



INEW BRIEFING PAPER: UN GENERAL ASSEMBLY'S FIRST COMMITTEE

September 2020

Background

Armed conflicts are being conducted in populated areas with weapon systems designed for open battlefields, presenting serious challenges to the effective protection of civilians. Many states, international organisations, and civil society have repeatedly highlighted the harm caused to civilians and civilian infrastructure by the use of explosive weapons in populated areas as a major humanitarian priority over the past decade. Each year, tens of thousands of people are killed and injured by the use of explosive weapons in neighbourhoods where people live and work. Data consistently shows that when these weapons are used in populated areas, approximately 91 per cent of those reported killed and injured are civilians.¹

The damage explosive weapons cause to vital infrastructure also means their impacts reverberate to affect a wider population and over time. Damage to hospitals limits the provision of medical care, making even easily treatable injuries life threatening.² Damage to sanitation systems leaves civilian populations susceptible to the spread of disease.³ Destruction, and the presence of explosive remnants in populated areas, causes and entrenches displacement—but where transport infrastructure is destroyed, civilians can also be prevented from fleeing to safety.⁴ Affected areas can become inaccessible to humanitarian aid⁵ as well clean food and water,⁶ with damage to energy infrastructure compounding these challenges. Severe psychological harm is experienced by many.⁷

Current context

2019 saw distinct positive movement towards the development of an international political declaration aimed at addressing the harms caused by the use of explosive weapons in populated areas. Austria convened an international conference in October 2019 where 133 states participated, and which saw widespread support for developing an international political declaration and kickstarted a series of Geneva-based consultations.⁸

At the 2019 First Committee, a cross-regional group of 71 states supported a joint statement⁹ that encouraged all states to participate in international efforts to address the impacts of the use of explosive weapons in populated areas on civilians—including through working towards an international political declaration in 2020 that would make commitments on this issue.

The International Committee of the Red Cross (ICRC) and the UN Secretary-General have continued to call on states to avoid the use of explosive weapons with wide area effects in populated areas “owing to the immediate and cumulative, complex and long-term harm resulting from such use.”¹⁰ The focus on the heightened risk of harm from explosive weapons with wide area effects and need to stop this through policy and practice, has also been a repeated key call from the International Network on Explosive Weapons (INEW).

In late 2019 and the early part of 2020, efforts got underway to produce a political declaration to address the civilian harm through binding commitments on states. The government of Ireland convened states in Geneva to discuss elements of a political declaration. Due to the situation caused by COVID-19, negotiations to finalise the text have not yet been able to take place but are expected to resume in Geneva in the coming months.

Recommendations

During First Committee, delegations should:

- x Acknowledge that the use of explosive weapons in populated areas causes severe harm to individuals and communities, including through both direct and reverberating effects;
- x Endorse the UN Secretary-General's recommendation that states should avoid the use of explosive weapons with wide area effects in populated areas; and
- x Support the development of an international political instrument on explosive weapons to protect civilians.

Beyond First Committee, states should:

- x Commit to developing, adopting, and implementing an international commitment to address this clear and documented pattern of harm by stopping the use of explosive weapons with wide area effects in populated areas and assisting affected people and communities;
- x Review and make available national policies and practices related to the use of explosive weapons in populated areas and make changes that will strengthen the protection of civilians;
- x Support and make publicly available data-gathering on the use of and impact of explosive weapons in populated areas including age, sex, and disability, disaggregated recording of casualties; and
- x Recognise the rights of survivors, families of those killed or injured, and affected communities and respond to their short and long-term needs.

END NOTES

1. Explosive Violence Monitor, Action on Armed Violence, <https://aoav.org.uk/explosiveviolence/>
2. See for example Explosive weapons in populated areas: The consequences for civilians, International Committee of the Red Cross (ICRC), 2015, <http://bit.ly/2weUp0u>; and Operating under fire: The effects of explosive weapons on healthcare in the East of Ukraine, Harvard Law School and PAX, May 2017, <http://bit.ly/2i4Is8d>.
3. "Yemen: Health system at breaking point as cholera epidemic spreads at unprecedented rate," ICRC, June 2017, [http:// bit.ly/2uLZWfx](http://bit.ly/2uLZWfx).
4. See for example Explosive weapons in populated areas: The consequences for civilians, ICRC, June 2015, [http:// bit.ly/2weUp0u](http://bit.ly/2weUp0u); and Explosive violence: The problem of explosive weapons, Landmine Action, August 2009, <http://bit.ly/2vLJSrC>.
5. See Aid in Danger, Insecurity Insight, <http://www.insecurityinsight.org/aidindanger/explosives>
6. Explosive violence: The problem of explosive weapons, Landmine Action, August 2009, <http://bit.ly/2vLJSrC>; and The use of explosive weapons in populated areas—it's time to act, Handicap International, 2016, <http://bit.ly/2x7WLVq>
7. Explosive weapon harm: mental health and psychological impacts, Action on Armed Violence, 2014, <https://aoav.org.uk/2014/explosive-weapon-harm-mental-health-psychological-impacts>.
8. See: <https://www.bmeia.gv.at/en/european-foreign-policy/disarmament/conventional-arms/explosive-weapons-in-populated-areas/protecting-civilians-in-urban-warfare/protecting-civilians-in-urban-warfare>
9. "Seventy-one states call for action on impact of explosive weapons in joint statement to UN General Assembly," International Network on Explosive Weapons, October 2019, <http://www.inew.org/seventy-one-states-call-for-action-on-impact-of-explosive-weapons-in-joint-statement-to-un-general-assembly>.
10. Protection of civilians in armed conflict: Report of the Secretary-General, S/2019/373, 7 May 2019, <https://undocs.org/S/2019/373>.