



Protecting Civilians in Urban Warfare: Towards a political declaration to address the humanitarian harm arising from the use of explosive weapons in populated areas

**Informal Consultations
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Written Statement by the Mines Advisory Group

The Mines Advisory Group (MAG) is one of the world's leading agencies involved in the survey and clearance of explosive remnants of war, and a proud member of the International Network on Explosive Weapons (INEW). MAG welcomes many of the revisions made since the previous consultations for this declaration. We remain optimistic that it will help reduce the civilian suffering caused by explosive weapons in populated areas.

With that being said, MAG would like to draw attention to two articles of the current draft: article 3.5 and article 4.2:

Article 3.5:

3.5 Ensure the marking, clearance, and removal or destruction of explosive remnants of war as soon as possible after the end of active hostilities in accordance with our obligations under applicable international law.

Like our INEW colleagues, we propose that this be amended to read:

3.5 Ensure the marking, clearance, and removal or destruction of explosive remnants of war, along with the provision of risk education to affected populations, as soon as possible after the end of active hostilities, in accordance with our obligations under applicable international law.

Rationale:

Risk education is a central pillar of humanitarian mine action on par with marking and clearance, and has been recognized as such in the Anti-Personnel Mine Ban Convention (APMBC), the Convention on Cluster Munitions (CCM), and the Convention on Certain Conventional Weapons (CCW). Risk education is vital in populated areas affected by explosive weapons because it allows communities who are not familiar with explosive ordnance to protect themselves prior to clearance.

Article 4.2:

The text of the article currently reads:

4.2 Collect and, where possible and appropriate, share and make publicly available disaggregated data on the direct and reverberating effects on civilians of our military operations involving the use of explosive weapons with wide area effects.

Like our INEW colleagues, we propose that this be changed to the following:

4.2 *Establish capabilities to collect, share and make publicly available, disaggregated data on the direct, indirect and reverberating effects on civilians and civilian objects in military operations in which we are involved.*

4.3 bis *Endeavour to ensure that all civilian deaths are promptly recorded, correctly identified, and publicly acknowledged by recording and making publicly available any information available to us regarding civilian casualties, irrespective of which party is presumed responsible.*

4.4 bis *Collect, record, and share with humanitarian organizations, the location of areas targeted using explosive weapons; the approximate number of explosive weapons used; the type and nature of explosive weapons used; and the locations of known and probable unexploded ordnance.*

Rationale:

Data collection is central to our collective ability to understand – and respond to – the challenge of EWIPA. It is also multifaceted, encompassing both international legal requirements and innovative practices in use by states. Splitting article 4.2 into three paragraphs would give greater specificity to the commitments involved.

Of these, MAG is particularly supportive of those described in article 4.4 bis. It is vital that this declaration clearly reference states’ obligations to collect and share data on the numbers, types, and locations or ordnance they have used in hostilities. This echoes the commitments of the CCW’s Protocol V on Explosive Remnants of War.

More importantly, it describes a proven practice which, if not regularly adhered to by combatants, will exacerbate and prolong the harmful effects of EWIPA. As MAG and our partners have previously described, clearing unexploded ordnance from densely populated areas is significantly slower and more expensive than similar work done in rural areas. If humanitarian organizations do not receive the necessary ordnance data from combatants, the work of clearance and risk education becomes even more time-consuming and expensive. This means that unexploded ordnance remains uncleared for longer, more civilian lives are put at risk, and humanitarian aid and reconstruction are inhibited. We therefore call on states to commit to the data sharing and collection practices described above.

We also propose that:

- 1) In article 4.2 and paragraphs derived from it, any references to ‘explosive weapons with wide area effects’ should be replaced with ‘explosive weapons in populated areas’. Though there *is* a need to specifically curb the use of explosive weapons with wide area effects, it is both necessary and practical for data to be collected and shared regarding the use of *all* forms of explosive weapons in populated areas.
- 2) References to “our military operations” should be removed or alternatively replaced with “military operations in which we are involved” in order to sufficiently reflect state’s obligations to monitor the use of explosive weapons in populated areas during partnered operations.
- 3) The phrase “where possible” should be removed as it unnecessarily weakens what should be clear commitments under the Declaration.
- 4) In order to properly reflect the character of the harm caused by the use of explosive weapons in populated areas, rather than reading “direct and reverberating”, the article should read “direct, indirect, and reverberating”.

Thank you.