



Africa and the political declaration to strengthen the protection of civilians from the use of explosive weapons in populated areas

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People stand in the rubble as they inspect a house that was hit by an artillery shell in the Azhari district in the south of Khartoum on June 6, 2023

HOW AND WHY THE ENGAGEMENT OF AFRICAN STATES IS VITAL

When explosive weapons are used in populated areas, some 90% of those directly killed or injured are civilians.¹ Explosive weapons² are designed for use in open battlefields, when used in populated areas, they kill and injure civilians, and cause damage and destruction to critical civilian infrastructure such as schools, hospitals and vital power, water and sanitation systems, causing knock on effects to the provision of essential services, and driving displacement.³ Whilst there is a pattern of harm associated

with the use of explosive weapons in populated areas in general, the risk to civilians is most severe when the weapons have wide area effects.⁴ The ICRC and the UN Secretary-General have repeatedly called on states to avoid the use of explosive weapons with wide area effects in populated areas, which “expose civilians to a high risk of indiscriminate effects”.⁵

The use of explosive weapons in populated areas undermines the African Agenda 2063 and the achievement of the Sustainable Development Goals, contributing to state fragility and insecurity and undermining development efforts. The African Union, many states, UN agencies, the International Committee of the Red Cross (ICRC) and civil society have all already

expressed deep concern at the grave harm civilians are suffering from bombing and shelling in towns, cities and other populated areas – harm that is likely to increase as the world urbanises and as conflict increasingly takes place in urban centres, unless new standards are set to address this.

Recognising this is an urgent humanitarian issue, states negotiated the “*Political Declaration on Strengthening the Protection of Civilians from the Humanitarian Consequences Arising from the Use of Explosive Weapons in Populated Areas*”⁶ in 2022, and 83 states endorsed it in Ireland, in November 2022. Of which, 13 African states have endorsed the declaration:

Cape Verde, Central African Republic, Comoros, Cote d'Ivoire, Kenya, Liberia, Madagascar, Malawi, Morocco, Senegal, Sierra Leone, Somalia, and Togo.

The declaration is an international political commitment to address the devastating humanitarian consequences resulting from the use of explosive weapons in populated areas and to strengthen the protection of civilians in armed conflict. It aims to address both immediate and longer-term impacts of explosive weapons, during and after conflict. The declaration is the first formal international recognition that the use of explosive weapons in populated areas has severe humanitarian consequences (see text box) that must be addressed by states.

A political declaration, though not a legally binding commitment, should seek to influence the behaviour of states by promoting a clear international standard of practice. Through its implementation, it offers a real chance to increase the protection of civilians living through conflict, but only if it contains commitments that drive genuine change.

African states have, at a Maputo regional conference as well as through the African Union, expressed concern over this issue and committed to support and engage in a process to develop a political declaration that addresses the impact of explosive weapons with wide-area effects in populated areas. On this basis, they should play a fundamental role in joining the declaration and being part of the international community of states that help to provide forward its implementation. As such, African states can help ensure that it can be a tool that will improve the protection of civilians in conflict and make a meaningful difference.

1. AFRICA IS RAPIDLY URBANISING, MAKING THE USE OF EXPLOSIVE WEAPONS IN POPULATED AREAS AN INCREASINGLY RELEVANT THREAT TO THE CONTINENT’S CIVILIANS

Africa is rapidly urbanising: the UN projects that Africa, which is urbanising faster than other regions, will become 59% urban by 2050.⁷ At the same time, conflict is increasingly taking place in urban centres and the use of explosive weapons in towns, cities and other populated areas is of growing concern. As the population of African countries concentrates in towns and cities, without strong action to prevent the use of explosive weapons with wide

area effects in populated areas, they will become more vulnerable to the devastating impact of explosive weapons should conflict break out.

2. ACTION ON EXPLOSIVE WEAPONS IS IN THE SPIRIT OF THE AFRICAN UNION’S AGENDA 2063 AND ITS “SILENCING THE GUNS” MASTER ROADMAP

Agenda 2063 of the African Union commits to making peace a reality for future generations. As an essential part of this, the “Practical Steps to Silencing the Guns by 2030” campaign puts the protection of civilians, control of weapons, and need for prevention at the heart of African State priorities. These priorities are reflected in international efforts to place limits on the use of explosive weapons in populated areas due to the high likelihood of harm to civilians and the long-term effects the use of explosive weapons in populated areas has on peace and development. Through engaging on the issue and supporting a strong political declaration, African states have the chance to further their goal of better protecting citizens from the destructive impact of weapons and war, and work towards meeting Aspiration 4 (on a peaceful and secure Africa) of Agenda 2063’s targets for 2023.⁸

3. THE AFRICAN CONTINENT IS ALREADY SUFFERING FROM THE EFFECTS OF EXPLOSIVE WEAPONS USE IN POPULATED AREAS

African civilians have already suffered the use of explosive weapons. Recently, Tigray, airstrikes, shelling, and artillery attacks in urban areas have killed hundreds of civilians, including children, and destroyed homes, hospitals, schools, and marketplaces. Hundreds of thousands have been forced to flee. Over the last decade, other states including Sudan, Somalia, Libya, Nigeria, and Côte d'Ivoire have suffered similar violence; their civilians suffering similar harms. This is a humanitarian challenge that affects every region of the globe and as such requires a global response.

