



Draft Political Declaration on Strengthening the Protection of Civilians from Humanitarian Harm arising from the use of Explosive Weapons in Populated Areas of 17 March 2020

The Danish Red Cross expresses its appreciation for the opportunity to comment on the 17 March 2020 “Draft Political Declaration on Strengthening the Protection of Civilians from Humanitarian Harm arising from the use of Explosive Weapons in Populated Areas”.

In general we align with the submission of the ICRC.

Danish Red Cross would like to make one additional recommendation towards the possibility for informal endorsement by non-State parties to conflict, which we believe is crucial towards maximising the relevancy of the Declaration and hence its potential to protect civilians. Non-State parties to conflict, often referred to as non-State armed groups (NSAGs), form the vast majority of all parties to conflict, and therefore have an immense impact on civilians.

While it is clear that NSAGs do not have international legal personality in order to negotiate and become party to international treaties, they do have the obligation to comply with IHL, and many take on other commitments towards the protection of civilians. It is essential that as an international community we develop creative ways to include NSAGs as stakeholders, so that they are not left behind in efforts to secure respect for legal obligations or good practice standards. This does not mean that they are ‘equal’ in status to States, and as engagement is strictly humanitarian, it does not affect the legal status of any non-State party to conflict nor does it reflect on their legitimacy. We also note that in several instances States provide support, including military support, to NSAGs, and therefore it is important that such states have tools available to promote IHL compliance and civilian protection.

In its current form, the Draft contains provisions that are only relevant to, or only address States. We therefore recommend a model that follows the [Safe Schools Declaration](#) (‘an inter-governmental political commitment’) and accompanying [Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict](#) (which explicitly urges all parties to conflict to incorporate the Guidelines). One concrete way of achieving this could be to:

- 1. Move par. 4.9 to a new par. 3.8, and add at the end ‘and [non-State] parties to conflict.’**
- 2. Remove Section 4 from Part B, and rename it ‘Commitments towards Implementation of the Declaration’, or similar, such that the Declaration stands alone and can be adhered to by all parties to conflict.**

In this way, humanitarian and other civil society organisations, as well as supporting States where relevant, could promote the Declaration for endorsement by non-state parties to conflict, while the formal implementation processes, including periodic (or regular) meetings would be the domain of States, international organisations and participating humanitarian and civil society organisations.