

Draft Political Declaration on Strengthening the Protection of Civilians from the Humanitarian Consequences that can arise from the use of Explosive Weapons ~~with Wide Area Effects~~ in Populated Areas

Part A: Preamble

Section 1

1.1 As armed conflicts become more protracted, complex, and urbanised, the risks to civilians ~~have~~can increase~~d~~. The causes can involve a range of factors, including the placement of military objectives in relation to concentrations of civilians as well as use of explosive weapons ~~[with wide area effects]~~ in populated areas, and pose complex challenges for the protection of civilians.

1.2 Explosive weapons ~~[with wide area effects]~~ can have a devastating impact on civilians and civilian objects in populated areas. Blast and fragmentation effects cause immediate deaths and injuries. Beyond these direct effects, civilian populations can also be exposed to severe and long-lasting indirect effects—~~also referred to as ‘reverberating effects’~~. When critical civilian infrastructure is damaged or destroyed, such as energy networks, water and sanitation systems, the provision of essential services such as healthcare can be disrupted. These services are often interconnected and, as a result, damage to one component or service can negatively affect services elsewhere, causing harm to civilians that can extend far beyond the ~~weapon’s impact combat~~ areas.

1.3. The destruction of housing, schools and cultural heritage sites further aggravates civilian suffering, and the natural environment can also be impacted by the use of explosive weapons ~~[with wide area effects]~~, leading to the contamination of air, soil, groundwater, and other resources. Urban warfare can also result in psychological and psychosocial harm to civilians.

1.4 Together, these effects often result in the displacement of people within and across borders. When these effects occur they have a negative impact on progress towards the Sustainable Development Goals. Following urban armed conflict, unexploded ordnance can also impede the return of displaced persons and cause casualties long after hostilities have ended.

1.5 Tactics designed to exploit the proximity of civilians and civilian objects to military objectives in populated areas, as well as the use of improvised explosive devices directed against civilian and civilian objects, and other violations of International Humanitarian Law, including by non-State armed groups, all exacerbate the risks to civilians and are of grave concern.

1.6 Many militaries already implement operational policies and practices designed to mitigate civilian harm, which can include, for example, a detailed understanding of the anticipated effects of explosive weapons on a military target and its surrounding areas and the associated risk to civilians in populated those areas. However, there is scope for practical improvements in the full implementation of, and compliance with, obligations under International Humanitarian Law, and the application and sharing of good practices. Broadening and strengthening initiatives designed to share military policies and practices on protecting civilians can support the promotion and better implementation of International Humanitarian Law.

1.7 We recognise the importance of efforts to record civilian casualties, and the use of all practicable measures to ensure appropriate data collection, including, where possible and appropriate, data disaggregated by sex and age. Where possible and appropriate, this data should be shared and made publicly available. The data on civilian casualties can help inform policies designed to mitigate civilian harm, aid efforts to investigate harm to civilians, support efforts to determine or establish accountability and enhance lessons learnt processes in armed forces.

1.8 We welcome the on-going work of the United Nations, the International Committee of the Red Cross (ICRC) and civil society to raise awareness of the impacts and long-term humanitarian consequences that can arise from the use of explosive weapons ~~[with wide area effects]~~ in populated areas. We also welcome work to empower and amplify the voices of all those affected, including women and girls, and we encourage further research into the potential gendered impacts of the use of explosive weapons ~~[with wide area effects]~~. We stress the imperative of addressing the short and long-term humanitarian consequences that can result from armed conflict involving the use of explosive weapons ~~[with wide area effects]~~ arising from the conduct of hostilities, including in urban warfare.

Section 2

2.1 We recall our obligations ~~and commitments~~ under applicable international law, including International Humanitarian Law and International Human Rights Law, and reaffirm our obligation to hold accountable those responsible for violations and our commitment to end impunity.

2.2 Existing International Humanitarian Law provides the framework to regulate the conduct of armed conflict, and provides obligations ~~is~~ applicable to conducting and defending against attacks, including those that ~~use of~~ explosive weapons ~~[with wide area effects]~~ in all operating environments, and to all parties to an armed conflict, including both State and non-State armed groups. We stress the importance of full compliance with International Humanitarian Law as a means to protect civilians and civilian objects and to mitigate civilian harm when conducting hostilities, in particular within populated areas.

