



ICRC

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

Comments by the International Committee of the Red Cross (ICRC)

The ICRC commends Ireland for the text “*Draft Political Declaration on Strengthening the Protection of Civilians from the Humanitarian Consequences arising from the use of Explosive Weapons in Populated Areas*”, which it circulated on 3 March 2022.

In the ICRC’s view, the revised draft is overall significantly improved. It provides a solid and meaningful Political Declaration with concrete measures and commitments to strengthen the protection of civilians from harm caused by explosive weapons in populated areas.

In this paper, the ICRC outlines its main comments and recommendations on the text, ahead of the next round of consultations due to take place on 6-8 April 2022.

I. General comments

The revised draft reflects important progress in key areas. The ICRC welcomes notably:

- the clear and unequivocal recognition of the grave, multifaceted direct and indirect (reverberating) effects the use of explosive weapons in populated areas has on the civilian population and beyond;
- the strong reaffirmation of international humanitarian law (IHL) obligations, in particular the rules regulating the conduct of hostilities; and
- the number of concrete commitments to enhance the protection of civilians when armed conflict takes place in populated areas.

However, the ICRC is concerned that two substantial changes in comparison with the previous draft risk significantly reducing the Political Declaration’s practical contribution to protecting civilians against the dangers posed by the use of explosive weapons in populated areas. In the ICRC’s view, **the text needs to be strengthened in two areas to ensure the Declaration achieves its protective purpose and serves as a solid framework for the revision, adoption and implementation of policy and practice.** The ICRC also recommends to further strengthen some of the other commitments.

1. Underscore the particular risks of civilian harm posed by the use of explosive weapons *with wide area effects*

In the ICRC’s view, the Declaration would benefit from a clearer focus on those explosive weapons whose use in populated areas is particularly problematic, namely those which have wide area effects (or ‘heavy’ explosive weapons). Indeed, the correlation between the **wide area effects**¹ of explosive weapons and the risk of civilian

¹ The ICRC’s understanding of the concept of wide area effects is outlined in the document [“Explosive weapons with wide area effects: Scope of the issue”](#).

harm is at the heart of concerns about the use of these weapons in populated areas. The devastating direct and indirect effects of the use of heavy explosive weapons in populated areas have been observed by the ICRC and other organizations in recent and ongoing armed conflicts. They are largely the result of a deadly combination: the weapons' technical characteristics and consequent wide impact area, which is very likely to extend beyond the target, and the density of civilian presence in urban and other populated areas. While any explosive weapon has the potential to cause civilian harm when used in a populated area, the use of **explosive weapons with wide area effects in populated areas is particularly problematic because the likelihood of civilian harm and of IHL violation is significantly higher than with other explosive weapons.**

Consequently, the wide area effects of heavy explosive weapons dictate specific restrictions and limitations of their use in populated areas, in addition to other preventive and mitigation measures to strengthen the protection of civilians from such effects.

Broadening the scope of the Declaration to refer to all explosive weapons, and not only those that have wide area effects, is welcome. However, the current text overlooks the specific risks associated with the use of heavy explosive weapons in urban and other populated areas. In the absence of a recognition of the clear correlation between wide area effects and risk of civilian harm, the key commitment in OP 3.3 to restrict or refrain from the use of explosive weapons in populated areas "*when the effects may be expected to extend beyond a military objective*" lacks an explicit rationale. It may even arguably appear unrealistic, insofar as it would refer to any explosive weapon.

The ICRC therefore strongly recommends that the Declaration **acknowledges in the preambular section that the wide area effects of explosive weapons are a critical factor aggravating the risk and extent of civilian harm and the likelihood of IHL violations** when such weapons are used in populated areas (suggested language in paragraph 1.1 or, alternatively, suggested new paragraph 1.4bis).

2. Commit to avoid the use of explosive weapons with wide area effects in populated areas

The ICRC reiterates its assessment that if the protection of civilians is to be effectively strengthened, **States should adopt policies to avoid using explosive weapons with wide area effects in populated areas.** In the view of the ICRC, the most realistic and effective way to protect civilians from the high risk of harm posed by these weapons is through **a commitment not to use explosive weapons with wide area effects in populated areas unless sufficient mitigation measures have been taken to reduce the weapon's area effects and the consequent risk of civilian harm.** The ICRC elaborated on this commitment in a milestone report published earlier this year.²

We welcome that the text has been strengthened by including a reference from "refraining from" the use of explosive weapons in populated areas, when the effects may be expected to extend beyond the military objective. **A commitment to avoid the use of explosive weapons with wide area effects in populated areas should in the ICRC's view be at the core of the Declaration, whichever formulation is chosen to reflect it.**

The addition of the qualifier "*in accordance with IHL*" raises however a number of issues. Firstly, it **risks creating confusion between existing legal obligations** (which in the ICRC's view should be addressed in section 2) **and the new policy commitment.** Secondly, it **creates ambiguity and uncertainty around the scope of the commitment,** as it can be read in two ways.

