



Protecting civilians from the use of explosive weapons in populated areas

Prepared for the first international follow-up conference on the political declaration in Oslo, Norway on 23 April 2024

INEW.ORG
@EXPLOSIVEWEAPON
INFO@INEW.ORG



Daraa, Syria. Photo by Maimoud Sulaiman

The International Network on Explosive Weapons (INEW)¹ calls for strengthened action to prevent human suffering from the use of explosive weapons in populated areas.

INEW calls on states to:

- ✘ Continue to publicly acknowledge and call for action to address the severe harm to individuals and communities from the use of explosive weapons in populated areas, both direct and indirect.
- ✘ Endorse - if not already the case - the *Political Declaration on Strengthening the Protection of Civilians from the Humanitarian Consequences Arising from the Use of Explosive Weapons in Populated Areas* by writing to the government of the Republic of Ireland via its permanent missions in Geneva or New York or by emailing: ewipa@dfa.ie
- ✘ Encourage other states to endorse the Declaration in order to promote its adoption and implementation by the greatest number of states, including through convening or participating in discussions at the regional/sub-regional level.
- ✘ Assess the steps required at the national level to implement the Declaration, including in the areas of military policy and practice, victim assistance/humanitarian access, and data collection. This could include the following steps:
 - Assign a national focal point that is responsible for working with relevant government ministries, departments or agencies to implement the Declaration.
 - Disseminate the Declaration to government ministries or departments of defence, foreign affairs and development, armed forces and other relevant national stakeholders.
 - Review national laws, policies and practices relevant to the protection of civilians from the use of explosive weapons, and identify areas that require further development to meet the Declaration's commitments.
 - Implement these measures in policy, practice, training, etc including embed in national policy and practice, the recommendation of the UN Secretary-General and ICRC that parties to conflict should avoid the use of explosive weapons with wide area effects in populated areas.
 - Voluntarily report on national review, dissemination and implementation efforts at international conferences, in multilateral meetings, including this Oslo Conference, and by participating in civil society monitoring efforts, such as through the Explosive Weapons Monitor.

HUMANITARIAN CONSEQUENCES OF THE USE OF EXPLOSIVE WEAPONS IN POPULATED AREAS

The use of explosive weapons in populated areas is a leading cause of harm to civilians in armed conflict. It has been documented across different contexts including Gaza, Ethiopia, Iraq, Libya, Myanmar, Sudan, Syria, Ukraine and Yemen, to name a few recent examples.

Each year, tens of thousands of civilians are killed and injured by explosive weapons. Data shows that when explosive weapons are used in populated areas, 90% of victims are civilians. They suffer complex and life changing injuries and long-term psychological distress from the trauma of living under bombing.

The use of explosive weapons in populated areas also destroys critical civilian infrastructure such as hospitals, schools and power and water systems which impacts the provision of essential services to the civilian population, further compounding their situation. Access by humanitarian organizations is constrained while ongoing attacks involving explosive weapons, the destruction of housing and loss of access to essential services, as well as the presence of explosive remnants of war, forces civilians to flee or leave their homes towards an uncertain fate. The destruction caused by explosive weapons has a dramatic impact on post-conflict reconstruction requirements which can escalate dramatically with protracted use of explosive weapons while also delaying if not reversing progress in the achievement of the Sustainable Development Goals.

EXPLOSIVE WEAPONS WITH WIDE AREA EFFECTS

Most types of explosive weapons – which include, among others, aircraft bombs, artillery shells, rockets, grenades, missiles as well as improvised explosive devices - are designed for use in open battlefields rather than towns and cities that are characterised by a concentration of civilians and civilian objects, including objects essential to the survival of civilians.

