



## COMMENTS ON THE DRAFT POLITICAL DECLARATION ON THE USE OF EXPLOSIVE WEAPONS IN POPULATED AREAS

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Amnesty International commends Ireland's commitment and leadership in the process which has resulted in the "Draft Political Declaration on Strengthening the Protection of Civilians from Humanitarian Harm arising from the use of Explosive Weapons in Populated Areas" (hereafter the Draft Political Declaration), circulated on 17 March 2020, and revised drafts in January 2021 and March 2022. The organisation believes that the Draft Political Declaration should be amended to ensure effective protection of civilians from the use of explosive weapons with wide area effects in populated areas. Notably it should:

- Commit to avoiding (rather than "restricting", 3.3) the use of explosive weapons with wide area effects in populated areas, as required by States' obligations under international humanitarian law provisions, including the duty to take feasible precautions to minimize harm to civilians and civilian objects, and the prohibitions on disproportionate and indiscriminate attacks.
- Commit (rather than "recognise the importance of efforts" 1.6) to tracking and recording civilian casualties and destruction of/damage to civilian property and infrastructure, which is crucial to enable reparation, avoid repetition, and ensure accountability for violations of international humanitarian and human rights law.
- Commit to transparent and detailed reporting about civilian casualties and the assistance provided to victims.
- Commit to transparent reporting of strikes carried out and weapon systems used in populated areas, where the risk to civilians is greater.
- Commit to ensuring that the forces engaged in hostilities in and around populated area have the necessary training, means and equipment to ensure that their military operations minimize the risk to civilians and civilian objects, in compliance with international humanitarian law, including, for example, the availability of appropriate, alternative munitions to explosive weapons with wide area effects.
- Include detailed description of the direct, immediate and long-term impact and reverberating effects of these weapons on civilians (civilians often killed and gravely injured far beyond the point of impact; loss of livelihood for entire families; trauma; large number of civilians deprived of essential services, (including health, water, electricity, sanitation etc.) as a result of destruction of/damage to infrastructure).
- Include definition of explosive weapons with wide area effect (weapons which cause damage far beyond the target due to the large blast and fragmentation range of the munitions used or to the inaccuracy of the delivery system).
- Establish independent, impartial mechanisms to thoroughly investigate all reports of civilian harm, including violations of international humanitarian law, and make the findings public.
- Create an adequately resourced fund to ensure that victims and their families receive full reparation, including compensation, and to bring to justice those responsible for serious violations of international humanitarian law.

Amnesty International hopes that these suggestions can be incorporated to strengthen the text of this important international declaration.