



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

Briefing paper by the International Network on Explosive Weapons ahead of the *Reclaiming the Protection of Civilians under International Humanitarian Law conference* 23-24 May 2013, Oslo

Whether from a bomb in a market in Pakistan, Iraq or Nigeria, shelling and bombing in Syria or Afghanistan, or the use of unguided rockets in Israel, the use of explosive weapons in populated areas is a major cause of death, injury and destroyed livelihoods. INEW member, Action on Armed Violence (AOAV), estimates that 91% of casualties from the use of explosive weapons in populated areas in 2012 were civilians.<sup>2</sup>

At the upcoming *Reclaiming the Protection of Civilians under International Humanitarian Law conference* on 23-24 May 2013, the International Network on Explosive Weapons (INEW) urges states to engage in discussion in plenary sessions 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;
- Commit to further work on this issue - including focused discussions to develop responses that will improve civilian protection;
- Recognise the need to end the use of explosive weapons with wide area effects in populated areas and endorse the Conference's draft recommendation to this effect.

### An urgent humanitarian problem

The background paper for the initiative “Reclaiming the Protection of Civilians Under IHL” commissioned by the Norwegian Ministry of Foreign Affairs, identified use of “high explosive weapons in populated areas” as one of the factors that contribute to civilian harm in armed conflict, not least because such weapons “are difficult to employ in accordance with IHL” in these environments.<sup>3</sup>

AOAV documented more than 27,000 civilians killed and injured in 2012. This is but a fraction of civilian harm caused by explosive weapons such as rockets, air-dropped bombs, and improvised explosive devices (IEDs). Syria, Iraq, Pakistan, Afghanistan, and Nigeria were the worst affected countries in 2012. Eighty per cent of the civilian casualties were recorded in these five countries.<sup>4</sup>

The worsening humanitarian situation in **Syria**, including the bombardment of Homs, Aleppo<sup>5</sup> and other populated areas, led the President of the UN Security Council to call on the Syrian government to “end

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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 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.

<sup>2</sup> Action on Armed Violence, An Explosive Situation: Monitoring explosive violence in 2012. [http://www.aoav.org.uk/uploads/changing\\_policy/The%20Impact%20of%20Explosive%20Weapons/AOAV,%20An%20Explosive%20Situation,%20Monitoring%20Explosive%20Violence%20in%202012.pdf](http://www.aoav.org.uk/uploads/changing_policy/The%20Impact%20of%20Explosive%20Weapons/AOAV,%20An%20Explosive%20Situation,%20Monitoring%20Explosive%20Violence%20in%202012.pdf)

<sup>3</sup> C. Waszink, Protection of civilians under international humanitarian law: trends and challenges, NOREF, August 2011, p. 31.

<sup>4</sup> Action on Armed Violence, An Explosive Situation: Monitoring explosive violence in 2012. [http://www.aoav.org.uk/uploads/changing\\_policy/The%20Impact%20of%20Explosive%20Weapons/AOAV,%20An%20Explosive%20Situation,%20Monitoring%20Explosive%20Violence%20in%202012.pdf](http://www.aoav.org.uk/uploads/changing_policy/The%20Impact%20of%20Explosive%20Weapons/AOAV,%20An%20Explosive%20Situation,%20Monitoring%20Explosive%20Violence%20in%202012.pdf) violence. For more information on the Explosive Violence Monitoring Project (EVMP) see <http://www.aoav.org.uk>

<sup>5</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/>

*the use of heavy weapons in population centres.*<sup>6</sup> A particular cause for concern has been the use in densely populated neighbourhoods of explosive weapons with wide area effects, such as the use of multiple barrel rocket launchers, the dropping from the air of makeshift bombs, artillery and mortar shelling, and the detonation of powerful improvised explosive devices (IEDs), as well as the use of cluster munitions (which are prohibited under the 2008 Convention on Cluster Munitions).<sup>7</sup>

### **Stronger standards**

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

- 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>8</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>9</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>10</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)
- The Co-Chairs' summary of the Regional Workshop on “Reclaiming the Protection of Civilians under International Humanitarian Law”, held in Vienna in February this year noted that participating states considered that “The use of explosive weapons with a wide area impact in populated areas should be avoided”.<sup>11</sup>

This Oslo Conference presents an opportunity for states to express support for concrete steps to 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>6</sup> Statement by the President of the Security Council, 21 March 2012, S/PRST/2012/6.

<sup>7</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>8</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>9</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>10</sup> International Committee of the Red Cross (ICRC), International Humanitarian Law and the challenges of contemporary armed conflicts, October 2011, 31IC/11/5.1.2

<sup>11</sup> Co-Chairs' Summary, Regional Workshop on “Reclaiming the Protection of Civilians under International Humanitarian Law”, Vienna, Austria, 21-11 February 2013