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# Santiago Regional Meeting on Protecting Civilians from the Use of Explosive Weapons in Populated Areas

# *5 & 6 December 2018*

*Briefing paper by INEW[[1]](#footnote-1) ahead of the Santiago Regional Meeting on Protecting Civilians from the Use of Explosive Weapons in Populated Areas*

## Humanitarian concerns over the use of explosive weapons in populated areas

Bombing and shelling in towns and cities has a devastating impact on civilians. In 2017, almost 32,000 civilians were recorded killed or injured by explosive weapons, with Syria, Iraq, Afghanistan, Pakistan and Yemen having the highest numbers of civilian deaths and injuries, and with incidents of explosive violence taking place in 59 countries.[[2]](#footnote-2) As urbanization continues, the current tendency for conflict to be fought in population centres – which puts civilians at significant immediate and longer-term risk – is unlikely to change in the near future. Over the last ten years, the harm caused by the use of explosive weapons in populated areas has become a central humanitarian policy concern.[[3]](#footnote-3) Relentless bombardment of towns and cities, and the resulting humanitarian crisis, has highlighted the need for action at all levels – from the operational to the international – to better protect civilian populations from the deadly and destructive effects of explosive weapons.

There is a clear and documented pattern of harm that results from using explosive weapons in towns and cities. Data shows that when explosive weapons are used in populated areas, approximately 91% of those reported killed and injured are likely to be civilians.[[4]](#footnote-4) They also damage and destroy essential infrastructure and services such as hospitals, schools, water and sanitation systems. Affected civilians struggle to maintain basic levels of hygiene, resulting in further illness and disease such as in Yemen where the conflict has resulted in a severe cholera epidemic.[[5]](#footnote-5) As well as physical injury, countless civilians suffer from psychological distress and trauma.[[6]](#footnote-6) Humanitarian access can be hampered, or stopped entirely, as humanitarian and relief organisations struggle to access particularly violent areas or areas contaminated by explosive remnants.[[7]](#footnote-7) Unexploded remnants of war also represent a long-term danger for the civilian population, often preventing them from returning to their homes after the conflict and endangering their lives while conducting rubble removal. The use of explosive weapons in populated areas is one of the main causes of forced displacement: forced to flee, the destruction of homes and other infrastructure prevents civilians from returning to a normal life.

## Understanding and restricting explosive weapons with wide area effects

Explosive weapons refer to conventional weapons that are activated by the detonation of a highly explosive substance creating a blast and fragmentation effect, such as aircraft bombs, artillery shells, mortars, missile and rocket warheads, grenades or improvised explosive devices (IEDs). The powerful effects of explosive weapons radiate outwards: they affect an area around the point of detonation. There is a broad agreement that the wide area effects from explosive weapons result from three characteristics, wither individually or in combination:

* A substantial blast and fragmentation radius resulting from a large explosive content, for example large aircraft bombs
* Inaccuracy of delivery, meaning the weapon may land somewhere within a wide area, for example unguided indirect fire weapons including artillery
* Use of multiple warheads of multiple firings that spread explosive force across a wide area, for example multi-barrel rocket launchers

Explosive weapons with a wide area effect are prone to cause harm beyond a targeted military objective and so put civilians directly at severe risk when used in a populated area. They are also likely to result in the destruction of, or damage to, buildings and infrastructure. A weapon with wider area effects will necessarily affect a larger population than a weapon with narrower area effects. This makes the use in populated areas of weapons with wide area effects an issue of particular concern.

Responsible militaries have already recognized the direct connection between the scale of a weapon’s area effects and the risk posed to civilians.[[8]](#footnote-8) There is clearly capacity for basic agreement that in towns and cities, where there are large numbers of civilians and a concentration of civilian infrastructure, certain weapons pose elevated risks of civilian harm. At the operational level, a recognition of these risks – and the benefits of reducing them – is evident in various policies and procedures employed by militaries. Strengthening and further promoting such approaches should be a central component of efforts to strengthen civilian protection from the use of explosive weapons.

## A policy response: developing stronger standards to protect civilians

Over the last decade, in the context of growing urbanization and an increase in urban warfare, there has been a growing recognition by states and multilateral organizations of the serious and long-term harm caused by the use of explosive weapons in populated areas. It has been a central theme of the UN Secretary-General’s reports on the protection of civilians in armed conflict, and is identified as a leading cause of harm to civilians by over 80 states.[[9]](#footnote-9) This issue has again been identified as a top humanitarian priority this year, both in the UN Secretary General’s report on the protection of civilians in armed conflict[[10]](#footnote-10), and in his New Disarmament Agenda.[[11]](#footnote-11) Central to this has been the UN Secretary General’s calls on parties to conflict to avoid the use of explosive weapons with wide area effects in populated areas. Similarly, the ICRC has described the concept of an “avoidance principle”, a presumption of non-use of such weapons due to the high risk of indiscriminate effects and of consequent harm to civilians.

