



INEW intervention on the preamble - section 2

Delivered by Roos Boer, PAX

6 April 2022, Geneva

Thank you Chair,

INEW is generally positive about the way references to international law have, through the different versions of the text, found their way to be presented in a clear and separate section of the text. Section 2 reaffirms states' obligations under international humanitarian law and international human rights law, and enumerates several especially relevant rules.

Nevertheless, on behalf of the International Network on Explosive Weapons, I would like to provide some suggestions to further improve Section 2 of Part A.

2.1 This paragraph could additionally state the duty to conduct investigations into possible violations of international humanitarian law. Such investigations are an essential part of the process that leads to accountability and an end to impunity.

"We affirm our obligations and commitments under applicable international law, including International Humanitarian Law and International Human Rights Law, including our obligation to (insert) **conduct investigations into possible violations of international law**, (text continues) and hold accountable those responsible for violations, and our commitment to end impunity.

2.2 The reference at the end of the paragraph to "in particular within populated areas" should be removed, as the obligation to protect civilians and civilian objects is applicable in all circumstances.

2.3 The text has been improved with the inclusion of a reference to the legal obligation to allow and facilitate rapid and unimpeded "passage" of humanitarian relief for civilians in need. We recommend adding a reference to humanitarian passage for civilians to be safe, however.

Because the *passage* of relief is often subject to geographic and temporal constraints and not sustained, we also recommend emphasising the need for broader assistance in the form

of sustained humanitarian *access* and humanitarian operations. We therefore propose the following language for 2.3:

“We also recall the obligation under International Humanitarian Law to provide civilians with general protection against dangers arising from military operations, and to allow and facilitate (insert) “**safe**” (continue), rapid and unimpeded passage of humanitarian relief for civilians in need, (insert) **as well as to facilitate sustained humanitarian access and operations.**”

On 2.4:

2.4 Moving this paragraph on violations of international law from the section 1 to the preamble’s legal section is appropriate. It allows the section 1 to focus on issues of civilian harm from the use of explosive weapons in populated areas, recognising civilian experiences of suffering and harm regardless of the legality of attacks.

Thank you Chair