



REPÚBLICA DE PANAMÁ
MISIÓN PERMANENTE DE PANAMÁ ANTE LAS NACIONES UNIDAS Y OTROS ORGANISMOS
INTERNACIONALES CON SEDE EN GINEBRA

**Panama's proposals on the revised version of the Draft Political Declaration on EWIPA
(REV 1 – 29 January 2021)**

Title: Draft Political Declaration on Strengthening the Protection of Civilians from the Humanitarian Consequences ~~that can arise~~ing 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 increased. The causes ~~can~~ involve a range of factors, including the 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, lifelong disabilities, psychological trauma and psychological harm, social exclusion, economic loss, and displacement of people within and across borders. Beyond these direct effects, civilian populations ~~can~~ are 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 hospitals, energy networks, water and sanitation systems, the provision of essential services such as healthcare is 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 area.

1.3. The destruction of housing, schools, ~~and~~ cultural heritage sites, communications and transport infrastructure further aggravates civilian suffering, and the ~~natural~~ environment ~~can~~ is 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. The explosive remnants of war impede the voluntary, safe, dignified and sustainable return of displaced persons and cause casualties during the conflict and long after hostilities have ended.

1.4 Together, ~~these~~ direct, indirect and reverberating effects of the use of explosive weapons in populated areas 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

Commented [GR1]: In addition, we support the following proposals made during the consultations:
- Uruguay suggestion on paragraph 1.2 to add vulnerable groups.
- UNODA+OCHA+UNICEF addition in paragraph 1.7 related to the importance of civilian casualty tracking mechanisms, and in paragraph 1.8 to refer to the joint appeal by the United Nations Secretary-General and the President of the ICRC.
- Proposals of the Conflict and Environment Observatory (CEOBS) to include “environment” in paragraphs 1.6 and 1.8.

Commented [GR2]: We prefer a general reference to essential services, but we could support the inclusion of healthcare, education and food security.

Commented [GR3]: Reference to psychological harm should be moved in paragraph 1.2.

Commented [GR4]: It would be better to split this paragraph. Reference to displacement of people within and across borders should be placed in paragraph 1.2, and the question of ERW could be added in paragraph 1.3 with a different formulation.

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 Violations of International Humanitarian Law by parties to an armed conflict, including by non-State armed groups, such as the exploitation of 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 include a detailed understanding of the effects of explosive weapons on a military target and its surrounding areas and the associated risk to civilians in populated 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 tracking and recording civilian casualties, and the use of all practicable measures to ensure appropriate data collection, including, ~~where possible,~~ data disaggregated by sex, ~~and~~ age ~~and~~ disability, ~~as well as data collection on the use of explosive weapons, including types, quantities and location. Where possible and appropriate,~~ This data should be shared and made publicly available. The data on civilian casualties ~~can help should~~ inform policies designed to prevent and 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 the use of explosive weapons with wide area effects arising from the conduct of hostilities, including in urban warfare.~~

~~1.8(bis) 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 gendered impacts of the use of explosive weapons in populated areas.~~

~~1.8(ter) We stress the imperative of addressing the short and long-term humanitarian consequences arising from the use of explosive weapons in populated areas.~~

Section 2

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

2.2 Existing International Humanitarian Law provides the framework to regulate the conduct of armed conflict, and is applicable to the use of explosive weapons ~~with wide area effects~~ in all operating environments, and to all parties to an armed conflict, including both State and

Commented [GR5]: This paragraph could be moved to section 2.

Commented [GR6]: This paragraph could be moved to section 2.

Commented [GR7]: We are flexible regarding the possibility to include factors such as race and ethnicity.

Commented [GR8]: It would be better to split this paragraph in three parts.

Commented [GR9]: The words “potential” and “with wide area effects” should be deleted.

Commented [GR10]: Last sentence of paragraph 1.8 reformulated.

Commented [GR11]: In addition, we support the following proposals made during the consultations:
- Chile+Mexico suggestion to include reference of the Maputo and Santiago Communiqués.
- Uruguay’s proposed paragraph on Safe School Declaration.
- New paragraph 2.4bis proposed by UNODA+OCHA+UNICEF.
- Proposals of the Conflict and Environment Observatory (CEOBS) to include “environment” in paragraph 2.2 and chapeau of part B.

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 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 precautions in attack and against the effects of attack. We also recall the obligation under International Humanitarian Law to provide civilians with general protection against dangers arising from military operations.

2.4 We ~~commend~~welcome the work of ~~the~~ United Nations ~~Secretary-General~~Security Council to strengthen the protection of civilians during armed conflict and to strengthen compliance with International Humanitarian Law, and emphasize the importance of ~~recall to that end~~ UNSC Resolutions on the protection of civilians in armed conflicts, including Resolution 1265 (1999), 1894 (2009) and 2417 (2018), as well as UNSC Resolution 1325 (2000) on Women, Peace and Security and relevant UNSC Resolutions on Children and Armed Conflict.

