PROTECTING CIVILIANS FROM THE USE OF EXPLOSIVE WEAPONS IN POPULATED AREAS

Urgent action is needed to curb the use of explosive weapons in populated areas. From Afghanistan to the occupied Palestinian territory, Libya to Iraq, Syria to Ukraine and elsewhere, the use of explosive weapons in populated areas is a major cause of civilian deaths, injuries and displacements. It also has a severe long-term humanitarian impact: it destroys housing and the infrastructure on which civilians depend, such as hospitals, clinics, and water and sanitation systems.

The terrible aftermath of a huge bomb blast in the western Pakistani city of Peshawar on 29 October which left 117 people dead. © Abdul Majeed Goraya/IRIN.

Explosive weapons and international humanitarian law

International humanitarian law (IHL) contains important provisions for the protection of civilians in armed conflict, including from the effects of explosive weapons. The principles of distinction, proportionality and the duty to take precautions are key. Greater compliance with IHL by all parties to conflict would significantly help protect civilians from the effects of explosive weapons.

However, there are concerns that the rules on the conduct of hostilities do not provide sufficient guidance on how the risk of civilian harm from the effects of explosive weapons is to be assessed and reduced. It is increasingly recognized that policy standards against the use in populated areas of explosive weapons, particularly those with wide-area effects would provide additional protection to civilians.

Explosive weapons create a blast-and-fragmentation zone that can kill, injure or damage anyone or anything within that zone. This makes their use in populated areas—such as towns, cities, markets and refugee camps—highly problematic. These problems increase if the weapons' effects extend across a wide area.

Explosive weapons also leave explosive remnants of war. Until they are removed, they can kill and injure civilians long after hostilities have ended.

The Human Cost

Civilians suffer when explosive weapons are used in populated areas:

- A total of 37,809 people were reported killed or injured by explosive weapons during 2013, 82 per cent of whom were civilians. This was a 15 per cent increase in the number of civilian casualties from explosive weapons, compared with 2012. When explosive weapons were used in populated areas, 93 per cent of casualties were reportedly civilians.[1]
- On average, 18 civilians were killed or injured every time explosive weapons were used in populated areas. The highest number of civilian casualties (3,608) occurred in markets.
- Housing and essential infrastructure, such as water and electricity supply systems, are damaged or destroyed. People often have no choice but to leave their homes, often for long periods and in precarious conditions. Damage or destruction of water and sanitation systems can increase the risk and spread of disease.
- Civilians injured by explosive weapons require emergency and specialist medical treatment, rehabilitation and psychosocial support services that are often unavailable, partly because hospitals and clinics may have been damaged or destroyed by fighting. Explosive weapons are theleading cause of damage to health-care facilities during conflict and armed violence.[2]
- Schools are damaged or destroyed, interrupting or halting access to education. In some places, families do not send their children to school because of the fear of explosive-weapon attacks.
- Livelihoods are devastated as commercial property and means of production (e.g., factories and fishing boats) are damaged or destroyed.
- Until they are removed, explosive remnants of war pose a continued threat to civilians.
- The use of explosive weapons in populated areas has a dramatic effect on post-conflict reconstruction requirements and costs.

Ahmed Abdel, a 31-year-old taxi driver, lives in the Al-Tufa area, east of Gaza City. He ran for his life with his wife and three young children after a small rocket exploded in their living room on 13 January 2014. Minutes later, three missiles from an Israeli F-16 levelled their home. © Erica Silverman/IRIN

Types of explosive weapons

Many types of explosive weapons exist, and many are in use by national military forces and armed groups. These include aircraft bombs, artillery shells, missile and rocket warheads, mortar bombs and improvised explosive devices (IEDs). Some are launched from the air, others from the ground.

Different technical features dictate their precision and explosive effect, but these weapons generally create a blast-and-fragmentation zone that makes their use problematic in populated areas. Particular concern exists over the higher risk to civilians posed by the use in populated areas of explosive weapons that have "wide-area effects". This is because of the scale of their blast, their inaccuracy, or the use of multiple warheads across an area.

Air-launched explosive weapons
- These weapons were reportedly responsible for 6 per cent of recorded civilian casualties from explosive violence in 2013 (2,012 civilian deaths and injuries).[3]
- These weapons were less likely to be used in populated areas than ground-launched weapons or IEDs. Forty-five per cent of recorded aerial attacks were in populated areas.
- When air-launched weapons were used in populated areas, 85 per cent of casualties were civilians.

Ground-launched explosive weapons
- These weapons were responsible for 16 per cent of civilian casualties in 2013 (5,030 civilian deaths and injuries).
- Eighty-nine per cent of casualties were civilians, higher than from either air-launched weapons or IEDs.
- Eighty-five per cent of mortar incidents were reported in populated areas, higher than for any other weapon type.

IEDs
- These weapons were responsible for 73 per cent of civilian casualties from explosive weapons in 2013 (22,829 civilian deaths and injuries).

Taking Action

The United Nations Secretary-General has called on all parties to conflict—national military and security forces, and armed groups—to avoid using explosive weapons with wide-area effects in populated areas. There has been important progress on this. Some military forces, such as the International Security Assistance Force in Afghanistan and the African Union Mission in Somalia, have instituted policy and practice that place limits on the use of certain explosive weapons in certain contexts, and which seek to minimize the impact of military operations on civilians in ways that go beyond the minimum requirements of IHL.

The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) has convened two international expert consultations on the issue and is compiling examples of good practice, such as those in Afghanistan and Somalia. OCHA will share these with States, national armed forces and other relevant actors to help promote and contribute to a change in practice.

The United Nations is also working with civil society to promote States' adoption of a political commitment that will recognize the humanitarian impact of explosive weapons in populated areas and embody commitments to reduce that impact in the future. This will possibly include the development of policy standards to ensure more effective implementation of IHL.

[1] Action on Armed Violence, *An Explosive Situation: Monitoring Explosive Violence in 2013* (March 2014)
[2] ICRC, *Health Care in Danger: A Sixteen Country Study* (2011)
[3] Figures, Action on Armed Violence, note 1 above, at 4

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