SOME KEY EXAMPLES:

- ✘ In March 2011, 100 civilians were killed and injured when at least six 81mm mortar shells hit Abobo, a densely populated area of Abidjan City, **Côte d'Ivoire**.⁹ The shelling also damaged vital infrastructure including a marketplace and a bus station.
- ✘ In Misrata, **Libya**, some 3,000 people were reported killed or injured by mortar and rocket fire over two months in Spring 2011.¹⁰ Reuters reported that over 100 rockets had been fired into Misrata on a single day in April.¹¹ Alongside civilian casualties, the sustained bombardment damaged and destroyed Misrata’s infrastructure including factories and food industry plants, residential areas, the hospital, and the port. UN OCHA reported that humanitarian access was severely limited, especially as ships were prevented from docking, and that medical facilities were overwhelmed.¹²



Photo by Giles Clarke/UNOCHA via Getty Images

A family walks thru a badly damaged street in Benghazi's Old Town on February 2, 2019 in Libya.

- ✗ On 14 January 2022, UN OHCHR reported that over 100 civilians had been killed and 75 injured in airstrikes in **Tigray** during the first two weeks of the year.¹³ The deadliest airstrike hit Dedebit IDP camp on 7 January, killing at least 59 people and wounding some 30 more. The UN warned that airstrikes in Tigray had affected fuel and food supplies, stymied humanitarian access and created a 'de-facto blockade'.¹⁴

4. THE USE OF EXPLOSIVE WEAPONS IS A KEY TRIGGER AND A DRIVER OF DISPLACEMENT

In the context of a global refugee crisis as well as escalating numbers of internally displaced persons (IDPs) and migrants (many of whom originate from conflict-affected countries), the use of explosive weapons in populated areas remains one of the main triggers and drivers of displacement. In just two months in the summer of 2019, over 100,000 people were displaced due to heavy bombing and shelling in Tripoli, Libya.¹⁵ Explosive weapons use not only triggers and drives displacement but also creates barriers to return. African states, as well as the UN, international organisations and global civil society have emphasised the need to address the root causes of displacement: a political declaration that places limits on the use of explosive weapons in populated areas offers an excellent opportunity to do so.

5. THE MOBILISATION OF AFRICAN COUNTRIES HAS MADE A SIGNIFICANT DIFFERENCE TO OTHER HUMANITARIAN DISARMAMENT ISSUES

African States have a long tradition of leading disarmament processes and advocating positions that strengthen the protection of civilians. They have been pivotal in driving the development and adoption of some of the most successful disarmament treaties such as the 1997 Mine Ban Treaty, and the 2008 Convention on Cluster Munitions, working effectively to ensure they are ambitious and include strong provisions on civilian protection and victim assistance.

Where African states have chosen to use their voice, they have been heard to great humanitarian effect. If African states join this declaration, they could similarly be key to ensuring that a political declaration on protecting civilians from the use of explosive weapons includes a strong commitment to avoid their use in populated areas, and that the rights and needs of victims and communities are respected.

6. THE USE OF EXPLOSIVE WEAPONS IN POPULATED AREAS UNDERMINES THE SUSTAINABLE DEVELOPMENT GOALS

The use of explosive weapons in populated areas hinders the achievement of a wide range of Sustainable Development Goals (SDGs) including Goal 2 on ending hunger, Goal 3 on health, Goal 5 on safe education, Goal 5 on women's empowerment, Goal 6 on water and sanitation, Goal 8 on employment, Goal 10 on inequality and Goal 11 on safer cities.¹⁶ Beyond those killed and injured by the use of explosive weapons in populated areas, an even greater number of civilians are affected as a result of damage to essential infrastructure and services. The destruction of hospitals, schools, and infrastructure can take years, even decades, to repair. The reverberating effects of explosive weapons use in towns and cities not only hinders humanitarian access but also destroys livelihoods and discourages investors.

7. AFRICAN COUNTRIES AND AU INSTITUTIONS HAVE ALREADY SPOKEN OUT ON THIS ISSUE

In November 2017, Africa held the first regional conference on the protection of civilians from explosive weapons in populated areas, and attending states adopted the first international instrument on the issue through the Maputo Communiqué.¹⁷ State representatives acknowledged the need for further action on the use of explosive weapons in populated areas at national, regional,

and international levels, and committed to avoid the use of explosive weapons with wide area effects in populated areas. They also agreed to fully support the process to develop a political declaration, and to foster engagement by African States.

