



# Explosive weapons in populated areas: Where civilians pay the price

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*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.<sup>1</sup> 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?

While different technical features dictate the precision and effect of explosive weapons, their blast and fragmentation effects make their use in populated areas particularly problematic. According to British NGO Action on Armed Violence (AOAV), co-founder of INEW, the number of civilians injured or killed by explosive violence has increased for each of the last five years.<sup>2</sup> AOAV also found that where explosive weapons were used in populated areas, 91% of the casualties were civilians.

Explosive weapons are weapons that affect an area around the point of detonation, usually through the effects of blast and fragmentation. Explosive weapons refer to a broad category of weapons, including mortar bombs, tank grenades, rockets, missiles, landmines and cluster munitions. (The latter two have been banned internationally because of their inherent indiscriminate effects.) Despite a large variation in effect, function, design and means of delivery, explosive weapons broadly share certain basic characteristics. They contain a high explosive substance, and when detonated they project shrapnel, create heat and produce a blast wave.

Most damage is caused when explosive weapons have a wide area effect. This is the case with weapons that have a substantial fragmentation or blast radius, when multiple explosive warheads or firings are used at the same target, when the delivery is inaccurate or when a combination of these three characteristics occurs.<sup>3</sup> Explosive weapons are considered distinct from firearms, 'less lethal' weapons<sup>4</sup>, incendiary weapons, and nuclear, biological or chemical weapons. 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. In the long term, they can cause permanent physical disabilities, psychological suffering, loss of socio-economic infrastructure (access to schools, health care, power supply), and often leave behind unexploded ordnance (UXO), prolonging the threat these weapons cause.

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<sup>1</sup> For more information about INEW, see [www.inew.org](http://www.inew.org).

<sup>2</sup> Patterns of Harm: Five years of AOAV explosive violence data (2011 - 2015) (2016), Action on Armed Violence, <https://aoav.org.uk/2016/5-years-aoav-explosive-violence-data-91-killed-injured-populated-areas-civilians/>.

<sup>3</sup> 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>

<sup>4</sup> Less lethal weapons are generally defined as pain-inducing weapons less likely to kill a living target, and include for example directed energy weapons and electroshock weapons [http://en.wikipedia.org/wiki/Non-lethal\\_weapon](http://en.wikipedia.org/wiki/Non-lethal_weapon).

## WHAT TO DO?

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 the rules of proportionality and distinction leave room for interpretation, and different situations will lead to different outcomes. Interpretation of IHL thus far has not prevented the grave effects of the use of explosive weapons in populated areas. This whilst the ICRC for example warns that explosive weapons are “prone to indiscriminate effects” with “often devastating consequences for civilians”. The ICRC urges therefore that “the use of explosive weapons with a wide impact area should be avoided in densely populated areas”.<sup>5</sup>

Since 2014, UN Secretary-General Ban Ki-moon 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.”<sup>6</sup> 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.”<sup>7</sup> By February 2017, a growing group of more than 75 states has acknowledged the humanitarian harm caused by explosive weapons in populated areas<sup>8</sup>. Several meetings have taken place over the course of 2013-2016, and in September 2015 states began discussing how an international political commitment could be developed to prevent the humanitarian harm caused by the use of explosive weapons in populated areas.<sup>9</sup>

We call for immediate action to prevent human suffering from the use of explosive weapons in populated areas. 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; and
- 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; and
- 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.

<sup>5</sup> 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>.

<sup>6</sup> 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](http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2016_447.pdf).

<sup>7</sup> 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>.

<sup>8</sup> For the list of states, as well as the relevant excerpts of their statements, see [www.inew.org/acknowledgements](http://www.inew.org/acknowledgements).

<sup>9</sup> Over the course of 2011-2016 the issue has been reflected upon by states during the UN Security Council Open Debates on Protection of Civilians in Armed Conflict. In September 2013 the UN Office for the Coordination of Humanitarian Affairs (OCHA) co-hosted an expert meeting on this topic with Chatham House in London. OCHA co-hosted a second expert meeting with Norway in Oslo in June 2014. On 21 and 22 September the government of Austria and UN OCHA hosted a meeting for states that have recognized this problem and are interested in working together to address it, which was followed up by a second meeting in October 2016 in New York.