services in order to realise their rights and facilitate social and economic inclusion, putting people out of employment.¹⁶

Longer term physical impairment, psychological trauma (including of those not immediately physically affected), social discrimination, and economic deprivation of survivors and family members of those killed and injured continues to harm individuals, families, and societies.

Communities also suffer environmental harm from conflict, and areas continue to remain contaminated from unexploded ordnance.

Gori city, Georgia 2008: Rockets struck this five-story apartment building on Sukhishvili Street near a base, killing 14 and wounding dozens.



A declaration should provide a framework for addressing long-term rehabilitation and inclusion of survivors, and facilitate the reconstruction of damaged buildings and infrastructure.

The principles of safe and timely access to mainstream, personal support and disability-specific services, including emergency and long-term medical care, rehabilitation, psychological and psycho-social support, education, work, employment, social protection and social inclusion, should be included in the declaration's commitments on victim assistance.

The reconstruction of public infrastructure should be promoted by the declaration, and risk education and clearance promoted in both emergency and post-emergency responses.

HUMANITARIAN REALITY

The use of explosive weapons in populated areas is a driver of displacement.

The use of explosive weapons in populated areas drives people to flee the communities where they live in order to find safety and respite from the bombing.

Displacement creates challenges in providing for the needs of internally displaced people and refugees, as well as the broader needs of communities dealing with an influx of people and in some cases a drastic rise in the population seeking services.

The use of explosive weapons and destruction to infrastructure and services can also prevent the return of people to these communities and contributes to protracted displacement for years, and sometimes decades.¹⁷

DECLARATION RESPONSE

A declaration should acknowledge that displacement is a humanitarian impact of the use of explosive weapons in populated areas

In articulating the humanitarian problem of the use of explosive weapons in populated areas, acknowledging the impacts of forced displacement would be an important aspect.

States should avoid actions that drive displacement, including stopping the use of explosive weapons in towns and cities where there are high numbers of civilians residing.

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Families live in a very deprived refugee settlement in Lebanon.



There is a lack of detailed data on the use of explosive weapons in affected countries, and on the impact of such use on the civilian population.

There is a lack of effective and transparent casualty recording by states that engage in operations where militaries are using explosive weapons: often the data that is available to understand patterns of harm is gathered by the efforts of non-governmental or international organisations. Due to the circumstances and challenges around data gathering and recording in conflict situations, it is often difficult to get a full and transparent picture of civilian harm.

A declaration should commit states to gather data on victims and document the full range of harm caused by explosive weapons, including through recording all casualties

Data on victims should be disaggregated by age, sex and disability (providing clarity on whether a person sustained an impairment as a result of explosive weapon use, or was already living with an impairment), and should be made publicly available in an appropriate form.

The declaration should also support the further collection and dissemination of data on the immediate and longer-term effects of the use of explosive weapons in populated areas.



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Handicap International's staff interviewing a Syrian woman.

END NOTES

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