On the one hand, it may be read to imply that IHL requires parties to conflict to restrict or refrain from the use of explosive weapons "*when the effects may be expected to extend beyond a military objective*". If States intend through such formulation to clarify the interpretation of the rules governing the conduct of hostilities as they apply to the use of explosive weapons in populated areas – something the ICRC has long encouraged

² ICRC, [Explosive Weapons With Wide Area Effects: A Deadly Choice in Populated Areas](#), ICRC, Geneva, January 2022.

States to do³ – it would be highly welcomed and commendable. We would recommend however that it be done in a clear and unequivocal manner.

On the other hand, the qualifier “*in accordance with IHL*” may be read to limit the scope of the commitment to restricting or refraining from the use of explosive weapons only in cases where IHL would so require. This would essentially reduce the scope of the commitment to the implementation of existing legal obligations, notably in relation to distinction, proportionality and precautions in the conduct of hostilities. In the ICRC’s view, such an approach would significantly reduce the added value of the Political Declaration and constitute an underwhelming outcome of a several years-long multilateral process. Furthermore, a commitment to restrict or refrain from the use of explosive weapons in accordance with IHL would add little to nothing to the reaffirmation of IHL rules on the conduct of hostilities already spelled out clearly in section 2. Finally, it would actually risk undermining existing legal obligations by reiterating them in the form of a policy commitment. The ICRC strongly advises against taking such an approach.

3. Further strengthen some of the other commitments

The ICRC supports the numerous commitments on action needed to strengthen the protection of civilians from the use of explosive weapons in populated areas. It welcomes that some of these commitments have been strengthened and clarified compared to the previous draft, and reiterates its proposals on further strengthening some of them as follows:

- a) Some commitments should be revisited to **avoid confusion between existing legal obligations and new policy undertakings** (various paragraphs in section 3).
- b) The commitments should ensure that training on policies and good practices, including an avoidance policy, encompasses **the use of means and equipment** that enhance the ability of armed forces to conduct hostilities in populated areas in a manner that minimizes risks to civilians and in conformity with IHL (paragraph 3.2).
- c) The commitment to strengthen international cooperation and assistance should also apply **in the context of partnered operations, as well as where a State provides support to a party to armed conflict** (paragraph 4.1).
- d) The scope of **victim assistance** should be made **more concrete and specific** (paragraph 4.4).

II. Language proposals

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

Part A: Preamble

Section 1

- 1.1 As armed conflicts become more protracted, complex, and urbanised, the risks to civilians have increased. This is a source of major concern and must be addressed. The causes of these risks involve a range of

³ ICRC, *International Humanitarian Law and the Challenges of Contemporary Armed Conflicts*, 2015, p. 51; and ICRC, *International Humanitarian Law and the Challenges of Contemporary Armed Conflicts*, 2019, p. 14.

factors, including the use of explosive weapons in populated areas, and pose complex challenges for the protection of civilians. *These risks are exacerbated when the effects of such weapons are expected to extend beyond the military objective due to the weapons' explosive power or lack of accuracy or the number of munitions.*

Rationale:

In line with our general comment (2) above, **the ICRC recommends inserting language acknowledging the correlation between the wide area effects of explosive weapons and the risk of civilian harm**, which is at the heart of concerns about the use of these weapons in populated areas. Alternatively, similar language to this effect could be added in a standalone paragraph (see proposed new paragraph 1.4bis below).

