



Protecting Civilians in Urban Warfare

Towards a Political Declaration to Address the Humanitarian Harm Arising from the use of Explosive Weapons in Populated Areas

Informal Consultations

Geneva, 18 November 2019

Mister Chair,

We would like to thank Ireland for taking the lead on the issue of protecting civilians in urban warfare and for hosting these informal consultations.

Hostilities are increasingly conducted in urban areas, which poses particular challenges with regard to the implementation of International Humanitarian Law (IHL), including the protection of civilians.

A political declaration can be one instrument addressing these challenges. It should not be an aim in itself, but highlight key considerations on how to better protect civilians during urban warfare and start a process of open discussions. It should focus on the implementation of existing IHL, adopt a holistic approach avoiding focusing solely on the use of explosive ordnance and not imply that any use of such systems is contrary to IHL.

In this regard, we believe that a number of considerations should be taken into account in drafting such a document.

Firstly, a political declaration should clearly frame the issue that we are seeking to address. Obviously, it should underline our humanitarian concern and spell out the different aspects of the humanitarian impact of urban warfare on civilians.

A political declaration should also identify the causes for this dire humanitarian impact. In doing so, it would be necessary to adopt a comprehensive approach. It should consider the different challenges generally posed by the conduct of hostilities in concentrations of civilians and of civilian objects, including those posed by the fact that military objectives and civilians intermingle in urban areas and that choosing to conduct hostilities outside of these settings is often not possible. Such a holistic approach would also look at considerations related to precautions writ large as well as at elements related to the chain of command, targeting procedures, rules of engagement and training.

Secondly, underlining the centrality of respecting and ensuring respect for existing IHL should be front and center of our considerations concerning urban warfare and the protection of civilians. One of the challenges to be addressed in the declaration will

certainly be how principles on the conduct of hostilities enshrined in IHL are applied so as to effectively protect civilians in urban battlefields as required by IHL.

Thirdly and finally, a political declaration should identify commitments, steps to be taken and possible practical measures. The political declaration could:

- underline the importance of adequate military chain of command and targeting procedures, of battlefield awareness, directives, Rules of Engagement as well as of manuals and of appropriate training;
- emphasise the obligation of taking all feasible precautions, the importance of proportionality assessments and collateral damage estimations, as well as the value of conducting battle damage assessments;
- underline the duty to investigate nationally and point to ways to strengthen the establishment of facts in cases of allegations of violations of IHL and to ensure accountability;
- encourage the identification and sharing of good practices and practical measures on the issues mentioned above as well as, where necessary and as appropriate, the adaptation of national practices and policies to the challenges related to protecting civilians when conducting hostilities in urban battlefields;
- and lastly, set up a follow-up process whereby signatory States can meet to operationalise the call for exchanging and identifying good practices.

Mister Chair,

To conclude, we would like to underline that to contribute to the protection of civilians the declaration should enjoy a broad support, including of those States that have relevant military operational experience.

Thank you!