

INEW intervention, delivered by Roos Boer, 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 tekst, specifically concerning wide area effects and military operations

Thank you Chair,

I am speaking on behalf of INEW, the International Network on Explosive Weapons.

The concept of explosive weapons with wide area effects is not sufficiently addressed or described in the text of the political declaration. Its scope is too narrow, and the operative commitments to address wide area effects should be strengthened.

The factors that produce 'wide area effects' need to be better described in the preamble to promote understanding of this concept. 'Wide area effects' should include not only blast and fragmentation effects, but also inaccuracy of delivery, and / or the projection of multiple warheads or multiple firings across an area. The preamble should also stipulate that these factors result in the significant likelihood that the effects of the weapon will extend beyond, or occur outside the specific military objective, which presents a significant risk of harm to civilians when these weapon are used in populated areas. A strong commitment in 3.3. against the use of explosive weapons with wide area effects in populated areas should be central to the declaration. Adding a description of wide area effects in section 1 will promote understanding of what this commitment entails, and prevents potentially blurring the central commitment in 3.3 with qualifiers.

Second. By inserting 'wide area effects' in the title and other places throughout the document, the scope of the declaration is unnecessarily narrowed. Some elements of the declaration should indeed focus on ALL use of explosive weapons in populated areas rather than a narrow focus on just those with wide area effects, such as data collection and assistance to victims. I refer here to our INEW commentary where we have specified where the addition of "with wide area effects" is and is not of added value from the perspective to better protect civilians.

Third. On 1.6 – we express caution in overstating the extent that militaries have effective operational policies to address the high levels of civilian harm from use of explosive weapons in populated areas.

The first sentence of 1.6 should therefore be more qualified – and read "some" rather than "many" militaries; and "including efforts to anticipate" rather than "which include a detailed understanding of". To introduce operative section 3 on military policies and practice it should be moved to the end of section 2 furthermore.

It is also unclear the extent to which collateral damage estimation methodologies, allow militaries to properly anticipate the expected impact of the use of explosive weapons in

urban areas; and the extent to which battle damage assessments consider the effects of an attack on civilians and the accuracy, therefore, of any estimate of collateral damage. Greater focus needs to be placed on assessing and understanding the area effects of weapons, and scale of effects, including how they interact with the urban environment.

Section 1.7 should emphasise the importance of establishing mechanisms to track civilian harm by militaries in operations which can inform understandings of the impacts and responses – not just mitigation strategies. As such, and as this is language in the preamble, it should not include caveats and qualifiers. It should make principled points, and avoid weak language and should include:

- The importance of tracking civilian harm in military operations.
- Collecting data on civilian harm, including data on civilian casualties disaggregated by sex, age and disability, and data on explosive weapons use including locations, types and quantities.
- Sharing data and reporting on civilian harm.
- Conducting investigations into all credible allegations of civilian harm.

Thank you Chair.