The UN Secretary-General has called on states to engage constructively in efforts to develop a political declaration to address the harm caused by EWIPA,[[12]](#footnote-12) and in 2015 states began what has become an ongoing process aimed at developing such a declaration. In November 2017, at a regional meeting in Maputo, 19 African states acknowledged the need for further action and agreed to support the process that will lead to the negotiation and adoption of an international political declaration on the use of explosive weapons in populated areas.[[13]](#footnote-13)

Those states pursuing a declaration broadly agree that is should set a political and operational direction against the use of explosive weapons with wide area effects in populated areas, as such weapons expose civilians, and the interconnected infrastructure upon which they rely, to the gravest risks. INEW has suggested that a political declaration be developed as a vehicle to:

* Develop operational policies and procedures to stop the use of explosive weapons with wide area effects in populated areas;
* Provide assistance to victims and affected communities;[[14]](#footnote-14)
* Enable humanitarian and protection measures;
* Support and undertake data gathering
* Build a community of practice, including through regular meetings to discuss the issue and progress towards reducing harm.

A political declaration would build on the basis provided by existing international law and in accordance with its principles, including human rights and international humanitarian law (IHL) to provide clear and specific guidance to states concerning the use of explosive weapons in populated areas. It should be seen as a tool for driving forward change by encompassing a series of action-oriented commitments on a variety of issues. Though it will not change the pattern of harm immediately, nor necessarily change the behaviour of the worst offenders, it can draw attention to this distinct issue and provide specific policy and operational recommendations that can positively shift behaviour over time. A political declaration would provide a framework for states to work together to better protect civilians.

As discussion on this issue continues within multilateral policy and legal frameworks, states need to take decisive political action now that will set a stronger standard for civilian protection in the future.

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 (CIVIC), Humanity and Inclusion, Human Rights Watch, Norwegian People’s Aid, Oxfam, PAX, Save the Children and the Women’s International League for Peace and Freedom. [↑](#footnote-ref-1)
2. Action on Armed Violence, ‘The Burden of Harm: Monitoring Explosive Violence in 2017', April 2018, https://bit.ly/2HJg98o [↑](#footnote-ref-2)
3. See for example UN Office in Geneva, ‘World at a turning point: Heads of UN and Red Cross issue joint warning,’ October 2015, http://bit.ly/2vI6jOc [↑](#footnote-ref-3)
4. Action on Armed Violence, ‘Patterns of Harm: Five years of explosive violence 2011 – 2015’, June 2016 http://www.inew.org/site/wp-content/uploads/2016/08/Patterns-of-Harm.pdf [↑](#footnote-ref-4)
5. ICRC, ‘Yemen: Health system at breaking point as cholera epidemic spreads at unprecedented rate’, June 2017, http://bit.ly/2uLZWfx [↑](#footnote-ref-5)
6. Article 36, ‘The impact of explosive weapons on mental health and psycho-social wellbeing’, September 2013, http://bit.ly/1ATCBSo; Humanity and Inclusion, ‘Qasef : Escaping the bombing’, 2016, http://bit.ly/2qBI5Vu; Humanity and Inclusion, ‘Causes and types of injuries encountered by Humanity and Inclusion while working with Internally Displaced Persons in Syria: a focus on the impact of explosive weapons’, 2014, http://bit.ly/2eXOxPq [↑](#footnote-ref-6)
7. See Insecurity Insight, ‘Aid in Danger’ http://www.insecurityinsight.org/aidindanger/

   explosives/ [↑](#footnote-ref-7)
8. Article 36 and PAX, ‘Areas of harm: Understanding explosive weapons with wide area effects’, October 2016, http://bit.ly/2dGaVLx [↑](#footnote-ref-8)
9. See: http://www.inew.org/acknowledgements [↑](#footnote-ref-9)
10. http://undocs.org/en/S/2018/462 [↑](#footnote-ref-10)
11. https://www.un.org/disarmament/sg-agenda/en/ [↑](#footnote-ref-11)
12. The UN Secretary General has repeatedly called on all state and non-state parties since 2009 to “avoid the use of explosive weapons with wide-area effects in populated areas”, including most recently in the ‘Report of the Secretary-General on the protection of civilians in armed conflict’ (S/2017/414). [↑](#footnote-ref-12)
13. Read the communiqué here: https://bit.ly/2PCwbUM [↑](#footnote-ref-13)
14. Within this context, Humanity and Inclusion launched in 2016 an initiative with a view to developing a shared understanding of the needs and rights of victims of explosive weapons and proposed recommendations on the provisions on victim assistance (VA) to be included in the future declaration. Humanity and Inclusion, “Victim assistance in the context of the use of explosive weapons in populated areas: Recommendations for a future political declaration”, 2016, http://bit.ly/2fl7WKF [↑](#footnote-ref-14)