

Panama's proposals to the Draft Political Declaration on Strengthening the Protection of Civilians from Humanitarian Harm arising from the use of Explosive Weapons in Populated Areas

Title: Draft Political Declaration on Strengthening the Protection of Civilians from Humanitarian Consequences Harm arising from the use of Explosive Weapons in Populated Areas.

Part A: Preamble

Section 1

1.1 ~~As contemporary Armed~~ conflicts have become more protracted, complex and urbanised, The use of explosive weapons in populated areas has resulted in an overwhelming number the proportion of civilian casualties, disruption of essential services, deprivation of civilian's livelihoods and environmental harm, which pose complex challenges for the protection of civilians is increasing. The causes involve a range of factors, including the use of explosive weapons 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. Beyond the direct effects of the weapon's impact area, including immediate deaths and injuries, lifelong disabilities, psychological trauma and psychosocial harm, social exclusion, economic loss, displacement of people within and across borders, the use of such weapons also exposes civilian populations ~~can be exposed~~ to severe and long-lasting reverberating effects. These occur in particular when critical civilian infrastructure enabling the provision of essential services for their survival, such as hospitals, energy networks, water and sanitation systems, is damaged or destroyed, ~~such as hospitals, energy networks, and water and sanitation systems. Also, the destruction of housing, schools, and cultural heritage sites, transport infrastructure, as well as the environmental degradation resulting from the use of explosive weapons in populated area cause harm and further aggravates civilian suffering. Urban warfare can also result in psychological and psychosocial harm to civilians.~~

1.3 The use of explosive weapons endangers the natural environment as a result of the contamination by explosive remnants of war, including hazardous chemicals, heavy metals and fuel hydrocarbons, which pose a threat to civilian lives, impede the return of displaced persons and cause long-term harm to human health long after the hostilities have ended. These effects can have a negative impact on progress towards the Sustainable Development Goals and can result in the displacement of people within and across borders. Following urban armed conflict, explosive remnants of war can impede the return of displaced persons and cause casualties long after hostilities have ended.

1.3(bis) All these direct, indirect and reverberating impacts of the use of explosive weapons in populated areas, as well as their long-term effects hinder the progress and the achievement of the Sustainable Development Goals.

1.4 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 violations of International Humanitarian Law, including by non-State armed groups, all exacerbate all these challenges and are of grave concern.

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 can increase the likelihood of civilian harm.~~ While many militaries implement good operational policies and practices designed to protect civilians, the inherent difficulty in directing and limiting the effects of explosive weapons in wide area effects to specific military objectives located in populated areas increases the likelihood of civilian harm due to the large scale blast and fragmentation range, as well as the inaccuracy of the delivery system. This underscores the need there is scope for practical improvements that aim to in the universal implementation of, and compliance with, International Humanitarian Law, including by avoiding the use of explosive weapons with wide area effects in populated areas, and in such good practices. Broadening and strengthening initiatives designed to share military policies and good practices on protecting civilians can support the promotion and better implementation of International Humanitarian Law.

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

1.6 We recognise the importance of ~~efforts to tracking and recording~~ efforts to tracking and recording civilian casualties, and ~~the use of all practical measures~~ and reliable data collection and data sharing, including, ~~where possible,~~ data disaggregated by sex, ~~and~~ age and disability, as well as the type of weapons used, their effects and location. The collection of data on civilian casualties ~~can~~ informs policies designed to prevent, mitigate and response to civilian harm, aid efforts to investigate harm to civilians, establish accountability and enhance lessons learnt processes in armed forces.

1.7 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 in populated areas. ~~We also welcome work to empower and amplify the voices of those affected, including women and girls, and we encourage further research into the potential gendered impacts. We stress the imperative of addressing the short and long-term humanitarian consequences that can result from the conduct of hostilities in urban areas.~~

1.7(bis) We also welcome work to empower, integrate and amplify the voices and the full participation of those affected, including women and girls, and we encourage further research into the gendered impacts of the use of explosive weapons in populated areas.

Section 2

2.1 We recall ~~our the~~ obligations and commitments under applicable international law, particularly International Humanitarian Law and International Human Rights Law, and reaffirm our ~~obligation commitment to support measures~~ to hold accountable those responsible for violations of international law.

2.2 Existing International Humanitarian Law provides the framework to regulate the conduct of armed conflicts, 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. We stress the importance of full compliance with International Humanitarian Law as a means to protect civilians and civilian objects and mitigate civilian harm.

2.3 We recall the obligations on all States and parties to armed conflict to ~~comply with adhere to~~ International Humanitarian Law ~~when conducting hostilities in populated areas~~, including the requirements 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. We also recall the obligation under International Humanitarian Law to provide civilians with general protection against dangers arising from military operations.