Part B: Operative Section

Committed to strengthening the protection of civilians and civilian objects during and after armed conflict, ~~strengthening~~improving compliance with ~~applicable~~ International Humanitarian Law, and addressing the civilian harm ~~that can arise~~ing from the use of explosive weapons ~~with wide area effects~~ in populated areas, we will:

Section 3

3.0 Ensure that our armed forces adopt and implement policies and practices to mitigate civilian harm by avoiding the use of explosive weapons with wide area effects in populated areas.

3.1 Review, develop, implement, and, ~~where necessary~~, improve national policy and practice with ~~the aim regard to~~ maximize the protection of civilians and civilian objects during and after armed conflict, including from the use of explosive weapons in populated areas.

3.2 Ensure comprehensive training of our armed forces on ~~this Declaration~~International Humanitarian Law, and on the measures and good practices to be applied during and after the conduct of hostilities in populated areas to protect civilians and civilian objects from the use of explosive weapons, in conformity with International Humanitarian Law.

~~3.3 Ensure that our armed forces adopt and implement a range of policies and practices to 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 our armed forces take ~~into account~~ steps to mitigate the direct, indirect and reverberating effects on civilians and civilian objects ~~which can reasonably be foreseen~~ in the planning of military operations and the conduct of hostilities~~execution of attacks~~ 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

Commented [GR12]: In addition, we support the following proposals made during the consultations:
- Proposals of the Conflict and Environment Observatory (CEOBS) to include "environment" in paragraphs 3.2 and 3.4.

Commented [GR13]: Paragraph 3.3 modified.

Commented [GR14]: This commitment should be at the top of this section.

applicable international law, as well as the adoption of risk education measures in this context.

3.5(bis) Maintain the highest possible standards on the exports of conventional weapons and ensure full compliance with the provisions of existing international and regional instruments on the risk assessments and other measures to prevent and address diversion of arms.

3.6 Facilitate the dissemination and understanding of this Declaration ~~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-interested 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 against the use of explosive weapons in populated areas.~~

4.2 Collect and, ~~where possible and appropriate,~~ share and make publicly available disaggregated data, on the direct, indirect and reverberating effects on civilians and civilian objects of our military operations involving the use of explosive weapons ~~with wide area effects in populated areas, including by sex, age and disability, as well as data collection on the use of explosive weapons, including types, quantities and location.~~

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 in populated areas with wide area effects, as appropriate.

4.4 ~~Make every effort~~ Do our utmost to provide gender-and-age-sensitive assistance to victims, their families and communities affected by armed conflict including medical care, physical rehabilitation, psychological support, social and economic inclusion, in a holistic, integrated and non-discriminatory manner, taking account of the rights of persons with disabilities, as well as support towards the full enjoyment of their rights and full, equal and meaningful participation in the societies. Victims refer to the persons injured, survivors, family members of those killed and/or injured, and affected communities supporting post-conflict stabilisation.

4.4(bis) Support post-conflict recovery and durable solutions in consultation with affected communities.

4.4(ter) Provide and facilitate rapid and unimpeded access for humanitarian relief to all persons in need.

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 and reverberating humanitarian impact ~~that can arise~~ ing from the use of explosive weapons ~~with wide area effects~~ in populated areas.

4.6 Meet ~~biannually on a regular basis with the United Nations agencies, the ICRC and other international organizations, civil society organizations and other interested stakeholders, including non-signatory States,~~ to review the implementation and universalization 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 the use of explosive weapons ~~with wide area effects~~ in populated areas, in conformity with International Humanitarian Law. ~~As a starting point, a working group of interested States could agree a baseline compilation of good~~

Commented [GR15]: In addition, we support the following proposals made during the consultations:
- Finland suggestion to take into account all vulnerable groups in the victim assistance provision.
- New paragraphs (4.2bis and 4.3ter) proposed by Switzerland.
- ICRC suggestions on paragraphs 4.1, 4.3 and 4.5.
- INEW's proposal in paragraph 4.2 on casualty recording standards and on the targeted areas, quantity, type and nature of the EW used and location.
- Proposals of the Conflict and Environment Observatory (CEOBS) to include "environment" in paragraphs 4.2, 4.3, 4.5 and 4.6, as well as the new paragraph on assessment and environmentally sound management of conflict debris.

Commented [GR16]: As in paragraph 1.7, we are flexible regarding the possibility to include factors such as race and ethnicity.

Commented [GR17]: This paragraph could be re-inserted in this section or in section 2 as suggested by Switzerland and other countries.

~~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 and implementation by the greatest possible number of States.

ENDS