



Explosive weapons in populated areas: where civilians pay the price

April 2019

The bombing and shelling of towns and cities continues to be a key cause of death and destruction in conflicts around the world. Recent events in Ukraine, Yemen and Syria show the urgency to address the humanitarian harm caused when explosive weapons, and especially those with wide area effects, are used in towns and cities. As a founding member of the International Network on Explosive Weapons (INEW), PAX works to reduce harm caused by explosive weapons in populated areas (EWIPA) and enhance transparency about the consequences of such use, including the impact on the civilian population.¹ Often, collateral damage from the use of explosive weapons in populated areas is seen as an unfortunate yet 'normal' or inevitable consequence of war. We must challenge this. This PAX policy paper briefly describes the humanitarian problem and suggests ways to prevent the predictable civilian harm caused by the use of explosive weapons in populated areas.

WHAT ARE EXPLOSIVE WEAPONS?

Explosive weapons refer to a broad category of weapons, including mortar bombs, tank grenades, rockets, missiles, aircraft delivered bombs etc. Despite a large variation in effect, function, design and means of delivery, they all affect an area around the point of detonation, usually through the effects of blast and fragmentation.

Different technical features dictate the precision and effect of explosive weapons, but the wider the impact of explosive weapons the greater the risk they pose to civilians when used in populated areas. According to research by the British NGO Action on Armed Violence (AOAV), co-founder of INEW, over 90% of the direct casualties are civilians when explosive weapons are used in populated areas.²

Wide area effects from explosive weapons result from three characteristics, either individually or in combination³:

- a substantial blast or fragmentation radius
- inaccuracy of delivery
- use of multiple warheads or multiple firings

Explosive weapons include factory-made munitions like grenades, mortar shells and rockets, as well as home-made bombs (improvised explosive devices, or IEDs).

A PATTERN OF FORESEEABLE HARM

Upon detonation, explosive weapons injure or kill people and damage or destroy objects present in the area around the target. These constitute the immediate or primary effects of explosive weapons. Collapsing buildings, projected glass and debris flying around cause even more civilian harm, and are referred to as secondary effects. The tertiary, or reverberating effects, of explosive weapons refers to an interlinked pattern of harm which extends in time and place beyond the direct attack. It refers to the impact that damage to water and sanitation systems, power stations, houses, roads, schools, hospitals, and communication facilities will have on civilians. These cause permanent physical disabilities, psychological suffering, loss of socio-economic infrastructure (access to education, health

¹ For more information about INEW, see www.inew.org.

² For methodology and more detailed figures and from AOAV for 2018, see: <https://aoav.org.uk/2019/2018-a-year-of-explosive-violence/>.

³ For more information on wide area effects, see: Areas of Harm: Understanding explosive weapons with wide area effects (2016), PAX & Article 36, <https://www.paxforpeace.nl/publications/all-publications/areas-of-harm>.

care), and lack of basic services. People are forced to flee their houses, leading to great insecurity on the longer term.⁴

WHAT CAN BE DONE?

The above concerns raise questions about the laws that apply to the use of explosive weapons in populated areas and how states implement them. In times of war, International Humanitarian Law (IHL) applies as a way to minimize humanitarian harm. Through the principles of proportionality and distinction, states are obliged to limit civilian casualties as much as possible. But existing interpretation of IHL thus far has not prevented the grave effects of the use of explosive weapons in populated areas we see today. Whilst the ICRC warns that explosive weapons are “prone to indiscriminate effects” and that “the use of explosive weapons with a wide impact area should be avoided in densely populated areas”⁵, their use in populated areas is common practice in today’s warfare still.

Since 2014, the UN Secretary-General Ban has repeatedly called on Member States to “develop policy guidance aimed at reducing the humanitarian impact of explosive weapons in populated areas, to engage constructively in continuing efforts to develop a political declaration to address the issue and to support efforts to protect civilians from contamination arising from explosive remnants of war”.⁶ In a joint statement by the UN Secretary-General and the president of the ICRC, states were furthermore called upon to “Stop the use of heavy explosive weapons in populated areas.”⁷

By April 2019, a growing group of 109 states has acknowledged the humanitarian harm caused by explosive weapons in populated areas.⁸ Several meetings have taken place over the course of 2013-2018, including regional meetings in Chile and Mozambique. It is expected that states will continue these discussions on how an international political commitment could be developed to prevent the humanitarian harm.

PAX welcomes these discussions yet calls for greater urgency in preventing human suffering from the use of explosive weapons in populated areas starting today. To this end, PAX and INEW make the following recommendations:

WE CALL UPON STATES TO:

- Stop using explosive weapons with wide area effects in populated areas;
- Indicate support for the development of an international political instrument to reduce harm from the use of explosive weapons, including stopping the use in populated areas of explosive weapons with wide area effects;
- Review national policies and practices related to the use of explosive weapons in populated areas, and strengthen the protection of civilians;
- Support stronger data-gathering on the use and impact of explosive weapons in populated areas, including age-, sex- and disability-disaggregated recording of casualties, and information on disabilities amongst survivors;
- Recognise the rights of survivors, families of those killed or injured, and affected communities and to ensure a response to their short- and long-term needs.

⁴ For more information on reverberating effects see also UNIDIR, Understanding the Reverberating Effects of Explosive Weapons A Way Forward, available at: <http://www.unidir.org/files/publications/pdfs/reverberating-effects-research-agenda-en-653.pdf>.

⁵ ICRC statement during the January 2016 UNSC open debate on the protection of civilians, available at: <https://www.icrc.org/en/document/icrc-vice-president-speech-protection-civilians-un-security-council-debate>.

⁶ Report of the Secretary-General on the protection of civilians in armed conflict, Security Council, 13 May 2016, available at: http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2016_447.pdf.

⁷ Statement by UN Secretary-General Ban Ki-moon and the President of the International Committee of the Red Cross (ICRC), Peter Maurer on 31 October 2015, available at: <https://www.icrc.org/en/document/conflict-disaster-crisis-UN-red-cross-issue-warning>.

⁸ For the list of states, UN actors and international organizations, as well as the relevant excerpts of their statements, see <http://www.inew.org/political-response/>.