

INEW intervention on the preamble – section 1

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Thank you Ambassador.

Excellencies,

On behalf of INEW, we express our appreciation to Ireland for your leadership on this issue and the declaration process.

The continued and widespread use of explosive weapons in populated areas, including artillery, rockets, missiles and air-dropped bombs causes suffering and devastation to civilians making conclusion of this agreement an urgent priority.

Not only are we seeing extensive use with disastrous consequences for the civilian population in Ukraine, but also in Ethiopia, in Yemen which is currently experiencing the longest period of heavy bombing in years, and last year in Gaza and Nagorno Karabakh, to name just a few examples.

Over the next few days, there is an opportunity to make a meaningful contribution to the protection of civilians, and we urge everyone to work towards that purpose.

Turning now to the draft text -

The latest draft has been improved and strengthened in a number of areas, notably in the preamble, to more clearly and accurately describe the harm caused to civilians when explosive weapons are used in populated areas.

There are changes still required in order for it to recognise and respond to the risks of harm, and to drive action by states to address such harm - these include:

In 1.2, which describes the direct impacts, it would be suitable here to describe the **psychological harm** from the experience of living under bombing.

It should also include a specific reference to the **vulnerability of children**, who are more susceptible to the impacts of blast and fragmentation effects and at risk of dying as a result, as well as to risks from explosive ordnance.

We also propose adding that civilians suffer when there is no or limited access to **humanitarian relief**, and that in besieged areas this means that basic needs cannot be met.

In 1.3, it should reference **damage** as well as destruction, which can impair the functioning of key infrastructure; explicitly mention **hospitals** as well as housing and schools – which are particularly important when people are in need of emergency medical care; and describe

such damage and destruction to infrastructure as a major **cause** of civilian harm rather than as just **aggravating** a situation.

1.4 would benefit from references to other longer-term impacts, including to **public health**, to people's **livelihoods**, and to **development** more broadly.

And the reference to unexploded ordnance should be changed to explosive ordnance.

At this point in the preamble, after describing the humanitarian impacts, and before it moves on to the current state of military policies and practices, it needs to have a section that focuses on **the particular risk of harm when explosive weapons have wide area effects**.

There is currently no reference in the draft text to **wide area effects**, and whilst removing the frequent references to wide area effects in the previous version in the preamble and in some commitments has improved the text in most instances because it unnecessarily limited the scope – now, the text does not sufficiently underline that when explosive weapons have wide area effects they present a significant and heightened likelihood and risk of harms to civilians.

This is an important point to make, along with describing the factors that produce wide area effects, those being a wide blast and fragmentation radius, inaccuracy of delivery, and/or firing multiple munitions across an area. The particular harms when explosive weapons have wide area effects have been widely documented, and embedding this in the text will help in signposting specific actions needed by militaries when it comes to implementation of commitment 3.3 in particular.

In 1.5, this clause should not overstate the extent that **current military policy and practices** sufficiently address civilian harm from the use of explosive weapons in populated areas. Driving changes to military policies and practices, and the commitments in section 3, are at the centre of this declaration process, and effective implementation of these will be a key measure of success of this declaration.

The the first sentence should say “some” rather than “many” militaries, which would reflect more accurately current military policy and practice in relation to addressing civilian harm.

It should also recognise that there are limitations to the extent that existing **military** policies and practices sufficiently address civilian harm from the use of explosive weapons in populated areas. Such tools are designed for military purposes, for example, to assess the effects of weapon against a target, rather than to assess humanitarian impacts.

Furthermore,

In 1.6, the inclusion of a specific reference to civilian casualty tracking is a significant and important improvement – which should be reflected in the commitments section.

A specific reference to **transparency** over data collection is important to promote greater transparency over civilian harm, especially from those responsible. There is a moral imperative to take responsibility for harm caused, as well as to understand the impacts of explosive weapon use on civilians to promote both effective responses and accountability.

The reference to “**efforts to**” record and track civilian casualties should be removed, and similarly references to “**where feasible**” in relation to sharing data and making it publicly available should be removed, especially in this preambular section which should aspire to higher standards.

And lastly,

In 1.7, the **experiences of survivors** should be recognised as important contributions towards policy-making by welcoming work to amplify, integrate and respect the voices of those affected.

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And finally, an acknowledgement of the gendered and differential experiences of explosive weapon use - which are considerable - is also important to drive effective responses and would be better placed here than narrowly focussing on **research** on gendered impacts.

Thank you, and INEW’s detailed commentary lays out these changes in writing.