

# The use of explosive weapons in populated areas - it is time to act



## What are explosive weapons with a wide area effect?

**Explosive weapons** refer to conventional weapons that are activated by the detonation of a highly explosive substance creating a blast, heat and fragmentation effect, such as aircraft bombs, artillery shells, mortars, missile and rocket warheads, grenades or improvised explosive devices (IEDs)<sup>(1)</sup>. These weapons kill and injure people, damage buildings as well as other infrastructure in the area where they explode.

The use of explosive weapons is particularly devastating for civilian population in a populated area when they have “**a wide area effect**”: because they have a large destructive radius, i.e. large fragmentation or blast range (ex. large bombs, high-powered missiles); because they spread multiple munitions over a wide area (ex. multiple-launch rocket systems); or because of the lack of precision of their launcher system (ex. unguided indirect fire weapons, including artillery and mortars).

## A heavy toll on civilians



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The use of explosive weapons in populated areas, in particular those with a wide area effect, constitutes a serious threat for the civilian population, both in the short and the long term.

**Direct impact on people** - Explosive weapons often cause deadly or life changing injuries. According to a study conducted by Humanity & Inclusion on Syrian refugees and internally displaced persons in Syria and neighbouring countries in 2016<sup>(3)</sup>, 53% of the Syrians with new injuries resulting from the crisis have been injured by explosive weapons, of which:

- 47% suffered from fractures or complex fractures,
- 15% had undergone an amputation,
- 10% suffered from peripheral nerve damage
- 5% suffered from spinal cord injuries.

Additionally, bombardments can also cause strong psychological and psycho-social impact. Furthermore the use of explosive weapons in populated areas often forces the population to flee affected areas, exposing them to even more risks during times of conflict.

**Reverberating effects on civilian infrastructures** -The use of explosive weapons in populated areas causes the destruction not only of people’s homes but also of essential infrastructure: hospitals, schools, water and sanitation systems, power plants, etc. In 2019, across Yemen, only 51% of health facilities were functioning<sup>(4)</sup>. In the face of destruction, coupled with a lack of access to basic services, civilians are often forced to leave their home communities for long periods of time. The delivery of humanitarian aid is complicated due to the destruction of roads, rendering them inaccessible and beyond compromising access to basic services, prohibiting access to food. Thus, beyond the people and the areas directly affected by bombing and shelling, this is the whole system of an area or a country which can be affected.

**An obstacle to recovery after the conflict** - Unexploded munitions represent a sustainable danger for the civilian population, often preventing them to returning home after the conflict. After Mosul was retaken in July 2017, 57% of IDPs originally from Ninewa were not planning to return to their area of origin. Among them, 22% cited the presence of victim activated IEDs and explosive remnants of war as the main reason for not planning to return<sup>(5)</sup>. Moreover, the destruction of homes and other infrastructures prevent them to return to a normal life; basic services being inaccessible.

## KEY FACTS <sup>(2)</sup>

Between 2011 and 2018, nearly 309,044 persons were reported dead or injured globally due to the use of explosive weapons.

- 75% of those casualties were civilians.
- When explosive weapons were used in populated areas, more than 90% of the identified victims were civilians.
- Casualties have been identified in 119 different countries and territories. The most affected ones are Syria (67.263 civilian victims), Iraq (55.444), Afghanistan (20.309), Pakistan (19.308) and Yemen (14.617).

# An international political declaration to protect civilians

International humanitarian law (IHL) sets out legal standards of behaviour for parties to armed conflict which must be applied even in the most desperate circumstances. Under IHL, direct attacks on civilians and civilian objects are prohibited, indiscriminate and disproportionate attacks are prohibited, and parties to an armed conflict are required to take feasible precautions in attack in order to avoid, and in any event, minimize civilian harm.

There are, however, limitations to the extent to which IHL can provide sufficient protection to civilians from the use of explosive weapons in populated areas. IHL guides states towards preventing direct death and injury to civilians in specific attacks, but it does not address the long-term and indirect effects that the use of explosive weapons in populated areas has on the civilian population. Moreover, considering the significant likelihood that the effects of explosive weapons will extend beyond or occur outside the specific military target, their use often contradicts IHL which requires attacking parties to take feasible precautions to prevent significant civilian harm. Therefore States must adopt policies and specify the rules regarding the use of these weapons in populated areas, with the sole objective to respect their commitments to protect civilians.

