

Danish Refugee Council (DRC) Statement and Text Commentary on Draft Political Declaration on Strengthening the Protection of Civilians from the Humanitarian Consequences arising from the use of Explosive Weapons in Populated Areas

As a member of the International Network on Explosive Weapons (INEW), the Danish Refugee Council (DRC) fully supports the commentary submitted by INEW.

Firstly, we want to express our deepest appreciation for the efforts made by the Government of Ireland to foster the development and the adoption of a political declaration aimed at strengthening the protection of civilians from the use of explosive weapons in populated areas.

While currently operating in over 15 countries affected by conflict, DRC has evidenced the extreme impact EWIPA has on human suffering, ranging from high levels of casualties, the destruction of lifesaving and other essential civilian infrastructure, to the longer-term physical and psychological impact on entire neighborhoods contaminated with unexploded ordnance.

As an organization whose mandate focuses on refugee and IDP rights, we cannot refrain from highlighting how the use of EWIPA forces people to flee, impedes their safe return. The use of EWIPA contributes to protracted displacement, hinders spontaneous recovery amongst affected populations - including host and receiving communities - and can allow for renewed displacement.

This is the reason why, regarding input to the Political Declaration, and in addition to the INEW commentary, we deem there should be more emphasis on the displacement caused **during**, and **following**, the use of EWIPA, as well as the connected challenges that ensue.

Therefore, we would like to see reference made in the text to the specific challenges faced by internally displaced populations and refugees as a consequence of EWIPA, including the social, economic, legal, physical, and psychological impact alongside the risks attributed to displacement.

It is with this in mind, that we would like to make the following suggestion on art. 1.4 in REV 2 version of the Political Declaration:

****Please note, the highlighted terms and phrases in red should be considered additions to the existing text while 'strikethroughs' are proposals to remove text.**

Section 1, Article 1.4:

"These effects often **have severe consequences for public health and livelihoods, and further contribute** to the displacement of people within and across borders and ~~have a severe impact on progress towards the Sustainable Development Goals~~. Following the conduct of hostilities, ~~unexploded~~ explosive ordnance **causes casualties during hostilities** and impedes the return of displaced persons ~~and causes casualties~~ long after hostilities have ended. **Social, economic, legal, physical, and psychological challenges and risks attributed to displacement deserve to be fully taken into account, as these long-term impacts hinder progress towards recovery and have a negative impact on development, and achievement of the Sustainable Development Goals.**"

Following from this, please allow us to move to commentary regarding Section 3 of the REV 2 Political Declaration.

Section 3 is certainly the most relevant for these negotiations and we urge all states to support an unequivocal commitment that would lead to a real mind shift, stronger policies and practices and ultimately strengthen protection of civilians.

Most states, if not all, in this room have the technology, doctrine and ability to avoid the use of explosive weapons in populated areas. The cost of such commitment would be effectively nil.

Not committing to **avoid** the use of EWIPA would be a missed opportunity to show leadership and courage in the protection of civilians.

The Danish Refugee Council (DRC) fully supports the INEW commentary and urges all states gathered to adopt a commitment to **avoid** the use of explosive weapons with wide area effects in populated areas, which would, in itself, provide the greatest protection to civilians from harm.

Such commitment is crucial considering the harm caused to civilians and the *reverberating effects* of EWIPA that often stem from damage and destruction to infrastructure and civilian life - this commentary is neither new nor debatable. On the contrary, it instead urges parties to take action.

With this, we have one small additional comment therefore to make in art. 3.3, outlined below.

Section 3, Article 3.3:

~~“Ensure that our armed forces [A]dopt and implement a range of policies and practices to avoid civilian harm, including by restricting or refraining from~~ **avoiding** the use of explosive weapons **with wide area effects in populated areas**, that is when the effects may be expected to extend beyond or occur outside of a the military objective, and undertaking prior assessment of the area effects of weapons and the operational context, including both the generic urban environment and the specific context of use ~~in accordance with International Humanitarian Law.~~

Finally, allow us to move to comments regarding Section 4 of REV 2 of the Political Declaration.

As an organization committed to tackling systemic inequality and structural discrimination against conflict and displacement-affected persons, we deem it imperative that Section 4 include clear commitments to ensure people and communities affected by conflict and displacement are able to seek safety and claim basic rights as well as pursue self-reliance.

We welcome the additions made to art 4.2, which includes the need for data collection, and public dissemination however, would like to see this article remove the caveat of ‘*where feasible and appropriate*’ and to be expanded to specify the types, numbers and locations of EWIPA used, in order to allow for effective and unhindered humanitarian response.

