



## Maputo Regional Meeting on Protecting Civilians from the Use of Explosive Weapons in Populated Areas 27 & 28 November 2017

*Briefing paper by Handicap International ahead of the Maputo Regional Meeting on Protecting Civilians from the Use of Explosive Weapons in Populated Areas  
27 & 28 November 2017*

*Together with the International Network on Explosive Weapons (INEW)<sup>1</sup>, Handicap International calls for immediate action to prevent human suffering from the use of explosive weapons in populated areas (EWIPA).*

### **Humanitarian harm from the use of explosive weapons in populated areas**

The use of explosive weapons in populated areas has been a key cause of harm to civilians in recent years, with casualties' numbers increasing every year. The harm resulting from the use of these weapons has been highlighted as a top humanitarian priority.<sup>2</sup> Over 32,000 civilians were reported killed or injured in 2016 by explosive weapons). Where explosive weapons were used in populated areas, 92% of the casualties are civilians.<sup>3</sup>

### **Long-term harm and suffering**

The use of explosive weapons is particularly devastating for civilian population in a populated area: it not only kills and injures people but also causes the destruction of essential infrastructure such as hospitals, schools, water and sanitation systems, power plants, etc. They create complex injuries and also hamper access to adequate medical care and trauma surgery that is required to treat these injuries. Affected civilians encounter difficulties to maintain basic levels of hygiene, resulting in further onset of illness and disease such as in Yemen where the conflict has resulted in a severe cholera epidemic.<sup>4</sup> In the face of destruction of their homes, coupled with a lack of access to basic services, civilians are often forced to flee their home communities for long periods of time. Frequently, those who lived through bombardments and bombings also experience severe psychological trauma.<sup>5</sup> Humanitarian aid is complicated by the contamination of urban and rural areas by explosive remnants of war, rendering affected populations inaccessible. Unexploded remnants of war also represent a long-term danger for the civilian population, often preventing them from returning to their homes after the conflict and endangering their lives while conducting rubble removal. Moreover, the destruction of homes and other infrastructures prevent them from returning to a normal life, as the delivery of basic services such as medical assistance, education, food or energy or are made inaccessible, along with swathes of agricultural land.

### **Explosive weapons with wide area effects**

Explosive weapons refer to conventional weapons that are activated by the detonation of a highly explosive substance creating a blast and fragmentation effect, such as aircraft bombs, artillery shells, mortars, missile

<sup>1</sup> The International Network on Explosive Weapons (INEW) is a global network of civil society organisations that calls for immediate action to prevent human suffering from the use of explosive weapons in populated areas. It was founded in 2009 and is governed by a Steering Committee whose members are Action on Armed Violence, Article 36, Handicap International, Human Rights Watch, Norwegian People's Aid, Oxfam, PAX, Save the Children and the Women's International League for Peace and Freedom.

<sup>2</sup> See for example UN Office in Geneva, 'World at a turning point: Heads of UN and Red Cross issue joint warning,' October 2015, <http://bit.ly/2vI6jOc>

<sup>3</sup> Action on Armed Violence, 'Explosive Truths: Monitoring Explosive Violence in 2016, April 2017, <http://bit.ly/2waipCV>

<sup>4</sup> ICRC, 'Yemen: Health system at breaking point as cholera epidemic spreads at unprecedented rate', June 2017, <http://bit.ly/2uLZWfx>

<sup>5</sup> Article 36, 'The impact of explosive weapons on mental health and psycho-social wellbeing', September 2013, <http://bit.ly/1ATCBSQ>; Handicap International, 'Qasef : Escaping the bombing', 2016, <http://bit.ly/2qBI5VU>; Handicap International, 'Causes and types of injuries encountered by Handicap International while working with Internally Displaced Persons in Syria: a focus on the impact of explosive weapons', 2014, <http://bit.ly/2eXOxPg>

and rocket warheads, grenades or improvised explosive devices (IEDs). Explosive weapons have a wide area effect when they either have a large destructive radius, i.e. large fragmentation or blast range (e.g. large bombs, high-powered missiles), or when they spread multiple munitions over a wide area (e.g. multiple-launch rocket systems); or lack precision due to their launcher system (e.g. unguided indirect fire weapons, including artillery and mortars). Explosive weapons with a wide area effect put civilians at a heightened risk of harm and are likely to result in the destruction of/or damage to buildings and infrastructure.

### **Military policy and practice**

The area effects of certain explosive weapons are already recognised in some military policy and practice as having a direct link to the risk presented to civilians.<sup>6</sup> However, this recognition is often dispersed across various policy and operational frameworks and differs amongst states. Such a recognition could be consolidated and addressed through the development of an international political declaration containing clear commitments to reduce harm from the use of explosive weapons in populated areas. This would include operationalising an international commitment against the use in populated areas of explosive weapons with wide area effects into national level operational policy, including military procedures and rules of engagement.

### **Developing clear standards: an international political declaration on explosive weapons**

2015 saw the start of international discussions aimed at finding a political response to the problem of the use of explosive weapons in populated areas. It led to a process towards the development of an international political declaration which is currently underway. The UN Secretary-General has called on states to engage constructively in efforts to develop a political declaration to address the harm caused by EWIPA.<sup>7</sup> So far, 70 states have spoken out on the issue of EWIPA.<sup>8</sup> Handicap International, alongside with INEW, has been advocating on this issue by supporting this process and by calling for the setting of a political and operational direction against the use of those explosive weapons in populated areas. Within this context, Handicap International launched in 2016 an initiative with a view to developing a shared understanding of the needs and rights of victims of explosive weapons and proposed recommendations on the provisions on victim assistance (VA) to be included in the future declaration.<sup>9</sup>

A political declaration would build on the basis provided by existing international law and in accordance with its principles, including human rights and international humanitarian law (IHL) to provide clear and specific guidance to states concerning the use of explosive weapons in populated areas.

An international political declaration must promote actions that will reduce humanitarian harm from the use of explosive weapons in populated areas, and increase the protection of civilians living through conflict. A commitment that will stop the use of explosive weapons with wide area effects in populated areas should be central to a declaration and would provide the best practical mechanism for reducing civilian harm. Whilst not a legally-binding commitment, a political declaration should seek to influence the behaviour of states by promoting a clear international standard of practice. A political declaration signed by a group of states would provide a tool that promotes operational policy and practice to better protect civilians, and a framework for states to work together to achieve that purpose.

A clear collective commitment on this vital humanitarian question is urgently needed.

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<sup>6</sup> Article 36 and PAX, 'Areas of harm: Understanding explosive weapons with wide area effects', October 2016, <http://bit.ly/2dGaVLx>

<sup>7</sup> The UN Secretary General has repeatedly called on all state and non-state parties since 2009 to "avoid the use of explosive weapons with wide-area effects in populated areas", including most recently in the 'Report of the Secretary-General on the protection of civilians in armed conflict' (S/2017/414).

<sup>8</sup> See: <http://www.inew.org/acknowledgements>

<sup>9</sup> Handicap International, "Victim assistance in the context of the use of explosive weapons in populated areas: Recommendations for a future political declaration", 2016, <http://bit.ly/2f17WKF>