

1 May 2020

## COMMENTS ON THE DRAFT POLITICAL DECLARATION ON THE USE OF EXPLOSIVE WEAPONS IN POPULATED AREAS

Amnesty International commends Ireland's commitment and leadership in the process which has resulted in the "Draft Political Declaration on Strengthening the Protection of Civilians from Humanitarian Harm arising from the use of Explosive Weapons in Populated Areas" (hereafter the Draft Political Declaration), circulated on 17 March 2020. The organisation believes that the Draft Political Declaration should be amended to ensure effective protection of civilians from the use of explosive weapons with wide area effects in populated areas. Notably it should:

**Commit to avoiding** (rather than "restricting", 3.3) **the use of explosive weapons** with wide area effects in **populated areas**, as required by States' **obligations under international humanitarian law** provisions, including the duty to take feasible precautions to minimize harm to civilian and civilian object, and the prohibitions on disproportionate and indiscriminate attacks.

- **Commit** (rather than "make effort" 1.6) **to tracking and recording** civilians casualties and destruction of/damage to civilian property and infrastructure, which is crucial to **enable reparation, avoid repetition, and ensure accountability** for violations of international humanitarian and human rights law.

- **Commit to transparent and detailed reporting** about civilian casualties and the assistance provided to victims

- **Commit to transparent reporting** of strikes carried out and weapon systems used in populated areas, where the risk to civilians is greater

- **Commit to ensuring that the forces** engaged in hostilities in and around populated area have the **necessary training, means and equipment** to ensure that their military operations minimize the risk to civilians and civilian objects, in compliance with international humanitarian law, including for example, **the availability of appropriate, alternative munitions** to explosive weapons with wide area effects.

- **Replace** "urban areas" with "**populated areas**" throughout the text (as urban areas can be depopulated while rural areas can be very crowded with civilians, including civilians displaced by conflict).

- Explicitly **recognize** that the use of explosive weapons with wide area effects in populated areas **causes harm to civilians** (instead of "can cause" harm). Language should be amended throughout the text, as such harm has been well documented. (For example, in 1.5: The inherent difficulty in directing and limiting the effects of explosive weapons with wide area effects to specific military objectives located in populated areas **increases** the likelihood of civilian harm. In 1.2: Explosive weapons with wide area effects **often** have a devastating impact on civilians and civilian objects in populated areas).

- Include **detailed description of the direct immediate and long-term impact and reverberating effects** of these weapons on civilians (civilians often killed and gravely injured far beyond the point of impact; loss of livelihood for entire families; trauma; large number of civilians deprived of essential services (health, water, electricity, sanitation etc) as a result of destruction of/damage to infrastructure).

- **Recognize that the use of these weapons causes large scale displacement** of civilians within and across borders.

- Include **definition** of explosive weapons with wide area effect (weapons which cause damage far beyond the target due to the large blast and fragmentation range of the munitions used or to the inaccuracy of the delivery system).

- **Remove** "Humanitarian Harm arising" from the **title** of the Draft Political Declaration.

-----