

January, 5th 2021

Dear member of Parliament,
Madame, Sir,

Since October 2019, more than 70 countries, including Belgium, have actively participated in diplomatic negotiations led by Ireland. This historic process aims at reaching an international political declaration¹ to address the humanitarian impact arising from the use of explosive weapons in populated areas. These discussions mark a fundamental humanitarian step in which we believe Belgium can play a crucial role by committing unequivocally to strong language in the Political Declaration. In this perspective, a resolution of the Belgian parliament can play a key role.

Over the last decades, towns, villages and other populated areas have become neuralgic center of the vast majority of armed conflicts. There, the use of heavy explosive weapons, also known as explosive weapons with wide area effects² such as heavy aircraft bombs or artillery, represents a major risk for civilians. For instance, in the period 2011-2019 90% of the people killed in populated areas by explosive weapons were civilians³. The use of these weapons also has a critical impact on key civilian infrastructures such as hospitals, schools, markets, electricity facilities, water and sanitation systems as well as bridges, houses and roads. Additionally, it poses huge challenges to the safe return of displaced populations due to the disruption or lack of essential civilian services (such as healthcare) and the soil contamination by explosive remnants of war.

Given the proximity of military objectives to civilians and civilian objects in populated areas, the use of explosive weapons with wide area effects also raises serious questions about how IHL rules are being interpreted, applied and complied with, in particular, the rule of distinction, the prohibitions of indiscriminate and disproportionate attacks and the rule of precautions in attacks.

Humanity & Inclusion (HI), PAX, Pax Christi Vlaanderen and Airwars are following closely these historic diplomatic negotiations and call on all negotiating parties to adopt a strong and meaningful political declaration to end the civilian suffering caused by explosive weapons with wide area effects in populated areas, in line with the joint appeal launched by the UN Secretary-General and the President of the International Committee of the Red Cross in 2019⁴.

This is why we congratulate the National Defense Commission of the Belgian Federal Parliament for organizing a hearing on the protection of civilians against the use explosive weapons with wide area

¹ Please find the draft political declaration here:

<https://www.dfa.ie/media/dfa/ourrolepolicies/peaceandsecurity/ewipa/Draft-Political-Declaration-17032020.pdf>

² The explosive weapons that raise specific concerns when used in populated areas are those having wide-area effects. Explosive weapons might affect a wide area because of the large destruction radius of the individual munition used, the inaccuracy of the delivery system, and/or the delivery of multiple munitions over a wide area." See <https://www.icrc.org/en/document/explosive-weapons-populated-areas-use-effects>

³ AOAV, *Explosive Violence Monitor 2019*, <https://aoav.org.uk/wp-content/uploads/2020/09/Explosive-Violence-Monitor-2019-corrected-02.09.pdf>

⁴ Please find the joint statement here <https://www.icrc.org/en/document/explosive-weapons-cities-civilian-devastation-and-suffering-must-stop>

effects in populated areas. In the lead up of such hearing, we'd like to draw your attention on what we believe is essential to guarantee the protection of civilians.

First, we'd like to say that we appreciate Belgium's full compliance with International Humanitarian Law. However, as the latest report by Airwars and PAX for Peace has shown based on case studies of US-led Coalition campaigns on the cities of Hawijah, Mosul and Raqqa⁵, claims to IHL are not enough to sufficiently prevent civilian suffering when explosive weapons are used in populated areas. Hence, we would like to stress the importance of adopting a political declaration with an unequivocal commitment that implies avoiding the use of explosive weapons with wide area effects in populated areas as a matter of policy. In fact, we believe that such political commitment will help to enhance the protection of civilians and will help providing guidance to armed forces, to enhance their ability to conduct hostilities in populated areas in a manner that minimizes risks to civilians and in conformity with IHL.

