

## Comments by Finland on the Draft Political Declaration on Strengthening the Protection of Civilians from the Humanitarian Consequences that can arise from the use of Explosive Weapons with Wide Area Effects in Populated Areas

### Informal Consultations on 3-5 March 2021

- As a general remark, we would like to repeat our call to use consistent terminology throughout the text. At present, there are varying formulations such as “explosive weapons”, “explosive weapons with wide area effects” or “explosive weapons with wide area effects in populated areas”. Our strong preference is to use “explosive weapons” throughout the text, including in the title. Reasoning behind this is that we should not differentiate between the harm or IHL compatibility by the type of weapon, but based on their use. When needed, “indiscriminate and disproportionate use” could be added to describe this in more detail.
- Same remark goes for varying use of “populated areas” and “urban warfare”. Precision in their use is important, as these terms indeed have different meanings.
- We agree that the focus of the declaration should be on full compliance and implementation of IHL. Thus it is crucial that international humanitarian law applies to all parties to conflict, including non-state armed groups.

Regarding individual paragraphs:

1.2/1.3

We are pleased to see that “the natural environment” has been included among the casualties. It could also be moved further up to 1.2, maybe in a shorter version. It should also be taken into account that all explosives cause harm to the environment, thus we suggest to delete “with wide area effects”.

1.8.

In this paragraph, we think it is more appropriate to focus on the protection of civilians in populated areas (which is the issue this declaration specifically addresses), not to address the conduct of hostilities in general. Thus, we propose to delete the words “arising from the conduct of hostilities, including” and to replace urban warfare with populated areas. We prefer to keep “can” in the paragraph and if deleted, the use of explosive weapons should be defined with “indiscriminate and disproportioned”.

“We stress the imperative of addressing the short and long-term humanitarian consequences that **can** result from the use of explosive weapons with wide area effects ~~arising from the conduct of hostilities, including~~ **in populated areas** ~~urban warfare.~~”

OR

“We stress the imperative of addressing the short and long-term humanitarian consequences that **can** result from the **indiscriminate and disproportionate** use of explosive weapons with wide area effects ~~arising from the conduct of hostilities, including~~ **in populated areas** ~~urban warfare.~~”

#### 4.4

In this paragraph, we would like to repeat the need for including all vulnerable groups as well as their protection and propose the last sentence to read (additions in red):

“taking account of the rights **and protection of specific groups in vulnerable situations, including** persons with disabilities”

If an alternative formulation is needed, we could also accept:

“taking account of the rights of persons with disabilities **and other minorities**”

We also support retaining the language on facilitating humanitarian access and relief that was mentioned by several delegations during the consultations and are flexible on its location. Paragraphs from the previous draft read:

“4.1 Provide and facilitate rapid and unimpeded access for humanitarian relief to all persons in need.”

“4.2 Encourage appropriate cooperation with local stakeholders, civil society experts, and humanitarian organisations specialised in this field.”