- 1.2 The use of explosive weapons *in populated areas* can have a devastating impact on civilians and civilian objects, *who overwhelmingly bear the brunt* in populated areas. Blast, debris and fragmentation effects cause deaths and injuries, including lifelong disability. *The use of explosive weapons in populated areas, especially intense and prolonged bombing and shelling, can also result in psychological and psychosocial harm to civilians.* Beyond these direct effects, civilian populations are exposed to severe and long-lasting indirect effects – also referred to as ‘reverberating effects’. Many of these indirect effects stem from damage to or destruction of critical civilian infrastructure. When critical civilian infrastructure, such as energy, food, water and sanitation systems, are damaged or destroyed, the provision of basic needs and essential services, such as healthcare and education, are disrupted. These services are often interconnected and, as a result, damage to one component or service can negatively affect services elsewhere, causing harm to civilians that can extend far beyond a weapon’s impact area. *Such harm is aggravated in urban areas, where civilians are highly dependent on essential services and as such particularly vulnerable to their disruption.*

Rationale:

The ICRC welcomes that this paragraph has been strengthened compared to the previous draft and now outlines unequivocally and comprehensively the direct and indirect (reverberating) effects on civilians of the use of explosive weapons in populated areas. The paragraph could be further strengthened by **acknowledging that when such weapons are used, civilians overwhelmingly bear the brunt**, as highlighted in the UN Secretary-General’s annual report on the protection of civilians.⁴ In addition, we recommend that the reference to mental harm, currently in paragraph 1.3, be moved to this paragraph and strengthened with a specific reference to intense and prolonged bombing and shelling (see comment on paragraph 1.3). Finally, as previously recommended, the paragraph could be strengthened by **making reference to the particular vulnerability of civilians in urban (as opposed to rural) areas, due to their high dependency on essential services.**

- 1.3 The destruction of housing, schools and cultural heritage sites further aggravates civilian suffering, and the natural environment can also be impacted by the use of explosive weapons, leading to the contamination of air, soil, water, and other resources. ~~The use of explosive weapons in populated areas can also result in psychological and psychosocial harm to civilians.~~ *Unexploded ordnance cause casualties long after hostilities have ended.*

Rationale:

While urban warfare as such undoubtedly has a grave psychological and psychosocial impact on civilians, there is ample evidence that bombing and shelling in particular, especially when protracted, can directly or indirectly cause grave mental trauma and psychosocial harm on civilians, especially – but not exclusively – on children. **We reiterate our recommendation that the aspect of mental harm be included in paragraph 1.2. as indicated above**, because it can be an important direct effect of

⁴ UN Security Council, *Report of the Secretary-General on the Protection of Civilians in Armed Conflict*, UN Doc. S/2021/423, 24 May 2021, para. 10.

explosive weapons' use on humans and as such merits being highlighted more, along with other direct effects such as death and injuries. The language proposed in paragraph 1.2 (see above) is taken from the current text in paragraph 1.3, strengthened with a specific reference to intense and prolonged bombing and shelling. In addition, in the ICRC's view, **the reference to explosive remnants of war fits better in this paragraph**, as opposed to paragraph 1.4 where it currently stands, because it is an important direct effect of the use of explosive weapons. By referring to 'these effects' the following paragraph (1.4) will encompass ERW, among other effects, and will thus flow more naturally.

- 1.4 These effects often result in *severe consequences for health and livelihoods, and* the displacement of people within and across borders, *impede their return*, and have a severe impact on progress towards the Sustainable Development Goals. ~~Following the conduct of hostilities, unexploded ordnance impede the return of displaced persons and cause casualties long after hostilities have ended.~~

Rationale:

The ICRC welcomes the acknowledgment of the use of heavy explosive weapons in populated areas as a major trigger of displacement. In addition to displacement, **risks to public health and reduced livelihoods due to prolonged disruption in essential service provision or contamination of the environment from the use of explosive weapons in populated areas are important humanitarian consequences** that in the ICRC's view also need to be mentioned. Lastly, **the presence of unexploded ordnance is only one factor potentially impeding or delaying the return of displaced persons**. All the other effects mentioned in paragraphs 1.2 and 1.3 (lack of access to essential services, destruction of housing etc.) may also delay returns. We therefore recommend moving the reference to UXO to the previous paragraph, to ensure that impediment to return is linked to 'these effects' which encompasses the various effects mentioned in previous paragraphs.

- 1.4 bis The use of explosive weapons in populated areas entails a high risk for civilians and civilian objects in particular when the effects of such weapons are expected to extend beyond the military objective due to the weapons' explosive power or lack of accuracy or the number of munitions.*

Rationale:

In line with our general comment (2) above, **the ICRC recommends inserting a new paragraph 1.4bis to acknowledge the correlation between the wide area effects of explosive weapons and the risk of civilian harm**, which is at the heart of concerns about the use of these weapons in populated areas. Alternatively, similar language to this effect could be added to paragraph 1.1 (see above).

