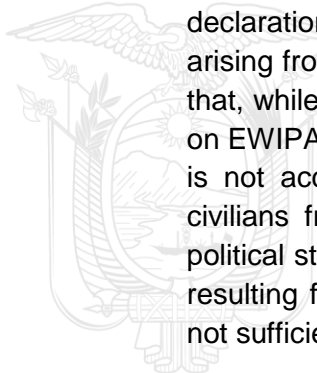


Note N°4-3-20/2020

The Permanent Mission of Ecuador to the United Nations Office and other International Organizations in Geneva presents its compliments to the Honourable Permanent Mission of Ireland to the United Nations Office and other International Organizations in Geneva and, with regards to the Political Declaration to address the humanitarian harm arising from the use of EWIPA, would like to thank Ireland for all the efforts undertaken to move forward this process, which have led to important improvements in the text of the draft political declaration.

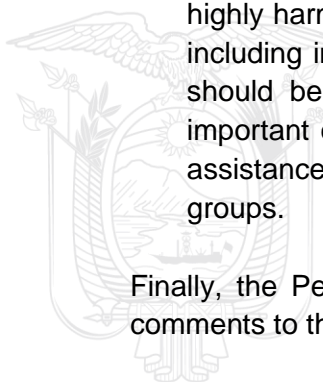
Ecuador would like to submit the following general comments to the most recent draft of the document:

- As regards the title, while the previous draft was entitled "political declaration to ensure the protection of civilians from humanitarian harm arising from the use of explosive weapons in populated areas", the new draft is entitled "draft political declaration on strengthening the protection of civilians from humanitarian harm arising from the use of explosive weapons in populated areas". Ecuador considers that, while it may be difficult to ensure the protection of civilians without a total ban on EWIPA, it should be the aspiration of the political declaration. In any case, if this is not acceptable to all, it should at least be a political declaration to protect civilians from humanitarian harm from the use of EWIPA or, at a minimum, a political statement to strengthen the protection of civilians from humanitarian harm resulting from the use of EWIPA (an acknowledgement that current protection is not sufficient).
- As for the main commitment made in the declaration, set out in paragraph 3.3, Ecuador still considers its language could be significantly improved. It speaks of the adoption and implementation of military policies and practices to avoid harm to civilians, through the restriction of the use of EWIPA with wide area effects. However, as several countries have pointed out previously, including Ecuador, it is necessary to prominently and expressly emphasize the commitment of the signatory States to the implementation of a policy of abstention from the use of such weapons, given the presumption of their indiscriminate effects.
- On the other hand, while the declaration refers to the humanitarian harm caused by the use of EWIPA in general, several paragraphs of the declaration limit its reference to EWIPA with wide area effects only. Ecuador considers that when reference is made to the application of international humanitarian law, its application must necessarily be general (Article 2(2), for example, is applicable to all EWIPA). As for the other references in the declaration, special attention could be given to EWIPA with wide area effects, but not exclusively. In such cases, one could therefore use: "EWIPA, especially those with wide area effects" (Article 1(2), for example).





- Similarly, several paragraphs of the text speak of the possibility of humanitarian harm caused by the use of EWIPA, when in fact this is a certainty or at least a high probability. The language should therefore be strengthened to, at least, indicate that the use of such weapons tends to cause humanitarian harm (see paragraphs 1.2 and 1.7, for example).
- Ecuador considers that the use of the word "urban warfare" should be avoided because it distorts the objective of the declaration dealing with the use of explosive weapons in populated areas. It is also not appropriate to apply it selectively (e.g. in Article 1(2) when referring to psychological or psychosocial harm).
- In conclusion, Ecuador considers that for such a document to be effective, it must be an expression of the highest aspiration and avoid simply stating the lowest common denominator that does not usually reflect the urgency and importance of the issue. In this case, the declaration should go beyond proposing the limitation or, worse, the regulation of explosive weapons in populated areas, as these are highly harmful to the civilian population and therefore contrary to international law, including international humanitarian law. The express aspiration of the declaration should be to cease the use of these weapons, starting with its title. Another important element that could be more explicit in the proposed text has to do with assistance to victims, including persons with disabilities and the most vulnerable groups.



Finally, the Permanent Mission of Ecuador attaches a document with more specific comments to the text of the draft political declaration.

The Permanent Mission of Ecuador to the United Nations Office and other International Organizations in Geneva avails itself of this opportunity to renew to the Honourable Permanent Mission of Ireland to the United Nations Office and other International Organizations in Geneva the assurances of its highest consideration.

Geneva, 29 April 2020

To the Honourable
Permanent Mission of Ireland to the United Nations Office and other International
Organizations
Geneva.-