We therefore would like to propose the additional wording of art 4.2 to include:

Section 4, Article 4.2:

Collect and, ~~where feasible and appropriate~~, share and make publicly available disaggregated data, on the direct and reverberating effects on civilians **and civilian objects** of military operations involving the use of explosive weapons in populated

areas. **This includes the recording of the location of areas targeted using explosive weapons, including the appropriate number of explosive weapons used, and the general location of known and probable unexploded ordnance.**

We similarly welcome the significant improvement of art 4.4. which now clearly states the commitment to provide, facilitate and support assistance to people critically injured, survivors and affected communities. However, we see an opportunity to further strengthen this article by clarifying the breadth of victim assistance.

We therefore suggest adding the following wording to the current text of art 4.4:

Section 4, Article 4.4:

Provide, facilitate and support assistance to **victims** – people critically injured, survivors, families of people killed and/or injured – and communities affected by armed conflict in a holistic, integrated, gender-sensitive and non-discriminatory manner, taking account of the rights of persons with disabilities, and supporting post-conflict recovery and durable solutions. **Victim assistance includes ensuring basic needs are met, and safe and timely access to the provision of emergency medical care, physical rehabilitation, psychosocial support and socio-economic inclusion, as well as support towards the full realization of the rights and full participation of victims in societies.**

In this section, it will be equally important to add a clear commitment towards ensuring rapid, unhindered, and principled humanitarian access to those, and for those, affected by the conflict to enable the protection of the rights and meet the needs of the civilian population regardless of their gender, age, ability, place of residence, ethnicity, and nationality without discrimination.

This means supporting efforts to ensure timely, safe humanitarian corridors; commence, sustain, and enhance the provision of humanitarian aid and protection services as well as the establishment of operational mechanisms to support humanitarian actors through supply lines and capacity building and a lift in the administrative impediments.

Therefore, we join our INEW colleagues and urge you to include a strengthened provision on supporting humanitarian relief and access, with the proposal that article 4.4 be expanded to include:

Section 4, Article 4.4 bis:

Provide and facilitate safe, rapid and unimpeded access for principled humanitarian relief in line with international norms and standards for providing principled and inclusive humanitarian assistance.

With these additional statements on wording, we thank Ireland in their continued commitment in supporting the development of a strong and effective political declaration. DRC hopes that with this, the outcome of this effort will strengthen the protection of civilians in, and because of, conflict.

For the purposes of ease, we are including below a condensed version of the proposed changes to the text from the Danish Refugee Council (DRC) as an Annex.

Annex 1 – Condensed commentary on text revisions

Section 1, Article 1.4:

These effects often **have severe consequences for public health and livelihoods, and further contribute** to the displacement of people within and across borders and ~~have a severe impact on progress towards the Sustainable Development Goals~~. Following the conduct of hostilities, ~~unexploded explosive ordnance~~ **causes casualties during hostilities** and impedes the return of displaced persons and ~~causes casualties~~ long after hostilities have ended. **Social, economic, legal, physical, and psychological challenges and risks attributed to displacement deserve to be fully taken into account, as these long-term impacts hinder progress towards recovery and have a negative impact on development, and achievement of the Sustainable Development Goals.**

Section 3, Article 3.3:

~~Ensure that our armed forces [A]dopt and implement a range of policies and practices to avoid civilian harm, including by restricting or refraining from~~ **avoiding** the use of explosive weapons **with wide area effects in populated areas**, that is when the effects may be expected to extend beyond or occur outside of a the military objective, and undertaking prior assessment of the area effects of weapons and the operational context, including both the generic urban environment and the specific context of use ~~in accordance with International Humanitarian Law~~.

Section 4, Article 4.2:

Collect and, ~~where feasible and appropriate~~, share and make publicly available disaggregated data, on the direct and reverberating effects on civilians **and civilian objects** of military operations involving the use of explosive weapons in populated areas. **This includes the recording of the location of areas targeted using explosive weapons, including the appropriate number of explosive weapons used, and the general location of known and probable unexploded ordnance.**

Section 4, Article 4.4:

Provide, facilitate and support assistance to **victims** – people critically injured, survivors, families of people killed and/or injured – and communities affected by armed conflict in a holistic, integrated, gender-sensitive and non-discriminatory manner, taking account of the rights of persons with disabilities, and supporting post-conflict recovery and durable solutions. **Victim assistance includes ensuring basic needs are met, and safe and timely access to the provision of emergency medical care, physical rehabilitation, psychosocial support and socio-economic inclusion, as well as support towards the full realization of the rights and full participation of victims in societies.**

Section 4, Article 4.4 bis:

Provide and facilitate safe, rapid and unimpeded access for principled humanitarian relief in line with international norms and standards for providing principled and inclusive humanitarian assistance.