While there exists a pattern of harm associated with explosive weapons in populated areas in general, the risk to civilians is most severe when the weapons have wide area effects. Wide area effects may result where an individual weapon has a large blast or fragmentation radius (for example heavy aircraft bombs); where multiple explosive munitions are launched at an area (for example multi-barrel rocket systems); where a weapon is not delivered accurately to the target (such as indirect fire mortars); or a combination of these factors. The use of such wide area effect weapons in populated areas substantially increases the risk of harm to civilians and is likely to result in damage to or destruction of buildings and essential infrastructure. It is for this reason that the United Nations (UN) Secretary-General and the International Committee of the Red Cross (ICRC) have repeatedly called on parties to conflict to avoid the use of explosive weapons with wide area effects in populated areas.

THE POLITICAL DECLARATION ON EXPLOSIVE WEAPONS: IMPROVING CIVILIAN PROTECTION THROUGH ACTIVE AND MEANINGFUL IMPLEMENTATION

On 18 November 2022, 83 states endorsed the Political Declaration on Strengthening the Protection of Civilians from the Humanitarian Consequences of the Use of Explosive Weapons in Populated Areas. The Political Declaration is the culmination of almost three years of consultations involving states, the UN, ICRC and INEW. It is the first formal international recognition that the use of explosive weapons in populated areas has severe humanitarian consequences that must be urgently addressed.

Since then, three more states have endorsed the Declaration - Jordan, North Macedonia and Montenegro - bringing the total number of endorsing states to 86 states.²

The Declaration sets an agenda for the progressive realisation of strengthened protection of civilians from the use of explosive weapons in populated areas. It spells out 14 commitments that endorser states will implement including, crucially, a commitment to avoid civilian harm by restricting or refraining from the use of explosive weapons in populated areas. The Declaration also provides a framework for future collaboration, both between states, as well as with the UN, ICRC and civil society, building on the shared goal of reducing harm to civilians.

The Declaration sets an expectation that endorser states will act in good faith and implement their commitments. Its realisation requires states to move expeditiously engage in that process so that a broad expectation and culture of implementation develops from the outset. This should include reviewing existing policies and practices relevant to the protection of civilians, engaging in dialogue with key partners including civil society, and support and participate in interim activities. However confident endorser states are in their existing efforts to protect civilians in their military operations, they should not automatically consider them sufficient for meeting their commitments under the Declaration to avoid civilian harm from the use of explosive weapons.

FIRST INTERNATIONAL FOLLOW-UP CONFERENCE ON THE POLITICAL DECLARATION ON PROTECTING CIVILIANS FROM EXPLOSIVE WEAPONS IN POPULATED AREAS

From 22 to 24 April 2024, governments, international organisations and civil society will meet in Oslo, Norway for the first international follow-up conference to the *Political Declaration on Strengthening the Protection of Civilians from the Humanitarian Consequences Arising from the Use of Explosive Weapons in Populated Areas*.

The conference will review states' progress towards implementing the Declaration's commitments, provide an opportunity to highlight examples of good policy and practice, and encourage more states to endorse the Declaration.

ADDITIONAL RESOURCES

www.inew.org

www.explosiveweaponsmonitor.org

www.ewipa.org

ENDNOTES

- 1 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, Center for Civilians in Conflict, Handicap International, Human Rights Watch, Norwegian People's Aid, PAX, Save the Children and SEHLAC.
- 2 Albania, Andorra, Argentina, Australia, Austria, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Cabo Verde, Cambodia, Canada, Central African Republic, Chile, Colombia, Comoros, Costa Rica, Cote d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Finland, France, Georgia, Germany, Greece, Guatemala, Guyana, Hashemite Kingdom of Jordan, Holy See, Hungary, Iceland, Indonesia, Ireland, Italy, Japan, Kenya, Kingdom of the Netherlands, Kiribati, Kuwait, Laos, Liberia, Liechtenstein, Luxembourg, Madagascar, Malawi, Malaysia, Malta, Mexico, Maldives, Monaco, Montenegro, Morocco, New Zealand, North Macedonia, Norway, Palau, Palestine, Peru, Philippines, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Saint Kitts and Nevis, Saint Vincent and the Grenadines, San Marino, Senegal, Serbia, Sierra Leone, Slovakia, Slovenia, Somalia, Spain, Sweden, Switzerland, Togo, Türkiye, United Kingdom, United States of America, Uruguay.