In 2019, African states deepened their commitment to the issue of explosive weapons in populated areas through a communiqué of the African Union Peace and Security Council.¹⁸ The communiqué “expressed support for an inclusive consultation process to develop a political declaration that addresses the impact of explosive weapons... underlining that the declaration must include action-oriented commitments” and agreed “to promote active African participation in the global process of elaborating a political declaration”.

KEY ACTIONS

- ✘ Endorse 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 Ireland via its permanent missions in Geneva or New York or by emailing: ewipalat@dfa.ie;
- ✘ 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;



Children in front of the Africa/Ayga hotel likely damaged by a direct fire weapon in Humera town, Tigray region, Ethiopia, on November 22, 2020.

- ✗ Support 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;
- ✗ Promote the Declaration's adoption and implementation by the greatest number of states, including through convening or participating in discussions at the regional/sub-regional level; and
- ✗ Start to assess the steps required at the national level (revision of existing or development of new policy and practice, training, etc) to implement the Declaration's commitments, and designate government focal points for this work, including in the areas of military policy and practice, victim assistance/humanitarian access, and data collection.

ENDNOTES

- 1 AOA (2021), "A Decade of Explosive Violence Harm, 2011-2020": <https://aoav.org.uk/2021/a-decade-of-explosive-violence-harm-2011-2020/>
- 2 Which include, among others, aircraft bombs, artillery shells, rockets, grenades, missiles as well as improvised explosive devices.
- 3 UN-Habitat has flagged the damage caused to housing, livelihoods, infrastructure and heritage sites by conflict, and in particular the use of explosive weapons, in urban centres, and has highlighted the significant resources needed for recovery and reconstruction. UN-Habitat, "Urban Crisis Recovery and Reconstruction in the Arab region": <https://unhabitat.org/programme/urban-crisis-recovery-and-reconstruction-in-the-arab-region>
- 4 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.
- 5 'Report of the UN Secretary General on the Protection of Civilians in Armed Conflict', S/2021/423, 3 May 2020, <https://undocs.org/S/2021/423>
- 6 <https://www.dfa.ie/our-role/policies/international-priorities/peace-and-security/ewipa-consultations/>
- 7 Department of Economic and Social Affairs Population Division, "World Urbanization Prospects 2018", p. 7: <https://population.un.org/wup/Publications/Files/WUP2018-Highlights.pdf>
- 8 The Africa We Want, Agenda 2063, First Ten years Implementation Plan 2014 – 2023: <https://wedocs.unep.org/bitstream/handle/20.500.11822/20823/Agenda%202063%20-%20FIRST%20TEN%20YEAR%20PLAN%20%20September%20202015.pdf?sequence=1&isAllowed=y>
- 9 "UN condemns mortar attack on Ivory Coast market", NPR, 18 March 2011: <https://www.npr.org/2011/03/19/134670468/un-condemns-mortar-attack-on-ivory-coast-market?t=1645628500666>
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- 11 Libyan rebels make renewed push for oil port Brega", Reuters, 16 April 2011: <https://www.reuters.com/article/columns-us-libya-idINTR7270JP20110416>
- 12 UNOCHA, "Libya: Misrata is difficult to access. Humanitarian assessment finds people in need of medical supplies" 16 July 2011: <https://www.unocha.org/story/libya-misrata-difficult-access-humanitarian-assessment-finds-people-need-medical-supplies>
- 13 Press briefing notes on Ethiopia, 14 January 2022: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=28026&LangID=E>
- 14 Blockade creates 'hell' in Ethiopia's Tigray: WHO", Al Jazeera, 12 January 2022: <https://www.aljazeera.com/news/2022/1/12/blockade-creates-hell-in-ethiopia-tigray-who>
- 15 Joint Appeal by the UN Secretary-General and the President of the International Committee of the Red Cross on the Use of Explosive Weapons in Cities, September 2019: <https://www.un.org/sg/en/content/sg/note-correspondents/2019-09-18/note-correspondents-joint-appeal-the-un-secretary-general-and-the-president-of-the-international-committee-of-the-red-cross-the-use-of-explosive-weapons>
- 16 UNIDIR (2016) "The Implications of the Reverberating Effects of Explosive Weapons Use in Populated Areas for Implementing the Sustainable Development Goals": <https://www.unidir.org/files/publications/pdfs/ewipa-and-the-sdgs-en-651.pdf>
- 17 Communiqué from the Maputo regional conference on the protection of civilians from the use of explosive weapons in populated areas, November 2017: <https://www.inew.org/maputo-regional-conference-on-the-protection-of-civilians-from-the-use-of-explosive-weapons-in-populated-areas/>
- 18 Press Statement of the 859th meeting of the PSC, held on 17 July 2019, dedicated to an open session on the theme: "Protection of Civilians from the Use of Explosive Weapons in Populated Areas (EWIPA)", 24 July 2019: <https://www.peaceau.org/en/article/press-statement-of-the-859th-meeting-of-the-psc-held-on-17-july-2019-dedicated-to-an-open-session-on-the-theme-protection-of-civilians-from-the-use-of-explosive-weapons-in-populated-areas-ewipa>