2.3 We recall the obligations on all parties to armed conflict to comply with International Humanitarian Law when conducting hostilities, including in populated areas, and recall in particular the obligation to distinguish between combatants and civilians as well as between military objectives and civilian objects; ~~the prohibitions against indiscriminate and disproportionate attacks and the obligation to take all feasible~~ principles and requirements of proportionality, military necessity, and precautions. We also recall the obligation under International Humanitarian Law ~~to provide relating to protection of~~ civilians ~~with general protection against dangers arising from military operations~~.

2.4bis. We recognise that under IHL explosive ordnance is a legitimate means of warfare whose use may be needed to protect civilians. We also recognise that efforts to strengthen the protection of civilians, including their protection in urban warfare, must involve the full range of good military policies and practices that contribute to such protection.

2.54 We welcome the work of United Nations Security Council to strengthen the protection of civilians during armed conflict and to strengthen compliance with International Humanitarian Law, and recall to that end UNSC Resolutions on the protection of civilians in armed conflicts, including Resolution 1265 (1999), 1894 (2009) and 2417 (2018).

Part B: Operative Section

Committed to strengthening the protection of civilians and civilian objects in armed conflict, improving compliance with applicable International Humanitarian Law, and addressing the civilian harm that can

arise from armed conflict involving the use of explosive weapons ~~[with wide area effects]~~, including in populated areas, we will:

Section 3

3.1 Review, develop, implement, and, where necessary, improve national policy and practice with regard to the protection of civilians during armed conflict, including in populated areas.

3.2 Ensure comprehensive training of our armed forces on International Humanitarian Law, and on the measures and good practices to be applied during the conduct of hostilities, including in populated areas to protect civilians and civilian objects.

3.3 Ensure that our armed forces adopt and implement a range of policies and practices to mitigate/avoid civilian harm, including ~~by restricting the use of explosive weapons with wide area effects~~ in populated areas, ~~when the effects may be expected to extend beyond a military objective~~.

3.4 Ensure that in formulating such policies and practices, our armed forces take into account the ~~direct and reverberating~~ effects on civilians and civilian objects which can reasonably be foreseen in the planning of military operations and the execution of attacks, including in populated areas.

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.

3.6 Facilitate ~~the appropriate~~ dissemination and understanding of International Humanitarian Law and promote its respect and implementation by all parties to armed conflict, including by non-State armed groups.

Section 4

4.1 Strengthen international cooperation and assistance among armed forces, and other relevant stakeholders with respect to exchanges of technical and tactical expertise in order to develop good practice to enhance the protection of civilians in urban warfare.

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, including those involving the use of explosive weapons ~~[with wide area effects]~~.

4.3 Support the work of the United Nations, the ICRC and relevant civil society organisations collecting data on the impact on civilians of military operations involving the use of explosive weapons with wide area effects, as appropriate.

4.4 Make every efforts to assist victims, their families and communities affected by armed conflict in a holistic, integrated ~~and non-discriminatory~~ manner, taking account of the rights of vulnerable persons ~~with disabilities~~, and supporting post-conflict stabilisation.

4.5 Support the work of the United Nations, the ICRC, other qualified international organisations and relevant civil society organisations ~~as appropriate~~ aimed at protecting and assisting civilian populations and addressing the direct and indirect humanitarian impact that can arise from the use of explosive weapons ~~[with wide area effects]~~ in populated areas, as appropriate.

4.6 Meet on a regular basis to ~~review the~~exchange good practices and lessons learned in the implementation of this Declaration and identify any relevant additional measures ~~that may need to be taken~~ to improve compliance with International Humanitarian Law and strengthen the protection of civilians and civilian objects with regard to armed conflict involving the use of explosive weapons ~~[with wide area effects]~~ in populated areas. As a starting point, a working group of interested States could ~~develop~~agree a baseline compilation of good practice, which could form the basis for structured military-to-military exchanges, workshops, and seminars.

4.7 Actively promote this Declaration, distribute it to all relevant stakeholders and seek its adoption by the greatest possible number of States.

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