- 1.5 "*Urgent action is needed to reduce the unacceptable levels of civilian harm when explosive weapons are used in populated areas, and to strengthen the protection of civilians in urban warfare.* Many militaries already implement operational policies and practices designed to avoid, and in any event minimize, civilian harm, which include *reflect the importance of* a detailed understanding of the anticipated effects of explosive weapons on a military target and its surrounding areas and the associated risk to civilians in populated areas. However, there is scope for practical improvements to achieve the full and universal implementation of, and compliance with, obligations under International Humanitarian Law, and the application and sharing of good practices. Broadening and strengthening initiatives designed to share military policies and practices on protecting civilians can support the promotion and better implementation of International Humanitarian Law."

Rationale:

The ICRC welcomes that this paragraph highlights the scope for improvement in the implementation of IHL and of policy and practice to strengthen the protection of civilians. The ICRC reiterates its recommendation that the paragraph should **make clear that significant changes are urgently needed to improve the status quo** as regards the protection of civilians, and that, while there undoubtedly are positive examples in military policy and practice, **much more needs to be done to effectively address the risks associated with explosive weapons' wide area effects**.

1.6 “We recognise the importance of ~~efforts to~~ recording and tracking civilian casualties, and ~~of the using~~ of all practicable measures to ensure appropriate data collection, including, where feasible, data disaggregated by sex and age. Where feasible, this data should be shared and made publicly available. Improved data on civilian casualties ~~would help to~~ should inform policies designed to avoid, and in any event minimize, civilian harm, aid efforts to investigate harm to civilians, support efforts to determine or establish accountability and enhance lessons learnt processes in armed forces.”

Rationale:

Monitoring, recording, making known and drawing lessons from civilian casualties from the use of explosive weapons in populated areas are critical to guide the development of good policies and practices. The ICRC welcomes the retention of clear language on the importance of civilian casualty recording and tracking. While data collection undoubtedly needs to be continued and improved, the Declaration should in the ICRC’s view **recognize that such data should inform protection of civilians policies and other efforts** to address and minimise civilian harm.

- 1.7 “We stress the imperative of addressing the short and long-term humanitarian consequences resulting from armed conflict involving the use of explosive weapons in populated areas. We welcome the on-going work of the United Nations, the International Committee of the Red Cross(ICRC) and civil society on the impacts and long-term humanitarian consequences arising from the use of explosive weapons in populated areas.
- 1.7bis We also welcome work to empower and amplify the voices of all those affected, including women and girls, and we encourage further research into the gendered impacts of the use of explosive weapons.

Section 2

- 2.1 We reaffirm our obligations and commitments under applicable international law, including International Humanitarian Law and International Human Rights Law, including our obligation to hold accountable those responsible for violations, and our commitment to end impunity.
- 2.2 Existing International Humanitarian Law provides the legal framework to regulate the conduct of armed conflict, and is applicable to the use of explosive weapons in all operating environments, and to all parties to an armed conflict, including both State and non-State armed groups. We stress the importance of full compliance with International Humanitarian Law as a means to protect civilians and civilian objects and to avoid, and in any event minimize, civilian harm when conducting hostilities, in particular within populated areas.
- 2.3 We recall the obligations on all parties to armed conflict to comply with International Humanitarian Law under all circumstances, including when conducting hostilities in populated areas, and recall in particular the obligation to distinguish between combatants and civilians as well as between civilian objects and military objectives, and to direct operations only against military objectives; the prohibitions against indiscriminate and disproportionate attacks; and the obligation to take all feasible precautions in attack and against the effects of attacks. We also recall the obligation under International Humanitarian Law to provide civilians with general protection against dangers arising from military operations, and to allow and facilitate rapid and unimpeded passage of humanitarian relief for civilians in need.
- 2.4 We condemn tactics designed to exploit the proximity of civilians or civilian objects to military objectives in populated areas, as well as the use of improvised explosive devices directed against civilian or civilian objects, and other violations of International Humanitarian Law, including by non-State armed groups, which further exacerbate the risks to civilians and are of grave concern.
- 2.5 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 recall to that end UNSC Resolutions on the protection of civilians in armed conflicts.

