



**Informal Consultations towards a Political Declaration on the use of Explosive
Weapons in Populated Areas (EWIPA)
Geneva, 3 – 5 March 2021**

Statements of PERU

Discussion on Part A, Section 1

Good afternoon, Ambassador Michael Gaffey.

Peru appreciates the convening of this virtual informal consultation on a political declaration on the use of explosive weapons in populated areas (EWIPA).

My delegation greatly appreciates Ireland's leadership in this process, especially in current times of health uncertainty that do not favor face-to-face discussion of this critical topic.

Even so, you and your team have found ways to keep us informed, ensuring that this topic remains current and high on our agendas.

Having the draft text before us, circulated weeks ago, Peru observes an effort to find a balance of positions. In Section 1, Peru welcomes the decision to take on board:

- a focus of the text on EWIPA only,
- a recognition of reverberating effects of EWIPA,
- a clear statement that we build upon existing IHL rules, and
- the reference to the Sustainable Development Goals.

We certainly acknowledge this, but also, I must point out, the draft Political Declaration still deviates from its ultimate purpose, which is the protection of civilians from the use of EWIPA.

Regarding specific elements in the draft text where we think it should be strengthened, I wish to refer to some expressions that, in the opinion of my delegation, limit the scope of the Political Declaration in a way that goes against the humanitarian purpose of the document. We refer to expressions such as "wide-area effects," "can arise from", "can have a devastating impact", which appear in various sections of the document: in the title and paragraphs 1.1, 1.2, 1.8, 4.5, chapeau of Part B, to mention a few.

Peru considers that these expressions convey the idea that harm to civilians disappears when explosive weapons in populated areas do not have wide-ranging effects; or suggest that the damage it is only a possibility, which minimizes the severity of damage to civilians that have been widely documented to date. Just today we have heard ample



evidence from organizations on the ground, and the repeated calls, including from the UN Secretary-General and the ICRC.

We allow ourselves to request, then, that said expressions be withdrawn or replaced from the text, as they are contrary to the objective of strengthening the protection of civilians from the humanitarian consequences derived from the use of EWIPA, regardless of whether the use of such weapons is deemed unlawful or not, and irrespective of the user (State or non-State actor).

Therefore, a good suggestion was made by New Zealand and Switzerland this afternoon which is to revert to the language use in previous draft, where it clearly states the humanitarian harm and use a general reference to EWIPA without narrowing it down to its wide-area effects.

Moreover, we join others who already raised the need to re-assess the construction of ideas in paragraphs 1.2, 1.3 and 1.4. Therefore, we see merit in having a new wording the better reflect and distinguish the types of harm of EWIPA.

Finally, we also see merit in the suggestion made by Mexico, Chile, Spain and Italy to explore a stand-alone paragraph related to gender dimension and impact of the use EWIPA.

Thank you, Mr. Chair.



Discussion on Part A, Section 2

Good afternoon, Ambassador Gaffey,

We are happy to continue contributing to the dedicated efforts Ireland is putting in place on this important subject.

In Section 2, Peru joins its voice to Mexico, Chile, Ecuador, Austria, Panama, Uruguay and others who already expressed the following points:

- In 2.1, the importance of reaffirming our obligations under applicable international law, instead of only recalling it.
- In 2.2, we prefer to keep the general reference to explosive weapons. It means deleting the expression "wide-area effects".
- Finally, we recognize the relevance of welcoming and recalling United Nations Security Council's work on the protection of civilians. Therefore, we believe it also convenient to acknowledge all the previous work done to get here. Without being exhaustive, we propose to explore a reference to Maputo and Santiago Communique, Vienna Conference, and others.

Thank you.



Discussion on Part B, Section 3

Thank you, Ambassador.

In Section 3, the preamble, we prefer replacing "can arise from" for "harm arising from the use of explosive weapons". As we expressed yesterday, the expression "can arise from" suggests that the damage it is only a possibility, which minimizes the severity of damage to civilians that have been widely documented to date.

Paragraph 3.3. It is the core element of this draft text, and it remains a weak compromise. Peru believes that a political declaration should do more to protect civilians from the effects of explosive weapons by strengthening this particular core commitment.

As Peru has stated previously, a Political Declaration should promote the presumption against the use of explosive weapons in populated areas. Therefore, for my delegation, this declaration lacks a language framed in an "avoidance policy", as the most effective way of ensuring such presumption of non-use. Then, we join our voice to those who already expressed the call to strengthen this paragraph's draft.

Moreover, we do not see the relevance for maintaining the last part of paragraph 3.3. It acts as a "caveat", granting discretion to the military operator to use those EWIPA that consider having no effects beyond the military objective.

In paragraph 3.1, we would like to keep the language used in other sections when referring to civilians' protection, for example, in paragraphs 2.4, 4.1, and 4.6. Either we could say "enhance the protection" or "strengthen the protection of civilians".

In paragraph 3.2, we propose focusing on the application of IHL in populated areas, so the first part of the sentence would read as follows: "Ensure comprehensive training of our armed forces on the application of International Humanitarian Law in populated areas".

Moreover, paragraphs 3.2 and 3.6 talk about training and dissemination of knowledge on the subject of International Humanitarian Law (IHL). However, these are already obligations under the Geneva Conventions. Our view is that the emphasis here should be training and disseminating the commitments of this Political Declaration.

I leave it here. Thank you, Ambassador.



Discussion on Part B, Section 4

Good afternoon Ambassador Gaffey,

Coming to the end of this informal consultation, Peru would like to provide the following comments about Section 4.

Paragraph 4.2. it is far from reflecting the importance of data collection. The data serves to prevent, respond to, and better understand the humanitarian harm caused by EWIPA; then, the use of caveats weakens the commitment to keep track of that information. Furthermore, in paragraphs 4.2 and 4.3. it is missing a reference to civil objects.

Therefore, Peru would propose in paragraph 4.2. the withdrawal of the expression "where possible and appropriate". Also, in paragraphs 4.2 and 4.3, we would suggest using the full phrase "on civilians and civilians objects" as it appears in other sections of the Political Declaration.

In paragraph 4.5, we prefer deleting the phrases "can arise from" and "wide area effects".

Paragraph 4.8 establishes the follow-up mechanism of the Political Declaration. Still, it does not clearly set the frequency of the meetings nor the commitment to attend all the States that endorse the Political Declaration.

Thus, Peru would suggest replacing the phrase "on a regular basis" by a more defined frequency, such as annual or biennial. Moreover, my delegation would insist that the effective way to reduce the harm caused by EWIPA is through the participation of all actors in the international community, not just some stakeholders.

Ambassador Gaffey, let me conclude by thanking Ireland for the transparent and inclusive process. My delegation wishes you and your team success in carrying out the next steps towards the negotiation and adoption of a Political Declaration that effectively address the humanitarian harm of EWIPA.

Thank you, Ambassador.