

Draft Political Declaration on Strengthening the Protection of Civilians from Humanitarian Harm arising from the use of Explosive Weapons in Populated Areas
Comments by Humanity & Inclusion (HI)

Humanity & Inclusion, also known as Handicap International (HI) highly appreciates all effort of Government of Ireland in providing a draft of the political declaration on the use of explosive weapons in populated areas in these challenging times. Having in mind the urgency of this subject and the urgent need to set better standards in protecting civilians from the use of explosive weapons in populated areas, we in HI believe that draft text circulated on 17th March by the government of Ireland sets up strong bases for further negotiations and strengthening of certain recommendations to achieve a goal that we have set up at the beginning of the process – a strong and meaningful tool to end human suffering caused by the use of explosive weapons in populated areas.

Following the evidence on the humanitarian impact of explosive weapons that we are collecting from our operations and testimonies that we have heard from victims of explosive weapons, HI is proposing following suggestions and comments to be considered by government of Ireland to strengthen the declaration to effectively protect civilians from the use of explosive weapons in populated areas.

Part A: Preamble

Section 1

- The whole notion of the human suffering caused by the use of explosive weapons in populated areas is generally minimalised by “can” language (in paragraphs 1.2., 1.3., 1.4.). When explosive weapons that create large blast or fragmentation from the point of detonation are used in areas where civilians live, where hospitals and other health facilities are providing life-saving services, where children go to school and civilians rely on the essential services, we have seen an unacceptable pattern of civilian harm. Therefore, this should not be a question, but rather assertive affirmation of the correlation between predictable human suffering and the wide-area effects of explosive weapons.
- HI has been documenting different civilian harms caused by the use of explosive weapons on human body and mind in several research papers¹, we strongly recommend to better elaborate on these impacts starting from:
 1. different types of physical and life-changing injuries – such as damage to lungs, brain, ears (causing deafness) and eyes (causing blindness), fractures of the lower and/or upper limbs, often resulting in amputations and lifelong impairments. In addition, the blast can cause flash

¹ List of all research papers available at the end of the document.

burns, inhalational injuries, crush injuries, toxic exposure and most psychiatric injury, some of which may be caused by neurological damage sustained during the blast.

2. The mental health consequences and psychological impact on people that leave under intense fear caused by bombings and shelling, loss of close relatives or friends, or of homes, is huge².

Therefore we suggest strengthening the paragraph 1.2. by providing more insight into the harm to human bodies and minds, which should later in the text justify strong call for assistance to all victims of explosive weapons.

- The devastating impact of explosive weapons on civilians is not limited to direct harm on their life and health. More often than not, reverberating or “domino” effects follow the destruction or damage of critical infrastructure and multiply the humanitarian impact of the use of these weapons. Even when civilian infrastructure is not directly targeted, but the attack is launched against a legitimate military objective, essential infrastructure and services are often indirectly impacted from the wide-area effects of the weapons used and suffer from indirect effects. HI suggest a stronger reference to the indirect or reverberating effects of explosive weapons use in paragraph 1.2, clearly stating how civilians are deprived from access to essential services, such as healthcare, water, electricity, sanitation, etc., due to the damage or destruction of critical civilian infrastructure.
- The widespread use of explosive weapons in populated areas is a leading cause of forced displacement, driving hundreds of thousands of people to seek protection abroad. HI believes that there should be stronger reference of the impact of continuing bombing and shelling in populated areas to displacement in paragraph 1.3.
- HI welcomes the paragraph on data collection, but the case should be made stronger by deleting “efforts” and “where possible”. We in HI strongly support the data collecting and sharing, disaggregated by sex, age and disability.
- In the last paragraph of the preamble, HI welcomes the recognition of the importance of raising awareness on the impacts and long-term humanitarian consequences from the use of explosive weapons in populated areas. However, we encourage Ireland to, besides empowering and amplifying the voices of those affected, also include their full participation to the process, ensuring that recommendations and requests of those affected, such as victims, are taken as credible inputs for meaningful policy changes.

Part B: Operative Section

Section 3

HI considers that this section of the political declaration is the essence of the document. We believe it should be strong, clearly communicating what is expected from states to prevent further casualties and end human suffering caused by the use of explosive weapons. Even though this section has

² An HI study conducted in 2016 among Syrian refugees in Jordan found that 80% of people injured by explosive weapons expressed signs of high psychological distress, as a result of which 66% were unable to carry out essential daily activities because of their feelings of fear, anger, fatigue, disinterest and hopelessness. 75% of the children under 5 assessed felt so afraid that nothing could calm them down.

improved from Political Declaration Elements Paper, we still believe that additional text changes are required to ensure that political declaration promote a presumption against the use of explosive weapons with wide-area effects in populated areas.

