



## **PAX response to the 29 January 2021 draft political declaration**

*“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”*

**PAX**  
**March, 2021**

PAX would like to thank Ireland for its continued political leadership developing this political declaration, even under the current challenging circumstances of the COVID-19 pandemic.

Although the current draft provides a good basis, PAX supports the observation by the International Network on Explosive Weapons (INEW) that, in order to have an impact, multiple aspects of the political declaration should be strengthened. We therefore would like to refer to the comments laid out in the INEW paper *“INEW comments on the draft political declaration text (29 January 2021)”*.<sup>1</sup> We hereby provide some (additional) comments on behalf of PAX.

### **1 A presumption against the use of explosive weapons with wide area effects in populated areas, specific suggestions for section 3**

First of all, the text should contain a clearer presumption against the use of explosive weapons with wide area effects in populated areas.

In a joint report with Article 36, “Areas of Harm; understanding explosive weapons with wide area effects”<sup>2</sup>, we concluded that explosive weapons with wide area effects can not reasonably be expected to have an effect on a military target without also affecting the nearby civilian population. It furthermore established that depending on the population density figures, thousands of civilians can be at direct risk from just one attack. The indirect and reverberating impact will affect even more people and will extend in time. ‘Wide area effects’ include blast and fragmentation effects, but also inaccuracy of delivery, and / or the projection of multiple warheads or multiple firings across an area.

If we are to better protect civilians against the impact from explosive weapons, it is the wide area effects from explosive weapons therefore that need to be prevented. The risk that explosive weapons with wide area effects pose to civilians when they are used in populated areas is unacceptable and is at the core of the matter. Limiting that risk of harm by avoiding the use of explosive weapons with wide area effects in populated areas should therefore be at the core of this political declaration.

We therefore recommend the following changes to 3.3:

- Replace “restricting the use” with “avoiding the use”, as this will strengthen the power of the core commitment.

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<sup>1</sup> Available at: [http://www.inew.org/wp-content/uploads/2021/02/INEW\\_Comments\\_PolDecl290121.pdf](http://www.inew.org/wp-content/uploads/2021/02/INEW_Comments_PolDecl290121.pdf).

<sup>2</sup> Available at: <https://www.paxforpeace.nl/media/files/article36-pax-areas-of-harm.pdf>.



- The part in 3.3 “when the effects may be expected to extend beyond a military objective” should be deleted as it risks reducing the impact of the declaration by suggesting that there are occasions where this is not the case.
- Instead, a description of the three factors that create wide area effects (a large blast and fragmentation radius, inaccuracy of delivery and/or the use of multiple munitions) should be inserted in the Preamble, Section 1.

In 3.4 we furthermore recommend that the foreseeable environmental impact of explosive weapons is also taken into account, and mitigated, in the planning of military operations.

## **2 Environmental impact and data gathering and sharing, specific suggestions for section 4**

When explosive weapons hit buildings and structures, there is a direct release of particulate matter. This may include concrete, cement (and its impurities) and sometimes asbestos, which subsequently could lead to environmental contamination and a danger to human health, especially from long term or repeated exposure. Munition constituents such as energetic materials, heavy metals and propellants can also contribute to local pollution hotspots in urban areas after intense use.

As industrial sites, water and sanitation systems are often located in, or near, populated areas, there is increased risk of damage when explosive weapons with wide area effects are used in towns and cities. Industrial sites often contain chemicals and other toxic substances that when damaged may leak into the environment and create acute or long-term exposure risks.

PAX and UN research in conflict areas has shown<sup>3</sup>, that when critical infrastructure such as power stations and transformers, or storage sites of hazardous chemicals and pollutants are damaged, this resulted in direct deaths and a range of serious long term health risks. In particular pulverized building materials, often mixed with heavy metals and asbestos poses serious health risk for civilians trapped in or returning to damaged urban areas.

Besides this direct environmental impact from EWIPA during the attack, there are medium to long term impacts that need our attention. As a result of the direct damage to a water and sanitation facility, these services may be disrupted for a longer period of time. This creates further environmental challenges and public health risks, in particular the spread of communicable diseases, including COVID-19, where access to water for hygiene is essential.

These considerations and implications above are currently not fully explored and understood and deserve more scrutiny in understanding and responding to the use of explosive weapons and the impact on civilians.

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<sup>3</sup> See for example: PAX, “*Exploring environmental harm from explosive weapons in populated areas*”, (2020), available at: <https://blogs.paxvoorvrede.nl/2020/05/28/exploring-environmental-harm-from-explosive-weapons-in-populated-areas/>.



Whether the environmental impact of EWIPA is direct, or indirect, short term or long term, the concentration of civilians in populated areas will make it likely that large numbers of civilians will be affected.

We therefore suggest adding, after “effects on civilians” in article 4.2 “*and the environment*”.

We furthermore recommend deleting caveats as *where possible* and *where appropriate* in 4.2

Finally, and in line with INEWs comments, in order for states to better understand the impact of their weapons 4.2 should contain a new commitment for states when explosive weapons have been used for states in populated areas to “collect and record the location of areas targeting using explosive weapons, the number of munitions used, the type and nature of the explosive weapons used and the general location of known and probable unexploded ordnance”.