

INEW intervention, delivered by Anna de Courcy Wheeler, on 3 March 2021
Informal consultations on a political declaration on the use of explosive weapons in populated areas, 3-5 March 2021

On the Title and Section 1 of the Preamble of the January 2021 Political Declaration text

Many thanks to Ireland for preparing this draft declaration text, which provides a good basis for further discussion, and for convening us today.

I'd like to start first with the title which, as it stands, is highly problematic. It is far too permissive of continued use of explosive weapons with wide area effects in populated areas, running counter to the humanitarian aims and purpose of this initiative, and signalling the wrong direction for future engagement on this issue. As does the use of the qualifier "wide area effects" in the title – it suggests that civilian harm does not arise from explosive weapons that do not have wide area effects, yet we all know this to be untrue. There are also elements of the declaration that merit a broader approach than an unnecessarily narrow focus on wide area effects – such as data collection, assistance to affected communities and the work of civil society to name a few – meaning that the inclusion of "wide area effects" in the title just does not work.

The title also includes the phrase "can arise from" – which downplays the extent and severity of civilian harm that has been widely documented and experienced by many.

This use of "can" to qualify or hedge is an affliction much of the preamble unfortunately suffers from. It is said that "explosive weapons with wide area effects *can* have a devastating impact on civilians", that the civilian populations *can* be exposed to severe and long-lasting effects, they *can* suffer psychological and psychosocial harm, that the environment *can* be affected, and unexploded ordnance *can* impede returns...

Explosive weapons with wide area effects *do* have a devastating impact on civilians – we would not all be here today if this was just a hypothetical. This pattern of harm has been extremely well-documented. To adopt such unnecessary qualifying language is not only dismissive of the efforts of many actors to gather and share data and evidence on this, but more importantly dismisses the lived experience of the millions suffering through conflict, and who this declaration aims to help. We would therefore strongly suggest the replacement of "can" with "have" or "have had".

More broadly on the preamble, stronger, more comprehensive and accurate descriptions and acknowledgement of the civilian harm and suffering that has resulted and continues to result from the use of explosive weapons in populated areas would promote better understandings and responses. The text should better recognise the direct impacts of explosive weapons. That tens of thousands of civilians are killed each year from bombing and shelling of towns and cities. That yet more people suffer life-changing injuries and impairments. That many also suffer psychological and psychosocial harm from living under bombing. That children are especially vulnerable. And that impacts can differ according to age, gender and ability.

We should also be wary of conflating in the text indirect and reverberating effects, which are different categories of harm, and provide more comprehensive descriptions of each. This should include longer-term, compounded impacts, such as on livelihoods, social and economic inclusion, and employment. Displacement should be recognised as a standalone point, with any one of the myriad harms caused by explosive weapons acknowledged as enough to alone trigger flight or drive people to leave their homes.

In part to facilitate this increased clarity and detail, the preamble would greatly benefit from some restructuring.

Additional and more detailed suggestions for Section 1 can be found in INEW's written submission to Ireland.