Part B: Operative Section

Committed to strengthening the protection of civilians and civilian objects during and after armed conflict, strengthening compliance with applicable International Humanitarian Law, and addressing the humanitarian consequences arising from armed conflict involving the use of explosive weapons in populated areas, we will:

Section 3

- 3.1 Review, implement, and, where necessary, develop or improve national policy and practice with regard to the protection of civilians during armed conflict in populated areas.
- 3.2 Ensure comprehensive training of our armed forces on International Humanitarian Law *and its application in populated areas*, and on the *policies*, measures and good practices, *including means and equipment that enhance their ability to conduct hostilities in populated areas in a manner that minimizes risks to civilians and civilian objects and in conformity with IHL* ~~to protect civilians and civilian objects.~~"

Rationale:

The first part of this paragraph reflects a legal obligation, as IHL requires States and conflict parties to instruct their armed forces in IHL.⁵ The ICRC reiterates its recommendation that **the Declaration should clearly distinguish between legal obligations on the one hand, and implementation measures and policy commitments on the other**, and that the operative section of the Declaration should focus on the latter. In addition, the ICRC reiterates its view that, while training on policies and practices to strengthen the protection of civilians is critical, **it is equally important that armed forces be given the means to conduct hostilities in populated areas in a manner that will minimize the risk of civilian harm.**

- 3.3 "Ensure that our armed forces adopt and implement a range of policies and practices to avoid civilian harm, including by ~~restricting or refraining from~~ *avoiding* the use of explosive weapons in populated areas, when the effects may be expected to extend beyond a military objective, ~~in accordance with International Humanitarian Law.~~"

Rationale:

The ICRC strongly supports the inclusion in the Declaration of a commitment by States to adopt policies and practices that will effectively protect civilians from the use of explosive weapons with wide area effects in populated areas. We welcome that the language in this paragraph has been strengthened by adding a reference to "refraining" from the use of explosive weapons. However, the text now provides States with the option to choose between refraining from or merely restricting the use of explosive weapons. In the ICRC's view, a commitment to restrict the use of such weapons falls short of the action required to strengthen the protection of civilians, and weakens the Declaration. The ICRC, the broader Red Cross and Red Crescent Movement, and the Secretary General of the United Nations have been calling for avoidance of the use of explosive weapons with wide area effects in populated areas, and several dozens of States have already made similar commitments.⁶ The phrase "*when the*

⁵ See Art. 83 of Additional Protocol I to the Geneva Conventions, and Rule 141 of the ICRC Study on Customary IHL.

⁶ ICRC, *International Humanitarian Law and the Challenges of Contemporary Armed Conflicts*, Report prepared for the 33rd International Conference of the Red Cross and Red Crescent, Geneva, 2019, p. 13; Council of Delegates, "Weapons and International Humanitarian Law", adopted by Resolution 7 of the 2013 Council of Delegates (CD/13/R7), para. 4; UN Security Council, *Report of the Secretary-General on the Protection of Civilians in Armed Conflict*, UN Doc. S/2021/423, 24 May 2021, p. 3; Oslo Global Conference on Reclaiming the Protection of Civilians under International Humanitarian Law, May 2013, co-chairs' summary: https://www.regjeringen.no/globalassets/upload/ud/vedlegg/hum/recommendations_final.pdf; Maputo Regional Meeting on Protecting Civilians from the Use of Explosive Weapons in Populated Areas, Communiqué, 28 November

effects may be expected to extend beyond the military objective” focuses the commitment on those explosive weapons that are of most concern, because of their wide area effects, and we strongly welcome this focus. **Whichever formulation is chosen, a commitment to avoid the use of those explosive weapons of most concern should in the ICRC’s view be at the core of the Declaration.**

For the reasons explained in general comment 2, the ICRC further strongly recommends to: either clarify that the qualifier “*in accordance with IHL*” is meant to express the fact that the commitment is actually an interpretation of the law as it applies to the specific situation of the use of explosive weapons of concern in populated areas; or delete it to avoid confusion, ambiguity and uncertainty as regards the scope of the commitment, and its relation to existing legal obligations.

- 3.4 “*Design and implement tools and processes that* ensure that our armed forces take into account the direct and reverberating effects on civilians and civilian objects which can reasonably be foreseen in the planning of military operations and the execution of attacks in populated areas, and conduct battle damage assessments, to the degree feasible, to identify lessons learned.”

