

RECOMMENDATIONS FOR A POLITICAL DECLARATION ON THE USE OF EXPLOSIVE WEAPONS IN POPULATED AREAS

WOMEN'S INTERNATIONAL LEAGUE FOR PEACE AND FREEDOM
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The Women's International League for Peace and Freedom (WILPF) welcomes the diplomatic process to develop a political declaration on the use of explosive weapons in populated areas (EWIPA) as an important effort to prevent humanitarian suffering and uphold international humanitarian and human rights law.

As member of the International Network on Explosive Weapons, WILPF has consistently advocated for parties to conflict and other actors to acknowledge and address the harm caused by the use of EWIPA; develop strong international standards and undertake commitments to end this practice; gather and share disaggregated data to track the problems associated with use of EWIPA; and provide assistance to victims and survivors of the use of EWIPA.

It is within this context that WILPF urges that a political declaration include a commitment by signatories to **stop the use of explosive weapons with wide area effects in populated areas**. As Human Rights Watch and the International Human Rights Clinic of the Human Rights Program at Harvard Law School point out, such a commitment would have the greatest impact on preventing humanitarian harm.¹ Those signing should also **adopt, implement, review, and share policies and practices for doctrines and rules of engagement consistent with this commitment**.²

The declaration should **recognise the grave humanitarian consequences caused by the use of explosive weapons in populated areas, including direct and reverberating effects**. As suggested by the International Committee of the

Red Cross, it should also recognise that explosive weapons with wide area effects—i.e. due to their high explosive yield, the inaccuracy of their delivery system, and/or their delivery of multiple munitions simultaneously over a large area—must not be used against military objectives located in populated areas.

Signatories should also agree to **develop guidelines on the non-placement of explosive weapons with wide area effects in populated areas**, in order to ensure implementation of the commitment to stop the use of EWIPA. This element could help address concerns regarding state forces and non-state armed groups stationing weapons in populated areas. A political declaration can **reaffirm that parties to conflict shall not locate military objectives within or near populated areas**. As suggested by Austria, the declaration could also **condemn the use of civilians as human shields and other forms of exploitation of the proximity of civilians and civilian objects to military purposes**.³

The declaration should **recall the obligations under international humanitarian law and international human rights law and reaffirm signatories' commitment to uphold these laws** by protecting civilians and civilian infrastructure. In this context, the political declaration should include commitments by signatories to **develop mechanisms to monitor and investigate uses of EWIPA and to hold accountable parties that use EWIPA**, as well as to **prevent and remediate the environmental and infrastructure-related damage caused by the use of EWIPA** in their territories and to provide assistance to other states to this end.



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While the indiscriminate bombing of towns and cities may seem gender-blind, there are serious gendered impacts of the use of EWIPA that are largely unaccounted for when those using explosive weapons are assessing attacks and damage, or when others develop policies to rebuild post-violence.⁴ The declaration should thus **recognise the gendered impact of explosive weapons use in populated areas**, including on the families of those killed or injured and affected communities, and **ensure a response to their short- and long-term needs that is rights-based and protects everyone equally**.

In this context, the declaration should include a **commitment to stronger data collection on the use and impact of explosive weapons, that is age-, sex-, and disability-disaggregated**. The collection of data on conflict-related deaths should also record the **cause of the death** in order to track those from the use of EWIPA as compared to other conflict-related violence. The declaration could envision the establishment of an independent monitoring and investigative mechanism or body and/or support for local non-governmental mechanisms.

The declaration should also commit signatories to **provide assistance to victims of the use of EWIPA in a non-discriminatory manner**, including, as the International Committee of the Red Cross and Humanity & Inclusion suggest, through physical rehabilitation, psychosocial support, and socioeconomic reintegration⁵ as in line with internationally recognised victim assistance standards.⁶ It should also commit signatories to **consult with affected populations, including women and marginalised communities**, on the impacts of use of EWIPA and needs related to victim assistance, environmental remediation, and reconstruction.

Finally, a political declaration on EWIPA should **recognise the connection between arms transfers and the use of EWIPA**.⁷ In this context, it could reaffirm that all states must maintain the highest possible standards on their exports of conventional arms, including by adhering to and implementing fully the Arms Trade Treaty (ATT).⁸ It could also

commit signatories, including those not party to the ATT, to **develop specific guidelines to restrict or stop the transfer of certain types or categories of conventional weapons** to state and non-state actors.

1. *A Commitment to Civilians: Precedent for a Political Declaration on Explosive Weapons in Populated Areas*, Human Rights Watch and International Human Rights Clinic, Human Rights Program at Harvard Law School, November 2019.
2. We urge that the declaration not refer to “best practices” or other phrases suggesting that the use of EWIPA is ever a good or best practice.
3. *Elements for a political declaration on EWIPA*, Government of Austria, November 2019.
4. *Women and Explosive Weapons*, Women’s International League for Peace and Freedom, February 2014; *We Are Still Here: Mosulite Women 500 Days After the Conclusion of the Coalition Military Operation*, Women’s International League for Peace and Freedom, January 2019.
5. *ICRC views on elements for a political declaration to address civilian harm from the use of explosive weapons in populated areas*, International Committee of the Red Cross, November 2019.
6. *The Waiting List*, Humanity & Inclusion, September 2019.
7. *Trading arms, bombing towns: the lethal connection between the international arms trade and the use of explosive weapons in populated areas*, Women’s International League for Peace and Freedom, September 2015.
8. Statement by the High Representative for Disarmament Affairs to the Vienna Conference on “Protecting Civilians in Urban Warfare,” Vienna, Austria, 1 October 2019.

For more information contact Ray Acheson, Director of Disarmament, ray.acheson@wilpf.org