- Commitment 3.3. must be stronger, reflecting the a clearer and more unequivocal presumption against the use of explosive weapons with wide-area effects in populated areas. Therefore we recommend that “restrict” be replaced with “avoid” in relation to the use in populated areas of explosive weapons with wide-area effects. We also suggest deleting the last part of the commitment that will not give the user discretion that certain explosive weapons with wide-area effects do not have effects that may extend beyond or occur outside of the target. We also suggest this to be the first commitment of the operative part.

Section 4

- Commitment 4.4: We in HI believe that wording on victim assistance must be stronger to oblige states to respond to the rights and needs of victims of explosive weapons.
 1. We first suggest correct wording on victim assistance – it should be clear that victims include “those injured, survivors, family members of people killed and/or injured and affected communities”. Therefore, we suggest correcting “victims and affected communities” and reflect the language mentioned above, that is already recognised by international treaties.
 2. We recommend making victim assistance a more obligatory commitment, rather than voluntary and therefore we suggest replacing “make every effort” with “provide, facilitate and support assistance to victims”.
 3. A commitment on victim assistance should clearly define what is considered under that terminology and what type of assistance is needed: ensuring that basic needs are met (safety, shelter, food, water, medical care, hygiene, sanitation), as well as longer-term medical care, rehabilitation, psychosocial and psychosocial support, socio-economic inclusion, education and data collection.

Therefore, we suggest the following commitment on victim assistance:

Provide, facilitate, and support assistance to victims—people critically injured, survivors, family members of people killed and/or injured, and affected communities—to ensure they receive adequate assistance based on their needs in a non-discriminatory manner, including in the form of emergency medical care, physical rehabilitation, psychosocial support and socio-economic inclusion, as well as support towards the full realisation of their rights and full participation in their societies.
 4. HI also suggests moving the reference to “post-conflict stabilization” in a separate action point in order to maintain the focus of art. 4.4 on victim assistance only.
- Being convinced that data collection is crucial to assess the harm caused to civilians by the use of explosive weapons and to set up an appropriate response addressing their needs and protecting their rights, « HI proposes to adjust the wording of art. 4.2 as it follows: “Collect and, ~~where appropriate,~~ share disaggregated data by sex, age and disability on the direct and indirect impact

on civilians of our military operations involving the use of explosive weapons in ~~urban areas,~~ populated areas”

- Commitment 4.5: HI welcomes the reference to the need to ensure access to humanitarian assistance as it is a crucial element for protection of civilians in contexts where explosive weapons are used, and it is increasingly challenged in complex conflicts and protracted crisis. Respect for the core principles of humanity, impartiality and independence are essential to ensure that all civilians affected by conflicts, including the most vulnerable have access to humanitarian aid. We recommend that wording of this commitments includes a reference to this principles, referring to “rapid, unimpeded and principled access”, and explicitly mentioning the need to include the most vulnerable to ensure that no one is left behind.

END.

Additional resources on humanitarian impact of explosive weapons from HI:

- **Causes and types of injuries** encountered by Handicap International while working with Internally Displaced Persons in Syria: a focus on the impact of explosive weapons, 2014, Factsheet (available on demand)
- **Use of Explosive Weapons with Wide Area Effect in Populated Areas** - Position Paper, April 2015 (available on demand)
- **The use of explosive weapons in Syria: A time bomb in the making**, 2015, Report (available on demand)
- **Victim assistance in the context of the use of explosive weapons in populated areas** - Recommendations for a future political declaration, 2016, Report (available on demand)
- **Qasef: Escaping the bombing**. The use of explosive weapons in populated areas and forced displacement: perspectives from Syrian refugees, 2016, Report (available on demand)
- **Syria, a mutilated future**: focus on persons injured by explosive weapons, 2016, Factsheet (available on demand)
- Everywhere the bombing followed us, 2017, Report (available on demand)
- [The use of explosive weapons in populated area: it is time to act, 2018, Briefing paper](#)
- [The Waiting List. Addressing the immediate and long-term needs of victims of explosive weapons in Syria, 2019, Report](#)
- [Explosive Weapons, Contamination, and Risk Education in Yemen, 2020, Issue brief.](#)
- [Explosive Weapons in Populated Areas in Yemen, 2020, Issue Brief/Arms/ EWIPA.](#)
- [A Persistent Danger: Unexploded Ordnance in Populated Areas, 2020, Briefing Paper](#)