Secondly, it is crucial to recognize the humanitarian consequences, including the "reverberating effects" of explosive weapons with wide area effects on civilians and civilian objects. By reverberating effects, we mean the humanitarian consequences resulting from the destruction of vital civilian infrastructures, including hospitals, schools, electricity, water and communication networks which are reasonably foreseeable in the planning and execution of attacks. Their interconnected and interdependent impacts, cause prolonged civilian harm, extending well in time and place from the attack. In Yemen, for example, an HI report published in May 2020 demonstrates that the long-term effects of using explosive weapons *are just as deadly as the explosion itself and affect even more people than those in the vicinity of the initial attack, as the destruction of infrastructure has consequences for the country's entire service system*⁶.

The third key element is that explosive weapons can cause different types of physical and life-changing injuries and also have a strong psycho-social impact on civilians. Hence, effective victim assistance in contexts where the use of explosive weapons with wide area effects has affected the civilian population, whether directly or indirectly, will require a systemic approach, establishing relevant baseline data and monitoring progress as a key to fair and equitable response to the rights and needs of victims. Against this backdrop, we call on Belgium to support the development of a strong political declaration against the use of explosive weapons in populated areas that includes a resolute commitment to assist people critically injured, survivors, the families of those killed or injured and affected communities, while allowing principled and unconditional humanitarian access to affected areas.

It is in this context that we welcome and encourage your attention to the humanitarian impact of explosive weapons in populated areas, more specifically the areas of concern addressed in this letter, and encourage to seize the opportunity and support the draft resolution on better protection of civilians against the impact of explosive weapons in populated areas, in the framework of the hearing on January, 6th 2021 and further discussion on the draft resolution.

⁵ Airwars and PAX report, *Seeing through the rubble: The civilian impact of the use of explosive weapons in the fight against ISIS*, available [here](#), 2020.

⁶ HI Study, *Death Sentence for Civilians: The long-term impact of explosive weapons in populated areas in Yemen* available [here](#)

We thank you for your attention to our letter and look forward to hearing from you,

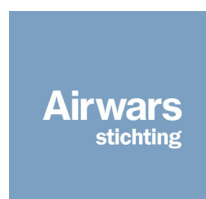
Sincerely,

Anne Héry
Directrice du Plaidoyer

Roos Boer
Program
Leader Humanitarian
Disarmament

*Dmytro
Chupryna /
Laurie Treffers*

Merel Selleslach
Bewegingsmedewerker
Internationale
Veiligheid &
Ontwapening



For further reference, we are pleased to include the additional resources and studies

- HI Study, *Death Sentence for Civilians: The long-term impact of explosive weapons in populated areas in Yemen* available [here](#), 2020
- HI Study, *The Waiting List. Addressing the immediate and long-term needs of victims of explosive weapons in Syria*, available here, 2019
- Airwars and PAX report, *Seeing through the rubble: The civilian impact of the use of explosive weapons in the fight against ISIS*, available [here](#), 2020.
- Airwars report, *Death in the City – High levels of civilian harm in modern urban warfare resulting from significant explosive weapons use*, available [here](#), 2018.
- ICRC, “Explosive weapons in populated areas – Factsheet”, 2016 : <https://www.icrc.org/en/document/explosive-weapons-populated-areas-factsheet>
Also available in French : CICR, « Emploi d’armes explosives en zones peuplées - Fiche d’information », 2016 : <https://www.icrc.org/fr/document/emploi-darmes-explosives-en-zones-peuplees-fiche-dinformation>
- ICRC, “ICRC Q&A on the issue of explosive weapons in populated areas”, International Review of the Red Cross, Vol. 98, 2016, pp. 97-105: https://international-review.icrc.org/sites/default/files/irc_97_901-8.pdf
Also available in French : CICR, « Questions/réponses du CICR sur l’emploi d’armes explosives en zones peuplées », Revue internationale de la Croix-Rouge, Vol. 98, Sélection française 2016/1, pp. 63-72 : https://international-review.icrc.org/sites/default/files/reviews-pdf/2019-10/05-q_and_a.pdf
- PAX and Harvard Law School’s International Human Rights Clinic, *Operating under fire ; the effects of explosive weapons on health care in the East of Ukraine*, available at : <https://www.paxforpeace.nl/publications/all-publications/operating-under-fire>