Humanity & Inclusion believes that avoiding the use of wide area explosive weapons in populated areas is the most practical policy approach for reducing harm, and also for reducing the impact of weapons with indiscriminate effects. In this light, Humanity & Inclusion supports the global work and the official diplomatic process launched in October 2019 towards the development of a political declaration that will promote actions to reduce humanitarian consequences from the use of explosive weapons in populated areas, and increase the protection of civilians living through conflict.

## The international community is widely mobilized

- **112 States and territories, 6 state groupings, the UN Secretary- General together with several UN agencies, the International Committee of the Red Cross (ICRC) and the European Union** officially acknowledged the humanitarian consequences caused by explosive weapons in populated areas<sup>(6)</sup>.
- In 2017, 19 African countries and one year later 23 American and Caribbean States endorsed respectively the **Maputo communiqué and the Santiago communiqué** which both support the need for an international political declaration and call for a strong commitment to “avoid the use of explosive weapons with wide area effects in populated areas”.
- The international negotiation process was officially launched in October 2019 in Vienna and welcomed by **83 States who declared to be willing to work and negotiate a political declaration**. Afterwards, Ireland organized two rounds of informal consultations and will convene other ones in 2021 aiming to eventually witness the signature of the political declaration in 2021.
- The International Network on Explosive Weapons (INEW), co-founded by Humanity & Inclusion in 2011, gathers 43 international NGOs calling for concrete actions to prevent the human suffering caused by the use of explosive weapons in populated areas.

– Peter Maurer, ICRC President & Antonio Guterres, UN Secretary-General (2019):

“Alarmed at the devastating humanitarian consequences of urban warfare”, they jointly appealed to “States and all parties to armed conflicts to avoid the use of explosive weapons with a wide impact area in populated areas. (...) Parties to conflict must recognize that using explosive weapons with wide area effects in cities, towns, and refugee camps places civilians at high risk of indiscriminate harm”.

– Ban Ki-Moon, Former United Nations Secretary-General (2016):

"That carnage of innocent people must not continue...We must all work to achieve solid political commitments to refrain from using explosive weapons in populated areas, in accordance with international humanitarian law, which is now so often neglected".

## Recommendations

Humanity & Inclusion calls States to:

- **Endorse the UN Secretary-General's and ICRC's recommendation that states should avoid the use of explosive weapons with wide area effects in populated areas.**
- **Support the development of the international political declaration to reduce harm from the use of explosive weapons by avoiding the use of explosive weapons with wide areas effects in populated areas, and by providing a framework for assistance to victims of explosive weapons.**
- **Acknowledge the direct effects of explosive weapons use, as well as the indirect and reverberating effects, which cause severe harm to individuals and communities and devastate the economic, health and social dimensions of a society.**
- **Ensure principled rapid and unimpeded humanitarian access, guarantee the rights of people critically injured, survivors, families and communities affected by EWIPA, and ensure they receive adequate assistance based on their priorities.**
- **Share military policies and practices in order to better protect civilians, as well as collect and share data disaggregated by sex, age and disability.**

## Further reading

INEW, "Explosive Weapons and the Protection of Civilians", January 2015 | Human Rights Watch, "Deadly Cargo: Explosive weapons in populated areas", January 2015 | ICRC, "Report of the Experts Meeting: Use of Explosive Weapons in Populated Areas, Consideration of the issue from a humanitarian, legal, technical and military perspective", February 2015 | OCHA, "Compilation of military policy and practice: reducing the humanitarian impact of the use of explosive weapons in populated areas", August 2017 | PAX and Airwars, "Seeing through the rubble. The civilian impact of the use of explosive weapons in the fight against ISIS", 2020 | Humanity & Inclusion, "The Waiting List. Addressing the immediate and long-term needs of victims of explosive weapons in Syria", September 2019, "Death sentence to Civilians: the long-term impact of explosive weapons in populated areas in Yemen", May 2020.

References <sup>(6)</sup> List from INEW's webpage: <http://www.inew.org/political-response/>