

## **Arab Group Statement**

### **EWIPA political declaration informal consultations**

**3 March 2021**

The Arab Group would like to thank Ireland for the efforts exerted so far in drafting the “Political Declaration to Address the Humanitarian consequences that can arise from the Use of Explosive Weapons with Wide Area Effects in Populated Areas” and for considering the comments and observations provided by member States and other stakeholders throughout the consultations so far.

As our region has suffered significantly from the human costs of wars, the Arab Group is strongly committed to respecting and ensuring respect for the principles of International Humanitarian Law. This includes upholding these principles with respect to the use of all types of explosive weapons.

We would like to emphasize that existing agreed rules and principles of IHL must be applied fully and effectively to protect the civilian population. In this connection, it is the Arab Group’s understanding that the aim of this Political Declaration is to strengthen the protection of civilians through enhancing the effective respect of the existing legal obligations and cannot be considered or interpreted in whole or in part as a basis of establishing new rules, principles, concepts or mechanisms other than those contained in international legal instruments. The Group would like to recall that the use of explosive weapons with wide area effects is already subject to the principles of distinction, proportionality, military necessity, the prohibition of indiscriminate attacks and precautions in attack. It is the use of such weapons in contradiction with the aforementioned principles that renders them unlawful, and not anything inherent in their nature or effects.

The Group would like to note that a number of aspects of the proposed Political Declaration lack clarity, including the very definition of “Explosive Weapons with Wide Area Effects” and the types of weapons falling under this category. Moreover, the draft Political Declaration overlooks operational challenges confronting Arab armed forces,

including the use of human shields by non-State armed groups. We want to stress that any reference made to “Non-state armed groups” in the draft declaration should be strictly confined to IHL and should be without prejudice to the principle of self-determination and to resistance against foreign occupation and aggression. It is beyond the scope of this draft declaration to create new obligations or new customary law beyond the universally agreed principles and rules of IHL.

The Arab Group also stresses that there is no agreed definition of the terms “Populated Areas” and “reverberating effects”, which are unclear and open to conflicting interpretations. The term “critical civilian infrastructure” that appears in paragraph 1.2 similarly lacks clarity. Moreover, it is not clear which are the “other relevant stakeholders” mentioned in paragraph 4.1 that are to be engaged in international cooperation and assistance efforts among armed forces. The Group wishes to highlight that explosive remnants of war are already regulated under an existing framework.

The Draft Declaration should avoid confusing the legal weapons with their unlawful uses as its current formulation aims to outlaw a whole category of weapons. It should provide policy suggestions to promote strict adherence with IHL rules and principles and strengthen the protection of civilians. Finally, the mechanism proposed for the implementation of the political declaration seems to create more ambiguity. The Arab Group is open to making suggestions, engaging in the current discussions and evaluating various textual proposals that address these concerns.