



Norwegian People's Aid (NPA)

Comments to EWIPA Political Declaration Elements Paper, February 2020

NPA welcomes the efforts made to improve protection of civilians from the consequences of the use of explosive weapons. This should remain the aim of the political declaration, and ultimately be its outcome. The political declaration must be formulated in a way that adds value. That is, improves protection of civilians.

The elements Paper should therefore be strengthened on the issues of **wide area effects** and **reverberating effects**. A clear policy commitment against the use of explosive weapons with wide area effects in populated areas is needed in order to strengthen the protection of civilians in armed conflict. Such a commitment would:

- 1) add normative value to the declaration and avoid that it merely recites existing law,
- 2) simplify compliance with IHL,
- 3) be effective in pursuing the goal of better civilian protection.

Furthermore, the *impact* of the use of EWIPA must be better taken into account, and addressed. The intentionality of an attack is less interesting if the point is minimizing negative impact on civilians. A stronger commitment to assisting civilians living in areas at risk of the use of EWIPA and a clear commitment to supporting humanitarian aid and protection programming are also needed.

As a humanitarian mine action organization, NPA would also note that risk education/risk reduction measures are not mentioned, whereas the ERW contamination aspect is. Helping civilians to protect themselves and avoid harm/hazards could be an effective way to improve civilian protection. This is assuming that, unfortunately, not all use of EWIPA will stop immediately, and the consequences of existing contamination will remain a threat for a long time.

As written, the statement seems to cover only situations in which IHL definitely applies. Determining this can in itself be a tricky legal exercise. The correlation between the wide area effects of some explosive weapons and the risk of civilian harm will be the same in situations where IHL does not necessarily apply, as to where it undoubtedly does. It is this specific correlation that must be addressed through a policy commitment to avoid such use.

NPA recommends specific commitments to implementation of the declaration, that are time-bound and concrete. We look forward to contributing to monitoring the implementation of the



declaration, and do our best contribute to the protection of civilians through our work on the ground.

Specific comments:

1.3: To better capture the complexity of the use of EWIPA we would like to see an acknowledgement of the general humanitarian harm (not just displacement). We would therefore like to propose the following text:

“We also note that the use of explosive weapons results in contamination by explosive remnants of war. This has immediate and long-term humanitarian impact, for example by impeding the return of displaced persons and causing casualties long after hostilities have ended.”

1.6: In line with WILPF’s submission, NPA would like to highlight that there is always a gendered impact of the use of explosive weapons with wide area effects in populated areas, and this impact must not only be better *understood/researched*, but also *addressed*. A *call* for both those actions would be welcomed.

Section 4: The Elements Paper, section 4, includes a commitment to assist victims - which is welcomed. However, we reiterate INEW and HI in saying that this commitment should be strengthened. Further to victim assistance, all effort to help *prevent* harm to people living in conflict zones must also be undertaken.

4.5: In this point, a clearer reference to preventing harm should be incorporated. Suggested text: “Support the United Nations, the ICRC, other international organisations as well as civil society organisations in addressing the direct and indirect humanitarian impact of the use of explosive weapons with wide area effects in populated areas. **Including efforts to prevent and reduce harm to civilians through engaging with communities and promoting safer behavior.**”

Conclusion:

In the political declaration and beyond, we encourage a clear commitment from states to support humanitarian programming in support of civilians living in conflict affected environments.

We hope states express a clear *policy commitment* against the use of explosive weapons with wide area effects in populated areas, as well as acknowledge the humanitarian impact of such use.