



“Towards a political declaration to address the humanitarian harm arising from the use of explosive weapons in populated areas “

Geneva Consultations

INEW statement

10 February 2020

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Thank you Ambassador. We also extend our thanks to all of the Irish team for the Elements Paper and their leadership over this process.

The Elements Paper has a clear focus on the use of explosive weapons in populated areas, and especially, the particular risk of harm to civilians when explosive weapons have wide area effects. As such, we believe it provides a good basis and structure for further discussion.

However, it requires strengthening in a few key areas if a political declaration, drafted on this basis, is going to have humanitarian effect and be an operational tool for improving the protection of civilians in practice.

I will focus our comments on three key areas in this regard.

First, the Elements Paper does not establish a clear and unequivocal presumption against the use of explosive weapons with wide area effects in populated areas. A clear international standard and policy commitment against such use should be central to a declaration and clearly articulated in the text. This would provide the best mechanism for reducing harm to civilians and enhancing their protection – which is the goal of this initiative.

Effective change will not be achieved by simply re-stating the need to comply with the law, or by relying on existing military policies and procedures.

Effective change can be achieved by communicating a clear standard against the use of wide area explosive weapons and expectation of behaviour. It should then further commit states to strengthen their military policies and practice to operationalise this standard and prevent such use. As drafted, the paper risks normalising the use of wide area explosive weapons – which could weaken the protection of civilians.

Such a commitment would also reflect the repeated calls of the UN Secretary-General, the ICRC, the calls of 19 African states through the Maputo Communique, 23 Latin American and Caribbean states through the Santiago Communique, as well as civil society.

Second, the Elements Paper does not sufficiently recognise the issue of ‘reverberating effects’ – where the interconnected nature of infrastructure and services means that damage to one element causes failures elsewhere. Risks of this effect are elevated in populated areas, where infrastructure is densely interconnected, and it can impact a much larger section of the population than the

original attack. The text should be strengthened to include a commitment to ensure foreseeable reverberating effects are considered in the planning of military operations.

Third, the Elements Paper has a commitment to assist victims which is welcomed, but its commitment to “make every effort” is too weak and should be strengthened, and the understanding of who is a victim should be expanded to include families of those affected, and affected communities.

Thank you.