2.4 ~~We welcome the work of United Nations Security Council to strengthen the protection of civilians during armed conflict and to strengthen compliance with International Humanitarian Law, and We~~ recall ~~to that end~~ UNSC Resolutions on the protection of civilians in armed conflicts, including Resolution 1265 (1999), 1894 (2009) and 2417 (2018).

2.4(bis) We welcome initiatives designed to foster clarity and enhance the implementation of existing obligations under International Humanitarian Law, in particular with regard to the use of explosive weapons in populated areas

Part B: Operative Section

Section 3

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

3.0 Commit to avoiding the use of explosive weapons with wide area effects in populated areas. We will implement this commitment by ensuring that explosive weapons with wide area effects are not use in populated areas unless sufficient mitigation measures have been taken to limit their area effects and the consequent risk of civilian harm. [Note: This proposal was presented by the ICRC, which we fully support]

3.1 Develop, review, implement, and, ~~where necessary,~~ improve national policy and practice with ~~regard to the protection of civilians during armed conflict in the aim to avoid or, at a minimum, limit the use of explosive weapons in populated urban areas, in order to maximize the protection of civilians.~~

3.2 Ensure comprehensive training of our armed forces on International Humanitarian Law, and on the measures and good practices to be applied during the conduct of hostilities in populated areas to protect civilians and civilian objects, and to comply with existing prohibitions on the use of weapons that are inherently indiscriminate.

~~3.3 Ensure that our armed forces adopt and implement policies and practices to avoid civilian harm by restricting the use of explosive weapons with wide area effects in populated areas whose effects extend beyond the immediate area of a military objective.~~

~~3.4 Ensure that our armed forces make every effort in the planning of military operations and the execution of attacks in populated areas to consider direct, indirect and reverberating effects on civilians and civilian objects which can reasonably be foreseen, and take appropriate mitigation measures to limit the risk of harm to civilians and civilian objects.~~

Alt 3.4: Assess the possible area effects of the explosive weapons, the operational and contextual factors that may influence their use in different circumstances, such as the presence of civilians and foreseeable direct, indirect and reverberating effects, in order to ensure that these factors are reflected in the planning of military operations and in the decision-making process on the use of such weapons, as well as to take appropriate measures to prevent civilian harm.

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

3.5(bis) Takes all the necessary actions to manage effectively the supply of and the demand for explosives weapons, by fully complying with the provisions of existing instruments on the assessment of arms transfer and maintaining the highest possible standards on the exports of conventional weapons.

~~3.6 Enhance the protection of civilians by identifying, developing and exchanging good practices to reduce aggregate risks to civilians during military operations in urban warfare.~~

3.7 Facilitate the dissemination and understanding of International Humanitarian Law by all parties to armed conflict.

Section 4

4.1 Strengthen international cooperation and assistance ~~among armed forces~~ with respect to exchanges of technical information ~~and policies and tactical doctrine~~ in order to develop a community of good practice to enhance the protection of civilians and to promote compliance

with International Humanitarian Law. As a starting point, a working group of interested parties could agree a toolbox of good practice, which could form the basis for structured military-to-military exchanges, workshops, ~~and~~ seminars and other initiatives.

4.2 Collect and ~~, where appropriate,~~ share disaggregated data, on the direct ~~and~~ indirect and reverberating impact on civilians of ~~our~~ military operations involving the use of explosive weapons in ~~urban populated~~ areas, including by sex, age and disability, as well as the type of weapons used, their effects and location.

4.3 Support the United Nations, the ICRC and other organisations, as well as civil society to collect-capturing data on the impact of military operations involving the use of explosive weapons in populated urban areas, ~~, as appropriate, to complement and support the role of States in this area~~.

4.4 ~~Make every effort~~ Do our utmost to provide assistance to victims, ~~families and affected communities 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 participation in the societies and supporting post-conflict stabilisation. Victims refer to the persons injured, survivors, family members of those killed and/or injured and affected communities.

4.4(bis) Support post-conflict stabilization efforts in consultation with affected communities.

4.4(ter) Prevent and remediate the environmental impacts and the infrastructure-related damage caused by the use of the explosive weapons in populated areas.

4.5 Provide and facilitate rapid and unimpeded access for humanitarian relief to all persons in need.

4.6 Support the United Nations, the ICRC, other international organisations and relevant civil society organisations ~~in~~ actions aimed at protecting and assisting civilian populations and addressing the direct ~~and~~ indirect and reverberating humanitarian impact of the use of explosive weapons ~~with wide area effects~~ in populated areas.

4.7 ~~Encourage appropriate e~~Cooperat~~ion~~ with local stakeholders, civil society experts, and humanitarian organisations specialised in this field.

4.8 Meet biannually periodically to review the implementation of this declaration, share lessons learned and identify any relevant additional measures that may need to be taken to improve compliance with ~~existing~~ 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.

4.9 Actively promote this declaration, distribute it to all relevant stakeholders and seek adherence to it by the greatest possible number of States.

ENDS