Rationale:

The ICRC strongly welcomes that this paragraph stipulates a commitment to consider the reasonably foreseeable reverberating effects when planning and conducting an attack. However, in the ICRC’s view the commitment would benefit from **more specificity as to the action that needs to be taken.**

- 3.5 “*Design and implement policies and practices to* 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 our obligations under applicable international law.~~”

Rationale:

As currently formulated, this paragraph refers to the legal obligations of States party to CCW Protocol V, and to some extent also customary IHL rules on precautions in attack and the general duty to protect civilians against dangers arising from military operations. In order to support a policy commitment of those States not party to Protocol V to implement some or all of the measures stipulated therein, the ICRC reiterates its recommendation for a clearer distinction between legal obligations and policy commitments.

- 3.6 “Facilitate the dissemination and understanding of International Humanitarian Law *and of the commitments undertaken in this Declaration* and promote ~~its~~ *their* respect and implementation by all parties to armed conflict, including by non-State armed groups.

Rationale:

In the ICRC’s view, it is important that States commit to promoting the commitments undertaken by means of this Declaration to, as well as their implementation by, both State and non-State parties to armed conflict, in particular in light of the prevalence in contemporary armed conflicts of partnered military operations and various support relationships (see also comment on paragraph 4.1). This is key to effectively strengthening the protection of civilians against the deleterious effects of explosive weapons’ use in populated areas, irrespective of the user.

Section 4

- 4.1 Strengthen international cooperation and assistance among armed forces, and other relevant stakeholders, *including in the context of partnered military operations or where support is provided to a*

2017: <https://www.inew.org/maputo-regional-conference-on-the-protection-of-civilians-from-the-use-of-explosive-weapons-in-populated-areas/>; Santiago Regional Meeting on Protecting Civilians from the Use of Explosive Weapons in Populated Areas, Communiqué, December 2018: <https://www.inew.org/wp-content/uploads/2018/12/Santiago-Communique-EWIPA.pdf>.

party to armed conflict, with respect to exchanges of technical and tactical expertise and humanitarian impact assessments in order to develop good practice to enhance the protection of civilians, particularly with regard to the use of explosive weapons in populated areas.”

Rationale:

The ICRC welcomes that this paragraph acknowledges the role of relevant stakeholders beyond armed forces in developing good practice to strengthen the protection of civilians, as well as the importance of cooperation and assistance in relation to assessments of the harm caused by explosive weapons in populated areas. Given the importance and prevalence of partnered military operations and of support relationships between third States and State or non-State parties to armed conflicts, the ICRC reiterates its view that **cooperation and assistance** regarding the implementation of the policies and practices put in place pursuant to the Political Declaration **should also take place in the context of partnered operations, as well as where a State provides support to a party to armed conflict**. We strongly recommend the inclusion of such a commitment in the Political Declaration.

- 4.2 Collect and, where feasible and appropriate, share and make publicly available disaggregated data, on the direct and reverberating effects on civilians of military operations involving the use of explosive weapons in populated areas.
- 4.3 Facilitate the work of the United Nations, the ICRC and relevant civil society organisations collecting data on the impact on civilians of military operations involving the use of explosive weapons in populated areas, as appropriate.
- 4.4 “Provide, facilitate and support assistance to people critically injured, survivors, families of people killed and/or injured, and communities affected by armed conflict in a holistic, integrated, gender-sensitive and non-discriminatory manner, taking account of the rights of persons with disabilities, and supporting post-conflict recovery and durable solutions. *[Victim assistance includes physical rehabilitation, psychosocial support and socio-economic reintegration.](#)*”

Rationale:

The ICRC welcomes this paragraph, which we see as significantly improved compared to the previous draft. While the term ‘holistic’ attempts to capture the different types of assistance victims need, the ICRC reiterates its recommendation to **add language specifying what victim assistance would consist in**.

- 4.5 Facilitate the work of the United Nations, the ICRC, other relevant international organisations and civil society organisations aimed at protecting and assisting civilian populations and addressing the direct and indirect humanitarian impact arising from the use of explosive weapons in populated areas, as appropriate.
- 4.6 Meet on a regular basis to review the implementation of this Declaration and identify any relevant additional measures that may need to be taken to improve compliance with International Humanitarian Law and strengthen the protection of civilians and civilian objects with regard to armed conflict involving the use of explosive weapons in populated areas. As a starting point, a group of interested States, with the participation of the United Nations, the ICRC, other qualified relevant international organisations and civil society organisations, could develop a compilation of good practice, which could form the basis for structured military-to-military and other exchanges, workshops, and seminars.
- 4.7 Actively promote this Declaration, distribute it to all relevant stakeholders and seek its adoption and effective implementation by the greatest possible number of States.